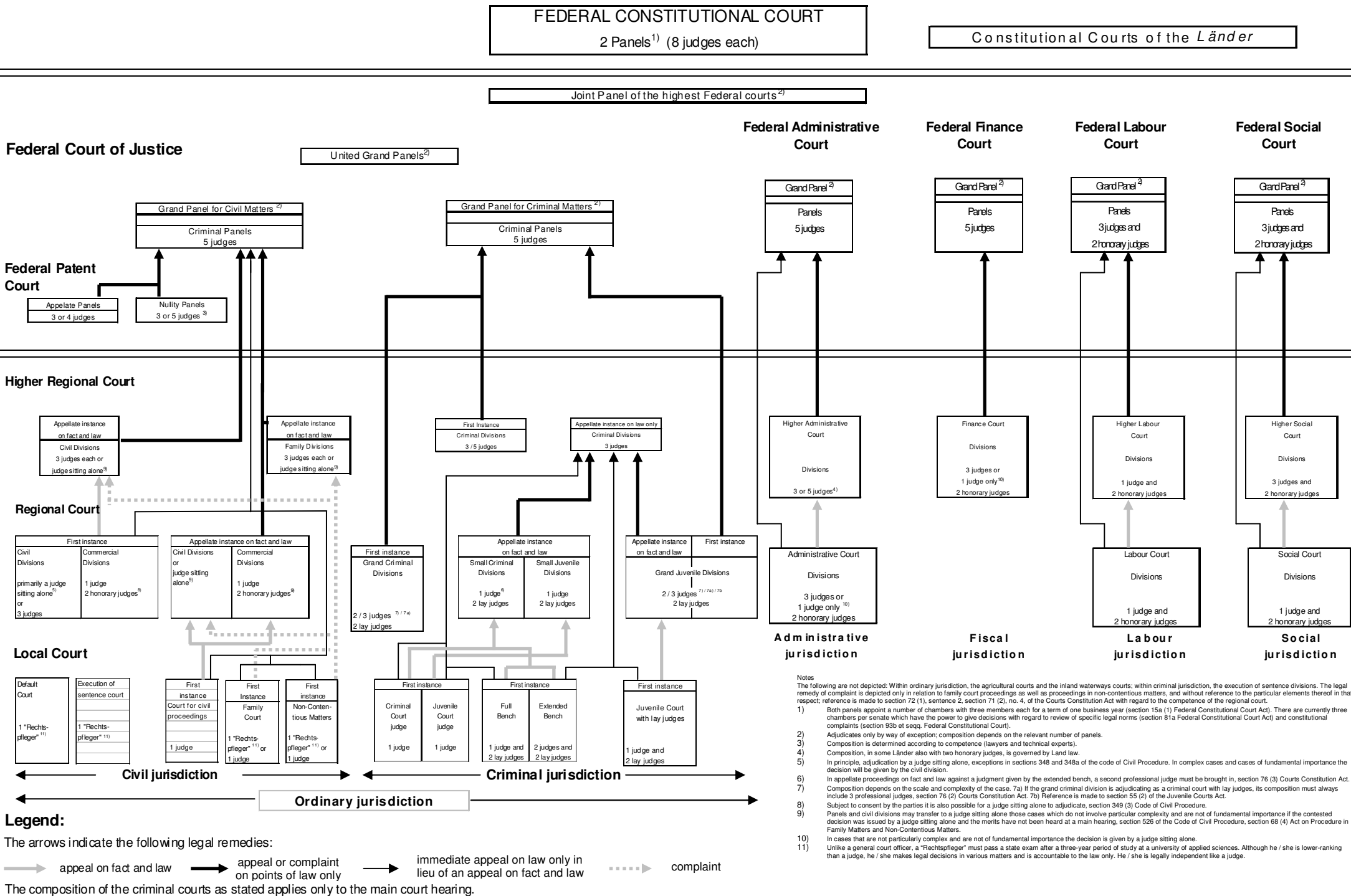


The Courts of Law in the Federal Republic of Germany



Notes

The following are not depicted: Within ordinary jurisdiction, the agricultural courts and the inland waterways courts; within criminal jurisdiction, the execution of sentence divisions. The legal remedy of complaint is depicted only in relation to family court proceedings as well as proceedings in non-contentious matters, and without reference to the particular elements thereof in that respect; reference is made to section 72 (1), sentence 2; section 71 (2), no. 4, of the Courts Constitution Act with regard to the competence of the regional court.

1) Both panels appoint a number of chambers with three members each for a term of one business year (section 15a (1) Federal Constitutional Court Act). There are currently three chambers per senate which have the power to give decisions with regard to review of specific legal norms (section 81a Federal Constitutional Court Act) and constitutional complaints (section 93b et seq. Federal Constitutional Court Act).

2) Adjudicates only by way of exception; composition depends on the relevant number of panels.

3) Composition is determined according to competence (lawyers and technical experts).

4) Composition, in some Länder also with two honorary judges, is governed by Land law.

5) In principle, adjudication by a judge sitting alone, exceptions in sections 348 and 348a of the code of Civil Procedure. In complex cases and cases of fundamental importance the decision will be given by the civil division.

6) In appellate proceedings on fact and law against a judgment given by the extended bench, a second professional judge must be brought in, section 76 (3) Courts Constitution Act.

7) Composition depends on the scale and complexity of the case. 7a) If the grand criminal division is adjudicating as a criminal court with lay judges, its composition must always include 3 professional judges, section 76 (2) Courts Constitution Act. 7b) Reference is made to section 55 (2) of the Juvenile Courts Act.

8) Subject to consent by the parties it is also possible for a judge sitting alone to adjudicate, section 349 (3) Code of Civil Procedure.

9) Panels and civil divisions may transfer to a judge sitting alone those cases which do not involve particular complexity and are not of fundamental importance if the contested decision was issued by a judge sitting alone and the merits have not been heard at a main hearing, section 526 of the Code of Civil Procedure, section 68 (4) Act on Procedure in Family Matters and Non-Contentious Matters.

10) In cases that are not particularly complex and are not of fundamental importance the decision is given by a judge sitting alone.

11) Unlike a general court officer, a "Rechtspfleger" must pass a state exam after a three-year period of study at a university of applied sciences. Although he / she is lower-ranking than a judge, he / she makes legal decisions in various matters and is accountable to the law only. He / she is legally independent like a judge.