



# 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 (JUSTRAC)  
Symposium

JUSTRAC is a Cooperative Agreement between the  
Rule of Law Collaborative at the University of South Carolina and the  
Bureau of International Narcotics and Law Enforcement Affairs, U.S. Department of State

Panama City, Panama

Wednesday, September 5 to Friday, September 7, 2018

**FINAL REPORT**

**December 6, 2018**

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## EXECUTIVE SUMMARY

As part of larger judicial reform efforts over more than three decades, many Latin American countries have introduced elements of the “accusatorial” model of criminal justice into the pre-existing “inquisitorial” model. As a result, justice sector actors have faced challenges in understanding and adapting to new roles and responsibilities, and justice sector institutions have faced pressures that result from both vestiges of the old system and expectations for the new system. The challenges of adapting to new roles and responsibilities, including designing and delivering appropriate training, have contributed to reluctance from some justice sector actors and legal educators. Entrenched corruption has also generated resistance to change in some cases. Problems with caseload management have resulted in significant delays and case backlogs in the region. Scheduling and budgetary challenges have also limited the impact of training. The transformation of the criminal justice system is intimately linked to the consolidation of constitutional democracy in the region, and justice sector actors and institutions face challenges in ensuring access to justice, as well as protecting the rights of victims, witnesses, and the accused. Lingering mistrust, as well as ineffective or corrupt officials, dissuades some victims from reporting crimes. In some cases, the state is unable or unwilling to provide adequate protection for victims and witnesses. Inefficient case management perpetuates lengthy pretrial wait times for both victims and the accused. In this context, public mistrust of the criminal justice system remains throughout much of the region. Public opinion data shows that significant numbers of Latin Americans lack confidence in the justice system, and at an even more basic level, many simply do not understand how the justice system works or is supposed to work. In this regard, however, certain features of the accusatorial model—such as public trials, as well as in-person appearances by victims and the accused—have helped to build mutual understanding and trust between justice sector actors and those they serve. Throughout the region, a disconnect exists between, on the one hand, the understanding that justice sector actors have of their new roles in the accusatorial model, and on the other hand, media portrayals of the new system. In some cases, justice sector institutions use coordinated, official channels for communication with journalists, in order to standardize the information that comes from the judiciary, but most countries in the region do not have such a practice. At the same time, justice sector institutions in many countries in the region do not effectively generate and maintain official, publicly available information about the justice system.

Symposium participants were divided into three Working Groups, each of which engaged in discussions focused on a different thematic area (“Legal Education at the University Level,” “Training for Judges and Prosecutors,” and “Training for Lawyers”). A set of recommendations based on the discussions of the Working Groups—37 recommendations total—appears at the end of this report. The recommendations cover a wide range of topics, such as the design of law curriculum in universities, pedagogy, professional incentives for participation in training, the appropriate delineation of roles for different justice sector actors in the training process, and others.

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## BACKGROUND

From September 5 to 7, 2018, the Rule of Law Collaborative (ROLC) at the University of South Carolina, and the Bureau of International Narcotics and Law Enforcement Affairs (INL), U.S. Department of State, held the twelfth Justice Sector Training, Research, and Coordination Program (JUSTRAC) symposium and the fifth JUSTRAC symposium outside of the United States, at the Wyndham Panama Albrook Mall Hotel, Panama City, Panama. The symposium, “Transitioning to the Accusatorial Model: Addressing Challenges for Legal Education and Training in Latin America,” brought together U.S. and foreign government officials, academics, and rule of law practitioners, all leading experts in their fields. In a series of closed-door sessions, participants discussed the complex web of challenges confronting legal education and training in Latin America in the context of implementing the accusatorial model of criminal justice. In thematic plenary sessions, participants discussed such topics as:

- Protecting the rights of victims, witnesses, and the accused in the accusatorial model;
- The accountability and transparency of justice sector institutions;
- Political will and resistance to change in the process of transition;
- The changing roles of justice sector actors in the new system; and
- Innovations in teaching and training in this context.

This report highlights selected points of discussion from the symposium and details the recommendations from symposium Working Groups, which appear at the end of the report. Participants were divided into Working Groups that focused on specific issues in smaller breakout sessions, and the recommendations are based on the discussions of those Working Groups. The recommendations are grouped broadly around the themes of legal education at the university level, training for judges and prosecutors, and training for lawyers, and recommendations are further divided into sub-topics.

All remarks are off the record and appear without attribution. See the Appendix for a copy of the symposium program.

This report was prepared by ROLC Research Coordinator Kiel Downey.

## INTRODUCTION

For more than three decades, local actors and international donors have worked to reform justice sector institutions in a variety of countries throughout Latin America, with an eye toward such goals as promoting judicial independence, improving the administration of justice, ensuring protections for human rights, and expanding access to justice, among others.<sup>1</sup> Reform efforts have focused in large part on supporting effective, accountable, transparent, accessible institutions as a way to address systemic problems rooted in the region’s authoritarian past.<sup>2</sup>

As part of the larger reform effort, many countries in the region introduced elements of the “accusatorial” model of criminal justice into the pre-existing “inquisitorial” model,<sup>3</sup> in an effort to support the reform goals outlined above. Those elements include, for example, oral proceedings, a more limited role for judges, the separation between the roles of the prosecutor and judge in order to reinforce an impartial legal process, the creation of robust institutions and resources for public defense, and more proactive roles for the prosecution and defense in the courtroom, among others.<sup>4</sup>

While countries in the region have implemented a variety of technical reforms in this process, the transition from the inquisitorial to the accusatorial model is not just a process of technical change. Rather, it represents a significant paradigm shift that is connected to—among other factors—democratic consolidation, public perceptions of the justice sector, legacies of corruption and impunity, changing institutional cultures, and education and training for those who work inside the new system. As a result, in the reform process, justice sector institutions in the region have faced a complex mix of pressures that result from both vestiges of the old system and expectations for the new system.

