

adecadeoflegalreform★

1999-2009



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ACCESO

Abogados Creativos Colaborando para Encontrar Soluciones Óptimas

Proyecto **ACCESO** is a not-for-profit legal think tank that promotes the rule of law in the Americas. Utilizing multi-media and popular culture, we create innovative, educational and entertaining programs that increase access to justice and build confidence in the legal mechanisms and institutions that provide better access to justice, foster sustainable development, and enshrine democratic governance.

Proyecto **ACCESO** es una organización legal sin fines de lucro que promueve el estado de derecho en las Américas. Utilizando multi-media y cultura popular, se han creado programas innovadores, educativos y amenos que promueven el acceso a la justicia, y estructuran la confianza en el sistema judicial y las instituciones que la brindan, adoptan un desarrollo sustentable, consagrados a una gobernabilidad democrática.



Historical Significance

In the 1990s, countries across Latin America undertook a series of economic reforms that ultimately failed to remedy the endemic underdevelopment, disparities in wealth, and systemic injustices that have wracked the region for generations. Instead of bringing greater prosperity, increased employment, and improved social conditions, the economic reform process resulted in greater corruption, more widespread poverty, economic chaos, and political instability. Today, Latin America is no fairer, no more just, and no better off than it was in the late 1980's when it emerged from decades-long dictatorships and economic stagnation.

After the return to democracy in the late 1980's and 1990's, the U.S. Department of the Treasury, World Bank and International Monetary Fund encouraged economic liberalization through reduced barriers to trade, privatization of state assets, increased competition, and direct foreign investment. This so-called "Washington Consensus" often resulted in the wholesale looting of national treasuries, crony capitalism, and inefficient deregulation. As state assets were privatized, there was no independent prosecutorial service to investigate and punish corruption and other nefarious insider activities. As such, the economic reforms of the 1990's often enriched the elite, leaving the overwhelming majority of Latin Americans worse off and skeptical of the return to democracy and integration into the global marketplace.



“It has been a pleasure working with Proyecto **ACCESO** over the past years. Your support of the Chilean criminal justice system has been crucial in assuring a more perfect democracy, a more independent judiciary, and a more transparent system of criminal justice. I applaud Proyecto **ACCESO**.”

- David Bustamante, U.S. Embassy in Chile, March 2004

Free and fair elections in the aftermath of dictatorships are not enough to make a true democracy. Sustainable legal reforms are required to enshrine the rule of law, including the creation of effective prosecutorial institutions, the accountability of law enforcement agencies, the establishment of robust public defense systems and functioning, independent judiciaries. In addition, civil society must know its rights. Public education campaigns ensure increased public trust in the administration of justice. All are vital components of the democratization process.

For a decade **Proyecto ACCESO**, based at California Western School of Law, has promoted a better model of “sequencing” by facilitating the process by which legal reforms precede or run concurrently with the economic reforms that are prescribed by international financial institutions, regional aid agencies, and foreign lenders. Moreover, we have developed new and more integrative solutions based on experience and understanding of local cultures. We have assisted in the construction of the New Political Constitution of the State of Bolivia, the drafting of model legislation for the Chilean Government, the introduction of judicial innovations to speed the administration of justice, the public education of civil society about the rule of law, and the training of the legal sector in new skills around the Western Hemisphere. We have also empowered non-governmental organizations, indigenous groups, newly minted state institutions, university professors and students, and other members of civil society with the tools to increase access to justice.



JUSTICIA!!!

SSEC

The Programs

ACCESO has broadly targeted most age groups and classes in society. We have trained thousands of judges, prosecutors, public defenders and private lawyers through our highly successful legal skills training workshops. We have also educated a new generation of children and at risk young adults about their legal rights so as to support the changes underway in the legal cultures of the region's respective countries. Through our work in over 15 countries, we have learned that each demographic group requires a unique approach to public education. What works with seasoned professionals in the legal sector will not be appealing to at risk youth nor the general public. As a result, **Proyecto ACCESO** has organized its initiatives into a number of "Programs":

Los Programas de **ACCESO** están orientados a muchos segmentos de la sociedad. Hemos entrenado a miles de jueces, fiscales, defensores públicos y abogados independientes por medio de nuestros altamente exitosos talleres de entrenamiento. También hemos educado a una nueva generación de niños y jóvenes acerca de sus derechos, para que sean capaces de comprender los cambios que se avecinan en la cultura legal de su región y respectivo país. Por medio de nuestro trabajo en 15 países, hemos aprendido que cada grupo demográfico en la sociedad requiere un acercamiento especial a la educación pública. Lo que funciona en el ámbito profesional legal, no será atractivo para jóvenes y público en general. Como resultado, **Proyecto ACCESO** ha organizado sus iniciativas en una serie de "Programas".

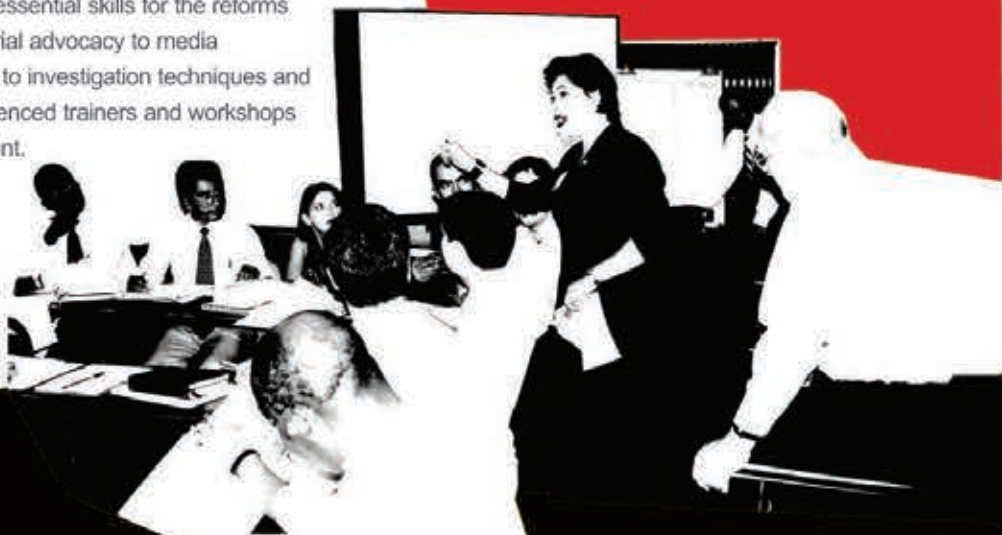
"Using popular culture and innovative technology to bring about judicial reform across Central and South America, Proyecto ACCESO has helped train lawyers, judges, prosecutors, public defenders, and many others to ensure fairness and justice for all."

- Dianne Feinstein, U.S. Senator, February 2002

ACCESO Capacitación teaches essential skills for the reforms affecting each country's legal system. From trial advocacy to media presentations, from cross-cultural negotiation to investigation techniques and back office management, **ACCESO's** experienced trainers and workshops address all needs in the new legal environment.

ACCESO Capacitación enseña las destrezas esenciales para las reformas que afectan el sistema legal de cada país. Desde abogacía oral, presentaciones en medios, negociaciones interculturales, hasta técnicas de investigación y administración judicial. Los expertos entrenadores de **ACCESO** atienden cualquier necesidad en el nuevo marco legal.

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Una
Nueva
Justicia
en marcha





ACCESO Vision archives and disseminates the significant moments of justice that occur as part of the reform process.



ACCESO Vision documenta y difunde los momentos significativos de justicia que ocurren como parte del proceso de reforma.





As the Minutemen and other border vigilantes took to the U.S.-Mexico border, a group of lawyers and California Western law students joined with a coalition of non-governmental agencies to monitor their observance of human and civil rights. The **GPSUNIT4** provides a real-time presence locator on the web. It helps promote public security at the border.

HUMAN RIGHTS Monitor
★ **GPSUNIT4** LegalObservers
at the Mexico - United States border - 2005



★ **ACCESOCAM**



As Chile introduced new, more transparent, judicial procedures concerning criminal matters, the Mapuche Case in the Ninth Region captured national attention. The presumption of innocence was tested and the **ACCESOCAM** was used to capture all the proceedings. Distribution included DVD, music video, webcast and nationally televised broadcast.

DNA Workshops

To free the wrongfully accused or to prosecute and convict the guilty, **DNA** evidence is playing an increasing role in the criminal justice system. While it might look great on television programs, it is even cooler in real life!



ACCESO Tec designs and showcases technological advances in the administration of the law with a view to increasing access to justice for all members of civil society.

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ACCESO Tec diseña y muestra avances tecnológicos en la administración de la ley con el objetivo de incrementar el acceso a la justicia para todos los miembros de la sociedad civil.



Computer Forensics

Whether it is investigating corporate espionage, corruption inquiries or the search for pirated material, computer forensics is fast playing a role in evidence during criminal procedures. Our **Computer Forensics** workshops train law enforcement officials around Latin America in the latest techniques.



Distance Learning

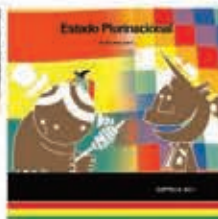
Education is global these days, allowing participants to learn about new technologies and skills through innovative curriculum and distance learning. Around the Hemisphere, professionals are learning how to build sustainable legal reform and promote the rule of law. The workshops allow participants from many countries to be part of the real-time educational experience. Our state of the art methodologies combine real-life simulations and new media role-playing – truly learning across all sorts of borders.





ACCESO Ediciones reformats legal code and simplifies legal doctrines for the general public. With so many words in such little space, legal text has traditionally been difficult on the eye. **ACCESO Ediciones** makes the law come alive and gives it relevance to traditionally marginalized groups.

ACCESO Ediciones re-formatea el código legal y lo simplifica para el público en general. Con tantas palabras en tan poco espacio, el texto legal es tradicionalmente difícil para el ojo. **ACCESO Ediciones** hace que la ley cobre vida dándole importancia a los grupos tradicionalmente marginados.





ACCESO Indígena researches and develops models for problem-solving, conciliation and other peaceful conflict resolution mechanisms throughout the Americas.

ACCESO Indígena investiga y desarrolla modelos para la solución de problemas, conciliación y otros mecanismos de resolución pacífica de conflictos alrededor de las Américas.





"Judicial Independence Vest"- As judges are assassinated across the Americas, this innovation will be sure to separate the powers and keep a healthy democracy functioning.



"Justice Multi-tasker" carrying bag- Is the law weighing you down? Our bag will hold your inquisition recorder, travel mask, and Sinai Complex Criminal Code. So much to carry, so little time.

"Anti-Corruption/Transparency Jacket"- To increase transparency in every part of the judicial process. We have nothing to hide.



Artículo 14 (1) **deberá reconocerse** a los pueblos interesados el derecho de **propiedad** y de posesión sobre las tierras que **tradicionalmente** ocupan.

CONVENIO 169 SOBRE PUEBLOS INDÍGENAS Y TRIBALES EN PAÍSES INDEPENDIENTES



2(b) la **eliminación** de todas las formas de **trabajo forzoso** u **obligatorio**;

DECLARACIÓN DE LA OIT RELATIVA A LOS PRINCIPIOS Y DERECHOS FUNDAMENTALES EN EL TRABAJO Y EL EMPLEO



SOY BOLIVIANO ★ **SOY BOLIVIANA**



"Free Media Helmet" - The media is under attack by more than drug dealers. The Free Media Helmet will stop more police batons and withstand water cannons.



Chile ★ **equipped for the rule of law**

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ACCESO Collection offers tools for the modern legal professional to enhance his/her role in the administration of justice.

ACCESO Collection proporciona herramientas al profesional legal moderno para impulsar su desempeño en la administración de la justicia.



Plan Bolivia ★ **derechos laborales**

ACCESO Sessions celebrates popular culture to promote the rule of law. Combining the Hemisphere for fresh, hip and committed talent, **ACCESO Sessions** showcases the best of Latino and Latin American music traditions and develops new ones along the way. Legal reform never sounded so good!

