



NEW MEXICO
ANNUAL REPORT

JUDICIARY
2011

Cover: A few of New Mexico's older county courthouses.

Top, left to right:

One of the WPA projects of the 30s, the Art Deco-style Roosevelt County Courthouse in Portales was built in 1939 with the designs of William M. Bickel.

The Luna County Courthouse in Deming was built in 1910 and was designed by W. E. Corwin. Deming's annual duck race takes place across the street in the city park.

Built in 1909, the Union County Courthouse in Clayton is New Mexico's oldest county courthouse in continuous use. It was designed by the architectural firm of D. P. Kaufman & Son.

Middle, left to right:

The Grant County Courthouse in Silver City was erected in 1930 with the designs of architect George Williamson.

The Chaves County Beaux-Arts-style courthouse in Roswell was completed in 1912, the year New Mexico became a state. It is just down the street from the International UFO Museum and the green dome is visible throughout the city.

The Mission-style Eddy County courthouse in Carlsbad was erected in 1891 and its appearance was altered to its current style in 1939. It has one of New Mexico's best town squares.

Bottom, left to right:

The Hidalgo County Courthouse in Lordsburg was built in 1926-1927 with Classical Revival elements. The firm of Thorman and Frazer designed it.

The Guadalupe County Courthouse in Santa Rosa was built in 1909 with Romanesque Revival elements. In 1946 an addition was added to the building's left.

The 1917 Rio Arriba County Courthouse in Tierra Amarilla hosted a shoot-out in the 1970s that resulted over a land rights quarrel.



New Mexico Supreme Court Building
Santa Fe, New Mexico

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A Message from the Chief Justice

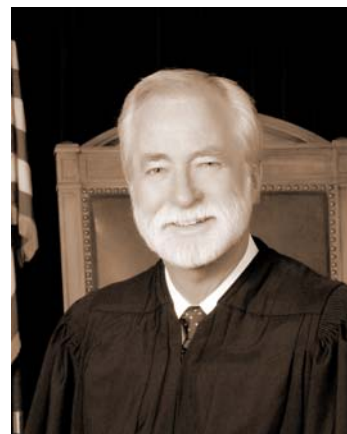
During this past year, the New Mexico courts have faced and met the challenge of providing a justice system for our citizens with sharply diminished resources. I am proud of the selfless efforts of our employees throughout the state. We have kept the courts open for peaceful resolution of disputes and for meaningful application of the rule of law, which we know to be essential for the survival of any democratic government.

We have not only survived, we have worked steadily to improve our justice system for the future. Following the 2008 adoption of the Supreme Court Long-Term Strategic Plan, the Judicial Branch has intensified its focus on creative, innovative ideas to perform our core mission more efficiently, to try to provide meaningful access to justice for all who come before our courts, and to eliminate inefficiencies wherever they can be identified. We are now well under way in instituting a modern electronic filing and document management system to bring our courts into the digital age and make even greater efficiencies and services possible. By the end of the next fiscal year, we should have that system in place throughout the state.

We have engaged in an intense self-analysis project through the New Mexico Courts Reengineering Commission to try to find new ways of approaching old problems, and we expect to be receiving, considering, and acting on the recommendations that result from that process in the months ahead. It is too early at this point to predict the results, but we remain committed to the pledge we made at the time we initiated the Commission process, that we will not reject any proposal for improvement without giving it fair and open-minded consideration.

We still face challenges that must be met. We have a critical need for more judgeships, the positions that are at the heart of our mission to do justice. We must be able to fill staff vacancies that are necessary to perform both our core constitutional responsibilities, as well as to continue other innovative efforts that are important to the judiciary, to state government as a whole, and to the people of New Mexico. These include such important programs as our successful drug courts, DWI courts, and other problem-solving courts, and pro se clinics to assist those who do not have lawyers. We will make every effort to save those programs, to the extent we can do so without violating our constitutional responsibilities to perform our most basic judicial functions. It is axiomatic that we cannot perform any core constitutional function if we shut the doors of justice. We therefore must always place our highest priority on keeping our New Mexico courts open. We have managed to do so throughout this past year, and we maintain our determination that court closures are simply unacceptable.

I am proud of the honest efforts of my colleagues throughout the New Mexico judiciary in coping with fiscal challenges and working toward responsible solutions. As I near the end of my two-year term as your Chief Justice, I want to express how much I appreciate all of those dedicated New Mexicans with whom I serve in our judicial branch. I will always be profoundly grateful to all our judges and staff who have made such personal sacrifices to serve the cause of justice for the people of New Mexico.



Chief Justice
Charles W. Daniels

A handwritten signature of Charles W. Daniels in dark ink, written on a light blue background.

A Message from the Court Administrator

The Annual Report for 2011 demonstrates again the dedication of judges and employees to providing court services to the public despite extraordinary fiscal challenges. During 2011, paychecks were further reduced and courts continued to experience funding reductions. The Judiciary maintained a vacancy rate of more than 11% and needs at least an additional 25 judgeships statewide. However,

even as the Judicial Branch has shared the contraction of funding felt throughout state government, amazing achievements highlighted the year.

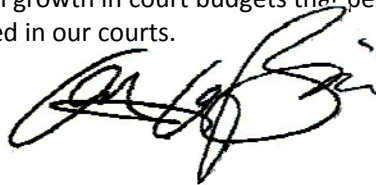
At the end of 2011, more than half the state's courts were operating on the Odyssey case management system. This successful application of modern technology to court case management is a great accomplishment. The remarkable execution of this project is a tribute to the leadership of the Supreme Court and the hard work of the entire Judicial Branch. New Mexicans will benefit for many years from increased efficiencies that result with Odyssey.

Another technology revolution in the courts is the expansion of mandatory electronic filing for district court civil cases. By the end of 2011, all "documents" in about 60% of civil cases were being e-filed. The transition from file rooms filled with boxes of paper to server rooms filled with electronic documents, where courts print "paper on demand" but otherwise have only electronic records, is a difficult challenge. The reward when this transition is

complete will be easier access to court records, inside and out of the courthouse, and more efficient management of data for the courts and litigants.

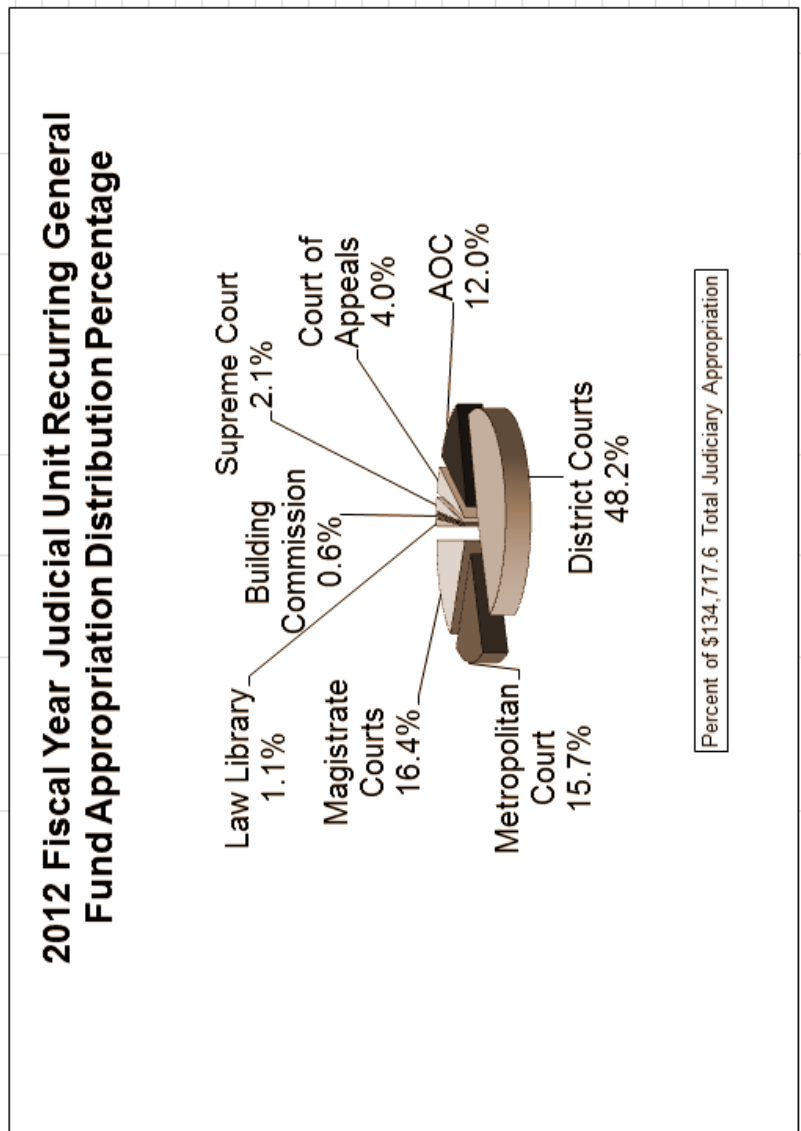
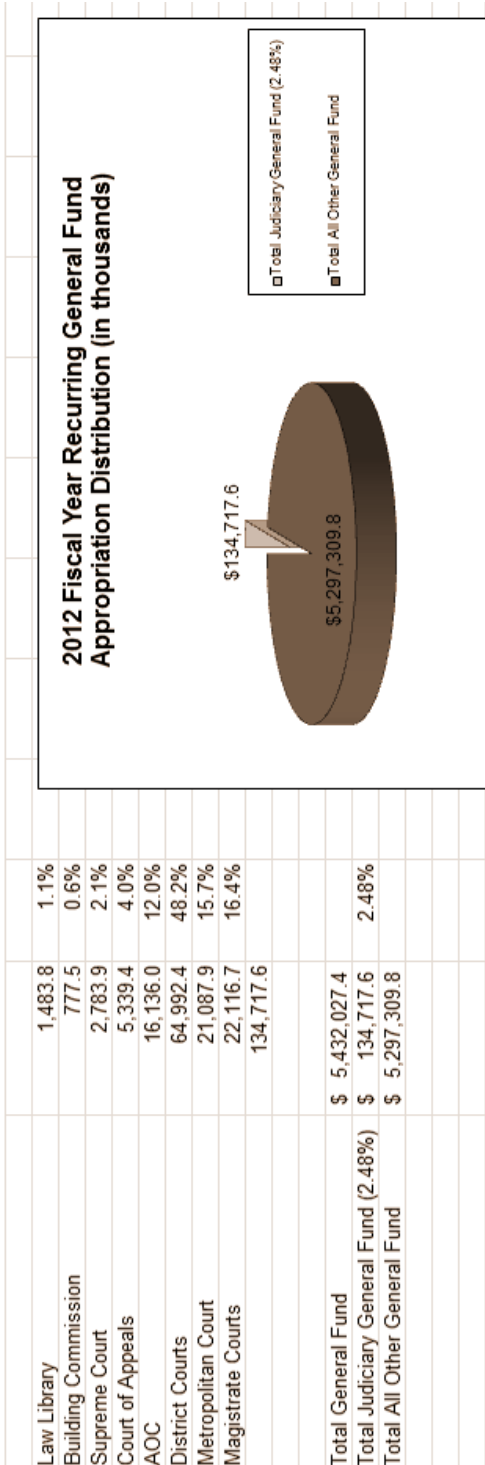
In November 2011, the New Mexico Reengineering Commission issued its Final Report. The Commission, composed of members from the public and all three branches of government, spent a year investigating ways to improve court operations. In upcoming legislative sessions and through continuing work by committees, the Judiciary is challenged to implement the Commission's recommendations that are endorsed by the Supreme Court. Also in 2011, the courts continued to expand language access and translation services, continued efforts to improve effective access to courts for litigants not represented by attorneys, introduced an Automated Performance Planning and Evaluation System to advance goal-setting and pay-for-performance for employees, and the Supreme Court created a new Alternative Dispute Resolution Commission to implement recommendations resulting from an historic study of ADR in New Mexico by the National Center for State Courts.

