

Mongolian judges learn about the U.S. legal system in visit to Second Judicial District Court

Five judges from Mongolia visited New Mexico in late June, stopping in at the Second Judicial District Court along the way.

Global Ties ABQ, a non-profit organization that works to foster ongoing relationships between Albuquerque residents and international visitors, coordinated the tour, which the judges saw as a great educational experience.

Judge Victor Lopez hosted the group's visit to the Second Judicial District Court. The visit included a tour of the courthouse, observing a pretrial detention hearing, and meeting with four district court judges to discuss the differences between the U.S. and Mongolian court systems.

Mongolia, which descended from the Mongol Empire founded by Genghis Kahn in 1206, was a Communist State from the 1920s until the fall of the Soviet Union in the 1990. The country adopted a democratic constitution, which included an independent judiciary, in 1992. The president appoints all of the country's judges to lifetime terms.



An interpreter, far right, facilitates conversation among judges from Mongolia and the Second Judicial District Court. The Mongolian judges questions centered on the jury selection process, the administration of drug court and whether electing judges hampers judicial independence. Mongolian judges receive lifetime appointments.

Three of the Mongolian judges on the New Mexico visit sit on First Instance Civil Courts, which are equivalent to New Mexico's District Courts. One judge sits on an Inter-Soum First Instance Civil Court, which is akin to New Mexico's Municipal or Metropolitan Courts. The fifth judge is the Chief Judge of a Provincial Criminal Court of Appeals. That court is similar to the New Mexico Court of Appeals, though it only considers criminal cases.

In their meeting with the District Court Judges, the Mongolian Judges questions centered on the jury selection process, the administration of drug court and whether electing judges hampers judicial independence. The interest in drug court stems from an increasing problem with drug addiction in Mongolia and a desire to find solutions other than simply throwing people in jail.

"I was struck with the Mongolian judges' incisive questioning on the jury selection process and how drug court personnel monitor and assure defendants' sobriety," Judge Lopez said. "They also showed great interest in understanding how New Mexico's partisan elected judges may nevertheless maintain judicial independence."

Judge Joshua Allison, who sits on the district court's civil bench, told the group that judges in this system know that their decisions could leave them vulnerable in elections, but they have to ignore that possibility and adhere to the rule of law when deciding cases. In essence, he said, the Judicial Code of Conduct overrides political considerations.

Munkdhavaa Magnalbayar, the Mongolian Criminal Court of Appeals Judge, asked about a detailed exchange between the judge and the defense attorney during the pretrial detention hearing. "It seemed evident that the judge was going to detain the defendant," Magnalbayar said. "Why did she have to have such a long discussion with the attorney?" Charles Brown, presiding judge of the district court's Criminal Division, explained that judges in the U.S. court system are required to explain their decisions, and having that conversation with an attorney in open court adds to that transparency.