ACCESO Sessions celebra la cultura popular para promover el Estado de Derecho. Peinando el Hemisferio por talento fresco y hip comprometido, **ACCESO Sessions** muestra lo mejor de la música y tradiciones de América Latina y desarrolla nuevas durante el proceso. La reforma legal nunca había sonado tan bien!

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ACCESO Derechos Intelectuales explores the rapidly developing world of Intellectual Property (I.P.) laws and the fresh mechanisms being created to protect I.P. rights. **ACCESO Derechos Intelectuales** offers new and innovative schemes for enforcement and protection.

ACCESO Derechos Intelectuales explora el rápido desarrollo mundial de la Propiedad Intelectual (I.P.); las leyes y mecanismos frescos creados para proteger los derechos intelectuales. **ACCESO Derechos Intelectuales** ofrece nuevos e innovadores esquemas para su refuerzo.



LA SEMANA DE
★ DERECHOS ★
INTELECTUALES



ACCESO Kids teaches values and builds self-esteem in children. Using music, cartoons, coloring books, and participatory exercises, children learn about fairness, justice and civic responsibility with the **ACCESO** team.

ACCESO Kids es un programa constructor de valores y autoestima. Utilizando música, caricaturas, libros de colorear y ejercicios de participación, los niños aprenden acerca de equidad, justicia y responsabilidad cívica con el equipo **ACCESO**.



A vibrant cartoon illustration featuring the members of Team Justice from the anime Digimon. At the top, a blue robot-like character with a globe on its chest and large white wings stands with arms outstretched. To its left, a small character with green hair and a red cape is in a dynamic pose. In the center, three characters are shown in action: a man in a brown suit and hat, a man in a dark suit, and a woman in a red dress and grey skirt. At the bottom left, a man with red hair and sunglasses plays a green electric guitar. At the bottom right, a close-up of a character's face with orange and yellow markings is visible. The background is a bright blue sky with a large white star and a fiery orange and yellow base.

ACCESO KIDS

**TEAM
JUSTICE**

Eco-ACCESO engages in public discourse on trade and development, monitors treaty compliance, gathers evidence, and educates the public about environmental protection and how to best enforce green/legal practices.

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Eco-ACCESO se involucra en el discurso público de intercambio y desarrollo, monitorea tratados acordados, reúne evidencia, y educa al público acerca del medio ambiente, desarrollando cómo mejorar la aplicación de la ley en prácticas ambientales.





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ACCESO Salud works with medical professionals and public health advocates to provide local communities with access to health services.

ACCESO Salud trabaja con médicos profesionales y abogados de salud pública con el fin de proveer a comunidades locales el acceso a servicios de salud.



ACCESO Team Physician: Richard Weinstein, M.D.

Each of these programs has been designed to reach a targeted segment of society by providing innovative programs that educate, empower and entertain. All programs have centered on four guiding principles:

- To educate the general public about their civil and human rights;
- To empower members of the general public to exercise those rights;
- To increase confidence in the administration of justice; and
- To consolidate democratic governance.



Methodology

Too often, the law is viewed as an inaccessible code for the elite, rather than a set of principles and practices that weave together a stronger democratic society and provide for justice. If the benefits of globalization are to be maximized, we must build the rule of law in a language that people understand.

Rather than the one-size-fits-all solution espoused by others, **Proyecto ACCESO** embraces, and has been embedded in, local cultures, utilizing best practices, traditional methods of problem-solving, and indigenous mechanisms built from within, rather than imposed from outside. The **ACCESO** team has been committed to using the language of the streets, the common vernacular and local customs. For these reasons, over the last decade we have earned credibility and have been graciously accepted by civil society starved for meaningful reform and fairer and more equitable administration of justice.

Focus on Problem-Solving

Criminal procedure, particularly the inquisitorial system found throughout Latin America, has often been the first set of laws to be reformed in a post-dictatorship period. Oftentimes, the criminal law was the way in which freedoms like that of association, or speech, were repressed. So it was no surprise that most Latin American countries emerging from military regimes focused on the reform of their respective criminal laws after the first set of free and fair elections. After criminal procedure comes other reforms: reforms involving police training and promotion, prison reform, family law and labor law reform, and eventually civil procedure reform.

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Legal reforms should be more than just the wholesale transplantation of legal innovations or practices (for example Napoleonic codes from France, via Spain, or U.S.-inspired insider trading regulations) from a donor country to a recipient country. Legal reforms require the transfer of technology, culture, institutional know-how, jurisprudence, case management, and court procedures. In addition, local conditions, indigenous traditions, and regional context are all essential factors to consider in the adoption of legal models from abroad.

For a decade, **Proyecto ACCESO** has been introducing problem-solving techniques in the process of legal reform. We have introduced and facilitated a number of problem-solving courts like teen or peer court, community court, drug treatment courts and other diversion and alternative sentencing programs that reduce recidivism and criminality in Latin America. We have also assisted in the development of indigenous justice systems and their integration into the legal reform process. Here are two examples of our work:



Problem-Solving Courts

In its efforts to stem the supply of drugs destined for the U.S. marketplace, the U.S. Government has spent billions of dollars, focusing on drug production in the Andes region of South America. The most celebrated and costly program is Plan Colombia, which has cost U.S. taxpayers more than five billion dollars. It is no secret though that these initiatives have not worked very well across the Andes. Working to solve this problem, **Proyecto ACCESO** has focused its efforts on the stemming demand. Drug treatment courts, the alternative sentencing regime for lower level drug possession crimes that focuses on rehabilitation rather than incarceration, has been a successful U.S. judicial innovation focusing on the demand side of the War on Drugs. **Proyecto ACCESO** has introduced these problem-solving courts into South American legal cultures since 2004.

Desde una editorial "Alternativa a la guerra contra las drogas" en El Mercurio (Chile) (página A2, el 16 de marzo, 2007) por Profesor James Cooper, Director de Proyecto ACCESO:

Después de una exitosa implementación de la reforma procesal penal, Chile está listo para otra innovación judicial: las "cortes de drogas" o "tribunales de tratamiento".

Los tribunales de tratamiento son una alternativa a la guerra contra las drogas, una invención de los EE.UU. Desde los años 70, la guerra contra las drogas ha costado a los EE.UU. más de 500 mil millones de dólares americanos. También, con las nuevas políticas sobre la criminalización de las drogas, millones de personas - en su mayoría negros y hispanos - están en la cárcel cumpliendo condena, en proceso de ser encarcelados o en periodo de libertad condicionada.

Desafortunadamente, la industria de las drogas y la adicción a las mismas continúan creciendo sin límites. Hasta ahora, la guerra contra las drogas no ha sido un éxito. Es en este contexto se crean las cortes de drogas, que proporcionan salidas alternativas para conducir a un imputado a un tratamiento, y no a la cárcel. Los imputados, bajo la amenaza de cumplir una pena de cárcel, dejan de consumir drogas; abstinencia que es controlada mediante exámenes clínicos periódicos que son informados al juez. Se trata de una herramienta alternativa que permite resolver la adicción, prevenir el crimen y reducir la delincuencia, tal como las cifras lo demuestran.

Para establecer un punto de referencia de la tasa global de reincidencia nacional, el Instituto Nacional de Justicia de los EE.UU. realizó un seguimiento a una muestra de 2.020 'graduados' de 95 tribunales de droga en los años 1999 y 2000. El estudio arroja que, después de cumplidos sus procesos, sólo el 16,4% de los imputados 'graduados' de los tribunales de droga ha sido arrestado y acusado de un delito grave pasado un año y 27,5%, al cabo de dos años. Otros estudios de casos en Oklahoma, Nueva Jersey, y Florida demuestran que los tribunales de droga resulta más eficiente, en términos de costos, que el encarcelamiento de los infractores por abuso de drogas. A partir de 2006, había 1.557 tribunales de droga funcionando en Estados Unidos y existían otros cientos más en la fase de planificación. Este mecanismo para resolver el problema de adicción a las drogas y sus externalidades negativas ha sido todo un éxito.

El que Chile haya decidido desarrollar modelos, como aquellos en marcha en Valparaíso y las zonas dependientes de las Fiscalías Metropolitanas Sur y Centro Norte, constituye un gran paso para abordar mejor la drogadicción en Sudamérica. Mientras el gobierno de la Presidente Bachelet trabaja para extender los tribunales de droga por todo el país, es importante involucrar a todas las partes interesadas, desde los proveedores de servicio social hasta las autoridades policiales.

Pese a ello, existen muchos temas que el sistema legal y los servicios sociales deben resolver. Entre ellos, decidir si se intentará aprobar una nueva ley especial, o se preferirá usar las leyes - Código Procesal Penal y Ley de Responsabilidad Penal Adolescente - que ya existen. Los programas piloto de tribunales de tratamiento en Chile - tanto con adultos como adolescentes - han escogido emplear la suspensión condicional del procedimiento y el control judicial se incorpora producto del acuerdo de imputado y fiscal, aprobado por el juez, conforme las normas actualmente vigentes. Tal vez sea importante crear reglas que permitan mejorar la retención de los imputados que requieran internación inmediata para el tratamiento, o que regulen de mejor modo la flexibilización de las condiciones a que se somete al imputado en la medida que vaya progresando en su mejoría.

Sin embargo, se trata de detalles para abogados y jueces, que se pueden resolver, con requerimientos presupuestarios, de planificación y ejecución que se encuentran al alcance de Chile. Sólo mediante un enfoque integrado dirigido a la rehabilitación y la responsabilidad personal, y en que las instituciones involucradas trabajen en modo coordinado, pueden funcionar bien programas de derivación como estos.

Los tribunales de tratamiento tienen resultados exitosos, devuelven a los imputados la libertad que les ha arrebatado la droga y son, además, eficientes en el sentido económico. Y son, también, una mensaje fuerte que demuestra que en la lucha contra la adicción y el crimen, necesitamos muchos tipos de armas.

Leading an **ACCESO** Capacitación workshop on drug treatment courts in 2004, Hon. Laura Safer Espinoza helped launch Chile's first pilot treatment court in Valparaíso. She gave the keynote address at that country's first national conference on treatment alternatives to incarceration in 2006, which was sponsored by the United Nations Office on Drugs and Crime, Fundación Paz Ciudadana and the Carabineros, Chile's national police force. Judge Safer Espinoza has also lectured on the treatment court alternative in Brazil, as a U.S. State Department consultant in 2005, and introduced the idea at a conference concerning drug policy in Bolivia in 2006 co-sponsored by the Bolivian Ministry of Justice and **Proyecto ACCESO**.

Judge Laura Safer Espinoza explains:

"I have been the presiding judge of Bronx Treatment Court since its inception in 1999. After nine years of adjudicating criminal proceedings, I fully realized that 'business as usual' had few answers to the problems affecting most people in the criminal justice system - issues of addiction, mental health and lack of educational or employment opportunities. In treatment court we would leave the adversarial process aside, and unite in the effort to put peoples' lives on track.

Clients in treatment court are given the opportunity to attend drug and mental health treatment, as well as to enroll in school, job training and/or full time employment. If they comply with our requirements, cases are either dismissed or reduced to lesser charges for which incarceration is not mandatory. Our clinical staff assesses the treatment needs of clients, places them in appropriate programs and helps to monitor their progress. During their time in treatment, clients are carefully followed through regular court updates, where they come before the judge. A system of graduated sanctions and rewards is utilized during those sessions - ranging from 'promotions', certificates and public praise, applause and handshakes from the judge for program compliance; to increase of treatment intensity, length and modality; observing in court; writing essays; and periods of incarceration for failure to abide by the prescribed treatment protocols. This system is driven by the belief that relapse is part of recovery. After numerous opportunities, however, if a client fails, or is re-arrested and charged with another crime, they are sentenced to prison.

