



## AN OVERVIEW OF MEXICO'S SYSTEM OF LEGAL EDUCATION\*

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## I. INTRODUCTION

In 2001, a United Nations Human Rights Commission visited Mexico to assess the degree of independence of its judges and lawyers.<sup>1</sup> Among other findings, the final report concluded that “[the] total want of organization of legal education and qualification for practice, and the lack of organization of the profession, without any disciplinary procedures to ensure accountability, may have been the cause of the many ills in the administration of justice in Mexico over the years.”<sup>2</sup> The report further indicated that “it is imperative that the government undertakes without delay a study of the system of legal education and qualification to practice the legal profession in Mexico, at both the federal and State levels.”<sup>3</sup>

Despite its bearing on the quality and efficiency of the legal system, little is known about Mexican legal education. Few studies have been carried out on this topic and most consist of anecdotal accounts or personal points of view on the current characteristics of, or suggested improvements for, legal education at particular universities. There are few empirical studies on the matter; even if such studies provide valuable information and an interesting analysis, many topics need exploration.

One of the first efforts to describe Mexican legal education was Charles Eisenmann’s study carried out in 1954, *The University Teaching of Social Sciences: Law*, which included Mexico as one of the countries studied.<sup>4</sup> Several other studies came from five Latin American law school conferences organized by UDUAL (*Unión de Universidades de América Latina y el Caribe*) between

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<sup>1</sup> *Civil and Political Rights, Including Questions of: Independence of the Judiciary, Administration of Justice, Impunity. Report of the Special Rapporteur on the Independence of Judges and Lawyers, Dato’Param Kumaraswamy, Submitted in Accordance with Commission on Human Rights Resolution 2001/39. Addendum. Report on the Mission to Mexico*, U.N. ESCOR, 58th Sess., at 4, U.N. Doc. E/CN.4/2002/72/Add.1 (2002).

<sup>2</sup> *Id.* at 41.

<sup>3</sup> *Id.* at 45.

<sup>4</sup> CHARLES EISENMANN, *THE UNIVERSITY TEACHING OF SOCIAL SCIENCES: LAW* (Revised and enlarged ed. 1973).

1959 and 1972, which addressed topics like curriculum content, teaching and pedagogy, legal research, and institutional organization. Some of these studies have been included in two of the most influential books on Mexican legal education: Héctor Fix-Zamudio's *Metodología, Docencia e Investigación Jurídicas*, and Jorge Witker's *Antología de Estudios sobre Enseñanza del Derecho*.<sup>5</sup> These works describe Mexican law schools and legal education in the 1960s and 1970s, pointing out the advantages and problems of such education and suggesting different approaches to improve it. Most of the studies published thereafter either focus only on a single university, a specific legal area or a geographical region.<sup>6</sup> The limited number of empirical studies on this subject (e.g. the work of Héctor Fix-Fierro, Sergio López-Ayllón and Ana Laura Magaloni)<sup>7</sup> provide little information on the situation nationwide.

In addition, my field work<sup>8</sup> has revealed that the government collects only limited information on the institutions of higher education (hereinafter also referred to as "institutions" or "IHE") that offer a bachelor's degree in law (hereinafter also referred to as *Licenciatura en Derecho* or "LED").<sup>9</sup> The

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<sup>5</sup> HÉCTOR FIX-ZAMUDIO, *METODOLOGÍA, DOCENCIA E INVESTIGACIÓN JURÍDICAS* (12th ed. 2004); ANTOLOGÍA DE ESTUDIOS SOBRE ENSEÑANZA DEL DERECHO (Jorge Witker ed., 1976).

<sup>6</sup> For example, see *LA ENSEÑANZA DEL DERECHO EN LA UNIVERSIDAD IBEROAMERICANA* (Víctor Manuel Rojas ed., 2002); *UNIVERSIDAD IBEROAMERICANA, DIAGNÓSTICO SOBRE LA EDUCACIÓN LEGAL EN DERECHOS HUMANOS EN MÉXICO* (2002); or David Cienfuegos Salgado, *Breve introducción sobre la enseñanza del derecho en Guerrero*, *LEX, DIFUSIÓN Y ANÁLISIS*, 3th Epoch, Year VII, No. III (September 2004).

<sup>7</sup> For example, see *DEL GOBIERNO DE LOS ABOGADOS AL IMPERIO DE LAS LEYES. ESTUDIOS SOCIOJURÍDICOS SOBRE EDUCACIÓN Y PROFESIÓN JURÍDICAS EN EL MÉXICO CONTEMPORÁNEO* (Héctor Fix-Fierro ed., 2006).

<sup>8</sup> See *infra* Section VI.

<sup>9</sup> Several concepts mentioned in this study can have varying interpretations. Therefore, I here provide the following definitions to specify how each term is used in this study.

— *Institution or IHE*: An establishment, campus, academic unit, institution or center of higher education. Most university systems and public universities are formed by two or more IHEs. Even if some institutions are part of the same university and share administrative structures and some educational elements, each IHE operates within a different context. As a result, in this study, we will differentiate such IHEs for purposes of clarity.

— *IHE System*: A group of IHEs under the same administrative, financial, curricular, and/or pedagogical structure. Each IHE system states the characteristics or elements that unify or identify the institutions that form the system. In the case of public institution systems, IHEs generally share the same administrative, financial and curricular structures. The private institution systems present different kinds of structures and most are operated by corporations, families or religious groups.

— *Academic year*: This term is synonymous with "school year." The academic year generally starts in August or September and finishes by the following June or July.

— *Academic Terms*: These are blocks of time into which each academic year is divided. Generally, the division is into years, semesters, four-month periods or quarters.

analysis, evaluation and planning of legal education is based on particular guidelines at each IHE, mainly built upon the individual perceptions and opinions of faculty members and administrative staff. There is no existing agency to regulate or provide guidelines for legal education. As a result, there is general agreement among faculty, deans and practitioners that the problems and challenges of legal education and legal practice must be addressed urgently.

But what do we mean by “Mexico’s system of legal education”? Broadly speaking, the legal education system consists of formal and informal educational experiences that prepare lawyers to practice law.<sup>10</sup> These begin before students enroll in a program and continue throughout their careers. In addition to studying for a bachelor’s degree in law these experiences include students’ perceptions of a range of topics that comprise the law and any law courses taken before the LED; internships, *pro bono* work and extra-curricular undergraduate activities; graduate programs, continuing education and other courses; as well as programs focused on specific legal activities like those for the judiciary and notaries.

More specifically, Mexico’s system of legal education refers to the *Licenciatura en Derecho*, the basic program that will ultimately allow graduates to practice law.<sup>11</sup> This system focuses on the creation, operation and development of institutions of higher education that offer a LED; the regulatory

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<sup>10</sup> The term “lawyer” is used in this study for the terms “*Abogado*” and “*Licenciado en Derecho*” as used in Mexico.

<sup>11</sup> The principal federal laws, regulations and agreements relevant to legal education and legal practice in Mexico are:

— Articles 3 and 5 of the Mexican Constitution (*Constitución Política de los Estados Unidos Mexicanos*, hereinafter referred to as “Const.”);

— General Education Law (*Ley General de Educación*, hereinafter referred to as “LGE”) (Published in the Federal Official Gazette (*Diario Oficial de la Federación*, hereinafter referred to as “D.O.F.”) on July 13, 1993). According to Article 1: “This law governs the education provided by the State —Federation, federal entities, and municipalities—, their decentralized organs and private entities with authorization or recognition of official validity of studies.”;

— Law for the Coordination of Higher Education (*Ley para la Coordinación de la Educación Superior*, hereinafter referred to as “LCES”) (Published in the D.O.F. on December 29, 1978). Article 1 establishes that this law “is of general observance in the entire Republic, and its purpose is to establish foundations for the distribution of the higher educational functions among the Federation, the states and the municipalities, as well as to foresee corresponding economic contributions, in order to contribute to the development and coordination of higher education.”;

— Regulatory Law of the Constitutional Article 5 relating to the Practice of Professions (*Ley Reglamentaria del Artículo 5° Constitucional*, hereinafter referred to as “LR5<sup>o</sup>”) (Published in the D.O.F. on May 26, 1945). Article 1 points out that LR5<sup>o</sup> dispositions will govern the Federal District in common order matters, the Republic in federal matters, except those excluded by the LGE and in local authorities concurrent with jurisdiction matters;

framework that applies to higher education and professional practice; students' profiles and interests; professors' training, performance and experience; the structure and contents of the study plans and programs; as well as the educational context of the teaching-learning process. This study will be based on this specific understanding of Mexico's legal education system.

For those not familiar with legal education in Mexico and the LED, it is important to first clarify some general characteristics, which will be developed more fully below:

- a) The basic law degree —*Licenciatura en Derecho*— is not a graduate program as in the United States, but an undergraduate degree.
- b) At the beginning of the 2006-2007 academic year, 930 institutions offered an LED.  
Less than 20% of these institutions are involved in research or academic extension activities. Some institutions offer two or more LEDs with different modalities, durations and/or approaches.
- c) In most IHEs, the curriculum is rigid. Students at each level are assigned courses, professors, and schedules without any choices or elective courses. Law students take between 40 and 70 mandatory courses during their studies.
- d) Over 90% of the law professors combine teaching with professional practice, and most law degree programs do not have full-time faculty.
- e) The cost to open and run a law degree program is low. In general, all that is required is a few badly paid lecturers; facilities for educational purposes with one classroom for each level; and a library with the books recommended for each course.

The present article focuses on three aspects of the structure of legal education in Mexico: *a)* the procedure to obtain the license to practice law; *b)* the content and structure of the law degree programs; and *c)* the increase in the number of law degree programs, focusing on the causes and characteristics of this growth.

## II. THE PROCESS TO OBTAIN A LICENSE TO PRACTICE LAW

At first glance, the process to obtain a license to practice law in Mexico seems straightforward. After graduating from high school, a student begins

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— Agreement Number 234 which establishes the General Bases for Authorization or Recognition of Official Validity of Studies (*Acuerdo 243*, hereinafter referred to as "Agreement 243") (Published in the D.O.F. on May 27, 1998);

— Agreement Number 279 which establishes the Formalities and Procedures related to the Recognition of Official Validity of Studies (*Acuerdo 279*, hereinafter referred to as "Agreement 279") (Published in the D.O.F. on July 10, 2000).

the *Licenciatura en Derecho* at an institution belonging to the National Education System. There, the student takes the required courses, meets the institution's requirements to graduate and gets a diploma. The student then registers the diploma at the General Office for Professional Practice, and finally gets a license (*cédula profesional*) that allows him to practice law anywhere in the country.

However, each step may present variations depending on the institution. Therefore, we will analyze each one to explain any nuances they may have. It is very important to analyze the way each IHE enters the National Education System because that determines the requirements their students must meet to obtain a license to practice law.

