



**AMERICAN BAR ASSOCIATION RULE OF LAW INITIATIVE
SUPPORT FOR LAW SCHOOLS AND BAR ASSOCIATIONS
IN MEXICO PROGRAM
QUARTERLY REPORT
ABA CY 2013, QUARTER 1
NARRATIVE
AID-523-A-10-00001**

A. INTRODUCTION

The American Bar Association Rule of Law Initiative (“ABA ROLI”) hereby presents its eleventh Quarterly Report of the *Support for Law Schools and Bar Associations in Mexico Program* (“Program”) funded by the United States Agency for International Development (“USAID”). The report includes Program background, personnel updates, a results summary, and a results matrix. In addition, the report includes ten attachments, among them the Narcotics Affairs Section (“NAS”) and the Performance and Monitoring Plan (“PMP”) reports, prepared per USAID’s request.

This report covers the period of January-March 2013. It is based on the corresponding work plan approved by USAID on December 10, 2010, as amended by the following modifications: Modification of Assistance 1, executed between ABA ROLI and USAID on December 9, 2011; Modification of Assistance 2, signed on September 13, 2012; and Modification of Assistance 3, signed on December 12, 2012.

Executive Summary

This quarter, the Program planned and carried out the following activities to support the implementation of the 2008 criminal justice reform and to improve the legal education and legal profession regimes in Mexico: (1) successfully conducted its first Specialized Training on the Mexican Accusatorial System; (2) completed its fourth assistance project to implement standardized university legal curricula; partially concluded its fifth such project; and launched the sixth one; in conjunction with its partner *Centro de Estudios sobre la Enseñanza y el Aprendizaje del Derecho A.C.* (“CEEAD”); (3) continued supporting regional and nationwide moot court competitions in Mexico City and Monterrey; (4) continued supporting the first stages of the implementation of the three criminal law sections within the clinics of its three partner universities; (5) presented the second model Continuing Legal Education Course on the Mexican Accusatorial System to assist bar associations and their members in Hidalgo, and continued activities towards the third one in Durango; (6) adopted and sent to print its Model Code of Ethics for the Legal Profession, and began preparations for its public presentation; (7) adopted and printed the Guide for the Strengthening of the Legal Education and Legal Profession Regimes in Mexico, developed a plan to promote the guide with key stakeholders and counterparts



from Nuevo León and at the federal level, and launched activities contained in that plan; and (8) continued preparations for the rest of the Program activities in accordance with the terms of the cooperative agreement as amended in December 2011, September 2012, and December 2012. It is worth highlighting that the Program was able to complete these activities with USD \$10,614 in cost share contributions from local counterparts – a testament to the important level of support that the Program has successfully garnered in Mexico.

In addition, the Program continued to maintain close contact with the *Secretaría Técnica del Consejo de Coordinación para la Implementación del Sistema de Justicia Penal* (“SETEC”), including personally meeting with its new management, headed by Dr. María de los Ángeles Fromow. Furthermore, the Program continued meeting and working with the senior staff of Management Systems International (“MSI”)/*Proyecto de Seguridad y Justicia* and other USAID partners to coordinate the Program’s activities with existing complementary initiatives and to facilitate high-impact and sustainable results.

Finally, during the current quarter, at the request of USAID/Mexico and local counterparts and stakeholders, the Program continued to conduct and support key activities to help foster a new vision of the legal education and legal profession regimes, and a more comprehensive incorporation of the accusatorial system in Mexico. Further information on these efforts can be found in the Results Summary section.

Program Background

As described in previous reports, this Program’s original aim was to work closely with Mexican private and public justice sector operators to accomplish the following overarching objectives: (1) create a sustainable mechanism to alleviate the state and federal government burden of retraining current and future justice sector operators on the particularities of the new criminal justice system; and (2) enhance the ability of attorneys and judges to effectively and efficiently litigate and adjudicate cases, protect individual rights with appropriate accountability, and implement reforms effectively and rapidly. In December 2011, and at the request of USAID, the Program’s strategic goal was shifted to focus solely on private sector operators and law faculty, both public and private.

The Mexican justice sector is at a critical stage in its implementation of the accusatorial system. As is typical of these transitions, the justice sector has both achieved notable successes and encountered obstacles since the reform process started nationwide with the passage of the constitutional reform in 2008 and even earlier in some states, such as Nuevo León, Chihuahua, and Oaxaca, which initiated criminal justice reform between 2004 and 2007. During these reform processes, government-led training has focused primarily on public sector operators. As such, private justice sector actors, including law professors and practicing attorneys, have largely been excluded from wide-scale capacity-building efforts to support the implementation of the new criminal procedure codes (“codes”). This



situation has prevailed in the state and federal justice regimes. Thus, to assist with the effective implementation of the new criminal justice system, the Program seeks to increase private justice sector members' understanding of the accusatorial system, the substantial role they play in it, and provide them with the required skills to litigate in it, while also encouraging them to actively engage in the reform process.

These efforts are especially important given that 2012 marked the midway point of the eight-year period mandated by the constitution for all 33 jurisdictions to fully implement the accusatorial system, and there are still enormous needs to be met in terms of training and legal infrastructure design - most notably, the Federal Criminal Procedure Code, which has not been adopted yet despite previous indications that it would be approved in the first half of CY 2012. Further, President Enrique Peña-Nieto's announcement that his administration would explore the possibility of creating a nation-wide single criminal procedure code illustrates the need for deep reflection and dialogue regarding the best alternatives to implement the 2008 constitutional reform.