Our court has successfully 'graduated' over 1,000 clients and recidivism has been drastically reduced. In addition to tremendous savings of taxpayer dollars as a result of clients who are employed as opposed to incarcerated, there are other dramatic achievements. Family reunification, mental health issues that are properly addressed instead of self-medicated, increase in self-esteem and the birth of hundreds of healthy babies are a few examples. Problem solving can be exhausting - and no one protocol fits all, but it is also incredibly rewarding."



"Together we have developed programs that empower judicial and legal sector members to build the rule of law. CEJIP has worked with Proyecto **ACCESO** in oral advocacy for public defenders, prosecutors and government lawyers with GTZ and the Ministry of Justice and Human Rights in Bolivia. Proyecto **ACCESO** has a long history of success in teaching skillsets through Latin America in support of judicial reform efforts, working with judges, private lawyers, public defenders and community leaders in Costa Rica, Chile, Ecuador and Mexico. We applaud its efforts in promoting indigenous problem-solving techniques into the criminal procedures."

- Leticia Lorenzo, Executive Director, Centro de Estudios sobre Justicia y Participación (CEJIP),
La Paz, Bolivia, February 5, 2006

"I am truly grateful for the sensibility
shown with our country."

- Minam Campos B., Pueblos Indígenas y Empoderamiento,
Ministerio de Justicia, Bolivia, October 20, 2006.



Focus on Indigenous Justice Systems

Since the December 2005 election of President Evo Morales and his MAS party to power indigenous groups, traditionally the marginalized and dispossessed throughout Latin America, have become an important political and legislative force. With the indigenization of Bolivian ministries and newly focused policies, international aid agencies and foreign governments working with state authorities on judicial and other reforms in Bolivia must change their respective approaches. The New Political Constitution of the State of Bolivia (*Nueva Constitución Política del Estado de Bolivia*), approved by national referendum on January 29, 2009, provides for many more rights for indigenous groups, sovereignty over the country's natural resources, and education and social services in their respective traditional languages.

A new justice system, based on communitarian law, is also part of the new Constitution. After hundreds of years of oppression, and control by judicial procedures that are far different from their ancient problem solving methodologies, it is little surprise that the three major indigenous peoples of Bolivia – the Aymará, Quechua and Guaraní- have long resisted the judicial reforms introduced to the region. This presented **Proyecto ACCESO** with an opportunity to ensure that indigenous peoples are no longer excluded from the political process. The **ACCESO** team has spent many years building bridges between traditional indigenous problem-solving mechanisms (non-violent forms of dispute resolution) and criminal procedure reforms.

ACCESO Indígena assists the Bolivian peoples - 80 percent of whom identify themselves as indigenous - by undertaking a cultural translation of the problem-solving mechanisms of indigenous peoples, and creating training programs for the administrators of the community justice programs. We are studying the application of indigenous justice and are working with local indigenous leaders and the Association of Municipal Governments to develop models for the management of indigenous justice. We have worked with the Government of Bolivia's TV Congreso (a part of the Vice-Presidency of Bolivia), launched a website that offers educational opportunities throughout the Andean region; and developed an interactive DVD and public education materials and a public service announcement for REPAC, the President's Representative to

the Constituent Assembly negotiations, which produced the New Political Constitution of the State of Bolivia. In short, **Proyecto ACCESO** has been researching and assisting in the re-employment of traditional problem-solving mechanisms in the judicial reform process.

By combining respect for their ancient cultures, languages and traditions with the integration of current judicial reform, we shall continue to empower the Bolivia's indigenous peoples while still protecting due process and other fundamental human rights.

ACCESO's relationships with a wide range of indigenous groups including the Guaraní, Aymará, and Quechua have built on our work in the Southern Cone on indigenous legal defense programs over the decade. **ACCESO** trained the team of public defenders who successfully defended the Mapuche leaders in an internationally followed trial. In 1999, we created a legal clinic to mediate disputes in Temuco, the capital of the IX Region of Chile. For years we have worked from La Paz, Bolivia to Arica, Chile with Aymara leaders in community building and problem-solving efforts.

Our work in partnership with a number of local authorities, non-governmental organizations, indigenous solidarity groups, foreign governments, regional institutions, and international aid agencies throughout the region have provided educational tools to indigenous communities to train their future advocates.



"We are most happy to report that the city of Valparaiso is now piloting a drug treatment court. That **ACCESO** workshops and ideas become a reality in the Chilean legal landscape is a testament to the strength of the programs, and the people they empower through their innovative curriculum."

- Carolyn Turpin, U.S. Embassy in Chile, March 20, 2005



Focus on Intellectual Property

Throughout Latin America, there is very little law enforcement of Intellectual Property rights. The theft of music, computer codes, films, software, and books is far faster in the digital age. Technology is more efficient and the marketplace is more global. The losses to the artists, writers, publishers, musicians, media and software companies, and their respective shareholders are immeasurable. So are the losses to governments due to depleted tax revenues. With global piracy, incentives for investment in research and development dwindle. Moreover, the profits gained in the illicit piracy business often go to organized criminal gangs and international terrorist groups. With counterfeit pharmaceuticals, health and beauty aids, automobile and airplane parts, and food products, piracy poses a grave danger to public health and safety.

Through **ACCESO Derechos Intelectuales**, we have teamed up with the International Federation of the Phonographic Industry (IFPI), motion picture companies, U.S. embassies around Latin America, artists' rights associations, and other stakeholders to develop an international consensus on the issue of piracy and to lobby for enhancements to new Intellectual Property laws around the region.

Proyecto **ACCESO** brought together a coalition of stakeholders fighting IP piracy and produced Intellectual Property Week in Chile in September and October 2004. The events were sponsored by the U.S. Embassy in Chile and featured a number of cutting-edge programs, including: training workshops for Chilean prosecutors, customs agents, tax collection investigators, and front-line police officers to improve skills in Intellectual Property rights enforcement (taught with support from U.S. prosecutors and FBI agents as instructors); public forums dedicated to building a national consensus to battle piracy; the launching of a middle school curriculum developed to combat Intellectual Property piracy; and a set of workshops for artists and musicians concerning mechanisms to protect Intellectual Property rights.

Since the successes of IP Week, we have educated young people about the dangers of piracy and reached out to fans of cultural industries and held concerts in support of Intellectual Property rights. We have continued to build national and regional consensus through **ACCESO** Capacitación skills-building seminars and national roundtable discussions for judges, prosecutors, Congress members, artists, actors, writers, and film-makers concerning intellectual Property rights, their value to innovation and economic growth, and the importance of putting resources into the enforcement of IP rights.

Through our **ACCESO Vision** and **ACCESO Derechos Intelectuales** programs, and with funding by the U.S. Department of State, we have produced variety of public education campaigns to fight piracy through many channels, including exciting children's TV programming, featuring cartoons and puppet shows, as well as popular culture messages aimed at teens and young adults, via music and music videos. **ACCESO Vision** was contracted by the U.S. Department of Justice to produce a full-length documentary film about Intellectual Property piracy in 2009: *Piratería: Los Desafíos para América Latina*. Through **ACCESO Kids**, we produced *Intellectual Property for Kids*, a television show/webcast that addresses issues related to Intellectual Property piracy, as well as a popular music concert, featuring up and coming local Latin American artists with **ACCESO Sessions**.

Intellectual Property rights are important to all of civil society, not just multinational media corporations. Indigenous groups have an interest in traditional knowledge and the patenting and protection of their communal heritage and contribution to humankind's cultural patrimony. All should gainfully participate in and benefit by the global marketplace for ideas, customs, and culture.

Focus on ACCESO Vision

There is no shortage of bad news coming from Latin America. Problems continue to beset our hemispheric neighbors and trading partners. Economic crises loom, poverty has increased, criminality is on the rise, political instability is commonplace, and public safety is at an all time low. The war on drugs has been a dismal failure, fundamental human rights go unprotected by state authorities, and impunity for the powerful continues unabated. Is it any wonder that investors have shied away from the region and the citizenry of Latin America has lost confidence in democratic governance and the globalization process?

Despite these tragedies that have befallen a continent there is some good news. Unfortunately, you do not see much of it in the media. That is where **ACCESO Vision** fits. Over the past several years, we have been documenting the successes of the many economic and legal reforms that have swept through the Americas.

Throughout the region - from Bolivia to Ecuador, from Costa Rica to Chile, from Guatemala to Paraguay - more transparent, participatory and efficient criminal trial procedures have been instituted. Increasingly, a new judicial justice movement is gathering momentum. Diversion programs, such as drug treatment courts and other problem-solving methods, are being implemented to stem the increase of prison populations and return less violent offenders to society. Indigenous peoples are joining judicial panels and traditional peacemaking mechanisms are being integrated into new judicial procedures. Law enforcement officials are being trained in human rights sensitivities and new investigatory techniques, like DNA evidence, are being used to ensure fairer justice.

ACCESO Vision is celebrating these and other successes in the reform, documenting their processes, analyzing court processes for the general public and legal education, and modeling the tools and behaviors necessary to bring about progress and positive change. We are watching. We are reporting. We are educating. And we are entertaining.

To build confidence in the administration of justice, to demonstrate how the rights of both the accused and the victims of crimes are being protected, and to educate the public about their substantive rights and the manner in which citizens may access them, **ACCESO Vision** highlights the best of the trial procedures under way throughout the region. By exposing the public to these new procedures, we demonstrate the importance of the new judicial reforms being introduced across Latin America and increase citizen participation and trust.

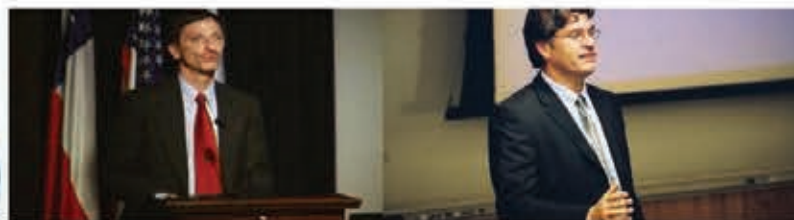
As much of the region moves from the inquisitorial to the adversarial system in its criminal procedures, members of civil society have little idea how this assists them. Ending centuries of closed, secret and lengthy trials will require some serious public education campaigns that have entertainment value. Maybe then the rule of law will increase public confidence in the administration of justice and assist in bringing about more sustainable development.

ACCESO Vision has developed and produced several edutainment components:

- A guerrilla documentary-style television series showcasing the heroes and heroines of the legal reform movement called Justicia 1.0
- A television news program featuring lessons in justice and the most educational and inspirational parts of the oral trials that are occurring across the region
- A multiple platform program (including webcasting) to broadcast the new trials with commentary and narration from law students, lawyers and judicial officials from around the region
- A television series for children about justice and civic participation
- A music video program for youth education about legal rights and the criminal law procedures

ACCESO Vision is a team of committed professionals empowering civil society with vital skills to strengthen the rule of law and consolidate democratic governance. **ACCESO Vision** has partnered with Latin America's top animators, computer graphic arts professors, and multimedia programmers and developed a number of products all designed to combine entertainment and education working in partnership with governments and international aid agencies. Together we have worked to build a new generation of citizens committed to the rule of law, by educating the general public about their rights, by increasing the public trust in the judicial sector and the administration of justice, and by providing greater access to justice.