### 1. Which IHEs belong to the National Education System?

Any institution may offer higher education programs, but only those belonging to the National Education System are authorized to award diplomas for the corresponding academic degrees, which are valid throughout the country.<sup>12</sup> Public IHEs enter the National Education System when they are founded.<sup>13</sup> Private IHEs require official recognition of the validity of studies (*Reconocimiento de validez oficial de estudios*, hereinafter also referred to as "Recognition" or "RVOE"), or need to be "incorporated" into or validated by a public IHE (*Incorporación de Estudios*, hereinafter referred to as "Incorporation") to form part of the system.

The RVOE required for private IHEs is the explicit recognition by federal or state authorities of the validity of the academic program offered by a private institution, at a specific location and with a qualified faculty.<sup>14</sup> Incorporation is the authorization a public IHE gives a private IHE to use its curriculum, system and methods. In this case, the public institution is in charge of academic and administrative supervision of the private IHE.<sup>15</sup>

<sup>12</sup> Article 60 of LGE.

<sup>13</sup> *Id.* article 10.

<sup>14</sup> Articles 3, frac. 10 and 5 of Agreement 243. For further information on procedures and the application of the RVOE, see Luis Fernando Pérez Hurtado, *El marco jurídico de las instituciones particulares que ofrecen la licenciatura de derecho en México*, in *EVOLUCIÓN DEL DERECHO EN AMÉRICA LATINA*, t. II (2006).

<sup>15</sup> Examples of procedures and requirements: Universidad Nacional Autónoma de México, Dirección General de Incorporación y Revalidación de Estudios, Instructivo de Incorporación 2007 (2007), available at: [http://www.dgire.unam.mx/contenido/inc\\_est/inc\\_est.htm](http://www.dgire.unam.mx/contenido/inc_est/inc_est.htm); Universidad Autónoma de Querétaro, Reglamento de Incorporación y Revalidación de Estudios de la Universidad Autónoma de Querétaro (approved on December 7, 1984), available at: <http://www.uaq.mx/leyes/rire.html>; Universidad Autónoma del Estado de Hidalgo, Reglamento de Incorporación de Estudios (approved on December 14, 1999), available at: <http://www.uaeh.edu.mx/universidad/rie.htm>; Universidad de Colima, Reglamento de Incorporación de Estudios (2002) (approved on February 27, 2002), available at: [www.ucol](http://www.ucol.mx)

## 2. How can a law program obtain the RVOE or Incorporation?

The source of a RVOE or Incorporation determines the degree of academic and administrative “freedom” or “flexibility” a private IHE has. The authorities that can grant a RVOE are:<sup>16</sup> *a*) the federal government by presidential decree, *b*) the federal government through the Ministry of Education (SEP), and *c*) state governments through their respective ministries of education, but only for institutions and programs within that state. The institutions allowed to incorporate programs are:<sup>17</sup> *a*) decentralized entities of public institutions of higher education created by the federal government, and *b*) decentralized entities of public institutions of higher education created by states, but only for private IHEs and academic programs within that state.

RVOE by presidential decree is awarded directly by the President of Mexico. This allows the institution a certain degree of academic and administrative freedom.<sup>18</sup> Article 5 of the corresponding regulation states, “The recognized schools will freely elaborate their study plans and programs, and teaching methods, but cannot implement them without prior authorization from the Ministry of Education...”<sup>19</sup> Very few IHEs have gotten their RVOE in this manner.<sup>20</sup> According to González Avelar, RVOE

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*mx/universidad/sria-general1/doctos/Acuerdos/2002/acuerdo\_01.pdf*; Universidad de Sonora, Reglamentos de Incorporación de Estudios (1999) (approved on May 19 and June 3, 1999), available at: [http://www.uson.mx/la\\_unison/reglamentacion/reglamento\\_incorporacion\\_estudios.htm](http://www.uson.mx/la_unison/reglamentacion/reglamento_incorporacion_estudios.htm).

<sup>16</sup> Article 14, frac. IV of LGE and articles 16 and 17 of LCES.

<sup>17</sup> *Id.*

<sup>18</sup> Articles 5 and 8 of the *Reglamento para la Revalidación de Grados y Títulos Otorgados por las Escuelas Libres Universitarias*, published in the D.O.F. on June 26, 1940, at MIGUEL GONZÁLEZ AVELAR Y LEONCIO LARA SÁENZ, *LEGISLACIÓN MEXICANA DE LA ENSEÑANZA SUPERIOR 182-84* (1969). This replaces the *Reglamento para la Revalidación de Grados y Títulos Otorgados por las Escuelas Libres Universitarias*, issued on March 8, 1932, which in turn replaced the *Ley Reglamentaria de las Escuelas Libres*, issued on October 22, 1929. Other characteristics of this RVOE are that recognized schools may award officially valid diplomas once they are authenticated by SEP (article 9); the SEP is in charge of IHE inspection to determine whether IHEs comply with the regulations and presidential decree awarding recognition (article 10), and the RVOE can only be derogated by presidential decree if they do not comply with the regulations and the presidential decree awarding Recognition (article 11).

<sup>19</sup> Article 5 of the *Reglamento para la Revalidación de Grados y Títulos Otorgados por las Escuelas Libres Universitarias*, *id.*

<sup>20</sup> Some examples of presidential decrees are: Decreto por el cual se Concede a la Escuela Libre de Derecho el Reconocimiento y los Privilegios a que se Refiere la Ley Reglamentaria de Escuelas Libres (issued on January 28, 1930); Decreto que Dispone se Reconozca la Validez Oficial a los Estudios hechos en el Instituto Tecnológico y de Estudios Superiores de Monterrey (issued on July 24, 1952), Decreto Presidencial que Concede al Instituto Tecnológico Autónomo de México el Reconocimiento Oficial y los Privilegios



by presidential decree is awarded to “[e]ducational centers of major interest and academic solidity, to which the State wishes to award a special statute because of their responsibility and reliability.”<sup>21</sup> The presidential decree gives special “autonomy” to a private institution, which some prefer to call “freedom,” in terms of academic and administrative functions.

Federal and State RVOEs are awarded by the SEP and education offices in each state, respectively. While a RVOE by presidential decree allows an institution to freely develop its academic programs, Federal or State RVOE is awarded to an institution, but only for a single academic program in a specific location.<sup>22</sup> If the IHE decides to implement an academic program that has been recognized at another campus, then the IHE must request a new RVOE. As a result of this program-and-campus-specific recognition process, an institution may have programs with a federally or state-awarded RVOE—which means they are part of the National Education System—as well as academic programs without a RVOE.

Incorporation is awarded by federal and state public universities with the corresponding authority stipulated in their charters and bylaws. Incorporation consists of according recognition to a program of studies at a private IHE that follows the same program of study as the IHE to which they are incorporated. The private IHE’s program remains under the academic and administrative supervision of the public university that granted the incorporation. In general, one may say that the private IHE becomes an “extension” of the public IHE as both must offer exactly the same plan of study and adopt the same academic, evaluation and graduation requirements.

One of the distinctive characteristics of the Mexican system of higher education is the various sources from which private IHEs may obtain the RVOE or Incorporation.<sup>23</sup> During the 2006-2007 academic year, of the 1,006 LEDs in private IHEs:

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Contenidos en el Reglamento para la Revalidación de Grados y Títulos Otorgados por las Escuelas Libres Universitarias de 1940 (issued on April 10, 1962). These decrees are included in MIGUEL GONZÁLEZ AVELAR & LEONCIO LARA SÁENZ, *supra* note 18, at 219-20, 387-88 and 242-43.

<sup>21</sup> Miguel González Avelar, *La legislación mexicana de enseñanza superior*, in MIGUEL GONZÁLEZ AVELAR & LEONCIO LARA SÁENZ, *LEGISLACIÓN MEXICANA DE LA ENSEÑANZA SUPERIOR* 33, 55 (1969).

<sup>22</sup> Generally, in order to obtain the Federal or state RVOE, the IHE submits a request to authorities that contains: *i*) general information about the institution and the studies seeking recognition; *ii*) information on the study plans and programs, including a bibliographical list; *iii*) a description of the facilities; and *iv*) information on the faculty’s qualifications. Afterwards, a visit is made to verify the institution’s hygiene, security and pedagogical conditions. Recognition is awarded or not, based on the outcome of the verification of the documents submitted by the IES and the verification visit. See for example, article 5, format 1 and Appendix 1, 2, 3, 4 and 5 of Agreement 279 and article 5 of Agreement 243.

<sup>23</sup> There is no rule that prevents institutions from obtaining incorporations or RVOEs



- a) 70 LED had a RVOE by presidential decree.<sup>24</sup>
- b) 301 LED had a RVOE from the federal Ministry of Education.
- c) 576 LED had a RVOE from a state level ministry of education.<sup>25</sup>
- d) 34 LED were incorporated into the National Autonomous University of Mexico (UNAM).<sup>26</sup>
- e) 25 LED were incorporated to a public institution at the state level.<sup>27</sup>

In total, the law programs offered at the beginning of the 2006-2007 academic year obtained their RVOE or incorporation from 36 different sources.

As mentioned above, the source from which private IHEs obtain their RVOE or the Incorporation determines their degree of academic and administrative “freedom” or “flexibility”. Institutions with a RVOE by presidential decree are free —as public IHEs are— to define their academic programs. Thus, each institution decides on the content of its LED programs of study, as well as the requirements their graduates must fill to obtain a license to practice law. In other words, such institutions decide what their students need to do in order to practice as lawyers. IHEs with Federal or State RVOE submit their study plans and programs to the corresponding authority, which can be rejected or the authority may ask that they be modified.<sup>28</sup> At first glance, this might promote the homogenization (or stan-

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from different sources for different academic programs. An IHE can have programs with incorporation, programs with Federal RVOE, and programs with state RVOE at the same time, as long as they guarantee academic-administrative continuity and independence for each program. For example, the UNAM establishes that “An institution with study plans incorporated to the Ministry of Education or other educational entities, may request the UNAM for incorporation of studies, as long as it has the needed facilities for teaching plans from another entity, independently, and that there is sufficient administrative-academic separation from the enrollment, study plans and authorized groups from UNAM.” See Disposition 1.9, UNAM, Dirección General de Incorporación y Revalidación de Estudios, *Instructivo de Incorporación 2007* (2007), available at: [http://www.dgire.unam.mx/contenido/inc\\_est/inc\\_est.htm](http://www.dgire.unam.mx/contenido/inc_est/inc_est.htm).

<sup>24</sup> These are the programs at Escuela Libre de Derecho (in Mexico City), Instituto Tecnológico Autónomo de México, Instituto Tecnológico y de Estudios Superiores de Monterrey, Universidad Iberoamericana, Universidad La Salle and Universidad del Valle de México.

<sup>25</sup> In some states, it is difficult to confirm which IHEs have State RVOE since they do not have an accessible and updated list.