The Judiciary is also realizing the fruits of an open and respectful dialogue with the financial divisions of the other branches of government and with the standing and interim committees of the Legislature. As courts suffered funding reductions in recent years, the appropriations to courts respected the budget priorities identified by the Supreme Court as paramount. The Judicial Branch has for the most part managed to avoid employee furloughs, maintained essential services, continued the implementation of transformational IT initiatives, and minimized the loss of programs. As 2012 begins, the Judiciary seeks modest increases in court appropriations and modest salary relief for employees. I thank all court personnel for their fierce dedication to our mission through the worst of the economic crisis. I begin 2012 with hope for prudent, incremental growth in court budgets that permit more effective delivery of the services to which the public is entitled in our courts.



Director Arthur W. Pepin

Budget of the New Mexico Judiciary



New Mexico Supreme Court



In order to avoid employee furloughs for the past several fiscal years, the Supreme Court kept a 10% employee vacancy rate that included three administrative positions. Two positions are required to be filled during FY12. The current Chief Justice voluntarily agreed to try to satisfy his responsibilities without an attorney-administrative assistant. This was an extraordinary step because no Chief in decades has taken on the substantial extra duties of the position without the assistance of a full time attorney-administrative assistant. Satisfying the responsibilities of Chief Justice without the assistance of an AA has in fact proven to be extremely burdensome and inefficient.

Supreme Court Building Commission

The Supreme Court Building Commission must satisfy its statutory obligation of maintaining and preserving the historic Supreme Court Building and grounds. Although renovations and repairs to the building's infrastructure has made its operations more efficient over the years, any savings achieved has been eroded by increased utility rates and maintenance agreement costs as well as increases in GSD's telecommunication and insurance rates. The Commission kept two positions vacant in order to avoid employee furloughs - one Court Security Officer position and one Evening Custodian position. The Commission is requesting the Legislature to approve a supplemental FY12 appropriation to fill the Court Security Officer position, which is deemed critical to fulfill the Commission's responsibility of providing a safe, secure, and healthy environment for employees, visitors, and elected officials. The Commission's budget continues to suffer while it repays GSD for a worker's compensation claim that negatively impacts the operating budget and will continue to do so until paid pursuant to GSD workers' compensation policy. The Commission will continue to request sufficient Legislative appropriation to meet the continual rise in costs for supplies, repairs, and utility costs.

Supreme Court Law Library

Like most state agencies, the Law Library has experienced an 18% budgetary reduction since FY 2008—a \$321,000 reduction during the same period the legal publishers have increased prices an average of 8% annually. This profound cut has required a significant reappraisal of the way the Library collects and disseminates legal information. During the recession, the Library has adopted the following efficiencies to improve the cost effectiveness while still providing access to legal information:

- Consolidated financial administrative services with the Supreme Court, allowing for the elimination of one full-time position;
- Developed in-house expertise in the conservation and repair of rare books, allowing for the elimination of out-sourcing book repair costs;
- Developed expertise in the digitization of books and other printed materials, allowing for the creation of digital archives of New Mexico's legal materials and assistance to the Supreme Court in the digitization of

- the Court's historical records;
- The Library has continued to stay open to the public during regular business hours to allow self-represented litigants and members of the bar full access to our materials;
- In response to the combined budget cuts and inflationary pressure, the Library has cut subscriptions to many titles in order to ensure continued access to the most important publications and legal information databases used by the courts and citizens of New Mexico.

The Library will continue to meet the needs of patrons, answering reference questions from all of New Mexico and beyond, despite the impact of the economy on our collection.

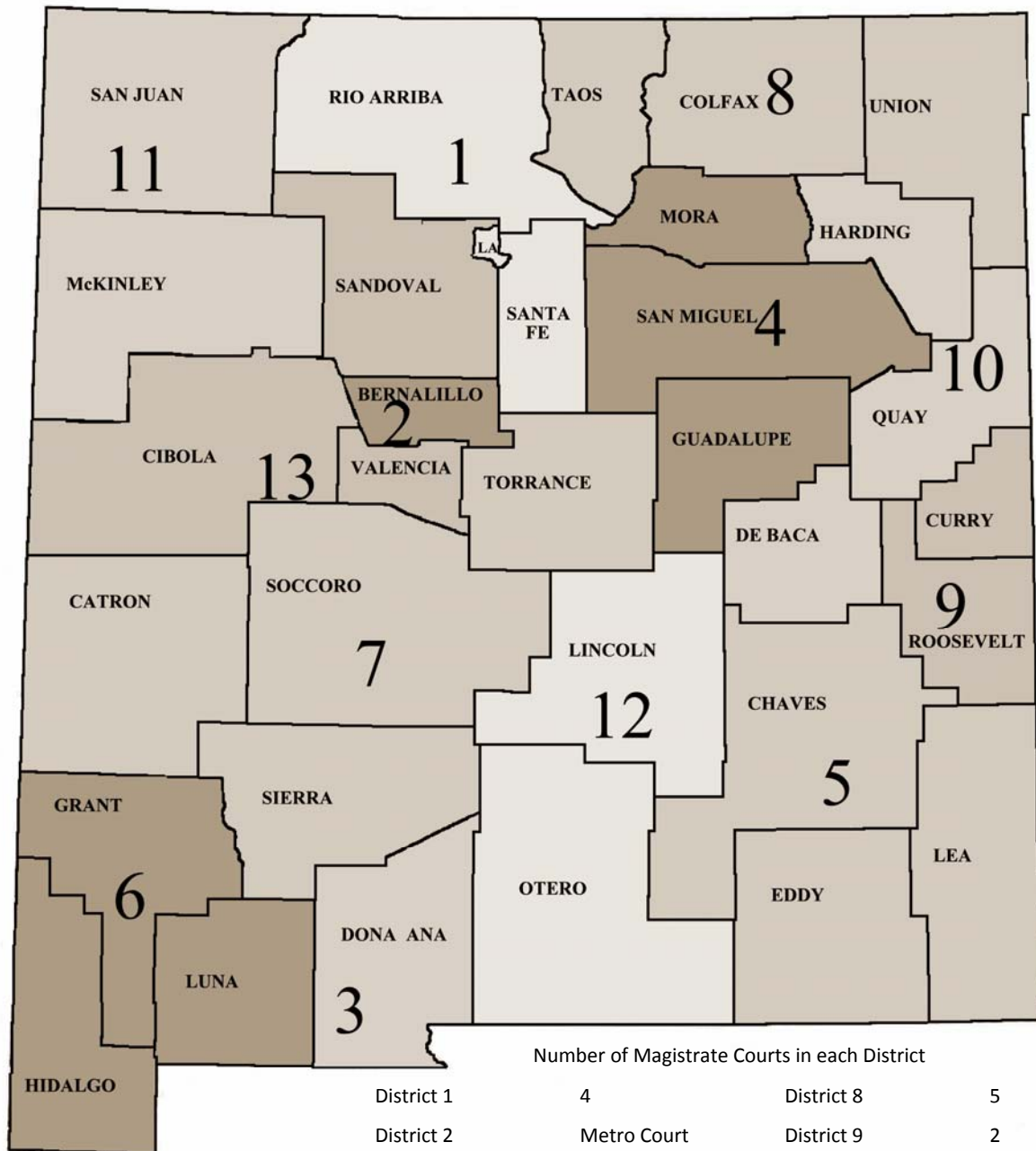


Standing, l-r: Justice Richard C. Bosson, Justice Edward L. Chavez
Seated, l-r: Justice Patricio M. Serna, Chief Justice Charles W. Daniels, Justice Petra Jimenez Maes

New Mexico Court of Appeals

The Court worked diligently in FY 11 to dispose of its cases in a timely and efficient manner. The Court is working hard to address backlog issues, and in FY 11 the Court exceeded its performance measure and achieved a 104% disposition rate. Because of recent budget cuts, the Court still has five vacant positions, three of which are staff attorney positions, making it difficult for the Court to remain current on dispositions. The Court continues to experiment with innovative methods for processing cases to dispose of cases as fairly and expeditiously as possible.

