

## Capítulo VI

# The public defender's office in Jalisco

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### Introduction

The fundamental right to defense is offered in Jalisco through the Social Attorney's Office. This institution is in charge of, on one hand, offering legal representation in matters concerning the family and civil orders (social representation), as well as offering proper technical defense to every citizen who, not being able to pay for a lawyer they trust, has been charged with a common-law crime (public defender's office). As such, this institution is the access channel to justice for the poorest sectors of the population. In a state such as Jalisco, and according to the report "Pobreza 2014 en Jalisco" (Poverty in Jalisco) by Coneval, only 27.1% of the population classified as "Not poor and not vulnerable" would be in a position to choose and pay for their own lawyer, while the remaining 73% very likely will have to wait for the State to assign them a defender because they have some kind of vulnerability (moderate, extreme poverty or social or income deficiencies). In fact, of the cases filed at the defender's office, only about 10% have a private lawyer, while the remaining 90% requests the support of a court-appointed public defender (Interview 5, 2015).

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In addition to providing access to justice for the most vulnerable sector, since 2008 the constitutional reform in penal matters introduced at the federal level intends for the defender's offices to implement adversarial system mechanisms to protect the defendants' right more effectively. Proper free-of-charge defense is a right guaranteed by human right international treaties of which Mexico is a party, such as the American Human Rights Convention and the International Covenant on Civil and Political Rights. Moreover, since 2011 the public defender's office in Mexico, as the state apparatus authority, is in charge of promoting, protecting and ensuring human rights verifying that the broadest and most favorable laws are applied for the people, in compliance with what is established in the constitution and in the international treaties ratified by Mexico.

These are important challenges for any institution, in particular, if it lacks the human and material resources and its personnel is not professionally well trained to tackle such demand. So what challenges are currently faced by the public defender's office in Jalisco to provide proper defense? Despite the relevance this institution has, there are few studies on it and they are most centered on describing the juridical framework. In this chapter, I show the situation in which social representation operates in Jalisco<sup>1</sup> in two aspects: labor conditions and professionalization of public defenders. I focus the study on the area called public defender's office, with the objective of assessing its role by providing a proper, technical defense for the most vulnerable population charged with a crime, in addition to show the challenges resulting from the current shortages in the defender's office as appointed by the courts to ensure the rule of law in the entity. This paper is based on documentary review of legal texts and academic papers, as well as on 14 interviews with public defenders from the Jalisco penal sector.<sup>2</sup>

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1. This paper is part of a wider research project called "Judicial protection of human rights. Public defender's offices in Mexico".
  2. I appreciate the availability and support of the social attorney, director of the penal section and above all the time and kindness of the public defenders that agreed to be interviewed for this project. The interviews were conducted at the public defender's offices in the Puente Grande, Jalisco, penitentiary in the months of March and April, 2015.

I organize the present chapter in three sections. First, I discuss briefly the concept of the Rule of Law, above all to place in its center the role of the court-appointed public defender's office in this context. In the second section I analyze the case of the public defender's office in Jalisco considering two aspects: a) internal management and the conditions for everyday work; and b) the defenders' training and professional profile. Finally and taking into consideration what is set out in section three, I conclude with a proposition for the reform of the court-appointed defender's office.

## 1. The rule of law

There are many political scholars who argue that a necessary condition for the existence of a democratic regime is the establishment of a reasonably healthy rule of law (D'Alessio, 1993; Huntington, 1991; Brinks 2008). The history of the rule of law, as a concept and juridical arrangement, dates back to the days in which the European nation-states were created. There have been four particularly important experiences that help us understand the contemporary rule of law: 1) the German *Rechtsstaat*, 2) the English *Rule of Law*, 3) the American *Rule of Law* and 4) the French *État de Droit* (Zolo and Costa: 2006). Each and every one of these experiences gave the concept of rule of law attributes that have been preserved to date: limiting political power and equality in the eyes of the law (English *rule of law*), separation of powers and constitutional revision of the laws (American *rule of law*), sovereignty of the law (French *Etat de droit*) and supremacy of the law (German *Rechtsstaat*). There are several definitions for the rule of law and its content depends on the school that it comes from (philosophic, jurisprudential or political).

