

LEGAL EDUCATION REFORM INDEX

FOR

MEXICO

June 2011

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ISBN: 978-1-61438-457-1 (paperback)
ISBN: 978-1-61438-459-5 (PDF)

Printed in the United States of America

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740 15th Street, NW, Washington, DC 20005

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Introduction

Quality legal education is an essential element in producing legal professionals who can competently represent clients and contribute to the establishment of the rule of law. However, in many countries, the quality of legal education does not meet international standards, and many law school graduates do not possess the requisite skills to be effective legal professionals. Against this backdrop, the American Bar Association's Rule of Law Initiative (ABA ROLI) created the Legal Education Reform Index (LERI). Its purpose is to assess the status of legal education reform in emerging democracies *vis-à-vis* internationally established principles. In an era when legal and judicial reform efforts are receiving more attention than in the past, the LERI is an appropriate and important assessment mechanism. The LERI will enable ABA ROLI, its funders, and the emerging democracies themselves, to better target legal education reform programs and monitor progress towards establishing quality legal education systems.

ABA ROLI embarked on this project with the understanding that there is no uniform agreement on all the particulars that are involved in legal education reform. There are differences in legal cultures that may make certain issues more or less relevant in a particular context. However, after working on this issue for 15 years in different regions of the world, ABA ROLI has concluded that each of the 22 factors examined herein may have a significant impact on the legal education reform process. Thus, an examination of these factors creates a basis upon which to structure technical assistance programming and assess important elements of the reform process.

The technical nature of the LERI distinguishes this type of assessment tool from other independent assessments of a similar nature. This assessment will *not* provide narrative commentary on the overall status of the legal education system in a country. Rather, the assessment will identify specific conditions, legal provisions, and mechanisms that are present in a country's legal education system and assess how well these correlate to specific reform criteria at the time of the assessment. In addition, this analytic process will not be a scientific statistical survey. The LERI is based on an examination of key legal norms, discussions with informal focus groups, interviews with legal education stakeholders and members of the legal community, and relevant available data. It is first and foremost a legal inquiry that draws upon a diverse pool of information that describes a country's legal education system at a particular moment in time through the prism of international standards and best practices.

Scope of Assessment

The definition of "legal education" poses the key methodological challenge in assessing legal education reform. The broad range of legal education that exists in the world demanded that a balance be struck between the need for a globally representative definition and one that would provide a useable basis for analysis.

In the end, in order to keep the LERI assessment process manageable and to maintain its global applicability and portability, ABA ROLI decided to limit the scope of the LERI assessment to institutions and programs providing core legal education leading to the first-level degree in law, i.e., Bachelor of Laws (LL.B.), Bachelor of Civil Law (B.C.L.), or Juris Doctor (J.D.), which are typically required for the admission to the legal profession. ABA ROLI excluded advanced law degrees, such as Master of Laws (LL.M.), Doctor of Juridical Science (J.S.D./S.J.D.), or the less common Doctor of Philosophy in Law (Ph.D.), given the wide diversity and high degree of specialization of most such programs throughout the world, as well as the fact that these degrees are rarely, if ever, required as a prerequisite to law practice admission. Nonetheless, the LERI assessment reports for individual countries will make limited references to such advanced degree programs as appropriate, to compare and contrast their select aspects with those of the core LL.B. programs.

In addition, legal education, such as that required for a notary or a bailiff that does not culminate in an LL.B. degree (or its equivalent), was also excluded. Furthermore, post-law school training, such as an apprenticeship, is considered part of the scope of legal education for the LERI, because it represents an integral part of legal education in many countries. However, since a post-law school apprenticeship (or other similar requirement) is not present in every country, the LERI does not have a separate factor to assess this requirement. Instead, the Assessment Team can elaborate on this issue in relevant factors as appropriate. Finally, continuing legal education (CLE) is not included in the scope of the LERI. Legal education received after admission to the profession falls more properly within the scope of legal profession reform, and is directly assessed in the Legal Profession Reform Index (LPRI) assessment tool.

Methodology

ABA ROLI was able to borrow heavily from the companion Judicial Reform Index (JRI), LPRI, and Prosecutorial Reform Index (PRI) in terms of structure and process. However, there is relative scarcity of research on certain aspects of legal education reform. The limited research that exists tends to concentrate on law school licensing and accreditation, curriculum, and teaching methodologies, but fails to cover other important components, such as admission policies, examination process, awarding of degrees, or faculty qualifications and conditions of employment. In addition, legal education reform is often viewed as secondary or tertiary in the rule of law reform movement. According to democracy scholar Thomas Carothers, “rule-of-law promoters tend to translate the rule of law into an institutional checklist, with primary emphasis on the judiciary.” CAROTHERS, PROMOTING THE RULE OF LAW ABROAD: THE KNOWLEDGE PROBLEM at 8 (CEIP Rule of Law Series, Working Paper No. 34, Jan. 2003). Moreover, as was found with the JRI, the LPRI, and the PRI, many factors related to the assessment of legal education are difficult to quantify, and “[r]eliance on subjective rather than objective criteria may be ... susceptible to criticism.” ABA/CENTRAL EUROPEAN AND EURASIAN LAW INITIATIVE (ABA/CEELI), JUDICIAL REFORM INDEX: MANUAL FOR JRI ASSESSORS at ii (revised ed. 2006).

In designing the LERI methodology, ABA ROLI sought to address these issues and criticisms by including both subjective and objective criteria and by basing the criteria examined on fundamental international and regional standards and best practices contained in documents from the United Nations Educational, Scientific, and Cultural Organization (UNESCO); International Network for Quality Assurance Agencies in Higher Education (INQAAHE); European Union (EU); European Association for Quality Assurance in Higher Education (ENQA); European Consortium for Accreditation (ECA); European University Association (EUA); European Law Faculties Association (ELFA); Commonwealth of Independent States (CIS); and Council of African States and Madagascar on Higher Education (CAMES). Key documents that served as basis for the LERI criteria included, among others: UNESCO’s *World Declaration on Higher Education for the Twenty-First Century: Vision and Action, Framework for Priority Action for Change and Development in Higher Education, and Recommendations Concerning the Status of Higher-Education Teaching Personnel*; UNESCO/Organization for Economic Cooperation and Development *Guidelines for Quality Provision in Cross-Border Higher Education*; the *INQAAHE Guidelines of Good Practice*; EU Council’s *Brussels Recommendation on European Cooperation in Quality Assurance in Higher Education*; the *Joint Declaration of the European Ministers of Education on the European Space for Higher Education (Bologna Declaration)*; ENQA’s *Standards and Guidelines for Quality Assurance in the European Higher Education Area*; and *Code of Good Practice for the Members of the European Consortium for Accreditation in Higher Education*. In addition, reference was made to the ABA’s *Standards and Rules of Procedure for Approval of Law Schools*; the Clinical Legal Education Association’s (CLEA) *Best Practices for Legal Education: A Vision and A Road Map*; as well as national standards and best practices from other jurisdictions. Finally, ABA ROLI was able to rely on best practices ascertained through more than 15 years of its technical legal assistance experience reforming legal education systems in emerging democracies.

Drawing on these sources, ABA ROLI compiled a series of 22 aspirational statements, or factors, that address quality in core areas of legal education. To assist assessors in evaluating these factors, ABA ROLI developed a manual that provides a guiding commentary on the factors and the international standards in which they are rooted, clarifies terminology, and provides flexible guidance on the areas of inquiry. A particular effort was made to avoid giving higher regard to American, as opposed to other regional concepts, of the structure and functioning of the legal education system. Thus, certain factors are included that an American or a European legal education specialist may find somewhat unfamiliar, and it should be understood that the intention was to capture the best that leading legal traditions have to offer rather than model the LERI on one country's legal education system. The main categories incorporated address licensing and accreditation of institutions providing legal education; admission policies and requirements; curriculum and teaching methodologies; student evaluation and awarding of degrees; faculty qualifications and conditions of employment; and institutional holdings and capacities of law schools.

In creating the LERI, ABA ROLI was able to build on its experience in creating the JRI, the LPRI, the PRI, and the more recent CEDAW Assessment Tool and Human Trafficking Assessment Tool in a number of ways.¹ For example, the LERI borrowed the JRI's factor "scoring" mechanism and thus, as with the LPRI and the PRI, was able to avoid the difficult and controversial internal debate over numerical versus qualitative/descriptive scoring that occurred with the creation of the JRI. In short, the JRI, the LPRI, the PRI, and now the LERI, employ factor-specific qualitative evaluations. Each LERI factor, or statement, is allocated one of three values or correlations: *positive*, *neutral*, or *negative*. These values only reflect the relationship of a factor statement to a country's regulations and practices pertaining to its legal education system. Where the statement strongly corresponds to the reality in a given country, the country is to be given a score of "positive" for that statement. However, if the statement is not at all representative of the conditions in that country, it is given a "negative." If the conditions within the country correspond to in some ways but not in others, it is given a "neutral." Like the JRI, the LPRI, and the PRI, the LERI foregoes any attempt to provide an overall numerical scoring of a country's reform progress, since attempts at attempts at aggregate scoring based on this approach could be counterproductive.²

The results of the 22 separate evaluations are collected in a standardized format in each LERI country assessment. As with the JRI, the LPRI, and the PRI, the LERI country reports contain the assessed correlation for each factor and a brief summary describing the basis for this conclusion following each factor. In addition, a more in-depth analysis is included, detailing the various issues involved. Cataloguing the data in this format facilitates its incorporation into a database, and it permits users to easily compare and contrast performance of different countries in specific areas and – as LERIs are updated – within a given country over time. There are two main reasons for borrowing the JRI's, the LPRI's, and the PRI's assessment process, "scoring," and format. The first is simplicity. Building on the tested and well-respected methodology of the JRI, the LPRI, and the PRI enabled a speedier development of the LERI. The second is uniformity. Creating uniform formats will eventually enable ABA ROLI to cross-reference information generated by the LERI with the existing body of JRI, LPRI, and PRI information. This will eventually give ABA ROLI the ability to provide a much more complete picture of legal reform in target countries.

Continuing a successful practice that was first implemented in the LPRI is the creation of a correlation committee and the use of informal focus groups. In order to provide greater

¹ CEDAW stands for the UN Convention on the Elimination of All Forms of Discrimination against Women. ABA/CEELI developed the CEDAW Tool in 2001-2002. The Human Trafficking Assessment Tool is based on the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and was developed in 2004-2005.

² For more in-depth discussion on this matter, see Larkins, *Judicial Independence and Democratization: A Theoretical and Conceptual Analysis*, 44 AM. J. COMP. L. 605, 611 (1996).

consistency in correlating factors, ABA ROLI forms an ad hoc committee that includes the assessor, relevant Country Director and local staff, and select ABA ROLI D.C. staff. The concept behind the committee is to add a comparative perspective to the assessor's country-specific experience and to provide a mechanism for consistent scoring across country assessments. The use of informal focus groups, consisting of law school faculty, students, and administrator, legal practitioners, NGO representatives, and various government officials, can help identify issues and increase the overall accuracy of the assessment.

Social scientists might argue that some of the assessment criteria would best be ascertained through public opinion polls or through more extensive interviews of key stakeholders. Sensitive to the potentially prohibitive cost and time constraints involved, ABA ROLI decided to structure these issues so that they could be effectively answered by limited questioning of a cross-section of law professors and students, lawyers, judges, prosecutors, and outside observers with detailed knowledge of the legal education system. Overall, the LERI is intended to be rapidly implemented by one or more legal specialists who are generally familiar with the country and region and who gather the objective information and conduct the interviews necessary to reach an assessment of each of the LERI factors.

The LERI was designed to fulfill several functions. First, the LERI provides governments and legal education professionals with a comprehensive assessment of the state of legal education in the country, thus enabling them to prioritize and focus reform efforts. Second, ABA ROLI and other rule of law assistance providers will be able to use the LERI results to design more effective programs related to improving the quality of legal education. Third, the LERI provides donor organizations, policymakers, NGOs, and international organizations with hard-to-find information on the structure, nature, and status of the legal education system in countries where the LERI is implemented. Fourth, combined with the JRI, the LPRI, and the PRI, the LERI contributes to a comprehensive understanding of how the rule of law functions in practice. Finally, the LERI results can serve as a springboard for local advocacy initiatives and grassroots advocacy efforts to improve government compliance with internationally established standards for the legal education.

Acknowledgements

ABA ROLI would like to thank the team that developed the concept and design of the LERI, including Dr. Carson Clements, Legal Analyst of ABA ROLI's Research and Program Development Office, who served as project coordinator; Michael Maya, ABA ROLI Deputy Director, who helped guide the project and provided invaluable inspiration in developing the LERI assessors' manual and implementing the pilot LERI assessment; John Keeton, Program Manager for Central Asia Programs, who provided project support, including coordinating the work of the LERI Expert Working Group; and legal interns Elena Arakelian and Natalya Kim, who provided research assistance and translation support. In addition, ABA ROLI gratefully acknowledges the contributions made to this project by the members of its internal LERI Working Group, including Steven Austermiller, Frank Hespe, and Cristina Turturica Malai, as well as by a number of other valued past and present colleagues, including Wendy Patten, Simon Conté, and Olga Ruda.

In the course of developing the LERI, input and critical comments were solicited from a variety of experts on legal education matters. In particular, ABA ROLI would like to thank the members of its LERI Expert Working Group, who helped revise the initial LERI structure and factors, including Gilles Badet, Mark Dietrich, Haluk Kabaalioglu, Jeffrey Lehman, Makua Mutua, Eleanor Myers, William Rakes, Speedy Rice, Richard Roe, Barbara Schatz, Roy Stuckey, James White, Richard Wilson, and Leah Wortham.

Assessment Team

The 2011 Mexico LERI assessment team was led by Dr. Luis Fernando Pérez Hurtado, Director of the Center for the Study of Teaching and Learning the Law (CEEAD). ABA ROLI Legal Analyst Tessa Khan served as overall project coordinator and editor of the report. The team received substantial support from the ABA ROLI's staff in Mexico City, including Country Director Alonso González Villalobos, Deputy Country Director Katia Ornelas Núñez, Law Schools and Bar Associations Coordinator David Fernández Mena, and Field Financial Manager Gabriela Cruz Ortiz; and from CEEAD staff, including Carrie Osman, Enrique Maya Sánchez, Ricardo Treviño Llamas, Sandra Escamilla Cerón, Marcela Urbano Guzmán, and María Dolores González Ramírez. The team would also like to acknowledge the support provided by members of the ABA ROLI's staff in Washington, D.C., including Director of Research and Assessments Office Simon Conté, Director of Latin America and Caribbean Division Michael McCullough, Research Coordinator Olga Ruda, Program Manager Chantal Agarwal, Program Officer Jeremy Biddle, Administrative Assistant Cynthia Arévalo, and Intern Carl Patchen. The conclusions and analysis contained in this report are based on interviews that were conducted in Mexico's Federal District and the states of Chihuahua, Morelos, and Oaxaca during January-March 2011, as well as relevant documents that were reviewed at that time and through the end of June 2011. Records of relevant authorities and a confidential list of individuals interviewed are on file at the Washington, D.C. office of ABA ROLI. The assessment team is extremely grateful for the time and assistance rendered by those who agreed to be interviewed for this project.

ABA ROLI would also like to acknowledge the valuable assistance provided by members of its Working Group to Strengthen the Legal Education and Legal Profession in Mexico, who were integral to the peer review process for this assessment. In particular, ABA ROLI would like to thank the following Working Group member institutions: Technical Secretariat of the Coordinating Council for the Implementation of Criminal Justice System; National Autonomous University of Mexico; Monterrey Institute of Technology and Higher Education; Free School of Law; Pan-American University; Center for Economic Research and Teaching; Mexico City and the Cuernavaca campuses of La Salle University; Mexicali campus of the Autonomous University of Baja California; Tijuana campus of the Ibero-American University; Autonomous University of Ciudad Juarez; Universidad La Salle Pachuca Law School; Autonomous University of Chihuahua; Autonomous University of Nuevo León; Monterrey Free Faculty of Law; Benito Juarez Autonomous University of Oaxaca; Mexican Bar Association; Illustrious and National College of Advocates of Mexico; National Association of Business Advocates; Baja California State Federation of Bar Associations; Ciudad Juárez Bar Association; Durango Bar Association; Nuevo León chapter of the Mexican Bar Association; Hidalgo State Bar Association; Morelos Bar Association; Oaxaca Bar Association; Center for the Study of Teaching and Learning the Law; Legal Research Institute of the National Autonomous University of Mexico; National Center for Evaluation of Higher Education; and General Directorate of Professions of the Secretariat of Public Education. Naturally, ABA ROLI bears exclusive responsibility for the contents of this assessment, which do not necessarily represent the institutional opinions of the Working Group members.

Executive Summary

Brief Overview of the Results

The 2011 Legal Education Reform Index (LERI) assessment for Mexico reflects the recent proliferation in the number of institutions offering legal education in Mexico, and the resulting diversity in the quality of legal education that exists throughout the country. In contrast with 1990, when there were less than 100 law schools, there are currently approximately 1,100 such institutions, the vast majority of which are private. While this gives most aspiring law students a broad range of degree options from which to choose, it has made a detailed study of the quality of legal education, and the subsequent impact on the practice of law, a complex exercise.

As illustrated in the Table of Factor Correlations, the correlations assigned to the Mexico LERI factors are relatively evenly spread between positive, neutral and negative. Out of 22 factors analyzed in this assessment, six factors, including those relating to law school licensing standards, non-discriminatory admissions, comprehensive curricula, participation in quality assurance and recognition networks, and class size, received a positive correlation. A total of eight were given a negative correlation; this includes factors related to licensing, accreditation, and disciplinary enforcement procedures for law schools, admissions policies, practical skills instruction, teaching methodologies, degree conferral, and faculty compensation and conditions of employment. The remaining eight factors were assigned a neutral correlation.

