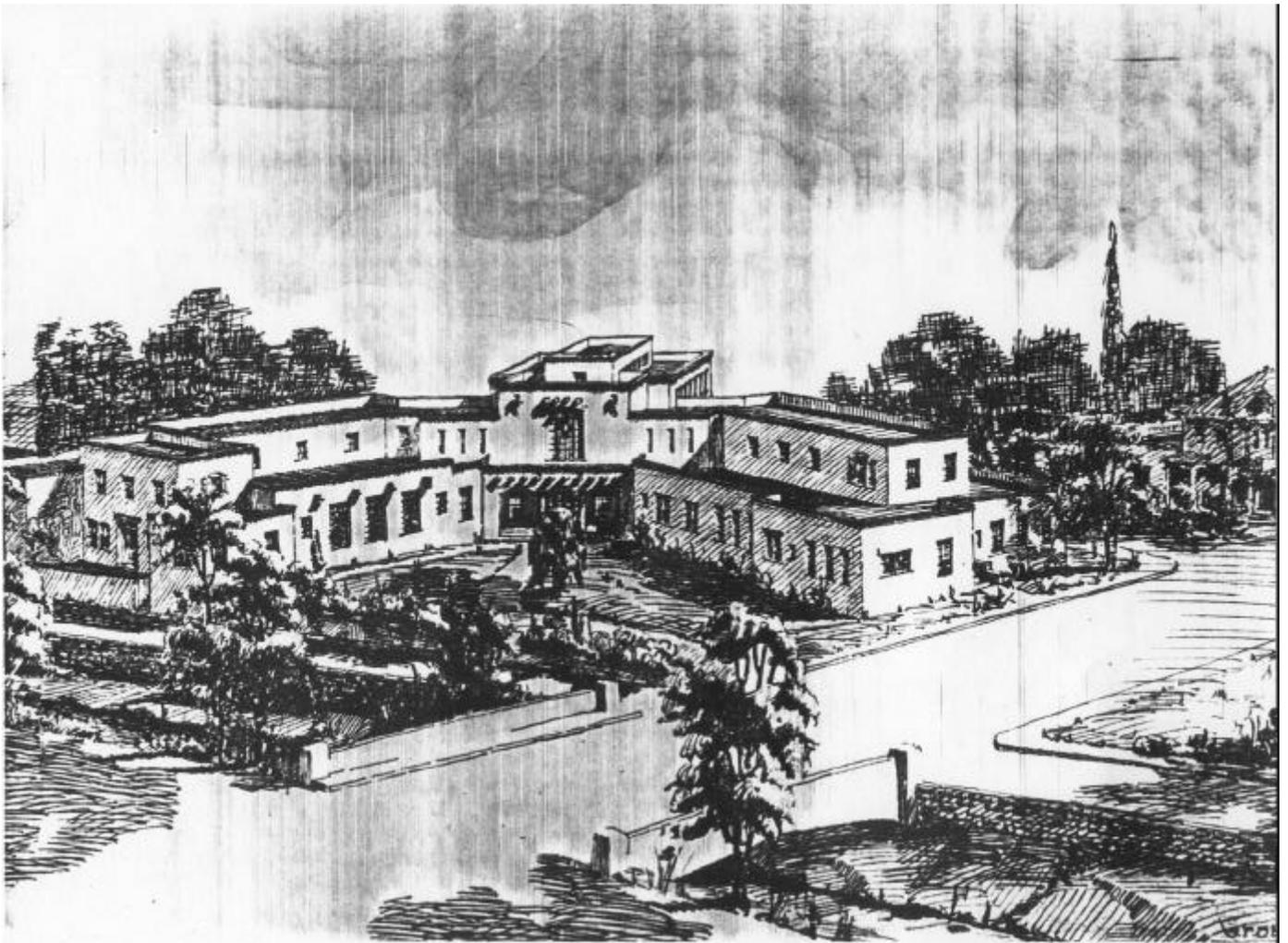


**New Mexico
State Courts
2000 Annual Report**



New Mexico Supreme Court Building • 1937

Architect's Sketch by Gordon Street

Courtesy Museum of New Mexico • Negative No. 51431

July 1, 1999—June 30, 2000

Annual Message

Last year we celebrated, some say prematurely, the beginning of the new millennium. This year we had a chance to do it over again, and perhaps, some might say, "taste it again for the first time." Whether you thought you were celebrating the millennium for the first or second time, January is a month in which we look forward to the opportunities that a new year will hold, and we also celebrate the ways in which we were able to meet the challenges of the old year. The annual report, organized around the objectives of our strategic plan, once again helps us look not only forward but also helps us celebrate the many accomplishments within the judicial branch across this great state.

