PANORAMIC

COMPLEX COMMERCIAL LITIGATION

Mexico



LEXOLOGY

Complex Commercial Litigation

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Mexico



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BACKGROUND

Frequency of use

How common is commercial litigation as a method of resolving high-value, complex disputes? What are the common alternatives to commercial litigation for resolving such disputes?

Civil and commercial litigation is very common for resolving high-value, complex disputes. However, there are two important limitations that need to be considered: (1) the burdensome nature of the formalities; and (2) the time frame to get a final decision tends to be quite long.

Based on the foregoing, alternative dispute resolution methods are always an option and have proved to be an effective avenue for the resolution of any commercial controversy, not only high-value and complex disputes. Arbitration is becoming more popular among international companies in complex disputes.

Law stated - 4 septiembre 2026

Litigation market

Please describe the culture and 'market' for litigation. Do international parties regularly participate in disputes in the court system in your jurisdiction, or do the disputes typically tend to be regional?

Mexico is one of the largest economies in Latin America and frequently serves as the forum for disputes involving multinational companies, particularly in sectors such as manufacturing, energy, pharmaceuticals, consumer goods, technology and intellectual property. As a result, it is common to find disputes involving foreign parent companies, Mexican subsidiaries and international supply chains.

Although domestic litigation remains predominant, international parties regularly participate in proceedings before Mexican courts, either as claimants or defendants. In practice, Mexico City continues to be the jurisdiction with the highest concentration of complex commercial litigation and specialised practitioners, although significant disputes are also litigated in major commercial centres such as Monterrey and Guadalajara.

One of the most relevant aspects of the litigation market remains the enforcement stage. As a result, parties frequently place significant emphasis on asset tracing, precautionary measures and enforcement strategies before initiating proceedings.

Law stated - 4 septiembre 2026

Legal framework

What is the legal framework governing commercial litigation? Is your jurisdiction subject to civil code or common law? What practical implications does this have?

There are specific codes applicable to each, civil and commercial matters. Each code establishes the procedural rules of the corresponding proceedings. One of the advantages

of the Commercial Code is that the proceedings are structured to be shorter than in civil litigation. Another practical implication of having a Commercial Code is the possibility granted to the plaintiff to choose between the oral or traditional venue.

Mexico is a civil law jurisdiction. Commercial and civil disputes are governed primarily by statute law, while binding judicial precedents issued by the Supreme Court of Justice and federal courts play an increasingly important role in shaping legal interpretation.

A significant recent development is the enactment of the National Code of Civil and Family Procedure, which seeks to unify procedural rules throughout the country and expand the use of oral hearings and electronic litigation. Although implementation is occurring gradually, the reform is expected to substantially transform commercial litigation during the coming years.

From a practical perspective, parties should bear in mind that Mexican proceedings remain highly formalistic. Documentary evidence, procedural compliance and the timely submission of arguments are often decisive factors in the outcome of a dispute.

Law stated - 4 septiembre 2026

BRINGING A CLAIM - INITIAL CONSIDERATIONS

Key issues to consider

What key issues should a party consider before bringing a claim?

Considering the structure of the judiciary in Mexico, the plaintiff must consider three key issues before filing the claim, which are:

- the legal venue (civil or commercial);
- the court before which the claim will be filed; and
- the statute of limitations.

We emphasise these three points because if there is an error regarding any of them, it could delay the action or even cause it to be dismissed, resulting in the loss of the right being asserted.

Then, once the plaintiff is clear on these three issues, depending on the specific case, formalities and preparation of documents must be considered. Given that the Mexican system is very formalistic, the preparation of evidence is very important prior to filing the action, as the evidence must be submitted, prepared or announced (or both) along with the initial writ.

Another critical issue is the identification of assets that may ultimately satisfy a judgment. Even when a claim appears legally strong, recovery may be difficult if the defendant lacks attachable assets or has adopted structures that complicate enforcement.

Parties should also carefully analyse the evidence available before commencing proceedings. Unlike some common law jurisdictions, Mexican litigation does not provide broad discovery mechanisms and, therefore, the claimant is generally expected to support its case with the evidence available at the time the lawsuit is filed.

Moreover, the party must consider the amount of the controversy (monetarily speaking), as depending on the amount, Mexican legislation may establish a specific type of proceeding or even so grant the party the opportunity to choose it.

Choosing the venue is relevant for the future of the action. Depending on the nature of the case, federal, local, civil or commercial proceedings might be available.

There is also the possibility to implement previous measures to prepare the case and request preliminary injunctions.

Law stated - 4 septiembre 2026

Pre-action conduct requirements

Are there requirements for pre-action conduct and what are the consequences of non-compliance?

There are requirements provided by law so that provisional, precautionary or preparatory measures can or should be requested or ensured prior to starting the proceeding. Sometimes, prior notice or request of payments or duties are required to be exhausted previously or as a requirement to file the action.

There is also the possibility of promoting preliminary means to trial, with the purpose of obtaining more information about the controversy to be used as evidence in the main action.

Law stated - 4 septiembre 2026

Establishing jurisdiction

How is jurisdiction established?

In the Mexican system, the jurisdiction of a judge is typically established by the territory (defendant domicile), subject matter, or economic amount under dispute. For certain cases, the controversy can be heard by a federal or state judge, to be chosen by the parties involved. Consensual jurisdiction is accepted by the law. It is very common in commercial or civil actions to agree that, in the case of controversy, the parties expressly waive any jurisdiction other than the Mexican courts, whether federal or state.

Jurisdiction may be challenged by the defendant through procedural objections, particularly when there are disputes concerning territorial jurisdiction, subject matter jurisdiction or the validity of a jurisdiction agreement.

Mexican courts generally recognise and enforce forum selection clauses, provided they do not violate public policy or mandatory legal provisions. In practice, the parties' express choice of forum is typically respected.

Unlike certain common law jurisdictions, doctrines comparable to forum non conveniens have limited practical application in Mexico. Consequently, once jurisdiction has been properly established under Mexican procedural rules, courts are generally reluctant to decline jurisdiction merely because another forum may be more convenient.

Law stated - 4 septiembre 2026

Applicability of foreign laws

In what circumstances will the courts apply foreign laws to determine issues being litigated before them?

Mexican courts may apply foreign law when the applicable conflict-of-laws rules so require, particularly in disputes involving international contracts, foreign parties or cross-border legal relationships.

The content and scope of foreign law may be established through official documents, expert opinions, international cooperation mechanisms or any other means the court considers appropriate. Mexican judges are not necessarily limited to the evidence produced by the parties and may conduct their own analysis regarding the applicable foreign law.

However, foreign law will not be applied if its effects are contrary to Mexican public policy, fundamental constitutional principles or mandatory legal provisions.

Although the application of foreign law is not common in ordinary domestic litigation, it remains a relevant consideration in commercial disputes with an international component.

Law stated - 4 septiembre 2026

Freezing assets

When is it appropriate for a claimant to consider obtaining an order freezing a defendant's assets? What are the preconditions and other considerations?

In these procedures, it is common that when there is a guarantee that is being executed or when there is a risk that the goods will be damaged, measures can be requested to make provision for damage liability.

