Finnish Reforms of Procedural Law: A Success Story?

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[Abstract] The Finnish law on court proceedings was totally reformed in the 1990s. The antiquated quasi-oral unstructured proceedings dating from 1734 were transformed into a modern trial model. Civil procedures at first instance were reformed first, with the slogan of orality, concentration and immediacy of trial. These three principles refer to the main hearing of the trial, which thus structures the whole process. The reform has in many ways been a success from which other countries may take lessons. However, reasonable time and costs still remain a challenge. The article reviews the Finnish reform process of civil procedureat first instance.

1. Introduction: Reforms of the 1990s

The Finnish Code of Procedure dates from 1734, the year of great Swedish codifications. ① After the reforms of the 1990s, hardly a paragraph retains its original wording. The reforms of the 1990s had been in preparation for a long time. The first report to recommend a reform was presented by Professor R. A. Wrede in 1905 and that proposal already included many of the principles that were finally implemented in 1993. The reform process was delayed by the course of history in the 20th century. Court reform has generally not been a subject of political controversy but the 1970s saw a heated discussion on the position and recruitment of

① *The Code of Procedure*, like many other major Finnish Acts, is available in English at www. finlex. fi. Code of Procedure, http://www. finlex. fi/en/laki/kaannokset/1734/en17340004. pdf.

judges. The reforms of the 1990s saw the light in a calm political climate.

Of course, during the two and a half centuries that the 1734 Code remained in its original form, some partial reforms had been necessary. Most remarkably, the rules of evidence were reformed in 1948, ① legal aid was introduced from the 1950s onwards, extraordinary review was reformed in 1960 and access to and procedures in the Supreme Court were reformed in 1978.

In the 1990s, the first reform package, consisting of four Bills, entered into force on Dec 1st, 1993. Firsty, the organization of the district courts was reformed. The Parliament had already in 1987 confirmed the reform that abolished the historical difference between city courts and rural courts at first instance. Secondly, civil procedure in the first instance courts was completely reformed in 1991. ② Thirdly and fourthly, an additional reform Act on legal expenses (Chapter 21 of the *Code of Procedure*) and the reform of injunctions (Chapter 7 of the Code) entered into force. All these reforms entered into force on Dec 1st, 1993. With this reform, the civil procedure at first instance, which is the theme of this article, took on a new shape.

The reforms continued. The Finnish procedural system is divided into three distinctive procedural systems: civil procedure, criminal procedure and administrative (court) procedure. Both civil and criminal trials are processed in so called general courts: the district courts, the appeal courts and the Supreme Court. All cases are filed in the district courts (at first instance) and an appeal goes first to an appeal court. Administrative decisions can be appealed to the administrative courts, whose decisions in turn can be appealed to the Supreme Administrative Court. Under austerity constraints, the court system has been under intensive discussion at the beginning of the 21st century. In 2010, several district courts were merged and the original total of district courts reduced from over 50 to 27. Two appeal courts were merged in 2014 and there are now five of them. The structure of the court system has remained the same, however. The Finnish court system is illustrated in Figure 1.

① Ervo 1997 pp. 295 - 299, Pihlajamäki, 1997.

② Several new chapters were added to *the Code of Procedure*, e. g. Chapter 5 on summons and preparation for trial; Chapter 6 on the main hearing; Chapter 7 on injunctions; Chapter 9 on pleadings; Chapter 18 on joinder.

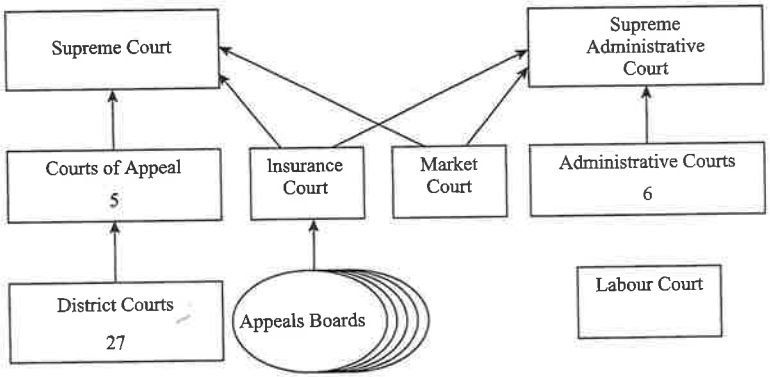

Figure 1 The Finnish Court System

Even if civil and criminal matters are processed in the same courts, the procedures are distinctly different. In a criminal trial, the claim always concerns a criminal sanction due to an offence prescribed by *the Penal Code* or some other law as a criminal offence. Civil matters are not defined, but they are all matters of a private law nature, such as commercial and consumer disputes, damages and torts, labour law cases, real estate and family matters. ①