At the heart of this process of change are justice sector actors themselves—such as judges, prosecutors, and defense attorneys—and successful judicial reform requires that they understand, accept, and carry out their new roles in the new justice system. Local actors and international donors continue to support efforts to train and educate current and future justice sector actors in Latin America, but given the complex context in which those efforts occur, they continue to encounter a complex web of challenges.

In the sections that follow, this paper provides an overview of key challenges that emerged as common threads throughout symposium discussions. Specifically, the paper examines resistance to change in the process of transition, constraints on the capacity of justice sector actors and institutions, challenges in ensuring adequate rights protections under the accusatorial model, and public confidence in the changing justice sector.

Finally, the paper presents a list of recommendations—a total of 37—produced by the symposium’s three Working Groups. Those recommendations are grouped around three separate themes: (1) legal education at the university level, (2) training for judges and prosecutors, and (3) training for lawyers.

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## CHALLENGES

### *Resistance to Change*

Symposium participants outlined a number of factors contributing to reluctance from justice sector actors, as well as legal educators, that inhibit successful implementation of the accusatorial system in the region. Those factors are connected in part to the challenges of adapting to new roles and responsibilities, including designing and delivering new training and educational curricula to prepare justice sector actors to function in the new system. Entrenched corruption in the justice sector has also produced challenges.

#### **Justice Sector Actors**

In some cases, judges and attorneys have been resistant to change, and multiple symposium participants noted that justice sector actors are the most significant obstacle to judicial reform. The inquisitorial model put judges in the lead role in the courtroom, and transitioning to the accusatorial model entails a more limited role for judges.<sup>5</sup> The inquisitorial model also gave prosecutors authority to request pretrial detentions and, in some cases in Latin America, control pretrial investigations.<sup>6</sup> Some attorneys trained in the inquisitorial model, in which judges play such a dominant role, have become reluctant to take an active role in the courtroom under the accusatorial model.<sup>7</sup> New responsibilities require prosecutors and defense attorneys to receive training on new skills in the courtroom, including presenting their arguments orally and learning how to cross-examine and question witnesses, which they did not need under the inquisitorial model.<sup>8</sup> In addition, some justice sector actors in Latin America are skeptical of jury trials, because they fear that high rates of illiteracy and low levels of education among jurors will lead to unjust outcomes.<sup>9</sup>

#### **Educators**

In addition to overcoming the reluctance of those in the justice sector, there is also resistance among some legal educators at the university level, who must learn the accusatorial model and incorporate it into their curricula. Traditional teaching methods focus primarily on rote learning and formalistic subject matter that is taught by lecture and tested by writing.<sup>10</sup> Those methods allow little room for students to participate as adult learners and do not adequately prepare students to practice law in the accusatorial model.<sup>11</sup> Consequently, educators operating in the accusatorial model have to learn adversarial practices, update their curricula, and employ pedagogy that focuses on such issues as trial advocacy, human rights, and access to justice.<sup>12</sup> Symposium participants expressed the need for individuals who understand the system and can teach it. One symposium participant noted that learning a new legal system and updating teaching techniques have led to resistance among some educators, as most law professors in Latin America are full-time judges, prosecutors, and lawyers who spend part of their time in the classroom; as such, they do not represent an independent class of full-time legal scholars who can comment on the law from a position of neutrality.

#### **Corruption**

An additional obstacle that must be overcome in order to achieve lasting success is corruption within the justice sector. In many countries in Latin America, the justice sector is widely perceived as corrupt,<sup>13</sup> and judicial appointments have a history of being used as political rewards, rather than being

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based on merit.<sup>14</sup> Additionally, in some countries in the region, the judicial branch is highly partisan in the administration of justice due to political manipulation and dependence on the executive for funding, and in some cases the judiciary is influenced by paramilitary groups or organized crime.<sup>15</sup> As a result, justice sector actors in some cases have failed to protect witnesses and their families, and there is a lack of competent staff and efficient resources to pursue effective investigations.<sup>16</sup>

### *Capacity*

Throughout the symposium, discussions often focused on the capacity of justice sector actors and institutions in the face of the transition to the accusatorial model, specifically the capacity to process cases effectively and efficiently, as well as the capacity of justice sector actors to perform the new functions expected of them. For example, obstacles to effective case management have created case backlogs in various countries throughout the region. In addition, internalizing knowledge among justice sector actors regarding their new roles, including providing adequate training on those new roles, has proven to be a challenge. Finally, planning and budgetary shortcomings have kept judicial capacity low.

### **Caseloads**

Problems with caseload management have resulted in a significant backlog of cases in various Latin American countries. These backlogs result from a combination of factors, some of which are a legacy of the inquisitorial system and some of which stem from challenges in implementing elements of the accusatorial system. Several symposium participants noted that the inquisitorial model’s emphasis on formal process increases the time and effort required to resolve cases, a challenge compounded by the inquisitorial model’s reliance on trials as the primary means of resolving cases. The accusatorial model presents options for reducing case backlogs, such as prosecutorial discretion, plea bargaining, and alternative dispute resolution (ADR) mechanisms.<sup>17</sup> Another positive development that one participant explained is the implementation of technology that has helped catalogue and track cases from their filing to disposal.<sup>18</sup> Features such as these have helped alleviate some of the caseload backlog, but problems still persist. One participant explained that there is a lack of training on criminal procedure under the accusatorial system, which has prevented justice sector actors in the region from benefiting fully from features like those mentioned above. Another participant noted specifically that a lack of training in processes of negotiation has hindered efforts to implement ADR. Another participant explained that in some cases judges do not spend adequate time in the courtroom, because they are accustomed to working remotely or delegating responsibilities.

