



# NEW MEXICO JUDICIARY

STRATEGIC PLAN 2008–2013

REVISED OCTOBER 2009



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

**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.

## **The New Mexico Judiciary Long-Range Strategic Planning Committee**

<b>Pia Salazar, President</b>	<b>New Mexico Trial Lawyers Association</b>
<b>Oscar Arevalo, Director of Fiscal Services</b>	<b>Administrative Office of the Courts</b>
<b>Janet Blair, Director of Public Outreach</b>	<b>Bernalillo County Metropolitan Court</b>
<b>Edward L. Chávez, Chief Justice</b>	<b>New Mexico Supreme Court</b>
<b>Richard Flores, President</b>	<b>New Mexico District Attorney's Association</b>
<b>Pamela A. Gagel, Assistant Director</b>	<b>Institute for the Advancement of the American Legal System</b>
<b>Karen P. Mitchell, President</b>	<b>Magistrate Court Judges Association</b>
<b>Gary K. King</b>	<b>New Mexico Attorney General</b>
<b>J. Michael Rael, President</b>	<b>Municipal Court Judges Association</b>
<b>Judith Nakamura, Chief Judge</b>	<b>Bernalillo County Metropolitan Court</b>
<b>Ralph Odenwald, District Defender</b>	<b>Office of the New Mexico Public Defender</b>
<b>Arthur W. Pepin, Director</b>	<b>Administrative Office of the Courts</b>
<b>Bennett Baur, President</b>	<b>New Mexico Criminal Defense Lawyers Association</b>
<b>Steve Prisoc, Chief Information Officer</b>	<b>Administrative Office of the Courts</b>
<b>Sam B. Sanchez, President</b>	<b>District Court Judges Association</b>
<b>Sarah M. Singleton, Co-Chair</b>	<b>New Mexico Commission on Access to Justice</b>
<b>Cynthia A. Fry, Chief Judge</b>	<b>New Mexico Court of Appeals</b>
<b>Jerald A. Valentine, Chair</b>	<b>Judicial Performance Measures Committee</b>
<b>S. Carolyn Ramos, President</b>	<b>New Mexico Civil Defense Lawyers Association</b>
<b>Jeff Varela, Consultant</b>	<b>Business Administration Services</b>

## A Vision for the Judiciary

The New Mexico judiciary seeks to effectively and efficiently perform its constitutional functions. As an independent branch of government, we are accountable to all people in New Mexico. We seek to uphold the integrity of the courts and the legal profession and achieve excellence in judicial performance.

### Our Mission

The mission of the New Mexico judiciary is to protect the rights and liberties of the people of New Mexico guaranteed by the Constitution and laws of the State of New Mexico and the United States; to resolve legal disputes fairly; and to assure access to justice for all.

## Introduction

We are pleased to present the *Long-Range Strategic Plan for New Mexico's Judicial Branch, 2008-2013*. The plan is a vision for the state's judicial system that embraces the mission of the judicial branch and outlines strategies and goals to implement this mission. The plan is intended to be used as a tool to assist in creating the unified budget for our courts.

These are challenging times for our state courts. Courts must resolve legal disputes in a just, speedy and inexpensive manner. This task is difficult because of competition for limited state resources, increasing workloads, greater case complexity, diverse populations with differing needs, and a growing number of self-represented or *pro se* litigants.

Courts have the constitutional and statutory responsibility to plan for and manage their financial and human resources. The key to fulfilling these responsibilities is attracting and retaining high-quality judges and employees. The salaries and benefits offered to judges and judicial employees must be competitive with the private sector. Our judiciary must also provide its employees with opportunities for advancement, professional development and a working environment that is professional and satisfying.

The public and our sister branches of government look to the judiciary to do more than just resolve the legal dispute at hand. They expect our judiciary to implement an efficient and effective way to obtain access to the judicial system, to educate the public about how the legal system works, and provide a legal roadmap of how legal disputes are resolved with or without an attorney. These expectations can be fulfilled only by a commitment to update our legal system regularly and consistently. Our legal system must utilize current digital and electronic technology, create and implement user-friendly electronic and internet programs and provide innovative services for all persons that come in contact with our judicial system, including our problem-solving and treatment-oriented courts. As is true with technological advances, these programs require additional funding because they are staff-intensive and require the application of different skills, knowledge and abilities.

With expanding economic development and a growing population throughout New Mexico, our judiciary faces a resource-intensive challenge to provide safe and functional courthouses. At present, the responsibility for funding new or renovated facilities and security belongs to the counties for our district courts. The Bernalillo County Metropolitan Court and the magistrate court facilities are funded through the state general fund. Each municipality provides funding for its municipal court. Because of the disparate tax base among our counties, some New Mexico courthouses are neither safe nor functional.

The judiciary must work collaboratively with the other branches of government to meet the challenge of providing the public and court employees with safe, functional courthouses in which to conduct their business.