New Mexico District Courts



District Courts

First Judicial District—Rio Arriba, Los Alamos and Santa Fe Counties

Adult Drug Program

The First Judicial District Adult Drug Court Program is currently in its 14th year working with felony-level offenders in Santa Fe, Rio Arriba and Los Alamos Counties. Since many of these offenders have exhausted all other community based services, Adult Drug Court is often the only other option aside from prison. From last fiscal year to date, the First Judicial Adult Drug Court has graduated a total of 38 participants. The Adult Drug Court program continues to be relied upon heavily by the Criminal Court Judges, Probation/Parole Officers, Offices of the District Attorney and Public Defender as a primary source of referral.

Adult Treatment Court Program

The First Judicial District Adult Treatment Court Program began operating in October 2005. Since the program's inception there have been a total of 256 referrals to the program. The Program has graduated a total of 42 participants since 2005. Currently the program is able to provide services for 25 clients. While participating in the Treatment Court Program, clients are taught skills to manage their mental health illness in a positive manner for years to come, as well as being accountable for their actions that led them into the Treatment Court Program.

Clerk's Office

The Clerk's Office has recently implemented the Odyssey case management system. The clerks underwent extensive one-week training before the implementation. On October 3, 2011, the District officially began mandatory e-filing for the civil and probate cases. Although this has affected the number of customers assisted on a daily basis, the Office still serves an average of 130 people per day. On an average day between 20 to 30 domestic, criminal, juvenile and sequestered cases are opened, in addition to the civil and probate cases that are e-filed. Meeting the daily mandate is a priority and the Office is currently within the time frame expected.

The Special Services Division continues to work on the destruction of evidence. The Imaging Division currently has 122 boxes of closed case files ready for destruction. The Records Division is continuing to scan the 2009 civil case files to prepare for destruction. It is the goal of the First District Court to become a paperless court. The staff works on a daily basis to meet this goal.

Court Constituent Services

Court Constituent Services Division ("CCSD") was created in 2007 to provide services to litigants in two separate but related areas: alternative dispute resolution (ADR) processes, and assistance to self-represented litigants. CCSD consists of one three-quarter-time Program Manager director who is an attorney, one half-time administrative assistant, and one full-time Legal Office Specialist. Funding for these positions is from a combination of the court general fund and the civil ADR filing fee.

Alternative Dispute Resolution. The ADR processes offered by CCSD include settlement facilitation in CV, DM, and PB cases, and foreclosure mediation. An arbitration process is under development.

Referral requests have risen steadily since 2006 when the current Program was implemented. In 2006, 192 cases were referred to the court ADR program. From January through November 2011, 490 cases were referred.

A foreclosure mediation option was added to the ADR Program beginning in July 2009. Referrals for foreclosure mediation are primarily by party request, although occasionally a judge will issue a referral on his/her own motion. In 2009 51 cases were referred to foreclosure mediation. In 2010 there were 112 referrals, and through November 2011 127 cases were referred.

In September 2011 the CCSD Director was named to the Statewide ADR Commission established by the Supreme Court in July 2011. The purpose of the Commission is to promote the best mix of court ADR statewide and assure economical and solid results.

Services for self-represented litigants. Family Court judges estimate that self-represented litigants make up at least 85% of the parties in domestic (DM) cases in the First Judicial District Court. Civil Court judges have noted that the numbers of self-represented litigants are steadily increasing in civil cases as well, particularly in foreclosure and consumer cases. The primary services currently offered to self-represented litigants are the Self Help Center, the Self-Represented Family Law Clinic, and coordination of the voucher program for self-represented litigants who attend the Family Law Clinic.

Requests by self-represented litigants for help of various kinds, primarily with family law issues, have risen steadily since the Self Help Center was established in 2008. In 2010, there were 3290 requests for information and forms completion or review, and 2591 forms dispensed. From January – November 2011, there were 3367 requests for information and forms completion or review, and 2515 forms dispensed. These numbers are not a complete picture of the numbers of self-represented help requests received by the Court, because the Self Help Center staff, which consists of one full-time employee, is backed up by the Clerk's Office staff, who do not maintain the same records. An extensive forms library and other information is also included on the Court's website.

Juvenile Drug Court

The First Judicial District Juvenile Drug Court has been operating in both Santa Fe and Rio Arriba counties since March, 2001. The Juvenile Drug Court is currently solely providing treatment services to clients with approximately \$40,000 received from the Liquor Excise Tax Fund. Without this funding, the program would be unable to contract services with a treatment provider.

Family Court Services

Family Court Services underwent significant transition during the past year with the hiring of a new director and further staff reductions. Whereas staffing ratios were already at an all-time low for the program, there were further reductions in the number of clinical and administrative staff hours. Despite this fact, the program was able to provide core services to parties and to the Family Court Judges at levels comparable to prior years. This was achieved through exemplary effort on the part of the clinical and administrative staff.

The final months of 2011 brought cause for optimism regarding the sustainability of the Family Court Services department's workload with the hiring of two full-time Court Clinicians. With this significant addition to the program's staff, the Court looks forward to continuing to provide the range of services currently in place and to exploring ways to better serve the families and judges of the First Judicial District in the future.

Jury Division

In FY11, the Jury Management Division of the First Judicial District Court continues to collect daily jury demand fees for all civil trials, which is a direct revenue source for the Jury and Witness Fund. Expenditures are continuously reviewed and reduced to ensure the viability of the Jury and Witness Fund.

In an effort to improve juror participation and utilization, the Jury Management Division has implemented several processes and procedures, one of which is a follow-up procedure for all individuals who failed to return the required jury questionnaire and qualification form. This procedure alone increased the number of questionnaires received and individuals reporting for service.

To improve juror utilization all civil panel terms were decreased to a 60-day term, which increased the number of jury selections per term. Jury panels are shared within the Civil Division and those jurors who sat on an actual trial can opt out from future jury selections to decrease the impact of each individual.

Second Judicial District—Bernalillo County

The Second Judicial District Court in Bernalillo County is New Mexico's largest general jurisdiction court with 26 judges, 10 hearing officers, and 326 staff. The court underwent substantial change in FY 11. In a county with high population growth, the number of cases filed leveled off at 54,385 and provided a chance for the court to recover from debilitating budget difficulties. These difficulties forced shortening clerks' office hours and many - sometimes as many as 23 - full-time positions were left unfilled.

At the same time, the court was deploying new automated systems at an unparalleled level. The court's old case management system (FACTS), was installed in 1995 and was woefully inefficient. The level of preliminary activity reached a fevered pitch in June of 2011 when the court installed the Odyssey case management system. Odyssey is a

comprehensive management system for court documents and all case information and activities. Coincident with the Odyssey installation, the court began scanning all documents so that a true 'paper-on-demand' system will be fully operational in 2013. The court has left open 13 full-time positions for years and will do so into the foreseeable future to stay within restraints presented by the budget.

Finally, the Court Executive Officer, Juanita Duran, retired after 38 years with the Second District Court, a milestone that may never again be met. The court announced in June that Gregory T. Ireland was named the new Executive Officer.

Third Judicial District—Doña Ana County

The Third Judicial District Court has eight District Judges, one Child Support Enforcement Hearing Officer and one part-time Domestic Violence Special Commissioner. Of the eight judges, three Criminal Division Judges are each assigned one-third of incoming criminal cases. One judge is also assigned all Children's Court cases. Three judges are assigned as Civil Court Judges. Of these one is assigned 20% of the incoming Civil Court cases and the Lower Rio Grande Water Adjudication cases. The other two Civil Division judges are each assigned 40% of incoming Civil Court cases. Two Domestic Court Judges split the Domestic and Domestic Violence caseload 50% each. One of the Domestic judges is also assigned all of the Mental Health cases. In FY11, filing of new and reopened cases totaled 12,749.

Fourth Judicial District—San Miguel, Mora and Guadalupe Counties

The Fourth Judicial District Court began FY11 with a projected shortfall of \$90.0 in salaries and benefits, despite maintaining a 7% vacancy rate.

In order to avoid employee furloughs and court closure, the Court was forced to divert \$81.5 (originally appropriated for drug court treatment services) into salaries and benefits. Unfortunately, this action reduced the Court's original drug court budget by

SERVICE DELIVERY— 2009 - 2011					
Year	Mediation	Priority Consulta- tion	Advisory Consulta- tion	Settlement Meetings from AC	Abuse & Neglect
2011 Jan-Nov.	423	622	28	17	39

54%, thus eliminating all its drug court General Fund money. If not for the Liquor Excise Tax Funds (LETF), the two drug court programs would have been forced to close their doors. It was necessary to reduce the number of clients served by 24 individuals.