### **Implementation of Training**

The transition from the inquisitorial to the accusatorial model has required key justice sector actors to understand and adapt to new roles, creating a need for ongoing training. The inquisitorial model gives a prominent role to judges, while prosecutors, and particularly defense counsel, play smaller roles in the process.<sup>19</sup> In this context, one participant asserted that public defense in that person’s country at times became a mere formality. In the accusatorial model, the prosecution and defense are given greater roles, while judges focus on court proceedings.<sup>20</sup> Prosecutors coordinate investigations with law enforcement and carry the burden of proof, and defense attorneys serve as advocates for their clients.<sup>21</sup> The introduction of these new roles has created challenges in legal training and new skill development.<sup>22</sup> Several participants highlighted that law professors in Latin America have only been

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educated in the civil law tradition, rote memory is emphasized, key subjects such as evidence are not offered, and there are limited or no opportunities to practice such necessary skills as oral argument. Another challenge for effective training is scheduling. Lawyers, judges, and other justice sector actors in Latin America have full-time jobs and often experience difficulty balancing training against their regular work responsibilities. In some cases, this problem has prompted the development of creative solutions, like night classes and online classes. One participant mentioned a successful program in Panama that brings public defenders, prosecutors, law enforcement, and other actors together to develop solutions to difficulties they have experienced with the transition. Each of these difficulties has contributed to various levels of frustration and stagnation in the transition to the accusatorial system in the region.<sup>23</sup>

### **Budgeting and Planning**

Finally, legislators and policymakers in some cases have failed to dedicate the budgetary resources or monitoring and evaluation mechanisms necessary to sustain the momentum of reforms. For example, while reform projects have led to changes in legal codes and criminal procedures, the implementation of training programs, and the updating of technology and facilities, there has been little effect on the quality of justice.<sup>24</sup> Several symposium participants noted that long-term reform initiatives are often implemented without sufficient monitoring or evaluation to ensure that they will deliver results. While a challenge in and of itself, insufficient allocation of funds has also led to a lack of reliable data, which has hindered effective evaluations.<sup>25</sup> The lack of data has further widened the gap between planning and implementation as activities are not made public, allowing corruption and negative political influence to persist.<sup>26</sup> Budget limitations have also led to limited training opportunities for justice sector actors in many Latin American countries,<sup>27</sup> which some participants noted further reinforces deficits in efficacy and efficiency, sustaining case backlogs.

### ***Protection of Rights***

In the last three decades, many Latin American countries have adopted new constitutions and focused efforts on consolidating democracy, and multiple symposium participants noted that judicial reform is intimately linked to democratic transition. One participant explained that, in many countries in the region, the process of adapting to constitutional democracy has coincided with high demands for human rights protections—not just civil and political rights, but also social and economic rights—which has put “enormous” pressure on government institutions, including the justice sector. Faced with rising crime rates in recent decades,<sup>28</sup> some Latin American countries still face challenges in striking a balance between fighting crime and providing human rights guarantees.

### **Access to Justice**

A crucial component of building rights protections into the justice system is ensuring that the public can *access* the justice system. The accusatorial model has introduced mechanisms that can facilitate access, such as ADR, but obstacles exist that transcend the specific model used. For example, public distrust plays a large role in victims’ choices not to report crime, law enforcement officers in some cases fail to respond to crimes that threaten the security of victims,<sup>29</sup> and many victims seeking justice wait as their cases remain tied up in the pretrial phase for long periods of time.<sup>30</sup>

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## **The Accused**

Another crucial component is ensuring protections for the rights of the accused. Two symposium participants noted that protection of the rights of the accused is a fundamental component of the transition to constitutional democracy, but that internalizing that principle has been a challenge. Procedural protections are also important in the context of the physical safety of pre-trial detainees. One participant noted that, in Mexico, conditions for pre-trial detainees often make pre-trial detention even harder on the accused than the sentences themselves. Lengthy pre-trial detentions are connected to the issue of case backlogs, discussed above, and place an extra burden on the accused, as well as the accusers, who await a resolution. Justice sector actors in the region have employed new techniques to help alleviate this problem. For example, some Latin American countries are evaluating the capabilities of forensic scientists to preserve evidence so that it is reliable in court.<sup>31</sup> Another is ADR, already mentioned, which can expedite an otherwise lengthy pre-trial and trial process.<sup>32</sup>

## **Witnesses and Victims**

Multiple symposium participants noted that, in Latin America, one concern for victims and witnesses is protection from retaliation during and after court proceedings, a guarantee governments are not always able or willing to provide.<sup>33</sup> Participants noted that this problem leads to negative perceptions of the justice sector and can dissuade future victims and witnesses from coming forward. As one participant put it, “When people who contribute to the administration of justice have to pay for it, that’s a problem.”

Participants explained a number of ways in which the protection of victims’ rights in practice falls short of expectations. For example, the time between a victim’s complaint and the commencement of a trial may be excessively long, leading the prosecutor to accept a plea bargain which may not actually suffice as restitution for the victim. Additionally, participants noted that ADR is sometimes overused, in order to take stress off the justice system, and can leave victims undercompensated or dissatisfied. One participant noted that another source of frustration in the region is a culture of impunity surrounding organized crime and drug traffickers, which marginalizes the rights of victims who seek justice. Participants also noted that public dissatisfaction with rights protections is exacerbated by a media narrative that the justice sector is more effective at protecting the rights of criminals than those of victims.

