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## **MEXICO TRADE CAPACITY BUILDING PROJECT**

### **ENHANCEMENT OF THE BUSINESS AND LEGAL ENVIRONMENT AND TRADE CAPACITY THROUGH LEGAL REFORM AND IMPROVEMENTS IN THE ADMINISTRATION OF JUSTICE BY COMMERCIAL COURTS IN MEXICO**

USAID ANNUAL PROGRAM STATEMENT  
APS No. M/OAA/GRO/EGAS-06-107  
Cooperative Agreement: 523-A-00-06-00044-00

#### **QUARTERLY REPORT 1 JULY TO 30 SEPTEMBER 2011**

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#### **I. NINETEENTH QUARTER (1 JULY TO 30 SEPTEMBER 2011):**

**A. PREPARATIONS FOR TRAINING ON COMPETITION LAW & SECURED TRANSACTIONS REFORM, JULY 2011.** The NLCIFT continued working with the Mexican Federal Competition Commission (COFECO) and Abt Associates (USAID contractor on Competition Law and Policy) on the training program for judges on competition law. During the month of July a full agenda for the training program was developed, including specific references to preparation materials that will be provided to trainees in advance of the program.

Also, during the month of July, the NLCIFT continued to work with the Ministry of Economy in coordinating: (i) further work with the drafting commission appointed to revise the legal provisions on secured transactions and which is lead by the Ministry of Economy; (ii) participation by members of the drafting commission at a study visit on secured transactions that will be held at the NLCIFT's headquarters in Tucson, Arizona; and (iii) future training programs for the judiciary on secured transactions law and practice.

**B. PLANNING TRIP TO MEXICO CITY, AUGUST 2011.** The NLCIFT conducted a planning and preparatory trip to Mexico City on August 21-24, 2011. During this visit, the NLCIFT team met with COFECO and Abt Associates to further work on the design and agenda for the training program on competition law. At the end of the meeting, the group had finalized the agenda and identified all potential key speakers as well as next steps needed to carryout the training program.

The NLCIFT's team also met with the Ministry of Economy with regard to the study visit on secured transactions and the development of a joint training



program for the judiciary on secured transactions law and practice with particular emphasis on the use and benefits of the registry of security interests (*Registro Único de Garantías Mobiliarias* – RUG).

Also during this visit, the NLCIFE's team met with the General Director of the Federal Judicial Institute (IJF), Magistrate Leonel Castillo González, and agreed that the NLCIFE would provide training for Federal level judges on: (i) Oral trials on commercial matters; (ii) on competition law; and (iii) on secured transactions law and practices.

Finally, the NLCIFE also met with USAID-Mexico Mission Director, Thomas Delaney, and USAID officers including Kevin McGlothlin, Elizabeth Bauch, and Mark Gizzi. The NLCIFE provided an overview of the various project tasks as well as a forecast of activities.

- C. STUDY VISIT ON SECURED TRANSACTION AND REFORM DISCUSSIONS, SEPTEMBER 2011.** On September 13-14, 2011, the NLCIFE hosted a study tour organized by the United States Department of State for delegations from Chile Colombia and Panama to support and assist them on their secured transactions reform efforts. With the support of USAID, the NLCIFE hosted members of the Mexican drafting commission as part of the study visit. The Mexican members that attended the meetings in Tucson were Lic. Jan Boker, General Director of National Commercial Regulation and Lic. Isis N. Isunza, Director of the Under Secretariat of Competitiveness and Business Regulation, both from the Ministry of Economy. The two-day program included: an overview of legal principles of secured transactions reform in the Americas as a tool for economic development; a discussion of the OAS Model Inter-American Law on Secured Transactions and Model Registry Regulations, the NLCIFE 12 principles on Secured Transactions and the Honduran and Mexican laws on secured transactions; practical means of implementing secured transactions law, including the design and implementation of a registry system. The program also included meetings with representatives from local banks and credit unions, and local businesspersons from a variety of sectors; as well as a visit to the University of Arizona Law School to discuss the importance of legal education and policy issues as well as innovation and entrepreneurship projects and their relevance to law reform and capacity building.

The Mexican members of the drafting commission stayed in Tucson until September 17<sup>th</sup> to engage in detailed analysis and discussion of the Mexican law on secured transactions and specific areas of reform.



## **II. NEXT QUARTER (1 OCTOBER TO 31 DECEMBER 2011)**

- A. CONTINUED WORK ON SECURED TRANSACTIONS REFORM.** The NLCIFT will continue to assist the Mexican drafting commission as they endeavor to complete reforms to their law on secured transactions in this next quarter. For awareness and dissemination of information on the RUG, the NLCIFT in collaboration with the Ministry of Economy and the Commercial Finance Association (CFA) will prepare and conduct training sessions on the secured transactions practice. The first of these sessions will take place in December 2011.
- B. TRAINING FOR FEDERAL JUDGES ON COMPETITION LAW.** The NLCIFT will continue to work with COFECO and Abt Associates to conduct a training program for federal judges on competition law. Thus far, specific dates for the first training session have not been identified but it has been determined that it will take place before the end of the quarter.
- C. ORAL TRIAL TRAINING FOR JUDGES.** During this next quarter the NLCIFT will conduct: (i) a general lecture-style program on Oral Trials on Civil and Commercial Matters that will take place at the Judicial Training Institute of the Federal District on October 2011; (ii) a similar yet more comprehensive lecture-style program on Oral Trials on Commercial Matters that will take place at the IJF on October 2011; and (iii) a roundtable discussion with Federal level Judges at the IJF where a report on the reforms will be discussed in detailed along with international experts; this session will take place during the first two weeks of November at a date that will be determined shortly. Finally, the NLCIFT will explore possible training programs on oral trials on commercial matters for the Judiciary in other Mexican states.



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GLOBAL DEVELOPMENT ALLIANCE (GDA) WITH THE  
U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT  
Proposed Calendar: September – December 2011**

<p><b><u>SEPTEMBER</u></b> September 13 – 16, 2011</p>	<p>Mexican Secured Transactions Drafting Group Visit to the National Law Center for Inter-American Free Trade in Tucson, AZ.</p>
<p><b><u>OCTOBER</u></b> October 18 – 20, 2011</p>	<p>Lecture Series on Oral Trial Advocacy (Civil and Commercial Matters) at the Judicial Training Institute of the Federal District.</p> <p>AND</p> <p>First Training Session for Federal-level Judges on Oral Trial Advocacy for Commercial Matters at the Federal Judicial Institute. (To be delivered in person at the Federal Judicial Institute and streamed live to all other districts via videoconference.)</p>
<p><b><u>NOVEMBER / DECEMBER</u></b> November (1<sup>st</sup> Week – Exact Dates to be Determined)</p> <p>November (1<sup>st</sup> Two Weeks – Exact Dates to be Determined)</p> <p>November (Last Week) or December (2<sup>nd</sup> Week) (Exact Dates to be Determined)</p>	<p>Second Training Session for Federal-level Judges on Oral Trial Advocacy for Commercial Matters at the Federal Judicial Institute. Discussion: Critical Analysis of the reforms. (To be delivered in person at the Federal Judicial Institute and streamed live to all other districts via videoconference.)</p> <p>First Training Session for Federal-level Judges on Competition Law and Policy.</p> <p>Third Training Session for Federal-level Judges on Oral Trial Advocacy for Commercial Matters at Federal Judicial Institute. Skill-based learning.</p> <p>AND</p> <p>First Training Session for Federal-level Judges on Secured Transactions Law, Registry and Practice.</p>