



NEW MEXICO
ANNUAL REPORT

JUDICIARY
2012

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.

A Message from the Chief Justice

With the support of our sister branches of government, and the selfless efforts of our employees, we have kept our courts open and operating. We have viewed our challenges as opportunities and, as you will see in the following report, worked steadily to improve judicial efficiency and enhance public access to our courts.

Foremost among our accomplishments were continued advances in technology and automation. The Judiciary's new case management system (Odyssey) has been successfully implemented in each and every magistrate and district court in New Mexico. The project was completed a year ahead of schedule and within budget. The integration of Odyssey into court operations along with the implementation of mandatory e-filing by attorneys in civil cases in eight district courts has increased productivity and decreased docketing delays. We expect similar results as e-filing becomes available in the remaining district courts by the end of March, 2013. The transition to an electronic version of cases and pleadings resulted in easy access for attorneys and litigants. Similarly, the Supreme Court's decision to provide appellate opinions electronically and on-line enhanced access to New Mexico case law for all New Mexicans.



**Chief Justice
Petra Jimenez Maes**

Our courts continued to fulfill our constitutional obligation to provide equal access to justice. To meet the needs of the rising number of pro se and non-English speaking litigants, courts recruited attorneys to provide pro bono services, sponsored legal fairs, created self-help centers within the courthouse, and established mediation programs. Additionally, courts expanded their language access services, developed language access plans, and court employees received training to become language access specialists.

I am proud of the efforts of our judges and particularly proud of our employees. They have learned new skills, taken on new challenges, and worked under adverse and challenging conditions to be sure that our citizens have access to our the courts. Our achievements have, however, come at a cost. To manage their reduced budgets, courts undertook numerous cost cutting measures. Measures that were necessary to weather the financial crises but now are no longer sustainable.

As we move together into 2013, I look forward to steady growth in our budgets so that the people of New Mexico may continue to access the courts and the justice to which they are entitled.

A handwritten signature in dark ink, reading "Petra Jimenez Maes". The signature is written in a cursive, flowing style.

A Message from the Court Administrator

The judges and employees of the New Mexico Judicial Branch can celebrate great accomplishments in 2012 and look forward to meeting new challenges in the year ahead. The new case management system, *Odyssey*, has now been implemented in every magistrate and district court in the state. This project required a large financial



Director Arthur W. Pepin

investment in equipment and software, for which the Legislature deserves our thanks. Judges and judicial employees also made an extraordinary investment of time, energy and talent in training and learning an entirely different way of operating. The public may not see the revolution that has resulted in the way our clerks' offices operate and the way judges work on the bench, but the public and the attorneys who interact with the judicial system benefit tremendously from these improvements.

I extend my personal gratitude to each of our employees and judges for the hard work, long hours, and willingness to adopt new technologies that have changed the way our courts operate. The transition from paper to electronic operations will continue for many years in many phases of the work of our courts, but New Mexico's judges and court employees have made tremendous strides in the past year into a twenty-first century way of operating the Judicial Branch.

Implementation of another new technology is underway with electronic filing. E-filing in civil cases is a reality in the majority of district courts, with more than 70% of civil filings now occurring electronically. Most district courts scan paper filings and many judges do not require paper files on the bench. Another part of the digital evolution of court practices can be observed in the Doña Ana County Magistrate Court in Las Cruces, where traffic citations are now issued by sheriff's deputies electronically from a police vehicle to the courthouse where the citation information is directly entered into the court's case management system. This eliminates needless duplication of data entry and paper filings.

Looking forward, *Odyssey* will be implemented in the Bernalillo County Metropolitan Court, the Court of Appeals and the Supreme Court. E-filing for civil cases will be a reality in all district courts. Court payments by credit and debit cards will expand. Enhancements to court operations are ongoing to improve the court experience for the public, jurors, and litigants, not all of which are electronic. In 2012 New Mexico's courts focused on new efforts in areas as diverse as providing alternative dispute resolution (ADR) for court cases, improved Tribal-State relations, training for supervisors, and upgrades to court facilities.

These successes only magnify the fact that budget challenges of the past few years remain a serious impediment to further improvements in courts. Employees who have worked hard to adapt their work to new technologies enter their fifth year with no salary increase and facing the prospect of increased taxes. Judicial and public employee pensions face serious funding challenges that may require increased retirement contributions from employees. During the fiscal crisis that has plagued New Mexico over the past several years, and especially in 2012, judges and court employees have attained remarkable accomplishments. With hope for an improving financial environment, the resourceful and resilient judges and employees in New Mexico's courts look forward to overcoming the challenges that lie ahead in 2013.

A handwritten signature in black ink, which appears to be "A. W. Pepin". The signature is stylized and fluid, written in cursive.

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Bits of New Mexico Supreme Court History, Courtesy of the New Mexico Office of State Historian



To read the full article by David Kammer as provided by the New Mexico Office of the State Historian, please visit http://www.newmexicohistory.org/filedetails_docs.php?fileID=21170.



New Mexico Supreme Court Building, Santa Fe, New Mexico

Although New Mexico's constitutional convention of 1910 provided for an elected Supreme Court as a component of the territory's anticipated statehood, it was not until 1937, that the state actually completed a building specifically designated as the center of its Judicial Branch. On August 9, 1937, the Supreme Court Building was dedicated, ending a quarter century during which the Judiciary had been located in often cramped quarters within the State Capitol. Situated on land the state acquired as it sought to shape a Capitol Complex south of the Santa Fe River, the new building was constructed as a Public Works Administration project, one of many such public buildings that emerged as a result of New Deal efforts in New Mexico. Typical of many of those buildings, the Supreme Court Building incorporated a range of stylistic elements associated with the region's architectural styles. One of the first public buildings to employ details specifically ascribed to the Territorial Revival style, it played a pioneering role in defining an architectural vocabulary that has characterized much of New Mexico's public architecture for the past six decades. Although the 1964 addition increased the width and somewhat distorted the balance of its original Y-plan, viewed from its primary façade along Don Gaspar Avenue, the historic Supreme Court Building appears much as it did in 1937. Noteworthy for its critical role both as an important New Deal project and as a building defining much of the state's future public architecture, and as the continuous location of the state's Supreme Court, the New Mexico Supreme Court Building is eligible for listing under Criteria A and C at the state level of significance in the areas of Law, Politics/ Government and Architecture.

Prior to the issuing of the **Kearny Code of 1846** and the creation of the New Mexico Territory in 1850, the dispensation of justice had largely been a local matter with the chief local official, or *alcalde*, acting as a judge and with the governor reviewing appeals. Even during the Mexican period from 1821 to 1846, this practice of locally dispensed justice persisted despite a more complex system of district courts and judicial review prescribed by the constitution in faraway Mexico City. The creation of the Territory of New Mexico, while bringing New Mexicans within the nation's judicial system, did little to foster a locally determined judiciary, as the president of the United States appointed the three justices of the Territorial Supreme Court. Although they met periodically in Santa Fe, the justices spent much of their time traveling independently throughout the far-flung territory and holding circuit court sessions in the larger towns.

When the court convened in Santa Fe, it met in the Palace of the Governors, the territorial capitol until 1886. Thereafter, it moved, along with the rest of the territorial government to a new building located on lands south of the Santa Fe River. Purchased by the legislature in 1884, this area, historically known as the Barrio Analco, had long been an agricultural area inhabited by *genízaros*, or detribalized Indians, residing in the colonial town. As late as the 1880s the area was a mixed lower-income residential and agricultural quarter, even as the new capitol began to take shape.

The move of the Judicial Branch to the new capitol continued the practice of housing it under the same roof with the executive and legislative branches. Following the burning of the new capitol building in 1892, a new building designed by Isaac Hamilton Rapp was begun in the same area in 1895 and occupied in 1900. Nearby, on the same state-owned parcel of land a new Governor's Mansion also arose. Describing the two public buildings as "set in a beautiful wooded park and are models of modern architecture," the Legislative Manual of 1911 praised their classical details (Kammer 1993:11). Once again, the Supreme Court was housed within the new capitol building. With the advent of statehood in 1912, this spatial relationship continued with the now elected three-member New Mexico Supreme Court occupying rooms within the capitol as its chamber and offices.

Although the apparatus of New Mexico's state government exhibited relatively little growth during the state's first 20 years, the capitol building soon became overcrowded. Recognizing this need for space, in 1917 the state legislature passed a bill providing for the construction of a supreme court building to be erected just south of the old capitol building. Voters, however, turned down the bond issue to finance the project (Albuquerque Journal Nov. 8 1933:1). Even after the construction of an additional wing to the capitol in 1922, the spatial needs of the court also increased, especially after the number of justices was raised from three to five in 1929. Despite the limited space that the judiciary, as well as other agencies created under the three branches of state government, the state's political leaders were unable find ways of overcoming these deficiencies until the mid-1930s. Limited by a narrow view of the role of state government and, increasingly during the 1920s, by declining revenues from its property tax, state government and its small infrastructure faced a crisis well before the onset of the financial depression in 1929 (Kammer 1994: 5-17).

With the coming of the New Deal, however, and the myriad of programs designed to provide work relief through public works projects as a means of stimulating the national economy, New Mexico experienced an infusion of federal funds. These funds affected government both at the local and state level and resulted in a marked increase of construction projects. In anticipation of receiving the New Deal funds, the State Planning Board was formed in 1934, and in its first report highlighted the need to acquire building sites in order to establish a new capitol complex (Sze 2000: 3).

Among the New Deal programs carried out in the state were some 96 non-federal PWA projects in which the PWA contracted directly with a local authority, such as a municipality, school district or university, to carry out a public works project funded through a low-interest loan or grant. Following legislation suggested to state leaders by New Deal officials in 1935, many of these local authorities were permitted to issue bonds to repay their PWA loans, backing them through anticipated income generated as a result of the project itself. Much of this income was to be derived from user fees, for instance, such as those colleges raised through the collection of room and board fees or those that irrigation districts raised through assessments.

Termed "self-liquidating" projects by the State Planning Board (a New Deal created and partially-funded agency), this innovative means of providing backing for these PWA construction loans contributed to the ability of the Supreme Court to realize the resolution the justices had approved in December 1933 (Kammer 1994: 39). First, a building commission, consisting of the five justices, was created to serve as the court's local authority. Then debentures issued against anticipated court fees were sold to the PWA. During the late 1930s, the Building Commission would also sell building bonds to the State Treasurer in order to retire the debt incurred by the construction project ahead of schedule.

Once the means for funding the new court building had been determined, the Building Commission began to move ahead with the project, developing both plans for the project and searching for a suitable location. At its October 17, 1934 meeting, S. R. DeBoer, the New Deal planner working with the State Planning Board informed the board that the Building Commission had developed a plan and selected a possible site consisting of 0.75 acres at the northeast corner of Don Gaspar Avenue and DeVargas Street. Owned by Mrs. N.B. Laughlin, who sold it to the state for \$15,000.00, the site was consistent with the board's goal of acquiring "ample property for a comprehensive single unit plan." Moreover, pushing the Main Capitol Grounds north to Santa Fe River also linked the growing complex with the Santa Fe River Park, one of the first parks in the newly created state park system. Undertaken by a company of the Civilian Conservation Corps (CCC), the park project consisted of rectifying the river channel through the construction of masonry walls, bridges and landscaping the riverbanks with trees, lawns and picnic benches. As DeBoer and the board worked to articulate their plan, they envisioned the Main Capitol Grounds from a perspective north of the river. This composition entailed a series of planes rising from the park, "stepping up to a two story building," and then progressing up the hill to the capitol (State Planning Board October 22, 1934: 7). Completion of the park, or Alameda, along with the adjacent court building would offer a seamless link with the public buildings farther up the hill. Integral to the achievement of the board's plan, however, was a thorough rethinking of architectural design. New Mexico would need to renounce "copying the foreign types of buildings" that had "no relation to the unusual background and history of New Mexico" (State Planning Board October 22, 1934: 7). Instead, the board advocated that designers must pursue the "realization of a type of architecture which is peculiarly its own," even going to the extent of eventually redesigning the exterior of the capitol itself. Describing this regional design as "the local Santa Fe type of

architecture,” the plan also offered general terms defining the style as “fully harmonious” and having “simplicity of design, correct uses of wall space, masses and color.” Moreover, it suggested that “The Spanish-Indian architecture seemed the most appropriate for the purpose” of the capitol building group.