As you read or skim this year's report, I expect that you will be impressed, as I am, by the dedication and integrity of New Mexico's judges and court staff. I think you will see, as I do, the men and women behind the text, dedicated to offering fair and impartial treatment to all, to continuously improve the ways in which we serve the citizens of New Mexico, and ultimately to fulfill insofar as is humanly possible our obligation to provide equal justice under the law for all people in all cases.

I am particularly pleased to see significant progress in such important areas as delay reduction, use of automation, improved physical facilities, and court security. For example, a number of courts have implemented processes to speed the resolution of cases, and the Judicial Information Systems Council has proposed a process for tracking the timely resolution of cases taken under advisement. The progress described in the annual report in delay reduction and other areas are evidence of a commitment to our obligation to provide equal justice under the law for all people in all cases, as well as success in honoring that commitment.

I also note with pride some of the innovative initiatives the judiciary implemented in the past year to further improve court services to the public. Former Chief Justice Richard Ransom and his colleagues on the Steering Committee for Improvement of Jury Service have brought two excellent reports to the court, which propose changes to reduce the burden of jury service for our citizens while improving their experience as jurors. Court Administrator Gregg Ireland of the Eleventh Judicial District and the other members of the self-represented litigants working group have achieved a broad consensus on the best practices or approaches in meeting the needs of litigants choosing to present their cases without the assistance of legal counsel. Their work will culminate in an important statewide conference involving every judicial district in January.

While the judiciary has many accomplishments to be proud of, I do note with concern that we are not able to dispose of as many cases as are filed each year. Put another way, at every level of our state court system—appellate, district, magistrate, and metropolitan courts—we are falling further behind in our work. The Chief Judges Council has approved a unified budget presentation that outlines our perception of the resources we need to be able to dispose of more cases than we are presently able to handle. Newly-elected Chief Justice Patricio Serna's State of the Judiciary address to be delivered at the 2001 legislative session will set forth in greater detail the goals and needs of the judiciary in the coming year. As Chief Justice Serna leads the courts into this new year, I look back with pride at what has been done and look forward with great anticipation for what the courts will achieve in the future.

Pamela B. Minzner
Chief Justice of the New Mexico Supreme Court
January 6, 1999, to January 5, 2001



Meeting the Needs of Court Users

The Court of Appeals **Mediation Program** processed 132 cases during fiscal year 2000. Settlements were achieved in

40 of those cases, yielding a settlement rate of 30 percent. During the three years prior to commencement of the mediation program, an average of only 6.8 percent of eligible-type cases a year settled after assignment to a non-summary calendar.

The **Supreme Court** has approved new forms for probate cases and has given provisional approval of proposed forms for domestic violence cases and uncontested divorces. A **Court of Appeals Pro Se Committee** has developed forms and instruction sheets for litigants to use in presenting their appeals. The forms, which are currently being piloted in criminal, civil, and domestic relations cases, are designed to be interactive and walk a litigant through the process of preparing necessary appeal documents by asking simple questions. In response to a large increase in the numbers of appeals arising out of Children's Code Abuse/Neglect and Termination of Parental Rights cases, judges and court staff have met with attorneys representing all sides in such appeals and have mutually agreed on procedures to expedite cases.

The **Court Improvement Project**, supported by federal funding, is an effort to accelerate and improve court proceedings in abuse and neglect cases to ensure that children who will be removed from their parents are placed in adoptive homes as soon as possible. The project recently produced handbooks which describe the judicial process for parents involved in abuse and neglect proceedings. A second handbook explaining the purpose and use of psychological evaluations in these cases was distributed to professional experts.

Following a statewide assessment of court security needs at all levels of the judiciary, the legislature appropriated \$1 million from the Court Facilities Fund to implement recommendations for metropolitan and magistrate courts. The **Court Security Project** has earmarked most of the funding to the installation of

video conferencing equipment for the purpose of conducting some court proceedings in order to avoid the security risks associated with transporting inmates to court.