<sup>26</sup> The UNAM is the only decentralized organism created by the federal government that to date awards incorporation to law degree programs.

<sup>27</sup> The public autonomous universities which grant incorporations to law programs are: Universidad de Guadalajara, Benemérita Universidad Autónoma de Puebla, Universidad Autónoma del Estado de México, Universidad Autónoma de Morelos and Universidad Autónoma de Tlaxcala.

<sup>28</sup> In general, there are three essential areas of RVOE and Incorporation requirements: a) study plan and program structure and contents b) security and functionality of facilities, and c) the faculty's qualifications and dedication.

ardization) of law programs. Nevertheless, each of the 32 authorities that may award a RVOE or incorporation has its own criteria for approving study plans and programs.

Institutions specify graduation and licensing requirements in their graduation rules. Authorities are not allowed to modify them, but only ensure that IHEs have the corresponding rules. Thus, even if federal or state authorities can influence the content of the legal education, IHE ultimately decide what is needed to practice law. Just as incorporated institutions must teach the same study plans and programs, they must also have the same graduation requirements as the IHE to which they are incorporated.<sup>29</sup>

Every IHE, public and private, is required to register with the General Office of Professions (DGP).<sup>30</sup> This registration serves to obtain documentation from each institution that allows the Office to identify the validity of professional diplomas and thereby issue the corresponding licenses to practice. The DGP awards licenses only to those graduates holding a diploma from a registered institution.

### 3. *What requirements are needed to obtain a law diploma?*

A professional diploma is a document issued by public or private institutions with RVOE to someone who has met with all the graduation requirements.<sup>31</sup> Obtaining the license for professional practice is simply an administrative process, which consists of registering the diploma with the appropriate authorities. The difference between a law graduate who cannot practice and one who can is the fulfillment of the requirements to obtain a law diploma.

All institutions of higher education share certain common requirements to obtain a diploma.<sup>32</sup> The student must have *a)* taken and passed all the courses in the corresponding plan of study, *b)* completed mandatory *pro bono* service, and *c)* fulfilled the graduation requirements stated in the institution's internal rules.

*Pro bono* service has been established by the federal government as mandatory for all bachelor degree programs in Mexico. It consists of a tempo-

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<sup>29</sup> Other operative differences are: *a)* Federal and state RVOE allow private IHEs to issue their own diplomas, but they must be authenticated by the authority that awarded recognition. As for incorporation, diplomas are issued by the public IHE, though they include a note saying that the studies took place at an incorporated IHE; *b)* there is no time limitation for Federal RVOE and for some state RVOE, but incorporation usually must be renovated each year.

<sup>30</sup> Articles 19 of LCES and 9, frac. I of RLR5°.

<sup>31</sup> Articles 1 of LR5°, 12 of RLR5° and 1 of LGE.

<sup>32</sup> Article 8 of LR5°.

rary job that students perform for the benefit of society and the country.<sup>33</sup> Each IHE determines how *pro bono* service is to be accomplished, considering the plan of study, the nature of the profession, and the social needs to be met.<sup>34</sup> *Pro bono* service must be completed in a period of no less than six months and no more than two years.<sup>35</sup> For the LED, as in many other bachelor degree programs, the corresponding *pro bono* service lasts between 240 and 400 hours over a six-month period.<sup>36</sup> Most students complete this service during the final years of their program.

Each institution determines its graduation requirements in its internal rules. In other countries—the United States, for instance—the local bar association or the judicial branch of government determines the requirements a graduate must fulfill in order to practice law. Generally, in these countries, a standardized exam designed by the professional association or the judicial branch must be passed. However, in Mexico, institutions determine the requirements their own law graduates must complete to be able to practice.

Final graduation requirements are generally called “options for degree conferral” (*opciones de titulación*). This phase is completed at the end of the study program and once the *pro bono* service is completed. The traditional option for degree conferral was a long research paper, called a professional thesis, defended orally before an evaluation committee. Nowadays, there is a wide variety of options for degree conferral, so the thesis option is used less frequently.<sup>37</sup> Three options have become particularly common.<sup>38</sup> The first is called “automatic degree conferral” or “option zero,” with the sole requirement of having passed all the courses and completed *pro bono* service. Some institutions with RVOE by presidential decree initiated this option, on the grounds that regular examination throughout study years assured the quality of the graduates. However, at present, other IHEs offer this option to attract more students to their programs.<sup>39</sup> The second option is the General Exam to Graduate from the LED (*Examen General para el Egreso de la Licenciatura en Derecho*), first administered in 2000 by the National Center for

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<sup>33</sup> Article 53 of LR5°. For further details see LOURDES RUIZ LUGO ET AL., *EL SERVICIO SOCIAL EN MÉXICO* (Collection ANUIES, Temas de Hoy en la Educación Superior, 1995).

<sup>34</sup> Article 85 of RLR5°.

<sup>35</sup> Article 55 of LR5°.

<sup>36</sup> LOURDES RUIZ LUGO ET AL., *supra* note 42, at 42.

<sup>37</sup> Some examples are to have a high grade point average, take seminars or start a graduate program.

<sup>38</sup> Interview with Héctor Luis Navarro Pérez, Director, Dirección de Instituciones Particulares de Educación Superior de la SEP (March 19, 2004).

<sup>39</sup> An IHE's web site points out: “Due to our prestige and our excellent level of education, here you can obtain your [professional] diploma without writing a thesis or taking a final overall examination.” See <http://www.uwmnet.edu/ventajas/index.asp>.

the Evaluation of Higher Education (hereinafter referred to as “CENEVAL”).<sup>40</sup> This general exam is a “specialized evaluation instrument aimed at globally, usefully, transparently, substantively, specifically, validly and reliably evaluating the level of indispensable knowledge, skills and values a law graduate must have in order to initiate his or her professional life.”<sup>41</sup> Some IHEs use this exam just to determine the academic level of their law graduates, while others use it as an option for degree conferral. In any case, the number of examinees has increased from 3,800 in 2000 to 7,215 in 2004.<sup>42</sup> The third option for degree conferral is “professional experience,” which means the law graduate has worked at least five years in law-related matters. This option has been used at different —mostly public— IHEs that want to increase the number of licensed graduates in their programs. Furthermore, this “professional experience” option is an additional source of income for institutions since they charge considerable fees to those students who choose this option.<sup>43</sup>

#### 4. *How is a license to practice law obtained?*

A professional license is required to practice law.<sup>44</sup> Obtaining a license is a simple administrative procedure that consists of registering the diploma from a public or private institution with the DGP,<sup>45</sup> the federal authority able to issue professional licenses valid nationwide.<sup>46</sup> Anyone can obtain a

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<sup>40</sup> According to the information in its web page, the CENEVAL is a center that: “...offers evaluation services to hundreds of schools and universities, companies, education authorities and professional organizations in Mexico, as well as to other private and government entities.” See [www.ceneval.edu.mx](http://www.ceneval.edu.mx).

<sup>41</sup> See <http://www.ceneval.edu.mx/portalceneval/index.php?q=info.fichas.ficha13>. According to this site, the exam is developed by CENEVAL “with the collaboration of a scientific council, a basic academic committee and an extended committee formed by experts on different areas of law, from the academic sphere, from professional associations and from private and public sectors.”

<sup>42</sup> CENEVAL, *Reporte de Resultados de los EGEL 1994-2004 (Reporte Estadístico Año 2005, No. 6)* at 11, available at: [www.ceneval.edu.mx](http://www.ceneval.edu.mx).

<sup>43</sup> Some institutions are now asking for other requirements beside the “graduation options”, for instance, knowledge of a foreign language or participation in an entrepreneurial project.

<sup>44</sup> Article 2 of LR5°.

<sup>45</sup> There are two other ways to obtain a law license without a law degree from an institution incorporated to the National Education System. One is to register a diploma from a foreign institution issued to a Mexican law graduate. See Agreement 286 where Self-Acquired Knowledge or Working Experience Knowledge are Accredited, published in the D.O.F. on October 30, 2000, and its modification by Agreement 328, published in the D.O.F. on July 30, 2003. The other is for a person to validate self-taught legal knowledge through working experience. See [http://www.sep.gob.mx/wb2/sep/sep\\_1285\\_acreditacion\\_de\\_cono](http://www.sep.gob.mx/wb2/sep/sep_1285_acreditacion_de_cono).

<sup>46</sup> Article 23 of LR5°.

license to practice as long as the diploma comes from an IHE that has been registered at the DGP.<sup>47</sup> This procedure is to check compliance with IHE requirements for degree conferral, as well as the validity of the diploma.<sup>48</sup>

Even if the lawyer's profession requires a license to practice law, this license is necessary only when working with judiciary authorities and in an administrative dispute when acting as an agent, employer or adviser,<sup>49</sup> except when acting as an agent in labor, agrarian or cooperative law matters, and in the case of constitutional protections in criminal law.<sup>50</sup> Thus, those without a license cannot present themselves as lawyers or act as such in the above situations. However, they may give legal advice and express their opinion in legal matters without engaging in unauthorized practice of law.

Information from the 2006-2007 academic year reveals that bachelor law programs actually run under twenty-one different names. Of the 1,130 law programs that year, 1,046 were called "*Licenciatura en Derecho*;" the other 84 law programs used some other name, for instance: Bachelor of Legal Consulting, Bachelor of Legal Sciences, Bachelor of Tax Law, Bachelor of Corporate Law, and Bachelor of International Law.

A license allows the practice of the profession corresponding to the name of the study plan, so the DGP cannot modify those names. Thus, if someone studied a program called "Bachelor of Social and Constitutional Law," that will be indicated on the professional license. In an interview with the author, the head of the DGP Department of Registration and Issuance of Professional Licenses stated, "the judicial authority must decide in each specific situation whether the license allows for that specific professional practice."<sup>51</sup> This means that each local, state or federal judiciary authority decides whether the professional license presented by the "legal representative" is allowed to practice in a specific jurisdiction. What will a judge from the state of Yucatán decide when a "legal representative" with a license from a "Bachelor of Indigenous Law" offered only in the state of San Luis

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<sup>47</sup> Article 3 of LR5°. See articles 14, 15 and 18 of RLR5°. The documents submitted with the application are: birth certificate, high school diploma, *pro bono* service certificate, final overall examination act or waiver of final examination, and the professional diploma. For further information on the procedure, see *Requisitos para el Registro de Título y Expedición de Cédula Profesional*, available at: [http://www.sep.gob.mx/web2/sep/sep\\_Registro\\_de\\_Titulo\\_y\\_Expedicion\\_de\\_Cedula\\_Prof](http://www.sep.gob.mx/web2/sep/sep_Registro_de_Titulo_y_Expedicion_de_Cedula_Prof).