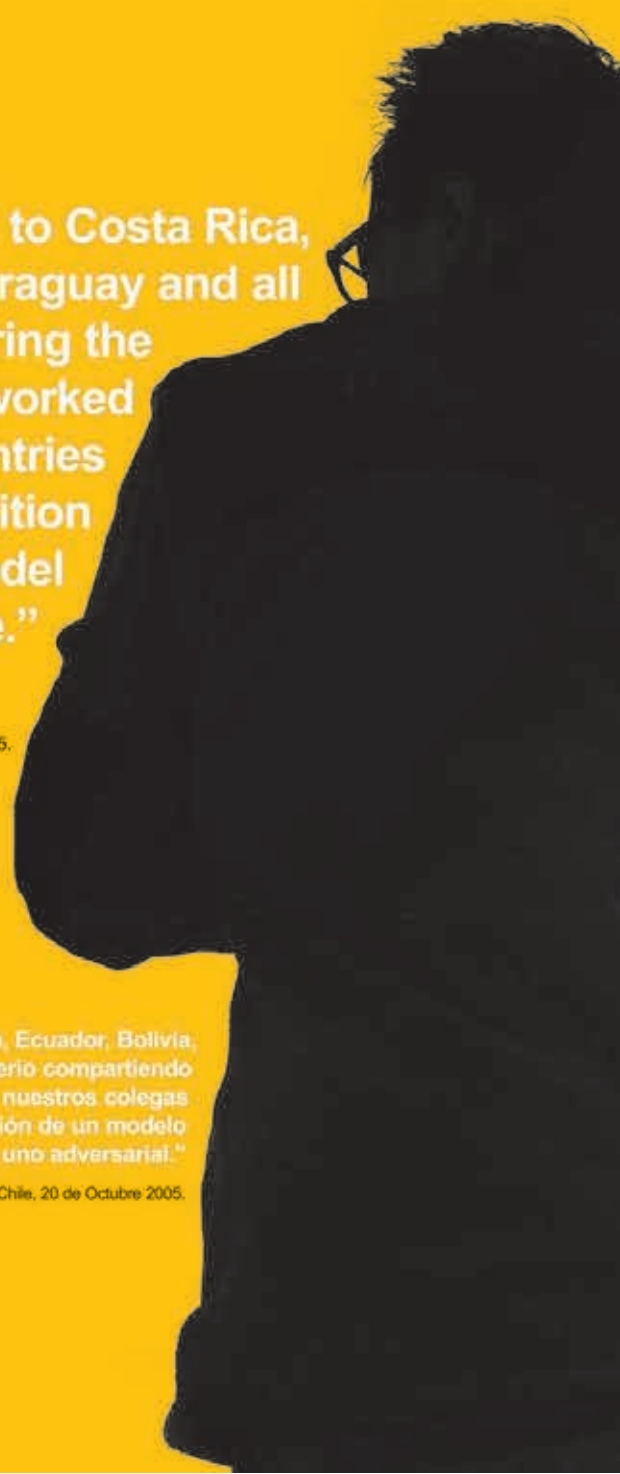




"The **ACCESO** course changed my life completely. We all learned with this wonderful group of lawyers from the U.S.A. and Canada the techniques used in the U.S. trial system. I recommend the course to all the people around Latin America. After all, I learned something: I am a lawyer, and every little thing I do will help others. That's my mission. Each day in court helps me to try to change my mistakes and to refine my high points of advocacy and problem-solving. From now on, my future in law is very clear. My frontiers are very wide."

- Theidy L. Arias Chavez,
Procuraduría General de la República de Costa Rica, November 14, 2001



A black silhouette of a person's head and shoulders, facing left. The person is wearing glasses, and the silhouette is positioned on the right side of the page, partially overlapping the text.

“The **ACCESO** Team has traveled to Costa Rica, Ecuador, Bolivia, Panama, Paraguay and all around our hemisphere sharing the success of our reforms and has worked with our colleagues from other countries to promote the transition from the inquisitorial model to an adversarial one.”

- Marcos Libedinsky, President of the Supreme Court of Chile, October 20, 2005.

“El equipo **ACCESO** ha viajado a Costa Rica, Ecuador, Bolivia, Panamá, Paraguay y por todo nuestro hemisferio compartiendo el éxito de nuestras reformas y trabajando con nuestros colegas de otros países para promover la transición de un modelo inquisitorio a uno adversarial.”

- Marcos Libedinsky, Presidente, Corte Suprema de Chile, 20 de Octubre 2005.

The **ACCESO** Team is comprised of accomplished judges, prosecutors, public defenders, private lawyers, legal educators and journalists all committed to promoting the rule of law in the Western Hemisphere. We are of the Americas - from as far afield as Bolivia, Canada, Chile, Mexico, Paraguay, Peru, and the United States. **Proyecto ACCESO** is the legal think-tank that is leading the charge for a better future in the Americas.

El equipo **ACCESO** está compuesto por sobresalientes jueces, fiscales, defensores públicos, abogados privados, educadores legales y periodistas, todos comprometidos a promover el estado de derecho en el hemisferio oeste. Somos de América - desde Bolivia, Canadá, Chile, México, Paraguay, Perú y los Estados Unidos. **Proyecto ACCESO** es una organización que lleva la delantera en el compromiso de mejorar el futuro de las Américas.

The Team



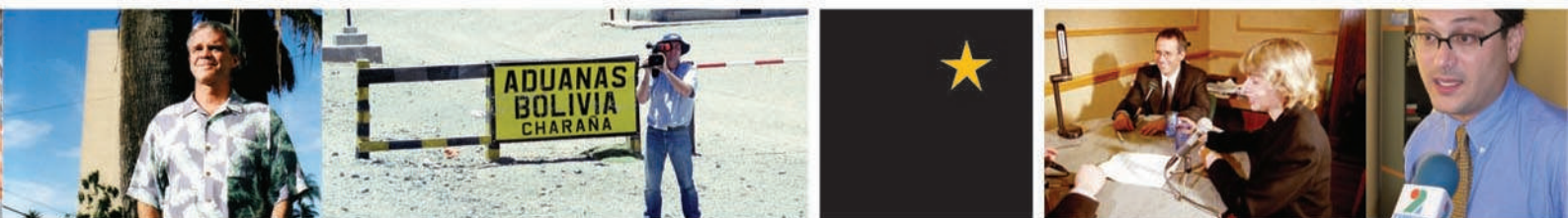


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“Proyecto **ACCESO** has a long history of success in teaching skillsets like oral advocacy and media advocacy throughout Latin America, including a program in November 2003 in Quito to support our country’s judicial reform efforts. As Ecuador continues its reforms in the legal sector and moves towards oral trials, we must also work towards integrating indigenous practices and other community customs into the dispute resolution system. With **ACCESO**, we will continue to educate the legal sector in a number of new techniques which make legal reform efforts more sustainable, particularly in this difficult period in Ecuador’s history.”

- Jaime Vintimilla, CIDES, Quito, Ecuador, March 24, 2005





Proyecto **ACCESO** is unlike any other organization:

- We are not for profit;
- We have tandem operations in both North and South America;
- We partner with the U.S. State Department, the German Government and political institutions - Konrad Adenauer Foundation, the Friedrich Eberts Foundation and GTZ;
- We work together with both the Chilean and Bolivian Governments (despite their differences);
- We feature team members who are active and successful legal practitioners, with real world experience;
- We combine an academic perspective with a very practical, hands-on approach;
- We utilize popular culture (music, video, fashion, coloring books, reality TV, cartoons, etc.) to serve all demographics of society;
- We partner at the highest academic levels (e.g. The University of Heidelberg of Germany, the University of Chile, UNAM in Mexico), yet with earned street integrity;
- We represent all of the Western Hemisphere with a diverse team;
- We demonstrate proven leadership and credibility through consensus building among governments, regional institutions, non government organizations, labor unions, human rights groups, industry associations, and multinational corporations.





Professor Janeen Kerper (1946 – 2003)

On January 16, 2003, Professor Janeen Kerper, a co-founder of **Proyecto ACCESO**, passed away after a long battle against lung cancer. Born in 1946 in Cody, Wyoming, Ms. Kerper spent her youth in Costa Rica, where her family had moved when she was 13 years old. Living in San José, she acquired a strong commitment for social justice and a passion for multiculturalism. She studied French Literature at Stanford University, graduating with a Bachelor of Arts in 1967 and went on to Harvard University where she earned her Master of Arts degree in Romance Languages a year later. In 1973, Ms. Kerper received her Juris Doctor degree from University of California, Hastings College of the Law.

After a decade as a civil litigator, Ms. Kerper joined the faculty at California Western School of Law where she became a Professor of Law. She was the Executive Director of the Institute for Criminal Defense Advocacy and Academic Director of the Center for Creative Problem Solving. With Professor James Cooper of California Western School of Law, Professor Angel Valencia, Director of the Law School of the Catholic University of Temuco and Hon. Laura Safer Espinoza, Ms. Kerper founded **Proyecto ACCESO** to promote judicial reform in Latin America:

Concerning the tragic passing of Professor Kerper, Judge Laura Safer Espinoza states it best:

"It was an honor to know Janeen Kerper and a privilege to teach with her. She was the kind of educator who empowered her students and fellow teachers to believe in themselves and in the expansion of possibilities for others. New skills indispensable to furthering justice through legal process became painlessly accessible to so many - and it was that spirit that guided the founding of **Proyecto ACCESO**."



Lilia S. Velasquez is a national of both Mexico and the United States. She received her Master of Law degree from the University of San Diego School of Law, her Juris Doctor degree from California Western School of Law, and her Bachelor of Science degree from San Diego State University. Ms. Velasquez has had her own private law firm specializing in immigration since 1985. She has been recognized by The San Diego Union Tribune as one of the best immigration lawyers in San Diego and has been lauded for her human rights work by California Lawyer and The Los Angeles Daily Journal. She consults for women's advocacy groups, the Mexican government, the U.S. State Department and various international agencies. She has been featured on national and international news programs, including ABC World News Tonight, National Public Radio, Univision and Fox News. She teaches immigration law at California Western School of Law and lectures regularly to jurists, law enforcement officials, bar associations, community activists and youth groups around the Americas.

James Cooper is a legal educator with two degrees from the University of Toronto and a Master of Law degree from Fitzwilliam College at Cambridge University in the United Kingdom. A commentator and journalist, he has appeared on National Public Radio's Marketplace and Latino U.S.A., ABC News, Fox TV, Newsworld, Warner Brothers News, and Univision in the U.S.A., CBC Newsworld and City TV in Canada, Televisa in Mexico, SBT and O Globo in Brazil, and TVN and Canal 13 in Chile. His work has been published in Marie Claire, O Globo, The Globe and Mail, American Bar Association Journal, The National Law Journal, The San Diego Union Tribune, Michigan Journal of International Law, Rutgers Journal of Law & Public Policy, The Journal of Legal Education, and Behavioral Sciences and the Law. Mr. Cooper has written, produced and directed films for the B.B.C., Channel 4 in the U.K., and the U.S. History Channel and his work has been screened in international film festivals, public television in Southern California, as well as the Directors' Guild of America. He is an Institute Professor of Law, Director of the International Legal Studies Program and Assistant Dean for Mission Development at California Western School of Law in San Diego where he teaches International Trade Law, NAFTA Law, Introduction to Latin American Legal Culture, the Law of Armed Conflict and Peacekeeping, and Globalization Law. He is a Canadian Barrister and Solicitor, a Fellow of the Cambridge Commonwealth Trust and a member of the Law Society of Upper Canada and the San Diego County Bar Association. He is co-founder and director of **Proyecto ACCESO**.



