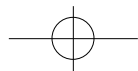
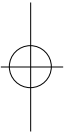
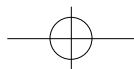
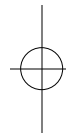
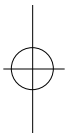


GERMAN CIVIL JUSTICE





GERMAN CIVIL JUSTICE

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FOREWORD

Arthur T. von Mehren

As our world becomes increasingly complex and interconnected, comparative study of law and legal systems is rendered ever more difficult. When I began to study law comparatively more than half a century ago, most legal orders could be seen as shaped by two major legal cultures, the common-law and the civil-law systems, respectively. By now, as the third millennium begins, the tasks faced by comparative study of law have greatly increased in number and complexity. Since “each system functions as a whole[, i]ts general tendencies depend on the interaction in concrete situations...”, accordingly “all...[relevant] historical, institutional and social” circumstances must be considered before “comparative generalizations [can safely] be offered”.¹

In the 1950s Benjamin Kaplan, Rudolf Schaefer and I undertook to consider the elements of civil procedure in the Federal Republic of Germany in a study which was ultimately published as “Phases of German Civil Procedure”, 71 Harv. L. Rev. 1193 and 1443 (1957, 1958). We described the system of German civil procedure in its own setting but did “not undertake extended comparison with the markedly different American practice...”. Nor did we “inquire how far German procedure may be regarded as typical of modern procedural methods in other countries on the continent of Europe”.² In effect, our effort was to trace the course of procedure in civil cases passing through the regular German courts of first and later instance.

“[C]oncerned with sketching the structure of modern German civil process,...[we] paid scant attention to the historical evolution of procedural norms and practices”. Nor did we make broad assessments of “German success or failure in achieving ultimate aims professed by all modern systems:

1. Von Mehren, “The Judicial Process: A Comparative Analysis”, 5 Am. J. Comp. L. 197, at 198 (1956).

2. 71 Harv. L. Rev. at 1193

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thoroughness of consideration of the facts and the law, resoluteness, speed, economy and impartiality in the handling of cases".³

We sought answers to some of the "classical antinomical questions" raised by German scholarship: *e.g.*, to what extent are case materials to be presented by the parties, to what extent must or may they be searched out by judicial initiative? To what degree do the parties determine the pace of their lawsuit, to what degree does the court control it?

The comparative study of law can be undertaken with various objectives in mind. Students may, for example, seek detailed information on certain areas of foreign substantive and procedural law. Again, their interests can be primarily jurisprudential or historical. Or they may be seeking a better understanding of the institutions and processes of growth of their own legal system. These objectives do not exclude each other – though, of course, differences in emphasis will flow from the student's primary concern. A mastery in fair detail of some part of the law of the legal system under investigation is, in all events, essential before more jurisprudential or historical work can be fruitful. Conversely, a knowledge of the detailed rules of a particular area of substantive or procedural law is of little practical value unless informed by insight into the processes of growth and development of the system under consideration and by an understanding of the habits of thought current in that system.

German Civil Justice presents a synthesis and evaluation of the entire German system that we did not undertake in "Phases of German Civil Procedure". Professors Murray and Stürner study the German system as a whole and at many levels. The work includes an explanation of German civil procedure law ranging from a discussion of the oft-cited principles underlying the doctrine to a detailed description of the processing of law suits in their various instances from the initiation of suit through revision appeal. The authors analyze in some detail those structural elements and role divisions in the processing of German civil litigation, which our earlier study recognized but did not grapple with. The work addresses other features of German civil justice not seriously touched on in "Phases of German Civil Procedure" such as the education and training of German judges and the structure and regulation of the German bar. This work should provide students and practitioners with a comprehensive understanding of the German of civil justice system. It also give comparative law scholars entree to the necessary material to support and enable meaningful comparative work involving German civil procedure law and institutions of civil justice.

3. 71 Harv. L. Rev. at 1470.

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Professors Murray and Stürner bring to this formidable task both the scholar's and the practitioner's perspective and experience. *German Civil Justice* is a major addition to comparative-law scholarship in Civil Procedure, one of the most challenging comparative law fields, in which the observer finds it both more necessary and more difficult to combine an understanding of practice and theory than is normally the case.

