

Court System – General Overview
(Organizational peculiarities may vary, depending on the country)

Further challenges	Since the decision of the Supreme Court is final, no challenges nationally are available. Nevertheless, in certain regions, another level of challenge might be available for certain cases. For instance, in the Member states of the Council of Europe, certain decisions could be challenged to the ECHR (European Court of Human Rights, http://www.echr.coe.int/Pages/home.aspx?p=home). The decision of ECHR satisfying the challenge is binding on the state, thus, the case has to be reconsidered or the ECHR decision has to be implemented as is (procedure depends on particular state).		
IIIrd instance	Supreme Court	The court, which reviews the decision of the court of appeals (or, in some countries, the decision of the trial court, which was not appealed, yet entered into legal force). Cassation might be submitted in case very serious procedural or substantive violations or inconsistencies are present. The Supreme Court (only one per country) normally has discretion if to take the case or not (the most “selective” one, is, undoubtedly, US Supreme Court, granting certiorari only in some cases). Supreme court, like the court of appeals, only analyzes legal arguments looking at [both] decision of the court of appeals and decision of the trial court. Jury, thus, is not available at this level either. The decision of the Supreme Court is FINAL and is not subject to appeal nationally. The decision of the Supreme Court creates a precedent in Common Law systems allowing for that.	The Supreme Court has 4 decision-making options: a) It can affirm the decision of the court of appeals (accept it without changes, deeming it to be a good correct decision), this was quashing the decision of the trial court, (in case the two courts came to different conclusions). b) It can affirm the decision of the trial court (accept it without changes, deeming it to be a good correct decision), this was quashing the decision of the court of appeals (in case the two courts came to different conclusions). c) It can quash (cancel) the decision of the court of appeals as well as the decision of the trial court in full or in part, making a new decision / modifying the decision in part. d) It can quash (cancel) both decisions and remand the case for reconsideration to the trial court (but a different judge of the trial court) in case it is not able to cure the defect in the decision (since it can not hear witnesses and analyze evidence). In this case the consideration, basically, re-starts, subject to guidance given by the Supreme Court.
[Limitation period for cassation]	The cassation claim (claim challenging the decision of the court of appeal or the decision, of the trial court, which was not appealed, but entered into legal force, in some countries) might be submitted within limited time only, normally it is a short time, ranging from 1 week to 1 month, depending on the country. If not submitted within this time, the appeal becomes time-barred.		
IInd instance	Court of Appeals	The court, which reviews the decision of the trial court, which has not yet entered into legal force. Appeal might be submitted in case the trial court has resorted to certain procedural violations (for instance, the judge was biased or the piece of evidence was not analyzed or the witness was not heard or the party was not given a	The court of appeals has 3 decision-making options: a) It can affirm the decision of the trial court (accept it without changes, deeming it to be a good correct decision). b) It can quash (cancel) the decision of the trial court in full or in part, making a new decision / modifying the decision in part.

		chance to present its case (because of short time allocated, lack of notification about the proceedings, etc) or substantive violations (the judge has applied the wrong law, the wrong provision of law or applied the law incorrectly (reached the decision, which is contrary to what the pertinent legal provision requires, disregarded the precedent (if precedents apply), etc). The court of appeals reviews the decision of the trial court only, it CAN NOT ANALYZE EVIDENCE OR HEAR WITNESSES). The jury is not available at this level, since only legal (not factual) arguments are considered. The decision of the court of appeals creates a precedent in Common Law systems allowing for that.	c) It can quash (cancel) the decision of the trial court and remand the case for reconsideration to the trial court (but a different judge of the trial court) in case it is not able to cure the defect in the decision (since it can not hear witnesses and analyze evidence). In this case the consideration, basically, re-starts, subject to guidance given by the court of appeals.
[Limitation period for appeal]	The appeal might be submitted within limited time only, normally it is a short time, ranging from 1 week to 1 month, depending on the country. If not submitted within this time, the appeal becomes time-barred.		
Ist instance	Trial Court	The court the case is submitted for consideration first. The judge will analyze all the evidence and hear all the witnesses presented by the parties. If the system provides for a jury, the jury will be available at this stage. The decision of the trial court normally does not create a precedent, yet, might have a persuasive force.	The trial court might decided to satisfy the claims in full or in part or dismiss them. It also can dismiss the case without prejudice (with a chance to resubmit) in case procedural requirements are not met (for instance, if the court fee is not paid or there are some defects in the documents submitted).
[Period of limitations]	The claim might be submitted for consideration during a limited time (6 mths, 1 year, 3 years, 5 years, etc) since the date of occurrence of the event that gives rise to a claim. The claim not submitted within this time becomes "time-barred" and is not subject to judicial consideration anymore (even if meritorious)		