

LOS ANGELES
Daily Journal

WEDNESDAY,

— SINCE 1888 —

FEBRUARY 5, 2003

VOL. 116 NO. 24



HUGH WILLIAMS / Daily Journal

Lilia Velasquez, above left, and James M. Cooper train Latin American nations on the rules of law and encourage reform through role-playing. The superhero instructors hand out trading cards, below, to drive home the importance of their roles.

Improving Justice South of Border

Proyecto Acceso Teaches Advocacy Skills, Promotes Reform

By Claude Walbert

Daily Journal Staff Writer

SAN DIEGO — In Latin America, where many view the justice systems as stacked against the underdog, costumed crusaders are teaching lawyers how to root out injustice.

One superhero, the Rebel, symbolizes revolution in the legal system. Another, the Gunslinger, portrays due process as a weapon. The red Flame of Justice represents courage needed to bring change. The comic-book heroes even hand out their own trading cards to drive home the importance of their roles.

The crusaders get their training at a San Diego law school and then fan out across the far reaches of South America to spread their message.

Behind the role-playing is a serious

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purpose.

The nine most active instructors from Proyecto Acceso, an ambitious effort to upgrade justice south of the border, assume the theatrical identities. The instructors are among 30 lawyers from seven nations who are teaching advocacy skills to 1,000 judges, prosecutors, defense lawyers and justice ministry officials in Latin America.

James M. Cooper, an assistant dean at California Western School of Law in San Diego, where the project is based, said that Latin American nations are seeking reforms in their creaky justice systems and that Proyecto Acceso is showing how very different legal structures can aid that reform.

Superhero instructors get the message across effectively because many of the attorneys are young and relate to MTV-like imagery, said Cooper, who directs the project.

While the project can point to successes in Chile and Costa Rica, Cooper said he doesn't expect vast overnight changes elsewhere on the continent.

Jon Mills, dean of the University of Florida's Levin College of Law, which sponsors conferences on Latin American issues, agreed.

"Reform issues seem to be getting more difficult, not easier," Mills said. "To the extent there is political instability in the region, there will be resistance to change."

There is another source of resistance, Mills said. Latin American legal systems are derived from Roman law as practiced in Spain and Portugal. Oral advocacy, an independent judiciary and jury trials, elements that are derived from English law and parts of the adversarial system as practiced in the United States, can be difficult to fit within established Latin American systems, he said.

Academics and practicing lawyers interested in reform of Latin American justice systems don't want to replicate the U.S. system in those countries, Mills said. Instead, they promote "honest and objective" systems, no matter what their origin.

Kenneth H. "Buddy" McKay, formerly special envoy to Latin America in the Clinton administration, is familiar with Proyecto Acceso.

"I believe it's working as well as anything is," McKay said.

McKay, an adjunct professor at the Levin College of Law and the former governor of Florida, has seen many projects trying to stimulate judicial reform in Latin America. He's urging people he knows in Congress to support more initiatives like Proyecto Acceso.

"I don't believe you can build a stable democracy without the rule of law," McKay said in a telephone interview from his home in Ocala, Fla.

The rule of law should extend to international business transactions, family rights, labor rights and human rights, in the view of Proyecto Acceso.

But the need for criminal justice reform is easy to grasp and has broad public support in Latin America, so that's where Proyecto Acceso has placed much of its emphasis.

In the Latin American systems, judges investigate crimes and base convictions solely on written testimony, Cooper said. The defendant has no opportunity to speak, and his lawyer has no chance to

cross-examine the prosecution's witnesses.

"We're not saying the inquisitorial system is bad," Cooper said. "What we're saying is, here's a way to improve."

A key component in reform is acceptance of oral advocacy because the adversarial system brings with it open examination of witnesses and public trials, Cooper said.

But Latin American lawyers aren't trained to question witnesses in front of a judge or to make opening and closing statements. In intense five-day training sessions, the Proyecto Acceso lawyers from the United States, Chile, Costa Rica and other nations show them how.

Then, the instructors watch as the neophytes take the stage in mock trials. Their performance is critiqued in public, which is unheard of in Latin American culture.

Mabel Jenny Antezana Arispe, a private lawyer in Cochabamba, Bolivia, said that debate skills she learned from a Proyecto Acceso workshop are paying off.