Despite such challenges, participants noted ways in which judicial reforms have provided new options for strengthening rights protections. One example is the creation of a “judge of guarantees” (*juez de garantías*), whose role is to provide oversight of investigations by law enforcement and prosecutors, in order to ensure protections for the rights of victims, witnesses, and the accused.<sup>34</sup> Despite the challenges of ADR discussed above, in many places the introduction of ADR has simplified the process for individuals seeking reparations in civil matters.<sup>35</sup> Colombia has gone so far as to establish victim care centers and victimology institutes to train victims on their legal rights.<sup>36</sup>

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## *Public Confidence*

In order to translate technical reforms into consistent, positive justice sector outcomes, the public must be confident that justice sector actors and institutions will fulfill their roles faithfully and effectively. As the end users of the justice sector’s services, the public must understand the functions of justice sector institutions, have access to accurate information about the justice sector, and believe that the justice sector will be accountable in providing public services. Symposium participants acknowledged that public confidence in the judiciary suffers in various Latin American countries, due in part to a historical legacy of mistrust and in part to the challenges of implementing aspects of the accusatorial model. As a result, justice sector institutions are in some cases viewed by those they are meant to serve as unaccountable, corrupt, distant, or opaque.

### **Accountability**

Multiple symposium participants noted that, in some parts of the region, the public continues to view justice sector operators as more accountable to their own bureaucracies than to delivering justice. One symposium participant expressed this idea in the following way: “Recipients have to be convinced that prosecutors and the defense are interested in finding a solution to the conflict.” Another said that “judges have to be accountable to the parties, not to lawyers.” One participant noted that, while codes of judicial ethics exist in the region, weak enforcement makes them an ineffective tool for promoting accountability. In 2018, public opinion polling data from *Latinobarómetro* indicated that only 24% of those surveyed had either “much confidence” or “some confidence” in the judiciary.<sup>37</sup>

### **Transparency and Public Engagement with the Justice System**

Multiple symposium participants stressed the need to demystify the justice system for the average person. In the inquisitorial model, investigations and trials are led by judges, are conducted predominately through written procedures, are formalistic, and do not involve face-to-face interactions among victims, the accused, and witnesses. The accusatorial model has changed those aspects of the justice system in a formal sense, but symposium participants noted that those changes have not translated automatically into changes in public perceptions. Multiple participants said that giving victims and accusers a chance to see each other and see trial proceedings in person, as well as a chance to see judges, prosecutors, and defense attorneys in person, helped lend transparency to the process and demystified the justice system—“no more faceless judges, prosecutors, or witnesses,” as one participant put it. Some noted that the new system’s emphasis on plain, simple language in judgments also had this effect. At the same time, however, participants noted that challenges remained. For example, widespread change in public opinion takes time, and the perceptions of large numbers of people in the region remained unchanged.<sup>38</sup> One participant noted that Mexico, for example, continued to experience problems with “hyper-formalistic” language in judgments. Another explained that, to address this problem, Costa Rica employs six months of mandatory training for judges that includes a focus on sensitivity to using simple language that can be understood by the average person. Yet another participant noted that a network of public institutions—including the judiciary and law schools—committed to using plain language is beginning to develop in the region.

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### **The Media**

Multiple participants argued that the media creates a negative effect on public perception of the judiciary. They argued that the media does not understand the new system and is used to reporting on authoritarian institutions, and, as a result, reports inaccurate information about the new system and portrays the new system as designed to protect criminals. One participant noted that courts in Costa Rica use a press department for official communication with journalists, in order to standardize the information that comes from the judiciary, but most countries in the region do not have such a practice.

### **Public Information**

At the same time, official data from the courts is sparse, inconsistent, and dispersed.<sup>39</sup> One participant noted that, in Mexico, some magistrates and cabinet ministers publish infographics about the justice system on social media, which helps improve transparency and public access to information. Another participant, commenting on the general state of public court data in the region, said that “it is not enough to put information online. We must also make people aware that it is available and make sure that it is accurate and up to date.”

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## RECOMMENDATIONS

Symposium participants were divided into three Working Groups, each with a different focus: “Legal Education at the University Level,” “Training for Judges and Prosecutors,” and “Training for Lawyers.” A set of recommendations based on the Working Group’s discussions follows, grouped broadly into those three issue areas. The recommendations are numbered for reference only; they do not necessarily reflect an order of priority.

### *Legal Education at the University Level*

#### **Curriculum:**

1. **The curriculum for those studying to be lawyers should have the following characteristics:**
  - a. **It should be flexible, adaptable to circumstances regarding time and location, and based on progressive learning.**
  - b. **Teaching of criminal theory and procedure should be linked intimately to the acquisition of general competencies for professional practice (interpretation, legal adjudication, legal writing, legal research, legal ethics, clinical legal education, and oral and written argument, among others), as well as (according to the progress of transition in each jurisdiction) the acquisition of specific competencies.**
    - i. In jurisdictions in which the accusatorial model is still in transition, the curriculum should emphasize the acquisition of the most useful general competencies to prepare students, such as oral litigation techniques and discovery.
    - ii. In jurisdictions in which the accusatorial model is in force, required courses should include: principles of the accusatorial model, basic institutions of accusatorial procedure, and specific competencies.

#### **Pedagogy:**

2. **Limit lecture-based classes.** In their pedagogy, law schools and other institutions in charge of university-level legal training should limit lectures to introducing and facilitating conceptualization of the foundational elements of legal-procedural institutions of the accusatory criminal system (for example, the essential structural elements of the rules of evidence). For this, they should work on securing the commitment of instructors.

University leadership: In their master document and their law program’s academic plan, they should include a pedagogical model that limits lecture to the recommended specifications.

Instructors: They should commit not to limit their teaching methods exclusively to lecturing.

