

AFTER THE ELECTION

JUNE 2025

"There is no deadline that isn't met." Everyone is familiar with the cliché behind this phrase.

In the context of the Mexican legal system and, specifically, the reconfiguration of the Federal Judiciary (PJF), we are precisely at that moment. After more than a year of discussion, commentary, criticism, study, analysis, and dissection of the so-called judicial reform—materialized through the constitutional reform decree of September 2024—we have finally witnessed the completion of the first phase of this reform, with the extraordinary election held on June 1st.

With the election and vote counting carried out by the National Electoral Institute, the process to determine who will serve as judges within the PJF starting September 1, 2025, has concluded. Thus, all the preliminary steps outlined in the Decree are now behind us. These included, in general terms: the call for candidacies, their evaluation, the drawing of lots to determine which positions would be subject to this extraordinary 2025 election (half of the judges and magistrates of the PJF), the formation of evaluation committees from the three branches of government, the designation or drawing of candidates, the design of ballots and voting centers, the electoral campaigns, the appearance of voting "cheat sheets," and finally, the election day itself.

As a result, we now know who has been elected to each position and, consequently, who will take office as justices, magistrates, and judges on September 1, 2025. This marks the first phase of the reform; the

second phase concerns what will happen once the new judges take office. In light of this, I believe it is necessary to offer some comments and reflections on what comes next. What will happen after the election?

COURTS AND TRIBUNALS

On September 1, the elected individuals will begin their duties in each of the judicial bodies, some of whom are judges and magistrates who were already serving before the reform and chose to run in the election. It is essential to remember that the new judges represent only half of the PJF's total judges and magistrates. The other half will remain in their positions as they were before the reform. This is significant because it ensures a broad base of experienced, career judges that remains in place, which is particularly important in collegiate bodies where both new and seasoned profiles will inevitably work together.

Another key point is that, regardless of whether a judge is newly elected or a career judge, all their rulings and decisions must strictly adhere to the letter of the law—without exception and beyond personal biases or political leanings. Additionally, all judges are obligated to observe and apply existing jurisprudence. Failure to do so may result in investigation and sanction by the newly established Judicial Discipline Tribunal.

SUPREME COURT OF JUSTICE OF THE NATION (SCJN)

The SCJN will be restructured to include 9 justices instead of the current 11, and it will operate and deliberate exclusively in plenary sessions, with the two chambers that currently exist being eliminated. I believe this will lead to greater delays in the study and resolution of cases due to: (i) the learning curve for individuals without judicial experience who will be handling existing and incoming cases; (ii) the reduced number of justices, which means more cases per person, compounded by the likelihood that, in line with the official austerity narrative, no additional staff (such as clerks or assistants) will be hired; and (iii) the fact that most cases previously handled by the SCJN were resolved more efficiently in the chambers, which were reserved for less significant matters, while the plenary handled only the most important cases.

JUDICIAL DISCIPLINE TRIBUNAL

This newly created Tribunal, composed of five elected magistrates, will begin operations. It has the authority to “initiate investigations ex officio or upon complaint, take over proceedings related to serious offenses or acts defined as crimes by law, order precautionary and enforcement measures, and sanction public

servants who commit acts or omissions contrary to the law, the administration of justice, or the principles of objectivity, impartiality, independence, professionalism, or excellence, in addition to other matters defined by law” (fourth paragraph of Article 100 of the Constitution).

Sanctions may include warnings, suspensions, financial penalties, dismissal, and disqualification, as well as referring potential criminal conduct to the Public Prosecutor. The Tribunal’s decisions will be final and unchallengeable, meaning no appeals or reviews will be allowed.

Under this new constitutional framework, the Judicial Discipline Tribunal will become the highest authority within the PJF, with broad discretion and power to investigate and sanction any judge, without the possibility of appeal or challenge.

LEGAL CRITERIA AND JURISPRUDENCE

While it is foreseeable that over time we will begin to see new legal interpretations from the SCJN and the Collegiate Circuit Courts, this will not happen immediately or abruptly, as it is impossible to suddenly overturn all existing jurisprudence. The Amparo Law sets out the terms and requirements for jurisprudence to be binding, as well as for its interruption. This requires a variety of cases to arise over time, involving legal situations covered by the existing jurisprudence, and a justified need to change the current criteria. It is also important to remember that, in the case of the SCJN, a qualified majority of six votes is required to change precedent.

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