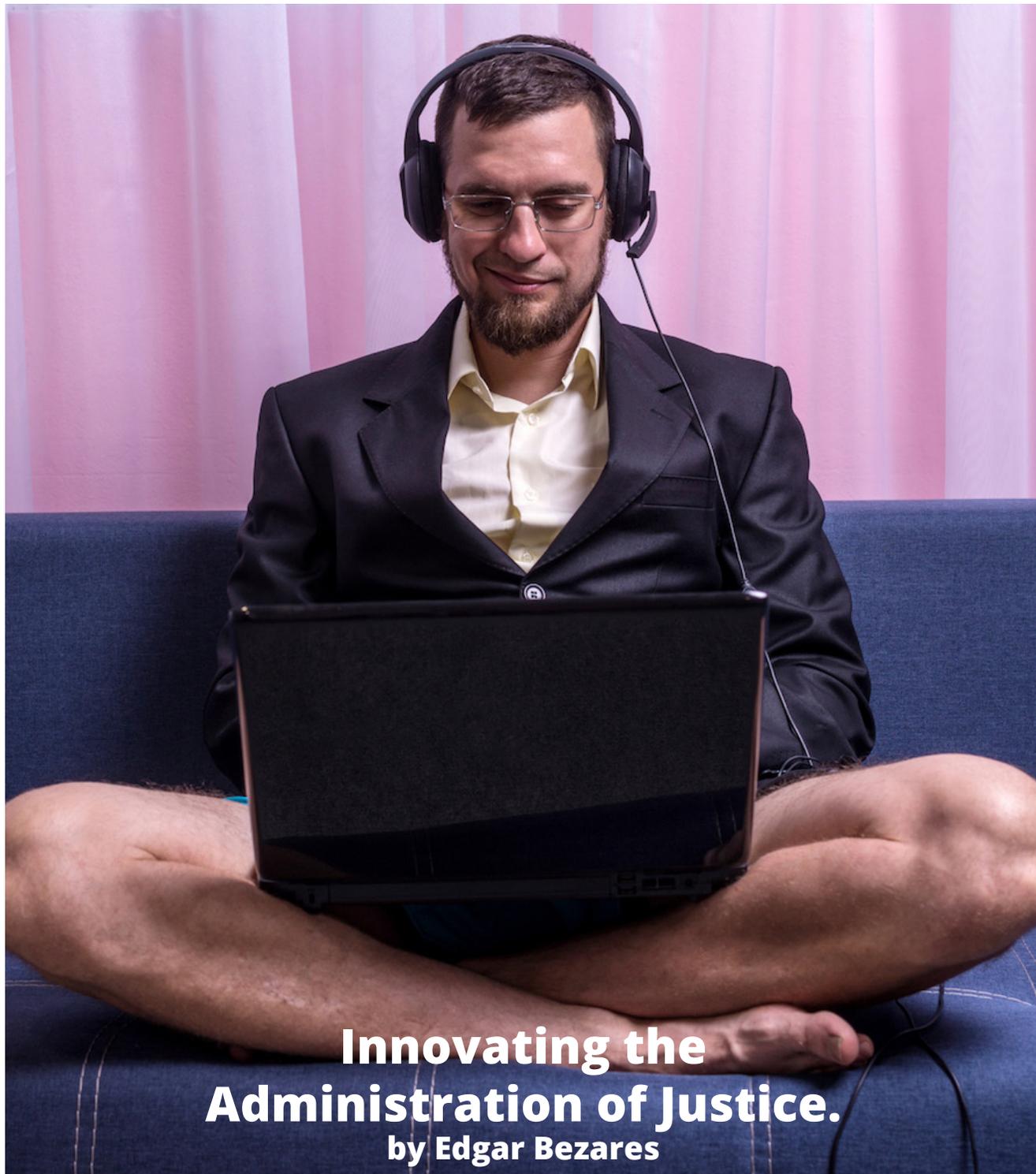


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“DILIGITE JUSTITIAM QUI JUDICATIS TERRAM.” “Ye who judge the earth, give diligent love to justice”



**Innovating the
Administration of Justice.**
by Edgar Bezares

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Innovating the Administration of Justice.

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Mexico is a country where the most of traditions and elemental aspects of our culture are rooted immutably in our society since the pre-Hispanic age and that is how habits, foods, and beliefs that define us like Mexicans have been preserved over the years.

“...traditions have had an effect even on our judicial system in such a way that, since their origins, Courts have maintained a face-to-face system...”

That is the way all aspects of our live have worked: socially, we are used to get in touch and have meetings with our friends and family; culturally, we have lots of festivals and feasts, where crowds of people get together; and so on, our life is always dynamic and collective, always gathered by will or necessity, especially in large cities such as Mexico City, where it is not easy to find lonely and quiet places.

This traditions have had an effect even on our judicial system in such a way that, since their origins, Courts have maintained a face-to-face system not just for relevant procedural acts, like appearances in hearings or before the judge, but also for the simplest ones, such as delivering documents or reviewing judicial files, which has caused that Courts to be a place of great influx among court employees, lawyers, paralegals and general public, causing too much crowds in the courthouse.