**3. A pedagogical model for teaching the accusatorial criminal justice system based on the following characteristics should be developed and implemented:**

- a. **Competencies:** The specific competencies required for effective legal communication in an accusatorial criminal justice system should be determined, of which the following are highlighted:
  - i. Cognitive
    1. Interpretation
    2. Argumentation
  - ii. Investigative
  - iii. Conflict of laws
  - iv. Ethical
  - v. Communicational
  - vi. Systemic
  - vii. Emotional
- b. **Pedagogical model:** The pedagogical model should have as its purpose the development of necessary competencies so that in each concrete case students are capable of:
  - i. Identifying the relevant legal problem;
  - ii. Selecting the appropriate norm for the solution of that problem;
  - iii. Offering a valid, effective, legitimate, and just interpretation of each of those norms;
  - iv. Applying the corresponding and appropriate legal consequence for the case; and
  - v. Sustaining through argument the solution via concrete, coherent, sufficient, and logical premises.

Universities: In a given country, the senior leadership of all universities with law schools should name special delegates (composed of, among others, experts in the accusatorial criminal justice system and contemporary pedagogy) to (i) unify and define the minimum standards that will determine the competencies necessary for the legal practice in an accusatorial criminal justice system (for example, a typology of competencies, essential structural elements, minimum content, etc.) and (ii) consolidate a document with specific recommendations addressed to the Ministry of Education that develops minimum standards for a pedagogical model for the accusatorial criminal justice system.

Ministries of Education: The Ministry of Education should translate this document into a policy of mandatory regulation of the teaching of the accusatorial criminal justice system according to the specifications established within.

Donors: Finance the targeting, execution, and realization of working group meetings that will achieve the recommendations addressed to the Ministry of Education. Finance the implementation of the new pedagogical model focused on training directed at instructors in areas related directly or indirectly to the accusatorial criminal justice system.

**4. Didacticism: For a pedagogical model that privileges significant learning of the accusatorial criminal justice system through necessary competencies, the following didactic tools will be necessary:**

- a. Small groups;
- b. A courtroom appropriate for the structure of oral adversarial proceedings;
- c. A bank of hypothetical cases with a diversity of legal issues designed to strengthen different learning objectives, accompanied by hypothetical evidence that makes their utilization more realistic;
- d. Audiovisual materials that show the basic content of the institutions of the accusatorial criminal justice system (for example, edited films, short videos of real and simulated hearings, etc.);
- e. A specialized bibliography on the accusatorial criminal justice system (for which is suggested a procedure for translation of basic texts on teaching English criminal procedure);
- f. Appropriate technological tools that complement feedback procedures; and
- g. Producing a repository of practices and expanding it so as to give it an Ibero-American scope.

Donors: Lend technical and financial assistance to produce: (i) hypothetical cases, (ii) audiovisual materials, (iii) and training for professors for its use; and (iv) producing a course for instructors with a goal of training the trainers in the accusatorial criminal justice system. Fund (i) courtrooms with the necessary technical and technological specifications, and (ii) physical delivery of the specialized bibliography on teaching of the accusatorial criminal justice system.

Universities:

Leadership: Adopt as policy the implementation of the teaching of the accusatorial criminal justice system via the didactic techniques indicated above.

Instructors: Apply them as part of institutional policy.

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**Resistance among Instructors:**

5. To overcome resistance from instructors:
  - a. **Convince them of the benefits of the accusatorial model as compared to other models;**
  - b. **Create space and encourage (scholarships, licenses) permanent training;**
  - c. **Promote academic exchanges between universities to learn experiences and best practices;**
  - d. **Create incentives for the development of training;**
  - e. **Conduct appropriate selection of trainers;**
  - f. **Manage academic staff and place professors where they can intervene most effectively.**
  - g. **Convene collegial meetings of instructors by area.**
6. To provide the process of transition to the accusatorial model with appropriate instructors:
  - a. **Design and approve a teaching profile based on the curriculum for competencies;**
  - b. **Ensure independence and professionalism of the teaching profession through a qualification system (exams, professional licenses and others) that privilege transparency, objectivity and meritocracy.**
  - c. **The instructor must demonstrate the qualifications required to develop in students the competencies identified from the curriculum.** Those include:
    - i. A postgraduate degree (required);
    - ii. Practical, academic, and investigative skills (of different levels);
    - iii. Command of different teaching methodologies;
    - iv. Command of information technology;
    - v. Ethical behavior; and
    - vi. Interdisciplinary training.
  - d. **Supervise and verify (to correct, guide, and improve) the completion and continuous development of the competencies expected from the instructor profile through, for instance, classroom observation with visits by leadership, feedback, student polls, focus groups, and enrollment.**

### **Evaluation:**

7. **In defining the specific competencies to be evaluated, actors from each part of the criminal process (prosecutors, defense attorneys, judges) should be involved.** Those actors are part of the judicial schools, legal bodies, and institutions of the judiciary. They can be departments of training and human resources, evaluation institutions and anyone who evaluates judges, defense attorneys, and prosecutors. Work should also be conducted with institutions that develop ad hoc exams, for example for entry into judicial institutions.
8. **Incentives such as the following should be designed:**
  - a. Entry exam for institutions of the justice system;
  - b. Awarding of degrees;
  - c. Strong ranking of educational institutions; and
  - d. Inter-institutional agreements.
9. **Faculties, schools, and colleges of law should evaluate the acquisition of competencies periodically, gradually, to ensure that students continue to acquire them.**

### *Training for Judges and Prosecutors*

10. **Training efforts should focus on the specific goals of hearings, not on the formalities of the hearings, and should be tailored depending on the circumstances of each country’s particular system.** Trainings should *identify* the goals of hearings, as well as the role of each person involved in the hearing.
11. **All countries should develop and include in training techniques in investigation for prosecutors that are uniform within the institution.**
12. **Creation of training content should first be based on a diagnosis of needs using objective methods. Training courses should have learning objectives based on needs diagnoses. Training should incorporate mechanisms of evaluation for training outcomes that go beyond basic reactions to training courses. Evaluation mechanisms should measure demonstrated learning, and if feasible, broader impact.**
13. **All countries should adopt mandatory basic training in order to fulfill the professionalization of each operator in the accusatory system.** It is strongly suggested that specialized training be mandatory, and decisions regarding the content of courses should be decided in accordance with prior recommendations. Mandatory training should include an institutional vision that is medium- and long-term. Basic training should include a mix of different justice operators, as appropriate, but only at the basic level.



