

Advancing Judicial Excellence

A Call to Action

Public faith in all governmental institutions has significantly declined. With respect to the Judiciary, businesses are dissatisfied with how long it takes to resolve their disputes, families are unhappy about the time it takes to address their divorce and custody issues, and citizens are concerned about access to legal services particularly in rural areas. The public views the courts and the legal system as too complicated and not innovative.

Our Response

The public expects more from our courts and we must demystify, streamline, and simplify court processes, and continue to improve court services, or run the risk of undermining the importance of an independent judiciary to our democracy.

Our goals are simple. The Judicial Branch must:

- ⇒ Fulfill its constitutional mandate to deliver fair, timely, and equal access to justice under the law; and
- ⇒ Advance judicial excellence in court services and productivity to meet the needs of the citizens we serve.

A Campaign to Advance Judicial Excellence

Under the leadership of the Supreme Court our Chief Judges' Council, our Court Executive Officers' Council, and with guidance from the National Center for State Courts, the Judicial Branch has undertaken a three-year Campaign to Advance Judicial Excellence.

The campaign approach is an innovative method of implementing strategic change that focuses on vital improvement themes or strategies. It is more fluid and adaptable than more traditional strategic planning, permitting organizations to reach results much faster.

The Judicial Branch's Campaign for Advancing Judicial Excellence challenges the status quo and embraces innovation. It will form the basis for the Judiciary's budget and planning activities for the next three years and includes four key strategies.

#1—Simplify the Judiciary’s organizational structure and streamline case processing to improve internal efficiencies and better deliver fair, timely, justice.

Projects and Proposals:

⇒ Improve Judicial Education: The delivery of fair, timely, and efficient justice depends upon well-qualified, well-trained judges and professional staff. The Judicial Education Center (JEC) is statutorily required to “provide training and instruction to justices, judges, magistrates and court personnel of the state, municipalities and counties . . .” §34-13-2. The JEC currently operates under the management and authority of UNM Law School’s Institute for Public Law. New Mexico is one of only three states to rely on an entity outside of the Judiciary to provide judicial education, making it difficult to ensure adequate funding and programming are available to meet the Judiciary’s critical need for training.

JEC depends entirely on fee funding to provide judicial training and instruction. Fee revenue has steadily declined since FY11 has decreased 31% in the past five years (FY14-FY18). As a result, training has been limited to a handful of traditional conferences, outdated resource materials are no longer useful, and district court staff have gone without training for several years.

The Judicial Branch and the University of New Mexico are discussing options to address these issues and two proposals are under consideration:

- Restructuring the JEC’s management within the University to provide more oversight by the Judicial Branch and requesting additional general fund monies for the JEC within the University’s budget; or alternatively,
- Moving the JEC to the Administrative Office of the Courts and requesting general fund monies within the Judiciary’s budget.

⇒ Streamlining, Simplifying and Consolidating Our Courts: Courts across the country are streamlining their organizational structures and administrative functions. New Mexico has at least seven kinds of courts, with 310 judges and justices in 197 court locations. Many of our communities have multiple court locations, which is inefficient and confusing for our citizens. We have also identified inefficiencies in our internal administrative operations. To address these issues we are:

- *Exploring Options for Consolidating Municipal, Magistrate and Probate Court Functions.* The Judicial Branch is meeting with both the New Mexico Municipal League and the Association of Counties to discuss legislation that would grant additional municipalities an option to designate their local magistrate court jurisdiction to hear municipal ordinance violations, and give counties the option to have their local magistrate court act as the county probate court;
- *Consolidating Magistrate and District Court Administrative Functions.* The Supreme Court has approved transferring oversight of the administrative functions for the magistrate courts (e.g. human resources and budgeting) from the AOC to the local district courts. The 12th Judicial District is currently serving as a pilot site for the transfer. Statewide implementation is expected to take a full-year; and
- *Exploring Options for Consolidating Supreme Court/Court of Appeals Clerks’ Office Functions.* The Court of Appeals has submitted a grant application to the State Justice Institute to fund a review of each appellate court’s business processes to determine if administrative functions can be consolidated or streamlined.

#2—Expand the use of technology, especially online services, to permit greater convenience and service to the public.