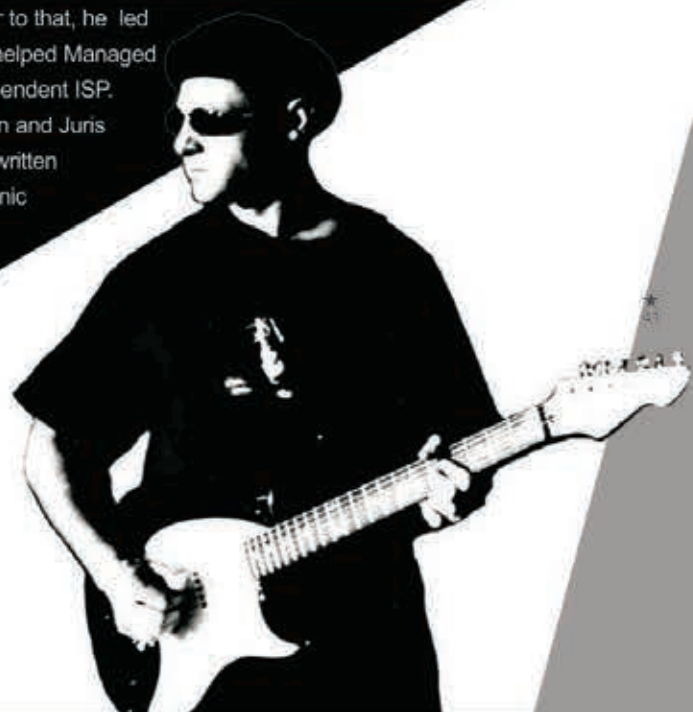


Hon. Laura Safer Espinoza received her Bachelor of Arts from Barnard College and her Juris Doctor degree from New York Law School. She is a New York State Acting Supreme Court Justice and presiding judge of Bronx Treatment Court. She has been a recipient of numerous United States Information Service grants, has consulted for the U.S. State Department and taught oral advocacy workshops throughout Central and South America. A pioneer of the judicial reform movement in the Americas, Judge Safer Espinoza is a co-founder of **Proyecto ACCESO**. Justice Safer Espinoza helped to launch the first treatment court in Chile, as well as consulting on alternative to incarceration courts in Brazil.

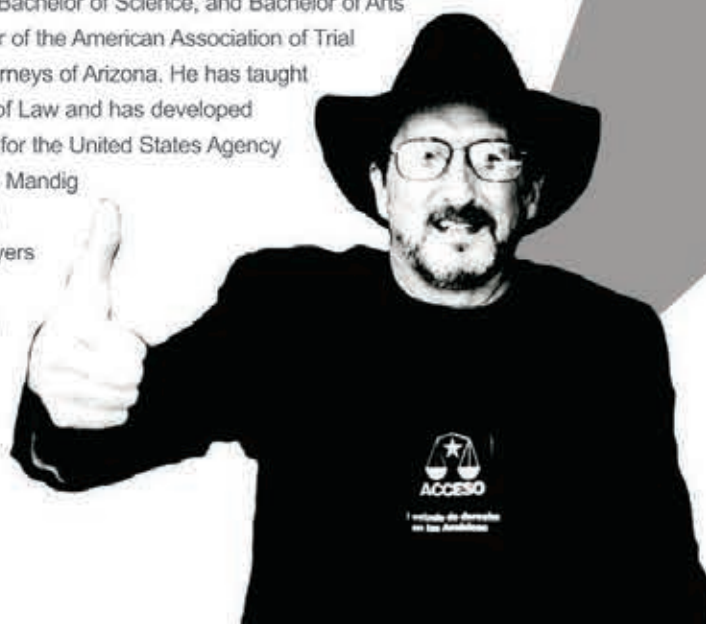


Jorg Stippel is a German lawyer and was responsible for a German government rule of law project in Chile between 2002 and 2007. Partnering with the Chilean Ministry of Justice, the new institutions created by a new criminal procedure code, international aid agencies, and educational institutions like **Proyecto ACCESO**, Mr. Stippel has designed and produced projects throughout the Americas that consolidated democratic governance and strengthened the rule of law. He holds a law degree from the University of Munster, and has taught law courses in Bolivia where he was a human rights lawyer. He has coordinated legislation that has freed more than 1,000 prisoners and reduced the sentences of 1,000 more. Mr. Stippel is a prolific writer, having published two books in Bolivia, one regarding the prison system and another regarding criminal procedure in 2002, and many books on judicial reform in Chile since then.

Andrew Muroff is a Canadian-born lawyer with extensive experience leading both public and private technology & media companies. Currently the COO & General Counsel of 80/20 Solutions, a leader in Web 2.0 consumer engagement software, Andrew was formerly the President of SoftQuad Software Ltd. (SXML:Nasdaq OTC), co-inventor of XML technology. Prior to that, he led the acquisitions program for Cyberplex Interactive Media (CX:TSX) and helped Managed Network Systems, Inc. (MNSi) become southwest Ontario's largest independent ISP. Andrew holds Economics, Commerce, Master of Business Administration and Juris Doctor degrees. He is a member of the State Bar of Michigan and has written comprehensively on intellectual property rights, digital technology, electronic commerce, and the music industry in a number of U.S. law publications and has lectured at business and law schools. A veteran musician, multimedia producer and sound engineer, he was a pioneer in digital music distribution in 1997 leading Ind-X (Independent Musicians' Xchange). Andrew writes, produces and performs music for **ACCESO** projects and works with the **ACCESO** Tec program.



D. Michael Mandig received his Juris Doctor, Bachelor of Science, and Bachelor of Arts degrees from the University of Arizona. He is a member of the American Association of Trial Attorneys and a member of the Association of Trial Attorneys of Arizona. He has taught at the University of Arizona, James E. Rogers College of Law and has developed courses in international litigation and dispute resolution for the United States Agency for International Development. An expert in NAFTA, Mr. Mandig has trained hundreds of law students and students and lawyers from all over the Americas in the skills that lawyers need to excel in the era of free trade. Mr. Mandig has been named one of "Arizona's Top 50 Lawyers" by The Arizona Business Journal in 2003 and 2004. He has been a trainer for **ACCESO** Capacitación and has developed educational programs for lawyers and judges around the Western Hemisphere.





Angel Valencia is a former prosecutor of intellectual property and other economic crimes with the Public Ministry of Chile. A former official in the Ministry of Justice, Mr. Valencia worked to coordinate the criminal procedure reform process in Chile. When he was director of and a professor at the Universidad Católica de Temuco, in southern Chile, he co-founded **Proyecto ACCESO**. A pioneer of the legal reform movement in Chile, he has trained hundreds of public defenders, prosecutors and judges. He is a graduate of the University of Chile's Law School and has taught at the law schools of Universidad Alberto Hurtado in Santiago de Chile, Universidad Adolfo Ibañez in Valparaíso and Universidad de Valparaíso. He is an advisor to Chilean Senator Alberto Espina and the Constitution, Law and Justice Commission of the Chilean Senate. He develops curricula for and teaches in **ACCESO** Capacitación and **ACCESO** Derechos Intelectuales programs.

Maxwell Gould received his Juris Doctor degree from the New York University School of Law in 1985, and his Bachelor of Arts Degree from Harvard University in 1981. After clerking for one year for a federal judge in the Southern District in New York, Mr. Gould joined the Civil Division of the Legal Aid Society in 1986. He represented clients in both individual cases and class actions in housing, benefits, disability and family matters.

In 1997, Mr. Gould transferred to the Criminal Defense Division of the Legal Aid Society, where he represented indigent people charged with felonies, misdemeanors and violations. In April 2006, Mr. Gould joined the Legal Aid Society's Immigration Unit, where he represents immigrants in deportation proceedings.

He has taught **ACCESO** Capacitación workshops in Costa Rica, Chile, Nicaragua, Paraguay, and the United States.





Yerko Ilijic Crosa is **ACCESO**'s man in Bolivia. He has worked as a consultant for the Ministry of Justice in Chile and the German Government Technical Cooperation Agency GTZ in Chile. In his native Bolivia, he has worked for the International Labour Organization, the Friedrich Eberts Foundation, and the United Nations Development Programme. A founding member of the Movement Without Fear (Movimiento sin miedo), an independent political party, he has led youth social programming for the City of La Paz, Bolivia and for **ACCESO** Kids.

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Claudio Pavlic has been a member of the **ACCESO** Team since its foundation in 1999 and has served as **Proyecto ACCESO**'s representative in Chile since 2002. A participant in first Oral Advocacy course organized by **Proyecto ACCESO**, Claudio Pavlic is the first new generation of oral advocacy trainers to come out of Latin America. Mr. Pavlic has been the National Public Defender of Chile, a law professor at the Universidad Catolica de Temuco, a media commentator, a national leader in the reform process, and an early innovator in legal technologies. Mr. Pavlic is the Regional Director of the Public Defenders in the Metropolitan Region of Santiago South. He has represented indigenous peoples accused of terrorism, the indigent, and marginalized. He even cross-examined the President of the Supreme Court of Chile in a criminal trial. A frequent lecturer and consultant on justice issues in Chile and other Southern Cone countries, Mr. Pavlic has been an **ACCESO** Trainer in Costa Rica, Ecuador, Paraguay, Perú, and the United States.



Carlos Gonzales is a Peruvian-American journalist.

He is a producer and investigative reporter for the television station KBNT, Univision News San Diego. His reportage appears on Univision all over the Hemisphere. An expert on issues affecting the border between the United States and Mexico, Mr. Gonzales is also an activist, improving the living conditions and protecting the environment in the Andean region. Mr. Gonzales has received numerous prizes for his work, including journalist of the year from the Association for Chicano Journalists of California. Mr. Gonzales has also taught in **ACCESO** Capacitación workshops including Media Advocacy and Cross-Cultural Negotiation.



Other Team Members: Professor William Aceves, Professor Rita Barnett, Professor Thomas Barton, Professor Justin Brooks, Professor Susan Channick, Professor Floralynn Einesman, Professor Marilyn Ireland, Professor Laura Padilla, Professor Jacquelyn Slotkin, Professor Roberta Thyfault, Professor Mark Weinstein, Professor Michael Yu, Dean Steven R. Smith, Kenneth Greenman Jr., Phillip Robbins, José Ignacio Gonzalez Macchi, Ezekiel Cortez, Linda Devoy, Rafael Raffaelli III, Ricardo Gonzalez, Carlos Ruffinelli, José Martínez, Carmen Gloria Ormeño, Georgy Schubert, Rodrigo Lillo, José Aylwin, Gabriela Novoa, Andrew Nietor, David Alejandro, Judy Vasey, Jason Gull, Stuart Roberts, Hon. James F. Stiven, Hon. Louisa Porter, Hon. James Milliken, Hon. Irma Gonzalez, Hon. Michael A. Town, Chinthana Konganda, Lydia Teade, Richard Page, Paul Peralta, Orlando Vidal, Rana Sampson, Mabel Antezana Arispe, Sofia Libedinsky, Iván Díaz, Juan Pablo Beca, Miguel

Soto, Rodrigo Coloma, Ana María Silva, Anita Inzunza, Alvaro Rodríguez, Raúl Tavolari, Juez Jorge Montero, Samuel Miller, Marta Vides, Rogelio Perez, Samuel Pillsbury, Henry García, Jennifer Lyman, Alex Landon, Linda Brown, Robert Grimes, Peter Mitchell, James Manahan, Carlos Ruffinelli, Peter Neufeld, and Kevin Turner.

Research Assistants: Audrey McGinn, Amanda Cortese, Isaac Dye, Alor Calderon, Michael Knox, Angélica Rivera, Nancy Fede, Alejandra Rodriguez, Carmen Casado, Leslie Shields, Daniel Porras, Trina Pangalilingan, Chad Grunander, Alan Macina, Brittany Taylor, Victor Herrera, Sarah Yousuf, Drew Lautemann, David Sitlani, Monica Sherman, Amy Luo, Brian Barron, Sarah Plato, Nichole Stahl, Elizabeth Stevens, Stephanie Asous, Aaron Beezley, Joseph Morris, Nia Rucker, Araceli Leon, Nina Targovnik, Jennifer Gittin, Ana Del Castillo, Rudy Ruiz-Velasco, Sarah Plato, Helen Yapura, Greg Shibley, Andrea Fiore, Julie Bally, Nicole Bates, Jason Motsick, Shannon Miles, Leonardo De Souza, Andreas Weiss, Robert Iacopino, Ben Aresh, Cecilia Zapata, and Natalia Fernández.

ACCESO Vision/Sessions Team: Pablo Sepulveda, Chiko Claudio, Marina Shoupe, José Porte, Claes Andreasson, Avi Behar, Alan Barrington, Alejandro Gonzalez, Ricardo Amunetegui, Pedro Egaña Marshall, Grizzie Logan, Juan Manuel Acevedo, and Roger Villaviciencio.



