Conference Report ‘Digitalisation of Justice: Perspectives from Germany and the Netherlands’ (University of Groningen, 29 May 2026)

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On 29 May 2026, the WEAKER PIL research line at the Faculty of Law of the University of Groningen hosted the symposium ‘Digitalisation of Justice: Perspectives from Germany and the Netherlands’ at the House of Connections in Groningen. The symposium brought together scholars from both jurisdictions across four fields of law: private international law, civil procedure, criminal procedure, and administrative procedural law. They were joined by practitioners, emerging scholars, and more than 40 participants.

The symposium was guided by the central research question of the legal and institutional conditions under which the digitalisation of justice in Germany and the Netherlands can contribute to improved access to justice and to the quality of judicial decision-making, without undermining minimum standards of the rule of law and procedural guarantees.

The choice of a bilateral, cross-doctrinal design was deliberate: national legislators and courts are responding to digital transformation at remarkably different speeds, and innovative solutions to shared problems have often already emerged in the other legal system or in a neighbouring field of law. This report focusses on the conference’s discussions around private international law, summarizing the cross-cutting themes that emerged over the course of the day. A full report will be published in the Springer-volume ‘Digitalisation of Justice: Perspectives from Germany and the Netherlands’ in the course of 2027.

Opening and Keynote

The symposium was opened by Dr. Benedikt Schmitz (University of Groningen), who described the critical crossroads at which the ongoing digitalisation and our legal system find themselves, with the latter lagging behind when it comes to adjusting existing norms to changing realities. He raised central questions about the use of AI in the legal field and its relation to the rule of law and the principle of fairness. His opening was followed by welcome addresses by Prof. Dr. Wilbert Kolkman, Dean of the Faculty of Law, and Prof. Dr. Jouke de Vries, President of the University Board. In a humorous way, Kolkman criticised what the support of AI has done to the quality of academic legal papers by describing the evolution from the printing press, to pressing print on a computer, to the 'depressing print' that he called the papers of students, who are not the only ones handing in AI-generated texts that lack the meaning human-produced work entails. De Vries emphasised the importance of cross-border cooperation to tackle complex societal issues that cannot be approached from one discipline or jurisdiction alone. He further encouraged incorporating the knowledge of civil society organisations into academic debate through transdisciplinary research.

In his keynote address, Dr. Benjamin Grimm (Minister of Justice and for Digitalisation, Federal State of Brandenburg, Germany) offered the perspective of a Land justice ministry engaged in the practical implementation of digital justice. Even in an integrated European Union, he observed, judicial matters continue to reflect national traditions. Precisely for that reason it is necessary to look across borders and learn from one another. Brandenburg was the first German Land to combine the portfolios of justice and digitalisation in a single ministry – a deliberate pairing of a traditionally conservative judiciary with a policy field associated with progress, modernity and new ideas, a combination for which Estonia in particular served as a point of reference. In Brandenburg,

responsibilities for digitalisation projects, including their funding, have been consolidated centrally – a choice Grimm defended while acknowledging the tension it creates with Germany's federal structure.

Grimm placed these institutional choices in a sobering context: in a recent survey, only 15 per cent of citizens said that their expectations of the modern, digital administration were met, and only one in three people expressed trust in their government. Digitalisation, he argued, is therefore not merely a matter of efficient administration but of countering fears and proving that the State remains capable of being future-proof. The State, he insisted, must meet the expectations citizens bring from a world in which goods ordered online arrive the next day. This idea, however, would require central coordination beyond Brandenburg to ensure successful implementation.

For the judiciary, Grimm identified the digital availability of files as the indispensable foundation: the use of AI cannot be accepted, let alone succeed, while courts remain stuck with analogue files. The introduction of the electronic case file, imposed on a sometimes reluctant judiciary, is in his words not even digitalisation but 'merely electrification' and thus a first, but certainly not a last, step.

Grimm closed with a plea for coordination: the tools currently in use across the federal states are outdated and scattered, and all ministers of justice are working together towards a uniform software solution and unified architectural standards to fundamentally reform the judiciary's use of digitalisation. The judiciary, he said, is standing at the dawn of a digital revolution. Several of his themes – the loss of citizens' trust in a slow-moving administration and the question of how much decision-making may be delegated to machines – returned throughout the day, most directly in Panel 4 and in the closing plenary discussion.