The notion at the center of the classical definition of the rule of law is that no one must be above the law. In his *Introduction to the Study of Law in the Constitution*, Albert Venn Dicey provides a definition that captures the essence of the concept:

First, the rule of law means absolute supremacy and predominance of the regular law, contrasting the influence of arbitrary power, and excluding the existence arbitrariness, of prerogatives as well as a broad discretionary authority on

the part of the government [...] it means equality before the law, or the equal abidance of all the classes by the common law of the country as administered by the ordinary courts; no man can be punished or subjected to corporal or material punishment unless they have broken the law established by the legal codes (Dicey, 1915: 110, 120).

Therefore, legal equality of the subjects is the *conditio sine qua non* to have the rule of law. Survival of the rule of law is ensured if no citizen is more equal than others in the eyes of the law.

However, the rule of law is a multidimensional concept that demands a definition from the legal, institutional, political and cultural points of view. Considering only one of these definitions mainly results in valuing the reality of the phenomenon partially. The rule of law needs clear public and general rules, as well as institutions, institutional designs and operators whose values and attitudes make said rule work coherently with a democratic system. As the chapters in this book show (see: Avelar, Chaires and Haro), the effective function of the different institutions in the justice sector influences the type of rule of law and security we have. We cannot expect the rule of law to work if its institutional, legal and operative components (the police, the court-appointed defenders, the attorney' office, the courts and the correctional centers) face severe problems of political independence, professionalization, transparency, available staff, infrastructure, material resources, labor security or social recognition. In other words, to have effective rule of law it is crucial to consider not just the laws promulgated, but also the set of institutions in the justice sector, their interaction, as well as the variables associated with the institutional design and the attitudes and values of the justice operators and their environment.

As it can be observed, building the rule of law is not a simple one-dimensional undertaking. One way to contribute (there are others and this book includes them) to its smooth running is by ensuring access to justice, by means of free, proper technical defense. In countries like Mexico with great levels of inequality and poverty, this type of service by the State is an imperative. In times of democratization, any politician will agree that proper legal defense in court must not depend on the defendant's wealth. That is why the political class in Mexico has signed and ratified several international treaties on the

subject of human rights that bind the Mexican State to ensure proper, free defense. In addition, it has sought to introduce substantial reforms to modify the institutional design and the rules of the game under which most institutions in the justice sector operate (see: Zepeda, in this book). Notwithstanding, these changes have hardly permeated the local scene.

In this chapter, I analyze the rule of law through the local public defender's office. The role of the defender's office is crucial in the "chain" that presupposes the action of the institutions in the justice sector, given that it is the doorway to the judicial system and the protection of the people's rights among the least privileged sectors. In that sense, Ferrajoli points out that "the lack of (proper) defense ends up by in fact rendering useless all the other guarantees of a fair process" (2011, p. 77), because unless a person is in a position to access justice, then all the other rights and judicial guarantees such as presumption of innocence and due process fade away.

## **2. Public defender's office in Jalisco**

The defender's office in Jalisco is regulated by the State Constitution and the Ley Orgánica de la Procuraduría Social (The Organic Law of the Social Attorney, LOPS). In Article 7, paragraph A of the constitution, it is established that: "the State will ensure the existence of a quality public defender service for the people [...]" (CPEJ, 1917). By means of this affirmative action<sup>3</sup>—that is, providing proper technical defense—, the state of Jalisco seeks to comply with the constitution and the international treaties on human rights ratified by Mexico to provide effective access to justice.