In this respect, the Program's continued support of activities to engage private practitioners, law professors, and law students in activities such as training for the accusatorial system, discussing and analyzing draft codes, and discussing implications of legal ethics, and other related activities, will be crucial in securing their understanding, support, and ownership of the new system. Their commitment to ensuring the new system's sustainability will increase commensurate with their understanding of it and participation in it.

Within this context, the Program aims to strengthen the capacity of Mexican private attorneys, law professors, bar associations, and law schools to support the implementation of the accusatorial system by:

- Conducting Accusatorial System Training for Law Schools and Bar Associations via Basic and Specialized Accusatorial System Trainings.
- Strengthening the Capacity of Law Schools to Prepare Law Students for the Accusatorial System, via:
 - Implementation of Standardized Law School Curriculum;
 - Administration of Mock Trial Competitions; and
 - Support for Criminal Defense Clinics.
- Strengthening the Capacity of Bar Associations to Support Attorneys under the Accusatorial System, via:
 - Development of Continuing Legal Education Curriculum for Bar Associations; and
 - Development of a Model Ethics Code for Attorneys.
- Supporting Local Efforts to Advocate for Reforms of the Legal Profession and Legal Education Regimes, via:



- Finalization and dissemination of the Guide for Reform of the Legal Profession and Legal Education (“Guide”); and
- Support for implementation of key recommendations of the Guide.

Personnel

Resident Program staff includes Country Director Alonso González-Villalobos; Senior Coordinator David Fernández Mena; Field Financial Manager, Gabriela Cruz Ortiz; Program Officer Mireya Moreno, and Administrative Assistants Sahila Hernández Uribe and Dayra Vergara Vargas, who replaced Alexa Zorrilla Cárdenas in February 2013. Additionally during this quarter, and as consequence of the departure of Mr. Hugo Concha, who had joined ABA ROLI as Reform Coordinator, the team was restructured, and Country Director and Senior Coordinator assumed the political representation in the promotion of the Guide, based on the plan devised by the Reform Coordinator and Country Director earlier in the quarter.

The Program is supported in Washington, D.C. by the Latin America and the Caribbean Division, including Michael McCullough, Director; Chantal Agarwal, Senior Program Manager; Stacy Clenney, Program Officer; and Cynthia Arévalo, Program Associate.

B. RESULTS SUMMARY

Component 1: Conduct Accusatorial System Training for Law Schools and Bar Associations

Activity 1(A): Conduct Basic Accusatorial System Trainings

In August 2012, the Program successfully completed all ten trial advocacy skill trainings committed to under the cooperative agreement. During the CY 2012 Q#4 the Program partnered with MSI/*Programa de Seguridad y Justicia* to co-sponsor two more trainings for private practitioners in the state of Morelos. Both trainings were completed under the Program’s coaching methodology.

Activity 1(B): Conduct Specialized Accusatorial System Trainings

Early this quarter, after processing feedback received by relevant Mexican specialists, ABA ROLI México adopted the final set of materials for its Specialized Trainings on the Mexican Accusatorial System that, being directed to private practitioners and law faculty, aims to explore key topics of the broader Mexican legal infra-structure that are necessary for the accusatorial model to be fully effective.

Having all substantive and logistical preparations ready, from February 27-March 1, 2013, the Program conducted its first Specialized Training on the Mexican Accusatorial System in Chihuahua. Participants were provided with a deeper understanding of topics that address specific and sensitive areas related to the accusatorial system in Mexico, such as the investigation phase (including conditions for release), pre-trial litigation, and the Human Rights and *amparo* regimes in relation to the criminal procedure, all of which are necessary for the accusatorial model to be fully effective.



Professor Cardoza presenting on mediation and other ADR mechanisms, at the Chihuahua Advanced Seminar

Sixty-three private practitioners and law professors received certificates of attendance, after concluding the three-day seminar, which was taught by a combined team of Mexican and international trainers, including the Program's resident staff. While the overall knowledge gain was 38%, as reflected by questionnaires applied prior to and after the training, there were more than 16 students whose gain was over 40%, in some cases reaching as high a percentage of 250% or 400%. Furthermore, the results of a self-evaluation survey took by participants show that while 23% of participants considered that they had had a "good" understanding of the topic of conditions for release (pretrial litigation) prior to the training, that percentage grew to 54% after the training.; While none of the participants thought that they had had an "excellent" level of knowledge at the beginning, 31% of them indicated they did in the survey conducted at the end. Results of the pre-training/post-training questionnaires can be found in Attachment A, along with comments from participants, while the self-assessment surveys results and comments are contained in Attachment B to this report.



Formal inauguration of the Specialized Seminar, in Chihuahua, February 2013.

The Government and the Superior Court of the State of Chihuahua co-sponsored the event, at no cost to the Program, thereby contributing in the amount of USD \$769.57¹ as cost share. Also, Mr. Peter Mitchell, who is a New York-based public defender, agreed to conduct a pro-bono final review of the materials which were to be used at the training, thereby contributing with a further USD \$2,296.00 in cost share for the Program.

It is worth noting that these specialized seminars are the first of their kind ever to have been offered by any agency or institution in the country, and were entirely developed by the Program.

Component 2: Strengthening the Capacity of Law Schools to Prepare Law Students for the Accusatorial System

Activity 2(A): Implement Standardized Law School Curriculum

During this period, the Program:

- (i) Continued developing new teaching materials, courses, and educational methodologies (reading book, case book and teacher's manual) that align with

¹ The amount of USD \$769.57 is based on Oanda.com's exchange rate for March 1, 2013, and corresponds to the amount of MxP \$9,820.00.



