



**AMERICAN BAR ASSOCIATION RULE OF LAW INITIATIVE  
SUPPORT FOR LAW SCHOOLS, BAR ASSOCIATIONS  
AND JUDICIAL EXCHANGES IN MEXICO PROGRAM  
QUARTERLY REPORT  
CY 2010, QUARTER #4  
NARRATIVE  
AID-523-10-A-00001**

**A. INTRODUCTION**

Together with the enclosed results matrix, this is the second Quarterly Report of the *Support for Law Schools, Bar Associations and Judicial Exchanges In Mexico Program* (“Program”) funded by the United States Agency for International Development (“USAID”). The report includes Program background, personnel updates, and a results summary, along with one (1) attachment; as well as activity details in the accompanying table.

This report is based upon the corresponding work plan as approved by USAID on December 10, 2010.

**Executive Summary**

During the Program’s second quarter, its activities focused primarily on the following two areas: i) finalizing administrative aspects related to the start-up of the Program, and (ii) implementing its first programmatic activities as outlined in its work plan.

With regards to administrative accomplishments during the present quarter the Program completed leasing, adapting, furnishing and equipping an office in Mexico City.<sup>1</sup> The Program also received USAID approval for the appointment of its Country Director and retained a new Deputy Country Director.

Foundational programmatic activities completed this quarter include: (a) the Working Group’s first meeting, which convened 26 law school, bar association and civil society representatives from various regions throughout Mexico; (b) the recruitment of two experts who will lead the implementation of the assessment tools, the Legal Education Reform Index and the Legal Profession Reform Index; and (c) a pilot visit by 14 Mexican judges to San Diego, California, towards the implementation of the “Sister Courthouse” program.<sup>2</sup> Finally, the Program continued meeting with staff of Management Systems International (“MSI”) and other USAID/TIES partners in order to coordinate the Program’s activities with existing complementary initiatives and to facilitate high impact and sustainable results.

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<sup>1</sup> As mentioned in the previous Quarterly Report, the Program’s office is located in the same building as USAID’s lead rule of law contractor, MSI.

<sup>2</sup> ABA ROLI financed the pilot visit as a part of its cost-share requirement.



## **Program Background**

The Program, supported by a USAID cooperative agreement awarded on June 3, 2010, aims to work closely with the Mexican justice sector to: 1) create a sustainable mechanism to alleviate the state and federal government burden of retraining current and future justice operators in 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.

The Mexican justice sector is at a critical juncture in its implementation of the accusatorial system. As is typical of such transitions, it has achieved notable successes while also encountering obstacles since the reform process was first ratified by President Calderon in 2008. In order to help ensure a truly effective implementation of the system going forward, the Program has a substantial role to play in ensuring that justice sector members truly understand the accusatorial system and actively support it.

The Program will support the Mexican justice sector in its transition to an accusatorial legal system by:

- Establishing a working group to promote local ownership of reforms and training;
- Supporting bar associations via:
  - Conducting an assessment of the legal profession to serve as the basis for recommendations for reform;
  - Training on skills for the oral, adversarial system; and
  - Leading a bar association study tour.
- Supporting law schools via:
  - Conducting an assessment of the legal education to serve as the basis for recommendations for reform;
  - Training on skills for the oral, adversarial system; and
  - Leading a law school study tour.
- Conducting judicial exchanges via:
  - Supporting professional peer exchanges, including Sister Courthouses; and
  - Awarding a follow-on subgrant to improve implementation.

## **Personnel**

Resident Program staff includes the Director, Mr. Alonso González-Villalobos, on board full-time as Deputy from August 2010 through December 2010, when he was then promoted to the position of Country Director; the Deputy Country Director, Ms. Katia Ornelas-Núñez, who will formally join the Program in early January, 2011; and the Field Financial Manager, Ms. Gabriela Cruz-Ortiz, who joined on October 4, 2010. The Program is currently recruiting an Administrative Assistant for the Mexico City Office and intends to fill the position by mid-January, 2011. In



addition, the Program is considering the viability of opening one or two intern positions to provide research and programmatic support in the near future.

The Program is supported in Washington, D.C. by the Latin America and the Caribbean Division, including Michael McCullough, Director; Chantal Agarwal, Program Manager who replaced Tom Hare as of November 2010; Jeremy Biddle, Program Officer; and Adriana Courembis, Assistant Assistant.