When scrutinized, the language of the planning board regarding its regional architectural tastes appears less narrowly prescriptive than generally suggestive of design elements associated with the state’s “unusual background and history.” This broader definition of regionalism would certainly have been consistent with the board’s awareness of recent works completed by **John Gaw Meem**, in which his use of a range of territorial design details had begun to expand conventional interpretations of regionalism. Taking the essential Spanish and Pueblo design elements, Meem and others had demonstrated how inclusion of the state’s 19th century territorial building practices might be used to broaden the definition of regionalism (Wilson 1997: 281-283). These elements such as brick coping and the sharper edges it engendered, generous fenestration, the use of classical details at windows, doors and portals, permitted a more eclectic rendering of traditional regional design.

As architectural historian Chris Wilson suggests, “The New Deal helped stimulate a new regional idiom.” It did so by providing the means through federally funded public works projects, especially under the PWA, CCC and Works Progress Administration (WPA) for Meem and other architects to define a regional architecture. The Supreme Court Building contributed significantly to this process of defining an emerging regional idiom. Its designer, Gordon F. Street (1893-1943), had worked in Meem’s firm in Santa Fe from 1927 to 1932 and then struck out on his own, already designing Harrington Junior High School in Santa Fe, employing the Territorial Revival style when he received the commission for the court building. Working contemporaneous to Meem who had received the commission to design the FERABuilding and was employing similar stylistic elements, Street rendered the court building using a broad range of the 19th century Territorial elements. He also retained earlier regional elements, such as the large wood lintels above some windows and the clerestory illuminating the Law Library atrium. He also employed the multiple planes associated with Pueblo communities and, more broadly, envisioned by DeBoer and the planning board as essential to the stepped composition shaping the vista of the Main Capitol Grounds. He further reinforced the building’s sense of place with his widespread use of the Zia symbol throughout the interior, as well as the use of corbels and heavy beams across the atrium.

When the building was dedicated on August 9, 1937, it had cost \$306,000 to construct, of which \$171,000 was a loan made to the Supreme Court Building Commission by the PWA and \$135,000 a grant from the PWA. Unlike many of the state’s WPA projects, which, in general, employed those on relief and involved the use of locally supplied materials, the court building also employed the skilled carpenters and masons. Their skills account for the interior’s striking use of varied marble in the lobby, the intricate fixtures, and the finely crafted wood details. Just two years after the dedication, when the PWA published its national survey of public architecture it had helped to underwrite, it included the building as illustrative of the regional architecture the PWA had helped to foster in the Southwest (Short 1939: 64).

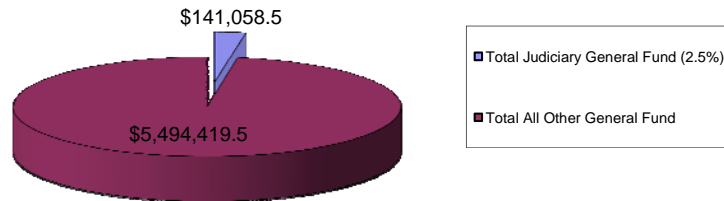
Although the Building Commission initially intended for the Supreme Court to be housed in one wing of the building and the Attorney General and State Treasurer to be housed in the other, by the early 1960s as the roles of state government expanded, the building had become overcrowded. The Building Commission sought to alleviate the problem by constructing an addition at the rear of the building in 1964 that included additional meeting rooms, offices and library reading rooms. When the Attorney General’s offices were transferred, the northwest wing became the home of the Court of Appeals created in 1966 to alleviate the high court’s heavy docket. As a result, the building truly became the center of the state’s Judicial Branch of government.

Over the decades, the Supreme Court Building has come to be appreciated not only for the legal traditions it represents but also for its significance as a part of the New Deal’s legacy in New Mexico. The justices of the Supreme Court, the Building Commission, and the Chief Clerk are proud of the heritage the building conveys and are committed to preserving it.

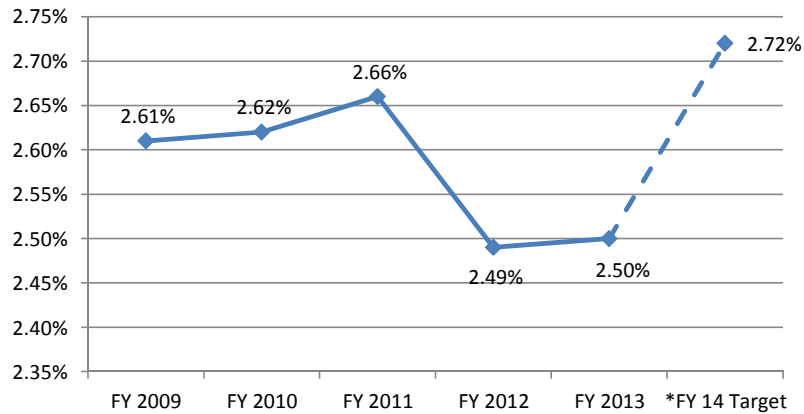
David Kammer

Budget of the New Mexico Judiciary

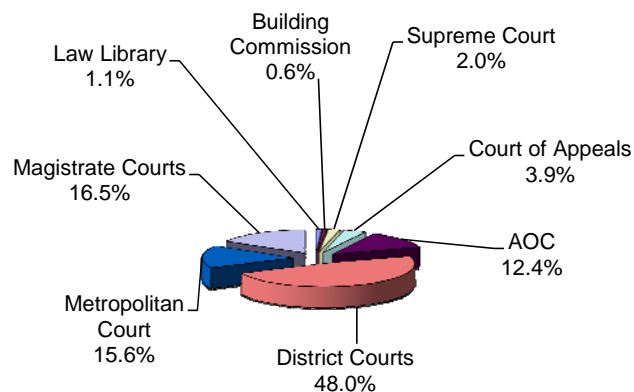
2013 Fiscal Year Recurring General Fund Appropriation Distribution (in thousands)



Funding as percent of State Appropriations:



FY 2013 Judiciary Recurring General Fund Appropriation Distribution Percentage



New Mexico Supreme Court

FY12 was a year of continuity and change for the Supreme Court. While the Court's caseload remained relatively stable in FY12, the Court experienced a significant change in the Court's administration midway through the fiscal year. At the end of the 2011, the Court said farewell to its long-time Chief Clerk of Court, Kathleen Jo Gibson, who retired after 25 years of service to the Court. Ms. Gibson was appointed Chief Clerk of Court in September 1992 after serving six years as a judicial law clerk for Justices William Riordan, Richard Ransom, Dan Sosa, Jr., and Stanley Frost. In addition to her duties as the Chief Clerk, she served as Building Manager for the historic Supreme Court Building and Secretary to the New Mexico Compilation Commission. Ms. Gibson was only the fifth Chief Clerk of the Supreme Court since statehood.



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

The Court also commemorated the 100th Anniversary of the New Mexico State Supreme Court on January 10, 2012. The event celebrated the milestone with a ceremony in the historic Supreme Court Courtroom, during which each Justice gave a presentation on the history of the many Justices who served in their respective seats on the Court over the past one hundred years.

Since the territorial days of the Supreme Court, the official opinions of the New Mexico appellate courts have been published in hard bound volumes. On February 28, 2012, in collaboration with the New Mexico Compilation Commission, the Court implemented a significant change to the way that New Mexico's state case law is distributed and compiled by authorizing the transition to an authenticated, digital format for the official opinions of the Supreme Court of New Mexico and New Mexico Court of Appeals. Providing the official opinions of New Mexico's appellate courts in an authenticated, digital format, now collectively known as the New Mexico Appellate Reports, will enhance public access to New Mexico case law and improve judicial efficiency.

Supreme Court Building Commission

Renovations to the historic Supreme Court Building continued in FY12 with the commencement of a much needed roof replacement involving 20 separate roofs. When the re-roofing project is finished in early FY13, the Commission will be closer to completing a series of building repairs and renovations started over the last two decades. The Commission plans to continue seeking additional capital outlay funding to re-stucco the entire building and to complete critical improvements to the flooring and railing in the Supreme Court Law Library, which are needed to preserve the integrity of the building and protect the safety of all who use this historic building. Once these repairs and renovations are complete, the historic Supreme Court Building will be well-positioned to continue serving as the primary site for the state's appellate courts and as a source of pride and history as one of the premier public buildings in the State of New Mexico.

Supreme Court Law Library

The Supreme Court Law Library has been reorganizing services in order to continue meeting the needs of users despite the significant budget reductions that occurred between FY 2008 and FY 2011. During FY12, the Library implemented the following strategies:

- The use of in-house expertise in the conservation and repair of rare and damaged books, allowing for the elimination of out-sourcing book repair costs;
- Increased 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;
- Begun a project with the Legislative Counsel Service's Library to create a digital master set of legislative bills;
- Unlike most libraries and archives in state government, The Library continues to stay open to the public during regular business hours to allow self-represented litigants and members of the bar full access to Library materials;
- The use of aggressive acquisition strategies to tailor the Library's collection to the Judiciary and the Library's most frequent users, resulting in substantial cost savings;
- The Library continues to share financial administrative services with the Supreme Court as a cost reduction strategy.

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 the Library's collection.

New Mexico Court of Appeals



Standing: Judge Timothy L. Garcia, Judge Michael E. Vigil, Judge Roderick T. Kennedy, Judge Linda M. Vanzi, Judge J. Miles Hanisee
Seated: Judge Jonathan B. Sutin, Judge James J. Wechsler, Chief Judge Celia Foy Castillo, Judge Michael D. Bustamante, Judge Cynthia A. Fry

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 Compilation Commission

The New Mexico Compilation Commission (“NMCC”) is a self-sustaining enterprise agency that serves as the official legal publisher of the State of New Mexico. NMSA 1978, Sections 12-1-1 to 12-1-14, 8-5-6 to 8-5-14 and 34-4-2, set forth the powers and duties of the NMCC.



The NMCC is required to maintain and copyright in the name of the State of New Mexico an integrated online database of official laws pursuant to NMSA 1978, Section 12-1-3. This database is exclusive to the State of New Mexico and is not licensed to any entity. NMCC produces, publishes, sells and distributes the official state law publications and online services to the public and private sectors. The NMCC funds itself largely through product sales and fees.

The cornerstone of the NMCC’s services is a complex set of duties that typically falls to global commercial providers. These services include compiling the statutes, performing editorial services using uniquely qualified staff and contractors, updating databases daily, maintaining customer accounts, shipping and receiving, billing, collecting revenue all while competing with commercial publishers. By owning and controlling its integrated copyrighted database of laws, the State of New Mexico controls the quality of its laws and how and when they are published. Through these controls, it also retains ownership over pricing decisions to ensure affordable official laws are available to each citizen and that the public has free access to the entire body of statutory and case law. Further, sales revenue and publishing, sales and marketing, financial and administrative jobs are retained in the state.