Finally it should be noted that *German Civil Justice* incorporates description and discussion of the many reforms to the German Civil Procedure Code and practice that have taken place since our work was published in 1958. Some of these reforms have directly affected features of German civil justice that we found worthy of comment. An example is the "Stuttgart" reforms of the late 1970's, which have tended to concentrate German proceedings for oral argument and taking of evidence in a single main hearing. These newer developments, even up to the very recent changes effective January 1, 2002, have all been included in the Murray-Stürner text.

German Civil Justice is an outstanding contribution to comparative scholarship in an especially difficult field of law.

Arthur T. von Mehren

PREFACE

1. Why This Book Was Written

This book was written to provide jurists in the English-speaking world with a comprehensive description and analysis of the German system of civil justice as seen and interpreted by observers from both German civil law and American common law backgrounds.

Modern Germany has evolved a highly sophisticated and relatively successful system of civil procedure law, constitutional doctrine and institutions of justice for civil litigants in German courts. It is a good example of an efficient and respected system by which the rule of law can be maintained in the everyday world of civil litigation.

Moreover, the modern German system (together with its Austrian counterpart) has had greater influence on civil justice systems worldwide than any other procedural system of the civil law world. In Europe, the civil justice systems of Switzerland, Greece, Turkey, The Czech Republic, Slovakia, Hungary, Poland, and Croatia have been strongly influenced by German and Austrian civil procedural law. In Asia, Japan, South Korea and to a somewhat lesser extent China derive their civil justice systems more or less directly from the German-Austrian model. German procedural law has played significant, although lesser roles, in the development of civil justice systems in the Skandinavian and Baltic countries. Any student interested in the development of institutions of civil justice in general would do well to become familiar with the German system as a prototype of modern continental-European civil justice on which many other systems are founded in whole or in part.

The German civil justice system has been documented, described and critiqued in a voluminous literature of treatises, commentaries, texts and articles which have appeared over the last century. However almost all of the currently extant literature is written and published in German, and hence not accessible to persons not familiar with that language.

Over the last decades English has become an international language for legal discourse among legal professionals from cultures in which English is not the primary national language. By writing this work in English the authors hope to provide a first-hand description and analysis of German civil justice to jurists from common law, civil law and hybrid legal traditions who otherwise would have limited access to relevant explanatory and analytical literature.

One could ask the question, “Why not merely translate some of the excellent treatises on German civil justice which have been written by German legal scholars in German?” While such translations are of great value, the work as translated continues to reflect the cultural and legal perspective of its original author. By writing this work in English the authors hope to lend a more international common-law perspective from which to describe and analyze the German law and institutions of civil justice in a way that will make them more understandable to lawyers, judges and law students from other legal traditions.

The primary purpose of this book is to depict and analyze the German civil justice system, not to compare it in any detail to another specific legal system or tradition. On the other hand, the authors hope and expect that the material in this work will provide bases for readers’ comparative analyses of elements of German civil justice with functionally corresponding features of other civil law or common law systems. For these reasons the authors have generally refrained from conscious comparisons in the body of the text. At the end of the work the authors venture some of their own comparative observations on certain salient features of German and Anglo-American civil justice.

As a Member State of the European Union, Germany and its civil justice system have been significantly impacted by the development of a growing body of European law. The significant features of this developing law are included in this description, especially as they relate to international civil procedure.

It is the authors’ hope that this work will help foster the inclusion of German legal institutions in the everyday global discussion and comparative analysis of civil justice and its evolution. In that vein the authors would be grateful for the reactions and comments of readers and users of this book to the end that it might achieve greater usefulness over time.

2. Intended Readership

This book is intended to be read by English-speaking judges, lawyers, law academics and law students from all modern legal cultures who seek a basic knowledge of the German system of civil justice. The text is accompanied by sufficient references to source materials to enable interested readers to make

more detailed inquiry into areas of specific interest. It can be read as a descriptive, analytical and comparative account or can be used as an entry-level basic reference work in the law office or academic library. German lawyers and law academics may find this text useful in explaining German civil procedure and civil justice institutions to foreign students, colleagues, and clients.

The first chapter, which provides an introductory overview of the German civil justice system, is intended to be suitable for use as a comparative perspective in law school and university courses on domestic civil procedure. Permission is hereby given for non-commercial reproduction of Chapter 1 for use in academic programs at the university or law school level, provided that appropriate attribution accompanies such use.