Projects:

- ⇒ Online Dispute Resolution: The AOC is in the process of negotiating a contract with Tyler Technologies to pilot online dispute resolution in selected district and magistrate courts. The initial pilot project will be limited to debt and money due cases and is expected to begin before the end of the year. Once a complaint and answer are filed, parties will receive an e-mail that will explain the mediation process. If the parties are unable to settle their dispute through this automated process, they can invite a mediator into their online negotiation to assist them in reaching an agreement. If no agreement is reached, then the case is referred back to the court for resolution.
- ⇒ Guide and File for Basic Divorce Cases: This program uses a series of interactive “interview” questions to solicit information from the user necessary to populate basic divorce forms. Once users have used the software to complete the forms, the user can print the forms and file them at district court. This software gives self-represented litigants another tool to help them create and fill out court documents. The first set of forms will be ready to use before the end of the year.

#3—Enhance public access to and understanding about court processes and programs.

Projects:

- ⇒ Limited Legal License Technicians (LLLT): The Supreme Court has agreed to the formation of a workgroup to explore the use of LLLTs in New Mexico to address the lack of affordable legal representation, particularly in the rural areas, of our state. This model has been particularly successful in Washington State. Washington currently allows paralegals who fulfill additional training and licensing requirements to assist clients on family matters. LLLTs may work independently, in groups with other LLLTs, or as part of a traditional law firm. The LLLT cannot, however, appear in court or negotiate on behalf of the litigant.
- ⇒ Social Technology to Notify the Public of Court Events and Processes: Several states have developed informational videos to explain court processes (e.g. jury service, how to handle a traffic ticket, describing an arraignment). The videos are posted on a judicial branch “YouTube” channel and are available statewide. Likewise, courts are using text messages, Facebook pages and Twitter accounts to notify the public of court events including hearings and closures. We are currently exploring the feasibility of similar projects in New Mexico.

#4—Promote safer, more secure, user-friendly court facilities.

Projects:

⇒ Court Safety Assessment and Review: The National Center for State Courts recently completed a safety and security assessment of a sample of New Mexico courts and has made a number of preliminary recommendations. These recommendations are currently under review.



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Legislative Proposals for Discussion

<p>Constitutional Amendment: Judicial Election After One Year in Office</p>	<p><i>Amend Article VI, Section 35 of the New Mexico Constitution to allow judges to remain in office at least one full year before participating in the next partisan election.</i></p> <p>The current requirement that judges appointed during a general election year run in the next partisan election:</p> <ul style="list-style-type: none"> ⇒ Creates a hardship that discourages otherwise eligible candidates from applying for judgeships, ⇒ Is detrimental to litigants who may have their cases repeatedly re-assigned, and ⇒ Is expensive for courts who must bear the transition and training costs for new judges. <p>The proposed amendment addresses these concerns and allows the appointed judge an opportunity to participate in a primary election.</p>
<p>Move JEC from the Institute for Public Law (IPL) at UNM to the AOC (Under Discussion with UNM)</p>	<p><i>Amend §34-13-1 and -2 to provide that the Judicial Education Fund and the Judicial Education Center (JEC) are administered by the AOC.</i></p> <ul style="list-style-type: none"> ⇒ JEC currently operates under the management and authority of UNM Law School's Institute for Public Law. ⇒ New Mexico is one of only three states to rely on an entity outside of the Judiciary to provide judicial education making it difficult to ensure adequate funding and training are available to meet the Judiciary's critical training needs. ⇒ JEC depends entirely on fee funding to provide training to judges and court staff. Fee revenue has declined 31% in the past five years (FY14-FY18). ⇒ Because of decreased funding, training has been limited to a handful of traditional conferences, outdated resource materials are no longer useful, and district court staff have gone without training for several years. ⇒ Transferring management of JEC into the Judiciary and providing additional general fund revenue, will enable the Judiciary to better oversee and manage essential training provided to judges and court staff.
<p>Provide Municipalities an Option to Transfer Municipal Court Operations to the State Courts (Under Discussion with NMML)</p>	<p><i>Amend Section 35-14-1(B) to eliminate the 1,500-population limit and give more municipalities the option to transfer jurisdiction over municipal ordinances to magistrate courts, with Supreme Court approval.</i></p> <ul style="list-style-type: none"> ⇒ The amendment would increase the number of municipalities who have the option to close municipal courts and transfer the enforcement of municipal ordinances to magistrate courts. ⇒ Closure would not be mandatory but would remain optional. ⇒ There are currently 42 communities with both magistrate and municipal courts. Combining courts, in at least some of these communities, will improve customer service and save resources.
<p>Provide County Commissions an Option to Transfer County Probate Courts to State Courts (Under Discussion with Assoc. of Counties)</p>	<p><i>Amend Article VI, Section 23 of the New Mexico Constitution to provide a county commission the option to transfer jurisdiction of the probate court to the state court, as provided by law.</i></p> <ul style="list-style-type: none"> ⇒ All counties have a part-time probate court. ⇒ The amendment would give counties an option to close their probate courts and transfer jurisdiction to the state court with the potential for cost savings and improved service to the public. ⇒ If adopted by the voters, the amendment would require additional statutory changes to establish the process and parameters of the transfer.