The major accomplishments of the NMCC in FY12 were the following:

On May 1, 2012, the NMCC released the new official legal research tool of the New Mexico courts and Legislative Council Service known as *NMONESOURCE.COM*. The popular enhancements include daily updates, natural language searching, automatic updating of saved searches, access to 50-state, federal case law and other resources. iPad and other mobile applications will be released in December 2012. Importantly, the NMCC now publishes slip opinions in *real time* with the Chief Clerk of the Court on *NMONESOURCE.COM*™ and at www.nmcompcomm.us. Official court opinions are released first by the NMCC on its web site and later obtained and published by commercial and other publishers.

OFFICIAL COURT OPINIONS AND NEW MEXICO APPELLATE REPORTS™ – ONLINE AND PRINT



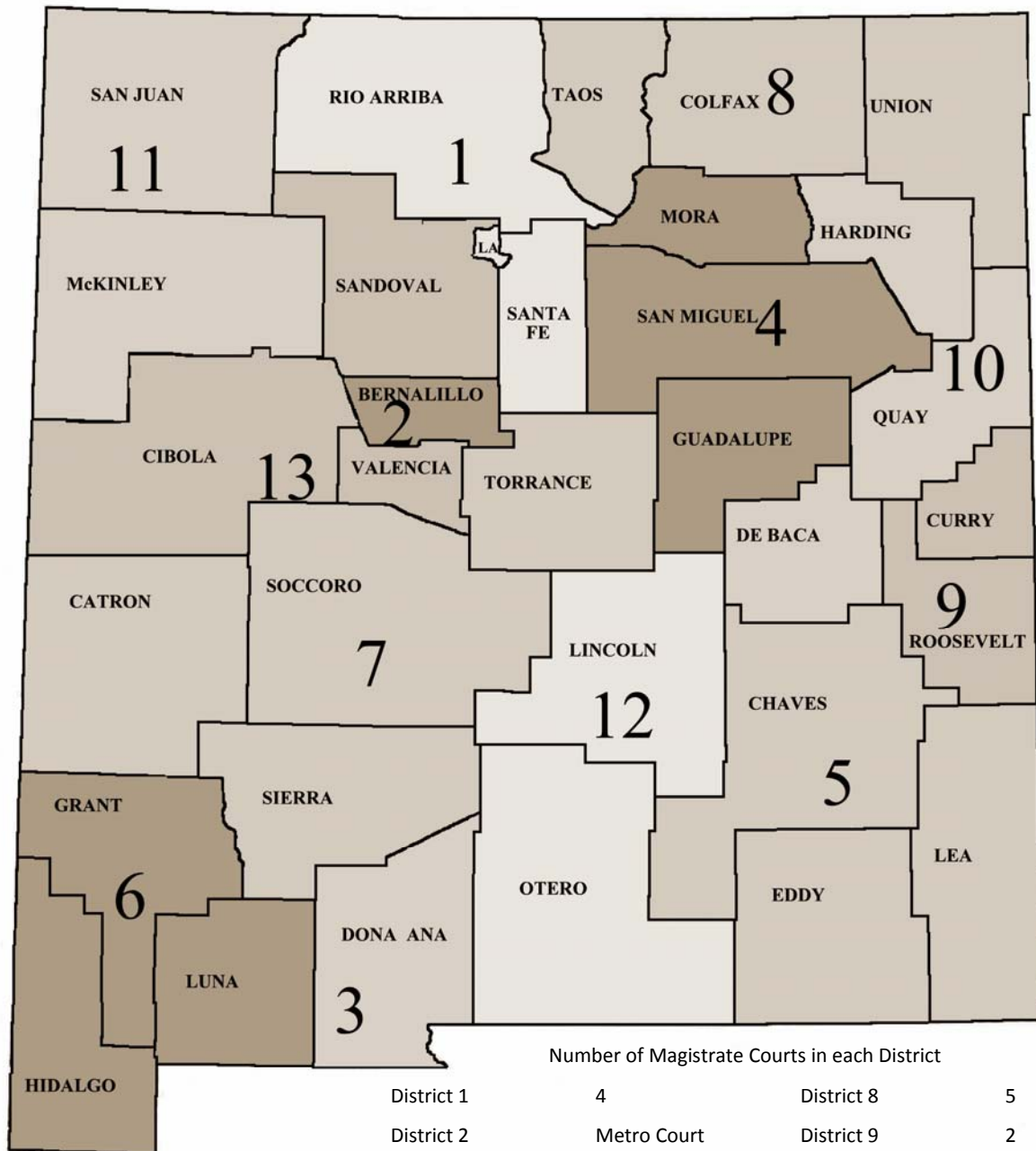
On March 1, 2012, the New Mexico Supreme Court designated the authenticated PDF with digital signature, as published by the NMCC, as the Court’s official court opinion. The New Mexico Supreme Court and NMCC have been recognized by the national Association of Reporters of Judicial Decisions as the leaders among states in publishing secure, electronic opinions online and with free access to the public. For the first time, the public will have access to the entire body of

New Mexico case law in spring 2013 as opposed to the traditional case coverage of the most recent ten years.

As a result of the Supreme Court's determination of the digital official court opinion, the print reporter became a secondary, unofficial publication. Its production and publication was brought in house for NMCC to produce at reduced costs. The new print volume is entitled, "*New Mexico Appellate Reports*", and is sold and distributed exclusively by the NMCC.

The major issue for the NMCC is the ability to manage a fixed budget while experiencing annual fluctuations in costs and revenue amidst a depressed economy and print to digital migration. To ensure its success as a self-sustaining enterprise agency, NMCC is proactive in exercising fiscal responsibility and reducing costs, leveraging technology, leasing modest office and warehouse space and incorporating best practices in publishing and management.

New Mexico District Courts



District Courts

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

There are eight District Court Judges, seven of which work out of the Santa Fe Courthouse and one assigned to Rio Arriba County. In addition, the Judge assigned to Rio Arriba County travels to the Los Alamos County Courthouse every Wednesday. The First Judicial District Court employs 90 staff members.

Administration

The First Judicial District Court in Santa Fe County has been planning for the move to a new building for the last several years. The building will be complete at the end of calendar year 2012 and the Court anticipates relocating to the new facility soon thereafter. The new facility will provide greater security and safety to the public, Judges and staff.

The Court has also been coordinating plans with Rio Arriba County managers to improve the security of the courthouse located in Tierra Amarilla, NM. Currently, the Judge must walk through the gallery to get to the bench. Plans are being developed to create a different, safer courtroom entrance for the Judge.

The First Judicial District Court recently developed a Language Access Plan to provide better services to non-English speaking customers. The Court Interpreter employed by the Court is now responsible to schedule interpreters for litigants, as requested, regardless of the language. In addition, four court employees completed the language training and received their language access certification.

The Judicial Information System (JIS) has been preparing for the move to the new facility by upgrading Court Reporter software/systems as well as other computer equipment to ensure compatibility with the new building's infrastructure.

Adult Drug Court

The First Judicial District Adult Drug Court program is in its 15th year working with felony-level offenders in Santa Fe, Rio Arriba and Los Alamos Counties. Since many of these offenders have exhausted all community-based services, Drug Court is often the only other option besides prison. Drug Court is a nine-month intensive supervision program that offers group and individual counseling, psychiatric services/medication monitoring, random urinalysis testing and weekly court hearings. Drug Court relies primarily on federal grants to provide services to 45 clients. Since its inception, Drug Court has provided services to over 924 clients.

Adult Treatment Court Program

The First Judicial District Treatment Court program is in its 7th year working with felony level offenders who have co-occurring disorders. Treatment Court is a one-year program that offers individual counseling, psychiatric services/medication monitoring, random urinalysis testing and weekly court hearings to evaluate client progress. Treatment Court clients are taught skills to manage their mental health illness in a positive manner thereby reducing future involvement with the criminal justice system.

Treatment Court can provide services to 25 clients and is currently funded by monies from the Liquor Excise Tax Fund.

Juvenile Drug Court

The First Judicial District Juvenile Drug Court has been operating in both Santa Fe and Rio Arriba counties for over 11 years. The Juvenile Drug Court is currently providing treatment services to clients with approximately \$65,000.00 received from the Liquor Excise Tax Fund, which is an increase from last fiscal year. This funding has kept the program functioning.

Pre-Trial Services

Pre-Trial Services provides supervision to defendants to ensure they are complying with their conditions of release pending the outcome of their criminal case. Clients are assessed for risk and linked to appropriate services to ensure stabilization while they remain in the community awaiting the disposition of their cases. Pre-Trial Services offers drug and alcohol testing, psychiatric services/medication monitoring and assistance with referrals to community based services. Pre-Trial Services can provide services to 35 clients and is currently providing supervision to 25. Pre-Trial Services has no funding source at this time.

Clerk's Office

In the past year, the Court had many new developments in process with a substantial change in focus. The daily workload in the clerk's office continues to rise. Despite a slight decrease of customer intake at clerks' windows with the implementation of electronic filing, the Clerk's Office serves an average of 140 customers per day. According to statistical reports, 8,803 new cases were opened and processed to date within Santa Fe, Rio Arriba and Los Alamos counties. In addition, an average of 1,880 electronic filings within civil and probate case types are processed per week and the Clerk's Office has electronically filed 5,389 documents submitted via e-mail by attorneys and their staff, an average of 450 per month. Over 84,000 filings in all other case types were received and processed. On January 4, 2012, a clerk in the Los Alamos County Courthouse began serving customers once a week.

In an effort to move toward a paperless court and a paper-on-demand concept, a decision was made not to order case files for calendar year 2012. The Imaging and Records divisions of the First Judicial District Court continue to scan all pleadings received when they are submitted. Imaging of pre-2010 cases are being pulled from the shelves and imaged, working toward a paperless court and paper-on-demand concept. To date, the Court staff have scanned 75 boxes of pending files, burned 34 DVDs as a backup for scanned documents processed prior to the Odyssey conversion, and completed destruction of 313 boxes of digitally archived case files. This process allows easy access to clear images of complete case files available to judges, court staff and customers. This year the Court also provided demonstrations of scanning equipment, functionality and training materials to various courts including the New Mexico Supreme Court, the 11th Judicial District Court and Municipal Courts within the state.

Special Services Division

The Special Services Division completed retention research of 53 evidence boxes in accordance with the New Mexico State Judicial Records Retention and Disposition Schedules. The Special Services staff, along with the Tierra Amarilla Clerk's Office, completed 2,328 CD/Tape requests in the past year. The Records, Special Services Division and Tierra Amarilla staff together received and completed 1,130 public records requests in the past year, an average of 94 requests per month.

Despite the heavy workload and being understaffed, the employees of the First Judicial District Court Clerk's office have adapted to change, demonstrated consistent motivation, teamwork and diligent perseverance while providing exceptional service to their customers and ultimately fulfilling the daily mandate.

Court Constituent Services

The District's Court Constituent Services Division (CCSD) is a statewide leader in providing services to litigants in two separate but related areas: alternative dispute resolution (ADR), and assistance to self-represented litigants. CCSD consists of one 3/4-time Attorney Senior director, one half-time Administrative Assistant, and one full-time Legal Office Specialist. Funding for these positions is through a combination of the court general fund and the civil ADR filing fee.

The CCSD Director is an active member of the Statewide ADR Commission established by the Supreme Court in July 2011. The purpose of the Commission is to improve and expand court ADR services statewide.

Alternative Dispute Resolution

The ADR processes offered by CCSD include *settlement facilitation* in CV, DM, and PB cases, and *foreclosure mediation*.

