

# BINATIONAL JUSTICE PROJECT

## Superior Court of Imperial County

### Cross-Border Cooperation Improves Enforcement and Helps Self-Represented Family Law Litigants

Tens of thousands of Mexicans and U.S. residents cross the border at Calexico every day to work, to shop, to go to school, and to visit families. Imperial County, California, and neighboring Mexicali, Mexico, are one community in almost every respect—geographically, commercially, and culturally.

Since 2005, the Binational Justice Project of the Superior Court of Imperial County has also united the two communities via a legal collaboration, permitting enforcement of family court orders across the national boundary.

The program began with a partnership between the court and various Mexican entities—the consulate in Calexico, judicial agencies, and law schools—to provide free legal services to self-represented family law litigants. It culminated in 2009 with formal memoranda of understanding between the Imperial County court and Mexican authorities.

The first agreement, signed in January 2009 by Imperial County Presiding Judge Donal B. Donnelly and Baja California Supervising Family Law Judge Juan Ulloa, established detailed procedures for notifying each jurisdiction of the other's orders and for certifying compliance. Under this agreement, the Imperial County court's attorneys and the Baja California public attorneys (the public defenders who are available to litigants in family law as well as criminal cases) also exchange information and provide mutual training and education on jurisdictional and procedural issues.

The second agreement, signed two months later by the Mexican consulate and the Imperial County court, pledged mutual cooperation to promote the

court's self-represented litigants' program and to train consular staff in assisting Mexican citizens with their Imperial County family law matters.

Pablo Jesus Arnaud Carreño, the Consul of Mexico in Calexico, says the agreements "will improve the direct communication between judicial authorities in both jurisdictions through the exchange of information on international law, helping to resolve fairly and efficiently the legal issues involving a conflict of law or jurisdiction."

Judge Donnelly puts it this way: "We build personal relations with the Mexican authorities and with others who can help us."

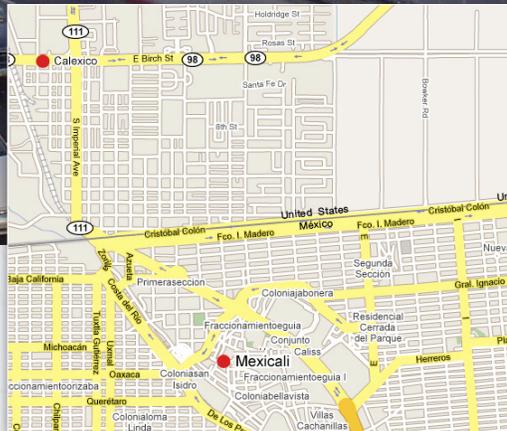
As a result of the agreements, orders issued in one jurisdiction are being enforced in the other to an increasing extent. Compliance has improved noticeably, reports Diane Altamirano, the senior court managing attorney.

Meanwhile, assistance provided to self-represented family court litigants by the court staff expanded in January 2008 into an Access Center, housed in the



*More than 100 countries have consular offices throughout California. This map shows the areas served by the 10 Mexican consulates in the state.*

*(Source: Superior Court of Imperial County)*



*Mexicali and Calexico are adjacent, yet they are on opposite sides of the U.S./Mexico border. Up to 50,000 workers travel between the two cities daily.*

courthouse and run by a bilingual, culturally competent staff of five. Among them is a former consular lawyer who is an authority on the family law of Mexico and the United States and an expert at navigating cases in which dual jurisdiction may be an issue or in which a judgment or order issued in one country must be enforced in the other.

A rotating contingent of volunteer law students from Mexico, each devoting a semester to the project, rounds out the staff. “A lawyer is trusted more if he starts by asking how the divorce litigant feels rather than what property he wants to keep,” observed former intern Daniel de los Santos, illustrating the insights these Mexican students bring to the project.

The Access Center’s Mexican partners help alleviate the confusion caused by numerous differences between the U.S. legal system and that of Mexico, where there’s no jury system, cases are conducted primarily on written pleadings, and grandparents may be ordered to pay child support.

The project also sponsors workshops for English- and Spanish-speaking litigants in family law issues, building confidence in their ability to navigate the legal system.

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Funding for the project, which has an annual budget of about \$300,000, includes state funds for assistance to litigants with child-support issues, Administrative Office of the Courts grants for self-help centers, and trial court operating funds.

#### TO REPLICATE THIS PROGRAM:

- *Understand your caseload and assess whether binational issues commonly arise.*
- *Make a list of the litigant groups served by your court who might have an interest in resolving these issues.*
- *Build personal relationships with those people. Form a basis for mutual trust, especially where different languages, cultures, and laws are involved.*
- *Start with an isolated problem and collaborate on a workable solution that serves the court’s mission in an effective and efficient manner.*
- *Put it into action.*
- *Review, refine, and expand to address additional problems.*