

Legal group makes its case for the U.S. judicial system

Local think tank aids Latin nations

By **Leonel Sanchez**
STAFF WRITER

A group of San Diego-based lawyers is quietly helping Latin America's fledgling democracies build their own versions of the U.S. judicial system.

So many countries are eager to get help from the three-year-old group, called Proyecto Ac-

ceso, that it has sessions booked through early next year in Costa Rica, Peru, Paraguay and Nicaragua. Last month it received a \$600,000 grant from the Hewlett Foundation to expand its services to more Latin American countries.

The legal think tank, based at the California Western School of Law, says demand for its judicial reform training services increased after last

month's Summit of the Americas meeting, where Latin American leaders made democracy a key condition for participation in a proposed free trade zone for the Western Hemisphere.

"The rule of law is the dial tone for democracy," said James Cooper, Proyecto Acceso's director. "Free elections are not enough. Much of Latin



Lilla Velasquez (center), Janeen Kerper (left) and James Cooper are members of Proyecto Acceso, an organization that is helping Latin American nations develop their legal systems. The three-year-old group is based at California Western School of Law. *Peggy Peattie/Union-Tribune*

SEE **Lawyers, B3**

► LAWYERS
CONTINUED FROM PAGE B1
Proyecto Acceso has waiting list

America is still in need of judicial reform and the establishment of the rule of law in a consistent way."

Although many U.S.-based groups and international agencies provide democracy-building services in Latin America, Proyecto Acceso is among the few that specialize in judicial reform and alternative dispute resolution.

Cooper emphasizes that the goal isn't to impose the U.S. judicial system on other countries. Instead, Proyecto Acceso is responding to requests from countries not long removed from military or authoritarian rule who want to teach their lawyers, prosecutors and public defenders the skills that have helped build a strong judicial system in the United States.

"During the dictatorships, the police and the judiciary were seen as corrupt and as part of the system," Cooper said. "Now that they've ended, they need to build new institutions to consolidate their democracies."

Most Latin American countries operate under a version of the Napoleonic code, also known as an inquisitorial system, where judges control the indictment process and courtroom trials are unheard of. Arguments in civil and criminal cases are usually made in writing, and witness testimony is gathered through depositions, with little if any cross-examination.

Surveys have shown that

many Latin Americans believe their judicial systems are corrupt, inefficient and inaccessible. However, the governments that turn to Proyecto Acceso for help are motivated as much by international concerns as public perception.

International companies want to make sure that their interests are protected and that disputes are handled in a fair, transparent and efficient manner, said Cooper, who teaches globalization law at the California Western School of Law.

"Free trade will depend on it," Cooper said.

Yet, Cooper and the 11 core members of his group believe their work does far more than make businesses feel comfortable investing in developing countries.

The rule of law is for everybody, he said. "If things are open, then businesses and people will have trust in their legal institutions."

The flame of justice

Part of the Proyecto Acceso's appeal is its novel teaching approach, which mixes media and formal instruction while respecting the cultural traditions of the host countries.

Lilia Velasquez, aka "La Flama de la Justicia," a San Diego lawyer and an international human rights activist, portrays a flame-of-justice character. She represents access to justice for all. She wears red outfits because "red is the color of courage and courage is one of the main ingredients of justice."

Often Velasquez, is joined by Cooper, who makes documentaries about the rule of law. There's also New York-based Rafael Rafaelli, who wears martial arts gear when he portrays the "New York Street Fighting Lawyer," plus many

"The rule of law is the dial tone for democracy. Free elections are not enough. Much of Latin America is still in need of judicial reform and the establishment of the rule of law in a consistent way."

James Cooper, Proyecto Acceso's director

other lawyers and law professors who donate their services.

On the streets of Costa Rica and Chile, this band of legal missionaries has hailed the coming of judicial reform to ordinary citizens. And, in classroom settings, they've trained hundreds of jurists to make their court systems more transparent. Latin American ministries of justice send some of their best lawyers to the training sessions.

One of their specialties is teaching lawyers to use the American-style adversarial system, where they make their arguments live in a courtroom before an impartial judge.

"Despite O.J. Simpson, our system is respected abroad," said Proyecto Acceso co-founder and trainer Janeen Kerper. "People admire its transparency, its efficiency. They think it's a fair system. There's a sense citizens participate in the process."

Many of Proyecto Acceso's students watched the U.S. judicial system at work last year when it ruled on the controversial presidential elections.

Regardless of who won, "it was a great victory for the rule of law," Cooper said. "Tanks weren't called out. There was no outbreak of violence. Everyone respected what the courts had to say. That's the rule of law."

Patience needed

The process of bringing judicial reform to Latin America is a slow one, legal experts say, marked by resistance from older jurists and the tenuous hold on democracy by some of the region's governments.

The United States Agency for International Development is a leading supporter of judicial reforms in the region. So are many international financial institutions, including the Inter-American Development Bank and the World Bank.

Despite this strong backing, some say it could take more than a decade for significant judicial reforms to unfold throughout Latin America.

"The pace of change is glacial," said William Prillaman, a senior Latin America analyst in the U.S. State Department and author of a book on judicial reform. "You're overhauling more than work habits and a process. You're overhauling an entire culture."

Sara Castillo, director of a judicial reform organization in Costa Rica that works with Proyecto Acceso, agrees that the job is daunting.

"You have to train everyone, change curriculums at universities," she said. "The whole human experience is pretty costly."

Cooper, 35, is relying on the

young Latin American lawyers his group teaches to speed things up. They're the most likely to benefit in the long run, the Canadian-born lawyer said, and to advance the rule of law in their countries.

Oral arguments

Proyecto Acceso conducted a training session close to home last year, when members gave a session on cross-cultural business negotiations to lawyers in Tijuana.

Mexico is lagging behind other Latin American countries, said Velasquez, who hopes her native country calls on her one day to help advance judicial reform.

"Mexico still has a system based on written pleadings and arguments," she said. "There is very little transparency and accountability — and, as a result, people distrust the lawyers and the judges."

Velasquez is encouraged by Mexico President Vicente Fox's declaration that judicial reform is a priority for his administration. For now, though, she and her colleagues are satisfied to be making a difference in countries like Chile, whose decade-long effort to reform its judiciary reached a milestone last year with Proyecto Acceso's help.

Two Chilean cities, Temuco and La Serena, switched from written to oral trials in December. Chilean public defender Jaime Enrique Camus del Valle, whose Proyecto Acceso training included a visit to San Diego's courtrooms, couldn't wait to put his new skills to work.

"I'm tired of arguing cases from my office," the La Serena public defender said, referring to the written arguments he filed under the old system.

"Despite O.J. Simpson, our system is respected abroad. People admire its transparency, its efficiency. They think it's a fair system. There's a sense citizens participate in the process."

Proyecto Acceso co-founder and trainer Janeen Kerper

"Now my clients can see me at work (in a courtroom). They can see for themselves if they have a good lawyer."

Velasquez and Cooper carried the news of Chile's judicial reform to the Mapuche Indians in the remote Chilean island of Huapi last year.

Dressed in her signature red outfit, Velasquez held court outside the presidential palace, where she lectured a group of fifth-graders about why it's important for ordinary people to have access to justice.

As the children began chanting "Flama" and "Justicia," Cooper captured the moment for his next documentary, about the rule of law. For Cooper, all the group's work was summarized in the scene: Children fanning the flames of justice with their voices.