According to what is stipulated in Article 54 of the state constitution and the 2<sup>nd</sup> of the LOPS, the defender's office is an institution that depends on the executive, that is, the governor has the faculties

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3. Mauro Capelleti and Bryant Garth point out that in view of the potential inequalities that there may be among litigants and, above all, in view of the recognition of human rights and the government's social obligations it has become common place to observe that (commitment and) affirmative action on the part of the State is necessary to ensure the enjoyment of these rights by all" (1996, p. 12).

to appoint and dismiss freely the holder of the office. The political dependence of the justice institutions has been severely questioned by the literature in judicial studies (Bill-Chavez, 2003; Finkel, 2008; Basabe, 2012) under the logic that an institution dominated by the political power tends to generate institutional instability (changes, transfers, re-learning) and to protect the rights of the State and not those of the citizens. A public defender's office dependent on the executive is more vulnerable still in a context in which the state general attorney's office is dependent too. In a scenario like this, the Executive holder could urge their subordinate, the holder of the public defender's office, to protect their interests and not those of the defendant accused of a crime, for example, connected with organized crime, when convenient for the Executive. We would be facing a scenario where the judicial guarantees such as due process, presumption of innocence and access to justice stipulated in international treaties could be damaged.

The defender's office (penal area) in Jalisco has 38 public defenders assigned to the department, 16 of them render their services in civil courts of the Puente Grande Correctional Facility, and 22 in the areas of pretrial investigation of the state general attorney's office. For the zona metropolitana de Guadalajara (the Guadalajara Metropolitan Area), with a population of 4'434.878 inhabitants, there are 0.9 defender per 100,000 inhabitants. The figure is alarming, since it jeopardizes any effort to strengthen the rule of law or to modernize the institution if the number of defenders assigned to the public defender's office is not increased first. There is not even one defender per 100,000 people. In states of other Latin-American countries, such as for example, Rio de Janeiro, the number of public defenders per 100,000 inhabitants is 4.8 (Ministerio da Justiça, 2015). In fact, as it will be shown below, the small number of defenders is one of the problems that are most often cited by public defenders as one of the most palpable deficiencies in the institution.

In the defender's office, the way in which the cases are assigned or distributed to a defender is through the system of shifts, that is, the case's complexity is not considered, just the defender's luck. On a lucky day they could be assigned 10 petty larceny cases, one homicide and one kidnapping case; but they could also be unlucky enough to get in their shift five homicide cases, four rape cases, two organi-

zed crime cases and two kidnapping cases. There is no specialization in types of crime, that is, defenders specializing in just kidnapping cases, or crimes against health, rape, homicide, organized crime. According to the *Manual de Defensoría Penal Pública para América Latina y el Caribe (Manual for the Criminal Defender's office for Latin America and the Caribbean)*, specialization would allow “optimizing the defenders’ useful time” (CEJA-PNUD, 2005, p. 69) and pay more effective attention to more complex crimes such as the ones mentioned above. In the courts of the Puente Grande Correctional Facility each defender is assigned, between two and three times a month, to the courtroom of the moment and therefore they receive all the accusations made by the district attorney. In Puente Grande, there are 16 courtrooms and there are 16 defenders assigned to them, but when one of them is having health issues, then one of the remaining defenders is assigned to cover for them, thus increasing the number of cases they handle:

When a colleague gets sick we have to cover two courtrooms per day. When they take vacations, we have to cover two courtrooms a day and that happens in the two vacation periods, we work double shifts, sometimes up to 24 hours (Interview 9, 2015).

According to the defenders interviewed, the average number of cases a defender receives on their shift is 18.

In this respect, public defenders argue that their workload is very high. They are right. Each public defender assigned to the Puente Grande courts work 350 cases a year as an average. To put this figure in perspective, a public defender in the federal area takes between 30 and 40 cases a year:

We local public defenders “take almost 300% more (cases) than federal public defenders” (Interview 7, 2015). However, in addition to studying the cases they have been assigned, they are burdened with the “inactive cases, that is, any person who had a process 5, 10, 15, or 20 years ago may come and cancel the file and those are not active [...] we request to have them brought up from the archives, we petition to have the punishment extinction or any other thing that is required” (Interview 6, 2015). In addition, the defenders’ activities extend to clerical, administrative and management work “we are jacks-of-all-trades” (Interview 7, 2015).