<sup>48</sup> The number of licenses to practice law has increased in the last years, from 14,699 in 1999 to 19,958 in 2003. Source: Information provided by the Dirección de Autorización y Registro Profesional (March 17, 2004). The increase will continue, not only because of the increase in the LED enrollment, but also because institutions are simplifying the degree conferral process.

<sup>49</sup> Articles 27 and 28 of the LR5°.

<sup>50</sup> Article 27 of LR5°.

<sup>51</sup> Interview with Ligia Desiree Álvarez Góngora, Head of the Departamento de Registro y Expedición de Cédulas de la DGP (March 17, 2003).

Potosí appears for a criminal case? Will a law graduate with a license for a “Bachelor of Bureaucracy Law” from Mexico City be allowed to represent a client in a family case in the state of Coahuila? At present, authorities have discretionary powers to decide who may or may not act as a lawyer in cases that require a specific license.

### 5. *Quality of law degree programs*

Each law school, and not lawyers’ associations or the judicial branch, generally determines its study plan and programs as well as the requirements for graduates to become licensed lawyers. The process to incorporate an institution into the National Education System is not intended to achieve specific quality standards; rather, its purpose is to assure minimum educational conditions for a law degree program.

The instruments the government uses to determine program quality are diagnostic assessment and accreditation of academic programs.<sup>52</sup> Diagnostic assessment is a comparison of indicators proposed by a government organization, the Inter-Institutional Committee for the Evaluation of Higher Education taking into consideration the characteristics of the educational program when the evaluation is done.<sup>53</sup> This is a voluntary process that includes a self-evaluation, a visit from academic peers and recording recommendations that identify both program achievements and problems. It has to analyze the causes of any problems and present recommendations for improvement. One limitation of the diagnostic assessment is that evaluation results are directly linked to the amount of resources the government assigns to public IHEs, so institutions try only to fulfill the demands without striving for innovations or new developments. Another negative effect is that the evaluation does not include private IHEs. Since they do not receive federal funding, they do not have incentives to participate in a diagnostic assessment process. To date, no private institution’s LED has been evaluated.

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<sup>52</sup> For further information on the subject, see Luis Fernando Pérez Hurtado, *Evaluación, reconocimiento y acreditación educativa en México: espacios para la innovación en la enseñanza del derecho*, in INNOVACIÓN EN LA EDUCACIÓN JURÍDICA EN LATINOAMÉRICA (Rogelio Pérez-Perdomo ed., in press).

<sup>53</sup> See Comités Interinstitucionales para la Evaluación de la Educación Superior, at: [www.ciees.edu.mx](http://www.ciees.edu.mx).

The Social and Administration Sciences Committee is the CIEES committee in charge of evaluating the bachelor of law and law graduate programs, in all their modalities. This committee establishes the indicators on which the evaluation is based, and are included in “Criterios para Evaluar Programas Académicos de Licenciatura y Posgrado,” and further explained in “Marco de Referencia para la Evaluación de Programas Académicos de Licenciatura y Posgrado.”

As to academic program accreditation, there are two recognized accreditation agencies for law programs, both approved in April 2006: the *Consejo Nacional para la Acreditación de la Educación Superior en Derecho* (CONFEDE), and the *Consejo Nacional para la Acreditación de la Enseñanza en Derecho* (CONAED).<sup>54</sup> At first, it may be inferred that the accreditation of law programs is a specific effort to raise the quality of legal education since the accreditation agencies emerged from lawyers' associations and law schools, and their sole activity is to accredit law programs. However, accreditation agencies do not freely determine the form and content of the process; rather they are subject to the reference framework established by the Council for the Accreditation of Higher Education (COPAES), which applies to almost every academic program in higher education. Thus, the accreditation of law programs is but another mechanism of general educational policies to improve all higher education programs.

The accreditation process for law programs by these two accreditation bodies is new. By the end of 2007, only 15 of 930 institutions with law programs had been accredited,<sup>55</sup> so it is not possible to know institution's response or the effect accreditation may have on the quality of legal education. So far, the only effects the accreditation of a law program may have had are "public recognition" of the program's quality—especially important for private institutions to distinguish themselves from others and promote their graduates with possible employers—and public IHE's access to additional government funding.

### III. STUDY PLANS AND PROGRAMS FOR THE *LICENCIATURA EN DERECHO*

While there is no "national law curriculum" in Mexico, there are common characteristics that will be explored here.

#### 1. *Basic legal education*

The contents of the academic programs are defined in plans and programs of study. As mentioned above, public IHEs, private IHEs with a

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<sup>54</sup> According to the Council for the Accreditation of Higher Education (COPAES), accreditation means, "public recognition awarded by a non-governmental accreditation agency formally recognized by the COPAES (Council for the Accreditation of Higher Education), since it meets certain criteria, indicators and quality parameters within its structure, organization, operation, supplies, teaching processes, services and results. It also means the program has social relevance." COPAES, *Marco general para los procesos de acreditación de programas académicos de nivel superior*, at 3, available at: [http://www.copaes.org/documentos/Documentos/3\\_Marco\\_general.pdf](http://www.copaes.org/documentos/Documentos/3_Marco_general.pdf).

<sup>55</sup> See COPAES, *Programas Acreditados al 31 de Diciembre del 2007*, available at: <http://www.copaes.org/oar/oar.htm#Programas%20Acreditados>.



presidential decree RVOE, and, to a certain degree, private IHEs with federal or state RVOE, are free to define their own study plans and programs.

One may think that such freedom and the lack of a mandatory standardized exam would produce a wide variety of structures, contents and approaches in the plans of study of Mexico's LED programs. However, that is not necessarily the case. Based on the analysis of several institutions, plans and programs of study are very similar. They generally differ only in some courses each law school adds according to their approach or ideology, or in areas of specialization at higher levels of study. Ana Laura Magaloni points out that: "In our experience when we started the CIDE program, we could see that there is a strong idea in Mexico that a set of substantive law courses is the central core of lawyers' education. Thus, its modification or reduction would practically mean not to train lawyers."<sup>56</sup> Moreover, upon analyzing the plans of study of seven leading institutions in the country, she adds, "variations in the programs are subtle, and the emphasis is on the substantive law courses that intend to soundly describe branches considered 'fundamental' in the regulatory system."<sup>57</sup>

What produces homogeneity in the programs of study despite the relative freedom institutions have to define their programs? There are several explanations. The first derives from Magaloni's idea about the standardized idea among lawyers regarding the basic education that a law graduate must have. These lawyers are deans and faculty members at the law schools. They define what and how to teach in their institutions. They are also the students' future employers, so they expect students to have that basic knowledge.

Another explanation is the lack of opportunities for change. Research on Mexican law schools is almost nonexistent, so there is virtually no new knowledge that may affect legal education.<sup>58</sup> In addition, most professors practice law and teach at the same time; they do not have enough time to prepare their classes. Consequently, they end up teaching what they were taught when they went to law school. Finally, in the case of private IHEs with a federal or state RVOE, government agencies are in charge of unifying study programs. For example, in the case of federal RVOE, the SEP's Department of Curricula Evaluation determines whether the study plans and programs submitted with the application for federal recognition are suitable. Every year, this department has to go over an average of 1,000

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<sup>56</sup> Ana Laura Magaloni, *Cuellos de botella y ventanas de oportunidad de la reforma a la educación jurídica de élite en México*, in DEL GOBIERNO DE LOS ABOGADOS AL IMPERIO DE LAS LEYES 61, 83 (Héctor Fix-Fierro ed., 2006).

<sup>57</sup> *Id.* at 64.

<sup>58</sup> According to Miguel Carbonell, "If we want to significantly renew legal education, we will first have to create a new model of intellectuals with the ability, intelligence, devotion and academic rigor that allow them to successfully undertake such a complicated and difficult task." MIGUEL CARBONELL, *LA ENSEÑANZA DEL DERECHO* 61 (2004).

study plans and programs in different areas with a staff consisting of only the director, four analysts and one secretary.<sup>59</sup> With such limited resources, plus the lack of specialized knowledge on the subject, the approval process for law programs requesting a RVOE involves comparing the applicant's plans and programs with a pre-established format. If there is a match of 80% or better, the study plan and program is approved.<sup>60</sup>

If there is a "central core" or a basic LED education, what are its characteristics? We will now address this question by describing the common courses in the study plans and their basic structure.

2. *Basic courses in the study plans*

In general, law students take between 40 and 70 mandatory courses as part of the law program. This considerable number of courses confirms the idea that Mexican law students receive an "encyclopedic" education: "A lawyer must know all the areas of law."<sup>61</sup>

In its study plans, each institution integrates some courses that reflect its identity or ideology, as well as courses in one or several specialized fields of law if the program has a particular focus. However, a set of courses considered the basic legal education is included in every law program.<sup>62</sup> The first level usually includes courses like Introduction to the Study of Law, Civil Law (Individual Rights and Family Law), Roman Law, Sociology of Law, Economic Theory, and Legal Methodology. The rest of the levels include, among others:

Civil Law II - Property and Succession Law	General Theory of Procedure
Civil Law III - Liabilities	Civil Procedure I
Civil Law IV - Civil Contracts	Civil Procedure II

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<sup>59</sup> Based on a visit to the DIPES and information provided from that office (March 18, 2004).

<sup>60</sup> It must be pointed out that this procedure of approving the study plans and programs has the purpose of achieving a certain degree of uniformity in legal education, but it also inhibits the possibility of new or different forms of legal education. See Luis Fernando Pérez Hurtado, *Evaluación, reconocimiento y acreditación educativa en México: espacios para la innovación en la enseñanza del derecho*, *supra* note 62.

<sup>61</sup> Magaloni points out that, "[In law programs,] a teaching model based on the transmission of a great amount of information about the content of rules, and about key legal concepts to understand those rules prevails. The idea that a good lawyer is one who knows lots of laws, is still deeply rooted in Mexican legal education." Ana Laura Magaloni, *supra* note 66, at 64.

<sup>62</sup> The names of the courses may vary in some programs, as well as the level at which they are taken, but the content is generally the same.

Criminal Law I - General Theory	Criminal Procedure
Criminal Law II - Specific Crimes	Commercial Procedure
Commercial Law I - Corporations	Administrative Procedure
Commercial Law II - Com. Paper & Secured Credit	Labor Procedure
Commercial Law III - Commercial Contracts	Constitutional Appeal Proceedings ( <i>Amparo</i> )
Commercial Law IV - Bankruptcy	Mexican Legal History
Individual and Social Rights	Local and State Legislations
Constitutional Law	International Public Law
General Theory of the State	International Private Law
Administrative Law I - Structure of Federal Gov.	Philosophy of Law
Administrative Law II - Gov. Legal Functions	Legal Ethics
Labor Law I - Collective Labor Rights	Social Security Law
Labor Law II - Individual Labor Rights	Notary and Registry Law
Tax Law I - General Theory	
Tax Law II - Income and Property Tax	

Some of the courses that have been introduced recently in an increasing number of programs are Electoral Law, Human Rights Law, International Commerce Law, Securities Law, Environmental Law and Intellectual Property Law. At advanced levels, some programs have sets of courses designed for students seeking a particular specialization, as well as elective courses, seminars and/or law clinics.