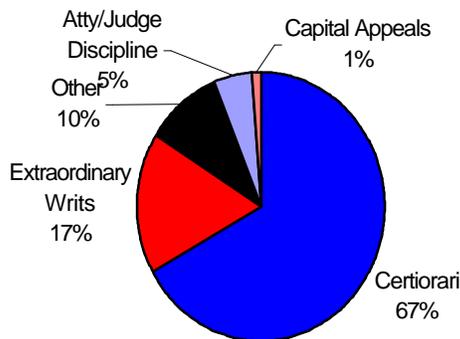
In January 2000, the New Mexico Supreme Court ruled that non-English-speaking individuals cannot automatically be disqualified from jury duty and that New Mexico courts must provide interpreters for jurors who do not speak English. This ruling created a critical need for more court interpreters in the state. The **State Court Interpreter Certification Program** offered five two-day orientation workshops to give potential court interpreters the opportunity to assess their capabilities, gain the knowledge and tools for improving their skills, and decide whether to seek certification. In addition, four two-day skill building workshops were held to provide potential interpreters demonstrations of translations and techniques, hands-on exercises, and a practical review for the certification examination. The Certified Court Interpreter Directory, which lists all of the 100+ certified interpreters and their contact information and availability, is now on the judiciary website: <http://www.nmcourts.com>.

New Mexico's **Drug Courts** are assuming a greater role in the fight against illegal drug abuse. With the support of federal funds from the Office of Justice Programs (OJP) and the Juvenile Accountability Incentive Block Grant, a united effort with the Children, Youth and Families Department (CYFD), New Mexico Drug Courts have expanded to 14 district courts. There are six adult drug courts (**First, Second, Third, Eighth, and Eleventh District Courts and Bernalillo County Metropolitan Court**) and eight juvenile drug courts (**First, Second, Third, Sixth, Eighth, Eleventh, Twelfth, and Thirteenth District Courts**).

The **New Mexico Association of Drug Court Professionals** held its third annual statewide training conference in Albuquerque in October 2000 with almost 200 participants and guests in attendance. Using national trainers, the conference focused on issues such as pharmacology, diversity and treatment, and the cost-effectiveness of drug courts.

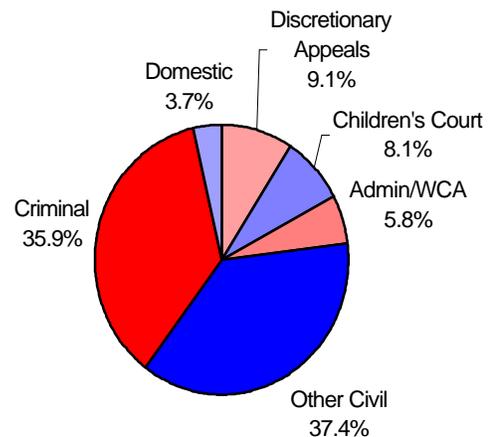
Supreme Court Filings - FY 2000

Please note that filings do not represent the entire workload of the Supreme Court



Other includes PRC appeals, election challenges, MCLE & bar dues citations for non compliance, and certification requests.

Court of Appeals Filings - FY 2000



The **Full Faith and Credit/Order of Protection Project** completed the first of a planned two-year effort to assist in state-wide education and implementation of full faith and credit for domestic violence orders of protection. The project director completed over 100 interviews of special commissioners of domestic violence, district attorneys, magistrate court judges, shelter workers, and county sheriffs in an effort to obtain an assessment of how domestic violence cases are processed statewide.

The **Judicial Performance Evaluation Commission**, created by the Supreme Court, provides voters with fair, responsible, and constructive evaluations of trial and appellate judges and justices seeking retention in general elections. Judges are evaluated on a number of attributes and behaviors. Results, which are available on the judiciary website, are released 45 days before the general election and distributed to the media and the public. The evaluations also provide judges with information they can use to improve their skills and performance.

The Committee of the Chief Justice for **Improvement of Jury Service** in New Mexico—composed of judges, court administrators, jury clerks, lawyers, and public citizens—completed an interim report in July and a final report in December 2000, making a series of recommendations including a new structure for jury service; adoption of shorter terms of service; revision of jury summons, related forms, and instructions; and training for judges.