3. Scope and Coverage

German civil justice is a major topic about which many volumes have been written and about which many more will be written. An explanatory work of this kind must make compromises in both scope of coverage and detail of analysis in the interest of compact presentation.

The authors' aim has been to provide a reasonable description of the key elements of German civil justice with enough detail so that the reader can gain an understanding of the degree of legal sophistication and nicety with which the system operates. The work addresses both the written civil procedure law and the various institutions such as the bench and bar, which put that law into practice.

Both of the authors have practice backgrounds in civil justice to complement their academic perspectives. Visiting Professor Murray actively practiced as an American civil and criminal litigator for over 25 years before entering full-time academics. Professor Stürner served as judge on the German state courts early in his career and continues to serve as part-time judge of the State Appeals Court of Karlsruhe. Professor Murray has gained familiarity with the German civil justice system through academic research, discussions with colleagues, judges and practitioners, and actual observation of and participation in German civil proceedings during visits to Germany over several years for research and teaching as a Fulbright Visiting Professor at the University of Freiburg. Professor Stürner has come to know the Anglo-American systems of civil justice not only through academic study and dialogue, but also through observation and discussion with English and American judges and practitioners as well as through his work as UNIDROIT Reporter of the ALI/UNIDROIT Transnational Principles of Civil Procedure and as Visiting

Professor at Harvard Law School. We are both interested in how things are actually done as well as how they are supposed to take place as a matter of theory. The work includes occasional mention of practical realities when required in order to give a fair description of how the system actually works.

From time to time we have attempted to sketch images of how actual legal proceedings take place. We have included some details of procedure such as the statutory time periods for various legal acts to provide a sense of the “texture” of the system. Such details help portray, for example, the extent to which German civil justice system goes to preserve the right of a fair hearing at all stages of civil proceedings. The aim is to give the reader a sense of the “feel” of German civil justice as well as its legal and institutional features.

We have included a few words of history (Chapter 2) to give some idea of the cultural context from which the modern German civil justice system has developed. Other key elements of the work include a description of the structure and features of the German judicial system (Chapter 3), material on the composition and role of the German bar (Chapter 4), brief analysis of subject matter jurisdiction and venue of the German courts (Chapter 5), and a discussion of certain fundamental principles of German civil justice (Chapter 6). The core of the work is the description and analysis of German civil proceedings starting with the preliminary stages of a law suit (Chapter 7), going on to plenary proceedings and proof (Chapter 8), to judgments and other case dispositions (Chapter 9) and ultimately to appeals (Chapter 10). We also cover certain important special procedures (Chapter 11) and address German civil justice in international matters (Chapter 12). We close the work with a brief evaluation of certain key features of German civil justice in comparison with the Anglo-American civil justice systems (Chapter 13).

We have not been able to cover every conceivable feature of German civil justice in the broad sense. Certain features have been omitted. For instance, we have not given any coverage to practice and procedure in the specialized Labor, Administrative, Social Welfare or Tax Courts, even though collectively these jurisdictions encompass important components of what is considered as civil justice by Anglo-American lawyers. We have omitted covering these specialized jurisdictions because we believe that a more detailed depiction of the operations of the “ordinary courts” will give a better sense of the process of German civil justice than using the space to give briefer descriptions of the activities of the courts of specialized jurisdiction.

Our coverage of other important areas is limited. For instance, this text includes only brief treatment of execution of judgments and the law of bank-

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ruptcy although both are major areas of civil procedure law in Germany. In recent years the Federal Constitutional Court has tended to exercise a large influence on civil justice and procedure in Germany. However space has permitted us only a rather brief description of this activity. The same is true of the growing role of the European Court of Justice of the European Union and the European Court of Human Rights, about which there is already some English language literature extant. We are all too conscious of the effects of limited time and space on the completeness of any description and analysis as ambitious as that attempted by this work.

4. Terminology

Although this book is intended to be understandable to readers from every legal culture, it is expected that many of the readers will have some pre-existing familiarity with the Anglo-American civil justice system. Many of the features of the German civil justice system are best understood by Anglo-American lawyers in terms of the legal language and concepts with which they are already familiar, at least to the extent that such language and concepts can be fairly used to describe the German system. At the same time we have tried to avoid arcane language and terms associated only with a particular legal system or tradition.