However, due to the current pandemic and quarantine caused by the COVID-19, since March 17th, 2020, the main two courts of the country, namely the Federal Judicial Power and the Superior Court of Justice of Mexico City, like other courts in the country, ordered their activities to be suspended for about one month, but later that term has been increased according to the absurd future forecasts of people affected given by the Federal Government, but until today it is uncertain the date to resume the judicial activity.

During this suspension of activities, it has been evidenced, even for the courts, that it is not possible to paralyze the administration of justice, because every procedure is worthy of being solved promptly, as required by the second paragraph of the article 17 of the Political Constitution of the United Mexican States, especially because there are certain cases that, by their own nature, require urgent attention or being continued steadily in order to protect effectively the rights demanded by the litigants. All these circumstances must generate a forced revolution in the judicial system.

Unfortunately, despite such needs, the most of state Courts in Mexico have decided to suspend their activities with no consideration, except in criminal issues in which people are deprived of liberty because judges are restrained to rigorous constitutional and human rights deadlines or in those cases involving custody and child support for minors or domestic violence. Out of those cases, the other procedures are completely suspended.

However, some of the Mexican courts have assumed a progressive attitude and, by using the available technology, have found ways, still limited, to continue the current proceedings already

filed previously to the shutdown, at least in some of their stages that are considered urgent or critical or those that can be continued remotely despite the confinement to which even the judges and their court clerks are subject.

I will mention some of the main courts of the country and the way they have decided to resume their judicial activities:

As mentioned, the Federal Judicial Power, which main body is the Supreme Court of Justice of the Nation, initially suspended all the activities of their lower federal courts, namely District Courts, Circuit Unitary Courts and Circuit Collegiate Courts. Later, this judicial power re-considered that all the cases underway that could be resolved through collegiate electronic sessions where the physical presence of the parties or counsel is not essential, would continue to be processed and the correspondent sessions between Ministers or Magistrates would be made electronically by videoconferences with the same legal effects as the face-to-face sessions, so nowadays the ongoing cases before the Supreme Court and the Circuit Collegiate Courts, are now active.

“...it has been evidenced, even for the courts, that it is not possible to paralyze the administration of justice, because every procedure is worthy of being solved promptly...”

On the other hand, the District Courts in their different areas have resumed at minimum their activities, for which a weekly guard court in every area is appointed, just for the reception of certain urgent cases filings, which are those ones regarding amparos (constitutional trials) against authority acts that involve among others, imprisonment, torture, custody or child support for minors, domestic violence, mandatory recruitment to the army, as well as new claims concerning cautionary measures and declaration of illegal strikes.

Unfortunately, regarding the ongoing cases, are mostly suspended since these guard courts are still working in the traditional face-to-face system instead of using an online method to avoid the risks of being infected by the coronavirus and taking steps to keep the cases moving forward, which it could be very possible.

On the contrary, in the country's capital, Mexico City, despite any expectations one might have of it, the Superior Court of Justice of Mexico City has not made any effort for their jurisdictional functions to continue during this contingency, staying completely at the edge of any technological innovation that would make it possible to resume proceedings which have already initiated. Instead, it has limited itself exclusively to initiating urgent matters, such as those of a criminal and family nature involving child support and custody or domestic violence, but only in traditional courts. This also happens regarding Administrative Justice Court of Mexico City and the Local Conciliation and Arbitration Board with regards to labor cases, which show an obsolete functioning for a city with a growing need to satisfy the innumerable processes they undertake.

Unlike the courts in Mexico City, the Judiciary in the state of Nuevo León has had a “virtual court” service since July 2008, whereby it is possible to consult the electronic version of judicial files, to follow up on them, and to be legally notified of the decisions issued. However, as a result of the contingency,

the court expanded the effects of this service and it is now possible to file lawsuits, motions and documents in general through electronic means, which will be settled by the court through the platform, making it possible to hold hearings and remote sessions for the collegiate bodies, which is ideal for the administration of justice on these days, although its effective operation and outcome will be assessed later. Administrative and labor justice has not been at this level of development so far.

On the other hand, the Judicial Power of the State of Mexico had also implemented the “virtual court” some years ago, initially to review electronic files, then to submit motions and documents and later to process non-contentious procedures, but as of the contingency, the catalog of processes that can be prosecuted electronically was expanded into criminal, family, civil and commercial matters, and even their correspondent judgments can be issued during this period for cases that have been prosecuted electronically. This innovation has not been replicated in administrative or labor matters.

“...Richard Susskind considers that courts are not a surface or a place, so we do not need to congregate together to sort out our legal differences and we can actually use technology to resolve disputes in quite different ways...”

The rest of the states have generally remained without any innovation and therefore the judicial matters under its jurisdiction are on hold, with no sign that things will change soon.

