

Functioning of Administrative and Judicial Courts During the French State of Health Emergency

Written by Frédéric Scanvic, Carine Le Roy-Gleizes, Corentin Chevallier, Pauline Leddet-Troadec, Gaspard Terray

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The functioning of Administrative Courts During the French State of Health Emergency

- **Judicial activity continuity plan:** administrative courts have been closed since Monday March 16th, 2020 except for the processing of essential disputes.
 - ▶ **Caution:** Before the French Conseil d'Etat, except for urgent cases, the hearings are postponed and the reception of the public of the litigation section is suspended. Each lower administrative court has set up a judicial activity continuity plan.
- **Course of investigation:** ongoing cases are still being investigated. Documents, investigation acts and notices to the parties may be communicated by any means and not only by “télérecours” application.
- **Conduct of hearings maintained for essential disputes:**
 - ▶ Dispensing from hearing for interlocutory and stay-of-execution proceedings: it can be decided without a hearing, by motivated order. In this case, the judge informs the parties and fixes the date for the closure of investigations.
 - ▶ Limited hearing publicity: the judge may decide that the hearing will be held in judge’s chambers or that the number of persons admitted to the hearing will be limited.
 - ▶ Dematerialized hearing: hearings can be held by means of an audio-visual telecommunication, or in the event of technical or material impossibility, telephone, making it possible to ensure the identity of the parties and guaranteeing the quality of the transmission and the confidentiality of the exchanges between the parties and their counsels.
- **Court judgments** no longer have to be read at a public hearing and are notified by any means capable of attesting to their date of receipt.

The Functioning of Judicial Courts During the French State of Health Emergency

- **Judicial activity continuity plan:** judicial courts have been closed since Monday March 16th, 2020 except for the processing of essential disputes, such as emergency interlocutory proceedings.
 - ▶ **Caution:** The parties are informed by the court registry of the cancellation of the hearing and its date of postponement by any means (RPVA, litigant portal, simple letter or effective communication to the bars ...).
- **Course of investigations:** the parties can exchange their briefs and documents by any means as soon as the judge can ensure the respect of the adversarial principle.
- **Conduct of hearings maintained for essential disputes:**
 - ▶ **Dispensing from hearing:** where representation is compulsory or the parties are assisted or represented by a lawyer, the judge may decide that the procedure proceeds according to the procedure without a hearing.
 - ▶ **Limited hearing publicity:** the president of the court can decide, before the opening of the hearing, that the debates will take place with a restricted audience or in private.

- ▶ **Dematerialized hearing:** hearings can be held by means of an audio-visual telecommunication, or in the event of technical or material impossibility, telephone, making it possible to ensure the identity of the parties and guaranteeing the quality of the transmission and the confidentiality of the exchanges between the parties and their counsels.
- ▶ **Expansion of single judge hearings:** the court may, by decision of its president, rule as a single judge at both first instance and on appeal.
- **Court judgments** shall be communicated to the parties by any means, which shall not replace the requirements for notification by the parties.

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