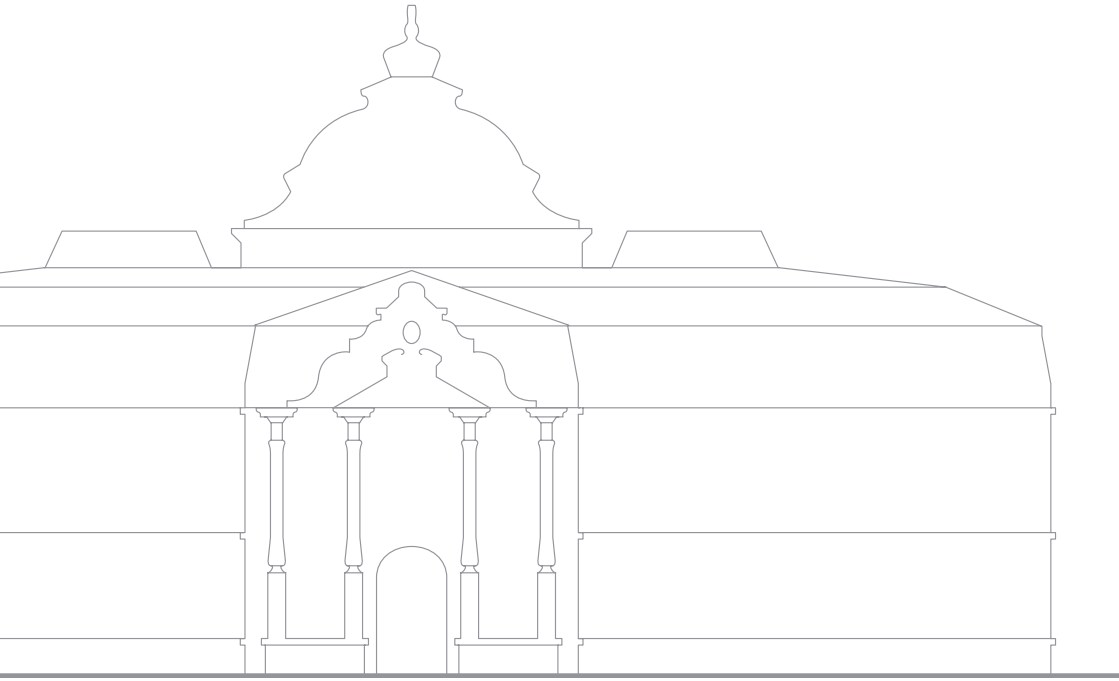
The Federal Court of Justice



The Federal Court of Justice

Published by the Federal Court of Justice
Karlsruhe, 2014

Contents

7 — Introduction
8 — The Position of the Federal Court of Justice in the German Court System
10 — The Organisation of the Federal Court of Justice
12 — Allocation of Jurisdiction in Civil and Criminal Cases
16 — Proceedings at the Federal Court of Justice
21 — Publication of the Rulings of the Federal Court of Justice
22 — Other Areas of Responsibility within the Federal Court of Justice
24 — The Federal Prosecutor General and the Bar at the Federal Court of Justice
26 — The History of the Federal Court of Justice
28 — The Buildings and Artworks of the Federal Court of Justice
34 — Imprint

Introduction

The Federal Court of Justice (*Bundesgerichtshof* – BGH) is Germany's highest court of civil and criminal jurisdiction, i. e. "ordinary jurisdiction". It has its seat in Karlsruhe.

In addition to the President, 128 judges are employed at the Federal Court of Justice, including seventeen presiding judges. They exercise their judicial activity on the twelve civil panels and the five criminal panels of the Federal Court of Justice. In addition, many of them perform further functions, for instance as a member of a special panel, as an investigating judge or in court administration.

The task of the Federal Court of Justice is primarily to ensure uniform application of law, clarify fundamental points of law and develop the law. In general, it reviews rulings of the lower courts only with regard to errors of law. Even if the binding effect of the judgments and rulings of the Federal Court of Justice is technically confined to the respective case decided, in practice the lower courts follow its interpretation of the law virtually without exception. The far-reaching effect of rulings of the Federal Court of Justice is also due to the fact that, particularly in the field of civil law, legal practice is often guided by these rulings. Banks and insurance companies, for example, as well as landlords and divorce lawyers respond to a "ruling from Karlsruhe".

The aim of this brochure is to provide an overview of the tasks and functions of the Federal Court of Justice, including its history and its place of operation. It is based on the legal and factual conditions of July 2014.

The Position of the Federal Court of Justice in the German Court System

The Federal Court of Justice is at the head of the local, regional and higher regional courts. These so-called "ordinary" courts exercise civil and criminal jurisdiction. Approximately 75 percent of the judges in the Federal Republic of Germany work in this field. According to the object of the proceedings, either the local or regional court is responsible as the court of first instance and – in civil cases – the regional or higher regional court as the appellate court. Due to the federal structure of Germany, these lower courts are subject to the organisational authority of the constituent states. However, the Federal Court of Justice is – as its name suggests – a Federal Court. In terms of organisation, it is subordinate to the Federal Minister of Justice and Consumer Protection.

