

**Developments in the Law in 2018:  
The Procedural Protection and The Agreement of Formulating  
and Simplifying the Issue in Civil Procedure**

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**Abstract**

Among the judgments that made by Supreme Court in 2018, there are three types of the judgments worth paying significant attention. The first is about the distribution of the burden of proof. According to the types of cases, the distribution of the burden of proof would be adjusted in different ways, such as the reduction of the standard of proof, the duty of the other party to provide information, and the exchange of the burden of proof. The adjustment of the burden of proof among the parties is able to achieve fairness and justice. The second is regarding the procedural protection of third parties. To make up for the deficiency of the beforehand procedural protection that the third parties who are legally interested in an action should be given, the third parties are allowed to initiate the third-party opposition proceedings which are the complementary post-procedural protection to seek special remedies. The last is concerning the agreement of formulating and simplifying the issue. Over the years, the judgments made by Supreme Court with regard to the agreement of formulating and simplifying the issue, focus on how to protect substantial interests and procedural interests. In the circumstances that the parties reach an agreement of formulating and simplifying the issue based on the procedural disposition, the specific binding force of the agreement should be determined in accordance with the several types of the agreements with different contents. This process can implement the procedural validity of the agreement between two parties.

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To sum up, the judgments that made by Supreme Court in 2018 show that the legislative purposes of the Civil Procedure Law in 2000 and 2003 have been completely recognized, and the legal principles concerned with fairness between the parties, the procedural rights protection and the right of procedural options have been implemented in trial practice to achieve judicial justice.

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