In addition to vacancy savings, the Court also decided to forego a number of critical service and maintenance agreements, including included security and surveillance equipment as well as courtroom technology. Fortunately this gamble paid off, but as is the case with all equipment and machinery, if routine maintenance is not performed regularly, there is a greater risk the equipment and machinery will fail.

Since FY09, the Court's general fund appropriations have been reduced by \$323.6 (16.65%). Despite these continued reductions, the Court has managed to stay afloat, mainly through staff's continued efforts, perseverance and willingness to lend a helping hand where necessary.

Fifth Judicial District—Chaves, Eddy and Lea Counties

Due to the reduction in state revenues, the Fifth Judicial District Court has been forced to operate on an increasingly reduced budget since FY09. Original General Fund Budget for FY09 was \$6,556.2. FY12 General Fund budget is \$5,651.3. This is a decrease of \$904.9 or 13.8%.

In order to continue the Constitutionally mandated duties of the Court, the Court has continued to leave positions vacant, eliminated the Family Drug Court in Lea County resulting in the layoff of three employees, cancelled equipment leases and maintenance agreements, reduced funding for Teen Court in Lea County and Supervised Visitation in Eddy and Lea Counties, reduced funding for microfilming of case files, and reduced funding for use of Special Masters in juvenile cases.

Sixth Judicial District—Grant, Hidalgo and Luna Counties

The Sixth Judicial District Court provides access to justice, just and timely resolution of disputes, and maintains accurate records of legal proceedings that affect rights and legal status in order to independently protect the rights and liberties guaranteed by the Constitutions of New Mexico and the United States.

Despite the budget reduction, the Sixth Judicial District Court's mission is to continue to supply justice to the community. As a result, the district operates to its full potential in all three counties by providing eight hours of customer service with normal daily/weekly business hours. The Sixth District assures all programs are operating properly and effectively with less funding. The Sixth continues to avoid employee furloughs by restructuring programs, multi-tasking, cross-training in different programs and redistributing operational needs.

The District was awarded funds to assist its drug courts. The funds were filtered through AOC from a Congressional Mandated Award through the Office of Justice Program in the amount of \$41,369.00. The funds assisted with maintaining a surveillance officer for the Luna Juvenile and Grant Adult Drug Court Programs.

The Juvenile Drug Court in Luna County began operations in June 2000. To date, this program has provided programming to 154 participants. Since the surveillance officer was hired with the award, in January 2011, the program has served 36 participants, of which 16 graduated. All 36 participants, in addition to numerous parents and family members, were drug tested according to a sound drug testing program.

The Hidalgo Adult Drug Court has had 64 enrollees and 35 successful graduates and prioritizes participants with families. During the first few years the program was over capacity by 23 participants. The community in Hidalgo County has seen the positive results as indicated by the detention center census report. Pre-drug court, 35 to 40 people, are detained at any one time; post-drug court census is down to five persons.

On July 6, 2009, the Grant County Adult Drug Court established its first drug court in Grant County. The program was grant funded through "Total Community Approach" and is in its third year of funding. The funds were allocated by the Behavioral Health Services Division of the Human Services Department in the amount of \$93,622.00. The program has had 35 participants and maintains a census of 25, with six graduates. The current cost per client rate is \$26.20.

The Drug Court programs pride themselves in treating the entire family, meaning that one single graduation can easily impact 5-10 individuals who would otherwise be destroyed by substance abuse and the devastation it brings. Since inception we have had 27 graduates in Grant County alone; thus it is possible that 270 people have been impacted by the services provided.

Seventh Judicial District—Torrance, Socorro, Catron and Sierra Counties

The Seventh Judicial District Court has continued to address the budget reductions by way of vacant staff positions across the District. The majority of the positions that have been left unfilled are with the Adult Drug Court Program, which serves three of the four counties within the District. The Seventh Judicial District has been able to avoid furloughs despite ongoing budget reductions by not filling these necessary positions. The judges and staff have continued to work diligently to ensure that the business of the Court is conducted timely and accurately. The upcoming year will present an even greater challenge to the Court if general fund monies continue to decline. The judges and staff are prepared to meet this challenge, and will continue to work hard to provide a high level of service to the public.

Eighth Judicial District—Taos, Colfax and Union Counties

The biggest issue for the Eighth Judicial District Court has been the continued decline of General Fund base funding, especially in the Personal Services and Employee Benefits Category. The Court has experienced shortfalls in FY09, FY10 and FY11 of \$41.8, \$40.7, and \$125.3, respectively. These shortfalls, coupled with budget reductions each of these years, have also impacted the Contractual Services Category. The Court has eliminated the microfilm project, reduced other contractual services, and reduced drug court treatment services. It has not been necessary to furlough employees, close the court or terminate any drug court programs; however, further budget reductions could result in all three. The Court has had one vacant bailiff position in Colfax County since FY09 and the vacancy will continue in FY12.

Ninth Judicial District—Curry and Roosevelt Counties

Category 200 Personal Services category is \$194,000 short. To lessen furloughs, the District's sole Staff Attorney since 2/08, a Financial Specialist since 7/09, a Security

Bailiff since 4/10 and a Court Clerk since 6/10 will be kept vacant through the end of in FY12. Payroll cost per day is \$7,285 without Judges and \$9,987 with Judges. The ARRA money will delay furloughs until the spring, unless there are further budget cuts. In addition to the vacancies above (9.47% of non judicial & quasi-judicial workforce), the Judicial Staff Study shows the District to be understaffed by 4.80 positions. The Court is understaffed 8.80 FTE's (20.83% of its non-judicial and quasi-judicial workforce). In addition, eight employees (18.93% of non-judicial and quasi-judicial workforce) have been or soon will be on Family Medical leave for serious health conditions, causing additional stress on the workload and work flow.

Category 300 Contractual Services has been cut 76.4% from \$108,000.00 in FY 08 to \$25,500 in FY 11. The Court cut the Domestic Violence Special Commissioner and shifted Domestic Violence duties to District Judges; eliminated law library and West Law subscriptions; cut drug court clinical contracts, cut contract security services and microfilming. This category currently only covers annual audit expenses and a few drug test confirmations. It cannot be cut any further. At some point microfilming court records must resume.

Category 400 Other Costs has been cut 60% from \$225,400 in FY 08 to \$90,700 in FY 12. The District's funding is currently far below the Court's ability to maintain operations. The Court cut travel, stopped education and training, cut office supplies and postage, cancelled maintenance agreements, cancelled copier leases, asked judges and licensed professionals to pay their own professional dues and continuing education, cancelled off-site storage, cut phone costs, sold old vehicles, and so forth.

Cannon Air Force Base has caused a substantial increase in population and caseload is rising. Insufficient budget will have an adverse effect on the Court's ability to fulfill its constitutional judicial duties.

Tenth Judicial District—Harding, De Baca and Quay Counties

The Tenth Judicial District has one judge and more square miles per judge than any other district. It has the second greatest mileage from courthouse to courthouse in New Mexico. The employees of this District continue to provide efficient and dedicated service to all the public and agencies they serve.

Funding is used only for absolute core services. The District continues to use its Child Support Hearing Officer to the fullest and supports the program fully. The Odyssey case management system was implemented in April, 2011 in this District and clerks are becoming proficient in it. Civil E-Filing is scheduled to be rolled out the first quarter of 2012.

Current economic times are challenging, but this District will continue to manage its current level of funding to serve the people of the community, and make necessary adjustments in order not to furlough its staff.

Twelfth Judicial District—Otero and Lincoln Counties

The Twelfth Judicial District serves Otero and Lincoln counties with courthouses in Alamogordo and Carrizozo. Three judges sit in Alamogordo and one in Carrizozo, although all judges hear cases from both counties as required. A hearing officer assists both counties with short-notice hearings regarding domestic violence and child support orders and temporary child custody recommendations. Current caseloads are about 1,000 new cases per judge per year.

For over ten years, the Twelfth has operated drug court programs to help reduce recidivism in juvenile and criminal cases. There are currently juvenile drug courts in both counties and an adult drug court in Alamogordo. Liquor excise tax and congressional earmark funds money prevented a significant reduction or even closure of one or more drug courts. Even so, the District eliminated a second juvenile drug court in Alamogordo and significantly reduced activities and expenses in all courts in response to repeated budget cuts. An award of \$21,000 from the Governor's stimulus funds postponed a 25% reduction in hours for drug court staff until February, 2011. Further reductions in FY11 or FY12 will force drug court furloughs or layoffs or elimination of drug court programs.

General court expenditures have been reduced to meet budget cuts by leaving positions vacant or hiring replacements at reduced hours, eliminating all out-of-state travel and training and most in-state travel, and severely reducing microfilming of court records. The latter, notably, is a short-term solution as it drives up the need for physical storage space for paper files.

Thirteenth Judicial District – Cibola, Sandoval and Valencia Counties

During the past three of years the Court has sustained an unprecedented number of budget cuts. On top of these cuts the District is short-staffed and contains the fastest growing county and the third largest city, Rio Rancho. The vacancy rate averages over 10%. Although the cuts have been burdensome, staff has found alternative resources and outside funding to continue the district's commitment to excellence.

Electronic Filing and Electronic Documents

The Thirteenth District has been the pilot district for the state in electronic documents. The court now accepts probate as well as civil filings. New case initiation and jury fees are now collected online. The work of the clerk has been changed from data entry to a quality control. Recently the Supreme Court issued an order making the electronic document the original. This has modernized the court system and made New Mexico a leader in technology across the county.