First panel: Private International Law

The first panel, moderated by Benedikt Schmitz (Groningen) and sponsored by the Royal Netherlands Society of International Law, addressed the digitalisation of cross-border civil justice. Susanne Lilian Gössl (Bonn) opened with an assessment of digital justice and cross-border proceedings in Germany, where the progress of digitalisation is slow (and slower still in cross-border cases), marked by general scepticism and uncertainty. Alongside structural features of the field – the

applicable law follows the *lex fori*, the strongest impulses come from EU law (which is nonetheless cautious to interfere with Member States' procedural law), and the *eCodex* system provides decentralised, interoperable communication between Member State courts – she pointed to concrete hurdles such as the *beA* special electronic mailbox, which makes it difficult for foreign attorneys to file cases in Germany, and to courts' initial resistance to online participation of parties abroad. However, what was once regarded as an affront to the other State's sovereignty is now increasingly accepted if parties voluntarily participate. Gössl ended by briefly touching upon enforceable and non-enforceable mediation and arbitration agreements and the challenges Germany's paper-based approaches pose in international settings.

Kirsten Henckel (Groningen) asked whether we can really digitalise justice – and whether courts can actually use the new technologies. EU digitalisation efforts, she argued, largely digitise existing processes while creating problems of their own, relating to, *inter alia*, privacy, AI, and non-EU service providers. Presenting collective actions as a Dutch tradition of forty years, most recently under the 2020 WAMCA (Dutch Act on the resolution of mass damages in collective actions), she made the Netherlands a case study for access to justice in a digitised world, and raised the question which law prevails when jurisdiction must be established under both the Brussels Ia Regulation and the GDPR as *lex specialis*.

Frederick Rieländer (Bremen) began his presentation from a comparative perspective: the most technologically advanced countries were at the forefront of digitalising justice, and the EU is now committed to digitalising cross-border proceedings, with the Commission wanting all relevant processes to be digital by the end of the decade. He emphasised that digital tools can reshape the handling and administration of cross-border litigation in the EU, but the legal framework needs to be refined through uniform European standards to unlock these transformative abilities without undermining the procedural rights of users. Rieländer distinguished between German pilot projects of organisational assistance systems, decision-support systems and (semi-)automated 'case deciders', the former two already in use, as illustrated by a tool that helps judges detect hallucinated citations in lengthy party submissions. He extended his analysis to immersive technologies (virtual, augmented and mixed reality) as new evidentiary possibilities across borders, not yet employed in most EU Member States. As a way forward, Rieländer pointed to the European Law Institute and

UNIDROIT as potential drafters of a soft-law instrument to create rules on the use of AI that can set minimum standard while the digitalisation within the EU continues to move forward.

The ensuing discussion turned to international arbitration, which in some respects has moved faster than the courts: the Dutch Arbitration Act, it was noted, already allowed for digital hearings during the COVID-19 pandemic. On the use of AI in arbitration, a consensus emerged to remain cautious: because AI can never be impartial, decision-making should not be entrusted to it. As a tool, however, it is of great value and may eventually enable arbitrators to draw on more information than any human could; provided its (confirmation) bias is overcome. Two practical constraints were added: AI will only be integrated into practice if it is simple to use, whereas practitioners currently face a difficult choice between too many confusing tools. Moreover, most Member States are too small to gather sufficient data to train large language models on their own – an observation that led back to the panel's emphasis on common standards within a European legal framework.

Second panel: Civil Procedure

The second panel, moderated by Patrick Koerts (Groningen), turned to domestic civil procedure. Gralf-Peter Calliess (Bremen) traced Germany's history of digital false starts – from a digital signature too secure ever to be affordable to the repeatedly postponed electronic case file – and remained sceptical of the online-procedure pilots introduced in December 2025 in the new Book 12 of the German Code of Civil Procedure: digitalisation, he argued, requires a change of mindset from adjudication as an exercise of sovereign power (*Hoheit*) to adjudication as a judicial service (*Dienstleistung*). Pauline Ernste (Nijmegen) examined judicial fact-finding via Google and ChatGPT under Dutch procedural law: LLM-derived facts cannot qualify as facts of common knowledge, the duty to tell the truth requires parties to disclose their own use of AI, and AI literacy must be structurally embedded in legal training.