Legislative Proposals for Discussion

<p>On-record Appeals from Metro Court (Contingent Upon Voter Passage of Constitutional Amendment Authorized by SJR1, 2017)</p>	<p><i>Amend §34-8A-6 to provide that on-record appeals from proceedings at the Metropolitan Court go to the Court of Appeals instead of to the District Court.</i></p> <ul style="list-style-type: none"> ⇒ The proposed constitutional amendment, authorized by SJR 1, 2017, provides that appeals on the record shall be taken “as provided by law.” ⇒ This statutory amendment eliminates on-record appeals from Metropolitan Court to the District Court and would save time and resources of prosecutors, public defenders, judges, and court staff. ⇒ On-record appeals from civil cases, DWI and domestic violence cases from the Metropolitan Court are reviewed by the Second Judicial District Court and are then afforded additional levels of review at the Court of Appeals and the Supreme Court. ⇒ The Second Judicial District Court handled 51 on-record appeals in FY15; 56 in FY16, 29 in FY17, and 27 in FY18.
<p>Jury Improvement Committee Proposal to Remove Affidavit Requirement</p>	<p><i>Amend §38-5-2 to provide that persons 75 and over may request an exemption from jury service without an affidavit.</i></p> <ul style="list-style-type: none"> ⇒ Section 38-5-2 provides that a person who is 75 or older who files an affidavit requesting an exemption for jury service shall be permanently exempt from jury service. ⇒ In FY18, approximately 9,497 persons age 75 or older asked to be permanently excused from jury duty. ⇒ The steps necessary to complete an affidavit are time consuming, expensive, and burdensome to both the courts and the citizens summoned. ⇒ While most states draw jurors from only one or two government data sources, New Mexico’s new jury management system draws data from three sources: voter registration, personal income tax information, and the department of motor vehicle records. These three data sources produce official “date of birth” information for 95% of all jurors and preclude the need for an affidavit to establish a person’s date of birth in nearly all cases.
<p>Sex Offender Probation Review</p>	<p><i>Amend §31-20-5.2 to (1) require the Department of Corrections to notify the district attorney of required probation review hearings and (2) require the district attorney to petition the district court to review the terms, conditions, and duration of a sex offender’s supervised probation.</i></p> <ul style="list-style-type: none"> ⇒ The district court “shall review the terms and conditions of a sex offender’s probation at two and one-half year intervals.” §31-20-5.2B. However, the court does not always know when a defendant has been released and a hearing is required. ⇒ The Probation and Parole Division of the Department of Corrections is the only entity that has access to this information and can accurately determine when the required two and one-half year interval review hearings are to occur. ⇒ The amendment will help ensure that required review hearings are timely scheduled over the entire course of a sex offender’s probation period.

New Mexico's Court System¹

Courts	Justices/Judges	Locations
Supreme Court	5	1
Court of Appeals	10	2
District Courts	94	34
Magistrate Courts	66	46
Metropolitan Court	19	1
Municipal Courts ²	83	80
Probate Courts ³	33	33
TOTAL	310	197

COMMUNITIES WITH MAGISTRATE AND MUNICIPAL COURTS

- ⇒ 42 with both Magistrate and Municipal Courts
- ⇒ 28 with District, Magistrate, Municipal, and Probate Courts
- ⇒ 1 with District, Magistrate, and Municipal Courts
- ⇒ 1 with Magistrate, Municipal, and Probate Courts

JURISDICTION

Supreme Court

- ⇒ Mandatory jurisdiction in certain criminal appeals (life imprisonment); appeals from the Public Regulatory Commission; disciplinary proceedings (judges and attorneys); election challenges and interlocutory appeals within mandatory jurisdiction
- ⇒ Discretionary jurisdiction in civil appeals; non-capitol criminal appeals; appeals from administrative agencies; juvenile appeals; certified questions from NM Court of Appeals and federal courts

Court of Appeals

- ⇒ Mandatory jurisdiction in civil, non-capitol criminal, administrative agency, and juvenile cases
- ⇒ Discretionary jurisdiction in interlocutory decisions