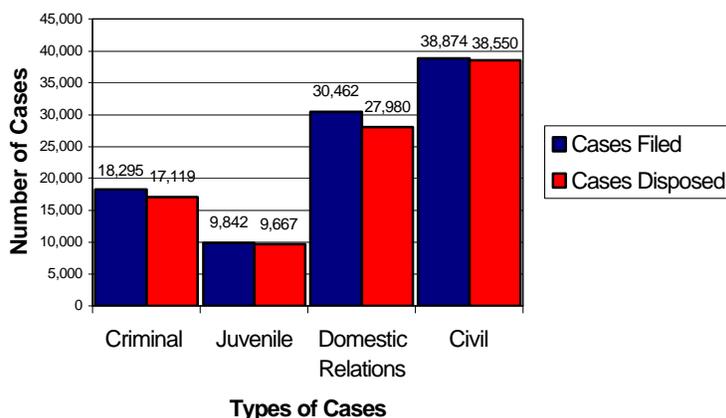
The **Pro Se Forms Project Committee** developed and piloted pro se divorce forms in the **First, Second, Third, Fifth** (Lea County only), and **Eleventh** (San Juan County only) Districts. A **Self-Represented Litigants Working Group**, comprised of 55 persons appointed by the chief justice, is reviewing current programs in the state and studying topics which address the needs of these litigants. The **Eleventh** District received the national Justice Achievement Award for its **Self Represented Resource Centers** in San Juan and McKinley counties, which bring many government services together in one place to assist those who choose to represent themselves and give individuals the tools and confidence to participate in the legal process.

The AOC received an SJI grant to continue its **Total Quality Service** initiative and focus on performance measurements within the organization. All divisions have determined the most significant measures for performance and are reporting measurement results at monthly staff meetings.

The **First, Second, Third, Fifth, Sixth, Seventh, Eighth, Ninth, Eleventh, Twelfth, and Thirteenth** Districts support **Court Appointed Special Advocate (CASA)** programs, which promote effective volunteer advocacy for the best interests of children caught up in the court system and to ensure that every child has a safe, supportive, and permanent home.

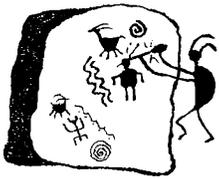
Grade Court in the **Eleventh** District is implemented in two courts in San Juan County. A privately funded scholarship program has awarded two-year scholarships covering tuition and books to all 232 of the students who have completed the Grade Court program. The **Thirteenth** District has expanded its Grade Court Program in Sandoval County. Since inception of program, 75 juveniles have entered into Grade Court and 65 have graduated for a graduation rate of 87 percent.

**District Court Total Filings and Dispositions
FY2000**



Court accomplishments include:

- **First:** Established satellite drug court office in Rio Arriba County; opened coffee shop in courthouse to serve courthouse visitors and employees; distributed jury handbook and legal forms in Spanish.
- **Third:** Juvenile Drug Court became a nationally recognized “mentor court” for other states starting a similar court; promoted customer service training for court staff and distributed customer survey cards to obtain feedback from the public; operates Pro Se Center where volunteer attorneys provide assistance to self-represented litigants in domestic relations matters.
- **Fifth:** Hired half-time legal assistant staff in Eddy County to assist self-represented litigants in processing of domestic violence cases.
- **Seventh:** Contracted with local attorneys to be domestic violence special commissioners.
- **Eighth:** Operates Pro Se Clinic to provide assistance with domestic relations, tax protests, name changes, civil restraining orders, and driver’s license restoration proceedings.
- **Tenth:** Purchased and installed a new sound system for the courtroom, making major improvements for the hearing-impaired court user.
- **Bernalillo County Metropolitan Court (Metro):** Education/Community Services Division cut waiting time for Driver Improvement School from four months to within thirty days; Court Traffic Committee created traffic citation informational brochure which is being distributed by local law enforcement agencies to drivers stopped for traffic violations; brochure provides information on court procedures, encourages compliance with the law, and expedites disposition of traffic citations.



