

# Revista de Administración Pública

The logo for the Instituto Nacional de la Gestión Pública (INNP) consists of the letters 'INNP' in a bold, black, sans-serif font. The letters are stylized, with the 'I' and 'N' being slightly wider than the 'P's. The logo is positioned to the right of the journal title, separated by a vertical line.

**Romero Gudiño, Alejandro.** *Judicial Innovation. Professionalization, Accountability and ethics*, México, Porrúa-Universidad Panamericana 2007.

Alejandro Romero Gudiño is a man that goes beyond curiosity, carefully observes all the scope he is in, and systematizes his observation results providing them an order, coherence, scientific value; as it is shown in “Judicial Innovation”.

Loyal to its direct and simple style, Doctor Romero Gudiño opens a window to Federal Judicial Power function, vision and mission knowledge, even though its important role as a citizens’ rights warrantor, is the least known of the three Union Powers regarding its mission, structure and operation. Discounting professional devoted to Law and the Judicial Power employees, the Mexican people segment that knows it, is relatively small.

To this work value, the wise distinction that the author establishes between **”Justice Bestowing”** and **”Justice Administration”** concepts, is added. This is relevant, since any government organ, Judicial Power included, requires management. To this branch of the Public Power corresponds the substantive Justice Bestowing responsibility, and in order to comply with it, adjective processes and functions assigned, which give a reason for being to the **Federal Judicial Council**, for which its substantive responsibility is **Justice Administration** are required.

Alejandro Romero reminds us that the Federal Judicial Council was born parting from the Organic Law of the Judicial Power issuing in 1995, with the purpose of managing human, materials and financial resources.

Likewise, the Judicial Council emerged from the need for accounting with an organ exclusively devoted to create control and surveillance mechanisms, as well as providing transparency to the judicial management and its administration. This would be possible only through “a specific structure of the procedures and rules for adscription, removal, sanction and discipline of the Federal Judicial Council, particularly of the District Judges and the Circuit Magistrates”, as he points out in his work.

Professionalization and training of Public servants in charge of the judicial management, is an element considered also in the attributions and functions of the Judicial Council, and due to this, it is in charge of administering the “Judicial Career” based in the merits for the career professional service system.

According with article 105, of the Organic Law of the Judicial Power, by Judicial Career it is understood:

“Entering and promotion of public servants of the Federal Judicial Power jurisdictional career, that shall be ruled by excellence, professionalism, objectivity, impartiality, independence and seniority principles, in its case”.

At approaching the Judicial Career topic, Doctor Romero Gudiño, refers to the professional career service as “an additional instrument of public administration **amendment and modernization...**” in charge of reinforcing and guaranteeing legality, legitimacy and efficiency of all public action carried out by the Political Powers and all the public organisms.

Conceptualizes professionalism as “a series of mechanisms that allow making rules that shall rule public servants performance clear and transparent; rules that determine the entrance, mobility, promotion, incentives, and in its case public servant separation, allowing that this be done considering the aspirants formation, capabilities and abilities in accordance with the position”.

In its study, Romero Gudiño identifies the following elements in the career professional service:

1. Prescriptions and procedures
2. Principles and values
3. Entrance, tenure and laboring separation

4. Assessment and performances understood as a “processes coordinated set that allows to establish measuring and assessing mechanisms for public servants performance; which is based in measuring tools, this is, the factors and indicators set as well as their application rules, results processing and interpretation, designed to measure a person performance”.

Nevertheless as a result of his analysis, the author observes that the professionalization process “... **has overtaken the public administration field, as an Executive Power exclusive function, to be also included within the amendment and modernization process of other State Powers. For what we can also speak about professionalization within the Legislative and Judicial Powers, and the consequent implementation of career professional services suitable to the appropriate processes, functions and competences for each of the State Political Powers**”.

The author describes a scheme and composition of these Power employees, where he states that the only employees immersed in the professionalization system, are those denominated as “political appointees with formal and materially jurisdictional functions”, within which magistrates, judges, and such Power secretaries are included.

Continuous judicial training and professionalization process for this employees category, is lead by the Judicature Council, who leans on the Federal Judicature Institute (auxiliary organ of the Council), this last is in charge of “researching, forming, training and updating the Federal Judicial Power members, and of those that aim to enter it...”; likewise it shall carry out preparation courses for the corresponding examinations of the different categories forming the judicial career.

Romero Gudiño emphasizes that the career professional service should be lead not only to this small Judicial Power employees segment, but should be widen up to employees denominated as “political appointees with substantially administrative functions”, this group includes public servants of the Judicial Power administrative areas, such as Human Resources, and Material Resources Administration, among others; arguing in this way justice bestowing and administration would improve their performance in quality, efficacy and productivity terms.

**As any career professional service, Judicial Power is ruled under the merit principle “this is, that the service entering, naming and promotion to higher grades, shall be obtained by those people that have demonstrated merit and enough capability, having been submitted to realistic and impartial tests or examinations.**

**Based on this merit principle, the author states that the career professional service within Judicial Power “has been led more to satisfy public servants needs and demands, than to satisfy the citizens”, that is why he calls it “the other slope of professionalism for justice bestowing”, which should be oriented “predominantly to the needs of the justiciable”.**

**This is an appropriate warning, since judicial career orientation, privileges the officer without considering the Mexican population service.**

For improving and consolidating the judicial power career professional service, the author proposes implementing performance indicators, seen as “quantitative and qualitative parameters; of managing, impact and covering assessment; the use of these indicators would help a continuous assessment results, with an emphasis in results and organizational change”.

He also points out that the only judicial performance indicator that actually exists is “the number of annual pending matters, against the received and solved, used at the moment of analyzing a magistrate or judge judicial career. Due to the previous, he proposes adopting more accurate indicators, for example “which considers the judicial matters rescission, considering in a generalization exercise, that the sentence dictated by an inferior instance can be appealed or revised by a superior instance, which can be solved in three senses: confirming, modifying or revoking”. The results carried out by the use of this proposed indicator, would facilitate measuring a judicial organ’s efficacy or inefficiency. He also proposes the use of other performance indicators “that can influence the judge behavior, leading to organizational changes”, which would be reinforced by an incentives system.

Regarding the public servant separation process, the author expresses that “in terms of the Judicial Career consolidation, and

considering the public responsibility inherent to the jurisdictional operation, as well as in acknowledging and dignifying judicial labor, at its ending either by volunteer or forced retirement, or in its case, for incapacity, the establishing of benefits in order to increase the pensions system quality, is proposed”.

**Romero Gudiño’s reflection, necessarily take us to establish a paradigm change: “To pass from a system that protects the public servant in the first place, to one which puts society service as a beginning and end of its action.”**

**Verónica García Cisneros Flores**