Besides the courses directly related to the law program, study plans also include “trademark” or “institutional identity” courses, mandatory for all the students in an institution since they represent the institution’s characteristic approach or ideology. These courses are generally given in the first levels and are oriented towards human, social, religious, or entrepreneurial education, or certain skills deemed common to all professionals. These include Oral and Written Communication, Computer Skills or English as a Second Language.

After analyzing the study plans of seven leading institutions, Magaloni concludes that most of the courses are focused on the areas of law traditionally considered “fundamental,” while fewer courses deal with new areas of law or the practice of law (like clinics or seminars).<sup>63</sup>

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<sup>63</sup> Ana Laura Magaloni, *supra* note 56, at 67.

### 3. *Modality*

The modality of the LED determines the rate of learning, class attendance, and class shifts. The modality can be full-time, part-time, open or distance education. The full-time modality is in-class education at the IHE's facilities with a common study calendar and schedule for all students. The open education modality is based on a flexible schedule. It usually requires student attendance only for tutoring or exams. The part-time modality is a combination of the full-time modality and the open education modality. It requires student attendance on certain days for short periods to participate in some program components while the rest of the program involves self-study and tutoring. The distance education modality is based on remote communication to complete the program and have contact with instructors and fellow students.

Most law programs are offered in the full-time modality (see Table 1).<sup>64</sup> A program's modality primarily depends on the type of students an institution wants to attract and, to a certain extent, the other modalities available in the region.

TABLE 1. LEDS AT THE BEGINNING  
OF THE 2006-2007 ACADEMIC YEAR, BY MODALITY

	<i>Public IHEs</i>	<i>Private IHEs</i>	<i>Total LEDs</i>
Full-time	94 (75.2%)	798 (79.4%)	892 (78.9%)
Part-time	17 (13.6%)	133 (13.2%)	150 (13.3%)
Open	13 (10.4%)	63 (6.3%)	76 (6.7%)
Distance	1 (0.8%)	11 (1.1%)	12 (1.1%)
Total	125 (100%)	1005 (100%)	1130 (100%)

SOURCE: Data collected by the author.

From this point on, only full-time programs will be analyzed since they are the most prevalent and offer the "traditional" educational structure: students and professors regularly attend class to advance together in the corresponding plan of study.<sup>65</sup>

<sup>64</sup> In 165 institutions, LEDs are offered in two modalities and in 4 IHEs, three modalities are offered. Some offer two, three and, in one case, up to four law programs in a single modality, but they are different in terms of duration, structure or entity awarding the RVOE or incorporation.

<sup>65</sup> Full-time programs represent almost 80% of all the law programs and their students represent more than 90% of the total law school enrollment. Source: Database from the Dirección de Análisis y Sistemas de Información, SEP.

#### 4. *Structure of plans of study*

Among law programs, there are plans of study that are rigid, flexible or specialized. A rigid plan establishes the courses the students must take each academic term. Some IHEs with a rigid study plan offer students the opportunity to choose from a set of optional courses, which generally represent less than 20% of the LED courses, but the study plan indicates how many and when they can be taken. In contrast, a flexible study plan allows students to choose the courses they want to take in each academic term, although there are mandatory courses, an established sequence for certain courses and a minimum and maximum number of courses that can be taken each term. A specialized study plan usually starts as a rigid plan, but in the last LED terms, students can select a set of courses that focuses on a specific area of law. There are also mixed options in a single study plan, which can start as a rigid plan and later become flexible.<sup>66</sup>

Most law programs in Mexico have a rigid study plan, mainly due to two factors. First, there is the “central core” that must be included in every lawyer’s education, which represents approximately 80% of the *Licenciatura en Derecho*. By implementing a rigid study plan, an institution can ensure that every student is receiving that “essential” knowledge. Second, most institutions have a low enrollment, so they cannot offer a wide variety of elective courses. In addition to this, their facilities are small and funds for faculty salaries are very limited. For instance, in some small institutions, the group votes on the elective courses in the study plan. The course with the most votes is scheduled for the following term and all the students take that course.

At some public IHEs with a relatively large student population and a few private IHEs with the economic resources, we observed a tendency towards flexible programs and curricular specialization. This approach addresses the issue of specialization in certain areas, as well as institutions’ concern about high dropout rates. Institutions have experienced increasing student retention rates by allowing students to choose the courses they want to take, and by offering individualized help to guide them in the selection process.

#### 5. *Division and duration of law programs*

In general, each IHE decides the academic terms and the duration of its study plan. Still, Agreement 279, which standardizes certain aspects of higher

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<sup>66</sup> There are also a few programs focused on an older population or on professionals. These reduce the number of courses by offering only those relevant for law practice, and adapt the program fit into the short time available to these students. Two examples are the Executive Programs at the Universidad del Valle de México (see [www.uvmnet.edu](http://www.uvmnet.edu)) and the Adult Education Program at the Universidad del Noroeste (see [www.uno.mx](http://www.uno.mx)).

education, states that the minimum amount of time for learning activities under an instructor's guidance in a full-time program is 2,400 hours.<sup>67</sup>

Traditionally, law programs lasted five years, but since the 1980s, shorter programs have been developed. By the 2006-2007 academic year, only 23% of full-time law programs were five-year programs.<sup>68</sup> In contrast, 33% of the full-time law programs that year were less than four years long.<sup>69</sup> A few full-time LEDs may be completed in two years and eight months.

It is possible to shorten the time needed to complete a program by restructuring the academic terms. Study plans used to be divided into years or semesters, but nowadays more and more programs are divided into four-month periods or quarters. Instead of offering a 5-year or 9-10 semester LED with long breaks in December-January and in June-August, these programs offer an LED in 9 or 10 four-month terms with only a one or two week break between terms. Thus, institutions have been able to attract more students who work and are not interested in long breaks, but in finishing their degree as quickly as possible. If these institutions have to "sacrifice" courses to reduce the time it takes to complete a degree, they usually dispense with non-substantive law courses. The impact reducing the length of law programs has on the quality of legal education has yet to be analyzed.

## 6. *Class Shifts*

Full-time law programs currently offer six different options for class shifts: *a)* mixed: the student must attend morning and evening classes; *b)* flexible: classes are offered all day long and students choose their schedule; *c)* morning: classes take place from 7:00 AM to 11:00 AM;<sup>70</sup> *d)* midday: classes take place from 11:00 AM to 3:00 PM;<sup>71</sup> *e)* evening: classes take place from 4:00 PM to 8:00 PM; *f)* night: classes take place from 6:00 PM to 10:00 PM. Each class shift implies a different student profile, especially when the student has access to choose from different options. For example, programs with morning classes generally attract recent high school gradu-

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<sup>67</sup> Article 15 of Agreement 279. Study plans for all bachelor's degrees, including law, will consist of at least 300 credits. One credit equals 16 hours of effective learning activities. A learning activity is any action in which the student participates to acquire the required knowledge and skills in a study plan, either under academic staff supervision or independently. Articles 13, frac. II and 14 of Agreement 279.

<sup>68</sup> However, this correspond to 55% of the law programs in public IHEs, and only 19% of the law programs in private IHEs.

<sup>69</sup> All of these programs, except one, are offered at private institutions.

<sup>70</sup> As an interesting note, morning classes at the Universidad Juárez Autónoma de Tabasco start at 6:00 A.M.

<sup>71</sup> In some institutions, the midday class shift is called intermediate, mixed or pilot.

ates who do not work, while programs with evening or night classes mainly attract mainly working students or older students.

Each IHE determines the class shift for the LED. One IHE can even offer the full law program (that is, all levels) at different class shifts. Three out of every ten LEDs are offered in two or more class schedules and most offer morning or evening classes.<sup>72</sup> A single law program may combine class schedules, depending on the year of study in the program. Ten percent of all full-time law programs follow this model. For example, the first half of the program is offered in the mornings, and the second half is offered in the afternoons. This allows students to hold a job during the final years of their program. Naturally, the structure of the plan of study is reflected in the class shift. Generally, IHEs with rigid study plans have mixed, morning, evening or night shifts, while flexible plans have flexible shifts.

#### IV. THE INCREASE IN THE NUMBER OF LAW SCHOOLS

During the 1997-1998 academic year, there were 170,210 law students in 364 institutions offering 367 LEDs. By the 2006-2007 academic year, the number of law students had increased to approximately 240,000 distributed among 930 institutions offering 1,130 LEDs.<sup>73</sup> This represents a 41% increase in enrollment over the past decade, a 156% increase in IHEs offering a law program, and a 208% increase in *Licenciaturas en Derecho*.<sup>74</sup> In other words, in the past ten years, approximately every week a new law school begins to offer one or two new LEDs to 134 new law students.

It is a paradox that this rapid increase of the number of law programs has occurred simultaneously with a serious problem of lack of job opportunities for law graduates. In principle, higher education must give a balanced response to both social demand for opportunities of higher education and the needs of the job market. Nevertheless, employment prospects for most law graduates are not very good. In the 1990s, ANUIES examined the employment prospects for graduates from different programs.<sup>75</sup> The study found that 13 programs, including the LED, had a high enrollment surplus, which could be considered critical in the mid-term job market.<sup>76</sup>

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<sup>72</sup> A single full-time program may be offered up into four class shifts. The LED at the Universidad Autónoma de Nuevo León is one example.

<sup>73</sup> Source: Personal database and data from the Dirección de Análisis y Sistemas de Información de la SEP.

<sup>74</sup> Population in Mexico increased 13% over the same period. Source: Instituto Nacional de Estadística, Geografía e Informática (INEGI).

<sup>75</sup> ANUIES, MERCADO LABORAL DE PROFESIONISTAS EN MÉXICO: ESCENARIOS DE PROSPECTIVA 2000-2006-2010, Segunda Parte (2003).

<sup>76</sup> Besides law, the other critical degrees are Business Administration, Accounting, Computer and Systems Engineering, Elementary Education, Mechanical and Industrial Engi-



The study calculated a surplus of approximately 47% of the law graduates and points out that “long-term perspectives (through 2010) further emphasize the adverse conditions expected for the job market.”<sup>77</sup> The ANUIES study concludes that law graduates, like those in other *critical* programs, “may be unemployed, and at best, they may find a low quality occupation that is not a professional career. This implies a considerable amount of sub-employment for professionals.”<sup>78</sup>

The main causes of this growth include: 1) increased availability of higher education in Mexico, in general, in response to the growing demand for higher education programs; 2) ease with which new law programs can be started, as well as the low investment required to do so; and 3) the wide range of reasons students have to study law.