14. **Institutions in the justice system should establish intra-institutional and inter-institutional coordination groups of instructors from universities and institutions for academic and training coordination, in order to avoid duplication of content; coordinate the selection of content, teachers, and courses; and coordinate the allocation of internal and external resources.** These coordination groups should be composed of permanent stakeholders within the sector. Their work should include a focus on efficiency and timeliness, common subjects, and limited resources. Inter-institutional coordination groups should also coordinate communication and negotiation with international donors.
15. **Training techniques should be appropriate for training in competencies, and manuals and critical thinking should be developed.** Trainers should be trained in adequate skills and abilities in order to develop active learning.
16. **Training should consider external offerings, for example from civil society organizations, but all external offerings must be approved by the training coordination bodies described above.**
17. **For instructors coming from the institutions, there should be incentive programs that allow them to work while they are delivering training.**
18. **Institutions should designate intra-institutional personnel with specific media experience who can develop media relations training and facilitate interaction with the media.**
19. **Professionals who undergo training should make a commitment to share their experiences, upon completing training courses, with their support personnel and peers.**

### *Training for Lawyers*

#### **Training for Public Defenders:**

20. **The public defense system must be autonomous, with regard to the budget and capacity for self-regulation.** Without autonomy it is impossible to develop an effective public defense system.
21. **Design a career system for public defenders based on seniority and merit that incorporates training.** Link tenure to results and maintenance of periodic certification of competencies in order to access and remain in the public defender’s office.
22. **Implement salary parity with judges and prosecutors, accompanied by a regular system of recruitment.**

23. **Create an association, school, or network of Latin American public defenders that provides networking and mentorship in the creation of autonomous public defender offices and substantive advice for local public defenders.** An association already exists, but the proposed association would seek to form a core network representing the interests and recommendations captured in this symposium.
24. **There should be an institutional network that disseminates information generated by public defenders.**
25. **Designate an office within public defender institutions that is responsible for the professionalization of public defenders.**
26. **Ensure quality control for the material used for teaching case theory** (case materials and audiovisual materials from hearings, among others). In terms of didactic methods, transition from the old teaching model to a model that privileges connection and construction. Teaching should be based on the case method, preferably using locally produced casebooks. Use role-playing simulations, among other methods.
27. **Use audiovisual support and creative methods to teach law in the accusatorial model.** Use information technology in education.
28. **Narrow the gaps in training between capitals and large cities, on the one hand, and other parts of the country, on the other hand.** Ensure that training material and access to training reaches the rest of the country, and adapt the level of training for local capacity. Distance learning and e-learning could be used.
29. **Promote case ownership by a single public defender throughout the entire judicial process.** Avoid assigning two or more public defenders to different stages of the judicial process.
30. **Public defenders must engage in empirical research and maintain indicators related to the budget, performance, cases, etc. as an element of accountability and as the basis of public policy.** This information should be publicly available.
31. **Connect information systems and management of public defender performance to diagnostics of training needs,** for example by identifying common defense failures by case type.
32. **Form a close link between public defender institutions and the bar association, in order to improve knowledge dissemination.**
33. **Create a system for selecting instructors.** The selection system could consist of a workshop for training trainers that covers evaluation and didactic techniques, as well as the use of technology in teaching.
34. **Make information about training instructors public, as a way of checking instructors and exercising control over the quality of education.** Students should evaluate instructors’ teaching performance.
35. **Approve official systems of evaluation for different courses, to avoid each instructor using a different method of evaluation.**

**36. Minimum standards for the content of public defender preparation courses should include the following:**

**a. Human rights: knowledge and application;**

- i. The continental system of human rights: Article 8 of the American Convention on Human Rights, along with instruction regarding the way in which each country/jurisdiction incorporates international law;
- ii. The obligatory nature of the judgments of the Inter-American Court of Human Rights and the findings of the Inter-American Commission on Human Rights; enforcement procedures (Peru); binding force of the rulings of the Inter-American Court;
- iii. Jurisprudence generated by the Court (in Peru, for example) with respect to vulnerable groups; and
- iv. Juvenile justice, gender, and vulnerable populations.

**b. The role of the public defender as an agent of a democratic state in the transition to the accusatorial model;**

- v. Identification of the administrative and legal role of the public defender as an institution of the criminal justice system and of a democratic state;
- vi. Understanding of the role of a public defender as a public servant and the responsibility that the role carries, including accountability;
- vii. Reaffirmation of the role of the public defender as a political actor, with the capacity to influence the expansion of the rule of law. This should be accompanied by an improvement in the prestige and dignity of the public defender; and
- viii. Understanding of the theory of democracy and republicanism.

**c. Public policy: conflict management;**

- i. Criminal law: understanding of the relationships between different operators and mechanisms in the system: social workers, arbitration mechanisms, magistrate courts, community police, preventive mechanisms, mechanisms for protecting children, and other relevant actors in each country.

**d. Methods of alternative investigation;**

- i. How to conduct investigations;
- ii. Technological tools for investigations;
- iii. Rules of evidence;
- iv. Procedures for analyzing evidence; and
- v. Law of evidence, including its two variants.