While the focus of this article is on civil procedure, none the less it should be noted that civil claims based on or closely connected to a criminal offence can be processed in a criminal trial. Thus, a victim can claim compensation for damage caused by a criminal act at the same trial in which the prosecutor brings charges for an offence (principle of adhesion). In 1997, the criminal procedure was reformed and a separate *Criminal Procedure Act* (689/1998) was enacted. This reform followed the same principles of orality, concentration and immediacy as the civil procedure reform. However, as a criminal trial is preceded by investigation of the case, the structural changes were not as clear as in the civil procedure reform.

The third reform package was reform of the procedure in the appeal courts in 1998. ② The essence of the reform was to introduce oral hearings in the appeal courts, in which the procedure had been based on documents. Because of a lack of oral hearings in the appeal courts Finland had made a reservation to the ECHR

① Generally, Ervo 2009; Jokela 2002; Niemi-Kiesiläinen 2008; Niemi 2010.

② Reform of *the Code of Procedure*, Chapters 25 and 26, Law 615/1998.

but the reservation was removed after the reform. The reform has not been easy to implement① and appeal court reform has been amended several times since.

2. Reform of civil procedure at first instance

Aims of the reform

Not surprisingly, the aim of the reform was to improve legal certainty② More specifically, the aim was to improve the possibilities of courts to handle cases in a thorough manner and to write a well-reasoned judgment. ③ In addition, the reform aimed at decreasing trial costs in terms of both time (in the shape of delays) and money, and thus to improve efficiency. We can already note that the last mentioned goal has not been achieved. The main ideas of the reform were often summarized in the slogan "orality, immediacy and concentration". Actually these three principles only apply to the main hearing of the trial but they also guide the whole structure of the trial, because the purpose of the preparatory stages is to guarantee that the main hearing can be held according to these principles.

Trial structure

When we say that the pre-reform procedure (until 1993) was outdated and did not generally respect modern principles of fair trial, we mostly think about the uncoordinated structure of the proceedings. Trials at first instance were "semi-oral", that is, they consisted of a sequence of unstructured hearings. The intervals between hearings were usually one or two months. Many trials, however, needed only one hearing, because a number of simple cases were processed in the same way. In more complex cases, hearing witnesses could be spread out over a sequence of several hearings. Even if most trials were handled in one or two hearings, a complex case could be processed in over a year in the district court, which could mean up to ten hearings. At each hearing either the parties were heard, sometimes just so that the advocate of a party handed in a written pleading

① About the concerns and the discussion, see Niemi-Kiesiläinen 2007; Nylund 2006.

② Government Proposal for the reform of civil procedure in district courts (HE 15/1990 p. 5). About the reform, see Ervo 1995.

③ Law Committee of the Parliament (LaVM 16/1990).

document, or one or two witnesses were heard. Since trials could take a long time, it was possible that the same judge did not preside over the whole trial. Sometimes the judge who wrote and gave the judgment had not in person heard all or indeed any of the witnesses. Therefore, what was said during the hearings was recorded and transcribed. The transcriptions often formed the basis of the judgment in the district court and proceedings in the appeal court.

In the 1993 reform, the structure of the trial was changed. A clear distinction was drawn between the preparatory stage and the main hearing. To allocate resources optimally, simple cases should be decided during the preparatory stage. The main hearing should be organized according to the principles of orality, immediacy and concentration, the slogan of the reform.

To achieve these aims and to realize these principles, two major structural reforms were made. Firsty, the procedure should be flexible and it should be suited to the demands of the nature of the individual case. Secondly, the process would be the structured in two phases, the preparatory phase and the main hearing. The main hearing would be uninterrupted (concentration) and oral and the judge (s) could not change during the trial (immediacy).