### 1. *Increase in Higher Education Enrollment*

The rapid increase in the number of academic programs is not a phenomenon exclusive to law studies, but extends to other higher education programs in Mexico. Higher education enrollment has almost tripled over the last twenty-five years, going from 731,147 students in 1980 to 2,150,146 in 2006.<sup>79</sup> From 1995 to 2004, enrollment increased 53%, surpassing, for example, the average 41% enrollment increase in Organization for Economic Cooperation and Development (OECD) countries.<sup>80</sup> Due to this growing need, the federal government's Education Development Program has made extensive access to higher education a priority for several decades.<sup>81</sup>

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neering, Medicine, Political Sciences and Public Administration, Pedagogy and Education Sciences, Electrical and Electronic Engineering, Communication Sciences, Marketing and Architecture, all which, according to the study, “will provide 82% of the total offer of professionals with a bachelor's degree during 2000-2006.” *Id.* at 217.

<sup>77</sup> *Id.* at 218.

<sup>78</sup> *Id.*

<sup>79</sup> ANUIES, ANUARIO ESTADÍSTICO 2004. POBLACIÓN ESCOLAR DE LICENCIATURA Y TÉCNICO SUPERIOR EN UNIVERSIDADES E INSTITUTOS TECNOLÓGICOS 4 (2004), citing as source: ANUARIOS ESTADÍSTICOS DE LA ANUIES, 1980-2004 and SEP, *Sistema educativo de los Estados Unidos Mexicanos. Principales cifras ciclo escolar 2006-2007* (2007), at 177, available at: [www.dgpp.sep.gob.mx/Estadi/Principales%20cifras%202006-2007%20gris1.pdf](http://www.dgpp.sep.gob.mx/Estadi/Principales%20cifras%202006-2007%20gris1.pdf).

<sup>80</sup> ORGANIZATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT, EDUCATION AT A GLANCE 2007, BRIEFING NOTE FOR MEXICO 7 (2007) (hereinafter referred to as “OECD, BRIEFING NOTE FOR MEXICO”), available at: [www.oecd.org/dataoecd/51/22/37392816.pdf](http://www.oecd.org/dataoecd/51/22/37392816.pdf).

<sup>81</sup> See, for example SECRETARÍA DE EDUCACIÓN PÚBLICA, PROGRAMA PARA LA MODERNIZACIÓN EDUCATIVA 1989-94 (1989); *id.*, PROGRAMA NACIONAL DE EDUCACIÓN 1995-2000 (1995); *id.*, PROGRAMA NACIONAL DE EDUCACIÓN 2001-2006 (2001).

This growth will continue for at least another decade. The enrollment rate in higher education is still lower than it should be. For example, the higher education enrollment rate for 20-24 year-olds increased from 14.83% in 1995 to 23.9% in 2003, but it is less than the average rate of 28.5% for Latin America.<sup>82</sup> If we compared Mexico's rate with that of other OECD countries, the difference is even greater. According to the OECD, if the present tendency continues, only 30% of young Mexicans will receive a college education at some time in their lives, considerably lower than the 54% average for other OECD countries.<sup>83</sup>

Interest in enrolling in a higher education program is linked to easy access to those programs, combined with the general perception that the higher the educational level individuals attain, the better their jobs and the higher their salaries.<sup>84</sup> According to the OECD, in Mexico, having a college degree gives a 19% advantage in employment opportunities, reflecting a difference between 61% for high school graduates and 82% for college graduates.<sup>85</sup> Thus, the percentage of young Mexicans interested in higher education is greater than in other countries; 49% of fifteen-year-olds want to finish a bachelor's degree, while the average in OECD countries is 44.5%.<sup>86</sup>

## 2. *Creation of a new* Licenciatura en Derecho

Héctor Fix-Fierro and Sergio López Ayllón point out that "opening a new establishment [that offers the LED] does not require a large investment. All you need is a classroom and one or several part-time professors. There is no

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<sup>82</sup> INSTITUTO INTERNACIONAL PARA LA EDUCACIÓN SUPERIOR EN AMÉRICA LATINA Y EL CARIBE / INTERNATIONAL INSTITUTE FOR HIGHER EDUCATION IN LATIN AMERICA AND THE CARIBBEAN (IESALC-UNESCO), INFORME SOBRE LA EDUCACIÓN SUPERIOR EN AMÉRICA LATINA Y EL CARIBE 2000-2005. LA METAMORFOSIS DE LA EDUCACIÓN SUPERIOR 247 (2006) (hereinafter referred to as "IESALC-UNESCO").

<sup>83</sup> ORGANIZATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT, EDUCATION AT A GLANCE 2007, OECD INDICATORS 286-87 and 294 (2007) (hereinafter referred to as "OECD, EDUCATION AT A GLANCE 2007"), available at: <http://www.oecd.org/dataoecd/4/55/39313286.pdf>.

<sup>84</sup> One study that explores these ideas is: OECD, EDUCATION AT A GLANCE 2007, *supra* note 94, especially the sections "A8: How does participation in education affect participation in the labor market?" and "A9: What are the economic benefits of education?"

<sup>85</sup> OECD, EDUCATION AT A GLANCE 2007, *supra* note 94, at 136. See also OECD, BRIEFING NOTE FOR MEXICO, *supra* note 91, at 8.

<sup>86</sup> Indicator A4: What are the students' expectations for education?; Table A4.1a. Percentage of students that expect to complete different levels of education (2003), in OECD, EDUCATION AT A GLANCE 2007, *supra* note 94, at 84 (Source: OECD PISA 2003). See also OECD, BRIEFING NOTE FOR MEXICO, *supra* note 91, at 13. It is important to point out that in Mexico the percent of women that want to complete a bachelor's degree is 56%, surpassing 42% for men.

real need to invest in a library (maybe a basic one), nor [is there any need] for an ambitious research program and publications.”<sup>87</sup> This observation refers to institutions, mainly private ones, with a low enrollment, which at present offer more than 50% of Mexico's law programs (see Table 2).

TABLE 2. ENROLLMENT IN LEDS IN THE 2006-2007 ACADEMIC YEAR

<i>Enrollment</i>	<i>Public IHEs</i>			<i>Private IHEs</i>			<i>Total</i>		
	<i>LED</i>	<i>%</i>	<i>Cum.</i>	<i>LED</i>	<i>%</i>	<i>Cum.</i>	<i>LED</i>	<i>%</i>	<i>Cum.</i>
50 or less	4	3.7	3.7	274	32.9	32.9	278	29.6	29.6
51 to 100	12	11.1	14.8	193	23.3	56.1	205	21.8	51.4
101 to 250	19	17.6	32.4	232	27.9	84.0	251	26.7	78.1
251 to 500	26	24.1	56.5	92	11.1	95.1	118	12.6	90.6
501 to 1000	12	11.1	67.6	31	3.7	98.8	43	4.6	95.2
1001 to 2500	23	21.3	88.9	10	1.2	100.0	33	3.5	98.7
2501 to 5000	8	7.4	96.3				8	.9	99.6
+ 5000	4	3.7	100.0				4	.4	100.0
LEDs	108	100.0		832	100.0		940	100.0	

SOURCE: Author's elaboration based on data from Dirección de Análisis y Sistemas de Información, SEP.

Facilities and professors are the aspects that involve the largest expense for IHEs offering a LED. According to the General Education Law, an institution's facilities must comply with the hygiene, safety and pedagogic conditions set by the authority granting permission to operate.<sup>88</sup> However, in most cases, having a classroom for each level and space for the administrative office is enough. The only additional required item is a library, but a single copy of the books indicated as the “bibliography” for each class is sufficient and might require fewer than 200 books.

Regarding the faculty, most institutions do not have full-time professors, but have all the courses taught by outside lecturers instead.<sup>89</sup> These profes-

<sup>87</sup> Héctor Fix-Fierro & Sergio López-Ayllón, *¿Muchos abogados pero poca profesión? Derecho y profesión jurídica en el México contemporáneo*, in DEL GOBIERNO DE LOS ABOGADOS AL IMPERIO DE LAS LEYES 1, 16 (Héctor Fix-Fierro ed., 2006).

<sup>88</sup> Article 55, frac. II of LGE.

<sup>89</sup> Agreement 279 establishes a minimum percentage of courses that must be assigned to full-time faculty depending on the program. Law and Legal Sciences programs are classified as professional programs, which are defined in Article 10 as “those whose graduates will, in general, have a professional practice and whose study plans do not require a high proportion of basic courses in sciences or humanities or courses exacting a large amount of

sors are usually practicing lawyers who dedicate certain hours a week to teaching a class in exchange for a meager sum. One item in the questionnaire we administered to more than 700 law professors in the 2004-2005 academic year asked how much their payment for teaching classes represented of their total income. A preliminary analysis shows that, for the most part, those payments are “a minor complement to their overall income,” or “an insignificant income when compared with their other professional activities.”<sup>90</sup>

Furthermore, the procedure to obtain the proper authorization is not complicated because one government goal is to increase access to higher education. Multiple entities may award a RVOE or incorporation, and the procedures and requirements to open a law program have been simplified. Agreements 243 and 279 strive to simplify and clearly define the requirements and procedures to obtain a RVOE. For example, there were 194 requests for LED federal recognition between 1999 and 2003; 122 of these requests received recognition, and 72 were denied it.<sup>91</sup> In other words, over 60% of the requests were approved.

### 3. *Reasons for Studying Law*

The general increase in college degrees as well as the fact that opening a new law program is relatively easy and inexpensive facilitates the increase in the availability of LED programs. However, student demand for these programs is the real motor behind the growth of law degree programs. Until 2003, the LED was the higher education program with the largest enrollment in the country, and the demand for this program continues to rise.<sup>92</sup>

According to a study of almost 22,000 law students in Mexico, the high demand may result from the wide range of ways future students are exposed to law and the many factors that make the profession attractive.<sup>93</sup> The students were exposed to law mainly through: *a*) day-to-day experi-

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time for student attention.” As a result, a full-time faculty is not required for bachelor, specialization, or master’s law programs. However, for doctoral programs—regardless of the field—at least 50% of the courses must be taught by a full-time professor. Article 10 of Agreement 279.

<sup>90</sup> When asked: “Do you consider academic activities as an opportunity for you to...?,” most answered that it was an opportunity to “fulfill an academic vocation,” “Keep updated,” and “participate in profession/transform society.” Very few responded, “to obtain additional income.” The results of the survey will be reported in another research article.

<sup>91</sup> Information provided by the SSES of the SEP (March 18, 2004).

<sup>92</sup> ANUIES, *Anuario Estadístico 2003, Licenciatura en Universidades e Institutos Tecnológicos, Resúmenes y Series Históricas* 17 (2003), available at: <http://www.anuies.mx>.