**e. Case theory;**

- f. Litigation techniques;**
- g. Legal argument;**
- h. Knowledge and application of orality in its different terms;**
- i. Professional ethics under the framework of roles in the accusatorial model;**
- j. Techniques for interviewing people in crisis/vulnerable situations;**
- k. Treatment of and relationships with clients, especially those in special situations;**
- l. Alternative justice;**
  - i. Identification of better options for alternative methods for specific cases.
- m. Knowledge and application of negotiation techniques;**
- n. Case management;**
- o. Knowledge and application of oral litigation techniques in preliminary hearings and during the legal proceedings;**
- p. Knowledge of the resource system;**
- q. Criminal enforcement;**
- r. Written and oral expression: “democratic language in hearings”; and**
- s. Victim counseling;**
  - i. Collect success stories from public defenders and use them as teaching materials;
  - ii. Workshops for continuous education in which participants discuss trends in criminal doctrine and recent cases/jurisprudence; and
  - iii. Workshops for alternative conflict resolution methods.
    - 1. As part of learning monitoring, create a system for quality control and supervision of junior lawyers’ performance by more senior lawyers. This can include review of performance in hearings.

### **Training for Private Attorneys:**

#### **37. Donors should create an overarching program for training in the accusatorial model.**

Training opportunities for private attorneys already exist throughout the region, but offerings vary. Donors should play a role in unifying standards and training opportunities. In this context, efforts should include the following:

- a. An elite or pilot group in each country for advanced training on various techniques** (examination of expert witnesses, advanced cross-examination);
- b. With regard to training on hearings other than oral trial, coordination of and responsibility in the hands of bar associations and universities** (continuing

education programs). Selection of training beneficiaries and training performance indicators by these institutions;

- c. **In-person courses and virtual courses (diffusion of basic theory through social networks, etc.) for the training of trainers;**
- d. **Program certification by universities or other prestigious institutions for oral litigation techniques** (case theory, opening, examination and cross-examination, and allegations);
- e. **A monitoring role by university deans in the context of criminal investigations;** and
- f. **Internships (awarded based on performance) so that course participants can learn about oral hearings and how they are taught in more mature systems;** and
- g. **Regional offices should be created to function as governing bodies.**
  - i. ***Interlocutors:*** Identify an interlocutor/focal point/representative for each region or province by country (for example, Chubut, Jujuy) who can serve as a point of contact, with the following responsibilities:
    1. Identifying training needs;
    2. Identifying partners to work with (the bar association will implement the course); and
    3. Generating evaluations/indicators.
  - ii. ***Validation:***
    1. Implementation of a mechanism to lend support with a seal of quality/accreditation from the University of South Carolina for training; and
    2. Accredited trainers.
  - iii. ***Changes:*** Legislative initiatives to exempt continuing training from taxation.
  - iv. ***Incentives for training participant performance:*** Internships as rewards.

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**ENDNOTES**

<sup>1</sup> See, e.g., Linn Hammergren, “Twenty-Five Years of Latin American Judicial Reforms: Achievements, Disappointments, and Emerging Issues,” *The Whitehead Journal of Diplomacy and International Relations*, vol. 9, issue 1, Winter/Spring 2008; Luis Pásara, “International Support for Justice Reform in Latin America: Worthwhile or Worthless?” Woodrow Wilson Center Update on the Americas, 2012, <https://www.wilsoncenter.org/sites/default/files/Jutice%20Reform%20in%20LATAM.pdf>.

<sup>2</sup> *Ibid.*

<sup>3</sup> Sources variously use the terms “adversarial model,” “adversarial system,” “accusatorial model,” and “accusatorial system.” This report uses the terms “accusatorial model” and “accusatorial system” throughout. For a comparison of features of the criminal justice system in the inquisitorial model and accusatorial model, see Vivienne O’Connor, “Common Law and Civil Law Traditions,” International Network to Promote the Rule of Law, March 2012, [https://www.inprol.org/system/files\\_force/publications/2012/common\\_law\\_civil\\_law\\_pg\\_final.pdf?download=1](https://www.inprol.org/system/files_force/publications/2012/common_law_civil_law_pg_final.pdf?download=1).

<sup>4</sup> See, e.g., O’Connor, *supra* note 3; John D. King, “The Public Defender as International Transplant,” *University of Pennsylvania Journal of International Law*, vol. 38, issue 3, 2017.

<sup>5</sup> O’Connor, *supra* note 3; Leonard L. Cavise, “The Transition from the Inquisitorial to the Accusatorial System of Trial Procedure: Why Some Latin American Lawyers Hesitate,” *Original Law Review*, vol. 3, issue 1, 2007.

<sup>6</sup> Cavise, *supra* note 5.

<sup>7</sup> Cavise, *supra* note 5; King, *supra* note 4.

<sup>8</sup> Cavise, *supra* note 5.

<sup>9</sup> *Ibid.*

<sup>10</sup> Juny Montoya, “The Current State of Legal Education Reform in Latin America: A Critical Appraisal,” *Journal of Legal Education*, vol. 59, no. 4, May 2010.

<sup>11</sup> Cavise, *supra* note 5.

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

<sup>14</sup> Cavise, *supra* note 5; Peter J. Messitte, “Expanding the Rule of Law: Judicial Reform in Central Europe & Latin America,” *Washington University Global Studies Law Review*, vol. 4, issue 3, 2005.

<sup>15</sup> Cavise, *supra* note 5.

<sup>16</sup> Pásara, *supra* note 1; Luz E. Nagle, “Process Issues of Colombia’s New Accusatory System,” *Southwestern Journal of Law and Trade in the Americas*, vol. 14, issue 2, 2008.

<sup>17</sup> Máximo Langer, “From Legal Transplants to Legal Translations: The Globalization of Plea Bargaining and the Americanization Thesis in Criminal Procedure,” *Harvard International Law Journal*, vol. 45, issue 1, 2004.