The FDistrict distinguishes between settlement facilitation, foreclosure mediation, and child custody mediation. *Settlement facilitation* is offered through Court Constituent Services by settlement facilitators who are private attorneys with subject matter experience and mediation training. *Foreclosure mediation* is provided by settlement facilitators with particular experience in foreclosures. *Mediation* is offered through Family Court Services by Court Clinicians to resolve child custody issues.

Referral requests for settlement facilitation have risen steadily since 2006 when the current Program was implemented. From January through October 2012, 368 cases were referred; of those, 74 involved self-represented parties.

Foreclosure mediation requests comprise approximately 0.30% of all foreclosure cases filed in the District. From January through October 2012, 143 cases were referred; of those, 26 involved self-represented parties.

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 debt 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.

CCSD operates the Court's Self Help Center to assist self-represented litigants with forms and procedural information. The Self Help Center staff, like all other court employees, does not provide legal advice or representation. 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. From January – October 2012, there were 2166 requests for information and forms completion or review, and 2174 forms dispensed.

An extensive forms library and other information is also included on the Court's website.

CCSD also sponsors a free monthly Self-represented Family Law Clinic in partnership with the Santa Fe Community College Paralegal Studies Program and volunteer private attorneys. The Clinic provides general information about divorce, parentage, child custody and child support cases. CCSD collaborated with SFCC's Film Department in the summer of 2010 to produce a video of the general clinic information in Spanish. Since January 2011, the Clinic has been offered in Spanish as well as English.

Clinic attendance has risen steadily. From January through October 2012, 136 people attended the English clinic, and 44 attended the Spanish clinic. A voucher for a free half-hour consultation with a private attorney on family law issues is offered to attendees of the Clinic. Nearly all attorneys who practice family law in the First Judicial District have agreed to accept vouchers for the free consultation. 75 vouchers were provided and 24 redeemed in 2012.

Family Court Services

Family Court Services (FCS) experienced some significant changes in 2012. The Supreme Court of New Mexico approved a substantive revision of sliding fee scales, as well as the creation of a new fee scale for the Information Session on Children and Separation. The approval of the new fees will generate revenue that will help to promote the self-sufficiency and sustainability of the department.

In October, FCS was able to fill a vacant Court Clinician I position and is excited to be nearer to full staffing levels for the clinical team. Also, a long-time Court Clinician II was re-classified to Court Psychologist. This re-classification enhances the clinical expertise of FCS and expands the range of services able to be offered to parties in the 1st Judicial District Court.

A series of innovations, improvements, and refinements within the department have led to administrative efficiencies, reductions in wait times for services, and greater adherence to model standards for clinical procedures. Priorities for the coming year will be a continuing emphasis on staff training and additional gains toward achievement of a paperless office.

Jury Division

The Jury Management Division has taken a number of measures to increase its efficiency and make service to jurors, prospective jurors, litigants, and the legal community its top priority. The addition of a full-time staff member to the previous full-time staff of two has enabled the Division to distribute its responsibilities more efficiently and effectively. For instance, Division staff responds to voice mail messages, faxes, and e-mail messages in a timely manner and thereby reduce the need for people to repeat their communication efforts. Juror qualification forms and questionnaires, as well as undeliverable mail, are processed daily, which also reduces repeated efforts to communicate with staff. Likewise, the Division is processing juror payments on a weekly basis, which increases juror satisfaction and decreases the staff time necessary to address questions and concerns regarding payments.

The Division has also modified the language on the juror summons form to make it easier for prospective jurors to understand and, consequently, this measure has reduced unnecessary confusion and frustration with the jury service process. In order to increase juror participation, reminder letters are being sent to prospective jurors who have failed to return their juror questionnaires and qualification forms.

A phone line has been dedicated for use by individuals who have been selected to serve as jurors for trials and as grand jurors to ensure that their questions and concerns are addressed immediately. The dedicated line helps facilitate improved communication between jurors and the Court, particularly when emergencies arise for jurors, and enables the Court to keep trials and grand jury proceedings progressing efficiently.

The Division caught up on the retention/destruction of records, which has allowed the Division to make better use of limited office space and makes the work environment more hospitable to staff and members of the public.

Second Judicial District—Bernalillo County

The Second Judicial District Court is New Mexico's largest general jurisdiction court with 26 judges, 10 hearing officers, and 350 staff. During FY 12 the court processed 49,000 new and reopened cases. This caseload is approximately 35% of the total caseload of the district courts in New Mexico.

The court experienced tremendous innovation in FY 12. As an example, the Odyssey case management system installed in FY 11 was fully consolidated into court operations and provided large productivity gains. Further, the implementation of mandatory e-filing in the civil division brought down docketing delays from approximately 30 days to less than one day. The paper-on-demand system has become fully operational and

provides a completely electronic record of all cases and pleadings.

A further development has been the adoption of a court-wide strategy for providing “individual justice.” This was best exemplified by the implementation of a Veteran’s Court. Like other treatment, courts the Veteran’s Court singles out veterans charged with crimes for a high degree of judicial attention. The Veteran’s Court matches the individual defendant to services and treatment individually suited to help cope with the return to civilian life. If successful in the program of regular drug and alcohol testing, counseling, and accountability, their reward may be a dismissal of the action against them.

In conjunction with Bernalillo County, the Second District is embarking on an effort aimed at long- and short-term strategies that reduce the time defendants spend in the Metropolitan Detention Center. This effort includes a large expansion of PreTrial Services, the mental health court, and “rocket dockets” for probation violations. These efforts at short term jail population reduction will be combined with longer term strategies which include education, housing, addiction avoidance, and other treatment based solutions.

As an indication of the court’s commitment to the citizens of New Mexico the innovations outlined above were achieved with less taxpayer funding. To accomplish this lower budget the court kept a vacancy rate of 7.5% and left 23 positions vacant for the entire year. Ultimately the FY 12 General Fund budget of \$20,103,800 was 10% lower than the FY 09 budget.

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 13,108.

Fourth Judicial District—San Miguel, Mora and Guadalupe Counties

The Fourth Judicial District Court continues to fulfill its obligations under the Constitutions of New Mexico and the United States, as well as state and federal law to provide equal access to justice in a timely and efficient manner. The Fourth has met or exceeded all performance measures outlined in House Bill 2.

In January 2012, the Court began to scan all paper documents into Odyssey in its continuing effort to create electronic records for all court files. In August 2012, the Court began to accept pleadings through E-File and Serve for civil and probate cases.

In fiscal year 2012, the Fourth Judicial District Court maintained and provided the essential Court functions despite reductions in its budget. The Adult and Juvenile Drug Court programs survived, albeit with fewer participants. The Court was able to avoid employees furloughs and closure of the Court despite the budgetary reductions.

The Court has implemented an interim Language Access Plan which ensures that non-English speaking individuals will have equal access to court processes and programs. The Court currently employs two Spanish language Access Specialists.

Fifth Judicial District—Chaves, Eddy and Lea Counties

The family Drug Court in Lea County and Juvenile Drug Courts in Chaves and Eddy counties are operational. State of the art witness testimony and video conferencing equipment has been installed, allowing the court and attorneys to project and display documents and photographs on a video screen during court proceedings in all Fifth Judicial District courtrooms. The system also has the capability of allowing attorneys and expert witnesses to connect a laptop and project images and play DVD's.

All three counties have received upgrades to FTR court recording computer software. On-line Jury Qualification and Orientation is available to the public on the Fifth Judicial District Web page and five employees have received their Interpreter Certification from the Administrative Office of the Court's Certified Court Interpreter Program. Additionally, the Fifth Judicial District completed its mandatory Language Access Plan in June of 2012.

The Fifth Judicial District served as a pilot court in the installation of the new Odyssey Case Management System. Employees have acted as mentors to new courts during their "Go-live" system implementation.

Sixth Judicial District—Grant, Hidalgo and Luna Counties

The Sixth Judicial District borders Mexico on the South and Arizona on the West, with Silver City, Lordsburg, and Deming, representing the largest municipalities in the tri-county area.

After serving almost 16 years on the bench, Sixth Judicial District Court Judge for Division II, Gary M. Jeffreys retired from the New Mexico Judicial Branch on February 24, 2012. The Governor then appointed Jarod K. Hofacket as Judge Jeffreys' replacement to the bench in late May, 2012, and was sworn in on, July 5, 2012.

On August 5, 2012, the Sixth Judicial District Court mourned the loss of The Honorable Norman C. Hodges, District Judge Retired.

The staff of the Sixth Judicial District continues to work diligently, despite staff shortages in all three counties, and continues to ensure the business in each county is conducted timely, and accurately. The Sixth Judicial District Court continues to provide access to justice, resolves disputes in a timely manner and maintains accurate records of legal proceedings in order to independently protect the rights and liberties pursuant

to the Constitutions of New Mexico and the United States of America.

The Sixth Judicial District Court's internal mission is to continue to supply justice to the community. As a result, the District operates to its full potential by providing customer service with normal daily and weekly business hours in all three counties. The Sixth District assures the Legislature all programs are operating properly and effectively.

The District maintains three intensive and successful Drug Court Programs in Luna County Juvenile Drug Court, Hidalgo County Family Drug Court, and Grant County Adult Drug Court.

On November 2, 2011, two independent contractors, along with New Mexico State University, collected data for the first independent and external evaluations of the Juvenile Justice Programs in the Sixth District. Funding resources to implement the research was provided by the Sixth Judicial District Attorney's Office. Programs evaluated were the Luna Juvenile Drug Court, JPPO Surveillance, and the Hidalgo PAL Program, which interact with the youth by assisting in prevention, intervention, and positive youth development. The final document summarized clear data, achievable goals, future strategies, and recommendations which will help determine the direction of the programs in coming year.

The Sixth Judicial District Court was provided a legislative appropriation in FY 06 for a Juvenile Justice Continuum of Services in all three counties. In FY 12, as in prior years, the District engaged in contracts with local bodies of government in all 3 counties and through each of the local continuum boards, services were determined with the overall goal to reduce juvenile delinquency. In Luna and Hidalgo Counties on July 30 and 31, 2012, respectively, the local continuum boards held full day meetings. Participants included Sixth Judicial District Court staff, including The Honorable Daniel Viramontes, Sixth Judicial District Court Judge, Division IV, members of the advisory board, and representatives from law enforcement, JPPO, schools, and community partners. The meetings were facilitated by Jean Block, of Jean Block Consulting, Inc. The purpose of the meeting was to involve community partners in identifying pressing community needs and identify funding priorities for FY 13. The community meetings were very well attended.

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

The Seventh Judicial District Court has continued to process and close cases at a high level with a reduced staff over the past year. The Court has operated with a high vacancy rate with the majority of these vacancies in its Adult Drug Court Program in Sierra, Socorro, and Torrance Counties. The judges and staff continue to work diligently to ensure that the business of the district court is conducted timely and accurately. The district has continued to move forward with technology by implementing document imaging for all cases, and also began e-filing in civil cases for all four counties. The district court will continue to work towards implementing new technologies and streamlining court processes while also managing budget limitations.

Eighth Judicial District—Taos, Colfax and Union Counties

The Eighth Judicial District continues to improve its service to the public and its commitment to justice; in 2012, the District

- went “live” with the Odyssey case management system, all employees having been fully trained in using the many benefits the system has to offer;
- reactivated its alternative dispute resolution initiative for civil cases with the hope that many cases can be resolved in their early stages through the implementation of this initiative;
- was actively involved in recruiting attorneys to provide *pro bono* services to needy individuals which, in cooperation with New Mexico Legal Services culminated, in a *pro bono* clinic on November 1, 2012 with many participating lawyers; and
- through its drug courts continued to provide a treatment alternative to incarceration, resulting in a continuing high rate of success and proving instrumental in reducing recidivism.