Apart from ordinary jurisdiction there are four other branches of jurisdiction in the Federal Republic of Germany: Administrative jurisdiction, labour jurisdiction, social jurisdiction and financial jurisdiction. Here, too, a supreme Federal Court serves as the court of last instance for each branch: The Federal Administrative Court (*Bundesverwaltungsgericht* – BVerwG) in Leipzig, the Federal Labour Court (*Bundesarbeitsgericht* – BAG) in Erfurt, the Federal Social Court (*Bundessozialgericht* – BSG) in Kassel and the Federal Finance Court (*Bundesfinanzhof* – BFH) in Munich, cf. Article 95 of the German Constitution (*Grundgesetz,* "Basic Law").

The supreme Federal Courts are independent of each other in terms of both organisation and staff. In order to ensure uniform application of law between them as well, these Federal Courts have a Joint Panel. It makes a ruling if the panel of a court wishes to diverge from the ruling of a panel of another supreme court on a question of law.

The judges of the Federal Court of Justice are elected by the Judges Election Committee and appointed by the Federal President. Appointment is for life. The Judges Election Committee is a body consisting of 32 members that is convened by the Federal Minister of Justice and is composed of the Ministers of Justice of the 16 constituent states and another 16 members selected by the *Bundestag*, Germany's Federal Parliament. Any German can be elected as a federal judge if he or she is qualified to hold judicial office and is at least 35 years of age. In addition to the particular personal and professional qualifications of the candidates, most of whom are from the judicial service of the constituent states, the election also takes into account that all of the constituent states should be represented at the Federal Courts in relation to their population size.

In the German court system, a special position is held by the Federal Constitutional Court (*Bundesverfassungsgericht* – BVerfG), which – like the Federal Court of Justice – has its seat in Karlsruhe. It is not its task to apply the so-called "ordinary" or "specialist" law, but to ensure that all institutions of the state obey the constitution. In the context of judicial review proceedings, for instance, it examines laws for their constitutionality and makes rulings when there are divergences of opinion between constitutional bodies. The majority of cases brought before the Federal Constitutional Court are complaints of unconstitutionality that can be raised by any citizen against acts of state including last-instance court rulings.

The Organisation of the Federal Court of Justice

The President is the head of the Federal Court of Justice. She is, on the one hand, the superior of the judges, civil servants and staff of the Federal Court of Justice. One of her functions in this capacity is to exercise supervision, which in the case of the judges naturally extends only to the limits imposed by judicial independence (Article 97 of the Grundgesetz). On the other hand, the President is a judge who, by law, presides over the Panel for Lawyers' professional and disciplinary matters, the Grand Panel for civil matters and the Grand Panel for criminal matters and the United Grand Panels. Furthermore, the President and her staff maintain contact with other courts and judicial organisations in Germany and abroad.

The Federal Court of Justice is divided into civil and criminal panels whose number is determined by the Federal Minister of Justice. There are currently twelve civil and five criminal panels. Each panel is headed by a presiding judge. The remaining 111 judges at the Federal Court of Justice also are permanently assigned to one of the civil or criminal panels. Each panel is thus composed of six or seven judges (in addition to the presiding judge). As a general rule, however, only five panel members, one of whom being the presiding judge, are involved in the individual decisions. The composition of the panel for each case is regulated in advance by an internal Schedule of Jurisdiction adopted by all members of the panel concerned.

In addition to the civil and criminal panels, the Federal Court of Justice has eight special panels, namely the panel for cases concerning agricultural law, the panels dealing with professional and disciplinary matters concerning lawyers, notaries public, patent agents, auditors, tax consultants and tax agents respectively, the Cartel Panel and the Federal Disciplinary Tribunal. Furthermore, there are two Grand Panels – a Grand Civil Panel and a Grand Criminal Panel – which together form the United Grand Panels.

The Presiding Committee of the Federal Court of Justice decides on the assignment of judges to the individual panels and on the allocation of jurisdiction to the panels. This committee is a body consisting of the President and ten judges elected by the judges of the Court. Before the beginning of each year it adopts a Schedule of Jurisdiction for its duration. This may be amended during the year by relevant decisions of the Presiding Committee if necessitated by factual or personnel changes.

Allocation of Jurisdiction in Civil and Criminal Cases

In **civil cases** the allocation of jurisdiction traditionally follows the principle of highest possible specialisation. At the present time the following fields of law have been assigned to the civil panels as their main area:

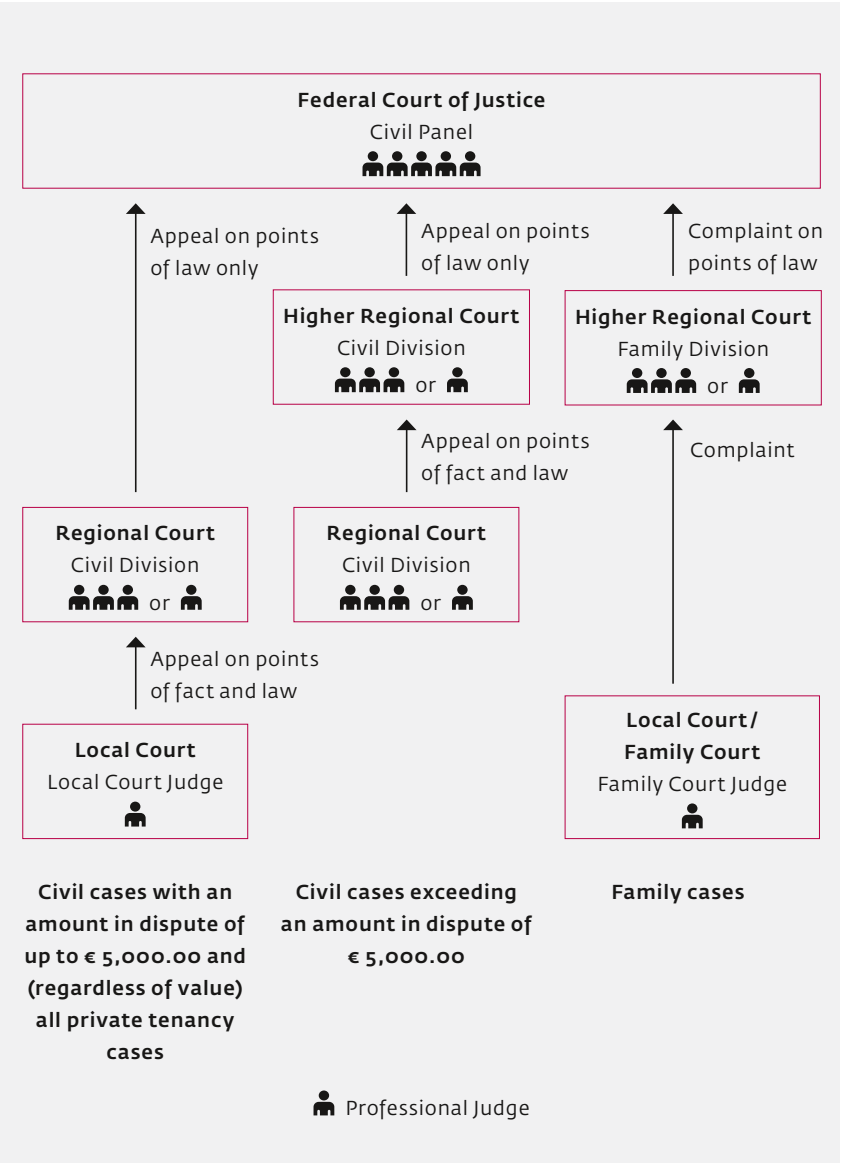
— **First Civil Panel:**	copyright, protection of intellectual property rights
— **Second Civil Panel:**	corporate law, law of associations
— **Third Civil Panel:**	state and notaries' liability, mandate law, agency without specific authorisation
— **Fourth Civil Panel:**	inheritance law, insurance contract law
— **Fifth Civil Panel:**	real property law
— **Sixth Civil Panel:**	law of torts, product liability, medical liability
— **Seventh Civil Panel:**	construction and architectural law
— **Eighth Civil Panel:**	law on the sale of goods, landlord and tenancy law
— **Ninth Civil Panel:**	insolvency law, lawyers' liability

— **Tenth Civil Panel:**	patent law, tourist travel law
— **Eleventh Civil Panel:**	banking law, capital market law
— **Twelfth Civil Panel:**	family law, commercial tenancy law

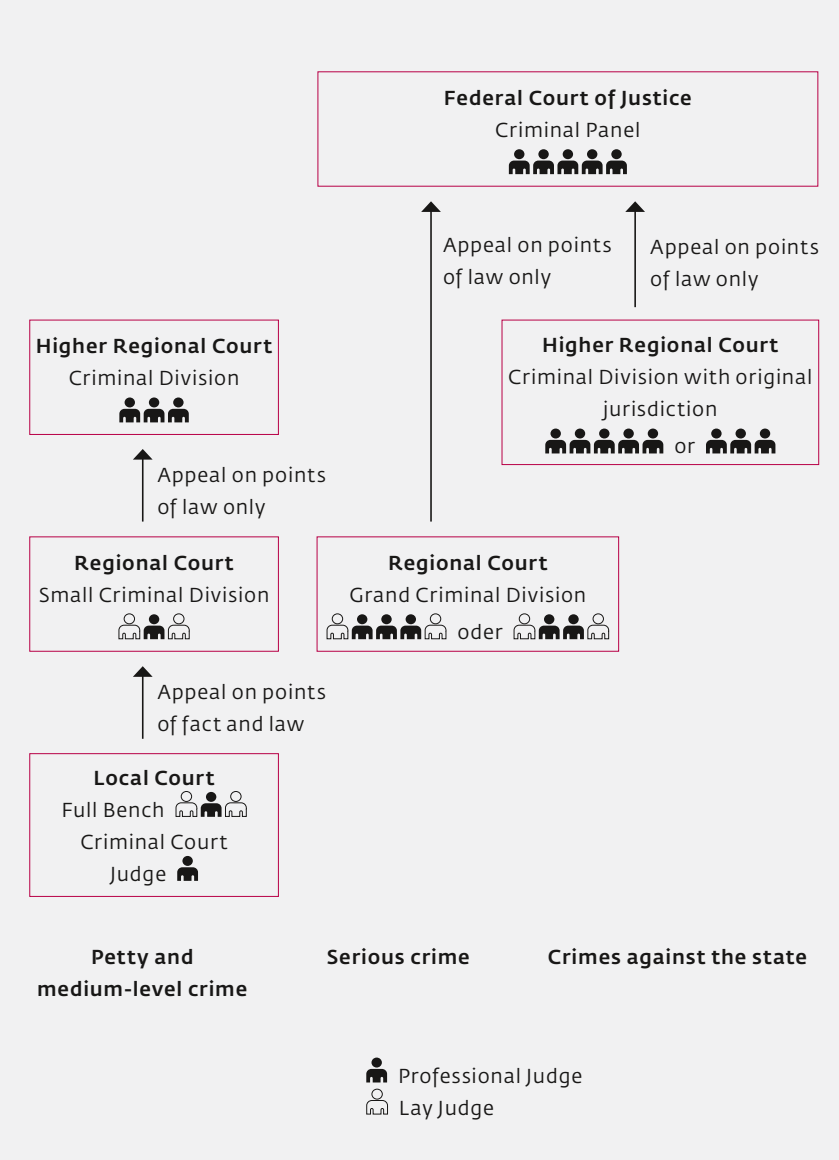
In **criminal cases** the allocation of jurisdiction is based primarily on regional criteria. Each of the five panels is assigned appeals from specific higher regional court circuits. Irrespective of this, the following matters are allocated to certain panels as special fields:

— **First Criminal Panel:**	tax and customs offences, military criminal cases, national defence transgressions
— **Third Criminal Panel:**	crimes against the state
— **Fourth Criminal Panel:**	road traffic cases

The current Schedule of Jurisdiction of the Federal Court of Justice, which determines not only the specific jurisdiction of the individual panels but also the assignment of judges to the panels, is published, for example, on the website of the Federal Court of Justice (www.bundesgerichtshof.de).



Stages of appeal in civil proceedings and matters of family law



Stages of appeal in criminal proceedings

Proceedings at the Federal Court of Justice

The Federal Court of Justice is a court of appeal for both civil and criminal cases. In this capacity, it reviews the judgments referred to it by the lower courts exclusively for errors of law. The facts established in these rulings are binding on it, provided that they themselves are not based on an erroneous application of the law. However, even in a case such as this, the Federal Court of Justice does not undertake fact-finding of its own, nor does it take evidence, but refers the matter back to the lower court for further clarification, taking account of its interpretation of the law. The only exception are the patent revocation proceedings in which the Federal Court of Justice functions as the appellate court. In addition to appeal proceedings there are – depending on the field of law – other types of proceedings that either precede the appeal proceedings (for example proceedings for the appeal against refusal of leave to appeal) or serve to ensure uniform application of law in areas in which an appeal to the Federal Court of Justice is not possible. The following section describes the various types of proceedings in the individual fields of law.

Proceedings in Civil Cases

In civil cases, the remedy of **appeal on points of law** is, as a general rule, only available against final judgments passed by regional and higher regional courts acting as appellate courts. By way of exception, a so-called "leapfrog appeal" may be lodged under strict conditions against a final judgment given by a local or regional court of first instance. Appeal proceedings will only take place if the lower appellate court has granted leave to appeal or – following an appeal against refusal of leave to appeal – if admitted by the Federal Court of Justice. The appeal may only, and indeed must, be admitted if the case is of fundamental legal importance, or if the development of

the law or ensuring uniform application of law calls for a ruling of the court of appeal (Section 543 (2) of the Code of Civil Procedure).

If the panel – or to be more precise, the responsible five-member panel of judges – holds that an appeal is inadmissible, it will be dismissed by way of a court order following non-public deliberation. In the other cases, a judgment on the appeal will normally be handed down following an oral hearing before the panel. The ruling is normally prepared by means of a written vote in the form of a draft judgment drawn up by a panel member – the so-called "rapporteur".

An **appeal against refusal of leave to appeal** by the appellate court is admissible if the value of the party's complaint to be asserted by the appeal exceeds 20,000 euros. Appeals against refusal of leave to appeal, which in terms of numbers make up by far the largest proportion of cases to be decided by the civil panels of the Federal Court of Justice, are ruled on by way of a court order following non-public deliberation. In this case, too, it is generally a written vote that forms the basis of the ruling.

In addition to appeals on points of law and appeals against refusal of leave to appeal, the jurisdiction of the Federal Court of Justice includes **appeals** that can be used for reviewing the application of law and may be raised particularly in family cases as well as in the case of collateral decisions and collateral proceedings (e.g. on executions against property, insolvency cases and disputes about costs). Rulings on these appeals are generally also made by way of an order without an oral hearing.

All rulings are based on an *in camera* deliberation and a simple majority vote. The votes of all five members of the panel of judges – including the presiding judge's vote – carry the same weight. In all civil cases brought before the Federal Court of Justice, the parties must be represented by a lawyer licensed exclusively in the Federal Court of Justice.

Proceedings in Criminal Cases

In criminal cases the Federal Court of Justice rules on **appeals on points of law** against first-instance judgments of the regional and

higher regional courts. These cases mainly involve serious crime such as capital offences tried before the Grand Criminal Division of a regional court. These include, in particular, any other criminal offences of a certain degree of severity for which the public prosecutor's office has brought charges before the regional court because it expected a sentence of more than four years' imprisonment, confinement to a psychiatric hospital or preventive detention. Furthermore, the jurisdiction of the Federal Court of Justice includes all crimes against the state for which, at first instance, charges were brought before the State Security Division of a regional court or, as in proceedings against terrorist organisations, before the criminal panel of a higher regional court.