Some German terms or concepts do not easily translate into Anglo-American legal cognates. In such cases the authors have attempted to explain the German terms and concepts as best we can. Key terms appear parenthetically in German. We have also included the original German language of material quoted in translation so that readers with knowledge of German can have the original terminology available.

The names of the various German courts are translated variously in the currently available English-language sources. Some authors retain the German designations and do not attempt to translate them. We have chosen “neutral” designations designed to describe the actual legal roles of the respective courts without attempting to match them with corresponding courts in any particular Anglo-American jurisdiction. Thus we refer to the lowest level of ordinary court, the German *Amtsgericht*, as the “local court”. The German *Landgericht* appears here as “state district court,” the *Oberlandesgericht* is the “state appeals court,” and the *Bundesgerichtshof* is the Federal Supreme Court. Our aim is to stick with English terminology that accurately describes the functions of the courts referred to, albeit at the expense of elegance of language.

5. Sources, Citations and Bibliography

English-language reference material on post-World War II German civil justice is relatively scanty. The most authoritative systematic analysis that has appeared to date is Kaplan, von Mehren and Schaefer, "Phases of German Civil Procedure," 71 *Harvard Law Review* 1193, 1443 (1958). The insights embodied in this standard work are still of value, although intervening legislative reform and developments at the EU level have rendered some of the specifics out of date.

Professor John Langbein's "The German Advantage in Civil Procedure," 52 *University of Chicago Law Review* 823 (1985) and its progeny of critical and supporting commentary have played an important role in awakening the interest of the American procedural law community to comparative procedural law in general and German civil procedure in specific. These publications do not, however, purport to give comprehensive descriptions or analyses of the German civil justice system.

There are also a few short descriptions of German civil procedure such as Koch, *Civil Procedure in Germany* (Kluwer 1998), as well as a number of English-language articles or chapters in comparative law journals, legal encyclopedias, or books covering German law in general. While these offer interesting glimpses at German civil justice, they do not cover the subject in depth or detail. Several of these articles and other sources are listed in the Brief Bibliography accompanying this text.

The information set forth in this work is based on the original German-language statutory text, commentaries on that text by German legal scholars, and some of the leading German treatises. Rosenberg, Schwab, Gottwald *Zivilprozessrecht* (15th Ed. 1993) is frequently cited in the edition available at the time this book was written. It is thus of somewhat limited usefulness because of its date. Lüke, *Zivilprozessrecht* (7th Ed. 1999) is an easily readable shorter text which is current except for the most recent 2001 reforms. Jauernig, *Zivilprozessrecht* (27th Ed. 2002) includes coverage of the most recent reforms. Geimer, *Internationales Zivilprozessrecht* (4th Ed. 2000) and Schack, *Internationales Verfahrensrecht* (3rd Ed. 2002) provide up to date coverage of international civil procedure. Thomas, Putzo, *Kommentar zur ZPO* (2002), Zoeller, *Kommentar zur ZPO* (2002), and Musielak, *Kommentar zur ZPO* (2002) are the most frequently cited commentaries. The work includes citations to a number of judicial decisions, articles and other sources, chiefly in the German language.

We have adopted a style of citation based largely on the American model. Statutes and other sources in the German legal literature have been abbrevi-

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ated in accord with German practice. A few frequently cited texts are also abbreviated. However each citation is intended to enable the reader to locate the material referred to. Appended to the Preface is a Table of Abbreviations to assist with abbreviations in references to statutes and other similar material.

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Freiburg im Breisgau, Germany
September 2003