Ninth Judicial District—Curry and Roosevelt Counties

The Ninth Judicial District Court has continued to process and close cases at a high rate despite having to operate on a budget that was inadequate to maintain appropriate staffing, microfilm official court records, and maintain court equipment. The Court significantly reengineered job duties of the vacant positions where possible to have other employees cover vital duties.

The Judges and staff excelled even while working in an unsafe and non-functional courthouse in Curry County. Since only the original 1936 courtroom was designed for jury trials, the four Curry County Judges worked closely with attorneys to shuffle their calendars, trials, and jury selections in order to maintain their case flow. Employees exhibited extra-ordinary customer service to overcome delinquent ADA facilities by performing such feats as carrying handicapped people down the stairs when the elevators weren’t working.

The court clerks, Judges’ staff and financial staff have received extensive training, prepared court files, and implemented the conversion from FACTS to Odyssey. The Court is currently preparing for the rollout of e-filing in February 2013. Court clerks have been instrumental in making huge improvements in the Jury processes. Two of employees have become Certified Language Access Specialists (one in each county) and the Court has developed and implemented a Language Access Plan in English and Spanish.

The staff attorney hired almost a year ago performs legal research for judges, handles jail issues, mentors interns, and manages the District Court’s Pro Bono and Self-Represented Litigants sections. As the pilot court for the Supreme Court’s ADR Commission, the Staff Attorney has developed and implemented a Pro Se Domestic Relations Mediation Program from scratch, including developing all of the forms, policies and procedures. The Court recently reported to the Pilot Program

Subcommittee of the ADR Commission that so far in 2012 the Pro Se Mediation Program has screened 43 cases, performed 34 mediations with an 85% settlement rate, and performed 19 pro se divorce clinics (nine in Clovis, nine in Portales, one at Cannon Air Force Base). The Court also hosted the largest pro bono event to date in the district. The event assisted over 100 people in many areas of law, including family law. (Over 20 lawyers volunteered their time for this event).

The Ninth Judicial District Court will continue to improve court processes and improve access to justice by citizens of Curry and Roosevelt Counties and Cannon Air Force Base while also managing budget limitations and inadequate facilities.

Tenth Judicial District—Harding, DeBaca and Quay Counties

The Tenth Judicial District Court's mission is to supply justice to the community in a timely and efficient manner. This District provides outstanding customer service in all three counties and has maintained regular duties even when short-staffed. The District has carried a 22% vacancy factor, and the need for additional staff based on the staff study is two additional clerks.

In FY13 the part-time position in Ft Sumner returned to a full-time position with increased funding passed by the Legislature and approved by the Governor. Although population the Tenth District is static, case filings in the district have increased.

The District continues to see a rise in travel. The Judge and Court Administrator traveled 9800 miles in a 7 month period attending meetings, training and traveling for designated cases.

In the past year, the District has rolled out Odyssey, digital imaging and e-filing smoothly and effectively. The Court continues to operate effectively with all these changes.

Eleventh Judicial District—San Juan and McKinley Counties

Pro Bono Services – McKinley and San Juan Counties

The 11th Judicial District Pro Bono Committee – McKinley County held its Second Annual Legal Fair and had twenty-five volunteer attorneys provide services to seventy-nine McKinley County low income residents. San Juan County held its Second Annual Legal Fair on October 26th. Twenty-Two volunteer attorneys provided services to 64 San Juan County low income residents.

The 11th Judicial District Court entered its 15th year of providing monthly self-help sessions in the evenings with local attorneys providing volunteer legal services.

Language Access – McKinley and San Juan Counties

The 11th Judicial District Court completed its Language Access Plan and provided training to all staff and judges about the need to provide certified interpreters to limited English speaking litigants and witnesses, and the general public accessing the Judiciary.

Alternative Dispute Resolution/Mediation

One employee from the 11th Judicial District received a scholarship from the NM School of Law to attend the 40-hour mediation training. The training combines law students with community members, including lawyers, judges, therapists, law enforcement officers, managers from private and public entities, and others from diverse backgrounds, who want to have a better command of how to understand and manage conflict constructively. The course is designed to improve the negotiation skills and knowledge of participants, and hands-on methods are used to introduce, model and allow students to try best mediation practices. The class draws on experienced mediators who serve as coaches for students as they engage in simulated mediations.

San Juan County Adult Court Programs

Adult Court Programs consists of **Drug Court, Treatment Court and Pretrial Services** for the 11th Judicial District in San Juan County.

Drug Court had 34 graduates during the FY 2012, with a graduation rate of 59.65%. Drug Court's recidivism rate was 4.31%. The retention rate for FY 2012 was 70%. The cost per client for Drug Court services was \$9.75 per day. Since inception, Drug Court has had 25 Drug Free Babies born to Female Drug Court Participants.

Treatment Court had 15 graduates during FY 2012 with a graduation rate of 71.43%. Treatment Court's recidivism rate was 10%. The retention rate for FY 2012 was 85%. The cost per client for Treatment Court services was \$11.66 per day.

Pretrial Services screened a total of 261 offenders for possible pretrial supervision/ release from jail in the FY 2012. Out of the 261, 135 of those offenders were released on Pretrial Supervision.

McKinley County Juvenile Court Programs

The 11th Juvenile Drug Court known as YTC participated in the first National Drug Court Relay for Recovery, a cross country motorcycle relay in support of drug courts. Mayor Jackie McKinney and twenty-five Gallup riders received the gavel from Arizona riders and passed the gavel to riders at Laguna Pueblo.

San Juan County Juvenile Court Programs

The Grade and Drug Court Programs provided services to 154 clients during the 2012 fiscal year.

Grade Court

Grade Court is an education-based program for adjudicated clients in San Juan County that are not currently enrolled in school or have any grade less than a "C" on their last report card. The Grade Court Probation Officer/Advocate works with the client and their family to encourage them to take an interest in their education. The Grade Court clients report to the Judge on a monthly basis and are given sanctions for not turning in their progress reports, getting suspended from school or being truant. They are rewarded when they are making progress, showing an extra effort, or when they are released from house arrest. Each Grade Court graduate is rewarded by the San Juan College

Foundation with tuition assistance. This year, there were 19 Grade Court Graduates, six Grade Court Graduates entered San Juan College for the first time; 11 Grade Court graduates returned to college and four Grade Court graduates completed their education and earned degrees.

Drug Court

Drug Court is one of 15 Juvenile Specialty Courts in New Mexico. Using the 16 Key Strategies developed by the Department of Justice this multidiscipline team provides intensive outpatient treatment with a judicial component. The Drug Court Probation Officer works intensely with each client and family to ensure progress through this 4 Phase Program. Using individual, group, family, multi-family group counseling along with experiential learning, art therapy, equine therapy, traditional Native American therapies and ceremonies the program provides substance abuse recovery. This structured 9 month program is also designed to help the clients build their life and social skills so that they can become productive members in the community. Each client is expected to complete the Grade Court Program while in Drug Court or shortly after graduation in order to receive a shortened probation sentence. 2012 results are as follows:

9	Drug Court Graduates
90%	Graduation Rate for Drug Court
2.56%	Recidivism Rate of Drug Court Graduates
\$21.31	Cost Per Client Per Day

Activities in which Clients And Staff Have Participated:

- Monthly Collaboration Meetings with tri-city area School Resources Officers, Juvenile Probation & Parole, District Attorney and Public Defenders Office
- Summer Adventure Challenge with Farmington Police Department (SRO-Division)
- Summer Picnic with Fishing with NM Dept. of Game & Fish
- Summer Reading Class with Farmington Public Schools
- Summer Life Skills Sessions
- Working NMSU School for Social Work Internship Program
- Mentoring and Transportation Services
- High Endeavors Challenge Course
 - ◊ Low Elements Course with Parents & Family Members
 - ◊ Climbing the ROPES Tower
- Trunk or Treat & Pumpkin Carving Contest
- Thanksgiving Dinner Provided to Clients & Families
- Turkey Trot Fun Run / Walk
- Participation in San Juan College Criminal Justice Education Class
- Children's Law Institute Contest
- Sweat Lodges
- Equine Therapy
- Medicine Man and Traditional Native American Ceremonies
- Getting clients set up with Shop with Your Cop / Clothes for Kids Program
- Empowering Parents Support Group

- Easter Extravaganzas (Walk, Run, Hunt)
- Weekly After Care Group for Graduates
- Safe Dates Poster Contest & Town Hall Meeting
- Facing the Dragon presentation
- Collaborating with the MST Program
- Traditional Native American Dancing Pow Wow to raise money for scholarships
- Homework Club for Tutoring
- Created a Suspension School for clients who were suspended short- or long-term
- Graduation Dinners for Graduates with Farmington Elks Lodge
- Santa Fe Mountain Activities for Spring Break
- Victim Impact Panel Attendance
- Summer Bowling Competition
- Weekly staffing with JPPO before Courts
- Created Several New Alternative Sanctions
 - ◊ Serving at the Soup Kitchen
 - ◊ Youth in Progress (YIPS)
 - ◊ Mini Weekend Work Detail
 - ◊ Community Clean Up
 - ◊ Summer Food Program for Bloomfield
 - ◊ Animal Shelter Work (Aztec)
- Collaboration with the Youth Advocate Program (YAP)
- Healthy Life Styles Presentations w/Free STD/AIDS testing (if they want)
- Teaching through Movies
- Cancer Walk-A-Thon
- Take Back the Night - Sexual Assault Awareness Walk
- Float Building for Connie Mack World Series Parade / Grand Stand Clean Up during Series
- Member of San Juan Safe Communities and participant in their events

Finance

The Finance Division was able to return to renovated facilities after being housed in the jury room while renovation work was being done. During FY 2012, the Court processed over 1,800 vouchers, or reversion of General Funds was \$1214 (0.02%) of the \$5,538,500 General Fund Budget. The FY 2011 audit was also completed in FY 2012, on time and with no findings. The department also cleaned up Odyssey financials in preparation for the rollout in FY 2013.

Twelfth Judicial District—Otero and Lincoln Counties

The Twelfth Judicial District Court serves Otero and Lincoln counties with courthouses in Alamogordo and Carrizozo. Three judges preside in Alamogordo and one judge presides in Carrizozo. All judges are assigned and hear cases in both counties as needed. The Court has a full-time Domestic Relations Hearing Officer that hears domestic violence and child support enforcement matters in both counties. There are approximately 5000 new and reopened cases filed each year in the District.

The District Court has several special programs. A mediation program is set up for matters involving children. The Court has a two-year plan to expand this program to broaden settlement facilitation to more cases. The District Court has a Self-Help center for self-represented litigants who need assistance with forms, and policies and procedures. There is an Adult Drug Court in Otero County and a Juvenile Drug Court in Lincoln County. The Court recently added a Pre-Trial Services program to conduct background checks and provide supervision to high-risk defendants pending disposition of criminal cases. Lastly, the Court has restored the CASA program to provide much needed assistance to abused and neglected children.

The Twelfth Judicial District looks to continue to replace outdated and obsolete equipment and technology, improve public assistance by adding public access terminals and expanding programs, and meet the communities' diverse and changing needs. The Lincoln County Government has approved a \$1,200,000 expansion and renovation project for the Lincoln County courthouse which is expected to be completed in FY14.