Thus, there are some evidently commendable aspects of the Mexican legal education system, and the increasing number of law schools that are voluntarily submitting to the new diagnostic accreditation and evaluation processes suggests that many aspects of the system will continue to improve. However, the challenges of regulating such a broad and varied range of institutions, many of which are under-resourced, remain significant. Further, Mexican law schools are currently faced with a pressing need to adapt their degree programs to the newly-introduced criminal justice system, which incorporates an adversarial trial system and is constitutionally scheduled to become mandatory throughout the country by 2016. Thus far, only a handful of the more established public law schools have adopted courses to instruct students in new skills and knowledge they will need to practice under this system.

Positive Aspects Identified in the 2011 Mexico LERI

- Many of Mexico's law schools **participate in national, regional, and international academic networks** that also facilitate student exchange, as well as in numerous national and international **quality assurance and recognition networks**. In addition, the government attempts to strengthen quality assurance standards for law programs by **encouraging institutions of higher education (IHEs) to undergo a diagnostic evaluation and accreditation**. Despite being very recent and voluntary, these mechanisms have succeeded in boosting the quality of legal education in both public and private IHEs.
- Most law schools follow **a comprehensive curriculum that conveys sound theoretical knowledge and introduces students to the vocabulary required to practice law**. The standard curriculum includes between 40 and 70 mandatory theoretical courses that cover various areas of domestic and international law, optional and clinical courses, and a number of other classes that respond to new social, political, economic, and legal developments in Mexico. In addition, a number of schools are currently **adapting their curricula to reflect the newly adopted adversarial system of criminal justice**.
- The law **protects institutional and individual academic freedom of law schools and faculty members**. Law professors generally enjoy a broad right to academic freedom with respect to course content and teaching methods, as well as the freedom of

association. Public IHEs are also perceived as more tolerant of diverse ideas, even those touching upon sensitive issues, although professors and students in private law schools felt that their freedom in the expression of ideas on topics that are seen as sensitive within their law school was somewhat restricted.

- The majority of law schools have an **adequate student-to-teacher ratio and sufficient administrative and support personnel** to achieve the educational goals of the institution. Smaller class sizes in many Mexican universities allow students to receive personalized attention from professors. While several public universities have very large classes, this is beginning to change under the influence of the voluntary diagnostic evaluation and accreditation processes.
- Mexican law schools **generally do not discriminate in their student admission processes and faculty hiring and retention decisions**. Hiring decisions frequently provide for an administrative review. Nevertheless, students from a lower socioeconomic background are often excluded from being admitted because of the poor quality of their secondary school education, the difficulties they face in relocating to cities, and the limited resources available to fund scholarships.

Concerns Related to Lack of Quality Assurance Mechanisms

- Mexico **does not have a single entity responsible for regulating the country's IHEs**. While the federal government's efforts have led to overall standardization of minimum requirements for licensing of institutions providing legal education, these **standards are largely focused on ensuring that IHEs meet minimum formal requirements** in relation to their facilities, curriculum, and professors, rather than serving as indicators of the programs' quality or excellence. There are voluntary, informal accreditation and evaluation processes that focus on the substantive quality of academic programs, but their results have no impact on the authorization of an institution to teach law.
- The **licensing procedure for private institutions to provide legal education is generally deficient**. Instead of being based on opinions and analyses by experts on the subject, such as bar associations or the judiciary, the determination is usually based on whether the proposed program follows those offered by the more established institutions. The **personnel resources dedicated to review of applications are extremely limited**, and the existing staff are charged with evaluating all types of degree programs, be it law, computer science, or literature. The inspection procedure does not enable accurate verification of whether the academic program is consistent with the application.
- There are **approximately three dozen licensing authorities**, which are also **charged with providing periodic evaluation of authorized private law programs**. The law provides for sanctions for law schools that fail to meet their obligations and a corresponding appeals process. In practice, however, these tasks are usually not adhered to because of the high number of law programs, the limited staffing, and the lack of knowledge among staff about the programs to be monitored. **Public law schools are not subject to any monitoring and evaluation process**.

Concerns Related to the Structure of Academic Process

- There is a **lack of uniformity in requirements and procedures for law school admission** across Mexico. Each institution sets its own standards, with the majority of law schools aiming to **attract as many students as possible through an open admission policy with only nominal eligibility requirements**. Only a handful of law schools use a selective, competitive admission process that admits students with the academic potential required to succeed in their studies.

- Similarly, there is a ***lack of consistency in law school graduation standards***, with most schools having very lax procedures for verifying compliance with these standards. Course performance is typically measured through examinations, and ***students are often permitted to retake exams multiple times until they pass***. Beyond this, there are few substantive requirements for graduation; their rigor, objectivity, and transparency generally depend on the particular institution's commitment to the quality of education.
- Although law schools offer a comprehensive curriculum, the course of study is predominantly oriented towards conveying a solid theoretical education. Most schools place ***little emphasis on instruction in professional skills and ethical values of the profession***. Some law schools do offer clinical and internship opportunities, and all undergraduate students in Mexico are required to complete a period of social service, but it need not be related to law. As a result, the ***development of professional skills is usually left to activities performed outside the classroom***. In one positive development, some schools have started incorporating courses aimed at developing the skills needed for practicing law in the new adversarial criminal procedure system.
- ***Law courses in Mexican law schools are taught primarily through lectures***, an approach encouraged by the perception that the professor is the sole source of relevant information and the classroom exists to impart theoretical knowledge. Because law schools rely heavily on adjunct practitioners to teach most courses, professors are usually able to synthesize the information well and to illustrate theoretical concepts by drawing on examples from their own law practice. However, they are usually ***unfamiliar with alternative teaching techniques***, and ***law schools do not offer them trainings in interactive teaching methodologies***.

Concerns Related to Limited Resources

- Most law schools ***lack access to adequate, up-to-date, and comprehensive legal materials***. Law libraries typically have very basic collections consisting of more traditional books for each of the courses included in law school curriculum. As a result, ***research by professors and students is practically nonexistent***. Lack of appropriate practice-oriented legal materials is also ***one of the reasons behind prevalence of the lecture method of teaching law***.
- The education provided to law students is often compromised by the quality of IHE's ***physical facilities and its technological capacities***, which are frequently ***inadequate to support the educational objectives*** of the institution. The vast majority of private law schools and some public schools ***barely meet the minimum requirements for sanitation, safety, and educational capacity***.
- Law schools are ***unable to offer their faculty members compensation at a level sufficient to either enjoy an adequate standard of living or devote themselves exclusively to academic activities***. Full-time professors are usually able to supplement their incomes through bonuses or by teaching at several IHEs. ***Part-time adjunct practitioners***, who ***make up over 90% of law professors*** in Mexico, are attracted to teaching primarily for intangible reasons rather than compensation. Their legal practice remains their main priority, making teaching responsibilities a secondary concern. Poor compensation means they have ***no incentives to devote the time to adequately prepare to teach, grade assignments, support students outside the classroom, or conduct scholarly research***. Some practicing professors even use their nominal pay to justify poor performance with respect to class attendance and punctuality.

Mexico Background

Historical Context

The analysis of legal education in Mexico is a complex task because of the rapid growth of the legal education sector, its diversity, the changes that it is experiencing, and the lack of available information. In 1990, fewer than 100 institutions of higher education [hereinafter IHEs], mostly public, offered a law degree. Although there is no comprehensive list of law schools in Mexico, an estimated approximately 1,100 IHEs are currently providing legal education. Several factors have influenced this growth. See generally LUIS FERNANDO PÉREZ HURTADO, LA FUTURA GENERACIÓN DE ABOGADOS MEXICANOS. ESTUDIO DE LAS ESCUELAS Y LOS ESTUDIANTES DE DERECHO EN MÉXICO (THE NEXT GENERATION OF MEXICAN LAWYERS. STUDY OF LAW SCHOOLS AND STUDENTS IN MEXICO) at 50-56 (Universidad Nacional Autónoma de México & Centro de Estudios sobre la Enseñanza y el Aprendizaje del Derecho, 2009) [hereinafter THE NEXT GENERATION OF MEXICAN LAWYERS], available at <http://www.bibliojuridica.org/libros/libro.htm?l=2672>. One is the growth of higher education in Mexico in general. In 1990, there were a little more than one million students pursuing higher education studies. The percentage of college-aged youth who had access to higher education was one of the lowest in Latin America, so the Mexican government made it a priority to increase higher education opportunities. Today, there are approximately three million students enrolled in higher education programs.

Another cause of this growth is the government's initiative to facilitate private universities offering higher education. The context for this development was that enrollment in public institutions was at maximum capacity, limited public resources precluded the opening of more state universities, and the government was interested in diversifying higher education options in its institutions. As a result, 90% of law schools today are private, which accounts for just over 50% of total enrollment in law degree programs. These new private law schools cater to students who are not accepted to public law schools, who live in areas where there were previously no opportunities for higher education, or who are seeking an alternative to the education received at a public institution. Although the curriculum at private law programs is similar to that taught by traditional law schools, their structure varies to accommodate the different needs of students. There are full-time, part-time, and open-learning programs. The full-time programs may be divided into years, semesters, quarters, trimesters, or two-month periods, and their duration varies depending on the number of hours of classes offered each week. There are rigid, flexible, and specialized curricula offered during different times of the day, including evenings and nights. The diversity of programs and their rapid growth in all regions of the country has made an in-depth study of what is being taught in these schools and the impact this has on the practice of law in Mexico extremely complex.

However, it can be observed that in its effort to increase opportunities for higher education, the government has neglected to ensure the quality of all law programs. The requirements for opening a new school focus on minimum guidelines rather than high quality standards. Further, the ability of educational authorities to supervise compliance with these guidelines has been exceeded by the overwhelming number of IHEs.

Faced with this phenomenon, Mexico has seen a surge of mechanisms in the last few years that focus on evaluating the quality of legal education. The main two mechanisms are diagnostic evaluation and accreditation. Although both processes are optional for an IHE to undertake and an IHE would suffer no disciplinary consequences if it is not accredited, these mechanisms have gradually been establishing recognized parameters of quality for educational institutions. Law schools request these evaluations so that employers, prospective students, and society in general recognize the quality in their law programs. Overall, a total 58 law degree programs that comply with these voluntary quality standards have been accredited between 2006 and the date of this assessment.

Structure of the Legal Education System

Institutions Providing Legal Education

There are three general categories of IHEs: universities, technological institutes, and teachers' colleges. Only universities (which can be named centers, institutes, colleges, schools, faculties, or universities, depending on the type of programs they offer) are authorized to provide undergraduate education in law. The word "university" can only be used for those IHEs offering at least five undergraduate or graduate programs in three different areas of knowledge, one of which must be in the humanities.³

Mexico also has both public and private IHEs. Public IHEs are established by the federal or state governments and are financed almost entirely with public funds. Private IHEs are formed by private individuals or entities and are financed almost entirely with tuition and fees charged to students. Approximately 10% of IHEs that offer a law degree are public; however, these institutions enroll almost half of all law students.

Only IHEs that belong to the national education system can award law degrees. Public IHEs become part of this system from the moment they are established. They are therefore free to define their degree programs and to award corresponding diplomas without any additional requirements. By contrast, a private IHE has two ways of becoming part of the national education system. One way is to obtain an Official Recognition of the Validity of the Studies [*Reconocimiento de validez oficial de estudios* – hereinafter RVOE] from the President of Mexico or from the federal or state governments. The second way is to incorporate its program(s) within a decentralized public IHE that is authorized to provide incorporations through its charter. Once an RVOE or an incorporation of studies is granted, the private IHE is free to confer the corresponding degree award upon students without additional requirements. However, the federal and state RVOE and the incorporation of studies are only awarded to a specific academic program within an IHE. If a private IHE offers a new program, it must reapply for RVOE or incorporation for that new program.

Recognized Law Degrees

IHEs in Mexico may award the following types of higher education degrees in law:

- ***Superior Technical University***, which is a degree option that can be undertaken after secondary school and before enrolling in an undergraduate program. This degree does not entitle a graduate to practice law and is therefore aimed at those interested in practicing in a capacity auxiliary to lawyers. It normally takes two to three years to complete.
- Undergraduate degree in law (known as ***Licenciatura en Derecho – hereinafter LED***), which can also be pursued after secondary high school and allows graduates to apply for and obtain a professional license for the practice of law. It normally takes three to five years to complete.

Postgraduate education in law, which is open to graduates of LED programs. This degree can be pursued as a one-year specialty program, aimed primarily at specializing in the practice of one area of law; an approximately two-year Master's program, which involves both a practical specialization in an area of law and the development of academic and research capabilities; and a Doctorate degree, which follows a Master's

³ This assessment uses the terms "IHE," "institution," and "law school" interchangeably to refer to higher education institutions providing legal education.

program and develops academic and research capabilities at an advanced level over the course of two to three years.

The vast majority of legal education programs are structured as full-time programs, which are held on the premises of the IHE and must meet a minimum number of lecture hours, depending on the kind of program (1,440 hours for a Superior Technical University; 2,400 hours for a LED; 180 hours for a specialty degree; 300 hours for a Master's degree; and 600 hours for a Doctorate). Approximately 80% of law degrees are offered as full-time programs, representing 90% of total law school enrollment.⁴

Additionally, in recent years, there has been an increase in the number of law programs offered through alternative formats and the number of students enrolled in such programs. These alternative degree options include open-learning, where students can undertake learning remotely and flexibly, without being required to attend the premises of the IHE; a mixed model, which combines in-class and open-learning by requiring students to attend the IHE, albeit less frequently, and to supplement their education with flexible learning activities; and distance-learning, where courses are offered online, sometimes as part of an open-learning program.

Control and Oversight

Higher education is regulated by laws at the federal and state levels. At the federal level, the principal laws governing IHEs are found in:

- THE POLITICAL CONSTITUTION OF THE UNITED MEXICAN STATES (*adopted* Feb. 5, 1917, *last amended* Aug. 17, 2011) [hereinafter MEXICAN CONST.];
- FEDERAL GENERAL LAW ON EDUCATION (*published* Jul. 13, 1993, *last amended* Aug. 19, 2010) [hereinafter LGE];
- FEDERAL LAW ON THE COORDINATION OF HIGHER EDUCATION (*adopted* Dec. 26, 1978) [hereinafter LCES];
- REGULATORY LAW FOR ARTICLE 5 OF THE CONSTITUTION RELATING TO THE EXERCISE OF PROFESSIONS IN THE FEDERAL DISTRICT (*adopted by* National Congress, May 26, 1945, *last amended* Aug. 19, 2010) [hereinafter LEP/DF];
- AGREEMENT NO. 243, ESTABLISHING GENERAL BASES FOR AUTHORIZATION OR RECOGNITION OF THE OFFICIAL VALIDITY OF STUDIES (*adopted by* Secretariat of Public Education [hereinafter SEP], May 18, 1998) [hereinafter AGREEMENT No. 243]; and
- AGREEMENT NO. 279, ESTABLISHING THE FORMALITIES AND PROCEDURES RELATED TO THE RECOGNITION OF THE OFFICIAL VALIDITY OF STUDIES IN HIGHER EDUCATION (*adopted by* SEP, Jun. 16, 2000) [hereinafter AGREEMENT No. 279].

At the state level, each of the 31 states regulates IHEs within their jurisdiction through state Constitutions, other state laws, and internal regulations.

Federal and state laws and regulations are administered and enforced by federal and state education authorities. There are approximately three dozen institutions that are authorized to grant RVOE to private IHEs or to incorporate their programs, and these institutions are also responsible for ensuring those IHEs meet the relevant standards. However, they frequently lack the capacity to monitor all of the programs, which results in a widespread perception that many private IHEs are operating without meeting the minimum legal requirements. Autonomous public IHEs are governed by their own rules; no external authority oversees the development of their programs. However, the federal and state governments have conditioned the conferral of particular allowances on compliance with certain quality-focused standards. These standards

⁴ In light of the prevalence of these programs, the analysis contained in this assessment is based principally on law degrees offered as full-time programs.

have mainly been promoted through diagnostic evaluation and accreditation of academic programs.

It is important to note that neither the judiciary nor the bar associations help define the requirements and procedures for granting the RVOE or incorporation to a law school, or for awarding a degree to the graduates of a LED program.

Academic Process

Admission Standards

There are no uniform standards for admission to a law program. Each IHE sets its own requirements and procedures for admission. The only common requirement among all institutions is that applicants must have successfully completed secondary school. The majority of law schools, most of them private, have an otherwise open admission policy, the aim of which is to attract as many students as possible. These institutions generally have no eligibility conditions, aside from administrative and documentation-related requirements.

Approximately 30% of law schools, both public and private, have a selective admission process, which is based on compliance with particular minimum requirements, such as achieving a certain grade point average [GPA] in secondary school, passage of an interview with admissions staff, or completion of a preparatory course.

Fewer than 10% of law schools, all public, apply a quota-based admission policy that is used to select a certain number of candidates from a large field of applicants, which is usually much greater than the space available for new students. This high demand is due mainly to the low cost of studies and is the greatest in institutions of higher prestige and quality. In the past, the quota-based admission process was highly discretionary, and law schools only admitted those applicants who had sufficient influence over the process. This has now changed in the vast majority of institutions, which now admit students who get the highest score on an entrance exam.

Curricula

IHEs are generally free to define the content of their law program curricula. The few legal requirements that govern the more formal aspects of programs do not concern the programs' content. Despite this freedom, curricula across law schools are very similar, typically covering between 40 and 70 mandatory courses in various areas of law and offering little flexibility. Some law schools also include optional or pre-specializations subjects, or subjects that are connected to an IHE's institutional identity. The duration of LED degree programs varies from two years and eight months to five years, depending on the number of subjects taught, the number of class hours per week, and the length of vacation periods.

Although most curricula are comprehensive in their coverage of different areas of law, the content is mostly theoretical. Students have the ability to obtain a sound theoretical and conceptual knowledge and an introduction to the vocabulary that is required to practice law. However, the curriculum offers little in way of developing students' professional skills, which is left to the extra-curricular activities; nearly half of the students work and study at the same time. Instruction in professional ethics is generally provided through an isolated, heavily theoretical course that bears little relevance to the professional and ethical dilemmas which students will face upon graduation.