Marina Shoupe is a multimedia artist with a Bachelor of Arts degree in Communications from University of California, San Diego and a Masters of Fine Arts degree from San Francisco State University. A videographer, editor, producer and director, her films have been featured on the front page of the New York Times, screened in international film festivals, and broadcast on public television.



Sebastian Vives is the Communications Director for **Proyecto ACCESO**. A graduate of UNIACC in Santiago de Chile, he has worked in the Chilean capital for several years producing television and films. After graduate studies at University of Western Sydney, Australia with a Masters degree in Digital Design, he worked in a production studio in Brisbane, Australia, where he sharpened his skills for the English-speaking marketplace. Sebastian started working at **ACCESO** on 2002, and since then he has done everything from web design to video production for **ACCESO** Vision, from concerts to communication strategies. He has traveled to Bolivia, Canada, Ecuador, Mexico, Paraguay and the United States with **ACCESO** producing workshops and public diffusion programs for legal and media professionals.

Marcela Guadiana Cerda is the leading border designer in the Baja California region. An architect trained at the Universidad Ibero-Americana in Tijuana, Marcela was a founding member of Torolab. Her work has been critically acclaimed in The Wall Street Journal and showcased in diverse U.S. art and design magazines. Her projects have been celebrated in Madrid and displayed in museums in Canada, France, Germany, Mexico, and the United States. She has been the chief designer for **Proyecto ACCESO** since 2000.

ACCESO Team Physician: **Richard Weinstein, M.D.**





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“That work has earned Cooper a reputation as one of a re-emerging breed of academics: Young, passionate thinkers who are more than willing to forgo the ivory towers of academia for a chance to get their hands dirty with the world’s problems.”

- Will Carless, The Gonzo Lawyer and the Pirates, Voice of San Diego.org, April 29, 2009

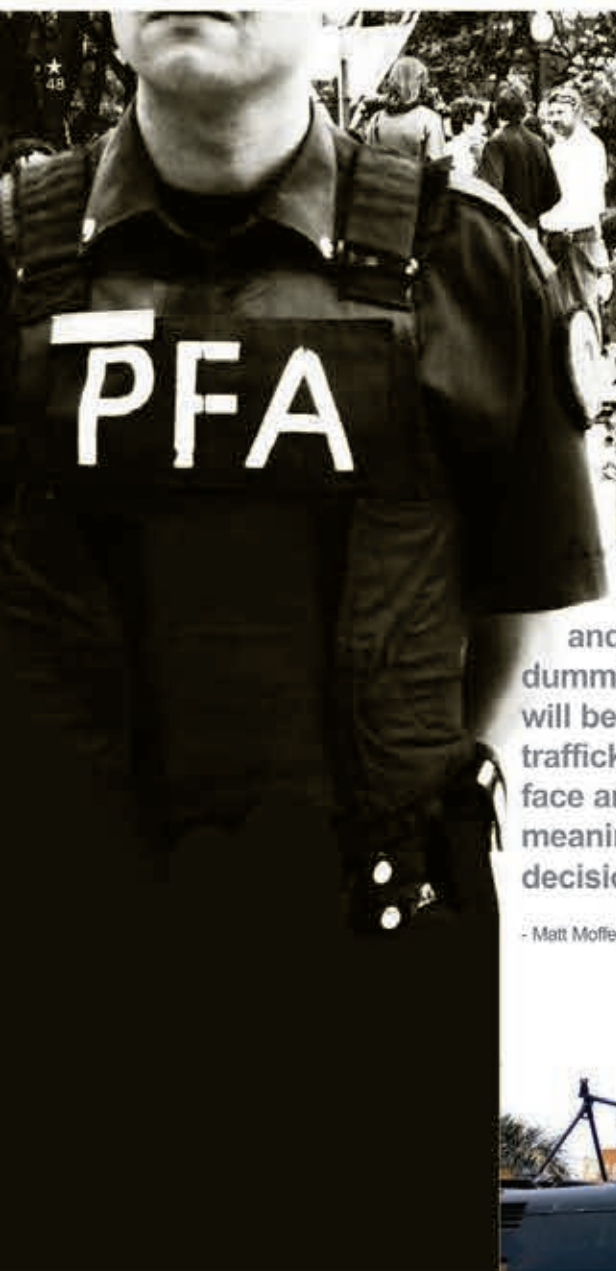




“For James Cooper, head of a small nonprofit promoting judicial reform throughout Latin America, working in Bolivia today is very much like practicing an ‘extreme sport’.”

- Marcela Sanchez, *The Bolivian Aid Barrier*, Washington Post, October 16, 2006.





'Mr. Cooper's campaign to foster greater regard for the law in Latin America seems almost quixotic. In the barrios ringing La Paz, the police and courts are so discredited that residents hang dummies from light poles as warnings that lawbreakers will be lynched. Bribery and intimidation by drug traffickers are so commonplace that judges sometimes face an ultimatum: plata o plomo, silver or lead, meaning they can either accept money for a favorable decision or get shot.'

- Matt Moffett, *Shoeshine Boys in La Paz Need a Good Lawyer*, Wall Street Journal, May 8, 2008, p. A1.





“Cooper remembers commotion: Shouted voices, children crying. A man and a woman, the home’s inhabitants, were ordered at gunpoint to raise their hands. In one corner of the hot living room, a computer hummed. Stacks of booty lined the walls: Recently burned pirated DVDs of music, software and movies. The cops had found what they were looking for: A stash of counterfeit goods with a street value of more than \$20,000.”

- Will Carlless, *The Gonzo Lawyer and the Pirates*, Voice of San Diego.org, April 29, 2009



Asunción, Paraguay – January – August 2003. **ACCESO Derechos Intelectuales** program is awarded a contract from the U.S. Department of Justice to produce a full-length documentary film for DVD and television broadcast about intellectual Property piracy and the challenges it poses to public health and safety and culture patrimony throughout Latin America.

San Diego, California – April 2009, April 2008, April 2007, April 2006 and April 2005. **ACCESO Capacitación** joined with California Western School of Law's Institute for Criminal Defense Advocacy to hold the 15th Annual January Kerner Trial Skills Academy. During the five-day program lawyers or judges from Chile, Mexico, Paraguay and Peru were trained in advance trial advocacy skills.

San Diego, CA – April 2009. **ACCESO Vision's Not in My Backyard** is broadcast on Channel 16-ITV (San Diego County Board of Education public television station).

Oruro, Bolivia – July – August 2008. **ACCESO Capacitación** partners with European Union and Oruro Bar Association to execute "Social Defenders" program for 50 recent law graduates to engage in pro bono activity to free wrongfully imprisoned defendants.

La Paz, Bolivia – February 2008. **ACCESO Kida**, working with Fundación IDEA, Fundación Arte y Cultura, Viceministerio de Cultura de Bolivia, facilitated a human rights education workshop for La Paz showbusiness (bailobos).

San Diego, CA – August 2007. San Diego, CA – April 2007. **ACCESO Vision's Full Metal Justice** is broadcast on Channel 16-ITV (San Diego County Board of Education public television station).

San Diego, CA – March 2007. **ACCESO Vision's Superdefender Saves The Environment** and **Hacia un Nuevo Pacto** are debuted at the San Diego Latin Film Festival.

Santiago, Chile – March 2007. **ACCESO Ediciones** published, in partnership with the Fundación Paz Ciudadana Linos Remus, and California Western School of Law the book *Justicia penal y adicciones: Tallantes de tratamiento como alternativa a la sanción*.

Lima, Peru – February 2007. **ACCESO** partnered with the Public Defenders Office of Chile, the Colegio de Abogados de Lima and Ministry of Justice of Peru to train 25 defense lawyers and public criminal lawyers in Oral Advocacy skills.

Santiago, Chile – December 2006. **ACCESO Ediciones** published, in partnership with the German Government Technical Cooperation Agency GTZ, CODEPU, and California Western School of Law the book *Defensoría desde la cárcel*.

San Diego, CA – January 2006 – October 2006. San Diego, CA – April 2006. **ACCESO Vision's Globalization: The Reality Show** is broadcast twice monthly on Channel 16-ITV (San Diego County Board of Education public television station).

La Paz, Bolivia – September 2006. **ACCESO Collection** unveils its film Bolivia fashion line of human rights-inspired clothing.

La Paz, Bolivia – September 2006. **ACCESO** co-sponsored a conference on trials with Germany's Friedrich Ebert Stiftung and El Instituto Latinoamericano de Investigaciones Sociales (ILDIS) of Bolivia.

La Paz, Bolivia – September 2006. **ACCESO Capacitación** joined with the Viceministerio de Cultura de Bolivia at the Colegio de Abogados for a national conference on drug courts and alternative sentencing.

Santiago, Chile – March 2006. **ACCESO** joined with United Nations Office on Drugs and Crime, Fundación Paz Ciudadana, the Catholic University of Chile to execute a National Drug Courts conference with 400 participants. A new legislative project is underway for a country-wide program to present to Congress and La Moneda (the Executive Branch) in 2006.

San José, Costa Rica – January 2006. **ACCESO Capacitación** won a grant from the Inter American Development Bank to train 100 Costa Rican judges in new oral trial procedures over 2006.

Santiago, Chile – December 2005. **ACCESO Capacitación** brought Judge James Miliken, former Presiding Judge of Juvenile Court, San Diego, to join with Fundación Paz Ciudadana for a workshop on juvenile justice issues including teen court.

Santiago, Chile – November 2005. **ACCESO Capacitación** partnered with California Innocence Project and the National Public Defenders office to facilitate DNA evidence workshops in Chile's capital city.

Santiago, Chile – April 2005. **ACCESO** moderated with the German Government and Ministry of Justice a seminar on "Designing the Reform" at the Universidad de las Américas Law School for 50 graduate students, who work as lawyers, judges and law enforcement officials.

Buenos Aires, Argentina – April 2005. **ACCESO** coordinated a two-day seminar on mediation and judicial innovation with the U.S. Federal Magistrate Judges Association, Argentine Magistrates Association and the Supreme Court of Argentina.

Valparaíso, Chile – January 2005. **ACCESO Sesiones** musical group, El Estado de Derecho, performs for the second year at Muelle Barón to promote the rule of law to at-risk youth. **ACCESO Collection** clothing line is showcased during the performance.

Santiago, Chile – January 2005. **ACCESO**, partnering with the private, conservative law school of the Universidad de los Andes, trained 25 private lawyers in Chile's capital city in Oral Advocacy.

Santiago, Chile – November 2004. **ACCESO Ediciones** published, in partnership with the German Government Technical Cooperation Agency GTZ, University of Heidelberg/Hamburg Center for Latin America, Universidad de Chile Facultad de Derecho/Centro de Estudios de la Justicia and California Western School of Law the book *Estado de Derecho y Reforma de la Justicia*.

Santiago, Chile – September 2004. **ACCESO Derechos Intelectuales** hosts the first ever Intellectual Property Week training seminars at the Chilean Public Ministry with guest trainers

from the FBI and Department of Homeland Security. **ACCESO Sesiones** hosts a concert in support of Intellectual Property Week in Bellavista at the Sociedad Chilena de Dirección de Autor.

Tijuana, Mexico – September 2004. **ACCESO Kida** and **ACCESO Derechos Intelectuales** host Angel Valencia Chilean Public Ministry prosecutor – Economic Crimes division, for a discussion with 8th grade students at Colegio la Paz on the perils of piracy.

San Diego, CA – September 2004. **ACCESO Vision's Judicial 1-5** documentary work dealing with the rising problems of intellectual property fraud, corruption and law enforcement in Latin America debuts at the Southern California Imperial Beach Film Festival.

Santiago, Chile – September 2004. **ACCESO Derechos Intelectuales**, with the sponsorship of the U.S. Embassy of Chile and the Public Ministry of Chile (the National Prosecutor's Office), focused its Intellectual Property Enforcement and Protection training workshop to 20 new Chilean prosecutors.

Santiago, Chile – August 2004. Over a two-week period, with sponsorship of the U.S. Embassy of Chile and a private university, **ACCESO** ran two training programs in Oral Advocacy skills for new lawyers taking roles in the reform process being installed in Santiago, Chile in 2005.