¹ Does not include Workers Compensation Administration

² Municipality and Municipal Court Data from NMML Directory

³ Probate Court Data from the New Mexico State Bar Directory

New Mexico's Court System

Jurisdiction (con't)

District Courts – General Jurisdiction

- ⇒ Tort, contract, real property rights, estate, contested probate
- ⇒ Misdemeanors and felonies
- ⇒ Domestic relations, mental health, juvenile matters
- ⇒ Criminal and civil appeals from lower courts
- ⇒ Jury trials

Magistrate Courts & Bernalillo County Metropolitan Court— Limited Jurisdiction

- ⇒ Tort, contract, landlord/tenant
- ⇒ Felony preliminary hearings
- ⇒ Misdemeanor
- ⇒ DWI and other traffic violations
- ⇒ Jury trials

Municipal Courts—Limited Jurisdiction

- ⇒ Traffic and other municipal ordinance violations
- ⇒ No jury trials

Probate Courts—Limited Jurisdiction

- ⇒ Informal probate
- ⇒ No jury trials



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Judicial Branch FY20 Budget Summary and Highlights

The total FY20 General Fund (GF) request is \$178,792,300 which is a 5.22% (\$8,865,200) increase over the FY19 GF Appropriation.

⇒	Operational (base) increase requests total	<u>\$6,091,700</u>
◇	Statewide Entities – Supreme Court and Court of Appeals	\$ 100,500
	To meet operational costs and fill vacancies	
◇	District and Metropolitan Courts	\$1,332,900
	To meet increased operational costs, cover operational shortfalls, and fill vacancies	
◇	Magistrate Courts	\$2,240,000
	<ul style="list-style-type: none"> • \$750,000 to move 18 fee-funded WEF Judicial Specialists 2s to GF, • \$550,000 to establish ROR Program, • \$300,000 to move a fee funded Project Coordinator to GF and fill vacancies, and • \$640,000 to fund lease cost increases 	
◇	Statewide Automation	\$1,506,300
	To move fee funded SCAF employees to GF and hire 4 positions (2 Trainers, a Quality Control Technician and a Business Analyst)	
◇	AOC Administrative Support Programs, Magistrate Division and Special Court Services	\$ 360,000
	<ul style="list-style-type: none"> • \$360,000 to fully fund the CAAF including social worker contracts • Transfer Authority: No general fund impact <ul style="list-style-type: none"> ◆ To transfer funds from AOC to District Courts to operate and consolidate the administration of the Magistrate Courts into the districts. ◆ Transfer \$500,000 GF from Jury & Witness Fund to AOC Administrative Support to fund: <ul style="list-style-type: none"> * FTE's for AOC Deputy Director and Guardianship Project Coordinator, * Move .5 FTE from grant funding to GF to assist with Guardianship Program, and * Fill vacancies 	
⇒	Compilation Commission	\$ 552,000
	To fund deficits due to reduced print sales.	
⇒	Workforce Investment Plan (WIP),	<u>\$ 298,400</u>
	To continue to fund the Judicial Branch's Workforce Investment Plan that began in FY18. Funding will be utilized to advance employees in accordance with the plan.	
⇒	Health Insurance and Rate Increases	<u>\$ 933,900</u>
⇒	Program or Position Expansions	<u>\$1,541,200</u>

Judicial Branch FY20 Budget Expansions

Court	Amount	Position or Expansion
Court of Appeals	\$120,800	Reporter of Decisions
2nd Judicial District	\$ 81,900	Guardianship Program
4 th Judicial District	\$135,200	Full time staff attorney and move a Judicial Specialist from part time to full time.
5th Judicial District	\$148,400	Bailiff and two Judicial Specialist 2s in Lea County
6 th Judicial District	\$ 55,900	Probation Officer 1 Luna County Felony Compliance program.
8 th Judicial District	\$ 69,000	Fund, in part, 3 requested FTE's
AOC: Administrative Support	\$830,000	HR Investigator and PIO Deputy Director (\$180.0) and move Judicial Education Center from UNM to AOC (\$650.0)
AOC: Special Court Services	\$100,000	Court Mediation Manager



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Impact of Workforce Investment Plan and Employee Salary Increases

The Judicial Branch's Workforce Investment Plan is designed to attract and retain a highly qualified, motivated, and professional workforce by ensuring that the Judiciary is able to:

- ⇒ Attract and retain our judicial specialist job series, which makes up nearly 50% of our workforce;
- ⇒ Reward employees' successful performance over time in a uniform, consistent, and statewide manner; and
- ⇒ Continue to reward experience and provide performance incentives for our highest achieving employees.

