2024 Questionnaire of the 1st Study Commission IAJ-UIM

"The Effects of Artificial Intelligence on the Judiciary"

Questions:

1) Do judges in your country utilize artificial intelligence technology ("AI"), and how so?

We do not utilize generative AI.

a) If not, have judges in your country considered utilizing AI, and, if so, in what ways?

We have not given detailed consideration to utilizing generative AI by judges.

b) Is the use of AI in legal proceedings regulated?

There is no rule that directly regulates the utilization of generative AI.

c) Does the use of AI impact the handling of evidence?

Regardless of whether or not evidence submitted to the court has been prepared using generative AI, judges are supposed to examine evidence closely and evaluate it appropriately.

2) What are the pros and cons of having judges utilize AI?

a) What are the possible effects of AI on the administration of justice?

The appropriate utilization of AI may have a positive impact on the

rationalization and streamlining of administration of justice.

b) What are the possible effects of AI on judicial independence?

(It depends on the specific circumstances, such as how judges would utilize AI and what impact AI would have on their judgment. We do not have an answer at this moment.)

3) Should there be limits on the use of AI by judges, and, if so, to what extent?

Second Study Commission

Civil Law and Procedure

66th Annual Meeting of the IAJ – Cape Town (South Africa)

Questionnaire 2024

Written submissions – when do they turn from a help to a hindrance?

In Taipei, Taiwan, we decided that in 2024, our Second Study Commission will focus on how written submissions in civil litigations can turn from a help to a hindrance and whether there are limits on written submissions in our various jurisdictions. If so, what these limits include.

We have limited the questionnaire to six questions and expect to receive short but concise answers. The questions are as follows:

1. Are there limits for written submissions in civil litigations in your jurisdiction in terms of the maximum length?

   There are no limits. By exercising the authority to control litigation proceedings, the presiding judge may give instructions to parties regarding the length of written submissions, but no penalty would be imposed even when parties do not follow the instruction.

2. Are there time limits for filing written submissions?

   The presiding judge may specify a time limit for filing written submissions (Article 162 of the Code of Civil Procedure).

3. Are there limits in terms of a maximum number of additional submissions in a case?

   There are no limits. By exercising the authority to control litigation proceedings, the presiding judge may give instructions to parties regarding the number of written submissions, but no penalty would be imposed even when parties do not follow the instruction.

4. Are there rules, including penalties or cost implications, for breaches of these requirements?

   Even when parties fail to meet the time limit for filing written submissions, no penalty would be imposed only because of this. If a party fails to meet the time limit for filing written submissions intentionally or through gross negligence and the court finds that this will cause a delay in the conclusion of litigation, the court may dismiss the allegations or evidence described in the written submissions (Article 157, paragraph (1) of the Code of Civil

Procedure). If a party causes a delay in litigation by failing to meet the time limit for filing written submissions, the court may have that party bear all or part of the court costs incurred due to the delay even if that party wins the case (Article 63 of the same Code).

5. Are these limits or requirements effective in terms of reducing the number and length of written submission and the time spent preparing for and determining a case?

As these limits are imposed by the presiding judge at their own discretion on a case-by-case basis, we cannot provide a general answer as to whether these limits are effective.

6. What is the effect of written submissions on any hearing which subsequently takes place?

Oral arguments shall be prepared in writing (Article 161, paragraph (1) of the Code of Civil Procedure). This is because, when a party orally enters a statement abruptly on a date for oral argument, the court and the other party would find it difficult to understand the content of the statement, and the other party would be unable to instantly prepare a counterargument, in which case proceedings could not be conducted smoothly.

7. Comments or suggestions as to what could otherwise prove to be effective

We have no particular comments.