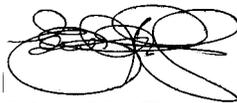
Integrity in managing our court system is essential to judicial independence. The public must be assured that the judiciary will resist all external pressures when making decisions and that the decisions will be free from bias or the appearance of bias. Legal disputes must be resolved fairly and impartially. All litigants must be treated with the same respect and dignity, whether they represent themselves *pro se* or are represented by a public service attorney or by a private attorney. Because of the diversity of our population, we must strive to increase the diversity of court staff, judges and committee members to further strengthen the public's trust and confidence in the judiciary and to benefit from diverse points of view.

Notwithstanding the judiciary's all-important independence, similar to other branches of government, the judiciary must remain accountable for its performance and ensure that public funds are being used responsibly and effectively. As such, the judiciary must develop relevant, meaningful and useful performance standards, collect and analyze data based on those standards and reflect judicial competence and independence.

The Long-Range Strategic Plan is not merely an aspiration; it is an action plan. The committee will remain in effect and will meet biannually to diligently ensure each action item is executed during the life of the Plan. Following adoption by the Supreme Court, each judicial entity shall adopt a strategic plan to execute the action items. The committee will use the various strategic plans in tandem with its plan and work with all judicial entities as it oversees the implementation of the Court's mission.

The committee is made up of 20 members responsible for developing the direction and priorities for the state's judicial system to ensure quality justice throughout New Mexico. Each member of this committee has volunteered his or her individual talents and energy to an effort new to the New Mexico judiciary.

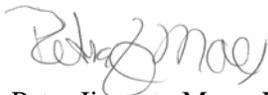
Members of the committee included judges from all levels of the judiciary, judiciary staff from rural and urban areas, and lawyers from specific interest groups. These groups of lawyers, whose work is primarily litigation, actually use the various state courthouses on their clients' behalf. Their perspective was critical to successfully develop this plan. Each representative brought to the discussion table vital feedback from his or her membership and clients. They shared their perceptions and those of the people they represent about how the judicial branch can best serve their needs.



Edward L. Chávez, Chief Justice



Patricio M. Serna, Justice



Petra Jiménez Maes, Justice



Richard C. Bosson, Justice



Charles W. Daniels, Justice

## The Strategic Plan

*I. The judiciary must strengthen public trust and confidence in the courts while reserving a judge's ability to resolve legal disputes fairly and impartially, without fear of reprisal. The judiciary shall:*

1. Educate the people of New Mexico to understand the importance of judicial independence.
2. Implement safeguards to protect the privacy of judges' personal information from dissemination.
3. Work with the Executive and Legislative Branches of government and the Judicial Nominating Commission to strengthen the judicial selection process so that judges who come to the bench are competent and ethical.
  - a. Provide judicial education when a judge first assumes the bench with training in docket management, use of the case management system, and other practical courtroom management tools specific to the judge's district or court.
  - b. Work to ensure that court employees have access to resources and training necessary to meet the needs of a diverse population and fulfill the judiciary's mission.
  - c. Adopt a Code of Conduct for all judicial employees and implement it statewide in fiscal year 2010. The Code will be part of every new judicial employee's orientation, and all current employees will be required to understand and follow the Code.
  - d. Coordinate training resources with the Administrative Office of the Courts, the Judicial Education Center and the executive and legislative branches of state government to utilize these resources efficiently and effectively.
4. Provide an ongoing program of public education to assist our residents in understanding how to use the courts, the importance of the role of the courts and judicial independence.
  - a. Hire a public information officer to coordinate and promote basic understanding of the courts; the rule of law; basic principles of civil and criminal justice; and the role of judges, staff, juries and attorneys.
  - b. Create the parameters of the public information officer's job description by July 30, 2008. The cost of funding the public information officer's position shall be included in the judiciary's unified budget for fiscal year 2010.
5. Account for judicial performance and use of public funds.
  - a. Develop relevant, meaningful and useful performance standards to provide quantitative data on court progress; identify needed improvements; and monitor and report to the public the responsible and effective use of public funds.
  - b. Develop court- and judge-specific statistics for better docket management.
  - c. Continue to support adequate funding of the Judicial Performance Evaluation Commission and collaborate with the Commission to assure objective evaluations of judges that can be effectively communicated to the public.
  - d. Designate the Administrative Office of the Courts a "key agency" for quarterly performance measure reporting to the Legislative Finance Committee and the Department of Finance and Administration.

6. Improve the judicial selection process and maintain the judiciary's independence and a high standard of excellence for judges.\*
  - a. Work collaboratively with the Governor and the Legislature to create standing judicial nominating commissions pursuant to Article VI of the New Mexico Constitution.
  - b. Work collaboratively with the Governor and the Legislature to allow judges to serve at least one year on the bench before running in a general election.

