

December 14, 2022

LEGAL ALERT

Criteria for exceptional operation of civil courts and Courts of Appeals

On December 5, 2022, the Supreme Court issued the Supreme Court resolution No. 258-2022 regulating the criteria for the authorization of exceptional operation of the courts, as regulated in Articles 47 D and 68 bis of the Organic Code of Courts.

The approval of the Courts of Appeals for the exceptional operation may become effective as of December 12, 2022, which may be extended for a period of one year, extendable for one more year without the need for a new request.

According to the provisions of the Supreme Court resolution, the Courts of Appeals, when deciding on the request for exceptional operation, may take into consideration the following criteria:

- Scheduling deadlines
- Rate of rescheduling or adjournment of hearings
- Hearings held per period
- Case entries
- Efficiency rate of hearings held over audiences and hearings scheduled
- The territorial extension of the jurisdiction or its special territorial characteristics, which make it difficult for the parties or intervening parties to approach the court facilities
- The need to prevent contagion in situations of health risk, to protect the safety of persons in situations of violence or any national or regional catastrophe or, in general, in situations that prevent the use of the court facilities
- The location of several courts in the same group of buildings, with the purpose of standardizing the procedures of attention
- The standardization of service procedures for the courts of the same jurisdiction in a given jurisdictional territory
- Estimated workload for judges, professionals, and civil servants
- Reduction of litigation costs
- Efficient and effective use of technological and material resources

In addition, the Courts of Appeals may take into consideration criteria of expedition and greater promptness in the decision of matters within their jurisdiction, both with respect to the appeals to be resolved in account and after hearing the case.

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