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the legal reforms taking place in Mexico. In particular, it achieved the following results:

- a. Revised the first draft of the Reading Book covering criminal procedure law, alternative criminal disputes resolution, and trial advocacy skills.
 - b. Developed the Case Book, so as to include at least three different hypothetical cases.
 - c. Continued preparing the Professor's Teaching Guide, taking into account SETEC's requirements.
- (ii) In order to maximize limited resources, the Program revised the selection of law schools, within the Program's seven "priority states" – Baja California, Chihuahua, Durango, Nuevo León, Hidalgo, Morelos, and Oaxaca – which will benefit from this activity by receiving assistance (guidance, training, and materials) in their efforts to implement a standardized curriculum that fully adopts the accusatorial system, so that future lawyers may be adequately prepared; and
- (iii) Concluded its fourth project (in Morelos), partially concluded its fifth project (in Oaxaca), and launched its sixth such project (in Durango). During the last quarter, the Program had successfully concluded three of them (out of a total of seven committed under the cooperative agreement): in Nuevo León, Chihuahua and Hidalgo).

–Fourth Law School Assistance Project: Cuernavaca, Morelos

During this quarter, in conjunction with its partner CEEAD, ABA ROLI successfully concluded all activities related to its fourth assistance project (aimed to support host institutions in their efforts to implement a standardized legal curriculum that fully adopts the accusatorial system, so that future lawyers may be adequately prepared), in Cuernavaca, Morelos, at the *Universidad Interamericana para el Desarrollo* ("UNID"). It is worth noting that this university has 48 campuses spread throughout Mexico, 44 of which offer a degree in law and hold a combined student body of 2,906. Having applied a multiplier effects strategy, the Program managed to benefit all of the 44 campuses with the same level of human and material resources, as they will all incorporate the curricular modifications referred to below. Specific activities are summarized as follows:

- a) From January 7-11, 2013, in Monterrey, Nuevo Leon; Mexico City; and Cuernavaca, Morelos, the Program concluded the first phase of this project, during which it analyzed the specific needs of the UNID and engaged their staff so as to design the intervention plan accordingly.
- b) From January 14-18, 2013, in Cuernavaca, Morelos, ABA ROLI México and its partner CEEAD conducted phase two of this project. During phase two a team of

highly specialized, multidisciplinary trainers were deployed and trained faculty, management, and advanced students on the accusatorial system and the best pedagogical methodologies and practices thereof. Training took place at the facilities of the host institution, who offered them at no cost, thereby contributing with USD \$ 167.06² in cost share for the Program.



UNID Law School Dean and other authorities, during the inauguration ceremony

This week-long intensive in-person workshop included the use of new manuals and teaching materials being developed by the Program. Apart from the Cuernavaca campus, five other campuses of the UNID system (from Toluca, Ciudad Obregón, Mérida, Playa del Carmen, and Chalco) sent personnel to attend the in-person training. All those campuses are on the council that oversees the entire system, and agreed to share their experiences with institutional colleagues.

- c) From January 21-February 22, 2013, in Cuernavaca, Morelos, the Program conducted the third phase of this assistance project. During this phase (which lasted four weeks), the Program focused on coaching the host institution's academic and managerial personnel. Coaching focused on how to design the specific contents of the new curricula by deeply restructuring the criminal procedure law course and incorporating brand new courses on alternative resolution of criminal conflicts and trial advocacy skills, and filling out all necessary administrative paperwork necessary to obtain authorizations from relevant authorities to incorporate the amendments.

² The amount of USD \$167.06 is based on Oanda.com's exchange rate for January 7, 2013, and corresponds to the amount of MxP \$2,112.00.



- d) On February 22, 2013, in Cuernavaca, Morelos, ABA ROLI México and its partner CEEAD concluded all activities regarding this fourth law school assistance project. The Program's support included training and coaching of management and faculty in the development of revised curricular contents, including the use of new manuals and teaching materials being developed by the Program, and led to the restructuring of the host institutions' criminal procedural law course, and the incorporation of brand new courses on alternative resolution of criminal conflicts and trial advocacy skills. UNID formally committed to request clearance from the *Secretaría de Educación Pública* during USF FY 2013 Q#3 (CY 2013 Q#2), so as to commence all three courses as soon as possible, both at the undergraduate and graduate levels (*licenciatura* and *maestría*), and also to (i) continue training their faculty so that they can effectively teach the new courses and (ii) offer special trainings for those students who have already taken the non-reformed criminal procedures course, so that they may also benefit from the curricular change. The specific contents of UNID's undertakings can be found in Attachment C.

-Fifth Law School Assistance Project: Oaxaca, Oaxaca

In accordance with the work plan, concomitant to the final weeks of the Morelos project, the Program launched its fifth project at the *Universidad Mesoamericana* ("UM") and *Instituto de Ciencias Jurídicas de Oaxaca* ("ICJO"). Just as it had done in its third assistance project (see Q Rpt CY 2012 Qtr4), the Program was able again to maximize resources by assisting two different institutions with the same amount of financial and human resources programmed to support only one. UM has three campuses (based in Oaxaca, San Luis Potosí, and Queretaro) and a combined law student body of 150. ICJO is a recently established university focused exclusively in the field of law, which is growing at a fast pace and has rapidly gained high prestige in the area, where 71 students are currently enrolled. Specific activities for this period are summarized as follows:

- a) From February 4–8, 2013, in Monterrey, Nuevo Leon, and Oaxaca, Oaxaca, ABA ROLI México and its partner CEEAD conducted phase one of this project, during which it analyzed the specific needs of the UNID and engaged their staff so as to design the intervention plan accordingly.
- b) Phase two of this intervention project was conducted from February 17–22, 2013, in Oaxaca, Oaxaca, during which a team of highly specialized, multidisciplinary trainers were deployed and trained faculty, management, and advanced students on the accusatorial system and the best pedagogical methodologies and practices thereof. This week-long intensive in-person workshop included the use of new manuals and teaching materials being developed by the Program. Activities took place at the facilities of UM, who lent them at no cost, thereby contributing with

USD \$ 337.11³ in cost share for the Program, whereas ICJO contributed with USD\$ 96.89⁴ worth of beverages during that week.



