



LITIGATION AND DISPUTE RESOLUTION

CHANGES TO THE ELECTRONIC PROCESSING OF COURT CASES

This Ministerial Order will increase the scope for citizens to consult those cases to all cases as from 20 November 2018.

Ministerial Order no. 267/2018 was published in the official gazette Diário da República on 20 September and it makes changes to the electronic processing of cases in judicial courts, and in administrative and tax courts (Citius/Sitaf).

The publication of this Ministerial Order represents great, substantive progress in bringing citizens closer to justice. There are a number of innovations which, hand in hand with technology, open up the doors to bring citizens closer to the Portuguese courts, by introducing greater openness and transparency in access to judicial proceedings (for not only citizens, but also lawyers and all other judicial entities).

Although citizens have already been able to consult their own enforcement cases since May 2017, this Ministerial Order will **increase the scope for citizens to consult all their cases¹** and not only the enforcements, as from 20 November 2018. To do this will require authentication by their Citizen's Card or Digital Mobile Key (both personally and as an administrator, manager, director or attorney-in-fact of companies, on their behalf).

Citizens can also consult their case files directly at the court, by using the court's computer with a code provided to them for that purpose.

Another innovation is the **possibility for lawyers and legal executives (*solicitadores*) to consult case files electronically, even if they are not acting in those cases**. It is also possible for people to consult cases to which they are not party, provided they have a legitimate reason for this consultation.

The **system of electronic processing of cases will also apply to higher level judicial courts** – i.e., the appeal courts (to be implemented from 9 October 2018) and the Supreme Court of Justice (to be implemented from 11 December 2018). Given that, to date, this processing has only applied to cases pending before the courts of first instance, this process of universal application of electronic processing has virtually been completed.

A Court Digital Services Area has also been created². This is a new digital area that brings together the services and publications relating to the activity of the courts for citizens and businesses. In addition to consulting cases as described above, in this new digital services area, it will be possible to request and consult electronic judicial certificates, a service currently only available by email.

¹ By consulting the new area available [here](#).

² Idem.

The Ministerial Order also provides that, from 2 April 2019, legal representatives may **submit video, audio or image only documents through the electronic platform** (currently, to file these types of documents, it is necessary to deliver them directly to the courts).

There are also relevant changes in **insolvency proceedings**, where it will now also possible to do the acts through the electronic platform Citius (the website of the Portuguese judicial system), that legal representatives have had to do directly with judicial administrators (for example, claims by creditors under article 128(2) of the Code). This same channel will also be used by judicial administrators to communicate with legal representatives.

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Finally, **the arrangements for requesting electronic judicial certificates have also been improved**. It will be possible to request electronic certificates of cases that are pending before the higher courts (the courts of appeal, central administrative courts, the Supreme Court of Justice and the Supreme Administrative Court). Provision is also made for the creation of a single access code that will also make it possible to obtain information regarding the status of the request for a certificate, even before the certificate is issued.

This Ministerial Order will come into force on 1 October 2018, and it is hoped that the measures to be implemented will contribute significantly to reducing to the bureaucracy of court cases and simplify the daily life of all those involved in court proceedings, such as judges, prosecutors, court staff, lawyers and insolvency administrators, as well as all citizens.

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 Chambers European Awards 2018

 Portuguese Law Firm of the Year
 Who's Who Legal 2017-2015, 2011-2006
 The Lawyer European Awards 2015, 2012
 Chambers European Excellence Awards 2014, 2012, 2009

 Top 50 - Most Innovative Law Firm in Continental Europe
 Financial Times - Innovative Lawyers Awards 2017-2011