Graduation Requirements

To obtain a LED degree, students must pass all subjects in the curriculum, comply with a mandatory social service requirement, and meet any additional requirements that may be stipulated by an IHE. By law, all undergraduate students in Mexico are required to undertake 480

hours of temporary work in the interests of society and the state, which is to be performed over a period of six months to two years. LEP/DF arts. 53, 55; RULES AND REGULATIONS FOR THE SOCIAL SERVICE OF STUDENTS OF INSTITUTIONS OF HIGHER EDUCATION OF MEXICO art. 10 (*adopted* Mar. 20, 1981) [hereinafter SOCIAL SERVICE REGULATIONS]. Law students normally perform their social service during the course of their studies, typically by working in the government offices, the judiciary, or by doing pro bono work at a law firm sponsored by their IHE, if one exists.

Each institution is free to define additional requirements, called diploma options (*opciones de titulación*), for students to obtain their degree. Traditionally, the only requirement was the completion of professional thesis involving extensive research on a legal issue and its defense before a panel of three professors. Now, law schools provide a variety of alternative options for degree conferral, such as obtaining excellent grades, passing an examination of general legal knowledge, having professional experience of more than five years in the legal field, preparing a dissertation, publishing an article in a scholarly journal, or attending a degree review course that summarizes the contents of the law program. The rigor, objectivity, transparency, and enforcement of these requirements depend on the institution's commitment to quality education.

Mexico LERI 2011 Analysis

While the correlations drawn in this exercise may serve to give a sense of the relative status of certain issues present, ABA ROLI emphasizes that these factor correlations possess their greatest utility when viewed in conjunction with the underlying analysis. ABA ROLI considers the relative significance of particular correlations to be a topic warranting further study and invites comments and information that would enable it to develop better or more detailed responses in future LERI assessments. ABA ROLI views the LERI assessment process to be part of an ongoing effort to monitor and evaluate reform efforts.

Table of Factor Correlations

Legal Education Reform Index Factor		Correlation 2011
I. Licensing, Accreditation, and Evaluation		
Factor 1	Regulation of Legal Education by a Duly Authorized Entity	Positive
Factor 2	Standards for Licensing and Accreditation	Positive
Factor 3	Licensing and Accreditation Procedure	Negative
Factor 4	Disciplinary and Enforcement Actions	Negative
II. Admission Policies and Requirements		
Factor 5	Admission Examination and/or Other Entrance Standards	Negative
Factor 6	Non-Discriminatory Admission	Positive
Factor 7	Special Admission Measures	Neutral
III. Curriculum and Teaching Methodology		
Factor 8	Comprehensive Curricula	Positive
Factor 9	Instruction in Ethics and Core Professional Values	Neutral
Factor 10	Professional Skills Instruction	Negative
Factor 11	Teaching Methodologies	Negative
IV. Student Evaluation, Awarding of Degrees, and Recognition of Qualifications		
Factor 12	Student Evaluation and/or Examination	Neutral
Factor 13	Awarding of Degrees	Negative
Factor 14	Institutional Record-Keeping	Neutral
Factor 15	Recognition Frameworks and Networks	Positive
V. Faculty Qualifications and Conditions of Employment		
Factor 16	Faculty Qualifications	Neutral
Factor 17	Hiring, Promotion, and Tenure	Negative
Factor 18	Faculty Compensation	Negative
Factor 19	Academic Freedom and Freedom of Association for Law Faculty	Neutral
VI. Institutional Holdings and Capacities		
Factor 20	Access to Legal Materials	Neutral
Factor 21	Physical Facilities and Technological Capacities	Neutral
Factor 22	Class Size and Administrative/Support Staff	Positive

I. Licensing, Accreditation, and Evaluation

Factor 1: Regulation of Legal Education by a Duly Authorized Entity

Legal education is provided by institutions duly authorized by the State body, professional association, or other entity responsible for regulating legal education.

Conclusion	Correlation: Positive
Only IHEs that are part of the national education system are authorized to award undergraduate or post-graduate degrees in law. Public law schools become part of the national education system by virtue of their establishment, while private law schools must obtain a special recognition from the federal or state authorities or have their academic programs incorporated by a decentralized public educational institution. There is no single entity responsible for regulating legal education in Mexico. Bar associations and the judiciary play no role in regulating legal education.	

Analysis/Background:

Mexico's federal and state laws define what entities can provide legal education. Only those IHEs that are part of the national education system are authorized to "award certificates, diplomas, or academic degrees to the persons that have concluded studies in conformity with the requirements established in the corresponding plans and law programs." LGE art. 60. This means that only such institutions may award an undergraduate degree in law (i.e., LED) or post-graduate law degrees.

There is no single entity in Mexico, either at the federal level or within each state, which is responsible for regulating the country's IHEs, including those providing legal education. Thus, an IHE may become part of the national education system and be authorized to issue law degrees: (a) by virtue of its establishment, in the case of public law schools; (b) through receiving special recognition from the federal or state governments, in the case of a private IHE; and (c) indirectly, through the incorporation of study programs of a private IHE by a decentralized public IHE.

By law, the national education system includes the educational institutions of the State and its autonomous entities. *Id.* art. 10.V. Therefore, all public IHEs become part of the national education system at their founding, based on the express power that the State grants to those institutions under the decree on their establishment, and are authorized to offer a law degree. See, e.g., MEXICAN CONST. art. 73(XXV).

There are two ways in which a private IHE may become part of the national education system and award law degrees. First, it may obtain a special recognition from the Mexican government authorities, called the RVOE. The RVOE recognition is "the express agreement by the educational authority that recognizes the validity of the studies imparted by a private institution." AGREEMENT No. 243 art. 3.X. The bodies authorized to grant this recognition are the President of Mexico, by means of a presidential decree, as well as the federal SEP and its state-level equivalents. MEXICAN CONST art.3(IV); LGE art. 14.

A second method by which a private IHE can enter the national education system is through its incorporation by a public IHE. Incorporation may only be done by a decentralized public IHE which is authorized to do so in its charter. LCES art. 17. By means of incorporation, a public IHE authorizes a private one to use its curriculum, system, and teaching methods, and also takes charge of academic and administrative supervision of the private IHE. In essence, the public IHE indirectly integrates the private IHE into the national education system by making the private program an extension of the public one.

There are a number of key differences in the status of private IHEs, depending on which institution authorized their activities. In the case of public IHEs and of private IHEs with RVOE recognition conferred by a Presidential decree, the integration into the national education system is institutional, which means that these IHEs enjoy full freedom to start any new academic program, including a law degree program, as stated in the relevant decree. On the other hand, private IHEs with RVOE recognition from the federal SEP or its state equivalents and those incorporated within a public IHE are included in the national education system only with respect to a specific academic program on a specific campus. See LGE art. 54; LCES arts. 16-17; AGREEMENT No. 243 art. 5. This means that new academic programs or the expansion of an existing program to another campus would require a new RVOE recognition or a new incorporation. LCES arts. 16-17. RVOE recognition granted by state educational authorities and incorporation of studies by state public IHEs is limited to programs that are offered in that state. LGE art. 63; LCES arts. 16-17. RVOE conferred by a Presidential decree or the federal SEP, as well as incorporation of studies by federal public IHEs, by virtue of their federal authority, may be granted to private universities located in Mexico City or anywhere else in the country. Furthermore, the federal RVOE is unlimited in duration, while RVOEs in some states and incorporations typically have a set expiration date and must be renewed periodically.

Of the 1,006 LED programs that were offered by private IHEs during the academic year 2006-2007, 70 received a RVOE recognition by Presidential decree, 301 received a RVOE recognition from the SEP, 576 received a state RVOE, 34 were incorporated as part of the National Autonomous University of Mexico [hereinafter UNAM] system, and 25 were incorporated within state-level public IHEs. See THE NEXT GENERATION OF MEXICAN LAWYERS at 30. Overall, during the 2006-2007 academic year, private law school programs obtained their recognition or incorporation from 36 different authorities. *Id.* at 31.

It is important to note that neither the bar associations nor the judiciary take any part in setting forth the criteria and procedures for the granting of RVOE recognitions or the incorporation of private legal education programs, or in making of decisions on these subjects. This power rests only with the government and, where relevant, the authorized public IHEs.

Factor 2: Standards for Licensing and Accreditation

The standards for licensing and accrediting institutions providing legal education are clearly defined by the responsible State body, professional association, or other entity duly authorized to regulate providers of legal education.

Conclusion	Correlation: Positive
<p>The minimum requirements for licensing institutions providing legal education, whether by granting an RVOE or incorporation by a public IHE, are established in federal, state, or university-level regulations. Since the publication of Agreements No. 243 and No. 279, the federal government has signed agreements with states and public universities to adopt similar guidelines in order to standardize the requirements and procedures, although some discrepancies in the standards still exist.</p>	

Analysis/Background:

The method by which an IHE becomes authorized to issue law degrees (discussed in Factor 1 above) determines the applicable standards for granting authorization. With the exception of public universities, which are automatically authorized to provide legal education by virtue of their status as a public IHE, the relevant requirements are defined in the regulations issued by the federal government, the state governments, or the public universities.

At the federal level, the federal government promulgated Agreement No. 243 in 1998 that established the minimum requirements for an institution to be granted a federal RVOE by the SEP. More specific requirements relating to the application process and the issuance of the RVOE were set forth under Agreement 279 in 2000. See *generally* AGREEMENT No. 243; AGREEMENT No. 279. According to these two documents, private universities that are granted a federal RVOE must meet minimum requirements that pertain to three areas: facilities, curriculum, and faculty.

The requirements regarding facilities are broadly stated and essentially relate to the lawful occupation of the building where classes will be taught, sanitary conditions, security, and conditions for teaching. AGREEMENT No. 243 sec. II.

The law does not contain specific requirements relating to the content of academic programs and curricula for a bachelor's degree program; instead, there is a general requirement that a program aim to develop knowledge, attitudes, skills, abilities, and work methods for the practice of a profession. AGREEMENT No. 279 art. 12. The RVOE application must include information on the general objectives of the curriculum, a profile of the graduates, teaching methodology, and criteria for evaluation of students. *Id.* While there is no mention of a specific duration for the academic programs for a bachelor's degree, there is a requirement that a degree program include a minimum of 2,400 hours of learning activities. *Id.* art. 15. The duration of a LED program therefore varies considerably, depending on the number of class hours that each institution allocates to its academic term.

There are additional standards governing the minimum qualifications and adequate preparation of faculty of an IHE applying for a federal RVOE. Part-time “practicing” professors are required to have an undergraduate degree and at least five years of volunteer or work experience in their teaching area. Full-time professors must have training for teaching and field research in their area, and preferably have a graduate degree. *Id.* art. 10. However, while some degree programs have to abide by a requirement that a minimum percentage of courses be taught by a full-time faculty member, the LED program is categorized by law as a “practical” program and therefore is not subject to such restriction. *Id.* The rationale is that law school graduates “will be devoted generally to the professional practice, and the academic programs do not require a majority of basic courses in science or humanities nor courses with a great time requirement per students.” *Id.* An important implication of the absence of a requirement for full-time law professors is that law schools are not expected to undertake research or provide focused tutoring to students. This is because those roles – research and tutoring – are assigned by law to full-time professors. *Id.*

The criteria for granting a federal RVOE are therefore focused on ensuring that institutions meet minimum formal requirements in relation to their academic programs, rather than serving as indicators of quality or excellence in academic programs. This is supported by the stipulation that the educational authority that grants RVOEs may not impose any requirements other than those stipulated in the Agreements No. 243 and No. 279. AGREEMENT No. 243 art. 4. There are voluntary or informal accreditation and evaluation processes that focus on the substantive quality of academic programs themselves, which are discussed at greater length in Factor 15 below. However, the results of those procedures have no impact on the authorization of an institution to teach law.

Agreements No. 243 and No. 279 are intended to simplify, make transparent, and streamline administrative and operating rules for granting an RVOE by creating generally applicable rules. The federal government can enter into agreements with the relevant state educational entities and decentralized public universities, so that the latter adopt similar criteria for granting state RVOEs or for incorporation of academic programs. *Id.* art. 2. To date, virtually every state has incorporated the key provisions of these Agreements into their own systems. However, some states have elected to continue with their previous practices, and the procedures are therefore still not completely uniform. For example, the federal RVOE is essentially indefinite in duration, while the RVOEs in some states have a set expiration date and are subject to renewal. Another

example is that the federal RVOE only requires that academic program have completion requirements, without defining their content, while some states expressly define the content of graduation requirements. See, e.g., AGREEMENT No. 279 art. 28(III); *Regulations for the Law on Education of the State of Morelos on Matters of Recognition of Official Validity of Studies in Higher Education* arts. 129-131 (adopted by Government of the State of Morelos, Apr. 21, 2009) [hereinafter *Morelos RVOE Regulations*].

There are no clear requirements or procedures for granting an RVOE by a Presidential decree. In fact, very few IHEs have received an RVOE by this method, and those that have are all renowned for the quality of their academic programs and their integrity. Examples of such institutions that offer legal education include the Free School of Law in Mexico City, the Monterrey Institute of Technology and Higher Education, and the Autonomous Institute of Technology of Mexico [hereinafter ITAM].

There are clear requirements and procedures that must be satisfied for the incorporation of an academic program by a public IHE. These requirements relate primarily to infrastructure and the qualifications of faculty, and are very similar to the requirements for granting of a federal RVOE. See generally, e.g., UNAM Dirección General de Administración Escolar, *Reglamento General de Incorporación y Revalidación de Estudios* (General Directorate of School Administration, *General Rules of Incorporation and Revalidation of Studies*) (approved by University Council, Dec. 20, 1966, as amended Jul. 5, 1968), available at https://www.dgae.unam.mx/normativ/legislacion/inc_rev_estudios.html [hereinafter *UNAM Incorporation Rules*]. Generally, the academic programs and curricula of the private IHE, including the rules relating to evaluation, documentation, and degree conferral, should be the same as those of the incorporating institution. The principal difference from the federal RVOE is that incorporation is normally granted for one year, and renewal is subject to compliance with certain requirements and reports. See generally, e.g., UNAM Dirección General de Incorporación y Revalidación de Estudios, *¿Cómo Incorporar Planes de Estudio a la UNAM?* (General Directorate of Incorporation and Revalidation of Studies, *How to Incorporate Curriculum at UNAM*), available at http://www.dgire.unam.mx/contenido/inc_est/incorporacion.htm. The public IHEs that have incorporated the most LED programs are UNAM and the University of Guadalajara.

Factor 3: Licensing and Accreditation Procedure

Initial licensing and accreditation of institutions providing legal education includes an external evaluation process based on established rigorous, transparent, uniform, and internationally accepted quality assurance standards. To ensure continued compliance with these standards, licensed and accredited institutions providing legal education are also subject to a periodic, rigorous, and transparent external evaluation process.

Conclusion	Correlation: Negative
<p>The licensing procedure for IHEs is generally deficient. Federal licensing regulations only establish minimum guidelines regarding the institution's facilities, curriculum, and faculty, and are generally unconcerned with the quality of education. Further, the procedure is not necessarily followed in practice, both at the federal and at state level where states have adopted similar policies. Periodic evaluation should be provided for by licensing authorities, but is usually not performed because of the high number of law programs, the limited staffing, and the lack of knowledge among staff about the programs to be monitored. Moreover, public law schools are not subject to any process of monitoring and evaluation.</p>	

Analysis/Background:

Agreements No. 243 and No. 279 set out general rules for the application process for the federal RVOE, which may be replicated in the legal frameworks of each state. An institution applying for the federal RVOE is required to present its application to the competent office of the SEP, using the forms and schedules that are published as an attachment to Agreement No. 279. Within 10 working days, the competent authority will either admit the application as complete or will request particular information that is lacking. Subsequently, the authority will make an inspection visit to verify the information provided in the application. Finally, within 60 working days from the date of filing, the authority will issue a statement that either grants or denies the RVOE. *See generally* AGREEMENT NO. 279 ch. 1, title 2. The application process for state-level RVOEs is very similar, although, according to interviewees, response times are sometimes longer.

These procedures, however, are often not respected in practice. For example, in many cases, the government does not comply with the deadline of 60 working days for granting or denying an RVOE application. The authorities argue that they allow for longer terms so that IHE applicants have time to supply any requested corrections and to avoid the necessity of having to restart the process. While this may expedite the overall process, it certainly violates the procedure specifically set forth in the Agreements. Even more problematic is the way in which staff responsible for reviewing the applications make a determination on whether academic programs, such as law, are capable of developing the students' ability to practice a specific profession. Instead of being based on opinions and analyses by experts on the subject, such as bar associations or the judiciary, the determination is usually based on whether the proposed program follows those offered by the more established institutions. Further, there are limited personnel and resources to support this process. For example, at the federal level, where most RVOEs are granted, there are currently only 12 people responsible for analyzing the hundreds of academic programs that are presented each year. These staff are charged with evaluating all types of degree programs, whether it is law, engineering, computer science, or literature. Similar situation exists in the states visited by the assessment team.

Yet another complication that arises in the licensing process is related to the procedure itself. Being awarded an RVOE depends on the IHE meeting all of the requirements; however, the inspection procedure only allows for verification of the nature of the facilities. The initial review of the academic plans and curricula and of the proposed professors' qualifications is based on the information contained in the documents submitted by applicants. However, until the RVOE is granted and classes start, there is no way to verify whether the same professors will actually be teaching the courses or if the academic programs are consistent with the application that was approved.

Federal law also sets out the procedure for appealing the decision on awarding an RVOE, which requires the IHE in question to file an appeal, stating the reasons and attaching any supporting documents, within 15 days of being notified of the original decision. LGE arts. 80-85. However, in practice, most IHEs choose to simply file a new application, rather than appeal a negative decision.

Some states that have adopted the federal framework for granting RVOEs have elected to impose requirements in addition to those set forth in Agreements No. 243 and No. 279. For example, each state has a State Commission for Higher Education Planning [hereinafter COEPES], a collegial body composed of university deans, governmental authorities, business people, and citizens, which aims to plan and direct the development of higher education in the state in a way that meets the specific needs of the region. Although these were originally created as consultative bodies, some states now require their COEPES to authorize the granting of an RVOE, even though the precise function of different COEPES varies widely between different states. The work of the COEPES is undoubtedly useful but, as noted by one senior official within a COEPES, the scope of its duties should be clearly defined.