Pending case files in all case types are now scanned and in electronic form. This will allow in FY 12 the transformation from a paper court to a paper-on-demand court. Judges are looking forward to using "In Session" in the courtroom. This will allow access to court files through a touch screen similar to a giant iPad.

Accomplishments—the Court:

- Secured outside funding to keep pre-trial services in Sandoval and Valencia Counties.
- Employs specialized dockets for pro se individuals. The dockets are full service and act as gateways to mediation. Using this case management technique resolves approximately 90% of divorce cases within 100 days of filing.
- Embarked on specialized court clinics for foreclosure cases. Pro se litigants can meet with an attorney to better understand the foreclosure process.
- Continues to develop form packets to meet pro se litigants' needs. Most recent form packets include how to file an unemployment appeal.
- Pilot version 2.0 File and Serve not only for the State of New Mexico but for all clients with its vendor throughout the county.

Bernalillo County Metropolitan Court

The Bernalillo County Metropolitan Court (BCMC) was created by the New Mexico State Legislature in 1980. It consolidated the functions of the Albuquerque Municipal Court, Bernalillo County Magistrate Court and Small Claims Court into a single court operation. The only Court of its kind in New Mexico, BCMC is a court of limited jurisdiction that includes misdemeanor crimes carrying a maximum jail term of 364 days and fines of up to \$1,000, and civil cases where the amount of the dispute does not exceed \$10,000. It also conducts felony first appearance hearings and performs civil marriages. BCMC was designated as a court of record in 1998 for domestic violence and DWI cases, which means that, on appeal, the defendant does not get a new trial but the case record is reviewed by a District Court Judge to determine if legal error was made.

The Court has 19 Judges: 16 in the Criminal Division and 3 in the Civil Division. Unlike other courts of limited jurisdiction in New Mexico, all BCMC Judges are required to be attorneys, members of the New Mexico State Bar and must have practiced law for a minimum of three years. Its 19 Judges averaged 12.5 years of legal experience prior to taking the bench. The Court handles more cases than any other New Mexico Court with new case filings which average 6,315 per Judge per year. During FY11, the Judges presided over 117 jury trials, 12,531 bench trials and adjudicated 113,446 cases. BCMC is staffed by 322 full-time employees that work in the following divisions: Administration, Background Investigations, Case Initiation/File Maintenance, Compliance, Courtroom Support, Customer Service, Facility Management, Finance, General Counsel, Human Resources, Information Technology, Interpreters, Mediation, Probation Supervision, Purchasing and the Self-Help Center.

Bernalillo County represents less than 1% of New Mexico's land area with more than 32% of the State's population. The Court serves approximately 3,000 to 4,000 visitors daily for hearings, to pay fines/fees, post bonds or meet with probation officers.

Case Initiation/File Maintenance Division – This Division prepares all case files for arraignments and maintains all files until cases are closed. It continues to image documents for case files which provide court records without having to retrieve the physical case file. The new web-based system in Traffic Arraignments automatically images all documents allowing the more than 60,000 annual traffic cases to be processed more efficiently.

Courtroom Support – This Division assists Judges, district attorneys, public defenders, private attorneys, probation officers, defendants and law enforcement officers. Courtroom Support staff process an average of 3,900 cases per week. Five courtroom monitors are assigned to cover an average of 1,250 record cases per week with state of the art electronic monitoring equipment.

Compliance Division – This Division reviews each record case file to ensure the Judges' disposition has been entered into the Case Management System (CMS) correctly and all other files to ensure that defendants comply with court orders. If any discrepancies are discovered, the associated case file will be routed to the appropriate staff for clarification/correction or for the issuance of warrants.

Customer Service Division – In FY11, staff assisted 127,130 customers at the register stations, received 129,682 customer phone calls, assisted approximately 195 pro se litigants weekly, processed an average of 3,000 criminal pleadings weekly from various parties on cases and provided 24/7 bonding window availability for felony as well as misdemeanor defendants.

Jury Management – In FY11, the Jury Division sent out 9,091 summonses supporting 2,321 scheduled trials for which 117 actual trials were initialized. The new web-based Jury Management System (JMS) allows for overall management of jury pools, processing of qualification forms, excusals and/or postponements.

Probation Division – The Probation Supervision Division monitors the activities of approximately 5,000 defendants on an ongoing basis. This includes both pre- and post-adjudicated cases, as well as compliance monitoring of court-ordered ignition interlocks. In FY11, the Probation staff monitored 1,704 defendants with ignition interlock orders and screened 2,626 DWI defendants as part of the In-house Screening program for alcohol and substance abuse.

In addition to its Standard Supervision Units, the Probation Division also has eight specialty programs designed to provide specialized services to defendants identified as eligible and suitable for participation. During Fiscal Year 11, these programs were as follows:

- DWI/Drug Court – 272 enrollments and 253 Drug Court graduates. Since inception 2,373 graduations have been achieved through this program.
- Mental Health Court – 136 clients
- Homeless Court – 66 clients
- Domestic Violence Early Intervention Program – 323 clients
- Domestic Violence Repeat Offender Program – 35 clients
- Competency Review – 695 cases were referred for a competency determination from which 385 forensic evaluations were performed.
- Enhanced DWI First Offender Program – 572 clients

The Courts-to-School Program provided approximately six hearings at local high schools as a teaching and crime prevention initiative.

Background Investigations – This Division is staffed 24/7 and consists of the following programs: Release on Own Recognizance, Background Investigations (misdemeanor and felony), In-Custody Bonding, Out-of-Custody Bonding, NCIC and Case Initiation (located at the Metropolitan Detention Center). In FY11, the staff performed the following:

- Reviews of misdemeanor defendants history – 3,907
- Reviews of felony defendants history – 7,062
- Interviewed – 16,192
- 365 out-of-county warrants

Educational Services Division – This Division provides educational services for defendants. In FY11, defendants completed 11,055 class sessions, including DWI School, Driver Improvement School, MADD Victims’ Impact Panel, Hunter Education, Alcohol Community Education, ASPEN, Pet Owners’ Responsibility and NM Motorcycle safety.

Communications, Information and Public Outreach (CIPO) Office – The Court’s CIPO Office handles the daily news media and is the liaison for the Court with public inquiries. It coordinates tours to school groups from all levels; special education to college-level classes; arrangements for mock trials; oversight of Court volunteers’ activities; special events such as Valentine’s Day weddings, new Judge investitures, Courts-to-School program and numerous neighborhood association presentations made by the judges. The CIPO Office also oversees the Court’s internal and Internet websites.

Human Resources (HR) Division – The HR Division supports the day-to-day operations of the BCMC. Services include employee recruitment, employment, compensation, employee relations, administration of employee benefits/payroll and training/staff development. The Division works closely with management to recruit/retain a highly qualified and diverse staff.

Interpreters – The Court’s Interpreters provided services for nearly 9,194 cases in FY11. Interpreters provide services for languages the Court cannot support, as well as for Spanish-speaking cases during periods of high activity.

Information Technology (IT) Division – The IT Division switched civil court functions to the Odyssey Case Management System in May of 2011. This Division is scheduled to migrate into the criminal and supervision functions to Odyssey by December of 2012. The Court currently schedules an average of approximately 3,000 hearings each weekday and also has 24-hour-per-day operations to support. Due to the 24-hour-per-day operations and the bonding and release activities at the Metropolitan Detention Center, the ability of systems to operate without interruption is critical for BCMC.

Finance Division – This Division met the fiduciary accountability to record, reconcile, report and analyze all financial transactions and was celebrated with consecutive no audit findings in FY09 and FY10. In FY11, the Court collected and transferred in excess of \$6.8M in fines and fees of which approximately \$5.6M was utilized by other state and local government agencies. Finance staff processed over \$69.7M bail bonds (cash and surety) for both misdemeanor and felony cases.

Mediation Division – This Division resolved over 500 cases in FY11, which were primarily civil complaints, including landlord/tenant, debt collection, consumer complaints, etc. The Division mediated a limited number of criminal cases involving neighbor disputes, etc. Of the 959 cases referred for mediation, 659 mediations were conducted and over 500 were resolved.

Administrative Office of the Courts

The Administrative Office of the Courts (AOC) consists of four programs; Administrative, Court Services, Magistrate and Judicial Information. The mission of the AOC is to support the work of magistrate, metropolitan, district and appellate courts. Through statewide programs, technical assistance, legislative efforts, and coordination of activities the AOC exists to ensure the courts have the resources needed to deliver the highest quality of court services to everyone who interacts with the judicial system.

Administration

Administrative Services distributes program resources statewide as well as central support for Fiscal and Human Resources. The Fiscal Services Division and the Human Resources Division provide statewide training and develop tools for courts to manage budgets and personnel. The new automated evaluation tool developed in 2011 by the Human Resources Division working with the Judicial Information Division is one example of the efforts of Administrative Services to support courts.

Magistrate Courts

The AOC Magistrate Court Division oversees operations in magistrate courts statewide, from single-judge courts in rural counties to the six-judge court that is the largest magistrate court in Las Cruces. Budget reductions have made managing these courts without employee furloughs a serious challenge in recent years. In 2011, a statewide vacancy rate of 12% or more, along with cooperation and support from Magistrate Judges and court employees throughout the state, allowed these courts to avoid furloughs and to maintain court operations. Among the important initiatives undertaken in magistrate courts in 2011 were Safe Surrender programs and the introduction of electronic payments.

