

LAW NO. 21,394: MAIN MODIFICATIONS TO THE PROCEDURE BEFORE LOCAL COURTS

On November 30, 2021, Law No. 21,394 was published, which introduces a set of reforms to the justice system, including amendments to certain provisions of Law No.18,287, which establishes the procedure before Local Courts.

The purpose of these reforms is to extend and regulate the remote appearance mechanisms implemented during the state of constitutional exception derived from the Covid-19 pandemic in various judicial procedures, in order to favor efficiency in the processing and limit the physical presence of persons in the courts.

To this end, the following legal modifications have been incorporated into the procedure followed before Local Courts:

Optional digitalization of official notices, communications and rogatory letters.

The official notices, communications or rogatory letters between Local Courts and those addressed to a public or private institution requesting information may be made by electronic means, without prejudice to the information interconnection agreements that exist between the Local Court and the institution.

Remote and optional appearance at hearings:

•**Proceeding:** In cases of lawsuits, private complaints or simple complaints, the courts that have the necessary technology may authorize the remote appearance by videoconference of any of the parties that so request it, if they have the appropriate means to do so and if such form of appearance is effective and does not cause harm.

•**Initiative and procedural burden of the parties:** The interested party must request to appear by these means up to two days before the hearing is held, offering some means of contact, which request may be made by the electronic means available to the court, which must be recorded in the file. If it is not possible to contact the interested party through the means offered after three attempts, it will be

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understood that he/she has not appeared at the hearing. A record of this situation shall be made, in such cases.

•**Verification of identity:** The verification of the identity of the party appearing remotely must be made immediately before the beginning of the hearing, remotely and before the minister of faith or the official determined by the respective court, by showing his identity card or passport. A record of this situation shall be made, as well.

•**Limits:** Depositions, witness statements and other proceedings that the judge determines, may only be rendered in the court premises.

•**Formalities:** The hearings held remotely by videoconference will be recorded in official minutes, which must be signed by the parties, the judge and the other participants. The party appearing remotely may sign the minutes by means of a simple or advanced electronic signature.

•**Motion due to improper operation of the remote connection:** Any party may file a motion if the technological means do not perform correctly during the hearing, for reasons out of his control. If the motion is accepted, the court shall set a new day and time for the continuation of the hearing, without losing what was done prior to such malfunction.

•**Authorization of representation and power of attorney:** It may be constituted by means of a simple or advanced electronic signature. In the first case, it must be ratified remotely by videoconference by the party and the attorney before the clerk of the court. The court will verify the capacity of the attorney through the records kept by the Judiciary.

•**Applicability of the regulation:** The amendments related to procedures before Local Court is not regulated, so the general rules must be applied, i.e., from the publication of the law.

The modifications introduced by the Law to the ordinary civil procedure can be [consulted here](#).

The modifications to the provisions regarding appearances at pleadings and hearings before courts with civil jurisdiction, the Courts of Appeals and the Supreme Court, can be [reviewed here](#).

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