With respect to the procedure for the incorporation of studies, those public IHEs that are authorized to incorporate an academic program have promulgated specific guidelines unique to that institution, as well as established departments responsible for devising and implementing the incorporation procedure. The procedures are, on the whole, very similar to the federal RVOE process. For example, UNAM has the General Directorate for Incorporation and Revalidation of Studies (see <http://www.dgire.unam.mx>), which is responsible for reviewing applications for the incorporation of an academic program. There seems to be a general perception in the field of education that the process for incorporation is rigorous and meets the relevant standards. One reason for this perception is the small number of private IHEs that apply for recognition under this scheme, compared with the RVOE process. The smaller number of applicants allows for more thorough consideration of each application. It can also be attributed to the concern among public IHEs that grant incorporations for their own reputation. Any problem with an incorporated private IHE may generate negative publicity for the incorporating public IHE, and the latter will therefore strive to ensure that private IHEs actually meet all of the relevant requirements.

Factor 4: Disciplinary and Enforcement Actions

When institutions providing legal education fail to comply with established quality assurance standards, disciplinary or enforcement actions are administered fairly, consistently, and transparently, with an appeals process.

Conclusion	Correlation: Negative
<p>The law provides for disciplinary measures for law schools that fail to comply with their licensing standards, as well as a corresponding appeals process. However, the authorities responsible for overseeing this process generally do not have the capacity to monitor all of the programs. Typically, the selection of institutions to which authorities makes inspection visits is arbitrary, and there is a widespread perception that many law schools do not meet the minimum requirements to operate.</p>	

Analysis/Background:

The governmental authority that grants an RVOE or the public IHE that incorporates a private academic program is directly responsible for inspecting and reviewing the approved programs to ensure that they continue to comply with the standards for maintaining their RVOE recognition or incorporation. LGE art. 58. Each of these authorities and institutions has its own procedures for periodically monitoring and evaluating this continued compliance. The vast majority of these procedures are very similar to those used by the federal authorities. See *id.*; AGREEMENT No. 243 art. 7; AGREEMENT No. 279 ch. 1; *see also generally* FEDERAL LAW ON ADMINISTRATIVE PROCEDURE ch. 11 (*adopted* Jul. 14, 1994, *last amendments published* Dec. 15, 2011). Specifically, the relevant authorities are charged with carrying out ordinary and extraordinary inspections. Ordinary visits must be performed twice per academic year in order to ensure continued compliance by the private IHE. Extraordinary inspections are made in connection with the possible commission of an offense or when a private IHE repeatedly fails to provide information required by the authority.

Inspection visits are initiated with a notice from the competent authority that indicates the full names of the inspectors, the institution to be visited, the address of the institution, the planned date of the visit, and the purpose of the visit. The general purpose of each visit is to observe whether the institution has academic programs and curricula, professors, and facilities authorized under the RVOE, to verify that it has an appropriate syllabus, to ensure that the institution collaborates in the assessment and inspection visits, and confirm that the academic program in

question has not been suspended without reasonable cause, accident, or force majeure. LGE arts. 55, 57, 75.

There are provisions for disciplinary action to be taken if an institution does not meet the requisite standard for maintaining its status. Depending on the circumstances, the inspecting authority may impose sanctions such as a monetary fine, revocation of an RVOE or incorporation, or, in some cases, criminal sanctions. *Id.* arts. 75-77. The nature and amount of the penalty are based on the circumstances of the infringement, the damages that have occurred or may occur to students, the severity of the infraction, socio-economic conditions of the offender, and the intentional nature of the offense and whether or not there has been recidivism. *Id.* art. 78.

If, based on an inspection visit, the inspecting authority decides to impose a sanction, the offending IHE has 15 calendar days to respond and provide the information and documents that have been requested. The authority then makes a final decision as to the appropriate final sanction, based on data provided by the IHE and the additional information. *Id.* The law also provides for an appeal process if the IHE disputes the decision of the authority, which is the same as the process discussed in Factor 3 above. *Id.* arts. 80-85.

While the law contemplates inspections and monitoring and sets forth sanctions for educational institutions that fail to comply with the standards for maintaining the RVOE recognition, the authorities that evaluate compliance do not administer or enforce these disciplinary measures consistently and uniformly. One of the principal explanations for this is the government's overriding concern with increasing the availability of higher education to young people. It seems that many education officials believe that it is better to have some higher education opportunities, even those of very low quality, than to have none at all. The revocation of an RVOE causes the termination of the academic program, which not only reduces prospective students' opportunities to access higher education, but also leads to complications for currently enrolled students. In this situation, the competent authority is obliged to "adopt the necessary measures to prevent harm to the students," which in practice means that the university must suggest other options to students. *Id.* art. 79.

Another important reason for the inconsistent enforcement of sanctions is the inability of authorities to adequately perform inspections. At the federal level, as indicated by the SEP's Directorate for Private Institutions of Higher Education, a mere 12 governmental inspectors are in charge of RVOE inspections for 1,200 IHEs with a federal RVOE. Each institution must be visited at least twice during a school year, which means that each inspector must conduct 200 inspection visits a year. Further, given that institutions are located throughout the country, sometimes in areas that are difficult to access, and that generally each institution has several recognized academic programs that require inspection, comprehensive inspections become almost impossible.

In 2010, federal authorities conducted regular inspection visits at only 1,005 IHE. According to data from the Directorate for Private Institutions of Higher Education, some schools received one inspection per year, but most did not receive any visits. While not all IHEs are visited, there are no established criteria to determine which institutions are chosen to receive regular inspections. A similar situation exists with respect to state RVOEs, as most states also lack the ability to perform the required number of inspections. Some states do not even have inspectors on staff. In these cases, the continued compliance of an institution with the licensing standards is determined on the basis of document reviews only.

Of the 1,005 inspection visits made by the federal SEP in 2010, RVOE revocation proceedings were initiated in 140 instances, 100 RVOEs were withdrawn, and 190 institutions were fined.⁵ It can reportedly be common for revocation proceedings to last quite a while, as private IHEs

⁵ These numbers reflect the cases that were resolved in 2010, but may have been initiated prior to 2010.

usually take advantage of the appeals process or apply for an injunction based on an alleged failure by the government to perform some requirement before or during the inspection.

Out of 100 RVOEs revoked during 2010, 40 were revoked because the IHE had no students enrolled in the academic program. As stated earlier, one focus of an inspection is to check whether the IHE has suspended the program without reasonable cause, accident, or force majeure. The federal authorities have interpreted that the absence of students or professors in the program is equivalent to a suspension. An evaluation of the number of students enrolled can be made without performing a physical inspection, because each institution must pay a fee for each student that registers or re-registers. Thus far, only federal authorities have successfully invoked this ground for revoking an RVOE and have won court challenges to such decisions.

The administration of sanctions is not as transparent in practice as the law requires. Educational authorities must publish in the official source a list of institutions that have had their RVOEs revoked. LGE art. 56. However, such information is not sufficiently publicized and is difficult to find.

With respect to incorporated programs, revocation of incorporation is in the discretion of the public IHE, with no appeal available from that decision. See generally, e.g., *UNAM Incorporation Rules* art. 19.

II. Admission Policies and Requirements

Factor 5: Admission Examination and/or Other Entrance Standards

Admission to institutions providing legal education is based upon passing a fair, rigorous, and transparent entrance examination or a comparable set of uniform admission standards that are designed to ensure that the student body has the academic potential to complete the course of study and effectively practice law.

Conclusion	Correlation: Negative
<p>There are no uniform standards under Mexican law for the admission of students to a LED program. Each institution determines its own requirements and procedures for admission to its law program. The majority of law schools have an open admission policy with only nominal eligibility requirements, which aims to attract as many students as possible. Only a very small number of law schools use a selective admission process that admits students with the academic potential required to successfully complete the course of study.</p>	

Analysis/Background:

Under Mexican law, there are neither minimum requirements nor standards for the admission of students to a LED program. The only requirement that is common to all IHEs is that a law school applicant must have successfully completed his or her secondary school education. LGE art. 37. Beyond that, each institution is free to determine its own requirements and procedure for admitting students. In practice, IHEs use one of three types of admission policies: selective, quota-based, and open.

An IHE with a selective admission policy will only admit students that have a sound academic record or that fit a specific profile considered desirable by the IHE in question. Approximately 30% of law schools in Mexico, both public and private, use this type of process. A selective admission policy is based on a requirement that applicants must meet certain minimum criteria, such as a certain GPA in secondary school and the payment of the fee for an entrance exam. Applicants are then required to sit an entrance exam, which may, depending on the institution, be the National Examination for Admission to Higher Education [hereinafter EXANI-II], the College Board exam, or an institutional exam. These exams are not developed specifically for the study of law, but rather apply generally to applicants for all fields of study.

EXANI-II is administered by the National Center for Evaluation of Higher Education [hereinafter CENEVAL]. See <http://www.ceneval.org.mx/ceneval-web/content.do?page=1738#exam04>. It is an admission examination that aims to measure the skills and basic knowledge of the candidates that wish to pursue higher education. The test measures the level of logical-mathematical and verbal skills, as well as the knowledge of Spanish, mathematics, and information and communication technologies. The exam consists of 110 questions and lasts for a maximum of two hours.

The Academic Aptitude Test is prepared by the College Board for Puerto Rico and Latin America (see <http://oprla.collegeboard.com>). Its aim is to measure the ability for critical thinking, mathematical reasoning, and writing skills that students need to study in college. The questions are divided into three sections: critical reading, math, and writing.

The in-house institutional exam is developed by the IHE itself and aims to measure the capabilities of the applicant to pursue higher education and then develop properly in a professional field. Very few institutions add questions that are specific to the study of law for those interested in a law degree.

In addition to the entrance examination, some IHEs administer a psychometric test, which measures an applicant's non-academic attributes, such as personality traits, attitudes, and beliefs. Some institutions also have additional requirements, such as attending an interview with the dean of a law school or passing a preparatory course. The decision to admit or deny admission on the basis of this process cannot be appealed.

In practice, there are some differences in admission criteria among institutions that use the selective admissions process. The most prestigious and demanding IHEs use this process to choose candidates with the best academic qualifications. By contrast, other IHEs use the process to prevent the admission of applicants with a certain profile that the institution considers undesirable. As an example, one of the law school deans interviewed by the assessment team noted that the admission process at his institution seeks to identify and exclude negative leaders and students with low academic levels.

A quota-based admission policy is utilized to select a certain number of candidates from a large pool of applicants and is usually employed by public IHEs, where the number of applicants is much greater than the space available for new students. This high demand is due mainly to the low cost of studies and is greatest in those institutions of higher prestige and quality. Approximately 10% of law schools, including UNAM, the Autonomous University of the State of Morelos [hereinafter UAEM], the Autonomous University of Chihuahua [hereinafter UACH], and the Benito Juarez Autonomous University of Oaxaca [hereinafter UABJO], use this process.

In the past, the quota-based admission process was highly discretionary, and law schools only admitted those applicants who had sufficient influence over the process. This has now changed in the vast majority of institutions. Currently, most IHEs admit students with the highest score in the entrance examination, whether the EXANI-II, the College Board exam, or an in-house institutional exam. In most instances, this score is the only factor that determines admission to a law school at these institutions. The high number of applicants makes it very difficult to incorporate other stages into the admission process. However, some IHEs take into account other criteria, such as the GPA in secondary school or an applicant's academic record in secondary school, or set specific quotas based, for example, on the type of secondary school (public or private) or the applicant's home state.

The implementation of an entrance exam has resulted in greater transparency in the admissions process, a more merit-focused selection of students, and a clearer delimitation of the duties of personnel in law schools. A dean of one of the law schools reported that the introduction of an entrance examination has been extremely beneficial. Whereas previously he would lose valuable time dealing with applicants seeking admission, he can now spend that time working on issues that are truly relevant to the institution.

Many of the IHEs that have a selective or quota-based admission process for undergraduate programs also offer secondary education. These institutions have a separate admissions process for graduates of their secondary school programs, which largely exempts them from some or all of the typical admission requirements. In almost all cases, a student need only have good grades and have not failed any subject to automatically enter a bachelor's degree program.

Finally, the open admission process is utilized by approximately 60% of law schools in Mexico, both public and private. It is used to attract as many students as possible, so there are generally no eligibility requirements, aside from those that are administrative and documentation-related. In some cases, institutions require applicants to pass an exam, but these are only for internal purposes and have no practical effect on the admission decision. In the words of one student interviewed by the assessment team, the admission procedure can be summarized as a sequence of steps related to processing the paperwork, submitting to psychometric and knowledge testing, and showing up to the introductory course that provides information about the university.

Factor 6: Non-Discriminatory Admission

Admission to institutions providing legal education is not denied for reasons of race, gender, sexual orientation, color, religion, political or other opinion, ethnic or social origin, membership of a national minority, property, birth, language, or physical disability.

Conclusion	Correlation: Positive
<p>By law, all individuals are equally entitled to education. In practice, there is generally no discrimination in the admissions process for a LED program. Some institutions seek students that fit a specific profile and, in isolated cases, may discriminate against applicants that do not meet that profile, regardless of their academic ability. As a result of the academically-oriented entry requirements in public IHEs, applicants from a lower socioeconomic background are, in practice, often excluded because of the poorer quality of their secondary school education. This is compounded by the difficulties these students may have in relocating to cities where public IHEs are located, as well as the limited resources available to fund scholarships at the more expensive schools.</p>	

Analysis/Background:

Mexico's Constitution protects the right of all individuals to education, and prohibits discrimination on the basis of gender, age, health or disability, social status, religious opinion, "preferences of any kind," and civil status. MEXICAN CONST. arts. 1, 3. In practice, there is generally no discrimination in the admission of students to institutions providing legal education. No law school in the country formally excludes any applicant because of race, gender, sexual orientation, color, religion, social origin, country of origin, language, or disability. In addition, the number of law schools and the diversity in the structure and content of academic programs gives most students several options to pursue the study of law.

There may, however, be instances of discrimination in the admission process of some IHEs, even though not tied to one of the conventional grounds of discrimination. As noted in Factor 5 above, some institutions, particularly private ones, use a selective admission process that may be designed to keep out applicants with a profile that is considered undesirable by the IHE in question. For example, some of the law school deans interviewed by the assessment team explained that an applicant may not be admitted because his/her values are not compatible with those of the institution, or because he/she does not fit the profile of current students of the institution. Thus, in some cases, applicants may be denied admission based on personal characteristics that have nothing to do with their academic record but that, in the view of those making admissions decisions, may affect their likelihood of feeling accepted within the student body.

Additionally, the high demand for a limited number of places in public IHEs, which are almost free to attend, may result in the exclusion of applicants from a lower socioeconomic background. Because admission is based almost solely on entrance examination scores, the vast majority of these applicants are not accepted, usually because they lacked access to quality secondary school education. As a result, most of these applicants are simply unable to pursue legal education, although some do seek more costly alternatives. In practice, therefore, large numbers of students from a lower socioeconomic background end up attending private IHEs that are more expensive and of lower quality. See THE NEXT GENERATION OF MEXICAN LAWYERS at 73. While annual tuition fees vary significantly between institutions, they generally range between MXN 12,000 (approximately USD 1,000) and MXN 59,700 (approximately USD 5,000) in public IHEs, and between MXN 59,700 (approximately USD 5,000) and MXN 238,800 (approximately USD

20,000) in private ones.⁶ This economic reality cannot be considered discrimination in the conventional sense. As pointed out by one of the students interviewed by the assessment team, the fact that one cannot pass the admission procedure has nothing to do with color, sex, or religion, because anyone can come in and take the entrance exam. The student opined that had discrimination existed, it would not have allowed to achieve the diversity, reflected in having people of all races, colors, and religions represented among the student body. He therefore went on to conclude that the current admission approach is aimed at encouraging people who want to enter to be prepared.

Another factor that prevents people of low socioeconomic status from studying law at public IHEs is the location of the institutions. There are public IHEs in different regions, but applicants have to move to places where they exist, which is very expensive. The only alternative for some applicants, therefore, is to study in a local private IHE, which are founded in more remote regions in order to provide higher education opportunities to students in this situation. The extent to which such institutions offer financial assistance or scholarships is discussed in Factor 7 below.

Although educational institutions do not appear to discriminate against students with physical disabilities, the vast majority of IHEs do not have adequate infrastructure for wheelchairs or to accommodate people with visual impairment. There are students with these conditions studying in the LED programs throughout the country, but they must rely heavily on support from their professors and fellow students to overcome the difficulties that they face within the institution.

One final factor to consider is language. Mexico has a large number of indigenous languages, but there is no law degree offered entirely in one of these languages. There are approximately 100 indigenous law schools, but most of their courses are taught in Spanish. In practice, this should not prevent indigenous students from studying law, because speakers of indigenous languages also speak Spanish as a result of their secondary school studies.

Factor 7: Special Admission Measures

Special admission measures to increase representation of disadvantaged members of society or otherwise underrepresented groups are appropriately employed, where applicable, to further a desirable goal of society or an institution providing legal education.

Conclusion	Correlation: Neutral
The diversity in the number and profile of law schools in Mexico generally means that most students have several options to pursue a degree. However, students from economically disadvantaged background are not given enough support to enter and remain in IHEs. Private law schools are required by law to provide scholarships for such students, but there are too few of these scholarships and they are usually given to students who have already started their degree program. Further, although universities are required to have facilities adapted to the needs of students with disabilities, very few institutions are in compliance.	

Analysis/Background:

The diversity in the number and profile of law programs allows most aspiring law students to find a variety of options to study law. In addition, there are a number of special measures employed

⁶ In this report, Mexican pesos [hereinafter MXN] are converted to United States dollars [hereinafter USD] at the average rate of conversion at the time when the LERI interviews were conducted (USD 1.00 = MXN 11.94).

by IHEs, in particular those that aim at increasing educational opportunities for students from economically disadvantaged backgrounds.