Temuco, Chile – July 2004. **ACCESO**, with the California Innocence Project and the Public Defenders Office, trained law students, lawyers, prosecutors and judges in DNA investigation skills.

San José, Costa Rica – June 2004. **ACCESO** with the sponsorship of the U.S. Embassy of Costa Rica and the Comandante Nacional para el Mejoramiento de la Administración de Justicia (COMANAJA), trained 25 local lawyers and law professors in a train the Trainer workshop.

Santiago, Chile – April 2004. **ACCESO** with the sponsorship of the U.S. Embassy of Chile, trained 15 leading prosecutors, public defenders, and private lawyers in Advanced Oral Advocacy skills.

Temuco, Chile – March 2004. **ACCESO Kida** unveils legal superhero finger puppet action series, produced in La Paz, Bolivia by Aymara artisan.

Valparaíso, Chile – January 2004. **ACCESO Sesiones** musical group, El Estado de Derecho, performed at Muelle Barón to promote the rule of law to at-risk youth (article featured in *El Mercurio*). Recorded the performance, which appears as **ACCESO Sesiones** Volume 9 - Live at Muelle Barón.

Santiago, Chile – January 2004. **ACCESO** won a contract with the private, conservative law school of the Universidad de los Andes, to train 25 private lawyers in Chile's capital city in Oral Advocacy skills.

Quito, Ecuador – November 2003. **ACCESO** won a contract from the U.S. State Department and partnered with local non-governmental organization, Fundación Pallas Poma, to train 25 public defenders in Ecuador's capital city in Oral Advocacy skills.



ACCESO In Action (Selected Activities)

Here are some examples of how **ACCESO's** programs have helped empower the various legal and other communities and peoples across the region:

Santiago, Chile - September 2003. **ACCESO** partnered with the U.S. Embassy in Chile and the Chilean National Public Defender's Office to teach Oral Advocacy skills to newly appointed Public Defenders in the three regions implementing the judicial reform procedures.

San José, Costa Rica - August 2003. **ACCESO** partnered with the U.S. Embassy in Costa Rica to empower local law professors, judges and attorneys as trainers in Oral Advocacy skills.

Asunción, Paraguay - April 2003. **ACCESO** partnered with the Public Defenders Office of Chile and with the Public Defenders Office of Paraguay to execute an Oral Advocacy skills workshop.

San José, Costa Rica - March 2003. **ACCESO** partnered with the U.S. Embassy, as well as the National Commission for the Improvement of the Administration of Justice (CONADAJ).

La Paz, Bolivia - December 2002. **ACCESO** partnered with the German Government technical cooperation agency, GTZ, the Chilean Ministry of Justice, the Catholic University of Bolivia, the Bolivian Ministry of Justice and a local community group, CEJIF, for an Oral Advocacy skills workshop.

Santiago, Chile - September 2002. **ACCESO** partnered again with the U.S. Embassy in Chile and the Chilean National Public Defender's Office to teach Oral Advocacy skills to newly appointed Public Defenders in the three regions currently implementing Judicial Reform procedures (December in 2003).

Guayaquil, Ecuador - September 2002. **ACCESO** partnered with the U.S. State Department to train Ecuadorian judges in litigation and other forms of Alternative Dispute Resolution.

Tijuana, Mexico - August 2002. **ACCESO** partnered with Centro Cultural De Tijuana to train law enforcement officials from both sides, including San Diego Police, U.S. Border Patrol, Grupo Beta (Mexican Federal Border agents), Baja California State Police Officers and Tijuana Police Department in Media Advocacy skills.

Santiago, Chile - April 2002. **ACCESO** partnered with U.S. Embassy, Chilean Ministry of Justice, the Chilean Public Ministry (Attorney General's Office) and the national Public Defenders Office to train prosecutors, judicial administrators and Public Defenders in Media Advocacy skills.

Santiago, Chile - September 2001. **ACCESO** partnered with U.S. Embassy and the National Public Defenders Office to train public defenders in Oral Advocacy skills.

Cordoba, Argentina - July 2002 - **ACCESO** met with members of ICBCP Argentina for a workshop at the Universidad de Córdoba on cooperative judicial reform efforts.

Why Chile?

Proyecto ACCESO started its decade-long legal reform work in Chile. Generally considered to be the last country in Latin America to begin transitioning criminal procedure from the inquisitorial model to the adversarial model, Chile was the first country to successfully complete the process. **ACCESO** chose to pioneer its training methodology and public education campaigns in the long thin Andean country so geographically isolated. Chile has long been regarded as having the most open, stable, and deregulated economy in Latin America, but it also suffered under the seventeen-year repressive regime of General Augusto Pinochet.

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Chile engaged in the transformation of its economy from the mid-1970's and has enjoyed very impressive annual rates of economic growth over two decades. There were interruptions in this story at times, specifically in the mid-1970's with hyperinflation and in the early 1980's with a banking crisis forcing the nationalization of much of the previously privatized financial sector. Notwithstanding these difficult times, Chile generally set the standard in Latin America for progressively opening its economy and transforming its political system. The reduction in poverty, increase in the per capita standard of living, and economic growth were even further enhanced during the post-dictatorship administrations of Patricio Aylwin, Eduardo Frei, and Ricardo Lagos.

In the mid-1970's, Chilean technocrats began their country's practice of sound macroeconomic policies. Fifteen years before the World Bank, the International Monetary Fund and the U.S. Treasury Department had developed the so-called "Washington Consensus" (calling for free market principles, privatization, and trade liberalization among other policies), Chile had engaged in these processes with determination and success. And while the United States Agency for International Development has determined Chile is no longer in need of development assistance, it is clear that in order to ensure stable growth rates, economic and social equity and a more participatory and democratic society, Chile must pursue further reforms. Free and fair elections are not enough - sustainable development and real democracy require strong institutions and a stable rule of law.



Chile is a long-time leader in the reform process. Chile has committed to completing economic, social, and cultural reforms. Since 1990, the country has transformed itself from a military dictatorship to a fully functioning democracy with a deep respect for the rule of law. Chile has quickly become the leader in the transition from the inquisitorial to the adversarial system of justice. Chile is already exporting its novel legal technologies and experiences to other countries in the region like Argentina, Bolivia, Costa Rica, Ecuador and Paraguay.

Other Latin American countries rushed this huge national reform transition to end centuries of unfair judicial procedures. It is no surprise that they have failed in producing this meta-change. Chile has, instead, undertaken the reform process region by region in a highly calibrated format, adjusting and fine-tuning the necessary changes along the way.

Chile's centralized government offered the luxury of more integrated planning and a cohesive national plan for rollout rather than the haphazard transitions in countries that are governed by federalism. Moreover, Chile owned the reform, using some \$500 million of its own budget to undergo the transition from the inquisitorial to the adversarial system. Often, World Bank or USAID monies are used for such criminal procedure transitions with the judicial sector operators not fully committed given that the funds are from foreign sources.

There has also been a significant investment in human resources, with private universities introducing curricular changes necessary to teach some of the skills required in the new system to law students. Interdisciplinary teams at the Ministry of Justice in Chile made up of sociologists, computer experts, lawyers, architects and planners worked on the implementation of the criminal procedure reform. A feedback mechanism was facilitated by outside advisors allowing for more effective collaboration. This constant focus on human capacity building – with courses, workshops, university programs, international aid through governments, regional agencies (OAS, DOJ, GTZ, Quebec Bar Association, etc.) – ensured a well trained judicial sector ready to navigate the new oral trial system.

New institutions – like the Public Defender's Office and the National Prosecutor's Office (Ministerio Público) – were established to transition the country to its new system. Lastly, a plan and budget were created to phase out old-school judges in a forced retirement scheme. While Bolivia, Ecuador, and Paraguay have been saddled with more resistance, both within the legal sector and in the general public, Chile has managed to find ways to make the transition towards more transparency and fairer criminal procedures more fluid and more sustainable.

Notwithstanding the successful implementation of the new criminal procedures in Chile, the country still faces numerous challenges. There has been an increase in crime from the global economic crisis. There is a public perception that defendants get more rights than do the victims and that the new oral trials are responsible for the increase in criminality. The police and the prosecutors are still working out their internal communication and workload procedures with the chain of custody and preservation of evidence remaining problematic.

While the benefits of legal reform are beginning to materialize in Chile, much remains to be done with respect to enforcement of new laws pertaining to intellectual property rights, terrorism and illicit drugs. Most pressing for many Chileans are the fresh calls for a full and transparent investigation and real punishment for those involved in crimes committed under the former Pinochet dictatorship. Indigenous groups continue to be excluded from the reform process. Traditionally marginalized, the Mapuche, Aymara and Rapa Nui are have not been involved enough in the process and their traditional customary law (cosmovision, yam che, usos y costumbres, etc.) have been left out. Criminal law has been viewed as an instrument of oppression by many indigenous communities.

There is still much work to be done to explain the new rights that have come with the criminal procedure reform. Winning the confidence of Chile's indigenous communities may not come easily.



Plan Bolivia ★

Plan Bolivia is a multinational, multi-disciplinary and multi-media approach to law and development. There exists in Bolivia today an opportunity to reverse more than 500 years of underdevelopment and to create a new kind of state with a renewed set of values with which to engage the global economy and participate in its governance.

From September 2006 to February 2008, Plan Bolivia undertook the following activities:

- Workshop for producers, videographers and reporters at TV Congreso (a service of the Vice President's Office)
- Drug Treatment Courts National Conference
- Lustrabota Paceño Workshop
- Fair Trade/Comercio Justo Conference
- **ACCESO** Collection Plan Bolivia presentation at Diesel Nacional in Sapocachi District of La Paz
- **ACCESO** Collection Plan Bolivia presentation at the Centro de Orientación Femenina Obrajes, the women's prison in southern La Paz
- Guarani Liberty Initiative to educate rural workers about bettering their situation of indentured servitude
- Presentations on TV Unitel national morning show, Canal 11's nightly news talk show, and Pato Peter's national radio program.

Proyecto ACCESO participated with the following institutions to produce **Plan Bolivia**: Fundación IDEA, Hormigón Armado, Fundación Arte y Culturas, Viceministerio de Culturas de Bolivia, Colegio de Abogados, Vice-Ministerio de Justicia y Derechos Humanos, Friedrich Ebert Stiftung, International Labour Organization, Swiss and Instituto Latinoamericano de Investigaciones Sociales (ILDIS).

Lustrabota Paceño Initiative

As central part of Plan Bolivia, the "Lustrabota Paceño" initiative has been a socio-cultural intervention that took place around Plaza San Francisco, a square which dominates the center of La Paz, the administrative capital of Bolivia. Some 200,000 to 250,000 people converge there daily from around La Paz, its southern suburbs, and the neighboring indigenous communities of El Alto.

The "lustras" are humble young boys, between 8 and 17 years in age, who work at around Plaza San Francisco shining shoes. They traditionally cover their faces with ski masks to avoid being recognized. To be a lustra is not a job - it is a method of survival.

Lustrabota Paceño has transformed 30 lustras into public educators and facilitators of information about fundamental human rights. They were trained to function as a mobile channel of information that interacts with the daily activities of the plaza and provided with clothing based on the colors of Bolivia's national flag. Some apparel feature messages that promote human rights, labor and cultural rights, while other garments provide the youngsters with a sense of identity and lustra pride. Their pants have special adaptations so they can save their working tools (labeled with popular culture graphics) and are constructed locally of resistant and dark material so that the lustras can do their work without esthetic setbacks.