<sup>18</sup> See, e.g., Steven E. Hendrix, “Guatemalan ‘Justice Centers’: The Centerpiece for Advancing Transparency, Efficiency, Due Process, And Access to Justice,” *American University International Law Review*, vol. 15, issue 4, 2000.

<sup>19</sup> Cavise, *supra* note 5.

<sup>20</sup> O’Connor, *supra* note 3.

<sup>21</sup> Cavise, *supra* note 5.

<sup>22</sup> Hammergren, *supra* note 1.

<sup>23</sup> Peter DeShazo and Juan Enrique Vargas, “Judicial Reform in Latin America: An Assessment,” Center for Strategic and International Studies, Policy Papers on the Americas, Volume XVII, Study 2, 2006,  
[https://siteresources.worldbank.org/INTLAWJUSTINST/Resources/0609\\_latin\\_judicial\\_reform.pdf](https://siteresources.worldbank.org/INTLAWJUSTINST/Resources/0609_latin_judicial_reform.pdf).

<sup>24</sup> Pásara, *supra* note 1.

<sup>25</sup> DeShazo and Vargas, *supra* note 23.

<sup>26</sup> *Ibid.*

<sup>27</sup> *Ibid.*

<sup>28</sup> Hammergren, *supra* note 1; Pásara, *supra* note 1.

<sup>29</sup> United Nations Development Programme, “Citizen Security with a Human Face: Evidence and Proposals for Latin America,” Summary: Regional Human Development Report 2013-2014, 2013, [http://hdr.undp.org/sites/default/files/citizen\\_security\\_with\\_a\\_human\\_face\\_-\\_executivesummary.pdf](http://hdr.undp.org/sites/default/files/citizen_security_with_a_human_face_-_executivesummary.pdf); Heather Berkman, “Social Exclusion and Violence in Latin America and the Caribbean,” Inter-American Development Bank, October 2007, [https://www.unicef.org/easterncaribbean/spmapping/Implementation/CP/Regional/2007\\_ExclusionViolence\\_IADB.pdf](https://www.unicef.org/easterncaribbean/spmapping/Implementation/CP/Regional/2007_ExclusionViolence_IADB.pdf).

<sup>30</sup> See, e.g., Pablo Ciochini, “Reformers’ Unfulfilled Promises: Accountability Deficits in Argentinean Criminal Courts,” *International Journal of Law in Context*, vol. 14, issue 1, March 2018; Human Rights Watch, “Running out the Clock: How Guatemala’s Courts Could Doom the Fight against Impunity,” 2017, [https://www.hrw.org/sites/default/files/report\\_pdf/guatemala1117\\_web\\_4.pdf](https://www.hrw.org/sites/default/files/report_pdf/guatemala1117_web_4.pdf); Carlos Rodrigo de la Barra Cousino, “Adversarial vs. Inquisitorial Systems: The Rule of Law and Prospects for Criminal Procedure Reform in Chile,” *Southwestern Journal of Law and Trade in the Americas*, vol. 5, issue 2, 1998.

<sup>31</sup> Gabriel Marcella, “Democratic Governance and the Rule of Law: Lessons from Colombia,” U.S. Army War College Strategic Studies Institute, December 2009, <http://www.dtic.mil/dtic/tr/fulltext/u2/a510466.pdf>.

<sup>32</sup> Nancy G. Cortés, Octavio Rodríguez Ferreira, and David A. Shirk, “Perspectives on Mexico’s Criminal Justice System: ¿What Do Its Operators Think?” Justiciobarómetro, 2016, [https://justiceinmexico.org/wp-content/uploads/2017/03/2016-Justiciabarometro\\_English-Version\\_Online.pdf](https://justiceinmexico.org/wp-content/uploads/2017/03/2016-Justiciabarometro_English-Version_Online.pdf).

<sup>33</sup> See, e.g., Sarah Kinoshian, Angelika Albaladejo, and Lisa Haugaard, “El Salvador’s Violence: No Easy Way Out,” Center for International Policy and Latin America Working Group Education Fund, August 2016, [http://www.lawg.org/storage/documents/El\\_Salvadors\\_Violence-No\\_Easy\\_Way\\_Out.pdf](http://www.lawg.org/storage/documents/El_Salvadors_Violence-No_Easy_Way_Out.pdf); David James Cantor, “The New Wave: Forced Displacement Caused by Organized Crime in Central America and Mexico,” *Refugee Survey Quarterly*, vol. 33, issue 3, September 2014.

<sup>34</sup> Rodrigo Noriega, “Meet the Judge of Guarantees” (*Conozca al Juez de Garantías*), *La Prensa*, 24 October 2016, [https://impresa.prensa.com/panorama/Conozca-juez-garantias\\_0\\_4604539640.html](https://impresa.prensa.com/panorama/Conozca-juez-garantias_0_4604539640.html); Hammergren, *supra* note 1;

<sup>35</sup> Marcella, *supra* note 31.

<sup>36</sup> Victims Unit (*Unidad para las Víctimas*), Government of Colombia, “The Victims Unit Review,” <http://www.unidadvictimas.gov.co/en/la-unidad/victims-unit-review/28230>, last accessed November 14, 2018.

<sup>37</sup> Latinobarómetro, “Informe 2018,” 2018. [http://www.latinobarometro.org/latdocs/INFORME\\_2018\\_LATINOBAROMETRO.pdf](http://www.latinobarometro.org/latdocs/INFORME_2018_LATINOBAROMETRO.pdf).

<sup>38</sup> *Ibid.*

<sup>39</sup> Hammergren, *supra* note 1.



## APPENDIX: SYMPOSIUM AGENDA



**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.

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Support was provided by the U.S. Department of State. The views expressed herein do not necessarily reflect those of the U.S. Department of State.

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**Day I**

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 accusatorial 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.

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### **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**

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**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.

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**