By law, private universities are required to offer scholarships in an amount equal to at least 5% of the total amount paid by students for registration fees and tuition. The scholarships consist of either full or partial payment of the registration fees and tuition associated with attending the IHE. AGREEMENT No. 279 art. 33. However, the criteria for awarding the scholarships, which include not having failed or dropped any of the courses, good conduct, and proof that the scholarship is needed in order to continue or complete the studies, means that the scholarships can only be awarded to students already enrolled in an academic program and precludes prospective students from being considered. *Id.* art. 36. Institutions are free to award additional scholarships based on alternative criteria if they choose to dedicate more than 5% of their revenue to scholarships, but most IHEs are economically constrained and only meet their minimum legal obligation. As a result, very few IHEs offer scholarships to new students. This was confirmed by student respondents, who stated that their institutions did not grant many scholarships. Some IHEs are even reported to give preference in awarding scholarships to children of faculty and staff, regardless of the fact that other applicants may be in greater need of financial assistance. In addition, some institutions do not advertise the availability of scholarships. Several of the students interviewed stated that they were not at all aware about the scholarships, the application procedure followed by the scholarship recipients, or the applicable deadlines or time limits.

Law students enrolled in the public IHEs have an opportunity to apply for a scholarship through the National Scholarship Program for Higher Education [hereinafter PRONABES], which was introduced by the federal government in 2001 (see <http://pronabes.sep.gob.mx>). This program aims "to ensure that students in an adverse economic situation who desire to excel continue their education at the college level in public institutions in degree programs or higher technical colleges." The PRONABES scholarship requires that students are enrolled in, or have been accepted to, a public IHE and that their family income does not exceed three times the minimum daily wage (which currently translates to an equivalent of approximately USD 15).⁷ It does not require a minimum GPA for incoming students and is therefore awarded entirely on the basis of financial need. During the 2008-2009 academic year, 267,385 students were given scholarships as part of the PRONABES program, although there is no indication as to how many of the recipients were law students. See PRONABES, *Menu de Informacion Estadistica del PRONABES (Menu of PRONABES Statistical Reporting)*, available at http://pronabes.sep.gob.mx/inf_gral/inf_est/menuimgn.htm.

Another special measure that indirectly encourages the representation of certain under-privileged groups is the automatic admission of IHEs' staff's family members, especially those working in public IHEs. In many of these IHEs, this is an employment benefit for the administrative and maintenance staff, as well as other employees, and in some cases this even includes financial support. In other cases, automatic admission is one element of the support given by IHEs to their adjacent communities. For example, the campus of one of the IHEs visited by the assessment team was built on a land owned by a community of farmers (*ejido*), and there was an agreement with community members for automatic admission to any academic program offered by the institution. Some professors and students, however, complained about the low standard of entry for community members, who usually have a much lower quality of education and take spaces away from students with better academic qualifications.

With regard to measures taken to assist applicants with physical disabilities, some improvements are being undertaken by IHEs to bring facilities in line with the requirements of disabled students,

⁷ Mexico has multiple minimum wage ranges, which are determined by the federal government annually for different geographical areas and professions. The country is divided into three geographical zones, with daily minimal wage for 2011 set at MXN 59.82 (USD 5) for residents of zone A, MXN 58.13 (USD 4.87) for zone B, and MXN 56.70 (USD 4.75) for zone C. See <http://www.misalario.org/main/salario-minimo/mexico-salarios-minimos/mexico-salarios-minimos>.

such as the installation of ramps to access classrooms, reserved parking spaces, and adjustments made in classrooms and restrooms. As discussed in Factor 2 above, certification procedures for institutions providing legal education consider whether the institution's facilities are sufficient to accommodate students with physical disabilities. Law schools are gradually making adjustments to meet these guidelines.

III. Curriculum and Teaching Methodology

Factor 8: Comprehensive Curricula

Institutions providing legal education have curricula that are comprehensive and incorporate recent developments in national, comparative, and international law in order to provide students with the requisite knowledge and skills to effectively and responsibly practice law.

Conclusion	Correlation: Positive
The standard law school curriculum is comprehensive and can include between 40 and 70 mandatory courses that cover various areas of law, including international law. In addition to core subjects, some institutions also include institutional identity, optional, pre-specialization, and clinical courses. The curriculum is currently being adapted to comply with the newly-adopted criminal justice system.	

Analysis/Background:

There is no law or regulation that defines the content of curricula for programs teaching law. Public IHEs, as well as private IHE with an RVOE authorization to provide legal education, are free to set their own curricula, albeit in accordance with guidelines pertaining to the general form of the curriculum rather than its content. See, e.g., AGREEMENT No. 243 art. 20. Specifically, curricula should strive to develop the knowledge, attitudes, skills, and abilities for the practice of a particular profession and should define: (1) the general objectives and relevant skills to be acquired in a course; (2) the organization of the content of the curriculum by subject or other learning unit; (3) the necessary sequence in which subjects should be taken; and (4) the criteria for student evaluation and graduation. See LGE art. 47; AGREEMENT No. 279 chap. 3, title 2. In addition, the curriculum should be composed of a minimum of 300 credits or 2,400 class hours. AGREEMENT No. 279 chap. 3, title 2.

As part of their certification requirements, private IHEs incorporated within a public institution teach the same curriculum as the incorporating public institution. In some cases, the incorporated IHE has the freedom to choose some subjects from a number of options, so that its curriculum is suited to its local context.

While the purpose of the existing framework is to simplify the procedure and requirements for designing the curricula for institutions that have been granted an RVOE, in practice this is not the case. The government departments responsible for reviewing RVOE applications review curriculum plans in line with the requirements noted above, but they also often demand that curricula include certain content. These departments, at both the federal and state level, have a model curriculum for the law degree, which is usually based on the curriculum of either UNAM or a local public IHE, or on the department's own experience in reviewing curricula over the years. Some interviewees considered this process to be positive, because it allows for greater control over law school curricula and takes into account what is taught in traditional and prestigious institutions. However, other respondents thought that it added uncertainty to the RVOE procedure and was contrary to the legal framework's attempts to simplify the procedure. They argued that it is easy to reject a proposal for an innovative curriculum, even though it provides adequate foundation for the practice of the profession. In addition, some of the model curricula have not been designed by experts in legal education and do not take into account essential aspects of legal knowledge or new developments in various areas of law.

Despite the freedom conferred on IHEs by the law to define the content of their law programs' curricula, in reality there is a great deal of similarity among curricula in the LED programs in

Mexico. This is mainly due to a widespread perception among law school deans, academics, and lawyers about the knowledge required for law graduates, a lack of research about, and innovative proposals for, new educational models, and the existence of the model curriculum that is used for the granting of the RVOE to most private IHEs. THE NEW GENERATION OF MEXICAN LAWYERS at 50.

Additionally, although the content of law programs is generally very similar across IHEs, there is now significant diversity in the structure of the curricula. Each IHE decides the structure of its academic terms, which can be divided by years, semesters, quarters, trimesters, or two-month periods, and the duration of the term varies depending on the number of class hours offered each week. Classes may also be taught in fixed shifts in the morning, mid-day, evening, and night, or in flexible or mixed shifts (e.g., morning and afternoon). All of these factors can influence the scope and depth of courses that are taught.

Generally, the LED degree follows a comprehensive, but highly theoretical curriculum. Depending on the institution, it may consist of anywhere between 40 and 70 compulsory subjects. Almost all curricula include among the mandatory subjects general subjects such as the introduction to the study of law, general theory of the state, general theory of legal procedure, Mexican legal history, Roman law, philosophy and sociology of law, and economic theory; civil law and procedure (including family, property, inheritance, contracts, and liability law); criminal law and procedure; commercial law and procedure (including corporations, commercial paper, secured transactions, and bankruptcy); constitutional law and constitutional appeal (*amparo*) proceedings, as well as individual and social rights; federal administrative law and procedure, as well as local and state legislations; tax law; labor law and procedure; social security law; and notary law. In addition, there are separate courses on public international law and private international private law, as well as courses devoted to legal research and legal ethics. There are also some practical skills courses, which focus on developing the skills required for the practice of law; these are discussed in greater detail in Factor 10 below.

In addition, some institutions require that law students take a number of so-called "core curriculum" subjects at the beginning of their degree, which are common to all of the departments within the institution. These courses seek to develop general knowledge or skills appropriate to any profession, such as computer literacy, English, and oral and written communication. Other IHEs offer what are known as "seal" or "corporate identity" courses, which instruct students in the values of the institution (e.g., leadership, business development, or religion).

Yet another category of courses included in the LED program curriculum instructs students in a specialized area of law. These may be elective courses that students can choose to add to their studies. Institutions that charge higher tuition and therefore have better resources typically offer a greater number of subjects from which students can choose. For example, UAEM offers subjects such as Social and Economic Law, Gender and the Law, E-Commerce Law, and Organized Crime. An alternative model is the so-called "pre-specialties" or a "closing area," in which a student chooses a concentration in one or more areas of the law during the last year of his/her studies. The usual concentrations are in civil law, criminal law, constitutional law and *amparo* law, administrative law, corporate law, tax law, labor law, or social security law.

IHEs, particularly newer, less traditional institutions, have gradually adapted their curricula to respond to new social, political, economic, and legal issues. For example, new courses address subjects such as electoral law, human rights, foreign trade, banking and securities, environmental law, and intellectual property law. The main changes currently being made to the law school curricula reflect the newly introduced criminal justice system. The new adversarial court system, which was piloted in some states in 2004, has been incorporated into the Constitution in June 2008 and will be mandatory throughout the whole country by 2016. See generally DECREE TO AMEND AND SUPPLEMENT VARIOUS PROVISIONS OF THE POLITICAL CONSTITUTION OF UNITED MEXICAN STATES (*adopted* May 28, 2008). As a result, law schools are incorporating courses on criminal procedure law under the adversarial system, oral litigation techniques, alternative methods of conflict resolution, and legal arguments. Some IHEs have created mock trial courtrooms (usually

called Oral Trial Chambers) to teach these courses. It is also becoming increasingly common among the more prestigious public and private IHEs to compete in international moot court competitions, such as the Jessup International Law Moot Court Competition, and in the new national moot courts which reflect the new adversarial system. See, e.g., UABJO, *Primer Lugar Nacional en Competencia de Juicios Orales (National First Place in Oral Trial Competition)* (2010), available at <http://www.derecho.uabjo.mx/anuncios/notajuiciosorales.pdf>. Thus far, only a few institutions, such as UAEM, UACH, and UABJO, have incorporated courses such as alternative dispute resolution and adversarial criminal procedure, but it is very likely that, in the coming years, the vast majority of law schools will include these subjects in their curricula.

Factor 9: Instruction in Ethics and Core Professional Values

Law students receive adequate instruction in the core values and ethics of the profession, including relevant codes of conduct.

<u>Conclusion</u>	<u>Correlation: Neutral</u>
Almost all law school curricula include at least one course to develop the core values and ethics of the professional practice of law. However, this course tends to lack a well-defined scope, be isolated from the rest of the program, and take a theoretical approach. This ultimately does not prepare students for the ethical and professional dilemmas that they are likely to face after graduation.	

Analysis/Background:

Almost all LED programs include at least one course to develop ethical values in students, usually called "Legal Ethics" or "Lawyers' Professional Responsibility." Legal ethics is also included in the model curriculum discussed in Factor 8 above, which federal and state agencies use when reviewing the proposed curricula of institutions applying for an RVOE.

Instruction on ethics can be incorporated into the law school curricula in a variety of ways. For example, some IHEs teach a general subject called "ethics" or "professional responsibility," which is open to students enrolled in different degree programs throughout the university and focuses on general values relevant to any profession. Alternatively, one public university visited by the assessment team, the UAEM,, offers a mentoring program outside the classroom, where students receive training in various subjects, including legal ethics. These tutorials follow a specific program developed by experts in the particular subject.

There are a number of observations that can be made about ethics instruction offered as part of a university legal education. First, there is no clear definition of what the course should cover, at what point in the academic program it should be offered, or the appropriate qualifications of the faculty member assigned to teach the course. For example, in some programs, the course is taught not by lawyers, but by psychologists, sociologists, or philosophers.

Second, in almost all programs, the course is theoretical in nature and very far removed from the ethical and professional dilemmas that a student might face after graduation. The course usually covers general ethical and philosophical concepts, although, in some cases, it may involve analysis of the codes of ethics used by those bar associations that have such codes, the judiciary, and the public administration.

A third limitation is that instruction in ethics and professional responsibility is usually limited to a single course. Ethics training does not permeate the rest of the program, and the subject is not

integrated with other courses – nor are ethical dilemmas considered in other subjects covering specific areas of the law.

Finally, effective ethics instruction is made more difficult in light of the perceived corruption in Mexico's business environment and its judicial system. For example, when discussing this topic during the interviews, one student mentioned that "the professional practice often makes you change and become part of the problem." Because of the issue of corruption in the justice sector, many students believe that what they learn in law school is very different from what they will face in practice. Law faculty members interviewed by the assessment team, however, were generally of the view that ethics instruction in their universities was of a sufficient standard.

Factor 10: Professional Skills Instruction

Law students receive adequate instruction in professional skills, including critical thinking, legal research, analysis, and writing, advocacy skills, and client relations.

Conclusion	Correlation: Negative
The content of the LED programs is predominantly theoretical. Although some law schools offer clinics, workshops, or internship opportunities to their students, in general the development of professional skills is left to activities performed outside the classroom. Such activities may include mandatory social service, a period of practical training, and internships for students.	

Analysis/Background:

By law, the fundamental objective of an undergraduate degree program is the development of knowledge, attitudes, skills, abilities, and work methods for the practice of a chosen profession. AGREEMENT No. 279 art. 13(II). However, in practice, the curricula of law faculties are focused primarily on imparting theoretical knowledge and largely neglect the development of practical skills. This is reflected in the opinion of law students, who have recognized the absence of practical skills instruction. In a nationwide survey that asked law students what they would like to add to their law program, most expressed a preference for a more practical approach that incorporates real problems, develops skills, has a relationship to the practice of law (including new areas of law), uses active teaching methods, and generally prepares them for the professional practice. THE NEW GENERATION OF MEXICAN LAWYERS at 151-152.

A large number of law schools do, in fact, include in their curricula some practically-oriented courses, which might be called clinics, workshops, or forensic practice. In some IHEs, these courses actually work to develop practical skills, for example, by teaching students to prepare a demand, draft a contract, or form a corporation. Additionally, as discussed in Factor 8 above, in response to the introduction of an adversarial criminal justice system, a few newer institutions have started to include oral advocacy courses or classes with mock trials in which students role-play. However, in the vast majority of these courses, the professor simply works with students to analyze the content of a demand, the elements of a contract, or the different types of legal entities that exist, rather than focusing on developing more practical skills. There are no courses that strive to develop students' critical thinking, advocacy, or client relations skills. Although many professors are practicing lawyers, as discussed in Factor 11 below, they generally lack the time and training to develop and teach a more practically-oriented course.

On the other hand, some professors and students believe that the academic programs do encourage professional skills development, both in theoretical and more practically-oriented courses. They noted that, because professors who teach theoretical subjects are also full-time practicing lawyers, they are able to give practical examples in class to illustrate theoretical

concepts. Nevertheless, while most students found this approach quite helpful in providing a better understanding of the course materials, they felt that this alone is not sufficient to prepare them for professional practice.

Thus, on the whole, while the LED programs convey sound theoretical knowledge and introduce students to the vocabulary required to practice law, professional skill development is largely left to activities outside the classroom. These include social service, professional practice, or internships.

Social service is required by law of all undergraduate students in Mexico and consists of 480 hours of temporary work that serves the interests of the society and the state. LEP/DF art. 53; SOCIAL SERVICE REGULATIONS art. 10. While each IHE has the discretion to set its own rules in relation to how students carry out social service, the period of service must last for at least six months and for no more than two years. LEP/DF art. 55. There is no requirement that the social service work be related to a student's chosen degree or specialization. In practice, law students typically perform their social service work during the course of study, most frequently in the government offices, the courts, or the public prosecutor or public defender offices; however, some students may also engage in activities that are not law-related. In addition, most large public IHEs and some private IHEs have pro bono law firms, in which students can work on civil cases for people with limited means in order to fulfill their social service obligation.

Several law schools also require students to complete a period of mandatory practical training as a means of gaining students exposure to an area of law of students' choice. This is generally the case at institutions that require the mandatory social service to be more socially-oriented than legally-oriented. The mandatory practice consists of temporary work done by students at an institution related to the law, under the supervision of an attorney. Students normally undertake these internships in law firms or legal departments of private companies over a period of four to six months.

Finally, students can participate in independent internships which allow them to work outside the law school and their academic program. While these internships are not a required part of the curriculum and do not earn academic credit, many IHEs frequently adjust their schedules and shifts to accommodate this work. Indeed, a recent study indicates that 41.3% of law students work and study at the same time and that, while most work for economic reasons, almost 30% do so to supplement their studies by learning the practical aspects of the law. THE NEXT GENERATION OF MEXICAN LAWYERS at 160, 164.

One of the most intense ongoing debates about the quality of legal practice in Mexico is the absence of additional requirements before a person is eligible to practice law. LEP/DF art. 3. After being awarded a LED degree, an individual only needs to comply with an administrative procedure to obtain a license to practice. That license has no expiration date, no ongoing or additional requirements to maintain professional knowledge and competence, and allows the lawyer to practice law throughout the country. There is, therefore, significant pressure from both practicing lawyers and professional bar associations that law schools supplement their graduation requirements to ensure that students are better equipped to practice law.

Factor 11: Teaching Methodologies

Faculty employ varied teaching methodologies that are appropriately geared at developing professional skills, ethics, and respect for the rule of law.

Conclusion	Correlation: Negative
<p>Law schools use lectures as their predominant teaching method. This approach is encouraged by the perception that the professor is the source of all relevant information for students and that the classroom is purely for gaining theory-based knowledge. Very few teachers vary their teaching methods, which is largely the result of a combination of factors, such as lack of familiarity with other teaching methods among the vast majority of teachers; lack of training in, and of sufficient time to devise, alternative teaching techniques; and lack of appropriate resources to implement an alternative methodology.</p>	

Analysis/Background:

Law courses in Mexican law schools are taught primarily through lectures. This essentially involves the professor lecturing on a given topic, providing some examples from his/her professional experience to clarify the concepts, answering any questions from students, and, in some cases, using audiovisual aids during the presentation. A large number of students consider this approach to be very helpful because it allows them to hear interesting anecdotes from the professors and optimizes the use of the available class time. However, this is a result of students' perception that the professor is the sole source of relevant information and that the classroom exists to impart theoretical knowledge.