In the preparation for the 1993 reform, a funnel metaphor was frequently used to illustrate the flow of cases through the civil procedure. All cases would enter the procedure in the same way (by an application for summons), simple cases would be decided on documents, a number of cases would be decided after a preparatory hearing and only the most demanding cases would proceed to the main hearing. Thus, the flow of cases became narrower with each step in the procedure and an illustration of the procedure looked like a funnel. The funnel metaphor is illustrated in Figure 2:

Several civil procedural institutions were changed in order to facilitate these aims and principles.

Flexible process forms were developed. A separate process for the collection of undisputed monetary claims (*maksamismääräys* = payment order) was abolished. These kinds of collection claims are now decided under civil procedure on the basis of a summary action. Decisions are usually made on the basis of documents during the preparatory stage of the trial.① On the basis of the application for summons,

① Ervo 2001, pp. 121 – 129.

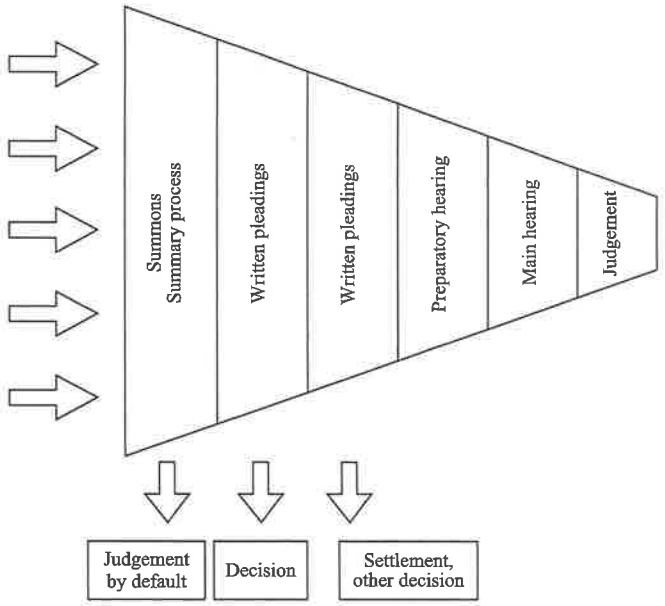

Figure 2 The Funnel Metaphor

the court issues a summons, which is served on the defendant. If the defendant does not send a written reply to the court, the court entersjudgment by default. If the defendant admits the claim, judgment is given accordingly. The vast majority of cases in these summary proceedings are missed payment obligations, which the defendants do not dispute. Usually the claimants are represented by debt collection agencies, which today send applications to the district courts electronically.

Transfer of cases from these summary proceedings to ordinary civil proceedings, when the claim is disputed, is smooth. A separate procedure for family matters and *jurisdictio voluntaria*has remained①but the differences between application matters and ordinary proceedings have diminished. After amendments in 2002, disputed family matters are processed according to the normal rules of civil procedure. Some specific rules apply to trials over the custody of a child between the parents, but mostly the structure of the trial is the same as for other civil matters.

① Application as a form of action was first regulated in 1987 by the Law on application proceedings (306/1986). Regulation of applications was transferred to Chapter 8 ("Procedure in Application Matters") of *the Code of Procedure* in 2002 (768/2002).

Leading principles: Orality, immediacy and concentration

The main hearing should be organized according to the principles of immediacy, continuity and orality. According to the *principles of concentration and immediacy*, the material presented at the main hearing forms the basis of the judgment (*Code of Procedure* 24: 2). Thus, even though the claims and grounds are clarified and documentary evidence collected during the preparatory stage, they still have to be presented at the main hearing.

The judge (or a panel of three judges in complex cases) hears the claims and the evidence at the main hearing and the court bases its judgment on what it has received and heard at the main hearing. This principle means that the judges who decide the case have themselves heard all the evidence.

According to the principle of concentration, the main hearing must be held without a break. In relatively simple cases, the main hearing is held in one session. In complex cases, the hearing may extend to several working days but it must continue on at least three working days in any one week. There are very limited possibilities for extensions.

The principle of orality means that witnesses are heard at the main hearing and written witness affidavits are not allowed. ① After 2002, if neither witnesses nor the parties are heard, the main hearing can be replaced by exchange of documents.

