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Portuguese lawyers pan court reform plans

By James Barnes
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28 January 2013 at 12:42 BST

Draft legislation aimed at combating inefficient court and enforcement procedures is lined up for Portugal's parliament this year, but lawyers have already suggested it will have little impact.

The country's Ministry of Justice announced last week a review of Portugal's civil procedure code in a bid to address huge backlogs, with reports suggesting there are more than a million cases pending.



Lisbon: civil code reforms

Unpredictable

The Iberian Lawyer magazine reports that court experiences are routinely unpredictable with defendants often utilising further delaying tactics to frustrate claimants.

'Going to court in Portugal can be a disaster for all involved,' commented Vasco de Ataíde Marques, a partner with Portuguese firm PLMJ. 'It can take years for a case to be heard and any appeal can mean a further two or three years' delay before a definitive decision is reached. And then you have to try and enforce the judgment.'

However, the proposals have not been universally welcomed, with some lawyers questioning the focus on pre-trial reviews, which are intended to enable both sides to liaise the judge prior to scheduling to determine the goals of the parties.

'We are a little unsure how well the proposed pre-trial procedure will be received,' said Mr de Ataíde Marques, 'or what difference this will make due to the difficulty of having the parties agree with each other and with a judge that the parties have just met, all in a preliminary hearing of half an hour.'

Harsh deadlines

The proposals were also attacked for bringing in harsher deadlines for lawyers while judges and other court officials escape any restrictions. 'There will still be no consequences for the failure of the deadlines by the judges, prosecutors and other procedural agents, including the court secretary,' lamented João Nuno Azevedo Neves, a partner with local law firm ABBC. 'In our opinion, this proposal will not have any consequence since the attorneys are already the only ones who fulfil the deadlines.'

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