Unlike in civil cases, an appeal on points of law to the Federal Court of Justice is not subject to admission in criminal matters and is thus available in all cases. This is based on the fact that there are only two instances, which means that an appeal on points of fact and law does not take place and, therefore, the appeal on points of law particularly serves to establish justness in individual cases. With an appeal on points of law, both the defendant and the public prosecutor's office can claim violation of a provision of substantive criminal or procedural law.

If the responsible criminal panel of the Federal Court of Justice – or to be more precise, the five-member panel of judges – holds that an appeal is inadmissible, it may decide the case by way of a court order without a main hearing. The same applies if, in accordance with the Federal Prosecutor General's request, it holds that the appeal is manifestly unfounded, or if it considers an appeal lodged for the benefit of the defendant to be well-founded. In the last two constellations, the ruling must be unanimous. In the remaining cases (approximately 5 percent of appeals on points of law), a judgment will be handed down following the main hearing. The decision is generally subject to a simple majority.

Since in cases of petty and medium-level crime, in which the local court is responsible as the court of first instance, the levels of appeal end at the higher regional courts as the court of appeal – but only after appeal proceedings before the regional court – the Federal Court of Justice also rules in so-called **referral procedures**. In

this way, uniform application of law is to be ensured for these cases as well. If a higher regional court wishes to deviate on a question of law from another higher regional court or the Federal Court of Justice, it must submit this question to the Federal Court of Justice for a ruling. In this case, however, the panel does not, as in appeal proceedings, rule on the entire dispute but only answers the legal question submitted to it.

Proceedings before the Grand Panels

In order to avoid contradictory rulings on a question of law being made by the panels of the Federal Court of Justice, there is a Grand Civil Panel and a Grand Criminal Panel. Together, they form the United Grand Panels. If a panel wishes to deviate from the ruling of another panel, it will first enquire whether this panel is adhering to its interpretation of the law. If this is the case, it will submit the question of law to the Grand Panel for a decision. Submission to the United Grand Panels occurs when a civil and a criminal panel disagree on a question of law. The Grand Civil Panel is made up of the President of the Federal Court of Justice and a member from each of the civil panels. The Grand Criminal Panel is made up of the President and two members from each of the criminal panels. The United Grand Panels consist of the President and the other members of the two Grand Panels.

Proceedings before the Special Panels

The ways in which proceedings are conducted in the special panels of the Federal Court of Justice are based on the respective statutory jurisdictions. The special panels for agriculturalists, lawyers, notaries public, patent agents, auditors, tax consultants and tax agents include, in addition to the judges of the Federal Court of Justice, honorary non-judicial members from the aforementioned professions. Members of the Federal Disciplinary Tribunal also include – as non-permanent members – judges of the other supreme Federal Courts and of the Federal Audit Office.

Preliminary Investigations

The jurisdiction of the Federal Court of Justice also includes rulings in preliminary investigations conducted by the Federal Prosecutor General. This involves, in particular, cases relating to the formation of terrorist groups, treason and other so-called crimes against the state. Six judges acting as investigating judges of the Federal Court of Justice – each making their judicial decisions independently – give rulings on the ordering of pretrial detention and other investigative measures reserved for the judge. This is a function they exercise in addition to their activities on the panels. The jurisdiction of the investigating judge of the Federal Court of Justice ends once a charge has been brought before the higher regional court responsible at first instance.

Publication of the Rulings of the Federal Court of Justice

Rulings of the Federal Court of Justice for which grounds have been provided, in particular appeal judgments in civil and criminal cases, are usually published in law journals. Significant rulings are also added to the Court's so-called "official collections" – "Rulings of the Federal Court of Justice in Civil Cases" and "Rulings of the Federal Court of Justice in Criminal Cases". Furthermore, all rulings of the Federal Court of Justice that contain grounds are published via the electronic legal information system "juris". Rulings made by the Federal Court of Justice since 1 January 2000 can also be accessed by the public via its website. All publications are depersonalised. The **Documentation Office**, established especially for the Federal Court of Justice, plays a central role in publishing the Court's rulings.

The public is informed of particularly significant rulings of the Federal Court of Justice by written press statements immediately after they have been promulgated. Attention is also drawn to particularly important appeal proceedings by press releases even before the oral hearings have taken place. This is the responsibility of the **Press Office**, in which two judges of the Federal Court of Justice, one from the field of criminal law and one from civil law, act as press officers. The press statements of the Federal Court of Justice are also published on its website.

At the beginning of each year, the President of the Federal Court of Justice holds an informative briefing with representatives of the press, in which she presents the annual report for the past year and gives an overview of the Court's most important cases.

Other Areas of Responsibility within the Federal Court of Justice

In addition to the judges, approximately 300 further staff who are essential to the functioning of the Court are employed at the Federal Court of Justice.

The Registries and the Administration

The Registry of the Federal Court of Justice comprises of mid-level service staff and is divided into so-called panel registries, according to the number of panels. The registry is tasked with administering case files, keeping the minutes of proceedings and handling correspondence with the parties involved.