Improving Case Management

The **Court of Appeals** has one of the most advanced and innovative case-management systems in the country. Through its calendaring system, the court

averages less than six months from notice of appeal to decision on over half its caseload. The court is working with the Justice Management Institute to explore ways of deciding the remaining caseload in the most expeditious manner possible, consistent with adequate consideration of the parties' issues and adequate explanation of the reasons for decision.

The State Justice Institute (SJI) provided grant funding to the AOC for the **Case Management Project** to reduce case disposition time through improved use of judicial resources and improved communication and cooperation. The **Second, Fourth, Eighth, and Twelfth** Districts have begun pilot programs to improve case management in criminal and juvenile cases; the **Third** is implementing a pilot program for civil cases; and the **Second's Domestic Relations Division** is developing a case management plan.

Court projects include:

- **First:** Provides case management data to judges on monthly basis to analyze efficiency and ensure even workload.
- **Second:** Implemented case management pilot in juvenile court, which shows 49 percent decrease in average case disposition time since 1999.
- **Third:** Works with Civil Rules Committee to establish policies and procedures for implementation of Differentiated Case Management (DCM), the process in which cases are placed on expedited tracks, standard tracks, or complex tracks.
- **Eighth:** Implemented DCM in criminal and/or juvenile cases to place judge, instead of attorneys and parties, in con-

trol of litigation process.

- **Twelfth:** Piloted DCM in Lincoln County, resulting in more than 50 percent of criminal cases totally adjudicated within 60 days; 45 percent within 90 days; and the remaining 5 percent, requiring a jury trial, within 150 days.
- **Metro:** Created case initiation unit whereby all citations and complaints are entered immediately; tracking of cases and citations has dramatically improved.

Providing Alternative Dispute Resolution

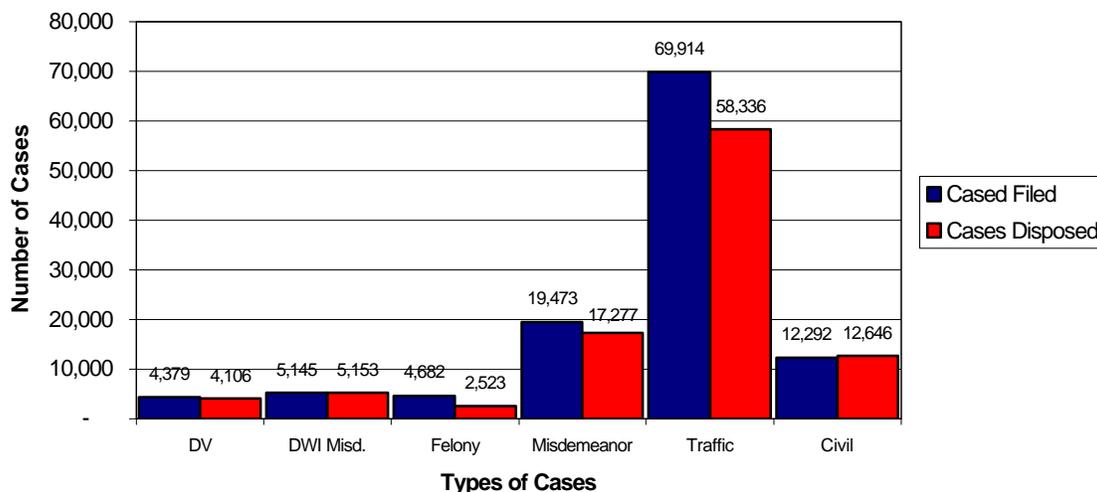


The **Court of Appeals** refers most civil cases that are not decided on its summary calendar to its appellate mediator for mandatory mediation. The mediator continues to enjoy a high success rate and positive evaluations of the program by litigants.

Many judicial districts provide formal mediation, arbitration, or settlement programs to encourage litigants to resolve their cases without the time and expense of trial. Those efforts have expanded to include **Mediation in Child Abuse and Neglect Cases** in the **First, Second, Fifth, Sixth, and Thirteenth** Districts. A mediator meets with respondents; their attorneys; the guardian ad litem; the Children, Youth and Families Department attorney; the social worker; and other interested parties and assists the parties in achieving agreements regarding placement, visitation, treatment, and permanency. Feedback from mediation participants and judges has been very positive. Mediation programs are being piloted in magistrate courts in **Chaves, Curry, Doña Ana, San Juan, and San Miguel** counties.