TABLE OF ABBREVIATIONS

ABA	American Bar Association
AcP	<i>Archiv für die civilistische Praxis</i>
AD	<i>Anno Domini</i>
ADR	Alternative Dispute Resolution
AfP	<i>Zeitschrift für Medien- und Kommunikationsrecht</i> (until 2001: <i>Archiv für Presserecht</i>)
AktG	<i>Aktiengesetz</i> of September 6, 1965 (BGBl. I, p.1089)
Ala. L. Rev.	Alabama Law Review
ALI	American Law Institute
Am. J. Comp. L.	American Journal of Comparative Law
Am. U. L. Rev	American University Law Review
AMG	<i>Gesetz über den Verkehr mit Arzneimitteln (Arzneimit- telgesetz)</i> of August 24, 1976 (BGBl. I, pp. 2445, 2448)
AnfG	<i>Gesetz über die Anfechtung von Rechtshandlungen eines Schuldners außerhalb des Insolvenzverfahrens</i> of Octo- ber 5, 1994 (BGBl. I, p. 2911) (<i>Anfechtungsgesetz</i>)
AnwBl	<i>Anwaltsblatt</i>
AnwZ	<i>Anwaltszeitung</i>
ArbGG	<i>Arbeitsgerichtsgesetz</i> in the version promulgated on July 2, 1979 (BGBl. I, pp. 853, 1036)
AusfG	<i>Ausführungsgesetz zum Haager Übereinkommen über die Zustellung gerichtlicher und außergerichtlicher Schriftstücke im Ausland in Zivil- und Handelssachen</i> of December 12, 1977
AVAG	<i>Gesetz zur Ausführung zwischenstaatlicher Verträge und zur Durchführung von Verordnungen der Eu - ropäischen Gemeinschaft auf dem Gebiet der Anerken - nung und Vollstreckung in Zivil- und Handelssachen</i> of February 19, 2001

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B. C. L. Rev.	Boston College Law Review
BauGB	<i>Baugesetzbuch</i> of June 23, 1960 (BGBl. I, p. 341) in the version promulgated on August 27, 1997 (BGBl. I, p. 2141)
BB	<i>Betriebs-Berater</i>
BBesG	<i>Bundesbesoldungsgesetz</i> of May 23, 1975 (BGBl. I, p. 1173) in the version promulgated on August 6, 2002 (BGBl. I, p. 3020)
BBG	<i>Bundesbeamtengesetz</i> of July 14, 1953 (BGBl. I, p. 551) in the version promulgated on March 31, 1999 (BGBl. I, p. 675)
BegrRegE	<i>Begründung des Regierungsentwurfs eines Gesetzes zur Reform des Zivilprozesses</i>
BER	Brussels Regulation on Cooperation between the Courts of the Member States in the Taking of Evidence in Civil or Commercial Matters, European Union Regulation No. 1206/2001, OJ L 174, 28/05/2001, p.1
BGB	<i>Bürgerliches Gesetzbuch</i> of August 18, 1896 in the version promulgated on January 2, 2002 (BGBl. I, p. 42)
BGBL	<i>Bundesgesetzblatt</i>
BGH	<i>Bundesgerichtshof</i>
BGHSt	<i>Entscheidungen des Bundesgerichtshofs in Strafsachen</i>
BGHZ	<i>Entscheidungen des Bundesgerichtshofs in Zivilsachen</i>
BGHZ (GS)	<i>Entscheidungen des Großen Senats des Bundesgerichts - hofs in Zivilsachen</i>
BinnSchiffG	<i>Binnenschiffahrtsgesetz</i> of June 15, 1895 in the version promulgated on June 15, 1898
BMinG	<i>Gesetz über die Rechtsverhältnisse der Mitglieder der Bundesregierung</i> of June 17, 1953 (BGBl. I, p. 407) in the version promulgated on July 27, 1971 (BGBl. I, p. 1166)
BNatSchG	<i>Bundesnaturschutzgesetz</i> of March 25, 2002 (BGBl. I, p. 1193)
BORA	<i>Berufsordnung für Rechtsanwälte</i> of August 1, 1959 (BGBl. I, p. 565), as amended
BRAGO	<i>Bundesgebührenordnung für Rechtsanwälte</i> of July 26, 1957 (BGBl. I, pp. 861, 907), as amended
BRAK-Mitt.	<i>Mitteilungen der Bundesrechtsanwaltskammer</i>