Third panel: Criminal Procedure

In the third panel, moderated by Glenn Thodé (Groningen), Hannah Ofterdinger (Hamburg) took stock of the digitalisation of German criminal procedure and its obstacles, concluding that the question is not whether, but how we digitalise.

Dorris de Vocht (Tilburg) asked why the Netherlands treats remote hearings as a last resort and argued that the assumption that meaningful participation requires physical presence should itself be questioned: procedural fairness should not – and does not have to – depend on whether a hearing is physical or remote. Laura Peters (Groningen) presented the AIWITNESS project and the FAIR method, contending that criminal procedural principles must guide the design of AI systems from the outset She concluded that criminal procedural law is moving from *ex post* review to procedural design.

Fourth panel: Administrative Procedure

The fourth panel, moderated by Ida Varosanec (Groningen), addressed administrative procedural law. Sarah Rachut (Braunschweig) mapped Germany's asymmetric regulation of administrative authorities and courts, presented survey evidence from the TITAN project on the use of AI within the administration, and identified a regulatory gap: fully automated administrative acts are regulated, AI-assisted decision preparation is not. Sofia Ranchordás (Tilburg/Rome) argued that the procedural safeguards of administrative law – the right to be heard, the duty to state reasons, the right of access, and judicial review – are built on the paper logic of the file, which digital transformation dissolves. She noted how discretion migrates from the decision to the design, and the task is not to retrofit, but to rethink. The following lively discussion closed on a question that hung over much of the day: what do we do with the law that was not made for digitalisation?

Closing Session and Outlook

The closing session opened with elevator pitches by five emerging scholars. Of most direct interest to readers of this blog, Mustafa Can (Groningen) turned to the law applicable to civil liability in EU token markets, contrasting public money with digital assets issued by private institutions. Individual proceedings are possible, but the cross-border setting creates an inherent foreign element, leading him to emphasise the importance of simplification. The remaining pitches ranged from a digital 'zeroth instance' for German civil proceedings and its constitutional tensions (Noelle Frick, Speyer), via automation bias and the limits of human oversight in AI-based evidence verification (Sabrina Pölle, Passau) and the missing mechanisms for reviewing the decision logic of administrative tools (Constanze Rothermel, Berlin), to algorithm-driven benefit sanctioning in

Denmark and the Netherlands (Anne Spijkstra, Tilburg).

In the plenary discussion that followed, the threads of the day converged on a recurring theme: humans in the judiciary were not perfect before AI either. The discussion cautioned against measuring machines by a standard of perfection that humans have never met. A second observation reached back to the fourth panel: the digital is built on top of a long paper trail, and digital justice inherits the logic, and the legacy, of the file.

Viewed across the four panels, the relevant divide did not always run between Germany and the Netherlands, but frequently between fields of law: Germany's infrastructure-first trajectory has repeatedly stumbled over its own thoroughness, while in the Netherlands the frontline questions lie further downstream: judges googling and parties submitting ChatGPT-written claims. The tension between efficiency gains and procedural guarantees returned in each panel in different ways. For private international law, it took the form of the question whether cross-border digitalisation can proceed without uniform European standards protecting the procedural rights of users – standards all the more necessary because most Member States are too small to develop trustworthy systems alone.

How much of legal decision-making can be left to AI was answered formally (any final decisions must remain human) but not substantively. Finally, the question what we do with the law that was not made for digitalisation remained open. Perhaps the day's most consistent answer was voiced almost identically at its beginning and its end: the electronic case file is 'merely electrification', a first step but not a last (Grimm). Now, the task is not to retrofit, but to rethink (Ranchordás). An edited volume with contributions by the panellists and emerging scholars, taking up these questions in greater depth, will be published by Springer in the course of 2027 under the title 'Digitalisation of Justice: Perspectives from Germany and the Netherlands'.