The purpose of the preparatory stage is, besides deciding simple cases, to prepare for the main hearing so it can be carried out according to these principles (*Code of Procedure* 5: 17). While the aims of the reform of 1993 concerning the immediate, continuous and oral main hearing have been realized, the question sometimes arises whether distortion of these principles happened in the preparatory stage. ②

Preparation for main hearing and mediation

During the preparatory stage, the court has the duty to ensure that the case is

① Some exceptions to this rule exist and in 2015 the reform of evidence rules added flexibility to the system. Under pressing circumstance a witness can be heard during the preparatory stage (*Code of Procedure* 17: 65). Also the possibility to hear witnesses through a digital connection or, if the witness is not a key witness, by telephone have been gradually added to the system.

② The purpose of the amendments to the *Code of Procedure* in 2002 was to make trial preparation more flexible.

ready for the main hearing. The parties must inform the court and each other in the application for summons and in the defence brief about their claims, grounds for the claims and the evidence they intend to present. The judge may give the parties additional instructions and deadlines for presenting their claims, grounds, documentary evidence and informing the court and the opposite party about the names of the witnesses and the evidentiary themes. A party that fails to follow the instructions may lose the right to introduce this material at the trial (preclusion).

A new function for the preparatory stage was the role that the judge should play in promoting amicable settlement between the parties. There was no obstacle to the activity of the judge in promoting settlements before the 1990s reform. However, after a specific paragraph mentioning this function was added, judge quickly increased their activity in this regard. After the reform, several books and treatises have been published on the role of the judge in promoting an amicable settlement. Normally, the judge takes up the possibility of amicable settlement at the preparatory hearing. Often this happens after the parties have stated their claim and listed their evidence. The judge may summarize the situation and point out that the evidence has not been heard, which means that the judge cannot predict the final decision. Not uncommonly, the parties reach a settlement at this point if they want, the judge can confirm the settlement. The legal consequence of such confirmation is that the winning party can turn to the enforcement agency if the losing party does not comply with a confirmed settlement.

In addition, a specific procedure for court-led mediation is regulated in the *Act on mediation* in civil matters and confirmation settlements in general court (CivMedAct 394/2011). ① This court-led mediation was not particularly popular at first. In the early 2010s, an experimental project was started on mediation of child custody disputes between parents. After a trial period in some district courts

① This procedure was introduced in 2005 by the CivMedAct (663/2005), which was replaced by the 2011 Act. More about mediation see Ervasti 2014. Another mediation procedure is regulated by the Act on conciliation in criminal and certain civil cases (*Conciliation Act* 1015/2005). Besides criminal matters and compensation claims related to crime, the scope of the Act also covers civil claims in which at least one of the parties is a natural person and which are of a minor nature (1. 1. 2). According to this law, voluntary lay mediators help the parties to find an amicable solution to their disputes. In practice, this procedure is mostly used to mediate minor crime.

mediation of custody disputes has become a standard procedure according to changes to the CivMedAct in 2014 (316/2014).

The mediation procedure under the CivMedAct can be instigated either before a civil procedure has been started or during the preparatory stage and both parties must agree to mediation. The mediator in the CivMedAct procedure is a district court judge-but not the one in charge of the trial. An interesting difference from other court proceedings is that the parties may wish a named judge to become the mediator. That wish cannot always be fulfilled but even the possibility of expressing such a wish is exceptional. In child custody disputes, the judge is assisted by a psychological expert (the so called Follo-model).

Structured main hearing

The main hearing is divided into three stages: the opening statement, presentation of evidence and the closing argument.

At the beginning of the main hearing, the judge presents a summary of the preparation (*Code of Procedure* 6: 2.1; 768/2002). Then the parties comment upon their claims, grounds and contestation as presented in the summary. Then both parties have an opportunity to present their case (opening argument). The presentation includes presentation of relevant law and the alleged facts on which the claim is based.

At the beginning of the proof taking, the parties are heard about the facts without taking an oath, first the plaintiff and then the defendant. Then the witnesses are heard under oath: first the witnesses for the plaintiff are heard and then those for the defendant. It is also possible to hear witnesses for each evidentiary theme separately. The party who has called a witness conducts the hearing first and the other party then cross-examines. Leading questions are allowed in cross-examination.

