

Personal participation in the Curia's review proceeding

The following minutes provide information on the most important rules for participating in review proceedings at the Curia.

The Curia is the supreme judicial body. It reviews the legitimacy of the final decisions passed by courts.

As a general rule, legal representation is required in review proceedings.

In civil cases, including economic affairs, the party requesting the review has to have a legal representative, generally an attorney, for the entire term of the proceeding. The same applies to the accused in criminal prosecution cases.

The defender is obligated to participate in criminal cases, proceeding either as commissioned by the accused or on appointment of the court. If necessary, the Curia provides the accused with a defender *ex officio*. The defender and the accused can also make statements independently in the proceeding, which the Curia takes into account.

The situation is a little different in civil cases, where the party requesting the review can make statements by way of an attorney. The Curia can therefore not take into account any statements made without an attorney. If the party requesting the review fails to provide a legal representative by the time it is called upon to do so by the Curia, the Curia will reject the application for review without a substantive examination. However, other parties can also proceed in person, meaning they may make written and verbal statements.

If the parties are unable to hire a lawyer due to their financial situation, they may submit an application to the competent legal aid service to allow the use of an advocate. If necessary, the Curia also provides information on advocates in the order for additional information.

The Curia can review both civil and criminal cases in two types of proceedings.

As a general rule, the Curia passes its decision in civil cases without holding a hearing. The Curia will hold a hearing if requested by either party, or if it considers one necessary. Hearings can be held in absentia; appearance is not compulsory.

The Curia's three-member chamber will pass a decision without holding a hearing if neither party requests a hearing or if a hearing is not necessary to settle the case.

As a general rule, in criminal cases the Curia proceeds in the form of chamber sessions attended only by the judges of the proceeding chamber. If the prosecutor submits a proposal for review against the accused or the president of the chamber considers it necessary, a public hearing will be held, which is to be attended by the accused, the defender, and the prosecutor. However, the hearing can be held in the absence of the accused if the accused declares beforehand that he or she does not wish to participate. However, in light of the interests of the accused, the prosecutor and the defender must be present.

Information on documents and the state of affairs can be obtained in two ways.

As a general rule, in civil cases the parties and their attorneys may view the case documents in line with the procedural laws, can request copies under the provisions of law, or can take photographs of those. A fee is payable for the copies made by the court. If the document is

available to the court in a digital format, the parties may request that the court send those to their email addresses free of charge.

In criminal cases, the accused and the defender have the primary right to access the documents and request copies. Other parties to the proceeding can exercise these rights in line with the applicable rules. The documents can be viewed and copies can be made at the administration office during office hours.

Parties authorised to view the documents can be given a limited amount of information over the phone.

Besides the services offered by the administration office, we recommend the use of the Electronic Court Information and Notification System, which provides information to authorised parties via electronic channels.

This system allows the data of litigious cases to be viewed from home and provides electronic notices (by text message and email) on certain procedural actions. Its use requires registration, which the involved parties may obtain via the client portal.

For more information, visit www.kuria-birosag.hu.