There are cases in which, due to the nature of the controversy, the seizure of assets is part of the procedure, precisely for the purpose of ensuring that, if the defendant does not pay, there are sufficient assets to auction them and, with the proceeds, pay the claimant. It is even allowed to request the judge to require the National Banking and Securities Commission (Comisión Nacional Bancaria y de Valores) to freeze the defendant's bank accounts to prevent them from having money available and not having it to comply with a possible condemnation. It is important to point out that, in some cases, the freezing of assets can be requested during the prosecution of the case.

Usually, when requesting a bond or guarantee, the judge must check that the requirements established by law are met (appearance of good standing, danger of delay, or proportionality in the measure).

In practice, courts will usually require the applicant to demonstrate a prima facie case, the existence of a risk that enforcement may be frustrated if relief is not granted, and the proportionality of the requested measure. Depending on the circumstances, applicants may also be required to provide security to compensate the opposing party should the measure ultimately prove unjustified.

As a result, precautionary measures are generally reserved for circumstances involving a genuine risk of asset dissipation or impairment of the claimant's rights.

Law stated - 4 septiembre 2026

Other interim relief

What other forms of interim relief can be sought?

The Federal Code of Civil Procedures provides some cautionary measures, such as the seizure of sufficient assets to guarantee the outcome of the trial and the deposit or insurance of the objects, books, documents or papers on which the lawsuit is presented.

Such measures are required to be in accordance with the law (ie, there must be an appearance of good standing, the danger of delay and proportionality of the measure). In addition, there must be a cause that justifies such measures.

In addition to asset preservation measures, courts may grant a wide range of provisional remedies designed to preserve the subject matter of the dispute, maintain the status quo, avoid irreparable harm or ensure the effectiveness of the final judgment. The availability and scope of such measures will ultimately depend on the nature of the underlying claim.

As a general rule, the applicant must demonstrate a prima facie right, the risk of harm arising from delay and the proportionality of the requested measure. Courts generally retain broad discretion when determining the appropriateness and scope of interim relief.

Law stated - 4 septiembre 2026

Alternative dispute resolution

Does the court require or expect parties to engage in ADR at the pre-action stage or later in the case? What are the consequences of failing to engage in ADR at these stages?

According to civil law, the judge has an obligation to encourage the parties to reach a conciliation before starting the litigation. For that reason, there is a prior conciliation hearing where procedural issues are resolved and evidence periods are opened. In commercial matters, on the other hand, there is no such previous conciliation hearing since the procedures tend to be shorter.

The trial may be terminated at any time during the proceedings if the parties have submitted to some form of alternative dispute resolution (ADR), but only if no ruling has been made.

However, this conciliation hearing is not a formal ADR, there is no obligation to exhaust ADR but parties may agree to resolve the dispute through arbitration and, indeed, there is a rule and a chapter to govern arbitration and its execution by the Mexican courts.

It is worth mentioning that, with the entry into force of the Federal Law for the Protection of Industrial Property, the conciliation procedure was formally introduced as an ADR mechanism, expressly indicated for infringement proceedings in industrial property matters.

This new conciliatory stage before the Mexican Institute of Industrial Property (IMPI) can be useful to reduce timing in the resolution of controversies, if the circumstances of the conflict allow it, and should help to reduce the IMPI's backlog regarding the issuance of resolutions related to contentious procedures.

Additionally, on 20 January 2024, the General Law on Alternative DisputeResolution-Mechanisms was issued, in compliance to a ruling from the Supreme Court. This new law provides Mexico with a more in-depth regulation in ADR and grants the population with broader alternatives to settle any controversy they may have.

ADR mechanisms continue to gain relevance in commercial disputes. Mediation and negotiated settlements are increasingly used by sophisticated commercial parties, particularly where preserving long-term business relationships is a priority. International arbitration also remains a preferred option in contracts involving foreign investors and cross-border transactions.

Law stated - 4 septiembre 2026

Claims against natural persons versus corporations

Are there different considerations for claims against natural persons as opposed to corporations?

In the Mexican system, there is no legal or procedural difference that can be pointed out between natural persons or corporations. However, there are certain legal measures and means that are more effective – if it is a natural person, for example, there is a provisional measure of arrest, which is evidently aimed at individuals.

Law stated - 4 septiembre 2026

Class actions

Are any of the considerations different for class actions, multiparty or group litigations?

It is important to consider the differences between formal class actions and the actions executed by a group or a multiparty.

Class actions are always executed when related to consumers' rights, environmental matters or in connection with community rights. Class actions need to have a group of at least 30 persons and an administrative entity or an authority that can represent the community in the trial. For example, if the trial relates to consumer matters, the Federal Consumer Authority (PROFECO) can represent this community in a trial.

The regulation for class actions, and the list of those with legal standing for filing them, is contained in a specific chapter in the Federal Code of Civil Procedure. However, those with legal standing to submit class actions can also be found in the applicable law of the subject matter on which the class actions will be based. For example, the Federal Consumer Protection Law provides for the submission of class actions related to consumer products but also refers to the Federal Code of Civil Procedure regarding the procedure itself. The

reason for this is that prior to being defined in the above-mentioned Code, class actions could only be found in the specific bodies of law of each subject matter.

On the other hand, when there are multiple plaintiffs or defendants, the procedure will be ordinary, although it may be accumulated. In any event, it will be based on the rights of a person or groups of persons but not the interests of a community.

The course of the litigation will be an ordinary commercial trial, and the resolution will not affect a community but only the parties of the procedure.

Law stated - 4 septiembre 2026

Third-party funding

What restrictions are there on third parties funding the costs of the litigation or agreeing to pay adverse costs?

Although third-party funding remains relatively uncommon in Mexico compared with other jurisdictions, there is no express statutory prohibition against such arrangements. As the market becomes more sophisticated, funding structures may become increasingly attractive in high-value and complex disputes, particularly those involving significant litigation costs or cross-border elements.

Law stated - 4 septiembre 2026

Contingency fee arrangements

Can lawyers act on a contingency fee basis? What options are available? What issues should be considered before entering into an arrangement of this nature?

Contingency fee arrangements are generally permissible under Mexican law and are commonly used in certain types of commercial and damages litigation. Hybrid fee arrangements combining reduced hourly fees with success-based compensation are also frequently used, particularly in high-value disputes.

Law stated - 4 septiembre 2026

THE CLAIM

Launching claims

How are claims launched? How are the written pleadings structured, and how long do they tend to be? What documents need to be appended to the pleading?

Both civil and commercial claims begin with a written initial brief, regardless of whether the proceeding will be conducted in written or oral form.

There are some procedural rules with minimal requirements of the claim, such as it is necessary to include the parties' names, the counterpart's address, the competent court for

solving the litigation and the type of procedure requested, narration of facts and cause of action. The plaintiff or the legal representative can authorise lawyers and clerks who will participate in the trial, so they can have access to the judicial file.

In some specific procedures, it is possible to file an injunctions request, which will be dealt with by the judge at the beginning of the procedure.

As to the length of the brief, it depends on each case, the nature of the controversy, and the facts, arguments, and evidence that the plaintiff raises before the court. There is no limitation in this matter.

In the lawsuit, it is necessary to attach the evidence, namely, all the documents that ground and prove the action or mention the witnesses who will participate in the trial. If needed, the power of attorney for representation must be exhibited as well.