At the end of the hearing, the parties present their closing arguments, first the plaintiff and then the defendant. After the closing arguments, the parties have an opportunity to comment on each other's closingspeeches.

The presentation of the case and the closing arguments are not documented, taped or recorded in stenography. The oral evidence is taped (*Code of Procedure* 22: 6) and the tape is then stored until final judgment in the case is reached and in any

case for at least a six-month period (*Code of Procedure* 22: 10).

Preclusion

As already explained, several structures, rules and principles of the procedural law were reformed to realize the aims of the reform. One essential institution that was modeled to promote a concentrated and immediate main hearing was procedural preclusion. ① Procedural preclusion means that a party that does not follow the rules of procedural law and the instructions of the judge about the deadlines for presenting their case loses the right to present those claims, elements or evidence at all. Thus, preclusion is quite a harsh sanction for procedural omissions.

Preclusion has different effects depending on what element of action is involved. The elements of an action are divided into claims, grounds and evidentiary facts. Claims must be substantiated by legal grounds. Legal grounds are the foundation of the claim and of immediate relevance for approval of the claim. In the terminology of the Code of Procedure, the legal grounds are referred to as "grounds" (*perusteet*) or "circumstances" (*seikat*). Evidentiary facts may be alleged to support the grounds, but their function is to support the legal facts. Thus, evidentiary facts have only indirect relevance for approval of the claim. ②

The main principle is that the court is bound by the claims and the legal grounds invoked by the parties (*Code of Procedure* 24: 3; KKO: 1989: 105). As a main rule the claims and the grounds have to be presented as early as the summons. In addition, each party must explicitly present the claims and the grounds itself. It is not sufficient that a ground is mentioned by the other party or implied in the trial materials.

The claims and legal grounds as presented in the summons cannot be changed during the trial (*Code of Procedure* 14: 1.1). While the law allows important

① For a comprehensive discussion, see Männistö 2012.

② This doctrine is based on the writings of the P. O. Ekelöf, the grand old man of procedural law in Uppsala, Sweden. The doctrine was introduced in Finland in 1986 in a seminal article by Juha Lappalainen, later professor of procedural law at the University of Helsinki. Professor Jyrki Virolainen of the University of Lapland has been central in establishing the doctrine in Finland. Now it is generally accepted by scholars and it has influenced the reforms to the Code of Procedure.

exceptions to this principle, all amendments have to be made during the preparatory stage of the trial. Only if a party was not able to invoke a new ground during the preparation may it invoke that new ground at the main hearing.

This burden does not cover the evidentiary facts, which the court may rely on irrespective of who presented them at the trial. Nor is the court bound by the legal characterization of the case by the parties. The principle of *jura novit curia* is understood in such a way that the court may in its decision use another legal provision than the parties as long as the relevant grounds and the claimed outcome remain within the limits of the actions of the parties.

These rules may sound clear or obscure but the case law shows that application can be rather difficult in practice. First, the legal characterization of a ground may be difficult to distinguish from the legal fact itself. For example, in the following case the legal characterization of the situation changed, but we can question whether the interpretation would be the same today:

> KKO: 1988: 37: The plaintiff had first invoked a breach of the by-laws of the association and later the equality of the members. This was not considered prohibited amendment of the grounds.

After the 1990s reforms the court might have held that the ground equal treatment—treatment according to the rules is different and thus not possible to change. In another case the same chain of events was first invoked as unjustified enrichment and later as a contractual guarantee obligation:

> KKO: 2006: 54 The matter was characterized as a new ground for the claim. A bank as the plaintiff had based its claim on unjustified enrichment. In the appeal court it had changed its position and also invoked commitments as personal guarantors. The Supreme Court held that this was a new ground and dismissed it.

As the chain of events (the legal facts) remained the same, it is possible to argue that the case is more about legal characterization than about legal grounds. In this somewhat complicated situation, the bank had explicitly not invoked the guarantor contracts in the district court, which influenced the outcome. In any case this case shows that the borderline between legal characterization and (factual) grounds is not always clear-cut.