<sup>93</sup> See Luis Fernando Perez Hurtado, *The Next Generation of Mexican Lawyers: A Study of Mexico’s System of Legal Education and its Law Students* (2008) (J.S.D. dissertation, Stanford Law School), available at: [www.educacionjuridica.org](http://www.educacionjuridica.org) (Chapter IV: Deciding to Study Law).

ences, especially those involving violations of rights or because they perceive an environment of injustice, corruption and impunity (almost one in every five students); *b*) the influence of family members or acquaintances; *c*) contact with legal practice at a professional level; or *d*) contact during previous school levels in the form of a class, a paper, a teacher or an academic conference.

Once students have come in contact with the law, attraction to this field may be due to *a*) the contents of the study plan; *b*) the legal protection a training in law can give them or their family; *c*) the characteristics of the legal profession; and *d*) the associated personal benefits such as income, prestige and contacts.

Professionally, the *Licenciatura en Derecho* offers students a broad range of opportunities for types of professional practice and places to work. At the personal level, it represents a suitable income, access to certain social networks, as well as prestige. At the social level, it offers them the opportunity to spread democracy, social justice and the common good. It is easy to see how one or several of those motives can attract high school graduates in Mexico.

The largest increase in enrollment has been (A) in private education, especially in small IHEs and in IHEs that belong to a system of institutions; (B) in regions that offered fewer educational opportunities in the past; and (C) in places outside Major Urban Zones.

#### A. *The Role of Private Education*

The increase in law programs in private institutions has been particularly impressive. From the 1997-1998 academic year to the 2006-2007 academic year, their enrollment has increased 97%. The number of IHEs offering LEDs rose 177%, and the number of law programs increased by 236%.<sup>94</sup> In contrast, the increase in public institutions was modest. In the same period, their law enrollment grew only 8%, the number of IHEs offering LEDs increased by 61%, and the number of law programs grew 84%.<sup>95</sup> As of the 2004-2005 academic year, private institutions have a higher enrollment of law students than their public counterparts.

One significant reason for the growth of private IHEs is that public IHEs have been unable to meet the large demand for higher education. The

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<sup>94</sup> In private IHEs enrollment in law programs increased from 63,310 students to approximately 124,600, the number of IHEs with LEDs increased from 297 to 822, and the number of law programs increased from 299 to 1005. Source: Personal database and data from the Dirección de Análisis y Sistemas de Información of the SEP.

<sup>95</sup> In public IHEs enrollment in law programs increased from 106,900 students to approximately 115,400, the number of IHEs with LEDs increased from 67 to 108, and the number of law programs increased from 68 to 125. Source: Personal database and data from the Dirección de Análisis y Sistemas de Información of the SEP.

massification of public education in the 1970s affected educational quality and institutions' ability to properly execute their functions. As a result, they limited enrollment. Fix-Fierro and López Ayllón point out that

According to several observers, legal education in public universities (UNAM, but also other state universities with regional prestige, such as Guanajuato, Veracruz and San Luis Potosí) was quite good in the fifties and the sixties. However, this level began to drop with the massification of the seventies. This was an important reason for the growth of private universities. Later on, however, public universities also limited their growth [of enrollment], which has offered, as we have seen, new growth opportunities for private universities.<sup>96</sup>

Another reason for this growth is private institutions' ability to adapt to the demand. Most of these institutions offer LEDs in a shorter time, have eliminated the thesis requirement to obtain a diploma, offer class shifts attractive to working students, have a plan of study mostly focused on the practice of law, and some of them offer specialized programs. In addition, a large number of institutions are located in areas that formerly offered few or no opportunities to pursue a higher education. Thus, they are becoming increasingly more accessible to a larger number of individuals.

Two major characteristics of most of the private institutions established in the last decade are their low enrollment and membership in a system of institutions. At present, more than half of the LEDs in private institutions have fewer than 100 students. In contrast, during the 1997-1998 academic year, only 36% of the programs had fewer than 100 students (see Table 3). That year, most law programs had between 101 and 250 students, but nowadays a large number of programs have fewer than 50 students.

Over the last decade, private institutions have also tended to create their own networks or educational "systems".<sup>97</sup> In the 1997-1998 academic year, there were 31 systems of private institutions with 115 IHEs and the same number of law programs. In other words, 38% of the private institutions and their law programs formed part of a system. In the 2006-2007 academic year, the numbers grew to 103 systems of private institutions with 457 IHE and 571 law programs, or 57%.<sup>98</sup>

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<sup>96</sup> Héctor Fix-Fierro & Sergio López-Ayllón, *¿Muchos abogados pero poca profesión? Derecho y profesión jurídica en el México contemporáneo*, *supra* note 88, at 18.

<sup>97</sup> As mentioned before, a System of IHEs is formed of two or more IHEs sharing the same organizational, administrative, financing, curricular, ideological and/or pedagogical structure. Each system states the characteristics or elements that unify or identify the institutions in the system. We only took into account those Systems that offer law programs at two or more of their institutions.

<sup>98</sup> There are three systems with more than 20 private institutions: Universidad UNIVER with 37 IHE; Red UVM (Universidad del Valle de México) with 25 IHE; and Sistema UNID (Universidad Interamericana para el Desarrollo) with 22 IHE. As a basis for com-

TABLE 3. ENROLLMENT IN LEDS IN PRIVATE INSTITUTIONS  
(1997-1998 AND 2006-2007 ACADEMIC YEARS)

<i>Enrollment</i>	<i>1997-1998</i>			<i>2006-2007</i>		
	<i>LED</i>	<i>%</i>	<i>Cum.</i>	<i>LED</i>	<i>%</i>	<i>Cum.</i>
50 or less	66	22.1	22.1	274	32.9	32.9
51 to 100	61	20.4	42.5	193	23.2	56.1
101 to 250	92	30.8	73.2	232	27.9	84.0
251 to 500	49	16.4	89.6	92	11.1	95.1
501 to 1000	26	8.7	98.3	31	3.7	98.8
1001 to 2500	4	1.3	99.7	10	1.2	100.0
2501 to 5000	1	.3	100.0	0	0	
+ 5000	0	0		0	0	
LEDs	299	100.0		832	100.0	

SOURCE: Author's elaboration based on data from Dirección de Análisis y Sistemas de Información, SEP.

Private IHE membership in a system clearly indicates that the expansion of higher education has largely been generated by institutions or groups with experience in higher education and in institutional administration and operation. Most of these systems are run by companies, families or religious groups. An important segment of the IHEs that do not belong to a system are institutions that also offer elementary and secondary education programs. These institutions can use their facilities and experience to secure a large number of students from their own high school graduates. Therefore, most of the newly established law programs are expansion projects carried out by organizations, groups or institutions that are already involved in educational activities.

### B. *Regions with Reduced Educational Opportunities*

The increase in enrollment in law programs is a nationwide phenomenon.<sup>99</sup> However, the largest growth has occurred in regions with lower col-

parison, the public institution system with the most IHEs is the Red UdG (Universidad de Guadalajara), with 13 institutions, followed by the Universidad Autónoma del Estado de México, with 10 institutions.

<sup>99</sup> ANUIES divides IHEs into 6 regions: Northwest (Baja California, Baja California Sur, Chihuahua, Sinaloa, Sonora); Northeast (Coahuila de Zaragoza, Durango, Nuevo León, San Luis Potosí, Tamaulipas, Zacatecas); Central-West (Aguascalientes, Colima, Guanajuato, Jalisco, Michoacán, Nayarit); Mexico City Region (Metropolitan Zone of Mexico City); Central-South (Guerrero, Hidalgo, México, Morelos, Puebla, Querétaro,



lege enrollment per capita (see Table 4). In general, the lower the enrollment rate, the larger the growth.

TABLE 4. ENROLLMENT GROWTH IN LEDs, BY REGION  
(AND COLLEGE ENROLLMENT, GDP AND POPULATION GROWTH)

Region	Enrollment in LEDs			College Enrollment / 1000 hab. <sup>a)</sup>	GDP per capita (thous. of pesos) <sup>b)</sup>	% Population growth 1995 to 2005 <sup>c)</sup>
	1997-1998	2006-2007	% Inc.			
Northwest	21,823	28,045	28.5	17.1	38.0	18.5
Northeast	25,967	33,927	30.7	17.4	36.8	13.5
Central-West	27,607	40,683	47.4	10.1	25.2	10.2
Mexico City <sup>d)</sup>	44,311	55,895	26.1	22.0	50.2	11.2
Central-South <sup>d)</sup>	28,223	42,496	50.6	11.6	22.6	15.4
South-Southeast	22,279	37,370	67.7	9.7	20.1	13.2
Total	170,210	238,416	40.1	14.4	31.5	13.3

a) College enrollment in 1997, per 1,000 inhabitants.<sup>100</sup>

b) GDP per thousand of pesos in current prices for basic values in 1997, per capita.<sup>101</sup>

c) Population growth from 1995 to 2005.<sup>102</sup>

d) The college enrollment and the GDP in the Metropolitan region were calculated from the proportion of the population in the state of Mexico that form part of this region.

SOURCE: Author's elaboration based on data from INEGI and Dirección de Análisis y Sistemas de Información, SEP.

Regions with relatively larger increases were the Central-West, Central-South and South-Southeast parts of Mexico. The states with more than 100% increase in LED enrollment were Colima, Guanajuato, Hidalgo, Morelos, Querétaro, Veracruz and Quintana Roo. On the other hand, the states with decreased enrollment were Oaxaca and Guerrero. Considering

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Tlaxcala); and South Southeast (Campeche, Chiapas, Oaxaca, Quintana Roo, Tabasco, Veracruz, Yucatán). See Regiones de la ANUIES, available at: [www.anui.es.mx/r\\_anui/es/index2.php](http://www.anui.es.mx/r_anui/es/index2.php).

<sup>100</sup> Source: Table of College Enrollment by State 1992-2003, in ANUIES, *Anuario Estadístico 2003, Licenciatura en Universidades e Institutos Tecnológicos*, supra note 103, at 12.

<sup>101</sup> The figures were calculated by dividing the population in 1995 by region and the GDP per thousands of pesos in current prices for basic values in 1997, by region. 1997 GDP Source: INEGI, *Sistema de Cuentas Nacionales de México, Producto Interno Bruto por Entidad Federativa 1997-2002* 40 (2003), available at: [http://www.inegi.gob.mx/prod\\_serv/contenidos/espanol/bvinegi/productos/derivada/cuentas/pib/pibef97\\_02.pdf](http://www.inegi.gob.mx/prod_serv/contenidos/espanol/bvinegi/productos/derivada/cuentas/pib/pibef97_02.pdf).

<sup>102</sup> Source: INEGI, *Conteos de Población y Vivienda 1995 and 2005*, available at: [www.inegi.gob.mx](http://www.inegi.gob.mx).

the Gross Domestic Product (GDP) per capita, most states with enrollment increases are at the middle or lower-middle level on the national scale. However, Oaxaca and Guerrero, where enrollment decreased, are two of the poorest states in Mexico. Fewer educational opportunities in these entities may be because fewer people can pay tuition at a private IHE—which offers most of the new higher education opportunities—and there are fewer opportunities for graduates to enter the job market.