We also carry out formalities assigned from a foreign judge or a judge from another state via letters rogatory, by inmates who are serving time here but committed a crime in another state, still they are imprisoned here for reasons of the correctional's security, then, the judge is asked to file someone's testimony, an experts' testimony, an inspection, etc. we even have to go to the prisons that are here in the penitentiary, which are around five (Interview 3, 2015).

I can tell you that we have to take home some cases to make conclusions, to study them, because here we don't have time to study a file, why? Because we have to see the users, file reports, file formalities, then, when we have filed the formalities we have to take that file, check it and start carrying out all the steps: the questioning, the confrontation of witnesses. We have to take the file home to study it and then the following day start with the defense: to interrogate the defendant or provide more evidence (Interview 5, 2015).

[...] we take home our administrative stuff; we have to write reports, because we only have two clerks for 16 defenders. This is terrible! Two clerks for 16 defenders. The two clerks are not enough and we help them any way we can, we support them so that they learn to write the reports. I mean, they do help us a lot and if it weren't for them we would go crazy (Interview 11, 2015).

There is a general agreement among the defenders that human resources should be at least doubled, that is, two defense attorneys per courtroom or, at least one clerk per defender so that they contribute to give information, type or write the reports. They tell us that they are overwhelmed with work and compared themselves with other institutions such as the federal public defender's office.

Taking into consideration the fact that there are three defenders per courtroom in the federal sector and that there are fewer cases than what we have, I believe that we need more staff here in the civil courts (Interview 8, 2015).

The structural and material conditions for work are not better either. The public defender's office does not have support areas for expert services and when they are necessary, the defendant and the defender have to seek the resources to perform them:

[...] The defender's office does not have an experts' area where we can, for example, request an expert's report on a traffic accident, because the institute issuing a report often tends to favor the prosecutor's decision. We can't provide evidence such as an expert's report, we simply don't have one. We have to look



for someone who would make the report for us because the defender's office does not have one assigned to it (Interview 5, 2015).

In addition, most of the defenders interviewed coincide in that they do not have enough material resources such as fully functional computers, pens, paper, toner, printers and even toilet paper and cleaning service: "we sometimes have to look for help to clean our offices (Interviews 6-9, 11-13 2015). They do not have the compensatory support for the cases in which they are asked to carry out formalities in other courthouses or when the defendant is hospitalized and they have to travel to the hospital (Interview 12, 2015). On the other hand, the expenses of other services requested by the users such as photocopies, buses, food are sometimes paid by the defender, given the degree of poverty which afflicts the defendants charged with a crime or their family, that is, several defenders argued that they were morally obliged to support them due to these people's vulnerability. Unfortunately, the public defender's office does not have a budget allotted to them to compensate its defenders for these situations. That is why we have a defender's office lacking the sufficient number of defenders working in precarious material conditions to provide a proper technical defense: an affirmative action by the State without content.

Regarding the public defenders' professional profile, we can say that all those interviewed claimed to have attained the Bachelor of Law degree. Moreover, they all said that they had taken different courses on several areas such as human rights or the new adversarial criminal justice system. Only one of them claimed to have a masters' degree.

In other states of the republic like Baja California Sur or Nuevo León, the organic law of the public defender's office and its regulations are two of the legal codes establishing the bases for the career professional service. In the case of Jalisco, the LOPS does not contain any section dedicated to the defenders' career professional service, that is, it does not specify whether the public defenders are selected by means of competitive examinations following open, public calls; the existence of a model of governance and rendering of accounts (Piana, 2010), like a councils in charge of managing the defenders' academic and training courses, promotions, evaluations,

changes or transfers. It should be noted that the Political Constitution of the State of Jalisco stipulates in a general manner the career professional service in Article 7, section A: “The State [...] shall ensure the conditions for the defenders’ career professional service” (CPEJ, 1917). However, this does not occur in practice and it has not been incorporated to the LOPS y and bylaws have not been set up to specify in more detail how it would operate. The only characteristic of a career professional service that is stipulated in the LOPSE is the reason why public defenders shall be dismissed: for breaking the defender’s office’s rules.