The court can request the plaintiff to clarify the scope of the action, correct their brief or attach a missing document.

Finally, as a consequence of the covid-19 pandemic and the precautionary health measures adopted by the courts, online filing of actions and prosecution became very important and, in some cases, necessary. To use the online tools, in addition to the minimum requirements detailed above, an "electronic signature" is required, through which the parties can file their pleadings and follow up on their case on the court web pages.

Law stated - 4 septiembre 2026

Serving claims on foreign parties

How are claims served on foreign parties?

Usually, the claims on foreign parties are notified by a special procedure within international collaboration between national authorities and foreign authorities. In this procedure, the Mexican Authority sends a letter of request to the other country informing about the procedure.

To execute this procedure, parties should include in their lawsuit that it will be necessary to make use of this international collaboration. Once this notification is served, the procedure will continue.

The procedure also depends on the country of the foreign party since there are different international treaties applicable, and it is important to study the case to determine which treaty is applicable.

Law stated - 4 septiembre 2026

Key causes of action

What are the key causes of action that typically arise in commercial litigation?

There is a wide scope of possibilities regarding causes of action in commercial litigation. Collecting all type of credits is the typical commercial cause of action before the Mexican courts.

Law stated - 4 septiembre 2026

Claim amendments

Under what circumstances can amendments to claims be made?

As a general rule, parties may not substantially modify the factual basis or cause of action after the claim has been filed. However, procedural corrections, clarifications and allegations relating to supervening facts or evidence may be permitted in specific circumstances established by law.

Law stated - 4 septiembre 2026

Remedies

What remedies are available to a claimant in your jurisdiction?

The decision of the judge can be to absolve the defendant, to let the parties continue the case before another authority or to establish a ruling ordering the party to conduct or cease certain actions.

The ruling can order specific conduct to comply with the obligation (the most common is the payment), but it will depend exclusively on the type of procedure and the request made in the lawsuit. It is important to mention that, in commercial trials, the typical case is to condemn a party for the payment of the obligation.

Depending on the ruling, the law provides several options to ensure compliance with the resolution. One of these measures is that the judge can order the seizure of the defendant's goods, and even the sale of these goods, to comply with the resolution. The goods seized or the money received after selling the goods will be used to pay the plaintiff if the defendant does not comply with the obligation.

Available remedies may include specific performance, payment of damages, restitution, declaratory relief, injunctions and orders requiring a party to perform or refrain from certain conduct, depending on the nature of the dispute.

Law stated - 4 septiembre 2026

Recoverable damages

What damages are recoverable? Are there any particular rules on damages that might make this jurisdiction more favourable than others?

In Mexico, claimants may seek compensation for actual damages directly caused by an unlawful act, provided they can demonstrate the existence of the damage, the unlawful conduct and the causal link between them. Depending on the nature of the dispute,

recoverable damages may include direct economic losses, lost profits and, in certain circumstances, moral damages.

As a general rule, the burden rests on the claimant to prove both the existence and extent of the damage. Courts enjoy broad discretion when assessing evidence and determining the appropriate amount of compensation, particularly where the precise quantification of damages requires expert analysis. Consequently, expert evidence frequently plays a central role in complex commercial disputes.

A noteworthy development in recent years has been the increasing use of civil actions seeking damages arising from intellectual property violations. Historically, industrial property right holders were generally required to obtain a prior administrative declaration of infringement before pursuing damages. However, following the enactment of the Federal Law for the Protection of Industrial Property, right holders may directly bring civil claims for damages arising from infringements of industrial property rights, significantly strengthening the available remedies and expanding the role of civil courts in intellectual property disputes.

Recent Supreme Court decisions have also provided important guidance regarding the quantification of damages. In a landmark copyright dispute involving the use of copyrighted works in advertising, the Court clarified that statutory compensation mechanisms must be interpreted in light of the specific protected work at issue and that compensation cannot automatically be calculated on the basis of revenues generated by products unrelated to the protected work. Rather, when statutory parameters are insufficient to determine compensation, courts may rely on expert evidence and the particular circumstances of the case to establish a reasonable amount.

Mexico does not formally recognise punitive damages in the same manner as certain common law jurisdictions. Nevertheless, the Supreme Court has recognised that, in exceptional circumstances, compensation may serve not only a restorative function but also a preventive and deterrent purpose. As a result, courts may take into account the seriousness of the unlawful conduct, the degree of fault and the need to discourage similar behaviour when determining compensation, particularly in cases involving moral damages.

From a practical perspective, the key issue in most damages claims is not whether damages are theoretically available, but whether the claimant can convincingly establish causation and provide sufficiently robust evidence of the loss suffered. In complex commercial disputes, successful damages claims therefore often depend on the quality of the documentary, accounting, financial and expert evidence presented before the court.

The growing number of civil actions seeking compensation for intellectual property infringements, image rights violations and unfair commercial practices suggests that damages litigation is likely to continue expanding in Mexico during the coming years.

Law stated - 4 septiembre 2026

RESPONDING TO THE CLAIM

Early steps available

What steps are open to a defendant in the early part of a case?

In an ordinary civil or commercial trial, the procedure is normally as follows:

- The lawsuit is filed with the judge with proper jurisdiction, who may admit, dismiss or request clarification of the lawsuit.
- Once the lawsuit is admitted, the court will serve the defendants.
- After service, the defendant will have a statutory term to respond to the lawsuit, stating the corresponding arguments of defences and evidence. At the same moment, the defendant can file a counterclaim. If the defendant files a counterclaim, it shall be notified to the other party so that he or she may file their brief of response.
- The defendant may indicate that the judge does not have jurisdiction to decide the matter. This may be done by stating so in the response to the lawsuit. In some cases, there is a possibility of filing the response or motion directly to the judge considered with proper jurisdiction. The ground of this challenge can be the territory (defendant domicile), subject matter or economic amount under dispute.

Beyond responding to the merits of the claim, defendants typically assess jurisdictional objections, standing issues, procedural defects and limitation periods at the earliest stage of the proceedings. In complex disputes, defendants may also evaluate the possibility of bringing counterclaims, joining third parties or seeking the dismissal of specific claims before the merits stage progresses.

Law stated - 4 septiembre 2026

Defence structure

How are defences structured, and must they be served within any time limits? What documents need to be appended to the defence?

The response to the lawsuit must contain mainly the following: the address to receive notifications, the "exceptions" or defences (for example, the lack of legal representation), the counterarguments to the lawsuit, the refutation of the plaintiff's evidence and if necessary the evidence offered by the defendant to rebut the arguments of the plaintiff.

Depending on the type of proceeding (eg, civil or commercial, written or oral), the law establishes the deadline within which the writ of defence must be filed.

In the defence, if there is a legal representation, either of a natural or moral person, the power of attorney must be attached. It is important to take into consideration that the general rules is that all documentary evidence should be filed along with the writ of response, since it is considered that the interest party was able to obtain the documents before answering. However, if any document was not obtainable, the defendant must announce the document in the brief of response and prove that said document was requested in a timely manner, before answering the claim. Once the defendant receives the document, he or she is obliged to exhibit it before the court.

