

Bankruptcy and commercial electronic proceedings

On June 8, 2020, the Plenary of the Federal Judicial Council (“CJF”) entered the Decrees 12/2020, 13/2020 and 14/2020 (“CJF Decrees”) which state the work structure that the Federal Judiciary will adopt during the period from June 15-30, 2020, and also address the electronic processing of proceedings.

Through the Decrees, the CJF determined that the suspension of physical activities of the courts and tribunals of the Federal Judiciary will be extended until June 30, 2020, and therefore, the federal courts and tribunals will only continue processing “urgent cases” physically.

The CJF considered that the only urgent matter in the commercial area is the request for injunctions in commercial bankruptcy proceedings. It is important to mention that, unlike the Decree 8/2020 entered previously by the CJF,¹ these Rulings do specify that the interim measures can be requested with respect to commercial bankruptcy proceedings already initiated or with respect to new commercial bankruptcy requests or claims.

The CJF also determined that beginning on June 16, 2020, the commercial bankruptcy proceedings can be processed electronically, and therefore debtors that are in general breach of their obligations may request commercial bankruptcy electronically, without needing to be qualified as “urgent”.

Finally, it is important to mention that the Rulings entered by the CJF also state that beginning on June 16, 2020, the district courts may electronically receive and process any type of commercial proceeding (*e.g.* oral commercial proceeding, ordinary commercial proceeding, conventional commercial proceeding, among others). This implementation is historic since it is the first time the Federal Judiciary will electronically process commercial proceedings.

In this regard, the door for access to electronic justice in commercial matters is open; however, given the health emergency situation resulting from COVID-19, when it is necessary to make personnel notifications in these proceedings (such as the service of process on the defendant), the court must suspend the proceeding and wait for the resumption of judicial activities.

¹ [Von Wobeser y Sierra, S.C. Newsletter - On April 27, 2020, the Plenary of the Federal Judiciary Council \(“CJF”\) issued the General Agreement 8/2020 \(“Agreement 8/2020”\) regarding the work structure that will be adopted by the Federal Judiciary during the period from May 6 to 31, 2020.](#)

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