

INTERNATIONAL ASSOCIATION OF JUDGES
2nd Study Commission

QUESTIONNAIRE

SUBJECT: APPEAL PROCEEDINGS

I)

- 1) In what form does your legal system guarantee a right to appeal (constitution, statute)?
- 2) What stages of appeal does your legal system provide for? What criteria are used for determining the competence of the court of appeals?
- 3) Is there mandatory representation by counsel in appeal proceedings (optional or mandatory representation)?
- 4) What grounds can be raised in an appeal against a decision of a trial court?
- 5) Does the appeal have suspensive effect? If not, is it possible to conduct (preliminary) enforcement (execution) proceedings based on the appealed judgement of the trial court?
- 6) Does your legal system provide for limitations or exclusion of the right of appeal? Is there a way to re-examine a decision if no appeal is authorized?
- 7) What is the subject of the appellate procedure? Can parties raise new allegations and offer new evidence before the appellate court?
- 8) In what composition (panel or single judge) does the appellate court decide? Does your legal system provide for the participation of lay judges on the appellate level?
- 9) How can the court of appeals decide (on the merits or merely reversal or cassation of trial court's judgement)?
- 10) Is there an expedited appellate procedure in urgent cases?
- 11) Does your legal system provide for sanctions against frivolous filing of an appeal?
- 12) Is the appellate procedure regulated in a satisfactory way in your legal system? If not, what changes would be necessary? Are there any plans of a reform?

II)

What issues do you want to discuss in detail?
What subject do you propose for the next meeting?

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