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BRAO	<i>Bundesrechtsanwaltsordnung</i>
BRD	<i>Bundesrepublik Deutschland</i>
BRJE	European Union Regulation No. 44/2001 of December 22, 2000 on Jurisdiction and Recognition and Enforcement of Decisions in Civil and Commercial Matters, OJ L 012, 16/12/2001, p. 1
Brussels Evidence Regulation	<i>see</i> BER
Brussels Regulation	<i>see</i> BRJE
BT-Drs.	<i>Drucksachen des Deutschen Bundestags</i>
BT-Drucksachen	<i>see</i> BT-Drs.
BVerfGE	<i>Entscheidungen des Bundesverfassungsgerichts</i>
BVerfGG	<i>Gesetz über das Bundesverfassungsgericht</i> of March 12, 1951 (BGBl. I, p. 243) in the version promulgated on August 11, 1993 (BGBl. I, p. 1473)
Cal. Rev.	California Law Review
C.J.Q.	Civil Justice Quarterly
Cath. U. L. Rev.	Catholic University Law Review
CDS	Criminal Defense Service
cf.	compare
Ch.	Chapter
CISG	United Nations Convention on Contracts for the International Sale of Goods
CLS	Community Legal Service
CMR	Convention on Contracts for the International Carriage of Goods by Road
col	column
COM	Working Documents of the European Commission
Comparative L. Rev.	Comparative Law Review
DB	<i>Der Betrieb</i>
DDR	<i>Deutsche Demokratische Republik</i>
Denv. U. L. Rev.	Denver University Law Review
DePaul L. Rev.	DePaul Law Review
DM	<i>Deutsche Mark</i>
DÖV	<i>Die Öffentlichen Verwaltung</i>
DRiG	<i>Deutsches Richtergesetz</i> of September 6, 1961 (BGBl. I, p. 1665) in the version promulgated on April 19, 1972 (BGBl. I, p. 713)
DRiZ	<i>Deutsche Richterzeitung</i>

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EC	European Community
ECHR	European Court of Human Rights
ECJ	European Court of Justice
ECR	Report of Cases before the Court of Justice of the European Communities
ed.	edition <i>or</i> editor
EFTA	European Free Trade Association
e.g.	for example
EGGVG	<i>Einführungsgesetz zum Gerichtsverfassungsgesetz</i> of January 27, 1877 as amended
EGMR	<i>Europäischer Gerichtshof für Menschenrechte</i> , <i>see</i> ECHR
EGZPO	<i>Einführungsgesetz zur Zivilprozessordnung</i> of January 30, 1877 as amended
EHRR	European Human Rights Reports
Einl	<i>Einleitung</i>
et al.	and other
EU	<i>Europäische Union</i> / European Union
EuBVO	<i>EG-Verordnung Nr. 1206/2001 über die Zusammenarbeit der Gerichte auf dem Gebiet der Beweisaufnahme in Zivil- und Handelssachen</i> / Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters, OJ L 174, 27/6/2001
EuGH	<i>Europäischer Gerichtshof</i> , <i>see</i> ECJ
EuGRZ	<i>Europäische Grundrechtszeitschrift</i>
EuGVÜ	<i>Brüsseler EWG-Übereinkommen über die gerichtliche Zuständigkeit in Zivil- und Handelssachen</i> of September 27, 1968
Eur. Ct. HR Rep.	European Court of Human Rights Reports
Euratom	European Atomic Energy Community / <i>Europäische Atomgemeinschaft</i>
EU Service Regulation	European Union Regulation of May 29, 2000 on the Service in the Member States of Judicial and Extrajudicial Documents in Civil or Commercial Matters, European Union Regulation No. 1348/2000, OJ L 160, 29/06/2000, p. 37
F. Supp.	Federal Supplement

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E.R.Civ. P.	Federal Rules of Civil Procedure
FamRÄndG	<i>Gesetz zur Vereinheitlichung und Änderung familienrechtlicher Vorschriften - Familienrechtsänderungsgesetz</i> of August 11, 1961 (BGBl. I, p. 1221)
FamRZ	<i>Zeitschrift für das gesamte Familienrecht – Ehe und Familie im privaten und öffentlichen Recht</i>
ff.	and following
FGG	<i>Gesetz über die Angelegenheiten der freiwilligen Gerichtsbarkeit</i> of May 17, 1898 as amended
FGO	<i>Finanzgerichtsordnung</i> of October 6, 1965 (BGBl I, p.1477) in the version promulgated on March 3, 2001 (BGBl. I, pp. 442, 2262)
Fla. Cir. Ct.	Florida Circuit Court
Fordham Int’l L. J.	Fordham International Law Journal
F. R. Ev.	Federal Rules of Evidence
GBO	<i>Grundbuchordnung</i> of March 24, 1897 in the version promulgated on May 26, 1994 (BGBl. I, p. 1114)
Geo. J. Legal Ethics	Georgetown Journal of Legal Ethics
GG	<i>Grundgesetz</i> of May 23, 1949 (BGBl. I, p.1) as amended
GKG	<i>Gerichtskostengesetz</i> of June 18, 1878 in the version promulgated on December 15, 1975
GRUR	<i>Zeitschrift der Deutschen Vereinigung für gewerblichen Rechtsschutz und Urheberrecht GRUR</i>
GRURInt	<i>GRUR International - Gewerblicher Rechtsschutz und Urheberrecht, Internationaler Teil, Zeitschrift der Deutschen Vereinigung für gewerblichen Rechtsschutz und Urheberrecht</i>
GVG	<i>Gerichtsverfassungsgesetz</i> of January 27, 1877 in the version promulgated on May 9, 1975 (BGBl. I, p. 1077)
GVGA	<i>Geschäftsweisung für Gerichtsvollzieher</i>
GVO	<i>Gerichtsvollzieherordnung</i>
GWB	<i>Gesetz gegen Wettbewerbsbeschränkungen</i> in the version promulgated on August 26, 1998, BGBl. I, 2546.
Hague Service Convention	Hague Convention on Service Abroad of Judicial and Extra-Judicial Documents of November 15, 1965
Harv. L. Rev.	Harvard Law Review