There are several factors that contribute to the prevalence of the lecture method in law schools. First, law professors received their legal educations in the form of lectures and are not themselves familiar with alternative teaching techniques. Most are successful lawyers, very good speakers in the classroom, and have the ability to synthesize and convey information well. However, they are simply not trained to teach courses focused on developing practical skills in students, such as research, analysis of real cases, drafting of legal documents, oral arguments, and client relations. Because of the academic freedom that exists in most law schools, professors are free to teach the class in the same way that they were taught as students. Some faculty members therefore believe that an appropriate way for students to develop professional skills is by discussing certain aspects of a subject in front of their classmates or by performing research tasks, irrespective of whether the professor reviews or gives feedback upon completion of the assignment.

According to some law schools deans interviewed by the assessment team, the schools do not offer their professors training opportunities to develop interactive teaching methodologies because the professors are not interested in attending such courses. One explanation for this is the belief that being a successful lawyer is a sufficient qualification to give a good class. Another reason given by professors is that the workshops are not very relevant to legal courses and the people who teach these workshops do not know how to teach the law. However, a number of professors in IHEs that do offer such seminars, such as UACH, mentioned that they are useful and have improved their performance in the classroom.

A second factor contributing to the lack of diverse teaching methodologies is that professors do not have the time necessary to implement the kinds of activities that might help develop practical skills in their students. Over 90% of law professors are practicing lawyers, who spend only a few hours a week at the law school to teach one or two classes. Therefore, it is very difficult for them to commit to the time necessary for leading a workshop, which may require the professor to

monitor and evaluate each student and to provide ongoing feedback on the students' performance. This is particularly challenging in institutions with very large classes.

Additionally, there is a lack of legal materials necessary to teach courses using a model that develops the students' practical skills. Most of the textbooks and course materials used in law schools are theoretical compilations based on concepts, classifications, theories, and comparisons, rather than on the exercises, hypotheticals, case studies, or simulations that would enable more practically-oriented learning.

Finally, the content of the curriculum that professors must convey to students is extremely broad. As discussed in Factor 8 above, law programs are comprehensive and cover a great deal of theoretical material. As a result, both deans and professors consider the lecture method of teaching an appropriate approach for covering all of the course material within the allotted time.

IV. Student Evaluation, Awarding of Degrees, and Recognition of Qualifications

Factor 12: Student Evaluation and/or Examination

Student performance and achievement of stated learning outcomes are assessed by fair, uniform, and stringent written examinations or other objective and reliable assessment techniques.

<u>Conclusion</u>	<u>Correlation: Neutral</u>
<p>The methods for evaluating student performance are, on the whole, objective. Most law schools use written exams, although a significant percentage still rely on oral exams. Law schools have formalized requirements and review procedures for both written and oral examinations. However, these procedures are not always observed in practice, putting students at some risk of a subjective evaluation. Evaluation procedures also lack rigor, as students who fail a subject are allowed multiple opportunities to retake exams in order to pass.</p>	

Analysis/Background:

Each IHE is free to establish its own rules governing the evaluation of students' performance in a given course. In particular, the rules can establish the components to be taken into account in student assessment and the value assigned to each component in the overall grade, the types of exams permitted and the rules for taking the final exam, the minimum average score required to pass a course, the conditions for permitting students to sit for ordinary and extraordinary exams, and any other requirement that students must meet. Typically, 50% of the final course grade is determined by one or two midterm exams, a student's class participation, and homework completion, while the final exam accounts for the remaining 50%. The performance of students in an exam is normally graded on a scale of 0 to 10, with a grade of 6 and above considered passing.

The rules governing the administration of exams in most law schools, such as the University of the Valley of Mexico [hereinafter UVM] in Mexico City, state that exams should be administered in writing. The rationale for this is the perceived objectivity of written exams; namely, everyone sits for the same test. Further, because both questions and answers are in writing, it helps ensure transparency and allows further review in case of a challenge to the results by a student. In practice, however, a student's performance in a law course is often evaluated on the basis of both written and oral examinations. The content of both types of exams is essentially the same, as the exams generally measure students' acquisition of knowledge rather than skills development. Exams typically test students' knowledge of legal concepts, elements, articles of legal provisions, and relevant historical background.

The specific format of written exams varies among law schools. Some institutions administer anonymous tests with a certain format, such as multiple-choice questions, in order to ensure complete fairness. Some IHEs, such as UVM, require that exam questions are first authorized by an internal department that specializes in testing, while others, such as UACH and UNAM, give their professors complete discretion to design the content of written exams. A number of professors and students interviewed by the assessment team believed that written examinations are the most objective and transparent, in that they allow the student to get a review of his/her test in the event of a disagreement. However, others noted that efforts to protect the rights of students, as well as objectivity and impartiality in the exams, limited the possibility of better evaluating a student's theoretical knowledge. They argued that tests with only one correct answer

to each question do not assess a student's critical thinking, legal reasoning, and other professional skills.

Institutions that allow oral exams do so because of institutional tradition or out of respect for the professor's academic freedom to choose the evaluation method. Although law school exams have historically been oral, the number of schools that still use these exams is low; examples include UAEM and UNAM. Professors who use oral evaluation believe that this method has several advantages. For example, oral testing allows professors to more easily determine whether the student adequately understands the subject matter. Further, testing in small groups allows them to assess a student more quickly, without having to spend time outside the classroom grading tests. It is also argued that oral tests help students develop and strengthen their oral communication skills, their ability to synthesize material, and their confidence by mastering nerves while answering legal questions in public. In addition, oral exams allow professors to ask different, more responsive kinds of questions, increasing in complexity as the student demonstrates his/her knowledge of the subject. With respect to the fairness of oral examinations, respondents report that the grading mechanisms they use are objective. In one IHE that expressly allows oral exams, law faculty members confirmed that the exams must be administered by a judging panel composed of three faculty members. Some professors even conduct oral examination of each student in front of the entire class, although several professors reported that they only conduct oral exams with one student present in the room. The view that oral exams are a fair method of assessment was confirmed by the majority of students interviewed by the assessment team.

IHEs have in place various mechanisms to ensure transparency and objectivity of the student evaluation process. First, there is a procedure for an appeal if a student does not agree with his/her grade. The appeal process usually begins with a review of the written examination by the professor responsible for awarding the initial grade in the presence of the student. If the disagreement continues beyond this review, an academic supervisor reviews the exam along with another professor familiar with the subject, who issues a decision. In the case of an appeal of an oral examination, the academic supervisor consults the initial examination panel members. If their opinions differ, or there is perceived bias among the panel members, the student may retake the exam in a written format, with the questions drawn up by another professor. In some institutions, this review process is done without the involvement of the original professor, to avoid possible retaliation against the student in question. In practice, however, students are unlikely to take advantage of these formal procedures for review because of the significant discretion perceived to exist on the part of reviewing professors.

IHEs have also undertaken efforts to prevent and address corruption in student examination and evaluation process, which reportedly exists in some institutions. There was an indication among student respondents that professors may sell exam questions before the exams are actually administered, or ask for a payment or a gift for raising a student's grade. In response to these concerns, IHEs have designated personnel, usually a dean or a faculty administrator, to detect, remedy, and penalize such acts. In practice, however, some students indicated that although there were instances when students filed complaints, the institutions did not take the necessary actions to investigate these claims or to dismiss or otherwise sanction the professor in question.

One of the main criticisms of law school examinations is their lack of rigor. In some institutions, although a professor uses stringent and well-designed testing methods, a student that fails such a test will be given several opportunities to ultimately pass the course. For example, if a student fails the final grade in a subject, the student may take an "extraordinary" test as a second chance to pass. This extraordinary test score then becomes the final grade, regardless of the student's class participation, homework, or regular exams. If a student fails a second time, he/she will be given additional opportunities, sometimes up to five or more chances, to pass, although there is a limit on the number of subjects for which each student may request this special consideration. This flexibility allows IHEs to maintain their enrollment levels while helping students complete their course of studies. Both professors and students complained that such system considerably

degrades the quality of studies as students may not work particularly hard during their degree in anticipation of being able to retake the exams. They also noted that this is reflected in the academic caliber of their classmates. It should be stated, however, that there are a considerable number of law schools that place much stricter limits on students' ability to retake exams in this way.

Factor 13: Awarding of Degrees

Qualifications and degrees awarded reflect that students have successfully completed all requirements and met all standards for the awarding institution.

Conclusion	Correlation: Negative
<p>To be awarded a LED degree, a student must pass all of the required subjects, perform the mandatory social service, and fulfill any additional tasks required by the law school. Verification and evaluation of whether the student meets all requirements for conferral of a law degree are solely the responsibility of each law school. The rigor, objectivity, and transparency in fulfilling the requirements depend on the institution's commitment to the quality of education. In practice, most law schools have very lax procedures for verifying compliance with the graduation standards.</p>	

Analysis/Background:

IHEs that have been granted a federal RVOE have complete discretion to determine their degree conferral options. As confirmed by the SEP's Directorate for Private Institutions of Higher Education, authorities only verify that there is a graduation requirement, without considering its content. AGREEMENT No. 279 art. 28(III). By contrast, some state authorities require IHEs seeking a state RVOE to adopt certain degree conferral requirements. See, e.g., *Morelos RVOE Regulations*. In any instance, however, verification and evaluation of whether the student meets all requirements for degree conferral is the sole responsibility of the educational institution. The degree itself is awarded by the IHE where the student attends law school. However, if the IHE has a federal or a state RVOE, the degree must also be authenticated by the authority that granted the RVOE. LCES art. 18. With respect to a private IHE incorporated within a public IHE, the diploma is issued by the public IHE but includes a notation that the studies were completed in an incorporated private institution.

Generally, to obtain a LED degree, students must take and pass all of the required subjects in their law school's curriculum (discussed in detail in Factor 12 above), perform the compulsory social service (see LGE art. 24; see also Factor 10 above for additional details), and fulfill any additional tasks that may be required for graduation that are stipulated by their institution. Each IHE is free to devise any additional requirements as a condition for degree conferral. AGREEMENT No. 279 art. 28(III).

Traditionally, the only additional graduation requirement has been the completion of a thesis, involving extensive research work on a legal issue and its subsequent defense before a panel composed of three faculty members. However, as verified by faculty deans, this requirement was perceived as adversely affecting the students, as less than 50% of those who completed the coursework and the social service ultimately obtained a degree. Some respondents, including students and faculty, argued that the thesis was seen as an obstacle to degree conferral, since many students were not given sufficient guidance on how to conduct the required research, the research material available in their institutions was limited, and most had no time to write a thesis because of their outside work commitments. Given that this aspect of a degree program is important for the evaluation and accreditation of an IHE, it has prompted IHEs to consider other options for degree conferral in law schools.

While the professional thesis continues to be the only option for degree conferral in many IHEs, at present most IHEs offer a range of alternative degree completion options for students. For example, there are institutions that have adopted alternatives, such as "option zero" or "automatic qualification." This arrangement essentially allows a student who passes the last required subject and provides proof of social service to be awarded the degree automatically. Such an option is usually only available to students with excellent GPAs who have not failed any courses. Institutions that have adopted such a system argue that because their course exams are strict and reliable, no final assessment is needed. Additionally, some professors interviewed suggested that private law schools often use this option to attract more students to their programs. While this trend began with newer, smaller law schools and more prestigious private IHEs, it is now spreading to public IHEs.

Another common option is the use of the General Examination for Graduates of the LED Program [hereinafter EGEL-D], which was developed and is administered by CENEVAL. See <http://www.ceneval.org.mx/ceneval-web/content.do?page=2171>. The EGEL-D demonstrates whether a law graduate has the knowledge and skills necessary to begin effectively in professional practice. Other options include preparation of a dissertation, publication of an article, or completion of a course that reviews the content of the entire law program. An example of the latter is the seminar on basic areas of the law offered at UABJO, which runs over a period of four to six months and reviews the core legal subjects. Finally, institutions with a low percentage of students completing all of the requirements to be awarded a degree, such as UABJO, also use the "degree of professional experience," which requires a graduate to work for at least five years in the field of law.

In addition to academic requirements, some law schools also may include such mandatory components as mastering a foreign language (for example, UNAM which requires proficiency in English), participating in athletic or cultural activities, or even donating a book to the university library.

In practice, the rigor, objectivity, and transparency of the effort a law school makes to observe the requirements for degree conferral depends on the institution's commitment to quality in education. Law schools with the best quality and reputation adhere to these processes very strictly. Most law schools, however, do not enforce graduation requirements rigorously. In those schools, it is easy to pass courses, there is no monitoring to ensure proper completion of the social service obligation, and the process of ensuring that all of the relevant requirements for graduating have been fulfilled is not undertaken seriously.

As discussed in Factor 10 above, there is a significant concern within the Mexican legal profession that students are insufficiently prepared to practice upon graduation because LED is the only requirement for obtaining a professional license to practice law. This raises a separate issue as to whether or not there should be additional eligibility requirements to obtain a license to practice. In the opinion of law schools deans interviewed by the assessment team, passing the relevant courses, performing the social service obligation, and meeting any other stipulated graduation requirements is sufficient for obtaining a LED degree. This does not, however, confirm that it is sufficient for practicing law.

Another obstacle to degree conferral is the fee that IHEs charge for students to complete the degree. While these fees vary considerably between institutions and depending on the degree conferral option chosen by the student, many IHEs take advantage of the fact that students are often already working to charge high fees. Further, some institutions, such as UABJO, may defer degree conferral until students have completed graduate-level programs, which have even higher fees than the bachelor-level programs. Thus, students of low socioeconomic status face a significant problem with retention and successful completion of a law degree. Most law school deans indicated that economic reasons are the main cause of student attrition; one study estimates that, on average, one in every five students drops out, temporarily suspends, or delays his/her studies during the first year of the LED program, and one in every three students does so

during the first two years. THE NEXT GENERATION OF MEXICAN LAWYERS at 81. Very few IHEs establish effective mentoring programs and institutional follow-up for these students.

Factor 14: Institutional Record-Keeping

Institutions providing legal education maintain accurate records that meet national and international quality assurance frameworks and standards in order to facilitate comparability and compatibility of qualifications.

<u>Conclusion</u>	<u>Correlation: Neutral</u>
<p>Law schools are generally required to maintain accurate records; however, the type of information that must be recorded, the form in which it is recorded, and the way in which the information is made public differs depending on the institution. In practice, not all institutions keep current and comprehensive records. In addition, the data reported to the appropriate authority is generally not presented in a way that facilitates a comprehensive understanding of the information about institutions that offer a law degree.</p>	

Analysis/Background:

IHEs in Mexico are required to maintain accurate records by at least three different authorities. First, IHE with a federal RVOE must maintain certain records related to the granting of the RVOE. Second, the federal SEP requires all IHEs to complete the so-called "911 questionnaires." Finally, internal evaluation and accreditation departments within IHEs may require additional documentation.

Private IHEs with a federal RVOE are required to keep the following records for a minimum of five years: the complete file of every student and instructor; names of students enrolled at the beginning of each school year; names of scholarship recipients; students that take proficiency exams, extraordinary exams, and exams to complete their degree; the list of courses taught; records of student grades; library resources; academic calendar; and a record of degrees conferred. AGREEMENT No. 279 art. 27. Further, the institutions are also required to annually submit to the authority that granted the RVOE information on the number of students enrolled by degree program; the regulations of the institution; and information on the format of diplomas awarded, including the university officials required to sign them. *Id.* art. 28. In practice, however, not all IHEs meet these requirements in a timely manner, and the government has no ability to track and enforce compliance. Nonetheless, if an institution is subject to a review or there is an alleged problem, this information and the IHE's compliance with the reporting duties is taken into consideration.

The federal government has established additional record-keeping requirements through its so-called "911 questionnaires." Every public and private IHE in the country must complete these questionnaires, the objective of which is to obtain information from educational institutions on their students, professors, and institutional structure. LGE art. 30; *see also generally* SEP National Education Information System, available at <http://www.snie.sep.gob.mx>. But, despite significant efforts made to collect current information about law schools, the government has so far been unsuccessful in this endeavor. One reason is that the content and format of the questionnaire differs from that used by corresponding authorities in relation to the RVOE application. Thus, institutions must dedicate a lot of additional time to reporting the information. In addition, sanctions for failure to complete the questionnaires are, reportedly, very minimal (see LGE art. 75(XI)), and as a result, many institutions opt not to submit them. Further, until 2004, the information had to be delivered in hard copy to each state's educational authority, which then had to forward it to the central office of the SEP. The quality of information submitted therefore

depended on the ability of states to acquire it and, in some cases, was very poor. Since 2004, there is an option to complete the questionnaire online, which certainly facilitates the collection of the information. Nevertheless, many institutions still do not report their data. According to the most recent data available, in 2006, approximately 200 law schools had not reported any information for the year.

Finally, evaluation and accreditation departments within IHEs require law schools to maintain and provide certain information. The way in which an IHE records, reports, and maintains institutional information has direct relevance to the evaluation and accreditation of a law school program on the basis of the quality of the program. One of the factors considered in the accreditation of a LED program by one of Mexico's two main accreditation bodies, the Accreditation Council for Legal Education [hereinafter CONAED], is whether or not the program has an accurate record of the student body, as well as the transparency and availability of this information. See generally CONAED, INSTRUMENTO DE AUTOEVALUACIÓN (SELF-ASSESSMENT TOOL), available at http://conaed.org.mx/pdf/Lineamientos_CONAED%20_LG2007.pdf. These procedures are gradually succeeding in encouraging IHEs to maintain appropriate records and information on their academic programs. However, it remains a challenge to ensure that all law schools keep complete and current records.

Students' academic records must be disclosed to students upon their request. There is an administrative process at each IHE governing the disclosure of these records, which usually involves paying a processing fee.