Thirteenth Judicial District – Cibola, Sandoval and Valencia Counties

The 13th Judicial District is a diverse district consisting of Cibola, Sandoval and Valencia Counties. Fifteen years ago, the district was considered rural; since that time the caseload has tripled to 11,120 new/reopen cases. Today, the 13th is the **second** most populous judicial district in the New Mexico. Sandoval County has grown 46% during 2000-2010 and is home to the third largest city in New Mexico, Rio Rancho. (U.S. Census data) Valencia County has grown 16% during this same time period and is considered a "suburb" of Albuquerque. (U.S. Census data) The district is home to 10 Pueblos and four Navajo Chapters. The land area of the district totals 9,714 square miles, larger than the state of Vermont.

The population explosion in the district created enormous numbers of case filings in criminal, juvenile, domestic and civil matters, particularly in the area of foreclosure and debt collection cases. Additionally, Sandoval County is quickly adding commercial and governmental operations such as two hospitals, two university branches and a large scale event center, each of which has the effect of creating their own complex litigation cases.

Listed below are some of the services the 13th District provides:

- 2 Pretrial Services Programs, in Sandoval and Valencia Counties.
- 6 Drug Court Programs (adult, juvenile and family) in Cibola, Sandoval and Valencia Counties.
- 1 Mental Health Court in Sandoval County.
- Alternative Dispute Resolution services for civil, abuse/neglect and domestic cases.
- Pro se litigant services in all three counties in the forms of monthly court clinics (consult with an attorney on any legal issue), pro se dockets in domestic matters, a pro se friendly court website, and numerous pro se forms packets addressing legal issues most frequently litigated by pro se parties.

Bernalillo County Metropolitan Court

Now in its thirty-second year of service, 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, and was designed to serve the greater Albuquerque metropolitan area which boasts roughly one-third of the state's population.

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. 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.

When BCMC is fully staffed, it has 341 full-time professional 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.

The Court handles more cases than any other New Mexico Court. For FY12, new case filings averaged 5,763 per Judge, for a total of 109,538 cases. During FY12, the Judges initialized 347 jury panels, actualized 178 jury selections with verdicts being reached in 137 cases, conducted 12,151 bench trials and disposed 104,080 cases. In addition, the Court receives approximately 3,-4,000 visitors per day.

COURT DIVISIONS

Case Management Division

- **Case Initiation/File Maintenance.** This unit 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 innovative, custom-designed web-based system in Traffic Arraignments automatically images all documents allowing the more than 50,000 annual traffic cases to be processed more efficiently.
- **Courtroom Support.** Courtroom Support assists Judges, district attorneys, public defenders, private attorneys, probation officers, defendants and law enforcement officers. Courtroom Support staff process an average of 3,450 cases per week. Jury Management summonsed 9,080 jurors for FY12, which supported the 347 initialized jury trials. Five courtroom monitors are assigned to cover an average of 1,450 record cases per week with state of the art electronic monitoring

equipment.

- **Compliance.** Compliance 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 and/or correction or for the issuance of warrants. Beginning in April of FY12, and under the direction of the Chief Judge, Compliance staff developed a Hot Warrants program. The Albuquerque Police Department receives warrants for Failure to Appear and/or Failure to Comply that are one week old; the current data provided to law enforcement ensure timely apprehension of defendants with outstanding warrants. During FY 12, 634 Hot Warrants were provided to APD.
- **Customer Service.** In FY12 Customer Service staff members received requests from a total of 235,640 customers and were ultimately able to assist 203,461 or 86% of customers seeking assistance. Of those assisted, 105,562 were served at the Customer Service counter and 100,342 were served via phone assistance.

Probation Division. The Probation Supervision Division monitors the activities of approximately 4,000 defendants on an ongoing basis. This includes both pre- and post-adjudicated cases, as well as compliance monitoring of court-ordered ignition interlocks. In FY12, the Probation staff monitored 1,153 defendants with ignition interlock orders and screened 2,772 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 12 these programs were as follows:

DWI/Drug Court – 220 enrollments and 184 Drug Court graduates. Since inception 2,557 graduations have been achieved through this program.

Mental Health Court – 259 clients

Homeless Court – 116 clients

Domestic Violence Early Intervention Program – 281 clients

Domestic Violence Repeat Offender Program – 28 clients

Competency Review – 717 cases were referred for a competency determination from which 341 forensic evaluations were performed.

Enhanced DWI First Offender Program – 2,159 clients

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

Background Investigations. The Background Investigations Division provides all of the pretrial services to the Court, and is fully operational around the clock. This division is staffed 24/7, and consists of an ROR Program (Release on Own Recognizance), Background Investigations (misdemeanor and felony), In-Custody Bonding and Out-of-

Custody Bonding, NCIC (National Warrant Checks), and Case Initiation (located at the Metropolitan Detention Center). Detailed data is collected on each Background Investigation function.

Additionally, the Background Investigations Division continues to place No Bond Holds on defendants who violate conditions of release, and conditions of probation on Metro Court cases, when a new offense occurs. A Notice of Subsequent Offense is completed for the assigned judge on Domestic Violence cases where an arrest has not occurred, but a summons has been issued, thereby assuring that all relevant parties are notified. The Department of Corrections' 24-hour phone bank is also immediately notified, when defendants who are on State Probation or Parole re-offend by picking up new criminal charges. Background continues to review the criminal history and bonds on high-risk DWI offenders after hours, and if necessary, the Chief Judge is contacted for reconsideration of jailhouse bonds, when the safety of the community is a concern.

A sample of the Background Investigations data collected is presented below:

ROR

- Misdemeanors Interviewed- 9,472
- Felonies Interviewed- 7,260
- Misdemeanors ROR- 3,071
- Felonies ROR- 53

Educational Services Division. The focus of the Educational Services Division is to increase traffic safety and driver awareness on New Mexico roadways. The Division receives referrals from the court and provides educational services to over 10,000 defendants per year. The Educational Services Division operates the Driving While Impaired and Driver Improvement Schools and oversees eight (8) additional education programs operated by private or non-profit entities. Educational content is delivered utilizing small group work, interactive discussion, lecture, and multi-media presentation, all schools and programs aim to help the student take ownership of their unhealthy behavior, and to commit to making a positive change.

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.

Schools/Educational Programs	# of Defendants Completing Program	Schools/Educational Programs	# of Defendants Completing Program
DI School	5003	Occupant Protection Educ. Program	458
DWI School	2,191	Responsible Pet Owners School	144
Alcohol Community Education (ACE)	349	Motorcycle Safety School	2
ASPEN of New Mexico	371	Hunter Education School	1
MADD—Victims' Impact Panel	2,469		

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 Administration to recruit/retain a highly qualified and diverse professional staff.

Interpreters. The Court utilized the services of 631 freelance interpreters in FY12, representing a 10% increase in interpreter requests from FY11. Out of the 631 interpreter requests, 273 or 43% were for languages other than Spanish: 106 or 39% Vietnamese, 29 or 22% Arabic, 21 or 7% Chinese, and 16 or 6% Navajo. In addition, a total of 134 or 21% of cases required the services of an American Sign Language Interpreter.

Three staff court certified Spanish interpreters interpreted for a total of 8,141 cases or over 2,700 cases per interpreter in FY12. The majority of the cases were in the Criminal Division, specifically 7,950 or 98%; the remaining cases were in the Civil Division and totaled 191 cases or roughly 2%.

Information Technology (IT) Division. In addition to busily preparing for the rollout of Criminal Odyssey in May 2013, highlights of activities undertaken by Information Technology in FY12 include: video arraignment upgrades to high definition, installation of new cabling in the IT server room, adding 11TB of storage space to the Court's network, training all Court employees on MS2010, upgrading the Court's internal website, migration of Zimbra web mail, installation of network switch upgrades, deployment of new internal and external web servers, and installation of a new cooling system for servers.

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, FY10 and FY11.

In FY12, the Court collected approximately \$5.6 million in fines and fees, of which \$4.8 million or 85% was distributed to various state and local government agencies. The balance of collected funds, approximately \$.8 million or 15% was used by the Court's warrant enforcement and mediation funds in accordance with their statutory requirements.

In addition, approximately 20,716 cash, surety and property bail bonds totaling \$71.2 million were posted at the Court during the year.

Mediation Division. Volunteer mediators donated 1500 hours to assist the Court in

resolving disputes. The Division received 946 referrals and actually conducted 684 mediations. A total of 464 cases were resolved for a 68% agreement rate. The cases largely involved civil complaints, including landlord/tenant, debt collection, consumer complaints, etc.

Office of the General Counsel (OGC). OGC serves as the legal advisor to the Chief Judge and the Court's managers. As the only Metropolitan Court in the state, the Court occupies a special position and, as a result, has unique legal questions. The Office's two attorneys and two paralegals assist the Court in managing its contracts and other agreements, dealing with employment matters, and ensuring the Court is compliant with state and federal law. The Office supports the Court's civil and criminal case management by ensuring Court procedures are consistent with New Mexico law and with Court rules. The Office advises Court managers in the development of policies and procedures across all Court divisions. OGC also performs legal research to support the work of the Court's nineteen judges as needed.

Self-Help Center (SHC). The SHC provides general information to the public on court processes. Services include providing forms, procedural pamphlets, and referrals to community and legal service providers. In FY12, SHC staff served 11,111 customers with only two (2) employees. Of the total served, 902 were Spanish speakers. SHC Staff participates in state-wide committees including the New Mexico Supreme Court Access to Justice Committee, Second Judicial Pro Bono Committee, and the New Mexico Language Access Advisory Committee.

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

The Administration Division includes the Director, Deputy Director, General Counsel and support staff. The Administration Division oversees legislative efforts, supports budget initiatives, interacts with agencies in the Executive and Legislative branches as well as County and Municipal governments, and works directly for the Supreme Court to support administration of all state courts. The Administration Division distributes program resources statewide as well as providing central support from the Fiscal Division and the Human Resources Division. In addition the Director and central staff of the Magistrate Court Division, including the Warrant Enforcement Unit and the Internal Auditor Unit, are also part of AOC Administration, but oversee diverse operations in magistrate courts throughout the state that comprise an entirely separate program and budget.

During 2012 the Fiscal Services Division expanded training for fiscal officers in courts statewide as district courts completed implementation of the Odyssey case management system and began to work with Odyssey's new fiscal components. Underway is the hiring of two new positions to be located in magistrate courts to provide all magistrate courts with dedicated fiscal support, managed by the Fiscal Service Division, as magistrate courts also adapt to operations under the Odyssey system.

The Human Resources Division provides statewide training and develops tools for courts to manage budgets and personnel. During the evaluation cycle in 2012 courts used the automated evaluation tool developed by the Human Resources Division and the Judicial Information Division. The Human Resources Division developed and deployed a new supervisor training program that provides a tool for personnel managers to support and supervise court employees and effectively apply the New Mexico Judicial Branch Personnel Rules. With the retirement of Director Lorri Hatcher, recruitment for a new Director is underway and will certainly have an impact in the upcoming year.

Magistrate Courts

FY 12 saw a major successful effort to rollout the new case management system to the entire magistrate court system statewide, including data cleanup to prepare for data conversion, intensive training, and, as funding permitted, equipment upgrades. Court personnel have made remarkable progress in learning to use the new system.

Progress on facilities was measurably slowed by limited capital funding. As funding allowed, planning, design, and installation of security and telephone upgrades moved forward. Torrance County Magistrate Court (Moriarty) now occupies a newly expanded retrofit which doubles the original size. Collaborating with Roosevelt County, design is underway for justice complex which will include a new magistrate court in Portales.