In this scenario, it is small wonder that a truly career professional service does not exist in practice. And the people interviewed confirmed this view. The way in which they were hired is heterogeneous. Several of them claim that they were hired after a public, open competitive examination process, because prior to 2007 the public defender’s office depended on the judiciary and the Supreme Court of Justice of the State of Jalisco (STJEJ) was in charge of managing the new arrivals:

They used to be published in advance (the open calls) just as the federal (defenders), but that has disappeared. There used to be calls every so often (Interview 6, 2015).

Despite this, some of the defenders that were hired by the defender’s office at that time claimed that they were hired basically because someone (the president of the Supreme Court of Justice or the main official) invited them. Since 2007, hiring the defenders includes knowing somebody, “a friend in court”, but in some cases they also have to take exams, (psychological, psychometric or law tests), complete their social service or accrue merits at the defender’s office, or else present the documents and résumé and expect to be hired without any calls (Interviews 4, 5, 7, 10, 12). In fact, most defenders failed to accurately explain what the selection process is like to be hired as public defender right now, in addition, their answers are also heterogeneous; that is, while some assure that the selection process is carried out by means of a call, others claim the opposite. I reproduce below some of the most representative answers:

I don't really know, I just submitted my documents and then I was called. But I don't know what they base their decision on (Interview 12, 2015).

Well, I understand that at present, because I got in quite a while ago, they have to take some exams on the new system update and I understand that they must know some English and be updated in general (Interview 3, 2015).

Depending on who "their friend in court" is. Then it would be easy (Interview 7, 2015).

There aren't any more calls for the civil courts, for the federal ones, I know there are. But not here, I don't know how a person gets hired (Interview 11, 2015).

I still think that it is by means of some sort of call and the candidate must have the requirements necessary (Interview 14, 2015).

As we can see, the selection process for the defender's office varies and it does not stick to the foundations of a career professional service. However, all the defenders know clearly who is in charge of dismissing them and why. In fact, it is clear, too, in the LOPS, in the second chapter called "About the Responsibilities, Infractions and Penalties". All the defenders assure that they can be fired by their immediate superior, the head of the institution or the governor. As we all know, this does not stick to any model of professionalization, where it would be desirable for the dismissal to be made by a council or collegial body. In addition, the defenders know perfectly well that the reasons for the dismissal have to do with how they treat the user, if they ask them for money, "because they do not handle the files well" (Interviews 3-14, 2015). The defenders that have witnessed the dismissal of a defender confirm that it has been because of the reasons just mentioned (Interview 13, 2015). In turn, transfers or changes from one area, office or region to another respond essentially to the needs of the service, but also "the person's own interest" or "truth for punishment; see if I don't get punished. The criminal justice area is considered as a punishment area. But no, it is a pretty area, I adore it. I prefer it to any other area" (Interviews 6 and 7, 2015). At any rate, the defenders' professional profile does not seem to be taken into consideration in transfer management.

Another indicator of a career professional system is constant training through courses for the defenders, from which the evaluations, promotions and punishments derive. In general, in other institutions—such as the federal judiciary— this is managed by a council and it allows the defenders to have incentives to change rank or category. In the case of the public defender’s office in Jalisco there is no promotion ladder system in place (defender A, B, C, for example) to make sense of the evaluations, promotions or punishment. In fact, there no training courses organized or managed by the social attorney’s office. Most of the defenders interviewed claim that they have received training courses in the past year, above all in the area of the new adversarial system (oral proceedings, alternative justice and human rights), given the imminent coming into force of the criminal justice reform. However, said courses are organized by the STJEJ, the Universidad de Guadalajara, the Attorney General’s Office or the Secretaría Técnica del Consejo de Coordinación para la Implementación del Sistema de Justicia Penal (The Coordination Council Technical Secretariat for the Implementation of the Criminal Justice System, SETEC). The main implication this has is that sometimes it is complicated to attend the courses taught at other venues:

[The courses] don’t come here and one of the things that make us more unhappy is that they take place during our working hours. We are told that some of them are compulsory but they don’t take into account that our work load here is quite different. Sometimes we want to leave at three, but at that time, we are given a new case and we have to stay and then as a result, we don’t take the full course. And it is not repeated so that we can attend. [at the defender’s office] we are told “there are courses that will last for this many days” and only those on duty are allowed to skip class, but they never take into account those of us who were assigned a case. It’s not that we don’t want to go; it’s just that we can’t because we have work to do (Interview 13, 2015).

Thus, it is evident that one of the most important elements to set in motion a career system at the defender’s office is lacking: a council in charge of evaluating, rewarding and punishing the defenders not only on the basis of their constant training but also their everyday performance.

Finally, it is convenient to discuss the defenders’ salaries. Despite what is established in Article 7 of the State constitution that reads

“the defenders’ remunerations cannot be less than what corresponds to the Attorney General’s agents” (CPEJ, 1917) this is not so for ministry agents get at least twice as much as the public defenders.

[...] in keeping with the principle of equality of the parties (the general attorney’s and the defender’s office) I believe that we should all be homologized. Recently, the reforms to the constitution intend to homologize both the general attorney’s office and us, but in the meantime, in the traditional system we have at present there is indeed a gap in salaries (Interview 8, 2015).

But the situation with the salary is still more complicated because, even though there are no different ranks or categories among the defenders, their salaries are different: while some defenders pointed out that they make 12 to 13 thousand pesos a month, others get 18 to 23 thousand pesos a month. Their work is the same, and so is their workload; but some were lucky enough to be hired when the public defender’s office was part of the Judiciary, while others were employed once the institution had been transferred to the Executive.

We, the current public defender, or the wrongly called social agent, with the new Organic Law of the Social attorney’s office, earn much less than the public defender that used to belong to the Supreme Court and, well, in comparison with the federal public defender we are in a shameful situation. While the current social agent earns 13 thousand pesos, I understand that the federal public defender earns up to 40 thousand or more. Which is totally illogical and inhumane considering how much more work we do [...] in the case of the public defender in the civil courts, we ought to earn the same as a general attorney’s office’s agent from the civil courts (Interview 9, 2015).

There are two types of defenders here. We are the same, but there are some of us who were originally from the Supreme Court, and our salary is a little higher than that of the defenders hired by the Social Office; even that is very wrong because our workload is the same (Interview 11, 2015)

Equality of the parties is essential for there to be a proper defense. However, the state government has not done enough to change that, not even within the defender’s office itself, where the salaries earned by the defenders are different even though they do the same work. The following section provides a proposal to improve the conditions

in which the public defender's office operates at present in the state of Jalisco.

### **3. A reform proposal for the public defender's office**

It is hard to assert that just the way things are at the public defender's office in Jalisco, it would be possible to make progress in terms of the rule of law. As indicated at the beginning of this chapter, the rule of law demands the good working order of the different justice sector institutions. What kind of defender's office is necessary to favor the construction of the rule of law in the state? On the basis of what is explained in the previous section, the pressing challenge of a substantial reform in the public defender's office is identified. In the remainder of the chapter, I present the most pressing matters to make the inner workings of this institution compatible with the rule of law and democracy in Jalisco:

#### *a) Political Independence*

Political independence of the public defender's office is essential to protect it from improper influences and thus ensure equality of the parties, since the main role of the public defender's office is to protect the defendants' rights. An independent public defender's office entails changing the selection process, term in office and dismissal of the high officials in the institution, which has occurred so far, predominantly following political loyalties or by means of the sponsorship system. The selection of the highest officials must be carried out by a council (see below) made up of representatives of at least three different sectors: the Legislative, the defender's office and members of the organized civil society, by means of a public call procedure and competitive exams. In addition, it is important for the office holder's term in office to stop being flexible and for fixed eight-year terms to be established, without the possibility to renew their offices. In turn, the potential dismissal of an office holder must be managed by the council and will only be justified by the serious causes established by the law in regards of public servants. A design of this kind, protects the institution on different fronts: the most competitive professional

is selected, privilege is bestowed on merit, not loyalty, in addition, it ensures labor stability for the high-ranking officials when they make a decision that is contrary to the political group that is in power or when the government changes. Reforming the institution in this direction will place us at the level of other states in Latin-American countries such as Argentina and Brazil.

*b) Budget Autonomy*

Budget autonomy of the defender's office implies that the institution can design, request, administer and lobby its own budget in congress. This will allow setting in motion the institution's most pressing projects such as the career service in the defender's office, a training facility, hiring more personnel, equalizing the salaries among equal-rank defenders, as well as payment for expert services. If we intend to improve access to justice, it is necessary for the defender's office to have the proper budgetary resources to perform their function.

*c) Career professional service*

Professionalization of public defenders is one of the most important elements for this institution to contribute to strengthen the rule of law in Jalisco. Setting up a career system is a constitutional imperative in the state and its design and implementation must be compatible with standards that would ensure an effective access to justice through technical defense. The first step for this to happen is having a model of governance and rendering of accounts: a defender's office council in charge of managing the process for the selection, training, evaluation, promotion, punishment, transfer and dismissal of public defenders. Given that the functions this council is in charge of are crucial for the good working order of the defender's office, it is essential for this collegial body to be designed well, that is, its composition must not answer to political interests, so that the institution secures the best professionals. Thus one way to get members for this council would be from at least three entities: a representative of the defenders, one from the Legislative and one from organized civil society collectives. This will ensure that the selection of new defenders at open public calls be more impartial and based on the

candidate's capacity and not the friends they have. Moreover, among the operative functions of this council is installing and developing a training facility with the objective of creating links with other bodies (universities, international institutions or foundations) to train its members. This will make more sense if the institution's operation structure is redesigned and a promotion ladder system is set up to allow professionalization to become important to the defender, that is, that it becomes installed in the defender's perception as one more incentive to develop and grow, so that they see the institution as a desirable place to consolidate a professional career due to the social recognition it entails, and not as a halfway place to build a résumé because the work is exhausting in addition to poorly paid and lacking mechanisms for professional growth.

*d) Operation Capacity*

Any attempts at reform that ignores increasing the number of defenders assigned to the public defender's office will be the basis for future chronicles of their failure. Not even the most professional or independent public defender will be able to manage the current demand this institution has. If equality is to be sought between the parties in terms of access to justice, then, there is no basis for the general attorney's office or the courts to have three times more support than what is available for the defenders at present, since this violates constitutional and conventional principles. A defender should be able to manage around 40 cases a year to be in a position to provide proper technical defense. This means, in the context of the current conditions, tripling the personnel assigned to this area to avoid undermining the other reforms. However, it should also be pointed out that increasing the number of defenders in itself will not manage to improve the operation capacity of the defender's offices. It is necessary for this measure to be accompanied by the setting up of a new model of case management, such as integral attention centers (Zepeda, 2014, p.12) to prioritize, for example, the use of alternative mechanisms for the resolution of conflicts that would avoid bringing to court cases such as those of petty larceny.

In conclusion, reforms and transformations of this magnitude imply that the representatives place access to justice and the rule of



law as a priority and think that in the immediate future, given the competitiveness attained by the party system in Jalisco, they will not be in power; therefore, having an independent, professional justice system that is not vulnerable to political power is also in the best of their interest.

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