Mexican procedural law operates under a strong principle of preclusion. Consequently, defendants should generally assert all available procedural and substantive defences in their initial response, as the opportunity to introduce new arguments later in the proceedings is limited.

Law stated - 4 septiembre 2026

Changing defence

Under what circumstances may a defendant change a defence at a later stage in the proceedings?

The legal analysis is essential to ensure an effective defence because, as a general rule, everything that is not included in the original brief cannot be used later. This demonstrates that the legal strategy must be adequate from the beginning, which involves an important study of the case and the correct strategy for further steps in the trial.

However, it is possible to adjust defences when supervening elements, such as information, facts or evidence appear during the trial, which were not known at the beginning of the proceedings. In this case, the law allows parties to file supervening arguments of the defence. This includes elements dated after the brief of response or dated before but unknown to the defendant.

Law stated - 4 septiembre 2026

Sharing liability

How can a defendant establish the passing on or sharing of liability?

Depending on the legal relationship involved, a defendant may argue that liability rests partially or entirely with a third party by challenging its own standing as the proper defendant, disputing the causal link between its conduct and the alleged damage, or demonstrating that another person or entity contributed to the harm.

Mexican procedural law allows third parties to be brought into the proceedings in certain circumstances, particularly where they have a legal interest in the outcome of the dispute or their participation is necessary for the complete resolution of the controversy. The availability and procedural requirements of third-party participation depend on the nature of the claim and the applicable procedural rules.

Contractual indemnities, guarantees and allocation-of-risk provisions may also be relevant in determining whether liability can be transferred or shared. However, such arrangements do not necessarily prevent a claimant from pursuing the original defendant and may instead give rise to a separate claim for indemnification or reimbursement between the parties involved.

Law stated - 4 septiembre 2026

Avoiding trial

How can a defendant avoid trial?

A defendant may seek to avoid a full trial by negotiating a settlement, submitting the dispute to mediation or another agreed dispute resolution mechanism, or raising procedural defences that may dispose of the claim before a decision on the merits.

Depending on the circumstances, such defences may include lack of jurisdiction, lack of standing, expiration of the applicable limitation period, res judicata, the existence of a valid arbitration agreement or failure to satisfy a contractual condition precedent to litigation.

Mexican procedural law does not generally provide a broad summary judgment mechanism comparable to that available in certain common law jurisdictions. Nevertheless, some disputes may be resolved at an early stage where a preliminary defence is upheld or the claim is legally inadmissible. A settlement may also be reached at any point before the proceedings are finally concluded and may be submitted to the court for approval and enforcement.

Law stated - 4 septiembre 2026

Case of no defence

What happens in the case of a no-show or if no defence is offered?

If the defendant fails to appear or submit a timely defence, the proceedings may continue in default. The defendant's absence does not automatically entitle the claimant to judgment, as the court must still examine whether the claim is legally admissible and supported by sufficient evidence.

Depending on the applicable procedural rules, facts that the defendant fails to contest may be deemed admitted, except where they are contradicted by the evidence, concern rights that cannot legally be waived, or the law requires the claimant to prove them independently.

A defaulting defendant may seek to participate at a later stage, but must generally accept the proceedings in the procedural posture in which they stand. Procedural opportunities and deadlines already missed will not ordinarily be reopened merely because the defendant subsequently appears.

Law stated - 4 septiembre 2026

Claiming security

Can a defendant claim security for costs? If so, what form of security can be provided?

Unlike certain common law jurisdictions, Mexican commercial litigation does not ordinarily provide a general mechanism requiring a claimant, including a foreign claimant, to furnish security for the defendant's legal costs merely as a condition for pursuing the action.

Litigation costs are generally determined at the conclusion of the proceedings, in accordance with the applicable statutory requirements. Each party ordinarily bears its own legal and expert fees during the litigation, without prejudice to any subsequent costs award.

Precautionary measures and guarantees may be ordered in other procedural contexts, particularly where a party requests interim relief that could causes harm to its opponent if ultimately found to be unjustified. Those guarantees should be distinguished from security for costs in the common law sense.

Law stated - 4 septiembre 2026

PROGRESSING THE CASE

Typical procedural steps

What is the typical sequence of procedural steps in commercial litigation in this country?

The procedural sequence depends on the type of commercial proceeding. In an ordinary commercial action, the principal stages generally comprise the filing and admission of the claim, service on the defendant, submission of the defence and any counterclaim, determination of preliminary procedural issues, admission and production of evidence, closing arguments and judgment.

The judgment may be subject to an ordinary appeal where permitted by law and, after the ordinary remedies have been exhausted, to constitutional review through an ***amparo*** proceeding (ie, a legal mechanism that protects human and constitutional rights against acts of authority that violate them).

Oral commercial proceedings also begin with written pleadings. Once the initial written stage has concluded, the court holds a preliminary hearing to address procedural issues, encourage settlement, define undisputed facts and rule on the admissibility of evidence. A trial hearing is subsequently held for the production of evidence, closing arguments and issuance or explanation of the judgment.

Although denominated "oral", these proceedings continue to rely substantially on written pleadings and documentary evidence. The principal distinction is the concentration of evidentiary and procedural activity in hearings conducted directly by the judge.

Law stated - 4 septiembre 2026

Bringing in additional parties

Can additional parties be brought into a case after commencement?

There is a possibility that third parties who were not originally contemplated in the procedure may appear before it.

One of the most common cases is when a third party appears because the resolution affects them indirectly, and they may even oppose the execution of the resolution, which must be resolved by the judge. It is essential that the third party has a legal interest in the matter so that it can appear in the litigation.

Law stated - 4 septiembre 2026

Consolidating proceedings

Can proceedings be consolidated or split?

To avoid contradictory resolutions in certain cases that are related to each other, the accumulation to be decided jointly is possible. It shall be ordered by the judge and may be at the request of the parties or ex officio.

Law stated - 4 septiembre 2026

Case allocation

How are cases allocated? Are cases allocated to a specific judge? If so, at what stage?

In Mexico, civil and commercial matters are assigned through a turn-based system that distributes the case files among the competent courts of either the local or federal jurisdiction, as applicable.

The assignment takes place at the moment the claim is formally filed, that is, when the initial pleading is received and officially registered. Once filed, the case is assigned to a specific judge, who will be responsible for processing it and issuing a decision.

In some states, this allocation process may operate manually or through electronic systems that randomly determine the distribution. Subsequently, the judge to whom the matter is assigned issues the order of filing, whereby the court accepts jurisdiction and orders the initial procedural steps, such as admitting the claim and serving process on the defendant.

It is important to note that once the case has been assigned, the judge may declare lack of jurisdiction (due to subject matter, venue, or amount in controversy) or may recuse himself or herself if any of the grounds provided by law are present, such as having a direct interest in the dispute, a family relationship with one of the parties, or having previously expressed an opinion on the matter.

The same system applies at the appellate level. When an appeal is filed, the case is sent to the Appellate Courts, where a turn-based system also determines which court will hear the matter. If it is not the first appeal filed in that case, the rule is that, due to prior knowledge, any subsequent appeals must be referred to the same court that resolved the previous appeal(s).

Law stated - 4 septiembre 2026

Court decision making

How does a court decide if the claims or allegations are proven? What are the elements required to find in favour, and what is the burden of proof?

