

COMMUNITY GOVERNANCE ATTORNEY PROGRAM UPDATE

INTERIM LAND GRANT COMMITTEE

NOVEMBER 9, 2023

Background

The New Mexico Legislature has created a program to increase the number of practicing attorneys in New Mexico who serve acequias, land grant-mercededs, and colonias. These communities have a multitude of governance requirements and challenges that require legal guidance, such as the promulgation of governance documents, the collection of taxes and fees, procurement, and contracting.

This program provides an opportunity for up to two law students to have their third-year tuition and fees covered if they commit to working as a community governance attorney for two years following graduation. A reasonable living stipend for their third year is included.

The Community Governance Attorney Program (CGAP) is overseen by a five-member Commission that is comprised of one representative for acequias, one for land grant-mercededs, and one for colonias. The remaining members are appointees from the Higher Education Department and the UNM School of Law.

Participants in this program enter into a conditional loan waiver contract with the Higher Education Department, which provides for the payment of the third-year tuition, fees and living stipend. Repayment of these expenses with interest shall be required if the participating student does not meet the School of Law's standards for satisfactory graduation or does not fulfill their obligation to serve as a community governance attorney for two years.

The Legislature is also providing half of the participants' salary to the eligible legal service providers who provide community governance legal assistance to acequias, land grant-mercededs and colonias. The legal service providers are required to secure the other half of the participants' salary before participating in the program. Participants will be placed with these legal service providers for two years.

Status

We are up and running!

The Legislature is currently funding the CGAP at a level that supports enrolling one law student a year. However, the CGAP will need an appropriation increase in 2025.

Two law students have been enrolled in the program: one started this year, and another will start in 2024. Both will be working at New Mexico Legal Aid.

The Utton Center is coordinating the activities of the Community Governance Attorney Commission by providing administrative support and hosting Commission meetings.

UNM and HED have entered into an MOU that allows for the transfer of CGAP appropriations to the School of Law.

The Utton Center disburses the funds for the enrolled students' conditional loan once the student has entered into the conditional loan waiver agreement with HED.

UNM and New Mexico Legal Aid have entered into an MOU that allows for the transfer of funds to cover half of the community governance attorneys' salaries.

The Commission has promulgated its own Rules of Procedure.

HED and the Commission are currently drafting the necessary HED regulations.

Issues

There are a number of issues that may require the assistance of the Legislature in 2025.

1. The Commission is currently analyzing and determining how the CGAP may be more effectively structured.

The CGAP statute provides for some roles that do not align with the capabilities of the responsible parties. For example, HED has a role in recruiting, which is better suited to the Commission and School of Law. Another example is the Commission is supposed to enter into the contracts with the legal service providers, which may be a more appropriate role for HED or the School of Law.

2. The Commission is considering if additional legal service providers should be permitted to participate in the program.

For example, the Attorney General's Treat of Guadalupe Hidalgo Division could be an opportune place to develop new community governance attorneys.

3. There will be an eventual need to increase the CGAP appropriation to keep up with increasing costs and salaries.

In two years, the current appropriation will be insufficient to enroll one new participant every year. The current appropriation is \$96,000. We will need \$112,000 to enroll one new participant every year or \$224,000 to enroll two participants per year.

4. Matching funds for the CGAP are currently required to be non-state funds. This requirement limits the opportunities for both the School of Law Clinic and other potential legal service providers to participate.

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<https://uttoncenter.unm.edu/resources/cgaa.html>