



JUSTRAC
JUSTICE SECTOR TRAINING, RESEARCH
& COORDINATION PROGRAM

*Transitioning to the Accusatorial Model:
Addressing Challenges for Legal Education and Training in Latin America*

A Justice Sector Training, Research and Coordination Symposium

Wyndham Panama Albrook Mall Hotel, Panama City, Panama
September 5-7, 2018

One of the most significant legal reform trends has been the shift from inquisitorial to accusatorial justice systems. In some cases, this shift has involved wholesale adaptations of the accusatorial system, while in others it has consisted of limited procedural reforms. Such reforms may be catalyzed by systemic administrative and political pressures, such as case backlogs, corruption, and real or perceived unfairness in a justice system. While these reforms are often initiated through sweeping and immediate changes in law, their ultimate implementation is dependent upon fundamental alterations in the roles, approaches, and attitudes of judges, prosecutors, defense attorneys, and all actors within the justice system. This latter change has proven particularly challenging to implement with respect to both existing legal professionals, originally trained in the inquisitorial model, and students now being educated in a new system.

Latin America has been at the center of this trend. Argentina, Chile, Colombia, Costa Rica, Mexico, Panama, and Peru have introduced accusatorial aspects into their justice systems with varying degrees of success. One essential element of this reform is how to prepare the human actors for these new systems. Unless the legal and judicial professionals are properly prepared to take advantage of the new accusatorial elements, many of these reforms will fail. This symposium will support these ongoing efforts by bringing together officials and experts in legal education and training to discuss successful strategies and outstanding challenges in facilitating transitions from inquisitorial to accusatorial systems in the target countries.

Comprised of representatives from across Latin America, including from government, civil society, and educational/training institutions, this three-day, closed-door, invitation-only symposium will examine the efforts made to prepare legal and judicial actors for the new accusatorial elements found in these justice systems. The symposium will employ both (i) plenary discussions aimed at addressing some of this transition's most pressing challenges, and (ii) working group sessions divided into the three principal sectors: (a) university legal education for future professionals, (b) training institutions for new judges, prosecutors and lawyers, and (c) continuing legal education for existing judicial and legal actors. Of particular interest will be the challenges associated with employing modern adult education methods, changing mindsets, and developing relevant skills. The working groups will be divided to ensure that recommendations are targeted to the specific needs of different sectors, but each will explore best practices in the region and seek to draw on lessons learned. Participants will draft concrete recommendations, to be compiled in a white paper that will be made available to participants and other interested actors to assist in efforts to improve legal education and training in Latin America and ultimately to enhance the success and sustainability of transitions to accusatorial justice systems.



Day I

NOTE: Program subject to change

08:00

Registration

09:00

Welcoming Remarks

09:30

Plenary Session I: Protecting Human Rights and the Rule of Law

One of the basic functions of a justice system is to protect human rights and the rule of law. This session will explore challenges related to administering a fair trial and protecting basic human rights and how elements of the accusatory system could help promote open and fair trials and protect human rights.

11:00

Coffee Break

11:15

Plenary Session II: Promoting Accountable and Transparent Justice

Judiciaries need to be accountable and transparent. This session will explore how accusatory elements can promote transparency in the judiciary. Topics will include opinion writing, accessibility of opinions, public trials, and the separation of the judiciary from investigation responsibilities.

12:30

Lunch

14:00

Plenary Session III: Building Political Will

This session will explore the needed political buy-in to ensure successful changes, how to build political will, and how civil society and professional organizations can play a role in successful transitions. The session will also cover the typical challenges governments face when transitioning from an inquisitorial to an adversarial system.

15:15

Coffee Break

15:30

Working Group Session I

The thematic Working Groups, which will include all symposium participants (divided into the three groups), will convene to generate specific recommendations for reform. Each group will include experts and professionals in these areas, and participants will be encouraged to discuss both lessons learned and recommended best practices.

Working Group A: Legal Education at the University Level

The working group will focus on how to reform university-level legal education in support of transitions to accusatorial legal systems. Possible areas of exploration include curriculum reform, teaching strategies, legal scholarship and advocacy, legal clinics, student competitions (mock trial, moot court), externships, and legal writing and legal ethics programs.

Working Group B: Training for Judges and Prosecutors

This working group will explore how Latin American judges and prosecutors have organized professional training in the countries represented and whether these trainings are successfully and even-handedly preparing actors to participate in the accusatorial system. This working group will discuss both lessons learned in promoting new subjects and teaching methods and will propose solutions or next steps to address highlighted issues or gaps in professional training.

Working Group C: Training for Lawyers

The working group will discuss issues related to the training of Latin American lawyers. Similar to Group B, this group will explore how lawyers have organized training in the countries represented and whether these trainings are successfully and even-handedly preparing actors to participate in the accusatorial system. The group will include continuing legal education (CLE) as well as new lawyer training regimes and compare the various models found in the represented countries. The group will identify best practices and lessons learned in the region.

16:45 **Working Groups Adjourn**

17:00 **Reception**

Day II

09:00 **Opening Remarks for Day II**

09:15 **Plenary Session IV: Understanding New Roles and Responsibilities**

One of the first steps when incorporating accusatorial model elements is to understand the new roles and responsibilities of each actor in the justice system. This session will discuss the changing roles of justice sector actors and how to best plan for educating and training judicial actors at all stages of the education process, as well as educating the public.

10:30 **Coffee Break**

10:45 **Plenary Session V: Teaching New Skills and Using New Methods**

This session will explore the various skills that will be in greater demand when a country adopts accusatorial elements. Participants will discuss the kinds of skills needed, identify priorities, and determine the best way to train justice sector actors on accusatorial elements. Adult learning and teaching strategies will also be discussed.



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12:00 **Lunch**

14:00 **Working Group Session II**

During this session, the Working Groups will continue to formulate a set of practical recommendations for the issues they have been charged with addressing.

15:15 **Coffee Break**

15:30 **Working Groups Reconvene**

17:00 **Working Groups Adjourn**

Day III

09:00 **Working Group Session III**

During this session, the Working Groups will achieve a consensus on a set of practical recommendations for the issues they have been charged with addressing.

13:00 **Lunch**

14:30 **Closing Plenary: Working Groups Report Recommendations to the Plenary**

This final session will offer an opportunity for the Working Groups to present their findings to the full plenary of participants. Rapporteurs will report on each group's primary recommendations, and there will be an opportunity for participants to discuss and engage with the recommendations presented by each Working Group.

17:00 **End of Program**