The clerks to the Federal Court of Justice are responsible for determining the cost of proceedings and other supplementary decisions.

All organisational matters concerning the Court, such as personel and budget matters or information technology, come under the remit of the Federal Court of Justice's administration. This also includes the Court's security guards.

The Library

The Federal Court of Justice has the largest court library in Germany, holding a total of approximately 450,000 volumes. The library contains almost every publication on German law released between 1800 and 1970. Since the early 1970s, acquisition has focused on civil and criminal law literature in keeping with the jurisdiction of the Federal Court of Justice. The stock of media can be accessed on the Internet via the online catalogue. The library does not only list books and journals in this online catalogue, but also online resources and selected essays published in journals and compilations. It also collects legislative materials covering the areas of civil

and criminal law. The classification and accessing of media published since 2000 is based on the "Regensburg Library Classification Scheme" (*Regensburger Verbundklassifikation*), a classification standard which is maintained through cooperation and which facilitates very precise research. The Federal Court of Justice's library, in which over 30 persons are employed, is also open to persons not associated with the Court.

The Judicial Assistants

Finally, approximately 50 "judicial assistants" are employed at the Federal Court of Justice. These judicial assistants are qualified judges drawn from the courts of the 16 constituent states and from the Federal Patent Court who, as a general rule, have been seconded to the Federal Court of Justice for a period of three years. The judicial assistants are each assigned to a civil or criminal panel, supporting it in the preparation of decisions. This usually takes the form of preparing statements of legal opinion or detailed proposals for decisions.

The Federal Prosecutor General and the Bar at the Federal Court of Justice

There is a close relationship between the **Federal Prosecutor General**, who is also based in Karlsruhe, and the Federal Court of Justice. A total of approximately 200 staff are employed at his office, including some 90 federal prosecutors, senior public prosecutors and public prosecutors at the Federal Court of Justice as well as public prosecutors from the constituent states who have been seconded to the Federal Prosecutor General. In criminal appeals on points of law heard before and decided by the Federal Court of Justice, the Federal Prosecutor General performs the functions of the public prosecutor. He is also responsible for investigations in cases of crimes against the state and for the prosecution of terrorist groups. Furthermore, he routinely acts as the representative of the Federal Republic in administrative and legal proceedings concerning the Federal Court of Justice or other federal institutions.

Another important institution is the **Bar at the Federal Court of Justice**. Its task consists of representing the parties involved in civil proceedings before the Federal Court of Justice. Unlike criminal proceedings, where any lawyer licensed in Germany and any lecturer in law at a German university who is qualified to hold judicial office may act as a defence counsel for the defendant or as a representative of the joint plaintiff in cases heard by the Federal Court of Justice, in civil proceedings, only the lawyers licensed in the Federal Court of Justice (currently 43 lawyers) are entitled to submit pleas. These lawyers are prohibited from working in other courts. This restriction and the rule regarding specialisation are designed to ensure that civil appeals on points of law, appeals against refusal of leave to appeal and complaints on points of law are professionally handled in the interest of the parties.

Since November 2001, it has been possible for lawyers licensed in the Federal Court of Justice to forward written submissions in civil cases in electronic format. Since July 2010, for this purpose, they have to use the electronic mailbox for courts and administration (EGVP). Further information you will find on our homepage www.bundesgerichtshof.de.

The History of the Federal Court of Justice

When the Second World War ended in 1945, Germany no longer had a supreme court. In the different occupation zones, supreme courts established on a temporary basis by the Allies took the place of the Supreme Court of the Empire (*Reichsgericht*), which had acted in this capacity (especially in the field of ordinary jurisdiction) since 1879, spanning the era of the German Empire and the Weimar Republic. It was only after the Federal Republic of Germany had been established and its constitution, the *Grundgesetz*, had entered into force in 1949 that the Federal Court of Justice was instituted on 1 October 1950.

During the time when Germany was divided into West and East, the Federal Court of Justice's jurisdiction only covered the territory of the original Federal Republic of Germany, i.e. the West German states. With Germany's reunification on 3 October 1990, the Federal Court of Justice became the supreme civil and criminal court for all of Germany. The "detached" 5th Criminal Panel, which had initially been based in Berlin since 1952, moved to Leipzig in July 1997.

Early in time – towards the end of the Middle Ages – efforts were made in German territories to establish a common supreme court. Due to the significant political fragmentation in Germany, however, several centuries passed before this project could be successfully implemented. It is true that, in 1495, the Diet of Worms established the **Imperial Chamber** (*Reichskammergericht*), which, as a court of the Holy Roman Empire of the German Nation independent of the monarch, was not based at the Emperor's court, but in one of the free imperial cities – first in Frankfurt, then, after several temporary seats, in Speyer and later in Wetzlar. However, it soon faced competition from the Aulic Council (*Reichshofrat*) in Vienna, which

was formed by the Emperor in 1497 as a counterweight to the Imperial Chamber. There was a clear distribution of responsibilities: The competent appellate court was the court that dealt with the case first. The Imperial Chamber, which often remained inactive for years, also struggled with scarce funds and the lengthy duration of proceedings. The end of the Holy Roman Empire of the German Nation in 1806 also marked the end of the Imperial Chamber.