Factor 15: Recognition Frameworks and Networks

Institutions providing legal education participate in national, regional, and international quality assurance and recognition networks, and their participation is facilitated and monitored by the entity in charge of regulating institutions providing legal education.

Conclusion	Correlation: Positive
Many of Mexico's law schools participate in various national and international quality assurance and recognition networks. In addition, the government encourages quality assurance of law degree programs by giving institutions the option of undergoing a diagnostic evaluation and accreditation process. Despite being very recent, these mechanisms have succeeded in boosting the quality of legal education in both public and private IHEs. However, participation in these processes remains voluntary.	

Analysis/Background:

Law schools in Mexico have entered into agreements and participate in numerous networks with other national and foreign institutions in order to improve the quality of their programs. At the national level, the key organizations include the National Association of Faculties, Law Schools, Departments of Law, and Institute of Legal Research (ANFADE), which counts among its members nearly 200 institutions throughout the country (see <http://www.anfade.org.mx>). There is also the Alliance for Academic Excellence (APEA), which consists of UNAM and four additional private institutions located in Mexico City (Pan-American University [hereinafter UP], Ibero-American University, ITAM, and the Free School of Law). Internationally, Mexican law schools are members of such entities as the Association of Faculties, Schools, and Institutes of Law in Latin America (AFEIDAL), which brings together more than 200 institutions from almost all countries in Latin America (see <http://www.anfade.org.mx/afeidal>). Another major international network is the North American Consortium on Legal Education [hereinafter NACLE], which is comprised of 12 law schools in the United States, Canada, and Mexico (see <http://www.nacle.org>). The latter is

represented in ACLE by the Center for Economic Research and Teaching (CIDE), the Monterrey Institute of Technology and Higher Education, UNAM, and UP. Among others, membership in NACLE allows law students to participate in study exchanges between member universities, and the network also hosts competitions, conferences, and other events for students and faculty, allowing for interaction between legal education communities of the three countries.

Two other important organizations that aim to improve the quality of higher education in Mexico are the National Association of Universities and Institutions of Higher Education [hereinafter ANUIES] (see <http://www.anuies.mx>) and the Federation of Private Mexican Institutions of Higher Education [hereinafter FIMPES] (see <http://www.fimpes.org.mx>). Although these institutions do not focus specifically on legal education, their work and guidelines have an effect on the quality of law schools. ANUIES, which is comprised of 159 universities, mostly public, carries out studies and projects trends in higher education with a view to promoting the quality and coverage of the programs offered by affiliated institutions. FIMPES, which is comprised of 109 private universities, aims to increase collaboration and communication between member and external institutions, with a similar objective of improving the overall quality of education at member universities.

In addition to these organizations, the government seeks to raise the profile of high-quality educational programs through diagnostic evaluation and accreditation. An institution charged with conducting such evaluation, the Inter-institutional Committees for the Evaluation of Higher Education [hereinafter CIEES], was created in 1991 (see <http://www.ciees.edu.mx>). CIEES assesses the programs, infrastructure, and academic and student community at each university. The evaluation process is voluntary and consists of a self-assessment by the institution in question, followed by site visits by academics from reputable institutions who are specifically trained in CIEES methodology. Based on these evaluations, recommendations are produced to identify the program's educational achievements and shortcomings. The program is then assigned one of three accreditation levels that corresponds to the degree of its development and consolidation.

The Autonomous University of Baja California was the first law school evaluated under the CIEES program in 2000. Since then, only 94 of the approximately 1,300 existing law degree programs, including only 16 private ones, have been evaluated as of March 31, 2011. See CIEES database, available at <http://www.ciees.edu.mx/ciees/reportesCmssql/consultas.htm>. One of the main reasons for this low participation rate is the lack of incentives for private IHEs to undergo the evaluation. While access to special educational grants awarded by the federal government is conditioned upon the outcomes of the evaluation and IHEs that have received higher scores are allocated larger grants, only public IHEs are eligible to apply for these grants.

The accreditation process was formally instituted in Mexico in 2000, with the creation of the Council for Higher Education Accreditation [hereinafter COPAES]. COPAES is the body specially trained and recognized by the federal government, through the SEP, "to give formal recognition for organizations whose purpose is to accredit higher education academic programs that are offered at public and private institutions." See ESTATUTOS DE COPAES (COPAES STATUTES), available at http://www.copaes.org.mx/home/docs/docs_acred/Estatutos_Copaes.pdf. In 2006, COPAES authorized the creation of two accrediting bodies for law programs: the National Council for Accreditation of Higher Education in Law [hereinafter CONFEDE] and CONAED. The main function of these organizations is to assess the quality of law degree programs for the purpose of informing students, parents, prospective employers, and the society in general. Unlike the RVOE or incorporation processes, which only carry minimum, non-substantive requirements, these procedures apply more specific quality standards to their accreditation of programs. These standards are used to assess various aspects of the curriculum; methods and tools used to assess learning; institutional services for learning, infrastructure and equipment; research conducted at the IHE; outreach to local communities and other institutions; institutional regulations governing the operation of the program; academic and administrative leadership; planning and evaluation processes; administrative and financial management; and students and academic staff. See generally CONFEDE, CUESTIONARIO DE AUTOEVALUACIÓN (SELF-ASSESSMENT

QUESTIONNAIRE), available at <http://www.confede.org.mx/acreditacion/cuestionario-de-autoevaluacion.html>; see also CONAED, INSTRUMENTO FINAL (FINAL INSTRUMENT), available at http://www.conaed.org.mx/index.php?option=com_content&view=article&id=13&Itemid=14.

As of March 2011, 58 LED programs have been accredited: 43 by CONFEDE and 15 by CONAED. According to law school deans who were interviewed for this assessment, the relatively low number of accredited programs is a result of two factors. First, some institutions are not interested in accreditation because the only purported benefit is "public recognition of quality," whereas they believe they have other mechanisms for demonstrating the quality of their programs. Second, the vast majority of programs in law simply do not meet the accreditation standards, and therefore are avoiding the potentially negative publicity in the likely event of their failure to obtain accreditation. Indeed, it is estimate that at most 200 institutions will have gained accreditation of their LED programs within the next 20 years.

V. Faculty Qualifications and Conditions of Employment

Factor 16: Faculty Qualifications

Law faculty possess requisite knowledge and competence in their subjects to provide a quality education to students, as evidenced by degrees held, scholarly publications, practical experience, as well as strong teaching skills.

Conclusion	Correlation: Neutral
<p>The law does not require university faculty members to possess particular qualifications, although full-time professors in law schools increasingly have strong academic profiles, largely as a result of the standards set by the evaluation and accreditation of law schools. At the same time, law faculties are overwhelmingly comprised of practicing lawyers who spend only a few hours a week at the school teaching one or two courses. While this has the advantage of bringing the professors' professional experience and networking opportunities into the classroom, it also means that faculty generally lack the time to adequately prepare to teach, grade assignments, support students outside the classroom, or conduct scholarly research.</p>	

Analysis/Background:

All IHEs in Mexico have broad discretion to determine the academic profile of their professors, but generally do require that an applicant for a faculty position hold a bachelor's-level degree and have a mastery of the subject matter he/she is applying to teach. AGREEMENT No. 279, art. 10(I). Additionally, as noted in Factor 2 above, because of legal education's classification as a practical program, there is no requirement that institutions with a federal RVOE have any full-time professors. *Id.* art. 10.

In general, law schools have three types of academic staff, or professors: full-time, part-time, and adjunct practitioners. In practice, approximately 90% of law professors in Mexico are adjunct practitioners; that is, they are practicing lawyers who work in law firms, notary offices, government offices, or in the judiciary, and who spend a few hours each week at the law school teaching one or two courses each academic term. Full-time faculty work at the IHE for 40 hours a week, during which they also teach one or two courses per term, as well as conduct research, mentor students, and perform extension or outreach services, such as public lectures, for the IHE. Typically, they have certain academic credentials, such as holding an advanced graduate degree in their area of specialization. Part-time professors typically work at the IHE for up to 20 hours a week; they may either have the same qualifications and responsibilities as full-time professors but carry a reduced course load, or be adjunct professors with a higher number of teaching hours.

According to respondents, the reliance on adjunct professors has more advantages than disadvantages, both for the students and the IHE. One advantage is that adjunct professors have direct experience with current issues and trends in the law. Additionally, practicing faculty can be retained at a very low salary, because their principal income comes from their professional practice. A professor that holds a senior position and is highly recognized in his/her field also lends his/her prestige to the institution. Finally, an adjunct practitioner establishes a link with the alumni of the institution. An IHE will therefore deliberately foster a relationship with practicing lawyers by inviting them to teach a course. Some adjunct professors also believe that teaching is a way of giving back to their institution. From the point of view of the students, it is useful to be taught by these professors because they act as a gateway to the labor market. In fact, many law students reportedly find their first job either working directly for one of their former professors or with the professor's help.

Among the disadvantages associated with adjunct professors is that their main priority is their legal practice, which makes teaching responsibilities a secondary concern to them. Some of these professors also find themselves performing poorly with respect to things such as attendance or punctuality, reportedly justifying this by the nominal payment they receive from the law school for their services. Further, because practicing faculty are only required to teach, some law schools may not have sufficient faculty to conduct research, extension activities, and tutoring.

Full-time professors exist in the majority of public law schools, as well as in some private IHEs. However, although one of their principal responsibilities is research, most full-time faculty exhaust their allotted working hours with a high course load, administrative duties, and supporting students through tutoring and supervision of professional theses. Further, law schools have traditionally offered very few incentives or other forms of support for research activities. As a result, less than 20% of law schools have faculty who perform any kind of scholarly research. Despite this, full-time professors and their research activities have an increasingly important role at law schools, especially because of the growing importance of diagnostic evaluation and accreditation (see Factor 15 above). Both processes place significant value on professors with this profile. Similarly, the federal government has implemented various programs to encourage these activities among professors. For example, the Program for Professor Improvement (PROMEP, see <http://promep.sep.gob.mx>) was created to permanently elevate the quality of teaching staff and to increase the number of highly qualified faculty. It does so by offering incentives such as grants to support the retention of better qualified academics and research bodies within law schools. Respondents are confident that programs such as this will gradually redefine the profile of professors in leading law schools in the country.

Students interviewed by the assessment team generally reported that most professors were very good, qualified teachers, with an excellent command of the subject matter, and that they were timely and consistent in their teaching. Nonetheless, other interviewees revealed that many professors fail to fulfill their teaching duties, for example, by failing to attend class punctually or at all, by teaching subjects they are not familiar with, or by being unable to effectively convey the learning materials to students.

Factor 17: Hiring, Promotion, and Tenure

Faculty hiring, promotion, and granting of tenure, or its equivalent, are based on rigorous, fair, uniform, and transparent criteria and procedures with a process for seeking appeal or review of adverse decisions.

Conclusion	Correlation: Negative
<p>There are no national policies that govern the conditions for hiring, promoting, or granting tenure to law school faculty, and each institution establishes its own requirements and procedures. Only a few law schools, mostly public, have rigorous, objective, and transparent procedures for hiring and promotion, including a process to appeal adverse decisions. In the vast majority of law schools, hiring decisions are subject to the discretion of the person or group of people that has the most authority in the institution, and there is no real opportunity for review of decisions.</p>	

Analysis/Background:

In the absence of any laws or regulations governing hiring, promotion, or tenure of university academic staff, each IHE has discretion to define the criteria and the nature of the recruitment process, consistent with the profile of that institution.

In practice, a handful of the more prestigious institutions have a greater number of requirements and a more rigorous hiring procedure. Examples of such requirements may include having a post-graduate degree such as a Master's or Doctoral degree, recognition in their specific field of teaching, and several years of teaching experience. Full-time faculty may also be required to provide evidence of their prior academic work, publications, and be prepared to provide tutoring and extension activities. The selection process is frequently competitive and may include an interview before a panel composed of five professors in a specific area of the law. The candidate may then be asked to teach a model class in front of a separate panel, which may or may not include members of the initial interview panel, that evaluates his/her ability to teach the material effectively. Finally, the IHE's leadership will ensure that all of the necessary steps for evaluation were followed, evaluate the candidates on the basis of their interview, mock lecture, and CV, and issue the final decision. This competitive procedure provides a basis for appeal before an appellate body that will generally consist of members of the original panels and more senior faculty if the candidate is not satisfied with the final decision. At the same time, professors interviewed by the assessment team reported that appeals are very rare in practice.

This competitive process can be contrasted with the initial hiring process in the vast majority of the law schools, which lies solely within the discretion of the school's dean, who independently evaluates a candidate's ability to teach law and determines whether his/her qualifications match the educational needs of the IHE. There is no opportunity to appeal for the candidate who disagrees with the hiring decision, although affected professors reported that they understand their employment to be subject to the discretionary and exclusive jurisdiction of the dean. Professors interviewed by the assessment team also believed that less prestigious institutions have no real hiring process because most decisions are made based on personal relationships and political connections, which subsequently affects the quality of instruction.

Initial contracts for full-time and adjunct professors are temporary and normally only cover one academic year, although there is a possibility of renewal of the contract if the professor complies with the guidelines for quality and accountability. Rather than being promoted, faculty are basically rehired for the next academic year. IHEs may base the decision to rehire on objective indicators of academic excellence, such as authoring publications or providing tutoring or extension activities, as well as on evaluations by the dean, the professor's peers, and his/her students through evaluations at the end of the course. These evaluations take into account factors such as mastery of the subject matter, teaching methodologies and skills, attendance, and punctuality. Whether or not student evaluations are taken into account will depend on the IHE; at less reputable IHEs, the evaluations may not have any real influence in the rehiring decision and may simply be passed onto the relevant faculty member or kept on file by the dean.

Very few law schools in Mexico offer permanent tenure, although both full-time and adjunct professors can enter into a permanent contract. Under this arrangement, the latter would become a permanent professor for a particular course, while the former would be appointed to carry out teaching and research activities in a particular area of the law. Permanent academic appointments are made based on the needs of the institution and the availability of positions, so many years may pass without an IHE needing to fill a permanent, full-time professorship. However, when the opportunity arises, the position is generally open to any candidates that meet requirements of academic excellence, responsibility, and seniority. In prestigious institutions, where professorships are numerous and the demand for permanent chairs is high, there is a rigorous and well-established procedure. This procedure is very similar to that for a first-time candidate, but also takes into account a professor's past performance. Some IHEs, particularly the public ones, also have a requirement that professors belong to the union of professors at the institution.

Overall, most professors interviewed by the assessment team reported that the hiring process, whether in the context of initial hiring or rehiring, was clear and transparent and gave them adequate redress in the event that the hiring process was somehow prejudiced.

Factor 18: Faculty Compensation

Compensation for law faculty is set at an appropriate level to provide a reasonable standard of living in order to attract and retain qualified, dedicated, and ethical faculty who are able to devote their time to teaching, research, and public service.

Conclusion	Correlation: Negative
<p>On the whole, compensation for law faculty is inadequate. Adjunct practitioners are paid very little and are attracted to teaching for reasons other than compensation. Payment for full-time faculty is similarly low, although there is more opportunity for them to increase their compensation through bonuses or by teaching in more than one IHE. While there appear to be no issues with law faculty retention, academic salaries would have to increase considerably before compensation can become a factor that attracts individuals to academia.</p>	

Analysis/Background:

There are no laws specifying minimum salaries for university faculty in Mexico. In general, the compensation that law professors receive is insufficient for them to either enjoy an adequate standard of living or devote themselves exclusively to academic activities. In many cases, low pay is one of the causes of absenteeism, tardiness, poor performance, and corruption within IHEs.

Compensation of law faculty varies considerably according to a number of factors, including the type of institution, the contract model under which a faculty member is employed, and the professor's qualifications. Public IHEs usually offer a lower salary than their private counterparts. An adjunct practitioner employed by a public institution may earn, on average, between MXN 40 (USD 3.2) and MXN 100 (USD 8) per hour of teaching, while a full-time professor earns between MXN 15,000 (USD 1,200) and MXN 24,000 (USD 1,920) per month. By contrast, private law schools pay adjunct professors, on average, between MXN 120 (USD 9.6) and MXN 250 (USD 20) per hour of teaching, while full-time professors generally earn between MXN 18,000 (USD 1,440) and MXN 30,000 (USD 2,400) per month. In fact, full-time professors in some of the private IHEs expressed a sentiment that, although their compensation will not make them rich, it is sufficient for them and their families to enjoy a decent standard of living and to allow them to dedicate themselves to the activity that they like the most, namely academia. It should be noted that, while the amounts listed in this paragraph represent average salaries across the country, some institutions (both public and private) may pay at a lower or higher rate than the indicated ranges.

Additionally, IHEs often divide their full-time and adjunct professors into several categories depending on various criteria, such as age, holding of advanced degrees, length of teaching experience, participation in institutional activities, publications, and evaluations. If a professor's placement between categories improves, his/her salary will also improve.

In addition to salaries, a full-time professor's compensation is supplemented through various incentives and benefits. In this regard, public IHEs offer greater benefits than private ones. Incentives, or bonuses, may be paid in recognition of years of service (which is generally reserved for permanent professors), as well as in consideration of issues such as productivity, participation in professional examinations, and production of educational materials. Some of the bonuses also depend on attendance, punctuality, academic activities, and delivery of reports that specify the activities undertaken by the faculty member submitting the report. For some faculty members, these incentives can range between 40-60% of a professor's base salary. Some professors in public law schools acknowledged that they could receive adequate compensation if they received all the bonuses and incentives that are available to them. However, they also felt

that it was quite onerous “to be scoring points here and there” and to not be able to devote more time to key activities such as teaching and research.

With respect to benefits, IHEs generally grant the benefits that are required by law, including vacation pay and bonuses, and, where appropriate, the benefits established under union contracts. For example, some institutions grant automatic admission to faculty’s dependents and provide them with scholarships or discounted tuition, or allow family members of the professors to use the facilities of the institution.

Law schools typically allow professors to work in other institutions or participate in external academic activities, such as attending conferences or presenting seminars or courses, thus allowing them to earn extra income. Law schools also offer scholarships or discounts to faculty members wishing to enroll in courses or postgraduate studies offered by the IHE, which can be considered a financial benefit.