The **First, Second, Third, Eighth, and Twelfth** Districts offer alternative dispute resolution through mediation, arbitration, or settlement facilitation programs.

Bernalillo County Metropolitan Court Total Filings and Dispositions FY2000





Enhancing Public Perception of the Courts

The New Mexico Hispanic Bar Association awarded its highest honor, the Outstanding Hispanic Attorney Award, to Supreme Court Justice Joseph F. Baca in the year 2000. The Hispanic National Bar Association presented its 2000 Lincoln/Juarez Award (annually presented to an attorney who has demonstrated superior commitment to the association and embodies all the attributes of Benito Juarez as protector of the common man and those of Abraham Lincoln in ensuring freedom and justice for all) to Justice Baca in Chicago in October.

In an effort to provide web-based access to accurate information about cases and court procedures, the **Supreme Court** re-designed its website to provide public access to all appellate opinions, court forms, and uniform jury instructions. The site also includes announcements, hearing schedules, new attorney lists, and links to other judicial sites.

The **Court of Appeals** solicits feedback on its opinions from a standing committee of district judges and obtains feedback on all aspects of its operations by sending survey forms to litigants with each opinion. The return rate is 31 percent, and responses indicate general satisfaction with the court's work as a whole.

Both of the appellate court justices or judges up for retention this year were recommended to be retained. The New Mexico Judiciary's webpage was named one of the **Summer 2000 Top Ten Court Website Awards** by *Justice Served*.

A recent **Public Opinion Poll** in New Mexico, when compared with previous such polls, shows an improvement in the public's overall assessment of the court system as well as its perceptions of fairness. However, New Mexicans are somewhat more concerned about both the politics involved in the judicial system and the timeliness of the court's activities.

Court initiatives include:

- **First:** Implemented and enhanced website for court users.
- **Third:** Implemented website to provide information on court functions and programs.
- **Fifth:** Updated and published Court Information Booklet.
- **Twelfth:** Participated in Summer Youth Employment Program to provide eligible youth between ages of 14 and 21 with work experience, academic enhancement, and training in customer service skills.

Making More Efficient Use of Existing Resources



The AOC received an SJI grant to develop a **Court Volunteer Program** statewide. The **Magistrate Court Division** continued to reassign court clerk assignments statewide for more effective performance of the courts. The **Warrant Enforcement Program** increased its total collection of fines and

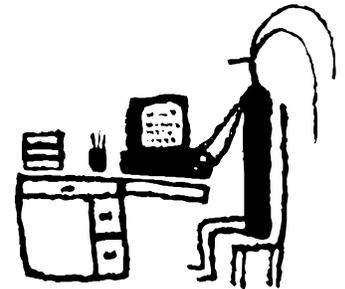
fees to \$2,946,000 in FY 2000. The program's return on investment for FY 2000 was 340 percent. Calendar year 2000 was the first year that all 54 magistrate courts participated in the Tax Refund Intercept Program.

Court improvements include:

- **Second:** Concluded conversion of child support payments from court's Fiscal Services Division to Child Support Enforcement Division, eliminating duplication of services.
- **Third:** Worked with volunteer program and Doña Ana Branch Community College to obtain interns.
- **Ninth:** Prepared and microfilmed ten years of Civil, Criminal, Domestic Relations, Juvenile, Probate, and miscellaneous court files in Curry and Roosevelt Counties so only annual filming is needed to keep microfilming up to date.
- **Twelfth:** Used contractual services to provide assistance in clerk's office to accomplish certain tasks and services at less cost; participated in Retired and Senior Volunteer Program (RSVP) which assists people age 55 and older in finding volunteer opportunities.

Making Maximum Use of Automation to Improve Court Services and Efficiency

Using the proceeds of the automation bond legislation enacted two years ago, the **Judicial Information Division** has replaced all desktop computers in the district and magistrate courts and installed the graphical user interface version of the state's case management information software. These two improvements have enhanced the functionality and ease of operation of the system.



The **Criminal Justice Information Management Team**, which includes representatives of the courts, district attorneys, public defender, Department of Public Safety, Department of Corrections, and CYFD, has developed and implemented a state tracking number which will enable all entities to maintain consistent records for a particular offense. New Mexico has been selected by SEARCH, a national organization studying information sharing in the criminal justice system, as one of four states to be involved in a study of information exchange points. New Mexico is also participating in a national planning project for justice information sharing.

