BEYOND HIGH COURTS

The Justice Complex in Latin America

EDITED BY

Matthew C. Ingram and Diana Kapiszewski

UNIVERSITY OF NOTRE DAME PRESS

NOTRE DAME, INDIANA

University of Notre Dame Press Notre Dame, Indiana 46556 undpress.nd.edu

Copyright © 2019 by University of Notre Dame

All Rights Reserved

Published in the United States of America

Library of Congress Cataloging-in-Publication Data

Names: Ingram, Matthew, editor. | Kapiszewski, Diana, editor.

Title: Beyond high courts: the justice complex in Latin America / edited by Matthew C. Ingram, Diana Kapiszewski.

Description: Notre Dame, Indiana: University of Notre Dame Press, 2018. |
Series: Kellogg Institute Series on Democracy and Development |
Includes bibliographical references and index. |

Identifiers: LCCN 2017035327 (print) | LCCN 2017036540 (ebook) | ISBN 9780268102838 (pdf) | ISBN 9780268102845 (epub) | ISBN 9780268102814 (hardback) | ISBN 0268102813 (hardcover)

Subjects: LCSH: Courts—Latin America. | Justice, Administration of—Latin America. | BISAC: LAW / Comparative. | LAW / Courts. | HISTORY / Latin America / General.

Classification: LCC KG497 (ebook) | LCC KG497 .B49 2018 (print) | DDC 347.8/01—dc23

LC record available at https://lccn.loc.gov/2017035327

∞ This paper meets the requirements of ANSI/NISO Z39.48-1992 (Permanence of Paper).

CONTENTS

	List of Figures and Tables	vii
1	Introduction: Beyond High Courts Matthew C. Ingram and Diana Kapiszewski	1
2	Reforms to the Public Prosecutor's Office in Brazil, Chile, and Mexico: The Role of Justice Sector Interest Groups Azul A. Aguiar-Aguilar	39
3	Operationalizing and Measuring Prosecutorial Independence: The Brazilian Case Ernani Carvalho and Natália Leitão	81
4	Public Defense and Access to Justice in a Federal Context: Who Gets What, and How, in the Argentinean Provinces Catalina Smulovitz	113
5	Judging Elections: Electoral Courts and Democracy in Latin America's Federal Systems Diana Kapiszewski, John Seth Alexander, and Robert Nyenhuis	143
6	The Electoral Court and Party Politics in Brazil Sídia Maria Porto Lima	183

STJ00110332

vi Contents

7	Watching the Watchmen: The Role of the Brazilian Supreme Court's Chief Justice in Checking Lower	219
	Court Activism	
	José Mário Wanderley Gomes Neto, Ernani Carvalho,	
	Danilo Pacheco Fernandes, and Louise Dantas de Andrade	
8	Judicial Councils in Mexico: Design, Roles,	255
	and Origins at the National and Subnational Levels Matthew C. Ingram	
9	Transnational Protection of Human Rights	303
	in Latin America	
	Mary L. Volcansek and Matthew C. Ingram	
10	Comparative Law and Courts Studies:	335
	Some Reflections and Directions	
	Martin Shapiro	
	List of Contributors	355
	Dist of Conditions	33.
	Index	359