

THE JUDICIAL REFORM: CHALLENGES AND STRATEGIES FOR ITS IMPLEMENTATION

SEPTEMBER 2024

Executive Summary:

- The Reform Decree by virtue of which various provisions of the Political Constitution of the United Mexican States are amended and repealed to implement significant modifications to the organization and functioning of the Federal Judiciary, was approved and published on September 15, 2024, in the Federal Official Gazette, entering into force on September 16, 2024.
- **We consider that the potential political-judicial transition foreseen by said reform, scheduled for September 2025, poses a challenge for proceedings initiated prior to the entry into force of the reform. The above, given the latent risk of extending procedural deadlines beyond the originally anticipated timeframe, makes it crucial to act diligently and expedite the resolution of these cases to avoid further delays.**

The reform proposed by the Federal Executive, which was approved and published on September 15, 2024, in the Federal Official Gazette, entering into force on September 16, 2024, amends various provisions of the Political Constitution of the United Mexican States, including: (i) the composition of the Supreme Court of Justice, (ii) the procedure for appointing Justices of the Supreme Court, Circuit Court Magistrates, and District Court Judges, establishing a popular election process for these positions, and (iii) setting a maximum period of 6 months for the issuance of the corresponding rulings, counted from the time the case is brought to the attention of the court.

In this regard, given that the Decree has been approved and published in the Official Gazette of the Federation, the implementation of the judicial reform must adhere to the transitional provisions established in the Opinion issued by the Constitutional Points Committee of the

Chamber of Deputies. Among other things, it is foreseen that upon the entry into force of the reform, the 2024-2025 extraordinary electoral process will commence for the election of all Justices of the Supreme Court, as well as half of the Circuit Court Judges and District Court Judges. The remaining half will be elected in the regular election of 2027.

Thus, since the Senate will have a period of 30 calendar days from the entry into force of the reform to issue the call for candidates to participate in the election, and given the lack of secondary and regulatory provisions, the Decree grants the General Council of the National Electoral Institute the authority to issue the necessary agreements for the organization of these elections. Those currently serving in these positions may participate in the extraordinary election on the first Sunday of June 2025. However, if they are not elected by popular vote, they must step down when the newly elected



public officials take office.

As a result, for cases initiated before the entry into force of the reform, if those proceedings have not been concluded before the inauguration of new officials, the 6-month period established by the Decree amending Article 17 of the Constitution will restart. If a judgment is not rendered within this period, the public official in charge of the case must notify the Judicial Discipline Tribunal to justify the delay.

Therefore, we recommend pushing the trials and procedures that are pending to be resolved, to attain the issuance of the corresponding judgements before the political-judicial transition expected in September 2025. Failure to do so may result in procedural deadlines being extended beyond those initially anticipated due to the changes stemming from the ongoing reform. It is crucial to act diligently to avoid further delays.

Roberto Fernández del Valle
Partner
fernandez@s-s.mx

Mariano Calderón
Partner
mcalderon@s-s.mx

Carlos Brehm
Partner
cbrehm@s-s.mx

Alexa Zuani
Associate
alexa.zuani@s-s.mx