As a general rule, each party bears the burden of proving the facts on which its claims or defences are based. The claimant must establish the elements of its cause of action, while the defendant must prove affirmative defences and any facts invoked to defeat or limit liability. The burden may be allocated differently where the law establishes a presumption or where a party has materially greater access to the relevant evidence.

Evidence must be relevant, legally admissible and submitted within the applicable procedural period. The court will assess the evidence in accordance with the rules governing each evidentiary category and must explain the value attributed to the evidence in its judgment.

Public documents ordinarily enjoy a presumption of authenticity, whereas private documents may require acknowledgement or authentication if challenged. Expert reports do not bind the court and must be assessed together with the experts' qualifications, methodology, explanations and the remaining evidence. Where opposing expert opinions conflict, the court may appoint an additional expert where permitted by the applicable procedural law.

Foreign-language documents must generally be accompanied by a Spanish translation. Depending on their origin and intended evidentiary effect, foreign public documents may also require legalisation or an apostille.

The court's judgment must be consistent with the claims and defences raised by the parties. Mexican courts are constitutionally required to provide reasons and legal grounds for their decisions, identify the provisions applied and explain how the admitted evidence supports the conclusions reached.

Binding precedents issued by the Supreme Court of Justice and federal courts also play an increasingly important role in judicial decision-making and legal interpretation.

Law stated - 4 septiembre 2026

Court decision making

How does a court decide what judgments, remedies and orders it will issue?

The court determines the appropriate judgment, remedy or order by reference to the relief requested, the causes of action and defences properly raised, the facts established by the evidence and the substantive law governing the dispute.

As a general rule, the judgment must comply with the principles of consistency and completeness. The court must decide the issues submitted by the parties but may not ordinarily award relief exceeding or materially departing from that requested in the pleadings.

Depending on the claim, the court may dismiss the action, issue declaratory relief, order payment of a monetary obligation, award damages, require specific performance, order restitution, or direct a party to perform or refrain from particular conduct.

Judgments generally identify the parties and procedural background, summarise the dispute, analyse the claims, defences and evidence, set out the applicable legal reasoning, and conclude with the operative orders. Any monetary or other relief awarded must be supported by the evidence and remain within the scope of the controversy submitted to the court.

Law stated - 4 septiembre 2026

Evidence

How is witness, documentary and expert evidence dealt with?

Documentary evidence is commonly divided into public and private documents. Public documents generally enjoy a presumption of authenticity, while private documents may be challenged and, where appropriate, subject to authentication through handwriting, signature, technical or other expert evidence. Documentary evidence should ordinarily be submitted with the initial claim or defence, subject to limited exceptions for documents that were previously unavailable, obtained later or qualify as supervening evidence.

Witness evidence is generally given orally before the court. The party offering the witness must identify the facts to be proved and comply with the applicable requirements for

securing the witness's appearance. The opposing party may question the witness, and the judge may exclude questions that are irrelevant, unclear, leading in circumstances in which they are prohibited, compound or otherwise inconsistent with procedural rules.

Expert evidence is available where specialised scientific, technical, professional or practical knowledge is necessary. The offering party must identify the relevant field, formulate the questions to be answered and appoint a qualified expert. The opposing party may ordinarily appoint its own expert and submit additional questions. The court evaluates the resulting opinions together with the methodology used, the experts' explanations and the remaining evidence.

Mexican proceedings do not generally provide broad discovery comparable to that available in common law jurisdictions. Consequently, parties should identify, preserve and collect relevant evidence before filing their principal pleadings. This gives documentary and expert evidence particular tactical importance and makes early evidentiary planning essential.

Documentary evidence may provide greater predictability because its contents can be analysed before trial. Oral evidence, however, may be useful for establishing facts that are not fully reflected in the documentary record, although its effectiveness depends on the witness's credibility, recollection and performance under questioning.

Law stated - 4 septiembre 2026

Evidence

How does the court deal with large volumes of commercial or technical evidence?

There is no separate procedural regime specifically designed for large-scale disclosure or technology-assisted document review. Courts must nevertheless examine all evidence that has been properly offered, admitted and produced.

In cases involving extensive commercial records, parties should organise the evidence carefully, identify the particular facts supported by each document and explain its relevance. Merely submitting a large volume of records without connecting them to the issues in dispute may reduce their practical usefulness.

Technical, financial and accounting materials are frequently presented through expert evidence so that specialised information can be explained to the court. Electronic records may be submitted through appropriate digital media or electronic platforms where available, although the party relying on them must comply with the applicable rules concerning authenticity, integrity and evidentiary value.

Technology-assisted review may be used internally by parties and counsel to organise information, but it does not replace the formal offering, admission and assessment of evidence by the court.

Law stated - 4 septiembre 2026

Evidence

Can a witness in your jurisdiction be compelled to give evidence in or to a foreign court? And can a court in your jurisdiction compel a foreign witness to give evidence?

Our country is part of the Inter-American Convention on the Taking of Evidence Abroad, so it is possible to request the collaboration of a witness in a foreign court, or on the contrary, foreign authorities can request the collaboration of a national witness.

The Convention establishes that a letter of request must be issued, stating the details of the evidence to be disclosed and the information requested. This Convention not only mentions testimonial evidence, but it is also possible to release expert evidence in this manner.

It is also possible to present foreign documents as evidence in the trial, which must be duly legalised or apostilled. By complying with these requirements, the evidence will be fully valid in Mexico.

Law stated - 4 septiembre 2026

Evidence

How is witness and documentary evidence tested up to and during trial? Is cross-examination permitted?

Documentary evidence may be challenged on grounds including authenticity, integrity, authorship, signature, completeness or evidentiary value. Depending on the nature of the challenge, the court may consider acknowledgements, comparison documents, notarial evidence or expert opinions concerning handwriting, signatures, information technology or other specialised matters.

Witnesses give evidence before the court and may be questioned by the party that offered them and by the opposing party. Cross-examination is therefore permitted, although questioning remains subject to judicial control and the formal requirements established by the applicable procedural rules.

The judge may reject questions that are unrelated to the disputed facts, ambiguous, compound, misleading or otherwise inadmissible. The court will subsequently evaluate the witness's credibility, the witness's basis of knowledge, the consistency of the testimony and its relationship with the remaining evidence.

Unlike common law depositions, witness examination ordinarily takes place as part of the judicial proceedings rather than through a broad pretrial discovery process.

Law stated - 4 septiembre 2026

Evidence

What options are there to gather evidence from third parties?

In Mexico, civil and commercial procedural laws provide several mechanisms for gathering evidence from third parties. These options include requests for information or documents, through which a party may ask the court to order a third party to provide information or to

produce specific documents relevant to the disputed facts. The requesting party must clearly identify the information or documents and justify their relevance and necessity.

Parties can also offer third-party witness testimony from individuals who have personal knowledge of the facts. The offering party must identify the witnesses and specify the topics on which they will testify.

If essential documents are held by third parties, the court may be asked to order their production. The request must explain why the offering party does not possess the documents and why they are material to the case.

When a physical inspection or examination of objects or premises held by a third party is necessary, a judicial inspection may be requested.

If specialist knowledge is needed to clarify disputed issues, a party may request expert opinions, including, when appropriate, the participation or cooperation of third parties.

