

COVID-19: Legal impact in Mexico, measures issued by various authorities (Sixth part, Supreme Court of Justice)

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Authors: [Ismael Reyes Retana Tello](#), [Silvia García](#), [María Inés García Noriega](#)

Following the previous *client alert*, published on **April 14th, 2020**, below are the new measures issued by the Supreme Court of Justice for the mitigation and control of the SARS-CoV2 pandemic (COVID-19).

Supreme Court of Justice

General Agreement number 4/2020 dated April 13th, 2020, that establishes and regulates the procedure for remote sessions of the Plenary of the Supreme Court of Justice¹

The agreement published on April 15th, 2020 determined the following:

- The Plenary sessions of the Supreme Court of Justice referred to in articles 5² and 6³ of the Organic Law of the Judicial Branch of the Federation may be held remotely, using technological tools.
- The sessions will be held on Monday, Tuesday and Thursday at the time specified by the Minister President, without prejudice to the fact that he may call an extraordinary session.
- The call to the remote sessions shall be made by the Minister President in either electronic or print format according to the agenda that has been previously distributed. The agenda should specify the following: **(a)** the public or private nature of the session, **(b)** the issues to be addressed, and **(c)** the date on which the supporting material was distributed, or if it was accompanied along with the call.
- The General Secretariat of Agreements will publish on the Supreme Court of Justice's page the official lists with the matters that will be resolved in the sessions, as well as the resolutions.

¹ https://www.dof.gob.mx/nota_detalle.php?codigo=5591666&fecha=15/04/2020

² Article 5. The ordinary sessions of the Supreme Court of Justice functioning in Plenary session will be held within the periods referred to in article 3 of this law, on the days and hours established in general agreements. The Plenary of the Supreme Court of Justice may hold extraordinary sessions, even during recess periods, at the request of any of its members. The request must be submitted to the President of the Supreme Court of Justice in order to issue the corresponding summons.

³ Article 6. When the sessions of the Plenary of the Supreme Court of Justice refer to the matters established in article 10, these shall be public as a general rule and private when the Plenary provides. The sessions that are intended to deal with the matters provided for in article 11 will be private.

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- For the holding of the sessions, the presence through an electronic link of at least 7 Ministers and the Secretary of Agreements is required. The Secretary of Agreements will attest to the quorum, the issues analyzed, the agreements adopted and the votes.
 - Once the start of the session has been declared by the Minister President and the quorum has been verified by the General Secretary of Agreements, he will submit for consideration the approval of the minutes of the previous session and will report the matters that make up the agenda for the session that is being held.
 - It is the Minister President's responsibility to direct debates during the remote session.
 - In the event of technical issues, the Minister President may adjourn the meeting and call the next one, or order a recess in order to resume it shortly. If the session cannot be resumed on the same day, a new call is required.
 - The minutes of the remote sessions shall be signed in either printed or electronic format by the Minister President and by the General Secretary of Agreements.
 - The resolutions issued shall be signed in printed or electronic format by the Minister President and by the General Secretary of Agreements, as well as by the Minister-Speaker of the matter. The foregoing without prejudice to following the procedure foreseen for the formulation and approval of observations, as well as for the preparation of votes.

General Agreement number 5/2020 dated April 13th, 2020, that establishes and regulates the procedure for remote sessions of the Chambers of the Supreme Court of Justice.⁴

- In accordance to the agreement published on April 15th, 2020, the following actions are taken:
- The sessions of the Chambers of the Supreme Court of Justice referred to in article 16⁵ of the Organic Law of the Federal Judicial Branch of the Federation may be held remotely, using technological tools.
- The sessions will be held on Wednesdays or on the day determined by its members and at the time specified by the Minister President of the respective Chamber, without prejudice to the fact that he may convene an extraordinary session.
- The call to the remote sessions of the Chambers shall be made by the Minister President of the respective Chamber in either electronic or print format according to the agenda that has been previously distributed. The agenda should specify the following: **(a)** the public or private nature of the session, **(b)** the issues to be addressed, and **(c)** the date on which the supporting material was distributed, or if it was accompanied along with the call.
- The General Secretariat of Agreements will publish on the Supreme Court of Justice's page the official lists with the matters that will be resolved in the sessions, as well as the resolutions.
- For the holding of the sessions, the presence through an electronic link of at least 4 Ministers and the Secretary of Agreements is required. The Secretary of Agreements will attest to the quorum, the issues analyzed, the agreements adopted and the votes.
- Once the start of the session has been declared by the Minister President of the respective Chamber and the quorum has been verified by the General Secretary of Agreements, he will submit for consideration the approval of the minutes of the previous session and will report the matters that make up the agenda of the session that is being held.

⁴ https://www.dof.gob.mx/nota_detalle.php?codigo=5591667&fecha=15/04/2020

⁵ Article 16. During the period referred to in article 3, the sessions and hearings of the Chambers will be held on the days and hours determined by them through general agreements. The sessions of the Chambers will be public and, by exception, private in the cases in which it is required.

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- It is the Minister President of the respective Chamber responsibility to direct debates during the remote session.
 - In the event of technical issues, the Minister President of the respective Chamber may adjourn the session and call the next, or order a recess in order to resume it shortly. If the session cannot be resumed on the same day, a new call is required.
 - The minutes of the remote sessions shall be signed in either printed or electronic format by the Minister President of the respective Chamber and by the General Secretary of Agreements.
 - The resolutions issued shall be signed in printed or electronic format by the Minister President of the respective Chamber and by the General Secretary of Agreements, as well as by the Minister-Speaker of the matter. The foregoing without prejudice to following the procedure foreseen for the formulation and approval of observations, as well as for the preparation of votes.

General Resolution number 6/2020, dated April 13th, 2020 where the Plenary of the Supreme Court of Justice establishes that the suspension of jurisdictional activities is extended until May 5th, 2020.⁶

Through the published resolution, the following is determined:

- The suspension of all jurisdictional activities of the Supreme Court of Justice is extended through May 5th, 2020.
- The days included in this period are considered non-working days and there will be no deadlines.
- The days and hours that are necessary during the referred period are enabled for the following: **(a)** in order for the Ministers to provide on urgent constitutional controversies in which the suspension is requested and the judicial actions necessary, and **(b)** in order for the Plenary and the Chambers of the Supreme Court of Justice to hold remote sessions.

White & Case, S.C.
Torre del Bosque – PH
Blvd. Manuel Avila Camacho #24
11000 Ciudad de México
Mexico

T +52 55 5540 9600

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⁶ https://www.dof.gob.mx/nota_detalle.php?codigo=5591668&fecha=15/04/2020