

# Study visit by Mr Bernd Odörfer, Judge at the Federal Court of Justice in Karlsruhe

05/12/2023



**From November 20 to 24 2023, Mr Bernd Odörfer, Judge at the Federal Court of Justice in Karlsruhe (Germany) made a study visit to the Cour de cassation.**

As part of the enhanced cooperation between the Cour de cassation and *its German counterpart, the Federal Court of Justice in Karlsruhe*, and as part of the Network of the Presidents of the Supreme Judicial Courts of the European Union, Judge Bernd Odörfer was welcomed for a one-week visit during which he was able to exchange views with various judges from the Cour de cassation and the Paris Court of Appeal in order to improve his understanding of these institutions, their working methods and how they operate.

Denis Jardel, Honorary Elder judge of the Third Civil Chamber, presented the organisation and institutional workings of the Cour de cassation, providing Mr Odörfer with the information he needed to fully understand the hearings he would be attending during the week.

The President of the Ordre des avocats au Conseil d'Etat et à la Cour de cassation, Mr Molinié, then received Mr Odörfer. Together they discussed the role played by lawyers in cassation proceedings and the advantages of the specialised bar system, in the presence of Mr Thomas Lyon-Caen. The Federal Court of Justice in Germany also has its own specialised bar, so a comparative analysis was possible.

Over the course of his career, Mr Odörfer has specialised in arbitration. He was received for two days by Ms Fabienne Schaller and Mr Daniel Barlow, Presidents of the International Chamber of Commerce of the Paris Court of Appeal, to attend hearings on cases related to his speciality, giving him an insight into the framework of alternative dispute resolution in the French legal system.

President Vigneau and Ms. Hélène Guillou of the Commercial, Economic and Financial Division received Mr Odörfer before the hearings he was able to attend, to explain the legal issues raised at the hearing and to discuss together the methods and case law of the two courts.

Mr Odörfer also met Ms. Stéphanie Kass Danno, Judge referee at the First Civil Chamber and former liaison magistrate in Germany, who spoke to him about the work and role of the Judge referee and working methods at the Court. Her perfect knowledge of the German judicial system made for rich exchanges and highly relevant comparisons.

Mr Matthieu Allain, Judge auditor, Head of the Digital Law and Data Protection Office in Documentation, Research and Report Service, was able to explain to Mr Odörfer the composition, operation and role of this department and present the Open Data project for court decisions, a major undertaking for the Court.

Mr Odörfer then met Mr Renaud Salomon, Advocate General at the First Civil Chamber, who spoke to him about the operation and organisation of the General Prosecutor's Office, as well as the methodology for drafting opinions.

Finally, Mr Odörfer was able to attend a hearing of the plenary session, and thus discover the differences between this court formation and its German counterpart, which does not give a final decision on the merits, but answers the abstract legal question before referring the parties to one of the chambers for a ruling on the dispute.

These exchanges of magistrates promote dialogue between judges through better knowledge of the different judicial systems and contribute to the strong links between the two courts. This visit marked a new stage in the strengthened cooperation with the Karlsruhe Court, as called for in the First President Soulard's international strategy and initiated by the visit of President Bettina Limperg to Paris in September 2023.