***II. As an independent branch of government, the judiciary must be funded adequately to enable it to perform its constitutional functions and publicly account for use of its resources. The judiciary shall:***

1. Continue to present to the Legislature a unified budget. Members of the budget committee shall meet with the Governor, key legislators and scheduled interim committees well in advance of the legislative session.
2. Continue to use pay-for-demonstrated-performance compensation to recognize and reward its employees who meet and exceed the requirements of their job duties.
3. Seek funding to implement the Judicial Compensation Commission recommendations in fiscal years 2010 and 2011 and to thereafter maintain the average compensation of the salary market states targeted by the Commission.
4. Work with the Governor and the Legislature to create legislation that will ensure actuarial soundness of the judicial and magistrate retirement plans, specifically eliminating dependency on docket fees as a source of funding for each plan.
5. Collaborate with the Legislature to obtain consistent funding to pay jurors, witnesses and court interpreters, to avoid the need for emergency loans from the New Mexico Board of Finance and special appropriations from the Legislature.
6. Allocate its resources in a transparent and fair manner, based on meaningful and objective standards that will promote efficiency and effectiveness in the administration of justice.
7. Ensure the responsible and effective use of public funds through effective accounting and auditing practices.
8. Pursue adequate resources to allow it to restructure New Mexico water law courts consistent with Supreme Court directives.

***III. The judiciary must provide a safe and secure working environment in order to adequately provide services to the public while protecting judges, staff and the people of New Mexico from harm. The judiciary shall:***

1. Work collaboratively with the Governor and the Legislature to obtain funding to help build or remodel courthouses and provide adequate court security, assuring access to functional and safe courthouses and shall:

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\* I do not believe this goal assists in creating a unified budget or will have the intended result of achieving independence of the judiciary or a high standard of excellence in the judicial selection process. Respectfully, Justice Petra Jimenez Maes

- a. Develop and adopt a statewide courthouse design guide that will provide functional courthouses, safe public access and adequate court security.
  - b. Establish space standards and other court design standards including information technology standards for courthouse facilities and update them every five years as necessary.
  - c. Make a functional assessment of all district, metropolitan and magistrate courthouses in the state every five years to review the adequacy of the facilities.
  - d. Develop a twenty-year courthouse planning process specific to each courthouse and update it every five years.
  - e. Continue to work with the Department of Public Safety to develop curricula for courthouse security, working toward requiring that all courthouse security staff be certified as having attended training specific to courthouse security.
  - f. Work with the Department of Homeland Security and Emergency Management and other relevant state agencies to develop a program of emergency preparedness and to implement the New Mexico Supreme Court Security Guidelines in their entirety statewide.
  - g. Seek legislation to enact safeguards to protect the privacy of judges' and judicial employees' personal information from discovery by the public and work with the Attorney General's Office for an exemption from the New Mexico Public Records Act as necessary.
2. Continue to exercise discretion to determine the amount of restraint necessary for those appearing in court proceedings.

***IV. The judiciary must provide all people with equal access to justice without regard to race, color, immigration status, creed, gender, disability, language or socio-economic status. The judiciary shall:***

1. Continue to improve services to all people, continue to provide language interpreters and interpreters for the hearing-impaired, and develop web-based bilingual forms.
2. Develop programs to address special access issues facing immigrant peoples from diverse cultures.
3. Implement programs and work with vendors to create and enhance means by which the ability of individuals to resolve routine legal matters through telephone or internet services is possible.
4. Study the feasibility of extended hours of operation.
5. Evaluate the current status of domestic relations and children's courts and determine whether a more efficient, less costly system is available.
7. Work with the Governor and the Legislature to assure adequate funding for the Court-appointed Attorney Fee Fund.
8. Implement the recommendations of the Access to Justice Commission, emphasizing self-help centers and securing funds for a staff attorney to be based in each judicial district who will coordinate efforts to assist self-represented litigants and organize pro bono efforts.

9. Continue to implement the Ten Step Pro Bono Plan adopted by the Supreme Court and for judges at all levels to encourage lawyers to provide pro bono services to those who cannot afford to hire a lawyer to represent them in civil matters.

***V. The judiciary must innovate to respond to society's changing needs. The judiciary shall:***

1. Fully implement its newly-acquired case management system statewide.
2. Implement systems that will allow for electronic filing and docketing of civil cases statewide.
3. Expand the availability of video testimony.
4. Expand the use of problem-solving courts in New Mexico and complete implementation of the Five-Year Drug Court Plan.
5. Implement three pilot restorative justice programs including magistrate, metropolitan and district courts.
6. Study the advisability of a consolidated family court system so that one judge in each judicial district can handle all issues affecting a family.
7. Evaluate the current status of guardianship and conservatorship cases to maximize the supervision of court-appointed guardians and conservators.
8. Improve the use of alternative dispute resolution methods and educate the public about the availability of such methods.

***VI. The judiciary must help strengthen the criminal justice system and shall:***

1. Work with the Governor and the Legislature to assure adequate resources for the New Mexico Public Defender Department to minimize delays in the court system.
2. Work with the Governor and the Legislature to assure adequate funding for contract attorneys in criminal cases in order to improve the quality of legal representation for the indigent.

## **New Mexico Supreme Court and Court of Appeals**

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**Justice Petra Jimenez Maes**

**Justice Richard C. Bosson**

**Justice Charles W. Daniels**

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Chief Judge, New Mexico Court of Appeals

**Judge A. Joseph Alarid**

**Judge Lynn Pickard**

**Judge James J. Wechsler**

**Judge Michael D. Bustamante**

**Judge Jonathan B. Sutin**

**Judge Celia Foy Castillo**

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