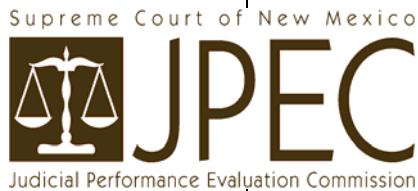
Safe Surrender involves an intense effort to have those with outstanding arrest warrants appear in court without arrest to resolve the warrant and the underlying reason for which the warrant was issued. Often this results in payment of outstanding fines and fees. In cases where there was a failure to appear, the defendant is permitted a limited time to arrange to appear and resolve the charges that are pending without the fear of arrest. The AOC Warrant Enforcement Unit has seen these programs bring hundreds of outstanding warrants to a successful conclusion without arrest on warrants that require significant investment of time by law enforcement, detention centers, and the courts. The AOC hopes to operate several more Safe Surrender events in 2012.

Magistrate courts have long recognized the potential to greatly increase the collection of fines and fees, while reducing processing requirements, through electronic payments. In the last quarter of 2011, a number of magistrate courts began accepting electronic payments by phone and Internet. Early results are very encouraging. This effort will expand in 2012 so that all magistrate courts accept e-payments.

Special Programs

Judicial Performance Evaluation Program

The focus of activity for the New Mexico Judicial Performance Evaluation Commission through 2012 is to complete interim evaluations on as many as 90 district court judges, 19 Bernalillo County Metropolitan Court Judges and 3 appellate court judges. Interim



evaluations are conducted for the purpose of improving a judge's performance, and JPEC will not release the results to the public. Three appellate judges are scheduled to stand for retention in 2012, and the JPEC will release its final narratives to the media and the public forty-five days before the 2012 general election.

JPEC's FY2011 state general funds have been reduced by \$80,000, leaving state general funds of \$118,800 to operate its program. From FY 2008 (\$399,900) to FY 2012 (\$118,800), JPEC's has experienced a decrease of approximately \$283,929 or 71%. Without additional revenue, JPEC will have difficulty conducting and releasing its 2014 final evaluations on approximately 90 district court judges, 19 Bernalillo County Metropolitan Court Judges, and 6 appellate court judges to the voters.

Court Improvement Project

The Court Improvement Project (CIP) is an initiative to improve judicial proceedings related to child abuse and neglect, foster care, and adoption. Since 1995, the activities of the CIP have been directed by a Supreme Court appointed Commission and accomplished by its working committees. Participants in the CIP include the Children, Youth, and Families Department and numerous other agencies and organizations. The CIP works to improve the permanency, safety, and well being of children and youth in state custody.



Improving the permanency, safety, and well being of children and youth in state custody.

The 2011 Children's Law Institute (CLI) attracted over 850 registrants from multiple disciplines from around the state. The evaluation of the conference produced favorable results. The next CLI will be January 11-13, 2012 in Albuquerque, NM. Information can be found on www.childrenslawinstitute.org.

The CIP's Quality of Advocacy Committee recommended centralizing management of the Court Appointed Attorney Fee fund to be more efficient and result in more consistent payment and contracting processes. The Administrative Office of the Courts (AOC) assumed management of the contracting, billing and payment processes for FY12.

CIP continues to provide quality training and resources for judges, attorneys, CYFD staff and others involved in the child welfare system. This year CIP sponsored:

- Core training for judges and attorneys. The curriculum, *Child Abuse and Neglect: Essential Information for Practicing & Presiding in Child Welfare Cases*, began as a one-and-a-half day program and is now two days in length, allowing for ample discussion and participation;
- A one-day summit on the intersection of child abuse and domestic violence bringing together judges, attorneys, and advocates from the

- domestic violence and child welfare communities for the first time; and
- Updated its booklets and Best Practice Bulletins. These can be accessed through the CIP Website: www.nmcourts.com/CourtImprovement/index.html

Alternative Dispute Resolution (ADR) Assessment

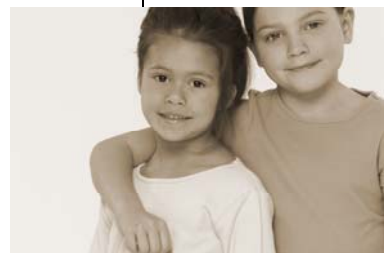
The National Center for State Courts issued its Final Report on April 15, 2011, entitled "Advancing Alternative Dispute Resolution (ADR) in the New Mexico Judiciary; Key Strategies to Save Time and Money." The report finds that court-annexed ADR programs hold great promise to save both time and money for New Mexico courts and litigants. Ten recommendations are provided to strengthen and improve court-annexed alternative dispute resolution in New Mexico that are not overly dependent on more money, more staff, or more space. In its report, the NCSC stresses the urgency for the New Mexico Judicial Branch to act on the recommendations.

On 8/1/2011 the Supreme Court created a Statewide ADR Commission under the leadership of its Chair, Justice Edward Chavez to work on the ten recommendations to strengthen and improve court-annexed ADR programs. The Commission is comprised of twenty members representing the legal, ADR, business, and education communities throughout the state. Three subcommittees have been formed to address the most pressing concerns: Education (educating the public and the judiciary about ADR); Resources (determining the current resources available for court-annexed ADR programs and assess the return on investing in ADR, as well as exploring the needs of individual courts); and Program and Neutral Quality (determining best practices and implementing performance measures).

Children's Court Mediation Program

The Children's Court Mediation Program celebrated its 11th year of operation by offering mediation services in abuse and neglect cases in twelve judicial districts (2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th and 13th) and providing support for the First Judicial District's in-house program. For the last five fiscal years, the program has seen a steady increase in the number of mediation referrals, with referrals in FY11 (850) being 8% higher than the 787 referrals received during FY10. The program continues to find the resources to provide a non-adversarial approach to helping CYFD and the Courts work together with families facing long-term issues such as substance abuse, domestic violence, poverty and mental illness.

The 2010 Evaluation Report, submitted to CYFD in August 2010, was conducted by an outside evaluator as has been the case in prior years. The findings continue to confirm that the participants are consistently very satisfied with the program, believe mediation conserves judicial and CYFD resources, and the process enhances communication and problem solving by clarifying issues, exploring options, and providing opportunities for collaboration.



Working with families facing long-term issues such as substance abuse, domestic violence, poverty and mental illness to reach permanency solutions for their children.



*Giving a
voice,
hope and
a future
to abused and
neglected
children.*

The program started FY 2011 with a decrease of \$3,000 in state general funds (\$196,100). Additional CYFD federal funds (\$25,000) allowed AOC to cover the cost of all mediation referrals. The successful adjustment to a FY11 decrease in state general funds and 8% growth speaks well of both the strong partnership between CYFD and the AOC, and the commitment of the program coordinators and mediators to the delivery of high quality mediation services to New Mexico families.

Court Appointed Special Advocates (CASA)

Court Appointed Special Advocate (CASA) volunteers, appointed directly by the district court judges in abuse and neglect cases, are committed to speaking up for the best interest of children in foster care. CASA volunteers interact with the children, and with those children's families, teachers, therapists, social workers and attorneys, giving each case, each child the individual attention that is so vital in making sure each child ends up in a safe home. CASA volunteers make reports to the judges on the unique needs and desires of each child and on the progress and activity in each case. Based on that in-depth knowledge, CASA volunteers also make recommendations to the court regarding the most appropriate placements and services for children. These Court Appointed Special Advocates serve as the eyes and ears of the Court and bring judges the information needed to make the best possible decisions for the children. In FY11, 2,092 children in foster care were assigned to CASA programs. The staff of those local CASA programs matches each child or sibling group with a trained CASA volunteer and then supports, guides and supervises that volunteer throughout the life of that case. 720 CASA volunteers in 12 of New Mexico's 13 Judicial Districts were appointed to focus their attention and their advocacy work on 1,744 children throughout the course of last fiscal year. On any given day and despite deep cuts in state funding, 16 local CASA programs continued to recruit, train, supervise and provide nearly 600 passionate, community volunteers in support of abused and neglected children in 21 New Mexico communities. The work and the commitment of CASA is clear; in the words of one of our CASA volunteers, "I have no big red 'S' on my chest, no hero card in my pocket – just a mother's heart, and a burning desire to see this baby have a better life than his first months had provided."

Domestic Violence, Sexual Assault and Stalking (VAWA funded projects)

Beginning in late FY10, the Administrative Office of the Courts (AOC) applied for and was awarded federal Violence Against Women Act (VAWA) grant funding through the New Mexico Crime Victims Reparation Commission for work to be conducted in FY11. The primary goal of the VAWA funded work in FY11 involved improvement to "court staff's understanding of domestic violence cases and their role in the court process." Under the VAWA grant the AOC accomplished this goal by delivery of "training to district court and magistrate court clerks on the dynamics of domestic violence cases; basic safety (courthouse) and de-escalation techniques; case processing in domestic violence cases; and recent changes to the law."

The AOC delivered this domestic violence training for frontline court staff statewide via the court's videoconference system between February 2011 and May 2011. Multiple locations across the state attended each of the 21 training events. The training consisted of three modules: DV Dynamics, DV Fundamentals and DV Safety. A total of 513 people attended the DV Dynamics training sessions, and 374 people attended combined DV Fundamentals and DV Safety training sessions. The AOC developed the training modules in an educational software program purchased with grant funding (QuidPro Interactive), which allowed the entire training to be burned to CDs for distribution to all district, metro, and magistrate courts. Thus, the training remains available for review by staff who attended the training, for initial viewing by staff who missed the training, and for ongoing use to train new staff hired after the videoconference training concluded.