The Legislature has supported this plan by funding the salary movement for our judicial specialist job series necessitated by the December 2014 job re-measurement and implemented in 2017, and by authorizing pay increases for all staff during the 2018 legislative session.

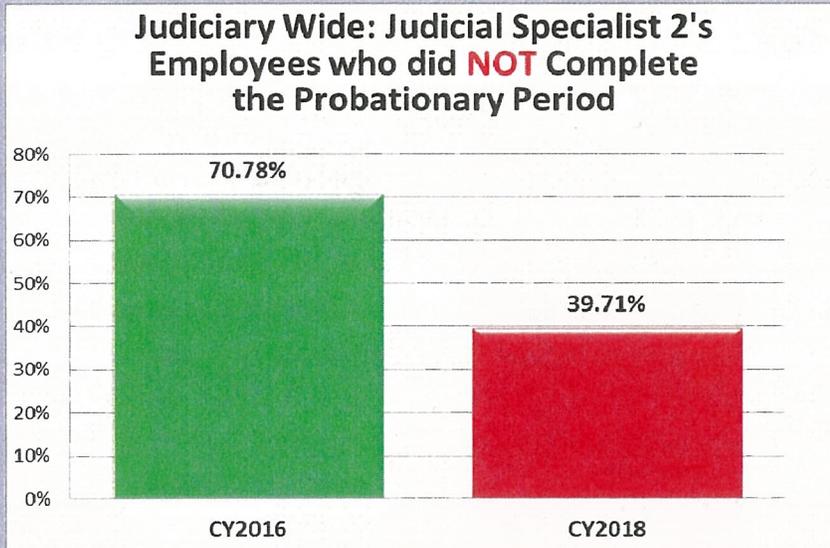
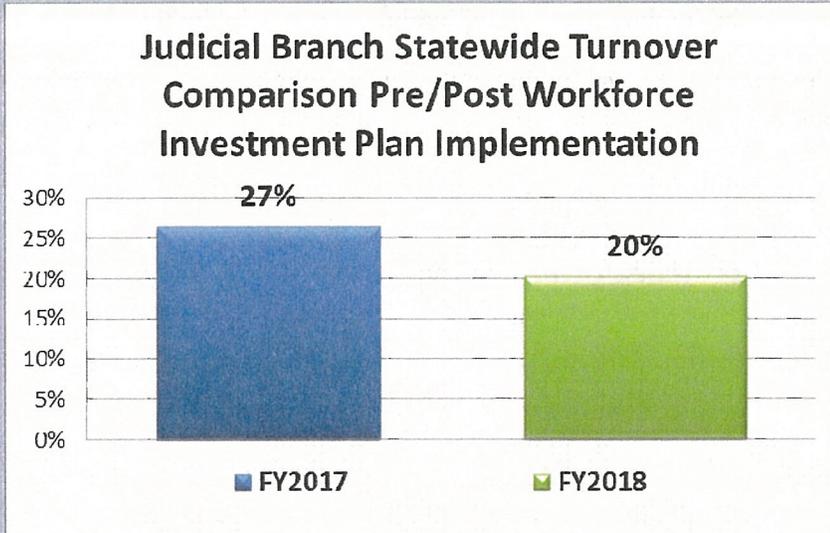
Declining Vacancy Rate

The five-year vacancy rate (FY2013-FY2017) in the magistrate courts has averaged 12.7% with a low of 8.6% in FY 2015, when magistrate clerks received a 5% pay increase, and a high of 15.6% in FY2013. In June of 2017, the vacancy rate was 11% and by October, the rate had climbed to 17% when we began to see a sharp decline due to the impact of the pay increase resulting from the re-evaluation and measurement of the duties performed by Judicial Specialists 2s, who represent 30% of the workforce. We saw another sharp decline just before implementation of the pay increase authorized by the legislature in 2018. The vacancy rate as of August was 7%.



Reduced Turnover

With higher pay ranges and improved starting salaries, the Judicial Branch has been better able to attract and retain more qualified candidates.



More Competitive Salaries

Judicial Branch employees received an average 4.5% pay increase effective July 1, 2018. This raised the average Judicial Branch compensation ratio from 94% to 97%, narrowing the gap between Judicial and Executive salaries