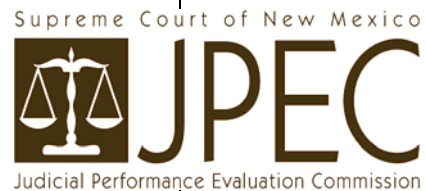
Design for the new McKinley County Magistrate Court was completed. Construction is on schedule with a projected completion of summer 2013.

The Warrant Enforcement Program established a centralized collection team to assist courts statewide and began systematic training of court managers and warrant clerks. Safe surrender operations resulted in compliance of thousands of court orders without burdening county jail systems. An autodialer program is being tested to reduce failures to appear (and subsequent warrants). Acceptance of additional payment methods has increased collections statewide.

Special Programs

Judicial Performance Evaluation Program

The Judicial Performance Evaluation Commission (JPEC) focused its work on completing interim evaluations on as many as 90 district court judges, 18 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. Supreme Court Justice Richard Bosson and Court of Appeals Judges Roderick Kennedy and Michael Vigil stood for retention in 2012. The JPEC released its final narratives and recommendations to the media and the public forty-five days before the 2012 general election.



Court Improvement Project

The mission of the New Mexico Court Improvement Project (CIP) is to develop innovative approaches that advance court, agency, and stakeholder collaboration in improving the safety, permanency, and well-being of children and families in the child welfare system. The Supreme Court appointed a broadly based Commission to coordinate the project. This Commission includes judges, legislators, representatives from the Children, Youth and Families Department (CYFD), social workers, attorneys, child and family advocates, education, and other interested parties. Together, the participants in the Court Improvement Project (CIP) form a strong coalition collaborating to improve New Mexico's foster care system.

As required by the federal funding source, a new strategic plan was submitted to the Children's Bureau that is more focused on data-driven and performance-based outcomes. The overall goal is to institutionalize a Continuous Quality Improvement (CQI) process by improving the reliability and validity of critical outcome data elements. These outcomes are then the focus of a logic model that outlines how CIP will systematically test which court and related processes result in improved outcomes for children and families. High priority outcomes relate to quality of legal representation and quality of hearings; education and other well-being outcomes; and measures of court performance (primarily timeliness of hearings, scheduling, and indicators of due process). There are five Workgroups established to accomplish the strategic plan: Logic Model; Data; Legal Representation; Training; and Well-Being/Education. Given this new direction, the Statewide Program Manager moved from part-time to full-time status, supported by federal funding.

Training initiatives continue in the new Strategic Plan. The 2012 Children's Law Institute (CLI) had over 900 registrants from multiple disciplines from around the state. The evaluation of the conference produced favorable results. The 20th Annual CLI will be January 9-11, 2013 in Albuquerque, NM.

CIP continues to provide additional training and resources for judges, attorneys, CYFD staff, and others involved in the child welfare system, primarily through the Children's Law Center. The training includes the curriculum, *Child Abuse and Neglect: Essential Information for Practicing & Presiding in Child Welfare Cases*, which is offered annually,



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

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



a mentoring program for attorneys new to this practice area, and annual cross-training programs that address a topic of particular interest to the child welfare system. In 2012, the CIP offered two cross-training programs: a statewide program on best practices in cases involving Indian children and youth, and regional cross-training programs focused on improving education stability for children and youth in foster care. There are also booklets and Best Practice Bulletins that can be accessed through the CIP Website:

www.nmcourts.com/CourtImprovement/index.html. The CIP is currently developing two new Best Practices Bulletins. The first addresses dually involved youth; the second focuses on jurisdiction in cases in which the Indian Child Welfare Act applies.

Alternative Dispute Resolution (ADR) Assessment

On 8/1/2011 the Supreme Court created a Statewide ADR Commission under the leadership of its Chair, Justice Edward Chavez, to work on strengthening and improving court-connected ADR programs. The Commission is comprised of twenty members representing the legal, ADR, business, and

education communities throughout the state. In FY2012, the Commission accomplished two major activities—establishing and administering a Mediation Scholarship Fund and convening a Statewide ADR Summit.

With financial support from the Judicial Education Center (JEC), the Commission established a Mediation Scholarship Fund and awarded eight scholarships to court personnel to attend both basic and family mediation courses at the University of New Mexico School of Law. Among the scholarship recipients were a Supreme Court Justice, a Magistrate Court judge, a District Court judge, and court CEOs. The scholarship program is an ongoing activity.

As part of its charge to improve and develop court-annexed ADR in New Mexico courts, the Commission convened a statewide ADR Summit on May 17, 2012 at the State Bar of New Mexico. Chief Judges of each district court, Bernalillo Metropolitan Court, the New Mexico Court of Appeals, and the AOC Magistrate Court Division Director were invited to attend and to send delegates to the all-day Summit. Forty delegates attended the Summit, in addition to the Commissioners and guests. Over 80 people attended and participated in plenaries and roundtables. Court personnel left the event with more information about and enthusiasm to begin thinking about developing mediation programs or revising or expanding the current programs.

Reviewing the feedback from the Summit, the Commission has responded to courts' current interests by developing guidelines for the establishment of ADR programs in New Mexico, providing technical assistance and support for creating pilot programs, and marketing ADR in New Mexico.

Additionally, in its first year, the Statewide ADR Commission launched three initiatives: Drafting of standards for court-connected ADR programs; Developing a model pilot project to expand court-connected ADR services; and Initializing a marketing plan to educate litigants on the availability and use of court-connected ADR.

Each initiative described above will increase the capacity of the courts to offer ADR services with greater consistency and efficiency. There are many types of ADR, and in FY12 the Commission concentrated its efforts on only one: mediation. As courts experience success in implementing mediation programs, the Commission will move ahead to address the broader scope of ADR in all its forms, including settlement facilitation and arbitration, as recommended by the NCSC.

Children's Court Mediation Program

The Children's Court Mediation Program celebrated its 12th 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. Unlike the activity during the past five fiscal years, the program saw a drop in referrals in FY2012. The drop-off in referrals resulted from a lack of human resources in the CYFD county offices as well as the courts, as an extended period of time was needed to fill open attorney positions. In some judicial districts, the referrals were backlogged and in other districts, they were not placed in the referral pipeline.

Due to efforts to increase awareness of the many opportunities to request mediation services and to a concentrated effort to meet face-to-face with courts and CYFD county offices in the southern part of the state, there was an increase in the number of mediation referrals from that geographic region in the final quarter of the fiscal year. A total of 694 cases were referred in FY2012.

The program started FY 2012 with state general funds of \$191,300, a decrease of \$4,800 from FY2011. AOC also received CYFD funds of \$185,000 from Title IV-B and IV-E funds for mediation services only. Aside from federal funds, the AOC contributed \$3,475 in state general funds to cover the cost of mediations. 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.

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.

CASA gives each case – each child – the individual attention that is so vital for making sure that child ends up in a safe home. Among their many duties, CASAs gather information about children and the cases in which they are involved, learning in detail the relevant facts and interviewing all of the parties concerned. They monitor compliance with court orders, maintain records, formulate objective recommendations and prepare written reports to the judge presiding over each case. These Court



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



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

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 FY12, 2,030 children in foster care were assigned to local CASA programs. The staff of each local CASA program 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. Seven hundred and nineteen (719) CASA volunteers in 11 of New Mexico's 13 Judicial Districts were appointed to focus their attention and their advocacy work on 1,583 children throughout the course of last fiscal year. On any given day, despite funding cuts at both the state and community level, New Mexico's 15 local CASA programs continue to recruit, train, supervise and provided nearly 550 passionate, community volunteers to work in support of abused and neglected children.

The work and the commitment of CASA is clear in the words of one CASA volunteer, "My wish is that every child victim has a happy ending -- either back with their parents who have made healthy life changes or with another caring 'forever family'."

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. The primary goal of the VAWA funded work involved improvement to "court staff's understanding of domestic violence cases and their role in the court process." In FY11, the AOC was awarded continued funding through FY12 in order to:

- Create and fill a part-time 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.
- To achieve these goals, the AOC hired a part-time staff attorney to serve as a Statewide Coordinator. Through the Coordinator, the AOC formed a VAWA Advisory Team comprised of community stakeholders and court personnel in order to create a constructive dialogue around areas of concern and identify best practices.

The AOC worked closely with the Judicial Education Center (to provide meaningful training opportunities for judges and court staff throughout the state. The AOC also worked with the New Mexico Coalition Against Domestic Violence to develop a forum for domestic violence advocates to get accurate information about court procedures and New Mexico laws governing domestic violence in order to decrease

miscommunication and misinformation between the community and the courts. In the coming year, the AOC will continue to address coordination between tribal courts and Violence Against Women entities, language access, identifying and implementing best practices, and promoting productive collaborations with community stakeholders in the areas of domestic violence, sexual assault and stalking.

Safe Exchange and Supervised Visitation Program

The Safe Exchange and Supervised Visitation program (SESV) protects children whose parents are involved in highly conflicted cases of divorce, separation, custody, parentage, and domestic violence from further harm. The Court refers these kinds of cases to local SESV contractors who oversee visits and exchanges between children and noncustodial parents in a safe, child-friendly environment, removing children from parental disputes. Services are designed around the needs and well being of the child.

FY 2012 legislative appropriations permitted eleven SESV programs to supervise visits and exchanges in eight judicial districts in the following sixteen counties: Los Alamos, Rio Arriba, and Santa Fe (First Judicial District), Bernalillo (Second Judicial District), [Doña Ana](#) (Third Judicial District), Chaves, Eddy, and Lea (Fifth Judicial District), Grant, Hidalgo, and Luna (Sixth Judicial District), Curry and Roosevelt (Ninth Judicial District), San Juan (Eleventh Judicial District), and Cibola and Sandoval (Thirteenth Judicial District).

The Courts rely heavily on the assistance of the SESV program to help families in crisis practice healthy interactions and prevent further damage to the child. Highlights of the program's performance for FY 2012 include:

- 15,255 supervised visits and exchanges were provided to 2,605 clients, a 13% increase in the number of services delivered in FY 2011
- A total of 1,135 children and 1,470 adults received services during the year, an increase of more than 7% in children served and 4% in adults served from the prior year
- An average of 608 visits and 663 exchanges were provided to 217 clients each month
- Service hours for visits and exchanges increased by 21% over FY 2011

To enhance the safety of children and meet the requirements of the *New Mexico Court Standards for Safe Exchange and Supervised Visitation*, the AOC and the Children, Youth & Families Department (CYFD) collaborated on conducting criminal history background checks and child abuse and neglect screening for all SESV program staff. In addition, the AOC developed a series of professional development activities aimed at both new and experienced visit/exchange supervisors. For example, the national Supervised Visitation Network (SVN) provided extensive 2-day training on the basics of monitoring visits, offering tools to strengthen staff's intervention, intake, and documentation skills, information on child trauma in domestic violence and child welfare cases, and ways to enhance relationships with the Courts.



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

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



More training was provided by author, Dr. Stacey Patton, who spent many years herself in foster care and supervised visitation. Dr. Patton shared her perspective on the influence of various visitation, mental health, and other child development professionals on her childhood experiences. Clinical Psychologist Dr. Ted Harris delivered workshops on the impact of parent anger, substance abuse, and child sexual abuse on SESV services. And finally, Dr. Deborah Harris, early childhood mental health consultant, assisted program managers by providing techniques to help support staff handling contentious SESV cases. These tools can prevent burnout, as well as increase staff's effectiveness and satisfaction, and support positive program outcomes.