It is important to note that under Mexican law, the party offering the evidence is liable for any damages that the third party may suffer as a consequence of complying with the order to produce evidence.

In all cases, the court may impose enforcement measures if a third party fails to comply without justified cause, but the judge must also weigh any objections raised by the third party regarding confidentiality or potential harm. These mechanisms are available in both civil and commercial proceedings, with the Commercial Code referring to the Federal Code of Civil Procedure as supplementary law.

Law stated - 4 septiembre 2026

Time frame

How long do the proceedings typically last, and in what circumstances can they be expedited?

The duration of commercial litigation varies significantly according to the type of proceeding, the court's workload, the complexity of the evidence, service difficulties, interlocutory challenges and the availability of appellate review.

A first-instance judgment in a traditional commercial proceeding may take approximately one to three years. An ordinary appeal and subsequent amparo proceeding may extend the overall duration considerably, and technically complex cases involving multiple parties or extensive expert evidence may take substantially longer.

Oral commercial proceedings are intended to concentrate procedural activity and shorten the period required to obtain a judgment. However, the actual duration continues to depend on the court's docket, the conduct of the parties and the complexity of the dispute.

There is no generally available expedited procedure merely because a case is commercially urgent. Nevertheless, certain specialised proceedings, claims supported by negotiable instruments and requests for interim relief may follow different or more concentrated procedural routes. Interim measures may also provide urgent protection while the merits are litigated.

Law stated - 4 septiembre 2026

Gaining an advantage

What other steps can a party take during proceedings to achieve tactical advantage in a case?

Mexican procedural law does not generally recognise summary judgment or strike-out mechanisms with the breadth found in certain common law jurisdictions. A claimant must ordinarily prove its cause of action through the prescribed evidentiary process, even where the defendant defaults.

Nevertheless, a party may obtain a procedural advantage by raising threshold objections concerning jurisdiction, standing, limitation periods, res judicata, arbitration agreements or the legal admissibility of the claim. Depending on their nature, these issues may be resolved before the court reaches the merits or may materially narrow the dispute.

Before commencing the principal action, a prospective claimant may use preparatory proceedings to obtain or preserve specific evidence, request acknowledgement of a debt or document, or secure information necessary to formulate the claim, where authorised by law.

Parties may also seek interim measures to preserve assets, evidence or the subject matter of the dispute. The effectiveness of these strategies depends on acting promptly and satisfying the specific statutory requirements, including the provision of security where applicable.

Law stated - 4 septiembre 2026

Impact of third-party funding

If third parties are able to fund the costs of the litigation and pay adverse costs, what impact can this have on the case?

Third-party funding does not ordinarily alter the substantive rights or procedural obligations of the litigating parties. The funded party remains responsible for conducting the claim or defence, complying with court orders and proving its legal position.

The funding arrangement may nevertheless affect the practical management of the dispute by enabling a party to pursue complex or costly proceedings, retain experts or withstand a lengthy appellate process. The agreement should clearly address decision-making authority, settlement, confidentiality, privilege, recovery of the funder's return and potential conflicts of interest.

Mexican law does not contain a comprehensive statutory framework specifically regulating commercial litigation funding. Accordingly, the validity and effects of a funding arrangement will generally depend on ordinary contractual principles, professional responsibility rules and the particular terms agreed by the parties.

A funder does not acquire procedural standing merely by financing the litigation, unless it independently holds a substantive right relevant to the dispute.

Law stated - 4 septiembre 2026

Impact of technology

What impact is technology having on complex commercial litigation in your jurisdiction?

Technology is playing an increasingly important role in Mexican commercial litigation, although the degree of digitalisation continues to vary between federal and local courts.

Electronic filing, electronic notifications and remote consultation of court records are available through various judicial platforms. Access generally requires registration, authorisation in the relevant case and use of a recognised electronic signature. Paperless proceedings are not yet uniform throughout the country, and physical filings or records may still be required in some courts.

Electronic evidence, including emails, instant messages, databases, websites, social media publications, audio recordings and other digital records, is increasingly used in commercial disputes. Parties relying on such evidence should consider the means required to establish its origin, integrity, authenticity and connection with the disputed facts. Notarial records and information technology expert evidence may be useful for those purposes.

Technology-assisted document review may be used by parties and counsel to identify, organise and analyse large volumes of information. However, because Mexican litigation does not generally involve broad discovery, these tools are used primarily for internal evidence collection and case preparation rather than court-supervised disclosure.

The use of videoconferencing for hearings and procedural acts has expanded, but its availability depends on the applicable rules, the technological resources of the court and judicial authorisation. The gradual implementation of the National Code of Civil and Family Procedure is expected to promote greater procedural digitalisation and more consistent use of electronic judicial tools.

Law stated - 4 septiembre 2026

Parallel proceedings

How are parallel proceedings dealt with? What steps can a party take to gain a tactical advantage in these circumstances, and may a party bring private prosecutions?

The same underlying facts may give rise to civil, commercial, administrative, constitutional or criminal proceedings. As a general rule, each proceeding retains its own purpose, causes of action, remedies and evidentiary framework, and may therefore continue independently unless the law requires one proceeding to await the outcome of another.

Decisions or evidence obtained in one forum may have legal or evidentiary relevance in another, but their effect is not necessarily automatic. The court must determine their admissibility and value in accordance with the rules applicable to the proceeding before it.

Parallel proceedings are particularly relevant in disputes involving intellectual property, unfair competition, regulated products, fraud or conduct that may simultaneously produce contractual, tortious, administrative and criminal consequences. For example, an administrative determination may affect the basis of a subsequent damages claim, while

evidence gathered in another proceeding may be submitted in the commercial action if the applicable procedural requirements are satisfied.

From a strategic perspective, parties should coordinate the timing, factual positions and evidentiary record across all proceedings. Inconsistent statements or incompatible remedies may undermine the overall litigation strategy. Parties must also avoid duplicative recovery for the same damage.

Criminal offences are prosecuted by the competent public authorities. An affected party may file a criminal complaint, provide evidence and participate in the manner permitted by criminal procedure, but this is not equivalent to conducting a private prosecution independently of the prosecuting authority.

Law stated - 4 septiembre 2026

TRIAL

Trial conduct

How is the trial conducted for common types of commercial litigation? How long does the trial typically last?

The typical commercial trial will have the following procedure:

- The lawsuit is filed with the judge deemed to have proper jurisdiction, who may admit, dismiss or prevent the lawsuit.
- Once the lawsuit is admitted, the defendant will be served with the claim and granted a term within which to reply to the lawsuit (defence), stating the "exceptions" (for example, the lack of legal representation), the counter-arguments to the lawsuit, the refutation of the plaintiff's evidence and, if necessary, the evidence offered by the defendant to rebut the arguments of the plaintiff. If the defendant files a counterclaim, it shall be notified to the other party so that they may present their objections and evidence.
- After this stage, several hearings take place, and afterwards, a period for submitting the final allegations is established. The last stage of the procedure is the decision of the judge, which either can or cannot be challenged, depending on the venue and amount of the controversy.
- In case the decision has already become res iudicata, the losing party will be required to enforce the decision. If the decision is not enforced, it can be made through different measures, such as the seizure of the party's property.
- Reaching a final resolution can take around four years if later instances are involved.