## **B. RESULTS SUMMARY**

### **Working Group for Legal Education & Legal Profession Reform**

In furthering the strategic goal of creating and supporting the Working Group described in its work plan, during this quarter the Program finalized the initial round of in-person and telephonic contacts with possible members in accordance with USAID's express instruction<sup>3</sup> to focus on Mexico City and the following seven states: Baja California, Chihuahua, Durango, Hidalgo, Morelos, Nuevo León and Oaxaca. In addition, after careful consideration of the budget, the Program has concluded it best to omit programming in the states of Jalisco and Yucatan, as originally hoped.

As a result, the Program formally reached out to and invited representatives of the following institutions to take part in its activities:

a) In Mexico City:

1. *Escuela Libre de Derecho;*
2. *Universidad Panamericana;*
3. *Centro de Investigación y Docencia Económica;*
4. *Universidad Nacional Autónoma de México;*
5. *Instituto Tecnológico y de Estudios Superiores de Monterrey;*
6. *Universidad La Salle;*
7. *Ilustre y Nacional Colegio de Abogados;*
8. *Barra Mexicana, Colegio de Abogados;* and
9. *Asociación Nacional de Abogados de Empresa.*

b) In Baja California:

1. *Universidad Autónoma de Baja California;*
2. *Universidad Iberoamericana;* and
3. *Federación Estatal de Colegios, Barras y Asociaciones de Abogados de Baja California.*

c) In Chihuahua:

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<sup>3</sup> Made on October 15, 2010

1. *Universidad Autónoma de Ciudad Juárez;*
  2. *Instituto Tecnológico y de Estudios Superiores de Monterrey;*
  3. *Universidad Autónoma de Chihuahua;*
  4. *Barra y Colegio de Abogados de Ciudad Juárez; and*
  5. *Capítulo Chihuahua de la Barra Mexicana, Colegio de Abogados*<sup>4</sup>.
- d) In Durango:
1. *Universidad Juárez del Estado de Durango; and*
  2. *Barra de Abogados del Estado de Durango.*
- e) In Hidalgo:
1. *Universidad Autónoma del Estado de Hidalgo; and*
  2. *Barra Mexicana, Colegio de Abogados de Hidalgo;*
- f) In Morelos:
1. *Universidad Autónoma del Estado Morelos; and*
  2. *Barra de Abogados del Estado de Morelos.*
- g) In Nuevo León:
1. *Facultad Libre de Derecho de Monterrey;*
  2. *Instituto Tecnológico y de Estudios Superiores de Monterrey;*
  3. *Universidad Autónoma de Nuevo León; and*
  4. *Centro de Estudios sobre la Enseñanza y Aprendizaje del Derecho.*
- h) In Oaxaca
1. *Universidad Benito Juárez de Oaxaca; and*
  2. *Barra Mexicana, Colegio de Abogados de Oaxaca.*

In addition to these institutions, the Program reached out to other civil society actors involved in the fields of legal education and legal profession, such as:

- (i) *Instituto de Investigaciones Jurídicas de la Universidad Autónoma de México;*
- (ii) *Centro Nacional de Evaluación para la Educación Superior;*
- (iii) *Centro de Estudios sobre la Enseñanza y Aprendizaje del Derecho; and*
- (iv) *Corporación Universitaria para el Desarrollo de Internet.*

Further, the Program also maintained close contact with the Technical Secretariat of the Commission responsible for overseeing the nation-wide rollout of the federal reform to the accusatorial system, and with several of its counterparts from the seven states mentioned above.

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<sup>4</sup> This institution has just recently begun operations but is already operating as a bar association.