Law faculty, management and advanced students, at the on-site training in Oaxaca, for UM and ICJO

- c) From February 22-March 15, 2013, in Oaxaca, the Program and its partner CEEAD conducted phase three of this fifth law school assistance project. During phase three, the Program focused on coaching the host institutions' academic and managerial personnel to design the specific contents of the new curricula by deeply restructuring the criminal procedure law course and incorporating brand new courses on alternative resolution of criminal conflicts and trial advocacy skills.

³ The amount of USD \$337.11 is based on Oanda.com's exchange rate for February 22, 2013, and corresponds to the amount of MxP \$4,392.50.

⁴ The amount of USD \$96.89 is based on Oanda.com's exchange rate for February 22, 2013, and corresponds to the amount of MxP \$1,229.60.



ABA ROLI Senior Coordinator, and CEEAD's representative, among host institutions' authorities, explaining the goals of the Law School Assistance project.

- d) On March 22, 2013, in Oaxaca, the Program finalized all activities in support of UM.⁵ The Program's support included training and coaching of management and faculty in the development of revised curricular contents, including the use of new manuals and teaching materials being developed by the Program, and led to the restructuring of the host institutions' criminal procedural law and alternative resolution of criminal conflicts courses, and the incorporation of brand new course on trial advocacy skills. UM formally committed to commence all three courses as soon as possible, and also to (i) continue training their faculty so that they can effectively teach the new courses and (ii) prepare and put in operation a graduate course on Criminal Accusatorial system and trial advocacy skills. The host institution further committed to share the benefits, so as to extend all lessons learned to all three campuses of UM (based in Oaxaca, San Luis Potosí, and Queretaro), thereby empowering the entire system which will offer the same academic products. The specific contents of UM's undertakings can be found in Attachment D.

Sixth Law School Assistance Project: Gomez Palacio, Durango

During this quarter, the Program launched activities regarding its sixth project at the *Universidad Francisco González de la Vega* ("FAGOVE"), in the state of Durango. FAGOVE is a newly created university, based in a city with a large potential due to its

⁵ Similar final activities with ICJO, also part of this fifth project, will conclude in early CY2013 Q2.

being part of the greater Torreon area (known as “La Laguna”), and has consistently been attracting students from the northern-central region of Mexico. The crucial importance of this city and the host institution is better reflected by acknowledging the high levels of violence that have persisted in the region, which call for a steeper aim to the heart of strengthening institutions that will ultimately produce the next generation of legal operators. Specific activities during this quarter are summarized as follows:

- a) On March 8, 2013, in Monterrey, Nuevo Leon; Mexico City; and Gomez Palacio, Durango, ABA ROLI México and its partner CEEAD launched phase one of this sixth law school assistance project, by analyzing the specific needs of FAGOVE and engaging their staff so as to design the intervention plan accordingly.
- b) From March 19-23, 2013, in Gomez Palacio, Durango, the Program conducted phase two, and launched preparations for phase three (virtual coaching and training), of this sixth assistance project. During phase two a team of highly specialized, multidisciplinary trainers trained faculty, management and advanced students on the accusatorial system and the best pedagogical methodologies and practices thereof. This week-long intensive in-person workshop included the use of new manuals and teaching materials being developed by the Program.



Trainer Carla Pratt, explaining the role of defense in the accusatorial system, at FAGOVE

All throughout this period, the Program recorded all relevant experiences so as to constantly improve the dynamics of future interventions for more law schools.

It must be noted that ABA ROLI has maintained a strategic oversight role of CEEAD’s work for this component as per the terms of its subgrant agreement , and both institutions are ensuring that the results of the assistance conform to SETEC’s standards. ABA ROLI

has provided support in the planning of the intervention calendar, the selection of universities, supervised the development of the on-site trainings, examined the commitment made by the host universities, and has also contributed to the substantive and strategic design of all documents (reading book, case book and teacher's guide) being developed for host universities to use them as teaching materials. Additional supervision for the required reports and financial management of the subgrant has been provided on a regular basis. A summarized account of all activities performed by CEEAD thus far can be found in the subgrantee's programmatic report, Attachment E.

Activity 2(B): Conduct Mock Trial Competitions

Another key activity to support the capacity-strengthening of law schools to prepare law students for the accusatorial system is to support mock trial competitions, in which teams formed by students from different Mexican law schools engage in litigating hypothetical criminal cases in inter-collegiate tournaments.

During this quarter, the Program continued to engage in constant dialogue with key partners to plan and advance mock trial competitions to maximize the Program's impact and sustainability.



Student prosecutor examining witness at the AbogaTec Mock Trial Competition. Country Director and Senior Coordinator perform sat as judges.