Law stated - 4 septiembre 2026

Use of juries

Are jury trials the norm, and can they be denied?

In our judicial system, jury trials are not regulated.

Law stated - 4 septiembre 2026

Confidentiality

How is confidentiality treated? Can all evidence be publicly accessed? How can sensitive commercial information be protected? Is public access granted to the courts?

Judicial files are not generally open for unrestricted public inspection. Access is ordinarily limited to the parties, their authorised lawyers and other persons permitted by the court. Judicial decisions may subsequently be made publicly available in redacted form, subject to personal data and transparency requirements.

A party submitting trade secrets, personal data, commerciallysensitive information or confidential business records may request protective measures. Depending on the circumstances, the court may restrict access, require confidential materials to be handled separately, order redaction of protected information or limit consultation to specifically authorised persons.

Confidentiality is not automatic merely because a party labels information as confidential. The requesting party should identify the protected information, explain the legal basis for protection and justify why unrestricted disclosure could cause harm.

Where experts require access to confidential information, the court may establish conditions governing consultation and use of the materials. Parties should therefore plan in advance how confidential and non-confidential versions of documents will be submitted, particularly in disputes involving trade secrets, technical information or commercially sensitive agreements.

Law stated - 4 septiembre 2026

Media and public interest

How is media interest dealt with? Is the media ever ordered not to report on certain information? Are trials public? How do the public and media access trials?

It is possible to limit information on the identity of persons, personal data or data of minors, as long as it is for their protection.

If the media obtains information from the claim or its prosecution, there is no provision in the law that prevents them from disclosing it. However, if the disclosure of the information caused damage to any of the parties, the possibility of bringing an action against the media can be considered.

Law stated - 4 septiembre 2026

Proving claims

How are monetary claims valued and proved?

Monetary claims must be supported by evidence establishing the legal basis of the obligation and, where possible, the amount claimed. Depending on the dispute, relevant evidence may include contracts, invoices, accounting records, payment documents, financial statements and expert reports.

A claimant seeking damages must ordinarily prove the unlawful conduct or breach, the existence of the loss and a legally sufficient causal link between them. Lost profits require evidence showing that the expected gain was reasonably probable and not merely speculative.

Accounting, financial or valuation experts are frequently appointed in complex disputes to quantify damages, interest, lost profits or the value of assets and commercial rights. The court is not automatically bound by an expert's calculation and must assess it together with the remaining evidence.

Liability and quantum are commonly addressed within the same proceeding. However, where the existence of a right to compensation is established but the precise amount cannot yet be determined, the judgment may reserve quantification for the enforcement stage or an incidental proceeding, depending on the nature of the claim and the applicable procedural rules. Formally separate or "split" trials are not generally the ordinary model.

Law stated - 4 septiembre 2026

POST-TRIAL

Costs

How does the court deal with costs? What is the typical structure and length of judgments in complex commercial cases, and are they publicly accessible?

Access to the courts is not subject to judicial filing fees of the kind imposed in some jurisdictions. Nevertheless, each party ordinarily bears its own lawyers' fees, expert fees, document expenses and other costs incurred in presenting its case.

The court may order the losing party to pay recoverable costs when the statutory requirements are satisfied. Recoverable amounts are not necessarily equivalent to the legal fees actually paid and may instead be determined under statutory fee schedules, applicable tariffs or other legally recognised criteria.

Complex commercial judgments generally describe the procedural background, identify the claims and defences, assess the evidence, set out the applicable legal reasoning and conclude with the operative orders. Their length varies according to the complexity of the issues and evidentiary record.

Access to the complete judicial file is ordinarily restricted to authorised participants. Judgments may be published through judicial transparency platforms, usually in a public version from which personal, confidential or legally protected information has been removed.

Law stated - 4 septiembre 2026

Appeals

When can judgments be appealed? How many stages of appeal are there and how long do appeals tend to last?

Whether a judgment or interlocutory order may be appealed depends on the type of commercial proceeding, the nature of the ruling and the specific procedural provisions applicable to the case.

Final judgments in proceedings where an ordinary appeal is available may be challenged before a superior court. The appellate court may confirm, modify or reverse the decision. Certain interlocutory rulings may also be challenged, either immediately or together with the final judgment, depending on the remedy provided by law.

Once the available ordinary remedies have been exhausted, a final judgment may be challenged through a direct amparo proceeding before a federal collegiate circuit court on constitutional and legality grounds. Procedural acts occurring during the litigation may, in exceptional circumstances and subject to the applicable requirements, be challenged through indirect amparo.

Some oral commercial proceedings do not provide an ordinary appeal against the final judgment, making amparo the principal avenue for subsequent judicial review.

The duration of appellate and amparo proceedings varies according to the complexity of the dispute and the workload of the reviewing court. They can add a substantial period to the overall litigation and should be incorporated into any enforcement and settlement strategy.

Law stated - 4 septiembre 2026

Enforceability

How enforceable internationally are judgments from the courts in your jurisdiction?

The enforceability of a Mexican judgment abroad depends on the law of the country in which recognition or enforcement is sought and on any applicable international treaty. A party seeking enforcement should therefore assess the recognition requirements, public policy rules and procedural mechanisms of the destination jurisdiction.

Mexican judgments intended for use abroad may require a certified copy, evidence that the judgment is final and enforceable, an apostille or legalisation, and a translation into the language required by the enforcing jurisdiction.

Mexico's participation in international judicial cooperation instruments may facilitate the transmission of documents and other procedural aspects, but it does not eliminate the need to comply with the recognition and enforcement rules of the foreign jurisdiction.

Law stated - 4 septiembre 2026

Enforceability

How do the courts in your jurisdiction support the process of enforcing foreign judgments?

Mexican courts may recognise and enforce foreign judgments through the applicable recognition and enforcement procedure. The requesting party must file the foreign judgment and the supporting documents required by Mexican law, which may include evidence that the judgment is final, proof of proper service, an apostille or legalisation and a Spanish translation.

The Mexican court does not ordinarily retry the merits of the underlying dispute. Its review is generally directed to whether the legal requirements for recognition are satisfied, including jurisdiction of the foreign court, due process, finality, compatibility with Mexican public policy and the absence of an irreconcilable domestic judgment or proceeding where applicable.

If recognition is granted, the foreign judgment may be enforced using the measures available for domestic judgments, including attachment and judicial sale of assets, depending on the nature of the relief awarded.

Law stated - 4 septiembre 2026

OTHER CONSIDERATIONS

Interesting features
Are there any particularly interesting features or tactical advantages of litigating in this country not addressed in any of the previous questions?

One distinctive feature of Mexican litigation is the availability of constitutional review through amparo proceedings. Although amparo may extend the duration of a dispute, it provides an additional mechanism for challenging judicial and (or) administrative acts and final judgments that allegedly violate constitutional rights or applicable legality standards.

Mexican procedural law also provides preparatory proceedings and interim measures that may be used to obtain specific information, preserve evidence, secure assets or protect the subject matter of the controversy before or during the principal action.

Another relevant development is the expansion of civil and commercial litigation involving intellectual property rights. The Federal Law for the Protection of Industrial Property permits right holders to pursue damages before the civil courts, which is contributing to the development of more specialised claims involving infringement, compensation and valuation of intangible assets.