The clothes were provided to the lustras gradually and corresponded to their respective advances in the different levels of this public education initiative. The mandatory workshops about human rights were taught by various instructors like the banker Vladimir Muller (who himself had once worked a shoeshine boy), Justice José Baptista (of the Supreme Court of Bolivia), Professor James Cooper (Director of **Proyecto ACCESO**) and Yerko Ilijc (Plan Bolivia Director). The lessons from these workshops were then transmitted from the lustras to their clients. In this process, the lustras became mobile public educators and human rights promoters - person to person communicators of critical citizenship and civic participation information. Given the culture of informality in which the lustras operated, they transformed their roles and set an example for the rest of Latin America. Lustrabota Paceño has generated a collective conscience that strengthens the rule of law and contributes to the social justice objectives of the Bolivian authorities.





Plan México

From an opinion piece, by Professor James Cooper, Director of **Proyecto ACCESO**, titled "Slow Road to Legal Reforms in Mexico" published in the San Diego Union Tribune, November 27, 2006.

Los Pinos, Mexico's White House, looks more like a Four Seasons Resort than the seat of executive power for our Southern neighbors. Last autumn, I made several visits to Los Pinos in an attempt to do some consulting for the Fox administration.

After seven years of work in Chile, partnering with the Chilean Ministry of Justice, judiciary, police, public defenders and Attorney General's Office in addition to the German and U.S. governments, we managed to implement a transition from the inquisitorial model of criminal procedure to a more open, accusatorial system — one closer to our own.

Jury trials are still a long way off, but at least the presumption of innocence, the right to a fair trial, a robust public defense system and the burden of proof on the prosecutors' office had been successfully implemented. Now it was time to turn attention to our NAFTA partners. I went to Los Pinos to present a program for national judicial reform. The administration of Vicente Fox was legacy shopping, hoping to do some last-minute legal reform.

Some states, including Zacatecas and Chihuahua, had already undertaken some limited reform initiatives, and even though President Fox did not have any sway over an opposition-led Mexican Congress, he wanted to bring more transparency to the country's arcane criminal procedural system. But you cannot undertake judicial reform by presidential decree alone.

Judicial reform is important to return confidence in the administration of justice to not only Mexico's 105 million citizens but also to foreign investors, eager to ensure the Mexican judicial system is less opaque and more efficient. Many pundits believe the more than 12 million undocumented immigrants estimated to be living in the United States come here because back home there is little economic opportunity, widespread corruption and the general sense of institutional inertia to make positive changes.

By implementing more transparent, efficient and participatory criminal judicial procedures, there may exist a better sense of fair play in judicial proceedings, and a reduction of instability and unpredictability. But that would require some action on the Mexican government's part.

Last year, I constantly heard the mantra that "It's an election year," code for "Don't hold your breath for change." Reforming Mexico's justice system, with both high- and low-level corruption, according to Transparency International, coupled with a complete mistrust of law enforcement officials and the judiciary, would have to wait.

So would any sense of closure concerning the more than 300 murders of women, many of them working in the maquilas that dot the border town of Ciudad Juárez. So would the endless numbers of defendants languishing in Mexican jails, without charge or even evidence of crimes for which they had been detained. So would charges against the rich and powerful elite who enjoy an impunity seen in places such as Colombia and elsewhere throughout the region.

The election year justification for inaction has now been replaced by two brewing crises — one national and the other in the southern state of Oaxaca, where the teachers union has been on strike for months, their numbers swelling with students and other civil society groups mixing with anarchists, the latter of whom are destroying the city and the credibility of the legitimate protesters. On the other side, police agents, sent in by the old guard PRIistas, work as agents provocateurs, doing further harm, escalating violence and ensuring that the death toll will rise beyond the current tragic toll of five and an estimated \$300 million damage to the local economy.

During my talks with judicial sector officials, I actually thought we were getting somewhere, only to have my hopes repeatedly dashed. During the first trip to Los Pinos, Public Security Minister Ramon Huerta had died when his helicopter mysteriously crashed. The folks at Los Pinos were understandably saddened, so we had to return another day.

For months, no one would return my phone calls, nor take responsibility for the programs that the officials had accepted only a few months prior. It is a year now, and nothing at the federal level has been started, let alone completed.

This is no surprise. Mexico's upper class has demonstrated little interest in making things better even though its members are the ones getting kidnapped, forcing them to send their children to school with armed guards. Instead, they are making the move stateside, buying up homes in La Jolla, condominiums in Coronado and frequenting Fashion Valley. It is a good thing, too, since they are the only ones who can buy merchandise there at full price.

In the meantime, the country only a few miles away with its hard-working people, will continue to languish in a society riddled with public insecurity, public distrust and private enrichment. Mexico and Mexicans deserve better.

President-elect Felipe Calderón has got his work cut out for him. He should focus on a nationwide judicial reform. That is, if he can get to work, amid all the protesters camped out and still unhappy with his narrow election victory over political rival Andrés Manuel López Obrador. This national crisis ironically sprawls along the Paseo de la Reforma in Mexico City. That might be the only reform the protesters see for a while.

PENDING



The Post-Graduate Programs and Other ACCESO Capacitación Highlights

Throughout the last decade, Proyecto ACCESO focused on reforming legal education through curriculum development for undergraduate courses in law and the creation of several post-graduate diploma programs. The inaugural post-graduate diploma program was called "The New Criminal Procedure" and offered at the Universidad Católica de Temuco. As Chile begins its transition to a more adversarial criminal trial model, Temuco, the capital of Chile's IX Region, was one of two pilot sites for the transitioning justice system. Running from July to December 2000, some 60 participants from Temuco and surrounding cities joined this pioneering program. From September 2003 to January 2004, Proyecto ACCESO then partnered with the Policía de Investigaciones de Chile (Escuela de Investigaciones Policiales), the National Public Defenders Office, and Lexis Nexis to sponsor a post-graduate diploma program at the Universidad de los Andes in Santiago called "Diploma in Criminal Procedure Law".

Since 2004, Proyecto ACCESO and the faculty at California Western School of Law have been involved in a very special Comparative Law program: Three distinct legal cultures have mixed to create a novel experiment in post-graduate legal education. University professors, law enforcement officials and judges from Europe, North and South America have come together to launch the first joint post-graduate diploma program of its kind – "The Rule of Law and Judicial Reform". The University of Heidelberg through its Heidelberg Center for Latin America, the Faculty of Law at the University of Chile, and California Western School of Law in San Diego along with the German Government Technical Cooperation Agency GTZ joined to build the rule of law and learn from the unique reforms that swept Chile. The first two years of the post-graduate program were co-sponsored by Konrad Adenauer Foundation of Germany and the Ministry of Justice of Chile. The program was extended to Paraguay in 2007 and co-sponsored by the Centro de Estudios de Derecho, Economía y Política (CEDEP). In 2009, the program was brought to Mexico and co-sponsored by the Instituto de Investigaciones Jurídicas (IIJ) at the Universidad Autónoma de México (UNAM).

The joint post-graduate program features a series of lectures and workshops for legal professionals, diplomats, politicians and journalists all related to legal areas subject to the reform process. Professors from Chile, Germany and the United States meet regularly with program participants (in later programs, professors from Mexico and Paraguay also provided lectures) to compare their own national laws and juridical approaches and develop new ways to solve problems that affect their respective countries. Many California Western School of Law professors, members of the local Bench and Bar and members of the Board of the Trustees from the law school have participated in this program over the years, including Professor Rita Barnett, Professor Thomas Barton, Professor Justin Brooks, Professor Susan Channick, Professor Floralynn Einesman, Kenneth Greenman Jr., Professor Marilyn Ireland, Professor Laura Padilla, Hon. Louisa Porter, Professor Jacquelyn Slotkin, Hon. James Stiven, Professor Roberta Thyfault, Professor Mark Weinstein, Professor Michael Yu, Kenneth Greenman Jr., and Rana Sampson.



Professor Thomas Barton, who has taught in Chile in 2004, 2005, 2006, and 2007, Paraguay in 2007 and Mexico City in 2009, explained it best:

"SEQ CHAPTER 1 Lecturing in Latin America has been one of my most rewarding professional experiences. In the U.S., we tend to take so much for granted: the basic functioning and integrity of our legal system; a political system in which our leaders consider themselves subject to the rule of law; and reasonably secure civil liberties for individual citizens. Many Latin American societies are still striving toward those objectives. Lecturing there has made me understand and appreciate better the importance of the legal system to everyday life. Paraguay, for example, had emerged from military dictatorship only ten years prior to my visit. I spoke to lawyers and judges there about the independence of the courts and the complex relationships of the law and democracy. Some among the audience drove hours on poor roads to attend the lecture. These issues are not merely academic for them, as legal officials must navigate their jurisdiction carefully and sometimes at great personal risk.

Being in Latin America even for short periods also reminds me of the importance that U.S. law and lawyers have in the world as models for advancing ideas of equality and human rights. People outside the U.S. are skeptical of American intentions, and are acutely attuned to hypocrisy from American officials. I became quickly aware of the possible inadvertent damage I could do by not listening well to their perspectives, or by disrespecting their values. International legal development requires good will and common sense as well as thoughtful design."

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Con Proyecto ACCESO a California Western School of Law, la Universidad de Heidelberg (Alemania), y la Universidad de Chile formulan una potente propuesta educacional, que se dictará en Chile, México y Paraguay que en una primera instancia abarcará temas de Derecho Constitucional y Procesal. Desde 2004, este programa funciona con cientos de alumnos, todos abogados, jueces y congresistas.

En un mundo académico de postgrado cada vez más exigente, ya no basta la obtención de una titulación internacional, ahora la consigna es acelerar los procesos y obtener más en el menor tiempo posible y sin descuidar el ámbito laboral.

Pensando en estas exigencias, tres instituciones del más alto nivel se han unido para entregar una novedosa propuesta educacional, que reúne lo mejor de la experiencia europea, estadounidense y latinoamericana, incorporando lo último en nuevas tecnologías.

Se trata de diplomados con una duración variable de siete meses; cuyos planes de estudios contemplan ciertas temáticas de base internacional y un porcentaje de tópicos adaptable a la realidad del país donde se realizará el programa. Además, los alumnos recibirán parte de estos conocimientos por vía e-learning y a través de video conferencias. Otro

plus, es que los alumnos tendrán profesores de habla inglesa y alemana y contarán con traducción simultánea, por lo tanto, el idioma no será un problema para el aprendizaje internacional. Este nuevo concepto de "exportabilidad educacional" beneficia también a un importante número de profesores chilenos que accederán a nuevos mercados latinoamericanos y a formar parte de una élite de académicos de prestigio mundial.

El primer diplomado que se realizará bajo este nuevo concepto educacional, tocará el ámbito del Estado de Derecho, sus nuevos desafíos y las Reformas a la Justicia. En Chile, la Reforma Procesal Penal será uno de los temas de contingencia, mientras que en Paraguay (Asunción) y México (Ciudad de México (D.F.)) se tocarán tópicos y reformas de trascendencia local. Los socios en estos países serán el Centro de Estudios de Derecho, Economía y Política (CEDEP) y el Instituto de Investigaciones Jurídicas (IIJ) a la Universidad Autónoma de México, respectivamente.

Tanto los académicos alemanes como estadounidenses aportarán a partir su expertise particular, contribuyendo en los ámbitos del Derecho Administrativo y la Metodología del Estudio de Casos.



latinamericamatters





“ACCESO has been in the thick of promoting one of the few hopeful trends in Latin [American] justice: the adoption in several countries of the more open, U.S.-style adversarial trial system. **ACCESO** has trained 2500 judges, prosecutors and public defenders in 15 Latin American countries in oral advocacy techniques used in the new system.”

- Matt Moflett, *Shoeshine Boys in La Paz Need a Good Lawyer*, Wall Street Journal, May 8, 2008, A1

“ACCESO continues to create new programs for our country’s legal sector - workshops in digital evidence, DNA and other judicial innovations. **ACCESO** provides essential skillsets to ensure legal reform is sustainable and successful and that the members of the legal sector are equipped to work in the transitioned legal system. **ACCESO’s** public diffusion programs, like those for kids, and to educate against piracy, are important to the development of the rule of law as well.”

- Marcos Libedinsky, President of the Supreme Court of Chile, March 21, 2005

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