In particular, during this period, the Program conducted the following activities:



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- a) Second National Competition: “*ABOGA – TEC, La Prueba no habla por sí sola*”
- a. On January 25, 2013, in Mexico City and Monterrey, Nuevo Leon, ABA ROLI México and its partner university *Tec de Monterrey*, finalized and posted the hypothetical case which was to be argued at the Mock Trial Competition.
 - b. On February 15, 2013, in Mexico City and Monterrey, Nuevo Leon, the Program concluded the registration phase.
 - c. From March 4-7, in Monterrey, Nuevo Leon, the Program concluded all substantive and logistical arrangements to launch the tournament.
 - d. From March 7-9, in Monterrey, Nuevo Leon, ABA ROLI México and its partner university, *Tec de Monterrey*, successfully conducted the Mock Trial Competition, which lasted for two days in which ten teams from seven different states (40 students in total: 18 women and 22 men) were asked to perform both sides of the case (as defense counsel and also as prosecutors), by presenting opening and closing statements and examining and cross-examining witnesses. The semifinal and final rounds were conducted in real courtrooms, facilitated by the Nuevo Leon Supreme Court at no cost for the Program, thereby providing a real-life setting for the competition. The winning team came from *Colegio Jurista*, based in Cuernavaca.



Final round at the AbogaTec Mock Trial Competition

Tec de Monterrey contributed its facilities at no cost to the Program, resulting in a cost share amount of USD \$ 633.41⁶. Also, Manuel Caloca and Ruben Cardoza, who participated at the mock trial as judges, did so on a pro-bono basis, thereby contributing a combined amount of USD \$ 6,314.00 in cost share for the Program.

b) Third National Competition, in conjunction with *Colegio Jurista*.

In addition, based on the results reported on CY2012 Q#2, during the current reporting period the Program reached an agreement with *Colegio Jurista*, based in Cuernavaca, to jointly launch a national mock trial competition during CY2013 Q#3. The exact terms and conditions for the competition will be confirmed in early during the coming quarter.

These individual alliances with highly respected institutions not only help the Program's maximization of resources by reaching broader audiences in a more cost-efficient manner and expanding its geographical and personal impact, but also guarantee better and longer-term results. Further, this strategy aims to better promote larger and broader participation of teams in this type of activity by avoiding options that would eventually compete among

⁶ The amount of USD \$633.41 is based on Oanda.com's exchange rate for March 10, 2013, and corresponds to the amount of MxP \$8,000.00.



each other, which would ultimately discourage many universities from participating in some or all of them due to logistical and other constraints.

While implementing this strategy, the Program has been mindful of making its best efforts to guarantee that law schools from all seven USAID strategic states are invited and encouraged to participate.

Finally, during this period, key partner *Instituto Nacional de Ciencias Penales* (“INACIPE”) decided to indefinitely postpone its annual national moot court competition, due to lack of funding. During CY 2012 Q#2 and #3, the Program had assisted it in drafting the hypothetical case, re-designing the rules and regulations, and developing the evaluation tools. The Program remains confident, however, that such efforts will eventually benefit the legal community, as the materials produced remain available for any future opportunities sought by INACIPE.

Activity 2(C): Support Criminal Defense Clinics

As reported in previous quarters, the Program assumed direct responsibility for empowering up to three existing legal clinics by supporting the creation of a line of service exclusively dedicated to assisting indigent clients in criminal matters under the accusatorial system, instead of implementing the criminal defense clinics component through a sub-grant to a local partner.

During this quarter, the Program continued assisting all three partner universities (*Universidad Autónoma de Ciudad Juárez*, “UACJ”, based in Ciudad Juárez, Chihuahua, *Facultad Libre de Derecho de Monterrey*, “FLD”, based in Monterrey, Nuevo Leon, and *Universidad La Salle de Cuernavaca*, “ULSA”, based in Cuernavaca, Morelos) in the initial stages of the creation of a “Criminal Defense Section” at each of their respective and already existing law clinics. Specific activities included the creation of timelines for the production of the manual of operations and the communications campaign necessary for all three clinics to start operating.

All three Manuals of Operations were ready by the end of this quarter, along with their respective Promotion Plans. The Manual of Operations includes topics such as recruitment procedures for students, selection and management of cases, risk assessments, reporting, branding, and general administration of the clinic (an example can be found in Attachment F). The Promotion Plans, on the other hand, summarize the strategy to publicize the services offered by the clinic (an example of which is included in Attachment G). By adopting these documents, the clinics took an important step towards the initiation of operations.

All throughout this period, both FLD and UACJ, under the direct supervision of ABA ROLI México, held several meetings with authorities from the state of Nuevo Leon and



Chihuahua, respectively, and members of the academia and other stakeholders to present the project and secure their support.

In the case of ULSA, there was a need to replace the director of the clinic, as the person initially appointed and trained later resigned from the position. In light of these circumstances, from March 12-13, in Cuernavaca, Morelos, ABA ROLI Mexico successfully delivered in-person training for the newly-appointed director and other technical and administrative personnel that staff ULSA's clinic. The two-day workshop was conducted by Mr. David Fernández Mena, Senior Coordinator of ABA ROLI México, and focused on best practices regarding dynamics for clinical learning, the nature and objectives of a criminal law clinic anchored at the undergraduate level, recruitment procedures for students, selection and management of cases, risk assessments, reporting, branding, general administration, and the development of a comprehensive manual of operations.

As a result of this training, having doubled their efforts, and under the constant supervision and assistance of the Program, the clinic successfully concluded its own Manual of Operations by the end of this quarter and has started an ambitious promotion plan in order to make itself known among all relevant authorities and other stakeholders.