The Program assembled a final list of possible Working Group Members, which was approved by USAID on November 8, 2010, and formally extended an invitation for the first general meeting, which took place on November 30, 2010, in Mexico City. The first meeting was attended by the following 23 institutions (see Annex A for a detailed list of attendees):

1. *Tecnológico de Monterrey, Campus Ciudad de México* (Mexico City);
2. *Centro de Investigación y Docencia Económicas* (Mexico City);
3. *Escuela Libre de Derecho México* (Mexico City);
4. *Barra Mexicana, Colegios de Abogados* (Mexico City);
5. *Asociación Nacional de Abogados de Empresa, Colegio de Abogados* (Mexico City);
6. *Ilustre y Nacional Colegio de Abogados de México* (Mexico City);
7. *Universidad Iberoamericana, Campus Tijuana* (Baja California);
8. *Federación Estatal de Colegios, Barras y Asociaciones de Abogados de Baja California* (Baja California);
9. *Universidad Autónoma de Ciudad Juárez* (Chihuahua);
10. *Universidad Autónoma del Estado de Chihuahua* (Chihuahua);
11. *Barra y Colegio de Abogados de Ciudad Juárez* (Chihuahua);
12. *Tecnológico de Monterrey, Campus Monterrey* (Nuevo León);
13. *Facultad Libre de Derecho de Monterrey* (Nuevo León);
14. *Universidad Autónoma de Nuevo León* (Nuevo León);
15. *Barra Mexicana, Colegio de Abogados, Capítulo Nuevo León* (Nuevo León);
16. *Barra Mexicana, Colegio de Abogados de Hidalgo* (Hidalgo);
17. *Barra Mexicana de Abogados de Oaxaca* (Oaxaca);
18. *Barra de Abogados del Estado de Morelos* (Morelos);
19. *Secretaría Técnica del Consejo de Coordinación para la Implementación del Sistema de Justicia Penal en México* (Mexico City);
20. *Instituto de Investigaciones Jurídicas de la Universidad Autónoma de México* (Mexico City);
21. *Centro de Estudios sobre la Enseñanza y Aprendizaje del Derecho* (Mexico City);
22. *Centro Nacional de Evaluación para la Educación Superior* (Mexico City); and
23. *Corporación Universitaria para el Desarrollo de Internet* (Mexico City).

The resulting group constitutes a well-balanced sample, in terms of the institutional nature and geographic coverage of its members.

During the first meeting the Program’s work plan was formally presented and to direct dialogue between participants took place throughout the meeting. The exercise proved highly valuable in furthering the Program’s objectives, as demonstrated by the survey conducted at the end of the event, the most relevant results of which are included in this report’s “Success Stories” section below.

Following this first meeting, the Program re-considered the need to appoint an Executive Committee, as originally planned, and is leaning towards an alternate scheme operating along the following lines: (i) general consultative meetings, in-person and/or virtual, which would convene all members of the Working Group, (ii) topical meetings between representatives of law schools and other institutions involved in legal education reform, (iii) topical meetings between representatives of bar associations and other institutions involved in legal profession reform, and (iv) ad-hoc committees for each programmatic aspect on as-needed basis. An example of the latter would be the Program’s plan to host a meeting in late January 2011 with experts in the field of criminal procedural law, who will advise on materials proposed for the Program’s oral advocacy trainings.

In terms of the Program’s general outreach to key stakeholders, the Program continued preparing for the launch of its website, and plans to have it fully operational by next quarter. The website will serve as an interactive tool where various stakeholders can obtain general information about the Program and local counterparts. Also, during this quarter the Country Director established contact with the makers of *Presunto Culpable*, a documentary film which emphasizes the urgent need to implement the adversarial system, so as to explore avenues of collaboration within the context of the Program’s work with law schools and bar associations

### **Support for Bar Associations**

#### ***Legal Profession Reform Index***

Following on initial steps taken in previous months, and after interviewing a number of potential candidates both from respected Mexican institutions and from abroad, the Program finalized the assessment team this quarter for ABA ROLI’s *Legal Profession Reform Index* (“LPRI”). Ms. Linn Ann Hammergren was selected to serve as assessor. An interview schedule will be developed and implemented in the following quarter.



Members of the Working Group from various states discuss legal education and legal profession reform issues.



### ***Curriculum Development and Training***

In addition, the topic of curriculum development and planning training workshops was in fact addressed at the first Working Group session. Based on participants' feedback, the Program is adjusting its training calendar and plans to have an updated version ready by early January, 2011.

Moreover, the Program continued developing a set of ABA ROLI's workshop materials. These materials will be discussed with relevant Mexican experts in late January 2011 with the goal of securing sufficient buy-in for the Program's trainings.

