



Doing Business in Dominican Republic

## Litigation in Dominican Republic

### Dominican Republic's Court System

Under the Dominican Constitution, the judiciary is separate and independent from the executive and legislative powers.

The Dominican Republic judicial system derives from the Napoleonic Code, which was translated and adapted as laws into the Dominican Legal system.

The basic structure of the Judiciary is ruled by Law 821 dated November 21st of 1927 and its amendments. Currently, the Judiciary is formed of 11 Judicial Departments and 35 Judicial Districts throughout the country, where the Supreme Court is the highest judicial authority.

Judicial Departments consist of various Judicial Districts. Each Judicial District has a First Instance Court (or District Court) with plenary jurisdiction, presided by a judge. Conversely, Courts of Appeals are composed of five judges but can session with the presence of three. Their jurisdiction extends to challenges against decisions rendered by First Instance Courts and as first instance courts in criminal cases for high ranked authorities.

The Supreme Court of Dominican Republic is the highest court of the Judicial System. It hears appeals from appellate courts and has jurisdiction over criminal disputes pursued against the President and Vice-president of the Republic, members of Congress, other judges and General District attorneys, diplomats and the like.

The ordinary courts, in first instance and appeal, will have a chamber for civil and commercial matters and a criminal chamber. Other specialized courts have jurisdiction over labor, real estate, and traffic, municipal, under aged, business liquidation and restructuring, tax and administrative matters.

Moreover, a Constitutional Court was created in January 26, 2010 to rule over (i) direct actions against the unconstitutionality of laws, decrees, regulations, and the like, (ii) conflicts of jurisdiction that may arise among the public authorities, (iii) the revision appeals of court rulings that became definite prior to January 26, 2010, and (iv) to exercise preemptive control over international treaties prior their ratification before Congress; all in actions in which there is no appeal from judgment rendered.

*Questions about this information can be directed to Our Team at 809.472.2222 ([info@aclaw.com](mailto:info@aclaw.com)) or to our lead contact Felipe Isa Castillo ([fcastillo@aclaw.com](mailto:fcastillo@aclaw.com)).*

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