"I began to distinguish myself in the legal world and have had my share of triumphs," said Antezana, whose clients include large corporations and the Bolivian government. She is now an instructor herself.

A prosecutor and public defender from Chile both praised the project's workshops.

"Participation in the course permitted me to learn about a form of litigation which at that time was totally new in our country," wrote Fabiola Garcia Lareñas, a Justice Department prosecutor in the city of Copiapo, in an e-mail. "It allowed me to acquire skills in oral litigation which without doubt have contributed to my present performance as a prosecutor for the Justice Ministry."

In fact, Garcia said, the Proyecto Acceso courses have made a "decisive contribution" to the success of Bolivia's criminal justice reforms.

Claudio Pavic, a public defender in the Araucania province, was a student in the project's first oral advocacy class in Chile and is now an instructor.

"The knowledge of these skills by public defenders, prosecutors from the Justice Ministry and other lawyers has served to improve litigation under the new criminal process, and it can bring about the cultural change necessary to pass from a written inquisitorial system to an oral adversarial one," Pavic wrote in an e-mail.

A gradual implementation of the new criminal procedures will be completed in December 2004, he said.

Oral advocacy isn't all that's taught by the project's lawyers. Media workshops show lawyers how to give interviews to reporters, with the aim of creating public understanding of legal reform. Other workshops examine forms of dispute resolution. Another teaches how to deal with cross-cultural hurdles that might hamper global negotiations.

The workshops are held in Latin American law schools, government buildings and bar association offices. The coordination center remains in San Diego, where courses are planned and trips to Latin America are organized and scheduled.

The instructors teach pro bono or for small stipends. Project funding for staging workshops and paying travel expenses comes from the William and Flora Hewlett Foundation, United Nations Development Programme, Organization

of American States and the U.S. State Department.

Superhero role-playing by the project's lawyers serves to dramatize the project's goals, especially among children who may be grown before reforms come to all parts of Latin America, said Copper, aka Globalization Guy.

In real life, the Rebel is Joerg Stippel, a German lawyer based in Chile. San Diego immigration lawyer and law professor Lilia Velasquez is the Flame. Michael Mandig, a practicing lawyer and law professor in Arizona, is the Gunslinger.

The idea for the project arose in the 1990s after California Western professor Janeen Kerper and other attorneys traveled at the request of the U.S. government to Latin America to teach law. Kerper, who died recently, proposed expanding and formalizing the teaching trips and, with Cooper, began the project at California Western.

Cooper said that, when Proyecto Acceso was formed in 1998, the superheroes weren't part of the plan. But soon, he realized that a good portion of the students were in their 20s and that the lawyers were dealing with counterparts "in the MTV generation."

"The popular culture element sort of kicked in after the first year," he said.

The Proyecto Acceso instructors also are finding ways to deal with barriers rooted in traditional culture.

Velasquez wears bright red clothing to symbolize her role as the Flame of Justice. Even the stones in her rings are bright red. She is vocal and assertive when she comes into a workshop. The class is filled with some women but mostly Latin American men, she said, "who are not used to having a woman in charge."

The men are initially uneasy, she said, but after a time, they begin to look more at the information they are getting than at her.

"At the end, the women come and give me huge hugs, say I'm an inspiration, a role model," Velasquez said.

Politeness turns out to be another cultural barrier. The rude and aggressive nature of cross-examination disturbs many in the Latin American legal system, Velasquez said.

Despite the barriers, Velasquez and Cooper say that progress is being made. Chile and Costa Rica have reformed their systems, and Costa Rica is so pleased with the results of its adaptation of the adversarial system in the criminal courts that it plans to overhaul the civil courts. Bolivia is on the way to reform, and Ecuador and Argentina are considering changes.

Mexico, which has placed court reform high on its political agenda, is looking to other Latin American countries, especially Chile, to see how they implement changes, Cooper said. Because it is a large country, he said, Mexico might test changes first in a small, pilot region.

But Mexicans are wary of seeming to copy anything from the United States that smacks of "judicial imperialism," Cooper said.

"They're thinking, 'Now we have to import a legal system in addition to all the McDonald's and the music and the language,'" he said.

The obstacles don't deter Cooper and Velasquez.

"We do it out of love," Velasquez said.

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