Finally, it is important to note that the Program continued working with other USAID partners, such as MSI and *Centro de Estudios sobre la Enseñanza y el Aprendizaje del Derecho* ("CEEAD"), so as to coordinate respective activities.

### ***Study Tour for Bar Associations***

The Working Group's initial meeting also covered the topic of the Program's bar association study tour. As a result, the Program began exploring different options and locations for the study tour scheduled in Q2 2010, and plans to convene at least one extraordinary meeting of bar association representatives and other actors involved in legal profession reform during the following quarter. The purpose of such meetings is to ensure that the tour's agenda is well aligned with the specific needs and wants of key counterparts.

### **Support for Law Schools**

#### ***Legal Education Reform Index***

During this quarter, the Program finished assembling the assessment team tasked with implementing the *Legal Education Reform Index* ("LERI"). Mr. Luis Fernando Pérez Hurtado, head of CEEAD, was hired as assessor, and traveled to ABA ROLI's headquarters in Washington, DC in mid-November for his orientation. The full assessment team later on finalized the geographic scope of the LERI, the calendar of activities and a preliminary list of interviewees. The Program expects to initiate interviews by late January 2011.

### ***Curriculum Development and Training***

The topic of curriculum development and planning training workshops was addressed at the first Working Group session. Based on participants' feedback, the Program is adjusting its training calendar and plans to have an updated version ready by early January, 2011.

In addition, the Program developed a set of ABA ROLI's workshop materials to be discussed with relevant Mexican experts in late January 2011 to solicit recommendations on how to

improve them as well as to secure sufficient buy-in for the Program's trainings.

As with other areas of its work, the Program continued working with other USAID partners, such as MSI and CEEAD, so as to coordinate respective activities.

### ***Study Tour – Law Schools***

The Working Group's initial meeting also covered the topic of the Program's law school study tour. As a result thereof, the Program began exploring different options and locations for the study tour scheduled in Q2 2010 and plans to convene at least one extraordinary meeting of law school representatives and other actors involved in legal education reform during the following quarter. The purpose of such meetings is to ensure that the tour's agenda is well aligned with the specific needs and wants of key counterparts.

### **Judicial Exchanges**

#### ***Professional Peer Exchanges***

As per USAID's express request of October 15, 2010, all Program activities were refocused to Mexican state judiciaries in priority states (i.e., excluding the federal judiciary). Contact was maintained and cultivated in particular with the Judiciary of the State of Chihuahua, as well as with the Hon. Phillip Martinez, U.S. District Court Judge in El Paso, Texas, who has kindly agreed to serve as coordinator for visits planned in upcoming quarters to El Paso.



ABA ROLI-Mexico's Director, Alonso González Villalobos, addresses U.S. and Mexican judges in the San Diego "Sister Courthouse" exchange.

As is the case with the rest of the Program's components, here coordination with MSI will be critical to avoid the duplication of resources and efforts and promote synergy.

#### ***Sister Courthouses***

During the current quarter, the Program successfully held its pilot "Sister Courthouse" visit to San Diego on October 5, 2010. Fourteen Mexican federal Judges, based in nearby Tijuana and Ensenada, traveled to California where they attended a number of criminal court hearings and met with seven U.S. federal and state Judges, led by the Honorable M. Margaret McKeown, U.S. Court of Appeals Judge for the Ninth Circuit and Chair of the ABA ROLI LAC Council. The Mexican delegation was accompanied by representatives of the American Citizens Services



division of the U.S. Consulate in Tijuana (ABA ROLI wrote an article about the pilot “Sister Courthouse” exchange in the October edition of its E-Newsletter, see Annex B).

The results of the visit fully accomplished the expectations outlined in the Program’s Work Plan, as is reflected in the final feedback survey filled out by all participants, the most relevant results of which are included in this report’s “Success Stories” section below.

Three more exchanges are planned between Baja California and San Diego, and three between Chihuahua and El Paso, which will take place in future quarters. In all cases, the Program will focus on Mexican state judges, and will try to arrange for the last visit of each location to take place on Mexican grounds, that is, in Tijuana and Ciudad Juárez, respectively.