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Harv. Int'l L.J.	Harvard International Law Journal
Hastings L.J.	Hastings Law Journal
HGB	<i>Handelsgesetzbuch</i> of May 10, 1897 as amended
HMSO	Her Majesty's Stationery Office
ICC	International Chamber of Commerce
InsO	<i>Insolvenzordnung</i> of October 5, 1994 (BGBl. I, p. 2866)
Int'l J. Legal Prof.	International Journal of the Legal Profession
IPRax	<i>Praxis des internationalen Privat- und Verfahrensrechts</i>
JA	<i>Juristische Ausbildung</i>
JuS	<i>Juristische Schulung</i>
JZ	<i>Juristenzeitung</i>
LAB	Legal Aid Board
LG	<i>Landgericht</i>
LSC	Legal Services Commission
Mass. Law Quarterly	Massachusetts Law Quarterly
M. R. Civ. P.	Maine Rules of Civil Procedure
Md. L. Rev.	Maryland Law Review
MDR	<i>Monatsschrift für Deutsches Recht</i>
Me. L. Rev.	Maine Law Review
Mealey's Int'l Arb. Q. L. Rev.	Mealey's International Arbitration Quarterly Law Review
Mich. L. Rev.	Michigan Law Review
Minn. L. Rev.	Minnesota Law Review
mn.	margin
MRSA	Maine Revised Statutes Annotated
NJW	<i>Neue Juristische Wochenschrift</i>
NJW-RR	<i>NJW Rechtsprechungs-Report Zivilrecht</i>
Nw. U. L. Rev.	Northwestern University Law Review
NYU Journal of International Law and Politics	New York University Journal of International Law and Politics
OJ	Official Journal of the European Communities / Union
OLG	<i>Oberlandesgericht</i>
OLGZ	<i>Rechtsprechung der Oberlandesgerichte in Zivilsachen, Amtliche Entscheidungssammlung</i>
PatAnwO	<i>Patentanwaltsordnung</i> of September 7, 1966 (BGBl I, p. 557) as amended

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PatG	<i>Patentgesetz</i> of May 5, 1936 in the version promulgated on December 16, 1980, as amended
p.	page
pp.	pages
Prac. L. Inst.	Practising Law Institute
Prac. L. Inst. / Lit.	Practising Law Institute - Litigation and Administrative Practice Course Handbook Series - Litigation
Rebels Zeitschrift	<i>Zeitschrift für ausländisches und internationales Privatrecht</i>
RGZ	<i>Entscheidungen des Reichsgerichts in Zivilsachen</i>
RIW	<i>Recht der Internationalen Wirtschaft</i>
Rpfleger	<i>Der Rechtspfleger</i>
RPfG	<i>Rechtspflegergesetz</i>
Rutgers L. Rev.	Rutgers Law Review
S. Ct.	Supreme Court Reporter
SchiedsVfG	<i>Schiedsverfahren- Neuregelungsgesetz</i>
Service Regulation	<i>see</i> EU Service Regulation
SGG	<i>Sozialgerichtsgesetz</i> of September 3, 1953 (BGBl. I, pp. 1953, 1239) in the version promulgated on September 23, 1975 (BGBl. I, p. 2535), as amended
SMU L. Rev.	Southern Methodist University Law Review
StGB	<i>Strafgesetzbuch</i> of May 15, 1871 in the version promulgated on November 13, 1998 (BGBl. I, p. 3322)
Tulane J. Int'l and Comp. Law	Tulane Journal of International and Comparative Law
U. C. Davis L. Rev.	University of California, Davis Law Review
U. Chi. L. Rev.	University of Chicago Law Review
U. Chi. Legal F.	University of Chicago Legal Forum
U. Chicago L. Rev.	<i>see</i> U. Chi. L. Rev.
U. Pitt. L. Rev.	University of Pittsburgh Law Review
U.C.L.A.	University of California, Los Angeles
U.S.C	United States Code
U.S.C.A.	United States Code Annotated
UHG	<i>Umwelthaftungs-Gesetz</i> of December 10, 1990 (BGBl. I, p. 2634)
UKlaG	<i>Unterlassungsklagengesetz</i> of November 26, 2001 in the version promulgated on August 27, 2002 (BGBl. I, p. 3422)

