

## REPORT

### Identification of the participant

- **Name:** Ferreira Carvalho
- **First name:** Paulo Filipe
- **Nationality:** Portuguese
- **Country of exchange:** Chile

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- **Hosting jurisdiction/institution:** Corte Suprema de Chile (Supreme Court of Chile)
- **City:** Santiago de Chile
- **Country:** Chile
- **Dates of the exchange:** 18/05/2026 to 29/05/2026

## SUMMARY

This report describes my exchange program, which took place at the Supreme Court of Chile between 18/05/2026 and 29/05/2026.

The report outlines the activities carried out over the two weeks and details the insights gained regarding the judicial structure of the Chilean Administrative and Fiscal Judiciary system, highlighting its similarities and differences with the Portuguese system.

### I. Programme of the exchange

The programme consisted of observing the daily work and conducting interviews with judges from the Third Chamber of the Supreme Court of Chile—which handles administrative matters—as well as other chambers of the Supreme Court and various lower courts.

During these observations and interviews, I was introduced to the Chilean judicial system, with a particular focus on the administrative and tax law systems. I also

presented the Portuguese administrative and tax law system to the Chilean judges. A copy of the programme is provided in the annex.

Additionally, I participated in a conference where we discussed the differences between Portuguese and Chilean administrative law, focusing particularly on the scope of judicial powers.

## II. The hosting institution

Unlike many jurisdictions, Chile does not have a Judicial Council. When it is necessary to appoint a new judge to the Supreme Court, the Court itself proposes five names to the President of Chile, who then selects one candidate. Disciplinary proceedings against a Supreme Court Judge fall under the jurisdiction of the Parliament.

The Chilean court structure is organized as follows:



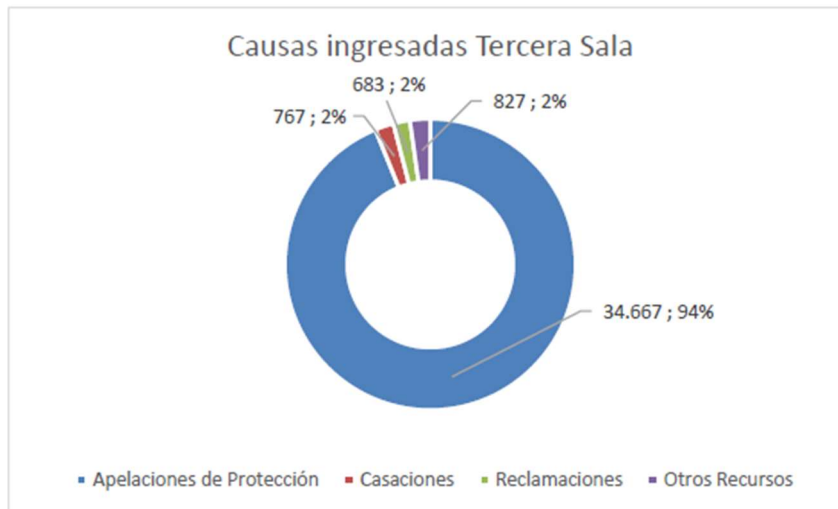
The Supreme Court (*Corte Suprema*) is divided into four specialized chambers:

- Civil
- Criminal (*Penal*)
- Administrative

- Labor (*Laboral*)

Each chamber rules in panels of five judges. In first-instance courts, judges usually rule individually, though certain criminal cases are heard by panels of three judges.

In 2025, the Third Chamber of the Supreme Court, which handles administrative cases, recorded the following case numbers:



### III. The law of the host country

Chilean law is based on a continental civil law system, similar to Portugal. In my view, one of the most interesting aspects of their judicial operations is the existence of rapporteurs, who study and prepare cases for the judges' decision. In the Supreme Court and the Courts of Appeal, most of the substantive preparatory work is conducted by these rapporteurs and their staff; the judges' primary role is to render the final decisions.

This system does not exist in Portugal. I believe its implementation there would face hurdles, largely because policymakers often overlook the efficiency benefits of having lower-salaried staff manage preparatory casework.

### IV. The comparative law aspect in the exchange

Both systems share strong similarities. However, the Chilean system allows for a legal challenge against regulations even if the claimant is not directly affected by them—a mechanism that does not exist in Portugal. This feature seems inspired by the German constitutional mechanism (*Bundesverfassungsgericht*), which has no equivalent in the Portuguese constitutional system. I have reservations regarding this approach, as it potentially encourages the rise of "*professional litigators*."

The number of decisions a judge must render per month is established annually by the Presidents of the Court.

The intermediate appellate courts feature a very interesting characteristic: they decide cases strictly in order of their arrival at the court.

The Constitutional Court rules not only *ex-ante* on the constitutionality of certain laws, but also *ex-post* in concrete cases when citizens challenge the constitutionality of a law applied to their specific case.

The Patent Court functions essentially as a second-instance court. The first instance is handled by a chamber within the patent office, which operates with judicial authority.

## **V. “Good Practice” within the host jurisdiction**

The most compelling practice I observed in Chile is the role of the rapporteurs, who draft solutions for all cases and present their proposals to a panel of five judges, who may choose to accept or reject the proposal.

However, due to the high volume of cases, judges appear to depend too much heavily on these rapporteurs. Consequently, the judicial assessment of cases relies quite significantly on the arguments presented by the rapporteurs and the parties (e.g., in the procedure known as *apelaciones de protección*—protection claims), rather than on a comprehensive analysis of all the facts.

I also found it unusual that some judges are not career magistrates, but rather temporary appointments (*jueces integrantes*) chosen from the ranks of lawyers or law professors for a specific term.

The case-scheduling criteria used by the Courts of Appeal (intermediate courts) is also highly interesting and warrants further discussion.

## **VI. The benefits of the exchange**

This exchange provided me with deep insights into the Chilean system. I believe that certain practices, such as utilizing rapporteurs and specialized staff to assist judges, could be successfully replicated in Portugal with appropriate adjustments.

The Chilean judges also demonstrated a keen interest in the Portuguese system and its legal solutions. For instance, they expressed a wish for a filtering system that would allow the Supreme Court to handle fewer cases.

The computer software used to manage cases belongs to and is controlled by the Court itself. This is an excellent approach, which unfortunately does not happen in Portugal. In the Portuguese system, the electronic platform for processing legal cases is owned, administered, and regulated by the Ministry of Justice. In my assessment, this structure raises serious concerns regarding the independence of the Judiciary, since both judges and lawyers depend entirely on authorization granted by an administrative body under the Ministry of Justice to perform their work or file a lawsuit.

In my assessment, the Chilean administrative judiciary would benefit from the following reforms:

1. **Specialization** in lower courts.
2. **A filtering system** in the Supreme Court, which would reduce case volume, decrease dependency on rapporteurs, and allow judges more time to dedicate to each case.
3. **A revision of the protective complaint system** to allow for a deeper, more comprehensive analysis of cases.

## **VII. Suggestions**

I have no specific suggestions for improving the exchange program. Given that every country possesses unique judicial characteristics, I believe an open, flexible exchange program like this one remains the best approach.

Attachmant: Program.