### ***Study tour – Judicial Sector***

In Q4 2010, the Program continued exploring various options for its judicial study tour, and corresponded with Mexican state judges to continue gauging their interest in participating in such an exchange. Apparently, collective interest is inclined towards visiting countries such as Chile and Colombia, whose adversarial systems are viewed as closer to Mexico’s constitutional reform. As reported in Q3 2010, the purpose of such a tour will be to allow participants to gain first-hand, in-person experience of the everyday management of a court under operating under the adversarial legal system. In upcoming quarters, the Program will continue laying the groundwork for the tour scheduled in Q4 2011.

### ***Follow-on Subgrant(s)***

No activities were conducted this quarter towards the planned sub-grant. Activities with the subgrantee(s) will closely follow progress in the Sister Courthouse program and study tour to be implemented in the future, as outlined in the Program’s work plan. These will be developed in conjunction with the Working Group and relevant state judiciary councils to promote continuity and sustainability.

### **Success Stories**

As was outlined throughout this report, two major accomplishments were attained this quarter: (a) the successful completion of the pilot Sister Courthouse visit, and (b) the first session of the Working Group.

With regards to the Sister Courthouse program, the focus was to create a direct channel of communication between judges in the U.S. and Mexico. The pilot visit was the first step of an anticipated long-term, sustained dialogue on the challenges and lessons of managing oral trials. The event proved to be most valuable in raising awareness of how justice is administered in both countries, helping to dispel long-standing misconceptions and fostering open dialogue about best practices. Perhaps most importantly, the in-person visit allowed for interaction on a

more personal level, allowing participants to freely express their points of view on issues of mutual concern and interest.

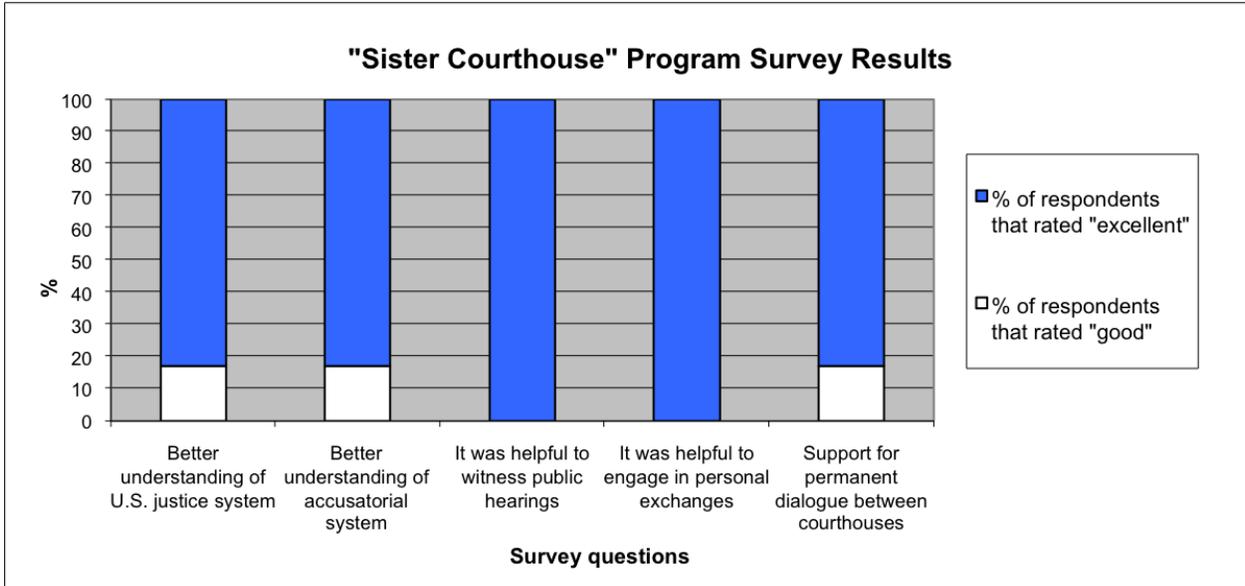


Table 1: The survey results of the pilot “Sister Courthouse” exchange in San Diego. Twelve of the fourteen Mexican judges participating in the visit responded to the survey.