TABLE OF ABBREVIATIONS xxxiii

UNCITRAL	United Nations Commission on International Trade Law
Unidroit	International Institute for the Unification of Private Law
Uniform L. Rev.	Uniform Law Review
UPA L.Rev.	University of Pennsylvania Law Review
U.S.	United States Reports
UWG	<i>Gesetz gegen den unlauteren Wettbewerb</i> of June 7, 1909, as amended
Vand. L. Rev.	Vanderbilt Law Review
VersR	<i>Versicherungsrecht, Juristische Rundschau für die Individualversicherung</i>
VerwArch	<i>Verwaltungsarchiv</i>
Vol.	Volume
VwGO	<i>Verwaltungsgerichtsordnung</i> of January 1, 1960 (BGBl. I, p. 17) in the version promulgated on March 19, 1991 (BGBl. I, p. 686) as amended
Wash. & Lee L. Rev.	Washington and Lee Law Review
Wis. L. Rev.	Wisconsin Law Review
WM	<i>Wertpapiermitteilungen</i>
Wm. & Mary Bill Rts. J.	William and Mary Bill of Rights Journal
Wm. & Mary L. Rev.	William and Mary Law Review
WRP	<i>Wettbewerb in Recht und Praxis</i>
ZaöRV	<i>Zeitschrift für ausländisches öffentliches Recht und Völkerrecht</i>
ZIP	<i>Zeitschrift für Wirtschaftsrecht</i>
ZPO	<i>Zivilprozessordnung</i> of January 30, 1877 in the version promulgated on September 12, 1950 (BGBl. I, p. 533), as amended
ZPO-RG	<i>Gesetz zur Reform des Zivilprozesses</i> of July 21, 2001 (BGBl. I, p.1887)
ZRHO	<i>Rechtshilfsordnung für Zivilsachen</i> of October 19, 1956 in the version promulgated on February 26, 1976
ZRP	<i>Zeitschrift für Rechtspolitik</i>
ZSEG	<i>Gesetz über die Entschädigung von Zeugen und Sachverständigen</i> of July 26, 1957 (BGBl. I, p. 902) in the version promulgated on October 1, 1969 (BGBl. I, p. 1756) as amended

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ZustDG	<i>Gesetz zur Durchführung gemeinschaftsrechtlicher Vorschriften über die Zustellung gerichtlicher und außergerichtlicher Schriftstücke in Zivil- oder Handels- sachen in den Mitgliedsstaaten (EG-Zustellungs - durchführungsgesetz) of July 9, 2001 (BGBl. I, p.1536)</i>
ZustRG	<i>Gesetz zur Reform des Verfahrens bei Zustellungen im gerichtlichen Verfahren (Zustellungsreformgesetz) of June 25, 2001 (BGBl. I, p. 1206)</i>
ZVG	<i>Gesetz über die Zwangsversteigerung und Zwangsver - waltung of March 24, 1897 in the version promul - gated on May 20, 1898, as amended</i>
ZvglRwiss	<i>Zeitschrift für vergleichende Rechtswissenschaft</i>
ZZP	<i>Zeitschrift für Zivilprozeß</i>
ZZPInt	<i>Zeitschrift für Zivilprozeß International - Jahrbuch des Internationalen Zivilprozessrechts</i>