### C. Locations Outside Major Urban Zones

Most law students are concentrated in institutions located in “Major Urban Zones” (MUZ),<sup>103</sup> even though only half of the population of Mexico lives in those zones. This is because the larger, older or more prestigious IHEs are located in these areas, and attract students from different regions of the country. Moreover, there are more opportunities in these zones for professional growth. However, from the 1997-1998 academic year to the 2006-2007 academic year, enrollment in these zones barely exceeded the rate of growth of the general population, while enrollment outside MUZs doubled (see Table 5). Most law programs are in MUZs, but the largest increase in this number occurred outside MUZs (238%).

TABLE 5. ENROLLMENT IN LEDs BY MAYOR URBAN ZONE  
(1997-1998 AND 2006-2007 ACADEMIC YEARS)

	<i>Enrollment 97-98</i>	<i>%</i>	<i>Enrollment 06-07</i>	<i>%</i>	<i>Population Growth</i>	<i>Enrollment Growth</i>
No MUZ	19,833	11.7	46,766	19.6	8.2	135.8
MUZs	150,377	88.3	191,650	80.4	18.3	27.4
Mexico City	44,311	29.5	55,906	29.2	11.2	26.2
Guadalajara	11,820	7.9	15,128	7.9	17.6	28.0
Monterrey	9,239	6.1	10,475	5.5	20.6	13.4
Puebla	8,032	5.3	9,058	4.7	23.9	12.8
Toluca	2,705	1.8	4,401	2.3	28.4	62.7
Other MUZs	74,270	49.4	96,682	50.4	23.4	30.2
Total	170,210	100.0	238,416	100.0	13.3	40.1

SOURCE: Author's elaboration based on data from INEGI and Dirección de Análisis y Sistemas de Información, SEP.

<sup>103</sup> The Major Urban Zones are state capitals (and, if the case, the entire metropolitan area), Mexico City and metropolitan areas that, according to the INEGI classification in 2005 had more than 500,000 inhabitants. See INEGI, *Delimitación de las Zonas Metropolitanas de México* (2004), available at: [www.inegi.gob.mx/est/contenidos/espanol/metodologias/otras/zonas\\_met.pdf](http://www.inegi.gob.mx/est/contenidos/espanol/metodologias/otras/zonas_met.pdf) (visited on October 24, 2007).

Regarding specific MUZs, relatively greater growth took place in the Toluca Metropolitan Zone, while enrollment in the Monterrey and Puebla Metropolitan Zones increased less than that of the population growth. This phenomenon may be due to two factors. First, Monterrey and Puebla have had a large number of IHEs for many years and so may have provided adequate coverage for their population. Second, these cities have traditionally attracted many students from different regions of the country. However, these students now have more opportunities to receive a higher education in their localities, making it likelier that they stay in their “home” region.

## V. SUMMARY OF PRINCIPAL FINDINGS AND CONCLUSIONS

- 1) The quality and structure of Mexican legal education directly affects the quality of the professional services lawyers offer, as well as the quality and efficiency of Mexico’s legal system. Despite its importance, there are only a few studies on Mexican legal education and very little is known about the subject. This study aims to provide information about the subject by analyzing the structure of Mexico’s system of legal education, specifically the content and structure of the law programs and the procedure to obtain the license to practice law.
- 2) In a narrow sense, the term Mexico’s system of legal education refers to the necessary studies and requirements for obtaining a license to practice as a lawyer. At first glance, the process that allows an individual to practice law seems to be straightforward. After graduating from high school, a student begins the *Licenciatura en Derecho* at an institution that is part of the National Education System. There, the student takes the requisite courses, meets the institution’s graduation requirements, and earns the degree diploma. The student then registers the diploma at the General Office for Professional Practice, and finally receives the license (*cédula profesional*), which allows that individual to practice as a lawyer throughout the country. However, each of the steps may present some variations depending on the specific case; for instance, there are different ways for an institution to be part of the National Education System, each of them with its own requirements and procedures. The way in which each IHE enters the system determines the degree of academic and administrative freedom the institution has and, consequently, the flexibility to define the requirements that its students must meet in order to obtain the law degree and the license to practice law.
- 3) In general, law students take between 40 and 70 mandatory courses during the law program. Moreover, each institution integrates some courses that reflect its identity or ideology into its study plans, as well as courses in one or several law areas if the program has a particular

specialization. Despite the relative freedom that IHE have to define study plans and programs, they do not differ significantly in the content of the law programs that they offer. This uniformity is the result of the strong belief among lawyers regarding a “core” of knowledge that every law student must acquire, the lack of appropriate proposals promoting change, and the standardized process for recognizing study plans and programs for most private IHE. Existing differences do not center on the content of the study plan, but rather on the program structure and development, including the degree of flexibility, division, duration and class shift.

- 4) Mexico's system of legal education has increased in size dramatically. Even though employment prospects for most law graduates are not very optimal, enrollment in legal education programs has grown by 41% in the past decade, with a corresponding 156% increase in the number of IHE offering a law program, and a 208% increase in *Licenciaturas en Derecho*. In other words, during the past ten years, every week, an institution began to offer one or two new LED programs to 134 new law students. The principal causes of this growth include: 1) the increased availability of higher education in Mexico, in general, as a response to the growing demand for higher education programs; 2) the ease with which a new law program could be started, including the low investment required; and 3) the diverse reasons that students have to study law. The largest increases have been in *a*) private education, especially in small IHE and in IHE that belong to a system of institutions; *b*) regions that formerly offered fewer educational opportunities; and *c*) locations outside of the Major Urban Zones.
- 5) The rapid growth in the number of institutions that offer law degrees as well as the new role of law in Mexico require a clear definition of what basic legal knowledge is and who can practice law. Debates and initiatives addressing this challenge should be based on reliable, updated information, as well as on meaningful and systematic research on this subject. This study aims to provide useful information for the endeavors and serve as a catalyst for new research on the matter.

## VI. FIELD WORK

In late 2003, I attended the conferences held by the associations of more than two hundred law schools in Mexico and Latin America, such as: the Association of Law Colleges, Schools and Institutes in Latin America (*Asociación de Facultades, Escuelas e Institutos de Derecho de América Latina*), and the Mexican National Association of Law Colleges, Schools, Departments, and Research Institutions (*Asociación Nacional de Facultades, Escuelas de Derecho, De-*

*partamentos de Derecho e Institutos de Investigación Jurídica*). I spoke with experts in the field, who helped me develop the best approach for our study.

The next step was to identify those in charge of enforcing the regulatory framework and conduct semi-structured interviews to learn their functions and the way the regulatory framework is applied. In March 2004, I visited the Ministry of Education's Office of the Undersecretary of Higher Education (*Subsecretaría de Educación Superior*, formerly known as the Office of the Undersecretary of Higher Education and Scientific Research). I also went to the General Office of Higher Education (*Dirección General de Educación Superior*), which includes the Office of Private Institutions of Higher Education, the Office of Planning and Evaluation of Higher Education, and the Office of University Subsidies; and the General Office of Professions (*Dirección General de Profesiones*), which comprises the Office of Authorization and Professional Registration and the Office of Professional Associations.<sup>104</sup> While there, I interviewed the Undersecretary as well as all the heads of the general offices with its corresponding offices.

Afterwards, I gathered all available data on legal education and the legal profession regarding public and private entities. The main sources of information were the Ministry of Education's General Office of Planning and Programs, and the National Association of Universities and Institutions of Higher Education (*Asociación Nacional de Universidades e Instituciones de Educación Superior*, or ANUIES). This was a rather complex process in view of the limited and sometimes unreliable information. The federal government gathers information about students, teachers and institutions nationwide by means of Ministry of Education Statistic Questionnaires on Higher Education.<sup>105</sup> Based on this, the ANUIES annually publishes catalogs with data on different aspects of higher education. From the Ministry of Education (*Secretaría de Educación Pública*, or SEP), I obtained the data from statistical questionnaires on IHEs offering the *Licenciatura en Derecho* from 1997 to date and on LED students in the 2004-2005 academic year. However, these statistical questionnaires are incomplete since the SEP does not have a complete and updated list of all the institutions that offer this degree.

I developed an updated list of all the institutions that offer the *Licenciatura en Derecho* with information on the institutions, their students and their programs.<sup>106</sup> After several months, I was able to complete a list of 930 institu-

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<sup>104</sup> I also interviewed directors of the General Registrar's Office and the General Office of Incorporation and Validity of Studies at the Universidad Nacional Autónoma de México (UNAM).

<sup>105</sup> A telephone interview with Fernando Ulises González Colorado, Director, Dirección de Sistemas de Información de la Secretaría de Educación Pública (November 16, 2006).

<sup>106</sup> To develop this database, I: (1) combined different existing lists, such as the Subsecretaría de Educación Superior de la SEP ([www.ses4.sep.gob.mx](http://www.ses4.sep.gob.mx)), Dirección General de Planeación y Programación de la SEP ([www.dgpp.sep.gob.mx](http://www.dgpp.sep.gob.mx)), ANUIES ([www.anui.es.mx](http://www.anui.es.mx)), Uni-

tions that offered 1,130 law programs at the beginning of the 2006-2007 academic year.<sup>107</sup>

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versia ([www.universia.net.mx](http://www.universia.net.mx)), UNIoportunidades ([www.unioportunidades.com.mx](http://www.unioportunidades.com.mx)), Instituto de Investigaciones Jurídicas de la UNAM ([www.juridicas.unam.mx/navjus/esc](http://www.juridicas.unam.mx/navjus/esc)), Guía Universitaria Reader's Digest (Special Edition, Year 2, No. 2, 2004); (2) consulted lists of private IHEs and the programs recognized by authorities and accreditation institutions, such as federal government lists (e.g., Subsecretaría de Educación Superior, SEP, in [www.sep.gob.mx](http://www.sep.gob.mx)); state governments (e.g., Chiapas, in [www.educacionchiapas.gob.mx/1024/es3.htm](http://www.educacionchiapas.gob.mx/1024/es3.htm)), and autonomous universities (e.g., UNAM, in [www.dgire.unam.mx](http://www.dgire.unam.mx)); (3) called dozens of lawyers and law faculty members; (4) conducted a broad internet search. When this list was completed, it was verified with the official web page of each institution that offers an LED. For those without a web page, the information was verified by phone. Finally, in the case of not having an IHE's number (or in the case the IHE did not have a phone line, as happened in some cases), I resorted to personal contacts, lawyers, an authority or another IHE in the region that might be related to the institution, to verify the information.

<sup>107</sup> The database is available at [www.educacionjuridica.org](http://www.educacionjuridica.org).

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