As long as the claimed outcome remains the same, the plaintiff may invoke new grounds. The Supreme Court seems to have adopted this theory even before the legislative reforms:

> KKO: 1990: 83 The plaintiff had claimed a share of a tax return on the basis of a sale contract, according to which she was entitled to the return before the real estate had been sold. The plaintiff invoked as an additional ground her status as one of the heirs of the original owner. The additional ground was allowed.

The difficulty in distinguishing between legal facts, for which preclusion is relevant, and evidentiary facts, with no risk of preclusion, is illustrated in the next case:

> KKO: 2003: 4 Defendant Company C had fired employee E. In the district court E claimed compensation for overtime work. The defendant C rejected the claim that the original written employment contract had been modified by an oral contract which changed the rules for compensation for overtime work. The district court judgment was in favour of E. C appealed the verdict. In the appeal court C argued that the employment contract was modified by an implicit agreement because C and E had for a long time calculated pay in a way that was incongruent with the written contract. The Supreme Court held that the defendant C had not shown that she had a valid reason not to invoke the new ground in the district court and, thus, was not allowed to invoke that ground in the appeal court either.

Analyzing this case, we can identify two different factual events: an orally made explicit contract and a practice that formed the basis of an implicit informa agreement. The Supreme Court held that these factual events constituted two different legal facts (which would have led to the same result). Arguably, we

could formulate the legal fact as a mutual understanding that the written contract was modified. In this alternative formulation the form of modification of the contract would be an evidentiary fact that could be invoked without the risk of preclusion. This example shows that the concepts of legal fact and evidentiary fact are subject to interpretation and that the borderlines can be rather difficult.

The case law examples have already indicated that the doctrine of preclusion is also relevant in the appeal procedure. In general, new claims and grounds cannot be invoked in the higher instance courts. Two examples illustrate that the borderlines are not quite self-evident here either:

> In KKO: 2000: 41 the SC held that the claimant, the victim of a crime, could not make additional claims in the appeal court on the basis of new symptoms after the district court decision.

A rather liberal view of allowing a new ground for denial of a claim was taken in KKO: 2010: 9:

> In this case the plaintiff had requested that a contract condition of life-long occupancy in a sale of half of a piece of real estate should be cancelled as the intimate partnership had ended. The district court ruled for the plaintiff. The defendant claimed in the appeal court that the conditions of the sale of the real estate should be moderated as the outcome was unfair. The Supreme Court agreed with the defendant and submitted the case to the appeal court for reconsideration. Two justices, however, disagreed. They found that the new claim should already have been presented in the district court.

Judgment

Judgment is either declared after the main hearing or is given in chambers. As a rule, the law requires that judgment should be declared after the hearing. If the matter was complicated, judgment can be given in chambers fourteen days after the hearing and, for special reasons, even later. This possibility is probably used more often than intended.

A judgment of the district court can be appealed (*Code of Procedure* Chapters 25 and 26). Notice of intention to appeal must be given within seven days and the time for appeal is 30 days. Thereafter, the other party can lodge a counter appeal within 14 days. Counter appeal is dependent on the main appeal, so that if the main appeal is withdrawn the counter appeal becomes void as well. An appeal requires leave if the disputed value in the appeal is less than 10000 euros. If the appeal court refuses leave, its decision may be appealed to the Supreme Court.

If there is no notice of appeal, the judgment obtains the effect of res judicata after seven days. The limits of the res judicata effect are congruent with the doctrine of preclusion, that is, grounds that could have been invoked in the first trial cannot form the basis of a new case.

Responsibility for legal costs

The rules on compensation of costs were also reformed in 1993. There was a strong rhetoric in the bill that unnecessary or even frivolous trials must be prevented. Therefore, the rule that the losing party compensate the costs of the winning party was reinforced. By 1999 it was clear that this rule is prohibitive. The costs risk is so high that it probably discourages most middle class persons from going to court with their disputes. While legal aid and insurance may cover the costs of a party in some civil cases, the obligation to compensate the costs of the winning party is not covered by any compensation system.