The **DWI Statistics Project** has developed a DWI data-gathering model of compliance; created a data transfer process between Metropolitan Court data and the Central Repository database; verified the timely collection of DWI and traffic safety fees; and provided information on prosecution, judicial, and administrative dispositions, including sentencing and recidivism.

Since establishment of the **Electronic Filing Project** in the **Eleventh** District in March 1999, all criminal and juvenile cases have been filed and maintained electronically in San Juan County. Over 3,000 cases and 53,000 documents are now accessible on the judiciary website to participants, state agencies, and the general public. The program is attracting national attention,

in part because electronic filing and document access are being provided at no cost to court users.

Through the **Protective Order Registry Project**, the Judicial Information Division has written the software program needed to extract data from court files to provide information for state and national registries of domestic violence protection orders, the courts, and law enforcement agencies dealing with these cases. DPS is currently testing the data files produced by the program for use in populating its state protective order registry and sending data to the FBI for the national registry. Working closely with the Child Support Enforcement Division of the Department of Human Services, the judiciary has also developed the software to transfer information from court records required by federal law to be included in state and national **Child Support Enforcement** databases.

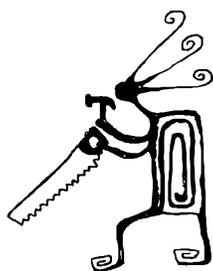
The updated **Magistrate Court Administrative Procedures Manual** can now be accessed through the judicial website. The manual allows clerks and court users to link to statutes, rules, criminal and civil forms, and other website resources.

Since September 1996, when the **Municipal Court Automation Project** began, 72 of the 83 municipal courts have received assistance to develop and implement automation plans. The overall purpose of the project is to enable municipal courts to electronically report conviction information for DWI and domestic violence for lookup in the Central Repository via the Internet.

Court activities include:

- **Second:** Replaced microfilming process with imaging to improve efficiency and effectiveness; converted trust accounts to new system, eliminating dual entry.
- **Thirteenth:** Implemented new Grade Court webpage.
- **Metro:** Created real time docketing from the courtroom, enabling staff, other agencies, and public to view dispositions immediately.

Obtaining Adequate Resources for Court Operations



With the completion of five new facilities in calendar year 2000, 22 of the 54 magistrate courts now meet facilities standards adapted from the National Center for State Courts. Improvements include significantly larger courthouses with floor plans designed to national standards, victim and witness waiting rooms, attorney/client conference rooms, holding cells for prisoners, significantly larger clerks=work and file storage areas, protective glass for clerks=areas, facilities fully compliant with Americans With Disabilities Act, and separate jury rooms for each courtroom.

Court improvements include:

- **Second:** Continued construction on new courthouse, scheduled for completion in May 2001; facility will be in close proximity to new Federal Courthouse, new Metropolitan Court, and new District Attorney's Office.
- **Fifth:** Commenced extensive remodeling of Eddy County Courthouse to bring 1881 structure up to date and expand space.

- **Seventh:** A recently passed county bond issue in Tarrant County enables court to begin planning for new judicial complex in Estancia; continued remodeling of Socorro County Courthouse.
- **Ninth:** Completed remodeling projects of Division I and II chambers and courtrooms in Clovis; all court offices now located on one floor, allowing for workable security system for court staff and customers.
- **Tenth:** Remodeled the over 60-year-old courtroom, making it not only more aesthetically appealing but also extremely functional with new technologies used during court proceedings; dedicated new courtroom to former Supreme Court Chief Justice and Tenth District Judge Stanley F. Frost; installed remote alarm system in courtroom and all court offices.
- **Twelfth:** Implemented court security system in Lincoln County.
- **Metro:** Signed contract to acquire land for new courthouse.

Recruiting and Retaining High Quality Staff

The Court Employees of the Year are Janet Harpstreith, Trial Court Administrative Assistant, **First District Court**; Chief Clerk Monica Martinez, **Gallup Magistrate Court**; and Mark Pickle, Chief Probation Officer, **Bernalillo County Metropolitan Court**.

