



SUCCESS STORY

To Judge with Authority

USAID Training is Helping Mexican Top State Law Officials Reach the Highest Standards



Photo Credit: USAID Justice and Security Program

Through the “train-the-trainer” courses, both the judges and the justice system will be benefited greatly.

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— Ana María Elías-González, Baja California Judge

On a sunny day in December, Judge Ana María Elías-González filed into a Baja California state court room to give the final reading of a 35-year prison sentence she had handed to a man a few days previously for the murder of his girlfriend.

She would have been excused for showing a few nerves: the case, which had lasted two months with almost daily court hearings, had attracted plenty of media attention and was the talk of the town. It was also the highest profile murder trial to take place under the state’s nascent adversarial justice system, part of Mexico’s profound shift from a closed, inquisitorial model to a new and more transparent model.

But as the court room clock passed 12, Judge Elías-González showed no nerves at all. Instead, and in front of both defense and prosecution, as well as local press and spectators, she deliberated with authority and precision. In all, the hearing took just seven minutes.

Judge Elías-González says that much of that experience and self-assuredness in what is still a young system – Baja California switched to the new justice system less than three years ago – is thanks to the USAID-sponsored training that she has received.

Prior to the introduction of the new model in Baja California, she and other judges took intensive courses provided by USAID to get to grips with the theoretical underpinnings of the adversarial model.

These include a whole raft of new secondary laws at the state level as well as the extensive use of alternative justice mechanisms, such as plea-bargaining, mediation and conciliation, to free up the courts for the most important cases. “For three months, we dropped everything and dedicated all of our time to studying,” she recalls.

The change was a revolution for Elías-González. The upheavals in working practice that the new system entails were another. For a start, judges must now always be present in hearings: under the old system, they would usually send their clerks instead.

Second, judges now hear all evidence in a court room with both the defense and prosecution present. Victims and witnesses give live testimony with each side able to cross examine. In that sense, judges now play a more active role in proceedings, acting as a sort of moderator and arbiter rolled into one. Under the old system, by contrast, judges would often play a very passive role, merely signing off on the prosecutors’ written statement.

“We ruled on cases based on paper and documents and were not really in touch with the accused or the victim,” says Elías-González. “It was typical not to have any contact with the witnesses, not to know the victims and it was even possible to sentence someone without ever having seen them.”

USAID-sponsored training helped judges such as Elías-González become familiar with these radically different working practices, providing her and others with the chance to simulate court-room situations so that they became fully familiarized with the procedural aspects of the new system. Altogether,

and as of September 2012, 59 judges in the state have been beneficiaries of the USAID-sponsored training.

In just one example of the sort of the training she received, Elías-González traveled to Puerto Rico in May 2012 together with nine other Mexican judges. During the following two weeks, she and her colleagues received expert tuition in Spanish from professors of two universities on issues such as ethics, comparative law and the rules pertaining to evidence.

"It underscored my knowledge of the adversarial model, and greatly expanded my understanding of the logic that lies at its heart," she says. "After that training, I became much more direct in my approach, without unnecessary twists and turns and going straight to the pertinent information." Elías-González says that the new system, and her ability to successfully overcome the re-training challenges that it poses, have made justice in Mexico much more transparent and reliable. It has also made her own job much more fulfilling, she says.

Indeed, her first day as a judge back in 1999 when she was 35 years old was a far cry from the image she had conjured when, as a school girl, she had first entertained the idea of working in law. "Back then, I imagined exactly what I am doing now," she recalls. "I never imagined the tribunal brimming with cases that I walked into that day."

Now with more than two years of experience in the new system, Elías-González has been passing on her knowledge to her fellow judges through USAID's "Train-the-Trainer" courses. She says the courses she provides on the new system are a way of maximizing the benefits for Mexico of the training that she has received so far.

But she also says that the courses that she took and that enabled her to go on to teach others provided an opportunity in themselves to discuss the details and subtleties of Mexico's new system with colleagues and, above all, with the experts that USAID has hired to teach the Train-the-Trainer courses.

"We have debates about real cases that we have and bounce ideas around with the person who gives the course," she explains. "It's a unique way of forming the criteria that we need to work with the new system."

In Baja California, the results are already on display. As she says of the murder trial that concluded in December, and in which more than 60 witnesses participated, "it was a great experience. I thought we were going to have to wait a lot longer before seeing such a high degree of professionalism from all of those involved".