In 1999 the rule was modified. The obligation to compensate the costs of the winning party can be adjusted if the matter was so unclear that there was a justifiable reason to start the process or if the "winner takes all" approach to costs would be manifestly unreasonable (*Code of Procedure* 21: 8a-b). In case law, however, the adjustment has been rare. Even in child custody cases, in which the "winner takes all" rule is not the basic line, the Supreme Court has underlined that the losing party compensates the costs of the winner, that is, the mother or the father of the children who loses a custody dispute has to compensate the costs of the other parent (KKO: 2014: 96).

3. Experiences-evaluations

Success

As an overall assessment, the reform has been a success. The time was ripe for reform in the 1990s. The reform had been prepared long before but its implementation coincided with joining and adjusting to the European Convention of Human Rights in and after 1990. The antique process forms of 1734 were ready to be abandoned. Some unexpected features, such as enthusiasm about mediation and amicable settlements, promoted the overall reform.

The quality of reasoning in judgments has clearly improved. If the judgments of district courts could be rather laconic before the reform, the critique today would be that they are too detailed and lengthy. Indeed, in many cases the district court feels obliged to give a resume of the oral testimonies in its decision. This is understandable as the testimony is not recorded in the protocols as it used to be before the reform. Testimony is recorded in electronic form but is rarely transcribed- indeed, never at the district court level. The Supreme Court has revised its writing style and uses a clear structure in its verdicts. This is clearly a field in which continuous development is under way.

Reform of the trial structure has been successfully implemented. The preparatory stage and the main trial have fulfilled their functions. Main hearings are held in a structured manner according to the three principles of immediacy, concentration and orality. The strict preclusion rules have probably been necessary to put the reforms into practice.

Implementation of the reforms was so successful that in subsequent reforms some of the darlings of the reform could be, if not killed, at least modified. The principles of orality and concentration have been slightly modified but far from abandoned. The preclusion rules are not as strict as they used to be but the theory of preclusion has been accepted. As the examples from case law show, there will be continuous discussion in case law and jurisprudence on the legal elements and legal facts, which can be taken as a sign of a healthy legal culture.

Challenges

The overall success does not mean that there have been no problems. The main problems of the reform can be identified as the length of trials and the increase in legal costs.

The European Court of Human Rights has given all too many judgments against Finland in which it has, today with standard reasoning, stated that the length of the trial has exceeded what is acceptable according to the principle of fair trial. Most judgments have concerned criminal trials but there are cases in which the same has been said about civil trials as well (e.g. *Nuutinen v. Finland* 27.6.2000). To some extent the pre-reform delays in more complex cases are repeated in the preparatory stage of the trial. The strict preclusion rules have emphasized the duty of the advocate to prepare diligently before a case is filed and especially before the main hearing, which may contribute to delays during the preparatory stage.

Since 2010, there has been an attempt to deal with the problem of over-long trials at national level. A party can claim compensation for unreasonable delay in the district court before judgment is delivered. Compensation was set at 1500 for each year of delay, with a maximum of 10000.

The increase in legal costs seems to discourage middle class people from bringing their disputes to the courts. Finland has a relatively advanced legal aid system but its compensation level is modest in relation to the fees of private lawyers. ① Thus, many middle class households are excluded from the scope of legal aid because of their income level. At the end of the day, legal aid or legal costs insurance does not cover the risk that a party can be liable to compensate the costs of the other party upon losing the case.

Conclusion

The reforms in the 1990s did not increase the amount of oral hearings in the district courts, but the nature of the hearings and the trial have changed fundamentally. This has been a profound change in legal culture. The reform has

① Rosti et al. 2009.

not been without its bottlenecks and growing pains. However, the profile of the courts in producing legal protection, legal security and dispute resolution has been strengthened.

芬兰程序法的改革：一个成功的故事?

约翰娜·尼厄米

【摘要】芬兰于20世纪90年代彻底改革了有关法庭程序的法律，从而将一个可以追溯到1734年的已过时的准口头、非结构性诉讼模式转化成为一个现代的审判模式。芬兰首先按照审判的口头性、集中性和直接性原则对一审民事程序进行了改革。这三项原则适用于在整个审判程序中起到决定性作用的听证。这一改革在很多方面都是成功的，值得其他国家借鉴的。但是如何将诉讼时间和诉讼费用控制在合理的范围内仍然是芬兰诉讼程序所面临的挑战。本文回顾了芬兰改革一审民事诉讼程序的过程。