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Exporting Judicial Reform

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Impeachment proceedings against all nine members of the Argentine Supreme Court were pending. The economy was in the fourth year of a depression. Four successive presidents had attempted to rule the country within one year. Many citizens suspected the government, including the judiciary, of corruption.

Such was the situation in Argentina in October 2002 when we arrived to visit the country under the auspices of the U.S. State Department to talk about citizen participation in improving the justice system. We had been invited by the U.S. Embassy and a coalition of Argentine judicial, academic and civic organizations to participate in a two-year project called "Justice Undergoing Change: Civil Society, Lawyers and Judges, A Project in Administration of Justice." The topic during our visit was "Civil Society Participation in Judicial Reform."

In one week, we made nine presentations: seven in Buenos Aires and two in Bariloche, a provincial city of 100,000, which is a two-and-a-half-hour plane trip south of the capital. The audiences we addressed were the "movers" — the change agents — who were eager to hear about the Pennsylvania experience and to learn from it. Audiences included government officials from the

Ministry of Justice; judges, both federal and provincial; prominent lawyers; journalists; academics; officials of bar associations; and members of civic organizations. The judges were from every level of the judicial system except the federal Supreme Court. Representatives of the politically important Catholic Church attended several of the sessions as well. Everyone was eager to revitalize the spirit of reform and to steer the Argentine judiciary onto a path where the rule of law would become supreme.

Realizing that the problems in the United States and Argentina are different, we stressed the process rather than the substance of the reforms being advocated in Pennsylvania. We didn't pretend to have all the answers. Rather, we shared our strategies – what has worked and what hasn't, what we would like to do and lessons learned. We all agreed that it is very difficult to excite people about judicial reform. Nonetheless, citizen involvement is important because it shows policy makers that citizens care, and it gives credibility and legitimacy to reform.

We focused on the process the Judicial Reform Commission used in Pennsylvania to gather information for its wide-ranging report. We stressed the importance of gathering data from people working within the judicial system, from civic organizations, from ordinary citizens and from experts, mainly academics, who study the judiciary from national and international perspectives. Pointing to the achievements of Pennsylvanians for Modern Courts, we emphasized the need to find or create organizational support that will help make judicial reform recommendations become reality.

We spoke about the challenges of trying to mobilize citizens and citizen groups for judicial reform. We spoke about building coalitions of natural allies (such as bar associations and good-government groups) and reaching out with targeted messages to other groups affected by the courts (such as business and labor organizations, women and minorities, farmers, doctors and crime victims). The adage that "politics makes strange bedfellows" is applicable to bringing diverse groups together for judicial reform.

We also talked about the role of the news media, the importance of developing relationships both in and outside the judicial system, and about the need to be persistent, flexible and willing to compromise. We recommended strategic thinking about how to frame the issues and the messages, how to convey

urgency, how critical to be of the current system, whether the effort should be led by lawyers and law-related groups or by non-legal groups and how to make the movement inclusive, not just driven by a limited constituency or from one geographic area.

The audiences were hungry for dialogue, to compare their experiences with Americans. Their concerns ranged from how to encourage the judicial system to operate more efficiently, to media coverage, to empowerment of women in the judicial system, to funding reform groups, to public financing of judicial elections, to current thinking on the death penalty and even to whether judges should pay taxes (they do not in Argentina).

Troubled as it is, Argentina is a beautiful country. Buenos Aires is a cross between Paris and Barcelona. And the people at the meetings were remarkable as well: intelligent, energetic, eager for reform and most hospitable. In Argentina, the kiss replaces the handshake; many kisses were exchanged over a week!

On our last day in the country, the Legislature dropped the impeachment proceedings against the nine justices of the Supreme Court. According to the newspapers, the Legislature had initiated impeachment after the court struck down certain presidential economic edicts and now was dropping the proceeding so as not to endanger a major loan from the International Monetary Fund.

We provided a little flavor of Pennsylvania by giving the leaders of each meeting small replicas of the Liberty Bell and ballpoint pens marked "Supreme Court of Pennsylvania." It was not until the end of the trip that we realized the symbolism of giving Liberty Bells. We returned home with a heightened appreciation of the American justice system and the rule of law.

Bionotes

The Honorable Phyllis W. Beck is a senior judge on the Superior Court of Pennsylvania. She chaired Gov. Casey's Judicial Reform Commission, which became known as the Beck Commission. The commission issued a comprehensive report in January 1988 that provided a "road map" for reform in the areas of judicial discipline, judicial selection, judicial administration and funding of the courts.

Lynn A. Marks is executive director of Pennsylvanians for Modern Courts, a statewide nonpartisan organization that has been characterized as an "engine" of reform for its initiatives, including helping to revamp the judicial disciplinary system. The U.S. State Department has called Pennsylvanians for Modern Courts one of the most effective judicial reform agencies in the United States.