Notably, adjunct practitioners, who make up the vast majority of law professors, only receive a base salary and are not eligible for any of the benefits and incentives. However, these professors reported that salary is not the main reason that they engage in teaching; rather, they are motivated by the joy of teaching, the desire to keep up with legal developments, and in order to give something back to their *alma mater*. They also noted that there are intangible, professional benefits that can arise from the relationships created among professors, as many of them occupy senior positions in law firms, businesses, government offices, or the judiciary.

Factor 19: Academic Freedom and Freedom of Association for Law Faculty

Institutions providing legal education and individual law faculty members enjoy academic freedom, are encouraged to engage in research, are not punished for holding positions relating to academic debate, research, or public service, and have the right to freedom of association.

<u>Conclusion</u>	<u>Correlation: Neutral</u>
Academic freedom and freedom of association of law faculty members in Mexico is protected by law. The vast majority of institutions protect academic freedom with regard to course content and teaching methods. At the same time, the expression of ideas in relation to sensitive topics may be constrained, and professors who are penalized for holding particular views do not have any form of recourse available to them. Freedom of association generally exists in public law schools, but is frequently missing in private institutions.	

Analysis/Background:

Academic freedom and freedom of association in IHEs, and therefore in law schools, are protected by law. This protection extends to both the autonomy of institutions, as well as the freedom of teaching and research and the free exchange and discussion of ideas within those institutions. MEXICAN CONST, art. 3(VII). The rules governing employment relations in IHEs must comply with the autonomy, academic freedom and research, and goals of the institutions. *Id*, art. 123A(XVI).

In practice, professors in the vast majority of law schools enjoy a broad right to academic freedom with respect to course content and teaching methods, as long as these fit within the institution’s academic plan or educational model. The situation is less clear with respect to the freedom of expressing one’s ideas, especially on sensitive topics and in private IHEs. According to respondents, public IHEs are perceived as more tolerant of diverse ideas, even when those ideas

touch upon issues that are considered sensitive, such as controversial political opinions, within the academic community. Professors and students felt free to express their ideas and noted that this was consistent with the values of their institutions. By contrast, professors and students, mostly in private law schools, felt that they do not enjoy the same freedom in the expression of ideas on topics that are seen as sensitive within their law school. Thus, if an institution does not agree with the view of one of its professors, it can simply choose not to renew his/ her contract at the end of the academic cycle, and there are no procedures for faculty to protect themselves in these situations. These problems, however, are not common, since IHEs generally seek to hire professors with a profile that comports with their values, ideology, and institutional context.

With respect to the freedom of association of members of the academic community, there are three models of association at the internal institutional level. One model, which exists in the vast majority of private IHEs, is where professors and administrative personnel are not permitted to join labor unions. Some of these institutions even prohibit a student society to serve as an intermediary between students and the institution, and instead the law school's Board of Directors simply appoints a representative in each classroom to convey administrative messages to the entire group. The professors in these schools may only meet to discuss academic issues, and not for the purpose of advocacy or representation on behalf of faculty. This model reflects the dominant position of the owner, the governing board, the university rector, and law school's dean in the control of an IHE.

Other IHEs allow freedom of association and have unions for faculty and the administration, which work to contribute to the quality of these institutions. The unions are intended to support the quality of programs offered by the IHE by ensuring that staff are adequately prepared, properly compensated, and represented in the governing bodies of the institution. Unions of this kind generally exist in the public and private IHEs that are considered the most prestigious and that offer the highest quality education. Moreover, professors are organized into academies in their respective areas of law, which enrich their teaching by facilitating discussion of teaching and research-related matters. Students are also organized into student societies or associations that contribute to student well-being and the quality of various administrative functions of the institution, such as the selection of speakers for conferences, extracurricular activities, etc.

Yet another associational model, which exists largely in public IHEs that are considered to be of a lower quality, allows freedom of association to a degree that puts the interests of the unions before those of the IHE itself. In this situation, academic unions and unions of administrative personnel seem to be concerned solely with the welfare of their members, even if it comes at the expense of the quality of academic programs and, ultimately, the reputation of the institution. Union members may do their jobs poorly, try to influence all aspects of the institution's operations, and engage constantly in seeking more benefits for their members. The student society responds to the interests of some of its members, while academic bodies, if they exist, are organized into groups of power. Some of the professors who were interviewed by the assessment team stated that unions sometimes demonstrate favoritism toward professors who are members, giving them preference in contract renewals and assignment of permanent positions. Other respondents noted that these types of unions are operated by corrupt leaders, who use the institution for their own purposes or to give privileges to members of their group within the institution.

Finally, a few of the IHEs have more moderate unions with an optional affiliation policy, which strive to provide certain benefits for faculty and administrative personnel who choose to join. These benefits include preferences for permanent tenure and adjunct professors, an easier admission process for family members, and serving as a mediator in conflicts that may compromise a staff member's integrity or violate his/her rights.

VI. Institutional Holdings and Capacities

Factor 20: Access to Legal Materials

Students and faculty have adequate access to the full range of laws and legal materials (national and international) relevant to curriculum subjects and the eventual practice of law, with materials available in all official state languages where appropriate.

Conclusion	Correlation: Neutral
<p>Basic federal and state legislative materials are readily available online at no cost; however, law schools generally have very limited access to updated printed materials or more specialized legal materials. Very few law schools have a comprehensive law library with wide-ranging, up-to-date national and international texts that are in good condition, and most schools do not have access to specialized electronic databases of legislation.</p>	

Analysis/Background:

Students have access to a generally limited range of legal materials, which reflects the relative lack of priority given to this aspect of educational process by authorities. Typically, merely providing the basic materials for each course is considered sufficient. For example, law schools with a federal RVOE must have resource materials needed for the current and subsequent academic cycle. AGREEMENT No. 279 art. 27(VII). It is sufficient, however, for this material to be comprised of only three supporting titles per course or learning unit of the curriculum. The relevant materials can include books, journals, or any other documents in any media (print, electronic, audio- or video-archives), to support the academic process. *Id.* Thus, a law school's library is only required to have three books, journals, or other materials for each course that is currently being taught or will be taught during the upcoming academic cycle.

In general, professors and law students have access to very basic legislative materials, since these are readily available online free of charge. Federal law can be accessed for free on the websites of the federal government (see <http://www.ordenjuridico.gob.mx>), the legislature (see <http://www.diputados.gob.mx> and <http://www.senado.gob.mx>), and the federal Supreme Court of Justice [hereinafter SCJ] (see <http://www.scjn.gob.mx>). Federal materials are also included in the Official Gazette of the Federation (see <http://www.dof.gob.mx>). Similarly, most state laws can be found on the respective websites of state governments or legislatures, although in some states the information is incomplete, outdated, or simply not available in electronic format. While the quality of the information available through federal databases is somewhat better, it is also sometimes incomplete and is not regularly updated or consolidated to incorporate amendments.

The Internet also provides free access to certain basic secondary legal materials. Historically, the main source of information, research, and publications for teaching law has been the UNAM through its Institute for Legal Research. The Institute's Virtual Law Library (see <http://biblio.juridicas.unam.mx>) provides access to the content of approximately 3,000 books, 22,000 scholarly articles, 18,000 contributions to collective works, and 40 research journals. Further, the SCJ's website (see <http://scjn.gob.mx>) includes other relevant materials, such as case law and isolated decisions of the federal judicial branch. In 2007, the SCJ has also rolled out a IUS database of Isolated Jurisprudence and Theses, which contains the decisions of federal courts and related material. See <http://200.38.163.161>.

Professors and students at law schools experience major difficulties with accessing printed materials or legal texts to supplement the basic texts discussed above. Very few law schools in the country have a comprehensive law library with substantial, up-to-date, national and international materials that are in good condition. The vast majority of law schools have a very

basic law library, with a collection of between 200 and 1,000 books and magazines, and lack an electronic catalog of the library's holdings. These collections generally consist of more traditional books for each of the courses included in the LED program. Further, few schools have access to subscription-based specialized electronic legal research databases, such as Terra Legal (see <http://legal.terra.com.mx>).

Law schools are making some efforts to expand their library holdings. For example, some institutions require students to donate a new book as a graduation requirement, while graduates in other schools choose to donate their used books voluntarily. On the whole, however, as a result of such limited access to legal materials, research by professors and students is practically nonexistent, while professional theses fail to demonstrate the required breadth and depth of research.

Space in the library, when there is space at all for students to use, is used mainly to do homework or to have team meetings. The library staffing and hours depends on the kind of IHE: in prestigious public or private IHEs, there may be professional librarians to help the students, and the library may be open from 9:00 am to 10:00 pm during the week and on Saturday mornings. In much smaller IHEs, the law library may be very basic and only open by request, when a student requires a book or place to study. Libraries may be staffed by the IHE administrative staff or by students.

Factor 21: Physical Facilities and Technological Capacities

Institutions providing legal education possess adequate physical facilities and technological capacities to meet the needs of their current program of legal education and anticipated growth.

Conclusion	Correlation: Neutral
<p>The physical facilities and technological capacities of the vast majority of private law schools, as well as some public law schools, barely meet the minimum requirements for sanitation, safety, and educational capacity. Nonetheless, some of the deans, professors, and students at these institutions reported that the facilities are sufficient for the needs of the average student. At the same time, there is a considerable number of law schools with adequate physical and technological facilities that are conducive to the development of students. Almost all law schools have a computer center with Internet access.</p>	

Analysis/Background:

The regulatory framework governing physical facilities and technological capacities in IHEs, including law schools, is very limited. Institutions that operate under a federal RVOE are only required to show proof of legal occupancy of the property, as well as meet basic requirements in relation to sanitation, security, and conditions that are conducive to learning. See AGREEMENT No. 243 art. 17. According to interviewees affiliated with educational authorities, the learning conditions mandated under the law simply mean having a room for each class, equipped with chairs and a blackboard. There is no requirement under the law of any minimum provision of technological facilities.

Most small, start-up private IHEs, as well as some public institutions located in small communities far from major population centers, fulfill only these minimum requirements. The facility itself may comprise several classrooms equipped with space-saving and basic furniture; a multi-purpose room used for lectures, extraordinary classes, such as when two classes are brought together for a specific exercise, or professional exams; and a lounge that serves as a library and houses a

few computers with Internet access and desks for students to work. There may also be a room for the dean and administrative staff, which doubles as a conference room for professors. Such institutions typically have limited financial resources, and students rarely, if at all, use the school's facilities for anything other than attending their courses. Classes are usually taught in the evening or at night, because many students work during the day, and the premises may be used to teach secondary school programs during the day. While students at these law schools indicated that the institution offers what is needed to study, they would prefer to have better access to technological resources in order to avoid having to pay for it out of their own pockets.

A large number of public and private IHEs similarly have basic facilities, but they also provide additional space that the law school community requires for its programs. The classrooms are generally of adequate size, with basic furnishings that are in good condition. The library has a common space for students to study in, and a medium-sized collection of legal materials. The computer center has a few computers equipped with basic software and Internet access. In addition, there is an auditorium or room for special events that is equipped with audio and projection equipment. There is generally also a cafeteria, a common room for students, and a multipurpose room or area where students can engage in cultural, artistic, or sporting activities. Deans and administrative staff have their own, albeit small, space. Professors generally share an air-conditioned common room where they can hold office hours to meet with students.

Finally, a large minority of public and private IHEs, usually those located in Mexico City or other major cities throughout the country, have adequate facilities for the comprehensive development of students. To facilitate the education of students, these institutions have large classrooms equipped with a computer, projector, whiteboard, and chairs that are in good condition, and which possess adequate lighting and Internet access. There is generally also an extensive, well-organized library, with individual, common, and study group spaces, a digital catalog, and a good collection of books. Computer centers are equipped with a sufficient number of computers for the number of students, and the computers are in good condition, with Internet access and options for printing. These institutions have spaces for advanced academic activities, such as an auditorium for conferences or a mock courtroom equipped for oral trials. With respect to the social and cultural development of students, these institutions have space that allows for students to socialize, a cafeteria, and recreation areas with Internet access. Further, there are air-conditioned spaces for art activities, as well as sports facilities. There is also sufficient space for professors, deans, and administrative staff to perform their duties properly.

Factor 22: Class Size and Administrative/Support Staff

Institutions providing legal education have a reasonable student to teacher ratio, appropriate class size, and sufficient administrative and support staff to achieve the educational goals of the institution.

Conclusion	Correlation: Positive
<p>The majority of law schools have a reasonable student to teacher ratio and sufficient administrative and support staff to achieve the educational goals of the institution. Small class sizes allow for students to receive personalized attention from professors. However, several public law schools have an unsatisfactory student to faculty ratio and very large classes, although this is changing under the influence of evaluation and accreditation processes.</p>	

Analysis/Background:

The number of students in each class, the student to professor ratio,⁸ and the number of administrative and support staff varies considerably among law schools. Most private IHEs, which are generally criticized for their poor facilities and low enrollment, have relatively small classes with a low student to professor ratio. In fact, some of these IHEs have fewer than 100 students enrolled in their LED programs. The classes are typically between 10 and 20 students, with a ratio of approximately 10 students per professor. An incoming class of 30 or more new students will usually be divided into two groups, although this is primarily due to the small classroom sizes that cannot accommodate a larger number of students rather than a deliberate educational policy. Students at these institutions recognize the value of small class sizes. They noted that they have a close relationship with their professors because of the class size, which allows for good quality interaction within the classroom. Students also mentioned that the professors know the names and backgrounds of each of the students, and therefore are able to choose examples in class that the students will find relevant. Administrative personnel and support staff in these institutions are sufficient to perform the very basic duties assigned to them, which mainly concern simple administrative tasks in relation to the student body and faculty, such as ensuring that all of the paperwork required of students has been submitted. They generally do not undertake substantive student support services, such as career counseling or managing alumni relations.

Other private IHEs, as well as public IHEs with low demand for available places, have medium-sized classes and an intermediate ratio of professors to students. Classes have between 15 and 30 students, with about 15 students per teacher. These institutions are very careful about any potential increases in the class size, because private IHEs promote smaller classes as one of the aspects of personalized education that they offer. However, this may not always be respected in practice, for example, if the cost of opening a new class exceeds the tuition revenues. Administrative and support staff in these institutions perform more varied functions. They generally serve in a student support office, focusing on the following areas: tutoring, oversight of students' social service obligation, administration of degree conferral, managing faculty relations, monitoring the curriculum and the job bank (the central resource for students to find job opportunities), and institutional relations. Respondents felt that the number of administrative personnel in these institutions was insufficient for all the functions that should be performed, which they attributed to the prohibitive cost of hiring more staff.

On the opposite end of the spectrum are the public IHEs which are in high demand. According to the deans of several of these institutions, one of the main functions of the public university is to fulfill a broader social function, as a result of which they strive to give the opportunity to be educated to as many students as possible. The maximum number of students is determined not on the basis of an academic policy, but rather by the number of students that can fit into a classroom. In some of these IHEs, the assessment team observed classrooms that were filled to their capacity from very early in the morning until late at night. The number of students in these courses is usually between 40 and 100. However, these IHEs also employ more professors, which usually helps keep the student to professor ratio at about 20 students per professor.

The number of administrative and support staff in these institutions is quite high, due to the large student body and faculty that they must serve, as well as the activities that they perform. While the general support services are similar to those offered by medium-sized IHEs, respondents believed that there is a sufficient number of staff to adequately perform these tasks. However, there were complaints from both professors and students in relation to the lack of professionalism on the part of some administrative personnel. They noted that some perform their tasks poorly

⁸ When discussing the student to faculty ratio, adjunct practitioners are taken into account, since the majority of law schools have no full-time faculty and rely heavily on teaching staff who work primarily as practicing lawyers.

and have an unhelpful and unfriendly attitude, which they are able to maintain because of the protection that their labor union offers.

It is worth noting that diagnostic accreditation and evaluation programs that the public law schools have been undergoing have resulted in somewhat improved student enrollment numbers. These assessments require that the number of students per classroom does not exceed 40. In fact, the deans of law schools that have submitted to the accreditation process have reported that they would need to lower their current student to professor ratio in order to qualify for accreditation. A number of public IHEs have already complied with these standards.

List of Acronyms

ABA ROLI	American Bar Association's Rule of Law Initiative
AFEIDAL	Association of Faculties, Schools, and Institutes of Law in Latin America
ANFADE	National Association of Faculties, Law Schools, Departments of Law, and Institute of Legal Research
ANUIES	National Association of Universities and Institutions of Higher Education
APEA	Alliance for Academic Excellence
CEEAD	Center for the Study of Teaching and Learning the Law
CENEVAL	National Center for Evaluation of Higher Education
CIDE	Center for Economic Research and Teaching
CIEES	Inter-institutional Committees for the Evaluation of Higher Education
COEPES	State Commission for Higher Education Planning
CONAED	Accreditation Council for Legal Education
CONFEDÉ	National Council for Accreditation of Higher Education in Law
COPAES	Council for Higher Education Accreditation
EGEL-D	General Examination for Graduates of the LED Program
EXANI-II	National Examination for Admission to Higher Education
FIMPES	Federation of Private Mexican Institutions of Higher Education
GPA	grade point average
IHE	institution of higher education
ITAM	Autonomous Institute of Technology of Mexico
LCES	Law on the Coordination of Higher Education
LED	<i>Licenciatura en Derecho</i> (undergraduate degree in law)
LERI	Legal Education Reform Index
LGE	General Law on Education
MXN	Mexican pesos
NACLE	North American Consortium on Legal Education
PROMEP	Program for Professor Improvement
PRONABES	National Scholarship Program for Higher Education
RVOE	Official Recognition of the Validity of the Studies
SCJ	Supreme Court of Justice
SEP	Secretariat of Public Education
UABJO	Benito Juarez Autonomous University of Oaxaca
UACH	Autonomous University of Chihuahua
UAEM	Autonomous University of the State of Morelos
UNAM	National Autonomous University of Mexico
UP	Pan-American University
USD	United States dollars
UVM	University of the Valley of Mexico