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THE COUNCIL OF THE JUDICATURE

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The first service that a State of Law must guarantee is the justice administration that is related with the principle of juridical safety that constitutes the effective tutelage regarding the exact compliance of the civil law, criminal law and non-retroactivity of the laws guarantying to the citizen the access to justice, to judgment of content motivated and to the compliance of judgment.

The Council of the Judicature and the Judicial Career go together since they cannot subsist without the other. The Judicial Organ does not have an institution, a constitutional level, of administrative character with privative competence to appoint judges and the magistrates of the Supreme Court of Justice by cooption, with exclusion of all influence strange to the organism, in order to avoid the gratitude of their nominations of persons out of the system.

The Judicial Career as the Military, the ascent is by scale, but no cadet can think that he can enter the military services as general, without been a second lieutenant. The article 305 of the Political Constitution creates the Judicial Career that has been wrong planned since the objective is that the not litigant lawyers start working as assistant in the courts and further occupying charges in the judicial municipal offices, of circuit and superior tribunals. When this officer has fulfilled several decades as judge, in accordance with his experience behind the counter of the justice administration, it makes him/her competitive together with his/her pairs, to occupy the charge of magistrate of the Supreme Court and since this appointment would be done by the Council of the Judicature is then complied with this independent and apolitical Judicial Organ.

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We have to understand that becoming a magistrate of the Supreme Court of Justice is a prize to excellence for the judicial officer that complies with the attributes that a good judge must have and that are, vocation and experience. If we begin by the kilometer zero of this problem, we will have a judicial officer



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different to the usual. It is necessary to join the head with the body, does not resist the minimal analysis of which the Supreme Court does not forms part of the judicial career, more than 20 magistrates have been named from 1990 up to the date, practically none was an active member of the ordinary justice at the moment of these designations.

The excellent forensic practice that is acquired behind the counter of the justice administration of justice by several district attorneys and judges, after been without any hope of ascent, they resigned from their charges and today they are successful litigant lawyers, but that is not what is expected since these judicial technicians are wasted and it would be an error to increase the period of the magistrates at the Supreme Court because what is wanted is to dinamize, to improve and improve the Judicial Career with these periodic ascents and to avoid the judicial gerontology.

The Fifth Hall is created, whose legality is questioned, to know about constitutional actions and there exist judicial officers who are 30, 35 and 40 years old of being applying every day the laws and the National Constitution, we do not know what other celestial credentials they need to conclude their careers in the highest magistracy of justice.

This writing is a product of several meetings, which in the time, we had with notable jurists and expert in this matter as HERNANDO DEVIS ECHANDÍA, who was in Panama working with us in the procedural civil reform, with that emblematic magistrate DOMINGO GARCÍA RADA, when we were dignitaries of the FEDERACIÓN LATINOAMERICANA DE MAGISTRADOS, in Peru and HÉCTOR FIX SAMUDIO, other of judicial career, who later devoted himself entirely in the direction of juridical investigations of the Law School, at the UNIVERSIDAD AUTÓNOMA DE MEXICO.

At the age of 19 we enter as Clerk the Third Municipal Court and the Judicial Organ was known and is also known as Cinderella, after 29 years we reach the Supreme Court of Justice, the Economic Autonomy was instituted at constitutional level and we obtain with the Executive Organ 12 hectares of land with its polygon and courses defined in maps and the topography of these margins are opposite to the Asociación China Panameña. Someday this will be the JUDICIAL CITY.

The author was officer of the Judicial Career



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