According to the Program’s post-visit survey results, the Mexican judges considered the exchange a resounding success. All twelve respondents rated the benefits of witnessing public hearings and engaging in personal exchanges with their U.S. counterparts as “excellent.”<sup>5</sup> Ten of twelve respondents also rated the exchange as “excellent” in helping them gain a better understanding of both the accusatorial system in general and the U.S. justice system in particular, and expressed their strong support for instating a permanent channel for dialogue between courthouses in California and Baja California.

The Program also witnessed great success with the launch of the first meeting of the Working Group of counterparts. During that event, the level of openness on the part of the participants emerged as the most notable success. In fact, some of the participants had never met each other and despite that appeared to be interested in discussing topics related to legal education

<sup>5</sup> The results are based on a multiple choice grading system with the following options: no opinion, bad, deficient, OK, good and excellent.

and legal profession in Mexico with their peers. Moreover, it was particularly encouraging to see that many of the institutions represented there, especially those based in states where implementation of the accusatorial system is most advanced, offered their whole-hearted support for the Program’s training workshops, *inter alia*. In addition to these observations, the Program’s survey results show that all 15 respondents agreed that the issues of legal education and legal profession reform discussed are of the utmost importance.<sup>6</sup> Further, all of them stated that the group’s size and balance were “good” or “excellent.” Finally, all respondents informed of their support to take part in future in-person or virtual meetings. In both events, the Program managed to successfully convene a solid number of participants, all of whom expressed their strong interest in its activities and their willingness to stay involved.

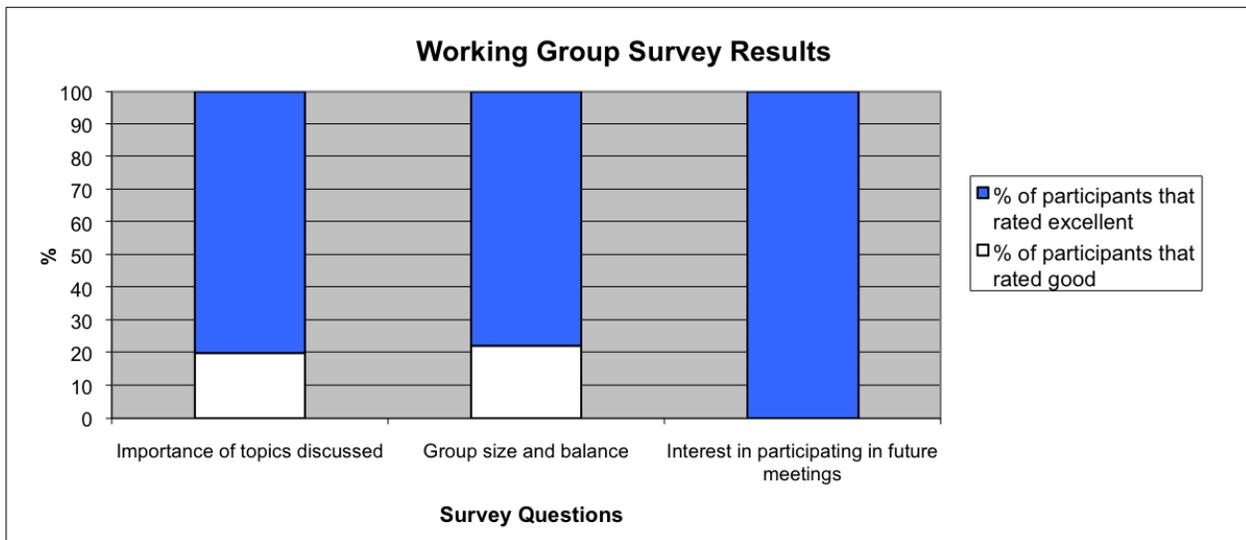


Table 2: The survey results of the first Working Group meeting, held November 30, 2010 in Mexico City. These results are based on feedback provided by fifteen of the meeting’s twenty-eight participants.

Overall, during these formative quarters, the Program witnessed tremendous progress towards its goal of establishing itself in Mexico and becoming fully operational, from an administration and programmatic perspective. In addition, ABA ROLI has effectively implemented initial program activities as detailed in its work plan, and has done so while maintaining regular communication with the USAID mission, which it will continue doing in the future.

<sup>6</sup> Twelve rated the importance as “excellent” and three as “good.” These survey results are based on the same grading methodology as the “Sister Courthouse” survey.