It was only after the North German Confederation had come into existence under Prussian leadership that the **Higher Commercial Court of the Confederation** (*Bundesoberhandelsgericht*) was established in Leipzig in 1870 as a common supreme court to ensure legal uniformity in commercial law. With the foundation of the German Empire in 1871, the jurisdiction of the **Higher Commercial Court of the Empire** (*Reichsoberhandelsgericht*), as it was now known, was extended to Southern Germany.

The reforms introduced to ensure uniform application of the law were crowned by the opening of the **Supreme Court of the Empire** (*Reichsgericht*) in Leipzig on 1 October 1879, along with the entry into force of the *Reichsjustizgesetze*, general laws on the constitution of courts, civil procedure, criminal procedure and bankruptcy. It subsequently became the supreme judicial body in all fields of law and served the uniform interpretation and the development of the law. It was not until 1918 that the Reich Fiscal Court (*Reichsfinanzhof*) was established as a further supreme court, followed by the Reich Administrative Court (*Reichsverwaltungsgericht*) in 1941. The *Reichsgericht* was not completely innocent of any involvement in the darkest chapter of German history, the unjust Nazi regime. As in other German courts, politically motivated death sentences were issued by the *Reichsgericht* and other acts of injustice committed. After the collapse of the Nazi regime in 1945, the *Reichsgericht* was dissolved by the Allies.

The Buildings and Artworks of the Federal Court of Justice

The Buildings in Karlsruhe

The Federal Court of Justice is housed in five buildings on almost four hectares of park-like premises in the centre of Karlsruhe. The main building is the **Hereditary Grand Duke's Palace** (*Erbgroßherzogliches Palais*), to which a former kitchen building is linked by a passageway. The palace stands on the site of a former garden palace built in classical style by Friedrich Weinbrenner in 1817. Then the home of the dowager Grand Duchess Sophie, it was later used for a time as the residence of Grand Duke Frederick I of Baden until he assumed regency in 1852. After the demolition of the garden palace, which included the palace gardener's house still used by the Federal Court of Justice today and known as the **Weinbrenner Building**, Josef Durm built a new palace with an imperial domed skylight and in neo-baroque style in the period 1891 to 1897. The rococo interior was designed by Friedrich Ratzel. It was not until 1903 that the then Hereditary Grand Duke Frederick and his wife, Princess Hilda of Nassau, moved in with their ducal household. After his father's death in 1907, Grand Duke Frederick II continued to hold court at this palace.

After the First World War and the Grand Duke's subsequent flight in the wake of the November Revolution of 1918, the building which, apart from the furniture, had reverted to state ownership was used for various administrative purposes, including the Reich Labour Service (*Reichsarbeitsdienst*) during the Nazi regime. In the Second World War, the dome was destroyed and the mansard floor gutted by fire. After its reconstruction, the palace was allocated for use to the Federal Court of Justice and the Federal Prosecutor General's Office in 1950. In 1999 and 2000, the Palace underwent extensive renovation. Ten years later, in 2010 and 2011, steps were

taken to improve the upper floor's energy efficiency, restoring it to its historical appearance as part of these measures. The main building now accommodates the President's offices, the administration, and offices and courtrooms for several civil panels.

From 1958 to 1960, in response to the increasing staff numbers as a consequence of the additional panels that were established, architect Erich Schelling constructed the **West Building** along Herrenstraße. The building is supported by high concrete columns and at that time contained 118 offices, two small courtrooms, a cafeteria and an extension known as the **Saalbau** (Hall), which is linked to the West Building by a glassed-in bridge. It housed the large windowless secure courtroom used by the criminal panels. In 2003 and 2004, major modifications were made to the West Building, which involved removal of the courtrooms to increase the size of the offices. Since 2012, cases are no longer heard in the Saalbau.

To meet the growing demand for space, which had already made it necessary to set up several branch offices and to provide adequate premises for the library that until then occupied a makeshift home in the former kitchen building and the Palace basement, work commenced on new extensions to the Federal Court of Justice in the late 1990s. This meant demolishing the building on the northern side of the premises that had been constructed in the early 1950s to accommodate the Federal Prosecutor General's Office. It was decided that the Federal Court of Justice and the Federal Prosecutor General's Office should be housed on separate premises. Hence, the Federal Prosecutor General's Office has been based in a newly constructed building at Brauerstraße 30 in Karlsruhe since 1 October 1998.

The building known as the **Extension Building** was officially inaugurated in October 2003. Designed by Brunswick-based architects Dohle and Lohse, its construction started in Spring 2000, and it is today most commonly referred to as the **North Building**, due to its location on the northern side of the premises. This U-shaped monolithic structure with a façade of light-coloured Roman travertine provides space for six civil panels, two courtrooms, and the press and documentation offices. The library is accommodated in the largest part of the building. Its area totals approximately 4,700 square metres, extending over four floors. The ground floor

of the North Building's library section houses a large meeting room and provides an exhibition space for the **Museum of Legal History** (*Rechtshistorisches Museum*) operated by the association bearing the same name.