The gradual implementation of the National Code of Civil and Family Procedure is also expected to promote greater use of oral hearings, electronic proceedings and uniform procedural rules throughout the country.

From a procedural standpoint, Mexican litigation is generally less burdensome and costly than litigation in many common law jurisdictions because there is no broad discovery process. As a result, parties are not typically required to engage in extensive document production exercises, which may reduce both costs and procedural complexity.

Mexico is also a party to numerous international treaties concerning judicial cooperation, recognition and enforcement of foreign judgments and arbitral awards. This framework

facilitates cross-border dispute resolution and enhances the effectiveness of judgments and awards involving foreign parties.

Furthermore, the Mexican judiciary has increasingly incorporated oral proceedings, particularly in commercial litigation. These proceedings are intended to provide a more direct and efficient resolution of disputes, allowing judges to engage actively with the parties and evidence, while reducing the overall duration of proceedings. Combined with the availability of constitutional review through amparo, this evolution has strengthened the efficiency and predictability of commercial litigation in Mexico.

In certain cases, parties may also benefit from the fact that Mexican courts are generally more receptive to documentary evidence than jurisdictions that rely heavily on witness examination and discovery.

Finally, the coexistence of local, federal, administrative and constitutional proceedings can provide parties with different procedural avenues. This flexibility may offer strategic advantages, but it also requires careful coordination to avoid inconsistent positions and unnecessary duplication.

Law stated - 4 septiembre 2026

Jurisdictional disadvantages

Are there any particular disadvantages of litigating in your jurisdiction, whether procedural or pragmatic?

Despite the significant modernisation of the Mexican judicial system in recent years, some challenges remain. The most frequently cited concern is the duration of proceedings. Complex commercial disputes may take several years to reach a final and enforceable resolution, particularly when constitutional review through amparo proceedings is pursued after ordinary remedies have been exhausted.

Although oral proceedings have improved efficiency in many commercial matters, court congestion and limited judicial resources in certain jurisdictions may still result in delays in scheduling hearings and issuing decisions. As a consequence, timing considerations continue to play an important role when developing litigation strategies in Mexico.

Another practical challenge is the lack of full digitalisation across all courts and jurisdictions. While important progress has been made toward electronic filing systems and digital case management, the level of implementation is not yet uniform throughout the country, which may create administrative inefficiencies and increase costs for parties involved in litigation.

Furthermore, the level of specialisation among courts may vary depending on the subject matter and the venue. Although Mexico has highly sophisticated courts in several areas, continued investment in judicial training and specialisation would further enhance predictability and consistency in the resolution of complex commercial disputes.

In addition, the absence of broad pre-trial discovery mechanisms may be perceived as a disadvantage by parties from common law jurisdictions, as access to evidence generally depends on the parties' own ability to obtain and present the relevant documents and information during the proceedings.

Finally, while transparency and judicial accountability mechanisms have strengthened considerably in recent years, maintaining confidence in the rule of law and the integrity of judicial institutions remains an ongoing priority for the legal system.

Law stated - 4 septiembre 2026

Special considerations

Are there special considerations to be taken into account when defending a claim in your jurisdiction, that have not been addressed in the previous questions?

When defending a claim in Mexico, early procedural analysis is particularly important. Defendants should carefully assess jurisdictional issues, including whether the dispute should be heard by federal or local courts, as the selected forum may significantly affect the proceedings, timing and available remedies.

It is also critical to raise all available procedural defences and objections at the earliest stages of the proceedings. Certain jurisdictional challenges, standing objections and procedural defences may be deemed waived if not timely asserted.

Defendants should likewise focus on the preservation and organisation of documentary evidence from the outset. Since Mexican litigation relies heavily on documentary evidence and does not provide for broad discovery mechanisms comparable to those found in common law jurisdictions, the ability to gather and present supporting documentation at an early stage may have a substantial impact on the outcome of the dispute.

In addition, parties should continuously evaluate the possibility of obtaining interim measures or pursuing settlement discussions when appropriate. Alternative dispute resolution mechanisms are increasingly used in commercial disputes and may provide a more efficient and cost-effective resolution.

Foreign parties should also consider that Mexican law contains specific formal requirements regarding powers of attorney, legalisation or apostille of foreign documents, and the evidentiary value of documents executed abroad. Addressing these issues early in the proceedings can help avoid procedural challenges and unnecessary delays.

Finally, defendants should consider from the beginning the potential constitutional implications of the case and the possible use of amparo proceedings at later stages of the litigation, as these may become an important component of the overall defence strategy.

Law stated - 4 septiembre 2026

UPDATE AND TRENDS

Key developments of the past year

What were the key cases, decisions, judgments and policy and legislative developments of the past year?

Supreme Court decision on image rights and statutory damages

In 2026, the Supreme Court issued a significant decision in the long-running dispute between actor Diego Luna and Diageo México concerning the unauthorised use of his image in an advertising campaign. Following its previous criteria in the related Gael García Bernal case, the Court reinforced the protection of image rights and confirmed the applicability of the statutory compensation regime provided by article 216 Bis of the Federal Copyright Law. The decision further clarified the manner in which damages should be calculated and strengthened the deterrent effect of civil liability for the unauthorised commercial exploitation of an individual's image. This ruling is expected to continue influencing future litigation involving image rights, copyright and damages claims.

Increased use of civil and commercial courts for intellectual property disputes

Another important trend has been the growing number of intellectual property disputes being brought directly before civil and commercial courts following the entry into force of the Federal Law for the Protection of Industrial Property. The new framework allows right holders to pursue damages claims without first obtaining a final administrative declaration of infringement in certain circumstances, which has encouraged a greater use of judicial proceedings to seek compensation and other remedies. As a result, courts are increasingly being required to address complex issues involving trademark infringement, unfair competition, damages quantification and evidentiary standards, making intellectual property litigation a more prominent component of civil and commercial practice in Mexico.

Judicial support for international arbitration and interim measures

Another significant development has been the continued recognition by Mexican courts of their role in supporting international arbitration proceedings. Recent judicial decisions have reinforced the ability of Mexican courts to grant interim and precautionary measures, including measures affecting assets located in Mexico, even when the merits of the dispute are subject to arbitration abroad. This trend confirms Mexico's arbitration-friendly approach and highlights the increasing integration between judicial proceedings and alternative dispute resolution mechanisms. For businesses involved in cross-border transactions, these developments strengthen the effectiveness of arbitration agreements and provide greater certainty regarding the preservation of assets pending the resolution of the dispute.

Growing relevance of corporate compliance in commercial disputes

A noteworthy trend has been the increasing relevance of corporate compliance programmes in civil and commercial litigation. Recent judicial discussions have explored the extent to which a company's internal policies, codes of conduct and compliance mechanisms may influence the assessment of liability in disputes involving commercial relationships. Although this area remains under development, the trend reflects a growing expectation that companies not only adopt compliance frameworks, but also effectively enforce them in practice. As a result, compliance policies are becoming more relevant not only from a regulatory perspective, but also as a factor that may affect evidentiary assessments, contractual disputes and potential claims for damages.

Law stated - 4 septiembre 2026