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## Senate Overwhelming Confirms Jorge Pardo Rebolledo as new Supreme Court Justice

by Carlos Navarro

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Unlike its previous attempt to approve a new justice to the high court, (Suprema Corte de Justicia de la Nación, SCJN), the Mexican Senate overwhelmingly approved Jorge Pardo Rebolledo to fill the post left vacant with the untimely death of Justice José de Jesús Gudiño Pelayo in September 2010. Pardo Rebolledo obtained support across party lines, with 97 of 114 senators voting to confirm him as the newest member of the SCJN. The remaining votes were divided between Jorge Higuera Corona and Alberto Gelacio Pérez Dayán.

The overwhelming support for Pardo Rebolledo was a stark contrast to the last vote in December, when a divided Senate failed to garner the required two-thirds majority to approve a new member to the high court. At that time, President Felipe Calderón made clear his intention to replace Gudiño Pelayo with a woman justice by nominating Elvia Díaz de León, Lilia Mónica López Benítez, and Andrea Zambrana Castañeda. Some experts had suggested that López Benítez would get the nod because she had broad support. But senators from the governing Partido Acción Nacional (PAN) cast their votes for the more conservative Díaz de León, which threw a wrench into the whole process ([SourceMex, Jan. 26, 2011](#)).

There was some thought that López Benítez would be part of a new list that Calderón was expected to submit in early 2011. Instead, the president nominated three men.

The three major parties, which were intent on avoiding a repeat of the vote that left the court shorthanded for several crucial decisions, decided to negotiate an informal agreement before the actual vote to support a single candidate. Analysts said this effort to reach a consensus avoided what could have been a political disaster for the Senate.

"This could have set a bad precedent," legal analyst Ana Laura Magaloni of the Centro de Investigación y Docencia Económicas (CIDE) said in a radio interview. "I am pleased that there was a consensus and that [the Senate] picked a worthy candidate."

### *New justice's primary emphasis is to uphold Constitution*

Magaloni said each of the three candidates proposed by Calderón had a good reputation, but Pardo had the broadest support. "I had heard good things about all three candidates, but everyone had a good opinion of Pardo."

Pardo Rebolledo has held a number of positions in the Mexican judicial system, including a brief period as clerk for the SCJN. He has served in several federal courts, including his latest post as circuit court magistrate.

Current justices rarely give their opinions on candidates, at least not in public. But sources said at least one member of the SCJN was supporting one of the other candidates. Justice Sergio Salvador Aguirre Anguiano was said to favor Higuera Corona because he felt his ideology was the more balanced of the three nominees. There had been rumors that Pardo Rebolledo had close ties with

ex-PAN Sen. Diego Fernández de Cevallos. Pardo Rebolledo denied those rumors during his confirmation hearing.

Edgar Corzo Sosa, a professor at the Instituto de Investigaciones Jurídicas, which is affiliated with the Universidad Nacional Autónoma de México (UNAM), said Pardo Rebolledo's 20-year record as a jurist indicates that his primary emphasis on the court will be to uphold the Constitution. "I cannot consider him either conservative or progressive," said Corzo. "Rather, he is someone with a solid judicial career who will complete the court."

In statements to the press following his confirmation, Pardo reiterated his position. "My only commitment is to justice; my only charge is the Constitution; my principal objective is to serve my country," said the new justice.

In earlier testimony to the Mexican Senate, Pardo emphasized that one of his goals is to restore citizens' confidence in the courts. "We have noticed that society too often is not satisfied with judicial decisions," said Pardo. He pointed out that many decisions are not based on the merits of a case, but the verdict is instead driven by irregularities in the judicial process.

Initial decisions from the SCJN come via one of its two five-member chambers, with all members of the court except the chief justice assigned to one of the two bodies. The chambers consider cases to determine whether they will be brought before the full 11-member body. Pardo has been assigned to the First Chamber (Primera Sala) and will serve with Ólga Sánchez Cordero, Arturo Zaldívar, José Ramón Cossío Díaz, and Guillermo Ortiz Mayagoitia.

"It wouldn't be out of character if Pardo's position is similar to that of Sánchez Cordero and Zaldívar, who have opted to look at cases from a broader perspective than Ortiz Mayagoitia," said the Mexico City daily newspaper .

There is the chance that Pardo Rebolledo would side with Cossío Díaz, who has often presented views independent from the two other positions.

One challenge for the First Chamber will be to address some controversial questions involving the Mexican military, including whether military checkpoints that have been established as part of Calderón's campaign against drug traffickers are within the bounds of the Mexican Constitution.

Pardo Rebolledo's arrival at the SCJN comes at an opportune time, since the high court must deal with 25 cases that were not resolved because of the vacancy created by Gudiño's death in September. Of those cases, 24 are still under consideration in the First Chamber, and one by the full court.

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