It is undeniable that this global sanitary contingency is generating innumerable changes in social, political, economic, sanitary, cultural and, in general, in all aspects of our lives, meaning that the justice administration will have to be one of those aspects that will necessarily be modified, since the resolution of human conflicts submitted to the courts are of such importance that many of them cannot be easily postponed, and even less so if with the development of current technology there is no justification for paralyzing an entire national judicial system.

If there is something good to be taken from this terrible stage, it is to appreciate that not only the great world powers are able to implement the digital judicial procedures, but even the developing countries like Mexico have begun to take, in some states more quickly than in others, the first steps towards ending the formalisms attributed to the exercise of law in order to begin a new digital era in the administration of justice, as it is clear there are technological means to be implemented with absolute legal certainty for the parties and for the jurisdictional authorities, which would not only make the processing of trials more efficient but would also reduce operating costs and avoid unnecessary crowds in court facilities. Let us recall that the British author Richard Susskind¹ considers that courts are not a surface or a place, so we do not need to congregate together to sort out our legal differences and we can actually use technology to resolve disputes in quite different ways, so we should think seriously in developing online courts in order to have a more effective judicial system.

1.- <https://www.youtube.com/watch?v=QOS4LRf-zes>

WHO foresees a second wave of COVID-19, which vaccine will not arrive until 2021.

The head of the World Health Organization's (WHO) department of public health and environment, Maria Neira, stated that it is "likely" that a new wave of COVID-19 will occur during the fall, for which a vaccine is not expected until next year despite having all the elements available to achieve "the fastest vaccine in history". She mentioned that in during this possible new wave of the coronavirus pandemic "we will be better prepared" due to the effectiveness of certain measures that have been taken to "minimize", but not eliminate, transmission. Emphasizing that people who have had the disease are protected from further transmission, although it is not known for how long this immunity lasts. www.eitb.eus/es/noticias/internacional/detalle/7229395/la-oms-ve-probable-otra-oleada-covid19-cuya-vacuna-no-llegara-2021/12/05/2020.

Everyone you know uses Zoom. That wasn't the plan.

Zoom grew into a vastly profitable business selling software to businesses that could enable a venture capital firm to seamlessly take virtual pitch meetings from around the globe or an executive to deliver an all-hands to a remote workforce. Powering British Cabinet meetings was never on the radar. Zoom was already enmeshed in controversy since less than two weeks earlier, The New York Times had raised the flag on "Zoombombing," opening the door to a flood of scrutiny, from its feeding data into Facebook to the New York State Attorney General scrutinizing its data practices. www.edition.cnn.com/2020/05/21/tech/zoom-founder-eric-yuan/index.html 22/05/2020.

Economy could fall to 8.8% in 2020 due to coronavirus, alerts Banxico.

Mexico's Central Bank updated its projections for Mexico's economy in the following months due to the constant evolution of the pandemic. Consequently, this generated a high level of uncertainty for any projection on economic activity. If the graphic representation of the economic cycle is a deep "V" shape, the contraction of the Gross Domestic Product (GDP) in 2020 would be 8.8%. www.milenio.com/politica/coronavirus-mexico-27-mayo-noticias-covid-19 25/05/2020.

China approves controversial national security law for Hong Kong.

China's Congress has approved a proposal to impose a highly contentious national security law in Hong Kong in an unprecedented move that critics say threatens fundamental political freedoms and civil liberties in the semi-autonomous territory. The country's rubber-stamp parliament, the National People's Congress (NPC), nearly unanimously approved the resolution on Thursday May the 28 to introduce the sweeping security legislation, which bans secession, subversion of state power, terrorism, foreign intervention and allows mainland China's state security agencies to operate in the city. www.edition.cnn.com/2020/05/28/asia/china-npc-hk-security-law-intl-hnk/index.html 28/05/2020.

Coronavirus: France to reopen cafes, bars and restaurants.

Edouard Philippe, the French Prime Minister has announced the reopening of bars and restaurants in the national level, although Paris will need careful monitoring despite no longer being a virus hotspot. A ban on travelling more than 100km (60 miles) has also been relaxed, but the bar on gatherings of more than 10 people remains. "Freedom will become the rule, bans the exception," Mr. Philippe said. More than 28,000 people have died of the virus in France. On Wednesday May the 27 the death toll rose by less than 100 for the seventh day in a row. www.bbc.com/news/world-europe-52837232 28/05/2020.

Oil revenues suffer their worst 'collapse' since registration.

Mexico's government revenues from the sale of oil plummeted 41.9 percent in the January-April period this year, an unprecedented figure in the records of the Ministry of Finance and Public Credit (SHCP). According to the SHCP monthly public finance report, until the end of April the Government received 157 thousand 658 million pesos of oil income. In the same period last year, the amount was 263 thousand 415 million. The Treasury records of oil revenues began in 1990 and in no year after that a debacle like that of 2020 is observed. www.elfinanciero.com.mx/economia/ingresos-petroleros-sufren-su-peor-desplome-desde-que-se-tiene-registro 29/05/2020.

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