Pre- and post-survey results demonstrated significantly increased understanding by trainees of things such as the prevalence of domestic violence, the types of perpetrator tactics used, the importance of court staff's role in litigant access, gateway definitions for applicability of domestic violence laws, the importance of various courthouse safety measures in domestic violence cases, and signs of escalated behaviors and associated de-escalation techniques. Despite the excellent success of this training, the survey results also support the need for additional court staff training on domestic violence issues. With significant progress made during this VAWA funded training effort, continued work will increase that positive progress.

As FY11 drew to a close, the AOC again applied for and was awarded another VAWA grant through the Crime Victims Reparation Commission for FY12. The goals of the FY12 grant are to:

- Create and fill a part-time staff attorney position to serve as the statewide point of contact for domestic violence, sexual assault and stalking issues.
- Improve communication among key domestic violence, sexual assault and stalking stakeholders both within the courts and outside the courts.
- Promote best practices within the court system on domestic violence, sexual assault and stalking cases.
- Improve coordination between tribal courts and Violence Against Women entities.

Safe Exchange and Supervised Visitation Program

The Safe Exchange and Supervised Visitation Program (SE/SV) provides children and parents with a safe, nurturing environment for supervised visits and exchanges between custodial and noncustodial parents in cases of separation, divorce, custody disputes, and domestic violence. Services allow families in crisis to practice healthy interactions, and are designed around the needs and well being of the child. The services permit children to maintain their relationships with noncustodial parents without being in the middle of parental conflicts.



***Promoting
best practices
within the
court system
on domestic
violence...***



Safe, nurturing environment for supervised visits and exchanges between custodial and noncustodial parents.

FY 2011 appropriations permitted thirteen programs to deliver visitation and exchange services in eight judicial districts. District Courts referred cases for services in the following counties: First Judicial District: Los Alamos, Rio Arriba, and Santa Fe; Second: Bernalillo; Third: Doña Ana; Fifth: Chaves, Eddy, and Lea; Sixth: Grant, Hidalgo, and Luna; Ninth: Curry and Roosevelt; Eleventh: McKinley and San Juan; and Thirteenth: Cibola and Sandoval.

Highlights in the program's performance for FY 2011 include:

- 13,498 visits and exchanges were provided to 2,472 clients, a 3% increase in number of clients receiving services from FY 2010
 - A total of 1,057 children and 1,415 adults received services during the year, an increase of almost 5% in children served and 2% in adults served
 - An average of 506 visits and 619 exchanges were provided to 206 clients each month
- Service hours for visits and exchanges increased by 5%, despite a 1.4% reduction in the program's budget

In December of FY 2010, the New Mexico Court Standards for Safe Exchange and Supervised Visitation were adopted by the Administrative Office of the Courts (AOC), and establish minimum levels of operations for local programs. Contractors must comply with the Court Standards in order to receive AOC funding. One of the last steps in compliance ensures that all contractor staff have been approved to provide services through an agreement with the Children, Youth and Families Department (CYFD) to conduct criminal history background checks child abuse and neglect screening.

Court Appointed Attorney Fees Fund

State general fund monies allocated to the Court Appointed Attorneys Fees Fund (CAAFF) are used to pay court appointed attorneys who represent indigent parties in civil proceedings when the law requires that an attorney be appointed. The FY11 allocation to the CAAFF was \$4,550,200 a slightly less than 1/2% reduction from the total amount allocated in FY10. Ninety-five percent (95%) of the FY11 allocation was expended to pay contract attorneys. Payments to non-contract attorneys, who are paid \$30.00 per hour subject to fee caps per legal event, totaled slightly more than 1.6% of the FY11 allocation. The remaining 3.4% was used to cover prior year attorney payments, and personnel and administrative costs. Nearly 90% of funds expended for attorney payments were used to provide statutorily mandated legal services to children, youth, and parents in child abuse and neglect proceedings. The remaining funds were used to provide attorneys in mental health and other civil proceedings.

The AOC continues its efforts to equitably allocate the limited funds available for court appointed attorneys while maintaining its focus on providing quality legal representation. Contract attorneys in abuse and neglect proceedings are required to maintain a monthly billing log. This data has allowed the AOC to calculate the average hourly wage paid to these attorneys and to use this information along with caseload data to determine each district's allocation. Additionally, in the spring of 2011 the AOC,

at the request of the Supreme Court's Children's Court Improvement Commission assumed management of the contracting, billing, and payment processes for court appointed attorneys. As a result, attorneys have a single point of contact for all billing and payment inquiries. We have also created a database specifically for monitoring and tracking attorneys paid from the court appointed attorneys fees fund. Finally, the AOC continues to work closely with both the Court Improvement Project and the Corinne Wolfe Children's Law Center to provide contract attorneys with free and low cost continuing legal education.

Access to Justice

Assuring meaningful access to the civil legal system is part of a core function of the courts. The Access to Justice Commission (ATJ) seeks to improve access to justice in several ways, including (1) highlighting the need for pro bono services (attorneys providing legal services to low income people for no or reduced fees) and encouraging attorneys to meet their pro bono obligations; and (2) assisting legal service providers to maintain or increase funding levels in order to provide more legal services to low income people and to recruit more staff attorneys, especially in remote and rural areas of the State. Thanks to the recruiting efforts of local ATJ pro bono committees around the state, volunteer attorneys provided 275,733 hours of pro bono services in 2009 to residents of New Mexico. The Law-La-Palooza event held on October 28 at the Albuquerque Convention Center assisted in moving than 500 low income people in one day. However, the number of unmet legal needs in the State by far exceeds available legal services; the most current report states that for every client accepted by a legal service provider, two are turned away for lack of resources to provide services.

The number of people without lawyers is spiking even further in these difficult economic times as job loss leads to foreclosures, evictions, bankruptcies, and the inability to pay child support. The people who are turned away cannot afford an attorney, and therefore turn to the courts with their legal issues, desperately requesting court staff to help them. The Commission's Self Represented Litigant (SRL) Working Group seeks ways to establish and encourage self help programs and services in courts statewide that meet the standards of "best practices," including providing information to the public without giving legal advice and standardized plain language forms, both web-based and hard copy. The AOC staff attorney for the Access to Justice Program staffs the Commission generally, but also is the chair of the SRL Working Group and leads its efforts to provide access to the courts for SRLs. In addition, the staff attorney is the point person to develop and present all related training (discussed in more detail below) to not only court staff statewide, but also to legal service providers and to public library staff who find themselves being asked by desperate SRLs for legal advice when they can (and should) provide only legal information and referrals. The staff attorney also serves a liaison function for statewide legal service providers, coordinating their required site visits and review of standards governing the provision of civil legal services.



Expanding and improving civil legal assistance to New Mexicans living in poverty.



Ensuring that individuals with limited English proficiency who become involved with the New Mexico justice system have access to culturally and linguistically appropriate services.

Budget cuts have further diminished the level of service legal service providers can offer to low income people. Low interest rates have also produced drastic reductions in funding previously provided by Interest on Lawyers Trust Account (IOTLA) funds. Efforts to promote and increase the amount of attorney pro bono services continue, but the level of such services is simply not enough to meet the skyrocketing volume of legal needs of poor people due to job loss, inability to pay child support, eviction, foreclosure, and resulting pressures on families. Further, without effective administrative support (that requires funding), it is difficult to match attorney ability to case matter and to meet ethical obligations such as avoiding conflict of interest. The result is that people who cannot afford lawyers turn to the courts for help with their ongoing, critically important legal issues.

The AOC staff attorney for the ATJ Program is responsible for meeting short-term goals, including review and re-distribution of current court resources to provide better public access to legal information. Courts statewide have a fundamental and critical need for consistent, quality services and tools to provide to rising numbers of low income self represented litigants who have fundamental civil legal problems, no hope of attorney representation and no idea of what to do next.

Language Access Services

The AOC continues to train and certify court interpreters as a member of the Consortium for Language Access in the Courts, a program of COSCA/CCJ, administered by the National Center for State Courts. In addition to certifying spoken language interpreters, in January, 2011 the AOC in collaboration with the NM Commission for the Deaf and Hard of Hearing instituted standards and procedures for qualifying signed language interpreters for work in the New Mexico state courts.

During 2011 the AOC took steps to enhance its language access services in compliance with Title VI of the Civil Rights Act of 1964.

- All state courts have been provided with signage in English, Spanish, Vietnamese and Navajo, which explain to limited and non-English speakers their rights to interpreting services at no cost.
- Courts have also received language identification materials to assist them to identify the language being spoken by court customer so that appropriate services can be provided.
- A telephonic interpreting service is now available to all courts, which provides immediate access to interpreting services for out-of-courtroom communication in 175 languages.
- An online training program for bilingual court employees who work outside the courtroom and are called on to provide language assistance is now available to employees of the NM Judiciary through the New Mexico Center for Language Access (NMCLA). This specially developed training results in Language Access Specialist Certification, which entitles the employee to a salary incentive, pending court approval. NMCLA and the Language Access Specialist Certification are unique nationally and are the

result of a collaborative project of the NM Judiciary and the University of New Mexico-Los Alamos.

- Eighteen language access specialists have completed certification and are providing language access services in 12 courts. It is projected that by the end of FY12 another 50 court employees will have completed their Language Access Specialist Certification.
- With the assistance of a State Justice Institute Technical Assistance grant, the AOC has contracted with a consultant to assist courts in the development of Language Access Plans. It is expected that 65% or more of all state courts will have Language Access Plans in place by June 30, 2012.

