

LEGAL ASPECTS
IN
COLLECTION OF ACCOUNTS
IN CUBA

U. S. DEPARTMENT OF COMMERCE
BUREAU OF FOREIGN AND DOMESTIC* COMMERCE

U. S. DEPARTMENT OF COMMERCE
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LEGAL ASPECTS
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By

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FOREWORD

The favorable reception accorded Trade Information Bulletin No. 748, *Legal Aspects in Collection of Accounts in Argentina*, published by the bureau early last year, has encouraged a more detailed analysis of the Cuban legal process in this second of a series of studies being made of the laws governing collection of accounts abroad.

The present bulletin discusses the salient features of the rules of procedure for the prosecution of actions filed in the courts of Cuba, the outstanding technicalities and the main sources of difficulty being pointed out. After an introductory treatment of the various Cuban courts and their jurisdiction and of the fundamental rules governing capacity of litigants and powers of attorney to sue, the study analyzes the actions which, ordinarily, may be instituted before Cuban tribunals. A discussion of special actions and proceedings follows, starting with arbitration. Particular attention has been given the executory action, the importance of which must be stressed in view of its effectiveness. The more common commercial actions, such as those grounded on negotiable instruments, refusal to accept goods sold, current accounts, and mortgages, are next considered. The final part of the bulletin is devoted to suspension of payments and bankruptcy proceedings.

A work of this nature should be of interest to all firms which under present conditions find themselves forced to contemplate the possibility, advantage, and difficulty of collecting, through proceedings at law, accounts due them in foreign jurisdictions; and it should be particularly helpful to the American exporter facing such litigation in Cuba in deciding the proper course to pursue.

It is the usual recommendation of the division of commercial laws to residents of the United States who are to become parties to litigation or who seek through judicial means to protect their rights in foreign countries that they consult their own attorneys and lawyers specializing in the law of the particular foreign jurisdictions and having correspondents there. These lawyers, having immediate knowledge of the questions involved, are not only in a position fully to advise as to the necessary steps to be taken to protect the rights of their clients, but also to prepare all necessary documents, thus assuring more prompt and efficient progress. Experience has shown that acting through counsel at the place of business of the client is not more expensive than dealing with attorneys at the place where the difficulties arise. Furthermore, definite information concerning the costs and progress of proceedings is readily procurable through these attorneys from their correspondents abroad, who file the action and represent the litigant therein.

Acknowledgment is made of the valuable assistance received in the preparation of this bulletin from several of the leading law firms in Habana and from Assistant Trade Commissioner R. Horton Henry, in reviewing the manuscript and verifying certain points of law.

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