After a construction period of only 18 months, the Federal Court of Justice's new **Reception Building**, which was designed by architects Harter and Kanzler, officially opened in April 2012, thus replacing the former guard house. The security checkpoint located on the ground floor is equipped with state-of-the-art security devices. On the upper floor of the cube, whose façade is of stone, wide glass surfaces afford a view of the entire Federal Court of Justice complex. The new large courtroom used by the criminal panels is also located there.

At the centre of the site, between the Hereditary Grand Duke's Palace and the North Building, there is the **Boulingrin**, a park-like recessed lawn area with a sculpture of Beautiful Galatea, a nymph of the sea. This garden, which up until 2012 was also used as a helicopter landing pad when defendants were brought before the investigating judges, was restored according to original plans in 2013.

Finally, the Federal Court of Justice in Karlsruhe has a branch office, **Villa Reiss** on Gartenstraße, which is located approximately one kilometre from the main premises. Before the inauguration of the North Building, two civil senates were accommodated there. Today, the rooms are used as offices for some of the judicial assistants.

The Building in Leipzig

Since July 1997, the 5th Criminal Panel, together with the Federal Prosecutor General's branch office assigned to it, has been housed at **Villa Sack** in Leipzig, on premises measuring approximately 6,000 square metres. This villa was built in conservative neo-baroque style by the Leipzig architects Schmidt and Johlige in 1909 and for more than 20 years was the prestigious family seat of agricultural machinery manufacturer Gustav Rudolph Friedrich Sack. From late 1933, the building was used by the students' union of Leipzig University as a "fraternity house" and from 1939/40 by two detachments

of the Leipzig Gestapo secret police. The roof was destroyed in an air raid during the Second World War and replaced by a makeshift roof made of roofing felt. From 1950, Villa Sack served as a recreational facility named "Klubhaus der Freundschaft" for the workers of the East German state-owned heavy engineering company "VEB Schwermaschinenbau S. M. Kirow" and as a meeting place for the Socialist Unity Party (SED). In the course of the conversion and renovation work carried out from 1995 to 1997, the villa's original roof was reconstructed, the staircase redesigned, the veranda turned into a conference room and many of the original interior elements of the villa such as the wooden and stucco ceilings, the marble panelling in the conservatory and the three small wall fountains with extraordinary mosaics restored.

Art at the Federal Court of Justice

Art, as the medium that "expresses the unspeakable" (Goethe), also has its place at the Federal Court of Justice. On the ground floor of the Hereditary Grand Duke's Palace, a 2.4 metre high triangular gilt brass stele stands as a memorial to the victims of Nazi justice. The stele bears two inscriptions: "*Gerechtigkeit erhöht ein Volk*" (Righteousness exalteth a nation – Proverbs 14:34) and "*Im Gedenken an die Frauen und Männer, denen im Namen des deutschen Volkes Unrecht geschah 1933 – 1945*" (In memory of the men and women who suffered injustice in the name of the German people 1933 – 1945). It was created by Otl Aicher, a brother-in-law of Hans and Sophie Scholl, the siblings who were executed in 1943 after being sentenced to death by the People's Court of Justice (*Volksgerichtshof*) for their acts of resistance against the Nazi regime.

In the courtyard of the North Building, there is a sculpture by Rudolf Herz. The slag-blasted stainless steel letters, approximately 40 centimetres high, are arranged in a circle and make up the words "Lex Injusta Non Est". However, the fact that the letters have been arranged in a circle means that the sentence can also be read as "Lex Injusta Non Est Lex". These two ways in which the sculpture can be read also evoke different thoughts. The first sentence conveys the message that there is no unjust law and thus asserts that every

law should be considered inherently just. By contrast, the second sentence states that "an unjust law is no law at all", thus elevating justice to a fundamental characteristic of a law. Where there is no justice, no law can require that it be observed and respected.

Between the two courtrooms in the North Building, the visitor is confronted with a showcase created by Georg Herold. Water containers are placed on the slanting shelves and look as if they are in danger of slipping off these lopsided surfaces. The title of the artwork "*Alles in Ordnung*" (Everything in Good Order) is intended to symbolise the balancing role of jurisdiction.

When the visitor enters the larger courtroom in the North Building, he faces the eagle created by Markus Lüpertz, which is more than one metre in height and enthroned in a niche on the rear wall specifically designed for it. Although its bronze body is covered with black and white paint, it is clearly apparent that this is no lightweight object. As writer Herbert Rosendorfer noted, "a few plucked feathers do not take away from its appearance."

The former criminal courtroom in the *Saalbau* has a wall-mounted relief created by artist Ernst W. Kunz. Made of Norwegian Rembrandt quartzite, its 18-hundredweight centrepiece is the largest stone slab ever to be used in Europe as a wall decoration. It seems that the little "cloud gazer" by Karlheinz Goedtke, who is somewhat concealed beside the West Building as he looks at the sky from his pedestal, wishes to counter this heavy weight with the "lightness of being".

Imprint

Publisher
The President of the Federal Court of Justice
Herrenstraße 45 a, 76133 Karlsruhe

Telephone +49 (0) 721 159-0
Telefax +49 (0) 721 159-1609
E-Mail poststelle@bgh.bund.de
Internet www.bundesgerichtshof.de

Translation
Federal Office of Languages

Design
Renata Sas

Photo
Joe Miletzki (S. 1)

Cover (graphics)
Nathalie Reck