The 2011 New Mexico Interpreters' Conference attracted over 150 participants from across the U.S. and Mexico. Held in October, 2011, the conference included two pre-conference symposia that address Title VI and ADA compliance, as well as the unique language access needs of tribal members. The NM Interpreters' Conference is recognized for its inclusion of both spoken and signed language interpreters, the level of support it receives from the NM Judiciary, and its focus on emerging best practices.



On June 4, 2011 the Navajo Interpreters' Association was formed with the support of the NM AOC. The historic first meeting took place at the University of New Mexico Gallup with 40 charter members on hand to elect the Association's first slate of officers.

Jury Services

The Committee for the Improvement of Jury Service in New Mexico met with Paula Hannaford-Agor, Director, Center for Jury Studies, National Center for State Courts, on June 9, 2011. As a result of this meeting and subsequent discussion, the committee agreed on the following areas of focus:

- **Judicial Education:** Ensuring that judges and court staff are familiar with contemporary principles of jury management and provided with adequate information to implement current best practices, as appropriate, in their courts.
- **Policy Development:** Developing and submitting recommendations to the Supreme Court regarding new or revised policies that will improve the jury service experience for New Mexico jurors and ensure efficient and cost-effective jury management.
- **Public Outreach and Juror Education:** Increasing the public's understanding of jury service and its goodwill toward the juror experience.

The AOC developed and pilot-tested an online juror exit survey, which will be provided to all NM jurors beginning January 2012.

***Ensuring
positive and
productive jury
service for New
Mexico citizens.***



***Strengthening
and fostering
relationships
between the
State and
Tribal Courts***

The NM State Courts mailed over 158,000 juror summonses in FY11. Since going to a web-based system for the updating of summonses and reducing undeliverable summonses, the cost per summons has decreased 20% since 2008.

New Mexico Tribal-State Judicial Consortium

As an advisory committee of the Supreme Court of New Mexico, the Tribal-State Judicial Consortium continues to work actively with the Court on various activities directed toward strengthening relationships and fostering communications between State and Tribal Courts. During FY 2011, the Consortium worked to extend its reach to additional State and Tribal Judges and Court staff, as well as others involved in the criminal justice system, including law enforcement officials.

Primary in its budgeted activities was the provision of scholarships for Tribal Judges to participate in the 2010 Magistrate Judges Conference and the 2011 Judicial Conclave. These awards serve to cover the cost of registration, hotel accommodations, meals, and mileage for a judge from each Tribal Court located in New Mexico to participate in these annual events. Six Tribal Judges attended the Magistrate Conference, and twelve participated in the Conclave. These meetings allow State and Tribal Judges to meet and learn about new laws and cases that may impact their decisions. Such contacts are important when cases cross jurisdictions and judges need more information about the plaintiff or defendant's laws, customs or traditions in order to decide the case.

In its quarterly meetings, the Consortium heard briefings on a variety of topics. The presentations offered information about jurisdictional issues from cases of "hot pursuit" (*State v. Harrison*) and related cross-commissioning agreements between McKinley County and Navajo law enforcement, reports about juvenile detention centers, including a new one opening in Cuba, New Mexico, implementation of the federal Tribal Law and Order Act, results of ankle monitoring bracelet usage by Isleta Pueblo, increases in Tribal child support collections, and recent efforts of the Internet Crimes Against Children Task Force.

In the summer of 2010, the Consortium continued to conduct Regional Meetings, co-sponsored by the American University via funding from the US Department of Justice's Bureau of Justice Assistance. Presentations and discussions focused on the implementation of the federal Sex Offender Registration and Notification Act (SORNA), attracting interest among the State Criminal Courts, and comparing State SORNA with the state and federal laws with the Model Tribal Code on sex offender registration. More than 160 individuals participated in these events, including 31 State and Tribal Judges who provided remarks and led discussions.

State Stream Adjudications

Six water rights adjudications in the state courts continue: the Lower Rio Grande adjudication, below Elephant Butte Dam; the Pecos adjudication, spanning the Pecos valley from Las Vegas down through Carlsbad; the San Juan adjudication, covering a large watershed in northwestern New Mexico; the Animas Underground Basin, in Hidalgo County; the Santa Fe adjudication, encompassing the city of Santa Fe; and the Rio San Jose adjudication, extending through Cibola County into McKinley and Catron Counties. In the Lower Rio Grande, over 16,000 claimants have been joined, and two issues before the court of basin-wide significance have been resolved: the farm delivery requirement ("FDR") and consumptive irrigation requirement ("CIR") for all crops have been determined, and Elephant Butte Irrigation District's groundwater claims have been resolved. Information on the Lower Rio Grande adjudication may be found at <http://www.nmcourts.gov/watercases/lriogrande.php>.

In the Pecos, adjudication activity has focused on adjudicating water rights in the Las Vegas area and completing the adjudication of rights in the Carlsbad Irrigation District; CID is entering the final adjudication phase. In the San Juan, adjudication activity has focused upon water rights within the La Plata section of the larger San Juan Basin. In addition, proceedings to determine the water rights of the Navajo Nation are underway and approximately 2,000 claimants are participating in the proceedings. Information on the San Juan River Basin adjudication, including the Navajo water rights proceeding, may be found at <http://sjrba.11thjdc.com/>. The Animas Underground Basin adjudication is in its initial stages. In the Rio San Jose adjudication, proceedings to determine the rights of the pueblos of Acoma and Laguna are underway.

Judge James Wechsler, of the New Mexico Court of Appeals, has been designated the state adjudication judge by the New Mexico Supreme Court and presides over five state water right adjudications: the Pecos, San Juan, Rio San Jose, Lower Rio Grande, and Santa Fe water right adjudications. Judge JC Robinson currently presides over the Animas adjudication.



***The Rio Grande:
A river whose
waters are vital
to its dry basin.***

Judicial Information Division

The Judicial Information Division (JID) of the Administrative Office of the Courts provides a full range of information technology services and technology planning to the Judicial Branch in New Mexico. The following represents the highlights of JID work during FY2011:

Odyssey Court Case Management System Project

The rollout of the Judiciary's new case management system, Odyssey, was again in FY11, JID's most important task. During the year, the many more courts were implemented, included two of the State's largest district courts, the First District Judicial District Court, in Santa Fe, and the Second Judicial District Court, in Albuquerque. In addition, the state's largest limited jurisdiction court, the Bernalillo County Metropolitan Court, implemented Odyssey in the Court's Civil Division. Many key staff from courts throughout New Mexico and the AOC participated in the preparations and worked diligently to ensure that the implementations would be successful.

During Fiscal Year 2012, all state magistrate courts will be converted to Odyssey, and by the end of Calendar Year 2012, all district courts will make the conversion, which will complete the trial court rollout of Odyssey. Immediately following the rollout of the trial courts, work will begin on implementing Odyssey in the New Mexico Supreme Court and Court of Appeals.

Electronic Filing

During Fiscal Year 2011, an electronic filing pilot for non-domestic civil cases was completed in the Thirteenth Judicial Court District, and preparations were made to implement e-filing in the First Judicial Court District and the Second Judicial Court District. In addition, the e-filing client software was upgraded from the Wiznet e-filing client to the much more robust Odyssey File and Serve client, which is much more integrated with the Odyssey Case Manager. During the First and Second quarters of Fiscal Year 2012, the new File and Serve system was fully implemented in the First, Second and Thirteenth Judicial District Courts.

Help Desk

JID provides help desk services to approximately 2000 judicial employees in New Mexico for the purpose of quickly resolving computer hardware, Internet, e-mail and case management problems and other information technology problems. JID also responds to members of the public regarding case information and statistics and assists with problems that public users might have with the online public Case Lookup Internet site. During FY2011, JID responded to more than 12,000 requests for help, and more than 3,000 of these from members of the general public. In addition, the Help Desk assumed responsibility for logging calls from attorneys seeking help with the new Odyssey File and Serve e-filing application.

Network Management and Support

JID provides the network infrastructure for courts and supports internet/intranet and e-mail services to courts, statewide. JID also supports the Judiciary's primary website, www.nmcourts.gov, and all of its many subsidiary sites. In addition, JID staff members manage and monitor the statewide judicial communications infrastructure, which operates over dedicated commercial circuits, digital microwave and DSL. This network supports data communications including video services for courts throughout the State.

Staff Support for IT Governance Council and its Subcommittees

During FY2011, the Judicial Information Division provided staff support for the Judicial Information Systems Council and its subcommittees, which provide stakeholder-based governance for all judicial technology initiatives. These committees include the Judicial Information System Council, the Judges User Group, the Odyssey Steering Committee, the Odyssey Executive Committee, the Public Access Subcommittee, the Jury Application Committee, the E-Documents Committee and the E-Filing Committee. JID projects in support of the various IT governance committees included creation of meeting agendas, meeting minutes, project plans, position papers, informational papers, presentations, and meeting schedules.

Video Conferencing, Video Arraignments and Video Distance Learning

During FY11, the Video Arraignment Program continued support of video sites at 39 magistrate courts, 18 district courts, 11 municipal courts, 30 detention centers and 5 administrative offices, which are all connected through a multiple conferencing unit (video bridge). The Video Arraignment Program continues to schedule and manage cross-county arraignments and expert witness testimony, in collaboration with other state agencies such as the Department of Corrections, the Department of Public Safety and the Department of Health. In addition, the video program facilitated numerous video conferences for judges and staff.

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