In addition, ABA ROLI continued to supervise and provide guidance to FLD's clinic, which has made the most progress among the three Program-supported clinics. The clinic launched operations by mid-March 2013, receiving and analyzing their first case, which derived from a domestic dispute. By the end of a two week period of in-depth analysis and consultation with members of the clinic, under the leadership of its director, the clinic presented the client with the suggested strategy. After considering the implications of such strategy, which implied certain personal actions that the client preferred not to take, the case was closed. Still, the client left satisfied with the service received.

During the following months, the Program will continue supervising, remotely and in-person, the launches and performance of all three the clinics, supporting their directors and the partner university's management in all technical and operative aspects.

Both the FLD and the UACJ are preparing to hold a public inauguration event of their respective clinics during next quarter, inviting all relevant stakeholders operating in the respective states, including national authorities such as SETEC. The Program will encourage ULSA to follow suit.

As outlined in the modified agreement narrative, ABA ROLI's goal under this activity is to strengthen the capacity of law schools to better prepare law students for the accusatorial system. Bearing in mind that the incoming generation of lawyers will perform as the new judges, prosecutors, defense attorneys (private attorneys or public defenders), police investigators, court administrators, etc., the development of this component is key to ensure the sustainability and continued improvement of the accusatorial system in Mexico.



Furthermore, this activity encourages a culture of pro bono services for the indigent, a phenomenon not currently in the mainstream of Mexican legal practice.

Component 3: Strengthen the Capacity of Bar Associations to Support Attorneys under the Accusatorial System

Activity 3(A): Develop Continuing Legal Education (“CLE”) Curriculum for Bar Associations

The Program supports efforts of state-based bar associations to inform and prepare lawyers for the new justice system launched last quarter. It additionally aims to reinforce their commitment to the transition and prevent counter-reforms. During this period, the Program (i) completed its second assistance project in Hidalgo, and (ii) advanced in the implementation of its third project in Durango.

Second CLE Project: Hidalgo

During the previous quarter, the Program adopted the first draft CLE Program for the Mexican Accusatorial System, specially designed for the *Barra Mexicana Colegio de Abogados de Hidalgo, A.C.* (the “Hidalgo CLE Course”). In this quarter, ABA ROLI submitted for peer review by the host institution the draft Hidalgo CLE Course, and after processing comments, it adopted and printed the final version, on January 11, 2013.

The following week, on January, 16, 2013, the Program formally presented the Hidalgo CLE Course. The presentation was held within the context of a meeting of the host institution’s board of directors specially called for that purpose, where its President signed and delivered a signed commitment to implement the Hidalgo CLE Course, at the institution’s own expense, as soon as possible. Please see attachment H.

The Hidalgo CLE Course consists of 155 hours of training for private practitioners on topics such as human rights, theory of the case, preliminary hearings, trial advocacy skills, remedies and *amparo*, and includes (i) a list of recommended Mexican trainers, all of whom had previously been directly or indirectly beneficiaries of the Program’s activities or other USAID funded programs, and who have accepted to become part of the Program’s standing pool of national trainers on the accusatorial system; and (ii) a list of suggested bibliographical and reference materials to be used during the Hidalgo CLE Course.

Third CLE Project: Durango

After consultations with local stakeholders and possible host institutions, the Program decided to postpone all activities regarding this third project until CY2013 Q#2

Activity 3(B): Develop a Model Ethics Code for Attorneys



On January 7, 2013, in Mexico City, the Program edited and formatted the final version of the Model Code of Ethics for the Legal Profession, as approved by the Drafting Committee on December 19, 2012, and submitted to all members of the Committee for final electronic confirmation of its contents.

On January 29, 2013, in Mexico City, and after processing feedback from the Drafting Committee, ABA ROLI México adopted the final wording of its Model Code of Ethics for the Legal Profession (the final title of which is *Lineamientos para un Código Deontológico de la Abogacía Mexicana*). The Program then proceeded to edit and started negotiations with various printing houses, to explore the best alternative, so that the code can be distributed and reach as big an audience as possible.

The final decision was to join efforts with the *Instituto de Investigaciones Jurídicas de la UNAM* (“IJUNAM”), so as to produce a joint publication, supported by the Program. As it has been reported in previous quarters, IJUNAM is the most prestigious legal research center in the country and perhaps also throughout Latin America. Further, ABA ROLI and IJUNAM agreed that the best option was to hold the public inauguration of the code at the Héctor Fix-Zamudio Auditorium of IJUNAM, and scheduled such event to take place on May 16, 2013, immediately launching the corresponding publicity campaign.

The code was materially drafted by four highly respected national experts (Óscar Cruz Barney, Cuauhtémoc Reséndiz Núñez, Felipe Ibáñez Mariel and José Antonio Lozano Díez) while ABA ROLI staff served as coordinators and general secretariat, conducting in-depth research activities (for example, locating and distributing precedents adopted in other jurisdictions’ courts, like Spain, the U.S., and Colombia regarding rules of professional conduct along with the codes containing such rules) and handling all logistical arrangements.

Component 4: Support Local Efforts to Advocate for Reforms of the Legal Profession and Legal Education regimes

Activities under this component entail efforts to promote improvements in the legal education and legal profession regimes in Mexico, based on the findings of such reports, by (i) producing a Reform Guide of the Legal Profession and Legal Education, and (ii) launching a campaign to lobby key aspects of the Reform Guide.