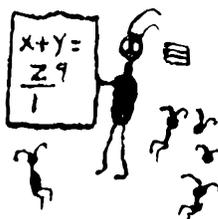


The New Mexico Judiciary permits flexible scheduling of work hours, telecommuting, and leave for exercise as well as educational leave and training.

Court initiatives include:

- **First:** Contracted consultant to assist supervisors with development of supervisory and management skills; appointed Employee Benefit Committee that sponsors employee events and celebrations, and sponsors annual Employee Awards and Appreciation afternoon.
- **Thirteenth:** Established formal court employee committees to make recommendations on changes that can move the judiciary to become *an employer of choice*; conducts exit interviews with terminating court employees to determine work environment and personnel policy improvements.

Enhancing the Skills of Judges and Court Staff



The **Rozier E. Sanchez Judicial Education Center (JEC)** at the Institute of Public Law of the UNM School of Law provided educational services to the judiciary for the ninth year. JEC undertook a strategic planning process with numerous volunteers from the state judiciary, and the strategic plan has been adopted by the Judicial Education and Training Advisory Committee and commended by the New Mexico Supreme Court.

During FY 2000, JEC produced annual conferences, seminars, and orientation training for judges of the appellate, district, magistrate, municipal, metropolitan, and probate courts. In addi-

tion to providing specialized training for court personnel and supervisors at all court levels, JEC conducted special domestic violence seminars for New Mexico District and Navajo Nation judges and court staff, broadcast a teleconference on handling DWI cases, and provided a seminar on law and literature to offer judges an opportunity to discuss the values and personal challenges that confront them in their work.

JEC publications during the year emphasized orientation and included videotapes, guides, and a benchbook for new judges. The enhanced JEC website, <http://jec.unm.edu> includes a virtual DWI trial in which limited jurisdiction judges Arule on objections or motions presented over online videos and then watch the trial proceed based on their ruling. Interactive training programs continue to be added in a variety of subjects for judges and court staff.

Court activities include:

- **Court of Appeals:** Judge Michael D. Bustamante completed course work for University of Virginia Law School Graduate Program for Judges.
- **First:** Sent two supervisors to professional court management classes conducted by Institute for Court Management; purchased approximately 100 computer software training tickets to send employees to software training.
- **Second:** Sent court staff to drug court conferences and training.
- **Third:** Afforded employees opportunity to participate in long-distance learning and, when funding permits, national conferences.
- **Seventh:** Judge Thomas G. Fitch attended and participated as facilitator at National Judicial College in Reno, Nevada.
- **Tenth:** Majority of court staff completed two or more computer software courses.
- \$ **Twelfth:** Sent staff to job-related training and provided educational leave for staff to take college courses, seminars, and workshops.
- \$ **Thirteenth:** Encouraged staff participation in TVI's Introduc-

tion to Judicial Studies and JEC's standard training for supervisors and district court employees.



Improving Teamwork Within and Among the Courts

The **Court of Appeals** continues to be committed to quality management principles, including an emphasis on teamwork within the court. For the past year, a Court of Appeals Senior Staff Attorney has served as the Administrative Assistant to the Chief Justice of the Supreme Court.

The **New Mexico Tribal-State Judicial Consortium**, established in 1998 by the New Mexico Supreme Court and the New Mexico and Colorado Indian Court Judges Association, sponsored the first Cross-Court Cultural Exchange in March 2000. This event, which was hosted by the Crownpoint Judicial District of the Judicial Branch of the Navajo Nation and the **Eleventh** Judicial District Court, provided information about the tribal and state judicial and legal systems and contributed to improved communication and cooperation between state and tribal judiciaries. New Mexico Supreme Court Chief Justice Pamela B. Minzner and Robert Yazzie, Chief Justice of the Judicial Branch of the Navajo Nation, both spoke at the consortium.

The **Fourth** District Court continues a Joint Powers Agreement with the **First** District Court for its use of the First District's Family and Court Services Program. The **Fourth, Ninth, and Tenth** Districts continue joint powers agreements to share the services of a Domestic Violence Commissioner and Child Support Hearing Officer.

Court endeavors include:

- **Fifth:** Hosted annual Bench and Bar Conference in Carlsbad for attorneys and judges (district and magistrate).
- **Seventh:** Worked in conjunction with the local Bench Bar Association in hosting the annual conference in Socorro.

Magistrate Court Total Filings and Dispositions FY2000