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 FY12 allocation to the CAAFF was \$4,511,900.00. Over 96% of the FY12 allocation was expended to pay contract attorneys. Nearly 90% of funds expended for attorney payments were used to provide statutorily mandated legal services to children, youth and parents in abuse and neglect proceedings. The remaining funds were used to provide attorneys in mental health (commitment) and other civil proceedings. Payments to non-contract attorneys totaled 1% of the FY12 allocation. Non-contract attorneys also represent indigent parties in civil cases; they are paid \$30.00 per hour and are subject to total fee caps per legal event. The remaining 2% was used to cover prior year attorney payments and personnel and administrative costs.

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. Abuse/neglect contract attorneys are required to maintain a monthly billing log. AOC uses this data to determine the average hourly wage and compare it to the national average in child welfare work. AOC uses hourly wage caseload data to determine each district's allocation for the fiscal year. Additionally, the AOC works collaboratively with the Court Improvement Project and the Corrine Wolfe Children's Law Center to continuously provide attorneys with free and low cost continuing education and trial skills. In 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. The AOC database monitors spending on contract and non-contract attorneys and having a central point of contact provides attorneys with a central source for billing and general contract support.

Access to Justice

Access to Justice: Budget cuts have diminished the level of service that the legal service providers can offer to low income people. 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 level of self help services that courts can offer to self represented litigants is directly affected by the lack of budget, staff and materials through which to deliver those services. 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. This process ideally involves site visits and mentoring to court staff on techniques of delivering information to the public. Cost-saving measures have required that the staff attorney severely curtail such visits and travelling statewide, suspend purchase of equipment and supplies, and cancel all non-critical equipment requiring monthly fees. The staff attorney continues to develop legal advice vs. information training, website design and standardized forms at the central AOC office, utilizing distance technology whenever possible, but ultimately public access computers and printers would be required to fully implement the resulting tools.

The staff attorney obtained a federal grant for AOC to develop standardized interactive web forms on a national server for SRLs, but public access computers in the courts and libraries will be necessary to provide access for low income people who cannot afford their own computers. In addition, court/information technology staff time will be required to maintain and revise the interactive forms in the future. Ideally, the forms will be located on the judiciary's website, which will require additional resources. Increased budget cuts in the Access to Justice arena will further impede the ability of the courts to provide self help services and equipment that facilitate efficient processing of SRL court cases in a system designed to be run by lawyers and judges. 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

Language Access Advisory Committee

The Supreme Court appointed Court Interpreter Advisory Committee assumed a broadened role as ordered by the Supreme Court, Order No. 11-8300. The committee now known as the Language Access Advisory Committee not only recommends policy and procedures related to court interpreters, but also "advisement to the courts on broadened issues of language access as they pertain to the NM Judiciary."

Language Access Statewide and Court-Specific Plans

The Supreme Court approved the New Mexico Language Access Report and Plan in October 2012 as part of the judiciary's effort to ensure that the Administrative Office of the Courts and Supreme Court and all state courts have language access plans in place by



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

December 31, 2012. These plans are part of the judiciary's effort to ensure that all individuals using the services of the state courts have equal access to justice regardless of their ability to speak or understand English, consistent with the New Mexico Constitution, State Statute and the requirements of Title VI of the Civil Rights Act of 1964.

Language Access Specialist Program

The Language Access Specialist Program is unique to the New Mexico State Courts and provides training and certification for bilingual court employees through the New Mexico Center for Language Access, a program of the University of New Mexico-Los Alamos. After meeting the required linguistic standards, those who successfully complete the certification training that qualifies them to provide language access services to court customer outside the courtroom, are eligible for a \$1.00 per hour salary incentive. As of July 1, 2012 there are 54 certified Language Access Specialists working the in the New Mexico state courts.



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

Ensuring Language Access Outside the Courtroom – State Justice Institute-Funded National Project

Beginning October 1, 2012, the AOC is leading a national effort to develop affordable, easily accessible language access training for judicial employees. Funded by the State Justice Institute, the project brings together state courts of Alaska, Arizona, Colorado, Nebraska, New Jersey, New Mexico, and North Carolina working collaboratively with the New Mexico Center for Language Access, University of New Mexico-Los Alamos. This 18 month effort is also supported by the Council of State Court Administrators, the Council of Chief Justices, and the National Center for State Courts.

Supreme Court Rules and Standards of Practice for Court Interpreters

The NM Supreme Court recently adopted new Rules regarding the use of court interpreters in NM state courts. Effective January 1, 2013, these rules complement newly published Standards of Practice and Payment Policies for NM Court Interpreters.

Ensuring Language and Cultural Access for Tribal Members in State Courts

AOC sponsored a symposium on this topic, September 30, 2011, in collaboration with the Southwest Indian Law Center. As follow-up to the symposium, a work group has formed to lay the foundation for qualifying legal interpreters in Pueblo languages, most of which are oral languages. This collaborative effort is being led by the Southwest Indian Law Center, the AOC, and the American Indian Language Policy Research and Teacher Training Center at the University of New Mexico. Tribal courts and tribal interpreters also serve on the work group. A survey has been done with Pueblo leaders and funding for this ambitious undertaking is being identified.

Jury Services

In July of 2012 the AOC Courts Services Division welcomed a New Statewide Program Manager to oversee Jury. He brings a strong business background and analytical skills, as well as a passion to make Jury Service the best it can be. From day one he hit the ground

running and has not stopped since. Some of the biggest goals for improving Jury are shorting terms, decreasing the number summonsed and maximizing the use of jurors. In fiscal year 2012 we sent 153,414 summons for Jury Duty.

On a less business note, we are also hoping to twist a more positive light of serving Jury duty for everyone, especially the younger generations who will help mold the future of this Great State. There has always been a negative perspective on being called to serve; however we are finding that many past jurors really enjoyed it and look forward to serving again! Being a juror should not be seen just as a “Civic Duty” and forced to take time from an already busy day, but an exciting opportunity to make important changes in other people lives as well as be fair and just to those that commit crimes.

In January 2012, The Committee for the Improvement of Jury Service in New Mexico launched the Juror Exit Survey, which is an online survey for jurors to complete at the end of their term. The goal of the survey is to let jurors anonymously express areas for improvements as well as give both positive and negative feedback to the Courts Jury Divisions. We plan to keep the survey active and continue to post results on the courts website (www.nmcourts.gov/jury). In addition, the Committee has also focused on Judicial Education, Policy Development, and Public Outreach and Juror Education to help improve Jury duty even further.

- Judicial Education: Ensures 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: Increases the public’s understanding of jury service and its goodwill toward the juror experience.

New Mexico Tribal-State Judicial Consortium

As an advisory committee of the Supreme Court of New Mexico, the Tribal-State Judicial Consortium works actively with the Court to strengthen relationships and foster communications between State and Tribal Courts. During FY 2012, the Consortium began to turn its focus on the implementation of the Indian Child Welfare Act (ICWA) within New Mexico, beginning with a series of Regional Meetings on “The Rights of Incarcerated Parents of Indian Children” in the summer of 2011. Convening at Laguna and San Ildefonso Pueblos, more than 118 individuals, including 21 State and Tribal Judges, learned more about the federal law’s mandate to protect Indian children and preserve the stability and security of Tribes and families by meeting the minimum standards established in ICWA. Discussions considered that Tribal members may lose their parental rights because of a lack of knowledge that ICWA can be implicated in criminal cases, not just child custody.

Last spring, the Consortium joined the Children’s Court Improvement Commission and the Children’s Law Center to sponsor additional training, “Cultural Matters: Best



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

Practices in Indian Child Welfare Cases.” Presenters offered insight on ICWA’s requirements for the testimony of a qualified expert witness before removing the child to foster care or terminating parental rights, notice, and jurisdictional issues, helping State Courts better understand their role in managing ICWA’s implementation in New Mexico. In the course of updating its strategic plan, the Consortium decided to continue to review the implementation of ICWA, as one of three primary topics for additional work in the upcoming year.

Another topic for study is the recognition of foreign court orders, i.e. Tribes recognizing State Court orders and State Courts recognizing Tribal Court orders. The issue arose from remarks at two quarterly meetings by the State Behavioral Health Purchasing Collaborative, State Department of Health, Navajo Department of Justice, and service providers regarding the difficulty of obtaining involuntary commitments for treatment of Tribal children and members due to a lack of procedure, especially in emergency situations when individuals can be a danger to themselves as well as the community. The Consortium is also revamping its web presence.

Continuing to develop relationships between State and Tribal Judges, the Consortium provided scholarships to enable seven Tribal Judges to participate in the week-long training Magistrate Judges Conference in 2011, and help inform their State counterparts about justice systems in the Pueblos. The scholarships also assisted nine Tribal Judges to attend the 2012 Judicial Conclave, where Dean Kevin Washburn addressed “Current Trends in Indian Gaming and Tribal Economic Development” and the impact of these cases on both Tribal and State Courts. Fostering relationships and communications between the State and Tribal Courts is vital when cases cross jurisdictional boundaries.

The Consortium members also continued to share more about their Courts by hosting quarterly meetings in the field. These events were conducted at the 13th Judicial District Court in Los Lunas, the TóHajiilee District Court of the Navajo Judicial Branch in Cañoncito, and the Santa Clara Tribal Court near Española. One meeting was held at the conclusion of the 2012 Children’s Law Institute at the Hotel Albuquerque.



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

State Stream Adjudication

Three active stream adjudications in the state courts continue: the Lower Rio Grande, below Elephant Butte, the Pecos, spanning from Las Vegas down through Carlsbad, and the San Juan stream adjudication, covering a large watershed in northwestern New Mexico. In the Lower Rio Grande, over 16,000 claimants have been joined, and substantial progress has been made in adjudicating claimants' water rights. The Court is also conducting proceedings to resolve the interests of the United States in the Rio Grande Project. In the Pecos, adjudication activity has focused on the Carlsbad Irrigation District, the Pecos Valley Conservancy District, and the Las Vegas area. In the San Juan, adjudication activity has focused upon water rights within the La Plata section of the larger San Juan Basin. In addition, judicial proceedings regarding the Navajo Settlement are currently underway. The Animas Underground Basin adjudication in Hidalgo County has also commenced.

Less active state stream adjudications include the Santa Fe adjudication and the Rio San Jose adjudication.

In an effort to facilitate effective case management, the New Mexico Supreme Court has designated Judge James Wechsler, of the New Mexico Court of Appeals, to preside over the state water right adjudications. At present, Judge Wechsler presides over the Lower Rio Grande, Pecos, San Juan, Rio San Jose, and Santa Fe water right adjudications. Judge J. C. Robinson presides over the Animas Underground Basin adjudication.

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 activities represent the highlights of JID project work during fiscal year 2012:



Odyssey Court Case Management System Project

The rollout of the Judiciary's new case management system, Odyssey, was again in fiscal year 2012, JID's most important task. During the year, many more courts were implemented including all remaining magistrate courts. 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 2013, the AOC is on track to complete the implementation of all remaining district courts, and will thus have completed the originally defined scope of the statewide case management rollout. Immediately following the rollout of the trial courts, work will begin on implementing Odyssey in the Bernalillo County Metropolitan Court and the New Mexico appellate courts, which are comprised of the New Mexico Supreme Court and Court of Appeals. Upon implementation of these courts, Odyssey will be the case management application used in all state courts.

Electronic Filing

During fiscal year 2012, several new judicial district courts adopted the Odyssey File and Serve e-filing application. By the end of the fiscal year, civil e-filing was mandatory for all attorney-filed, non-domestic civil cases in the First, Second, Fifth, Tenth and Thirteenth Judicial Court Districts. During fiscal year 2013, all remaining district courts will implement e-filing using the Odyssey File and Serve application.

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 fiscal year 2012, JID responded to more than 15,000 requests for help. More than 3,000 of these were 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 fiscal year 2012, 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 fiscal year 12, 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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