Activity 4(A): Finalize and Disseminate the Guide for Reform of the Legal Profession and Legal Education

During this quarter, ABA ROLI Mexico adopted, formatted, and sent to print the final version of its Guide for Reform of the Legal Education and Legal Profession in Mexico (“Reform Guide”). This important document stems from the findings contained in the Program’s Legal Education and Legal Profession Reform Indexes, publicly released in



CY2012, the contents of which were enriched by the valuable input provided by the Program's Working Group. The purpose of this Reform Guide is to provide specific recommendations and lay the groundwork for reforming the legal education and legal profession in Mexico by addressing the critical issues documented by said reports.

Parallel to that, the Program adopted the final version of its plan to promote the Reform Guide at the federal level and in the state of Nuevo Leon, which was selected as the pilot jurisdiction.

In implementation of the promotion plan, during this quarter, the Program conducted the following activities:

- a) From January 28-30, 2013, in Monterrey, ABA ROLI held a first round of meetings with key partners and stakeholders to promote its Reform Guide. Counterparts included the State of Nuevo Leon Undersecretary of Education; three top law schools; two local bar associations; an umbrella organization which brings together all bar associations operating in the State; a group of local practitioners; and one local NGO involved in criminal justice reform. This first round focused on exploring local reaction to the plan prepared to promote the Reform Guide. Further, a Consultative Council was formed by members of the Program's Working Group for the Strengthening of the Legal Education and Legal Profession based in Monterrey, with the objective of advising on and supporting the Program's efforts to promote the Reform Guide. Members of the Consultative Council are *Tecnológico de Monterrey*, *Centro de Estudios sobre la Enseñanza y Aprendizaje del Derecho*, *Capítulo Nuevo Leon de la Barra Mexicana*, *Colegio de Abogados*, *Universidad Autónoma de Nuevo Leon* and *Facultad Libre de Derecho de Monterrey*.
- b) From February 5-25, 2013, in Mexico City, ABA ROLI Mexico held a second round of meetings (the first one in Mexico City, as the previous had been conducted in Monterrey) with key stakeholders to promote its Reform Guide. Counterparts included Mr. Rafael Estrada Michel, from the *Instituto Nacional de Ciencias Penales*; Mrs. Leticia Bonifaz, who is running for a seat at the Federal Judiciary Council; Mr. Edgar Elías Azar, President of the Mexico City Superior Court; Mr. Orlando Camacho and Mrs. Leticia Aguiar from *Mexico, S.O.S.*; Mr. Luis Gonzalez Placencia, Federal District Commissioner for Human Rights; and Mr. Hector Fix Fierro, Director of IJUNAM.

As a result of the meeting with IJUNAM, and at the request of its director, the Program started arrangements to prepare a roundtable to discuss the contents of the Reform Guide, inviting experts from the institute.

- c) On February 26, 2013, in Mexico City, and as a consequence of the meeting held the previous week, Mr. Luis Gonzalez Placencia, Federal District Human Rights



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Commissioner convened a meeting with lawyers and public defenders so as to further promote the Reform Guide.

- d) On March 4, 2013, in Mexico City, ABA ROLI Mexico met with Mr. Jorge Arturo Cerdio, Law School Dean at *Instituto Tecnológico Autónomo de México*, who expressed ITAM's interest in supporting the Program's activities in Nuevo Leon.
- e) From March 6-7, 2013, the Program launched a two-day round of meetings in Monterrey. Meetings included (i) Mrs. Minerva Martinez Garza, Human Rights Commissioner of the State of Nuevo Leon; (ii) Mr. Paulo Garza González, private assistant to the Hon. Graciela Guadalupe Buchanan Ortega, Supreme Court of Nuevo Leon Chief Judge, (iii) the chief advisor to Rep. Luis David Ortiz, President of the State of Nuevo Leon Legislature, and (iv) 28 different bar associations operating in the State of Nuevo Leon.

Although implementation of the Reform Guide is being advocated in the State of Nuevo Leon as pilot jurisdiction (and also at the Federal Level), the strategic importance of some Mexico City based stakeholders, regardless of their current positions, made it advisable for the Program to meet with them as well, so as to further and more intensely promote the Reform Guide.

By the end of this quarter, Mr. Hugo Concha resigned from the Program in order to accept an appointment as Chief of Staff of the Federal Attorney General. ABA ROLI is very sorry to lose Mr. Concha to the federal government, but pleased as well for the importance of his new position, and wishes him continued success in his future endeavors.

As a result of Mr. Concha's resignation from the Program, and in view of the stage of implementation of the Program, the plan prepared by Mr. Concha and the Country Director, and the promotion work conducted so far, ABA ROLI decided to redesign its internal structure, creating a new position of Program Assistant who will discharge all logistical and administrative aspects of the promotion of the Guide, while the Program's Director and Senior Coordinator will assume direct responsibility for the political representation in such promotion.

Activity 4(B): Support the Implementation of Key Recommendations of the Guide.

During this quarter, the Program focused on launching the promotion of the Reform Guide. Many institutional representatives, with whom Program staff met, expressed their interest in analyzing in-depth its contents, with the view of exploring ways to implement key recommendations. The Program has consistently been offering advice on specific ideas for that to happen.

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Other Activities in Support of the Accusatorial System and the Legal Education and Legal Profession Regimes

In addition to the stated activities of the Program, and in order to better support local efforts towards the adequate implementation of the accusatorial system, and the empowerment of the legal education and legal profession regimes, the Program often engages in additional activities at the request of USAID/Mexico, counterparts, and/or stakeholders, which represent minimal cost for the Program's budget.

During this quarter, the program conducted the following activities to continue supporting the improvement of the legal education regime in Mexico:

High School Mock Trial Competition

On March 19, in Mexico City, ABA ROLI Mexico supported *Tec de Monterrey*, at the Mexico City campus, in the implementation and judging of a mock trial competition for high school students (28 students in total: 16 women and 12 men). Participants were asked to perform as defense counsel and/or prosecutors, by presenting opening and closing statements and examining and cross-examining witnesses. This activity proved to help strengthen the reform to the criminal justice system, by allowing students who are thinking of enrolling in law school to experience, first-hand, some of the benefits of the accusatorial model.

In addition, and so as to further contribute in strengthening legal profession in Mexico, the Program co-organized and co-hosted the following event at the express request of USAID:

Regional Forum on Justice and Security in Oaxaca

From March 14-15, 2013 in Oaxaca, ABA ROLI Mexico helped design, organize, support, and conduct a regional forum focused on the current status of the implementation of the accusatorial system in the State of Oaxaca, directed to members of the judiciary, academics, private practitioners, students, prosecutors, law enforcement officials, and civil society organizations, totaling 200 participants. The forum was inaugurated by the Governor of the State of Oaxaca, Mr. Gabino Cue. ABA ROLI Mexico Senior Coordinator prepared and moderated a discussion table on the relation between mandatory affiliation to bar associations and certification of lawyers, on the one hand, and the accusatorial system and the correct administration of justice, on the other. Participants included presidents of local bar associations and academics. The forum helped reinforce the need to continue training all operators into the best practices of the accusatorial system, and to devise mandatory mechanisms of continuing legal education, so as to achieve a successfully operational reform in the state of Oaxaca. The forum was co-organized by the



Red Nacional de Organizaciones Civiles a favor de los Juicios Orales y el Debido Proceso, Institución Renace ABP, Mexico SOS, and the Government, the Legislature and Judiciary of the State of Oaxaca.

Success Story

Partners in Law, Life, and Continuing Education - Specialized Trainings on the Mexican Accusatorial System

Wife and husband María de los Ángeles Moreno and José Bolívar are two Mexican attorneys working in the state of Chihuahua, Mexico. Twenty years ago, they founded their law firm “Servicios Legales Bolívar y Moreno S.C.,” focusing on civil and criminal litigation. As private practitioners in one of the first states to adopt the accusatorial criminal justice system being implemented in Mexico, they have been working within the context of the criminal accusatorial system since its implementation in 2007. Despite this extensive experience, María and José struggled to fully adapt to these reforms, due to a lack of continuing education opportunities for attorneys to learn courtroom advocacy under the new system. For them, and for many of their colleagues, this has stifled their professional development.



María de los Ángeles and her husband, José Bolívar.

Fortunately, this changed when in February 2013, María and José had the opportunity to participate in the first of a series of three-day “Specialized Training on the Mexican Accusatorial System” workshops which ABA ROLI Mexico, with support from the U.S. Agency for International Development, launched for private attorneys and law professors in Chihuahua. Through this work, ABA ROLI Mexico is strengthening private practitioners’ and law faculty’s litigation skills to successfully operate under the Mexican model of criminal accusatorial justice.

The specialized trainings seek to provide an in-depth look at the different aspects of trial work under the new system, including investigation; pre-trial hearings; trial litigation, including opening statements, examination of witnesses, and closing argument; and amparo (Mexican constitutional appeals). María and José were two of 63 participants who attended the three-day workshop where they learned about topics including litigation, alternative dispute resolution, and new trends in human rights and constitutional protections. This specialized training is the first-of-its-kind to have ever been offered in Mexico, and follows a series of basic workshops that ABA ROLI Mexico carried out in targeted states over the past two years. As a result of these specialized trainings, justice sector operators are better prepared than ever to tackle the challenges and reap the benefits of the new system.



María and José, and others like them, are aware of the importance of continuing legal education, with María reflecting that “one of the duties of lawyers is to be constantly up-to-date on any developments; it is our responsibility.” She also expressed her concern for the lack of training available in Chihuahua, noting that the few trainings “are really expensive and we don’t have the money to afford these kinds of courses.” For María and José, though, even the ABA ROLI training was not without cost. As owners of a private law firm, their attendance meant rearranging schedules, missing out on lunch, and putting in extra hours to meet with clients and attend hearings during the three days they also attended the workshop. However, they readily recognized the value of their sacrifices, as the topics discussed during the training will help them in their day-to-day work at the law firm. As José observed, “With the knowledge acquired I will be able to deliver high quality work and accomplish the goals I set for each case.” María added, “What I learned in this workshop will help me improve the advice I provide to my clients.”

The process of implementing the accusatorial model continues throughout Mexico and is scheduled for completion in 2016. Mexico’s federal and state governments have been supportive throughout the process, but lack of training for attorneys and judges remains an issue, for private sector practitioners in particular. ABA ROLI Mexico will continue providing specialized trainings for private attorneys and law school faculty to ensure successful operation under the new system, with trainings in Oaxaca and Monterrey taking place during the next several months.

NAS Report

As part of the accountability of ABA ROLI’s activities in Mexico and as per USAID/Mexico’s request on June 11, 2012, the Program updated its matrix of training activities for the NAS of the U.S. Embassy in Mexico. The matrix can be found at Attachment “I.”

Performance and Monitoring Plan

Per USAID/Mexico’s request, ABA ROLI updated its performance and monitoring plan. The PMP can be found at Attachment “J”.