

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 1/26/08

SPONSOR Kernan LAST UPDATED _____ HB _____

SHORT TITLE 5th District Staff Attorneys SB 278

ANALYST C. Sanchez

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
\$0	\$204.5	Recurring	General Fund
	\$8.4	Non-Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates,

\$105 thousand in HB 2.

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY08	FY09	FY10	3 Year Total Cost	Recurring or Non- Rec	Fund Affected
Total			Indeterminable		Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

Senate Bill 278 appropriates \$212,900.00 from the General Fund to the Fifth Judicial District Court in FY 2009 to hire two new staff attorneys and to reclassify the current law clerk position as a staff attorney position. Any unexpended or unencumbered balance remaining at the end of FY09 would revert to the General Fund.

FISCAL IMPLICATIONS

The bill contains sufficient funding for these positions. Total recurring costs would be \$204,500 for salaries and benefits for the two new positions and one upgraded position. Start-up costs of \$8,400 would be non-recurring, for a total appropriation of \$212,900.

The initial cost of the program of \$212,900.00 in fiscal year 2009 is subject to increased costs resulting from any increases in salaries and the costs of benefits for the three FTEs.

SIGNIFICANT ISSUES

The 5th Judicial District currently has 10 sitting judges, four in Chaves County and three each in Eddy and Lea counties, located approximately 100 miles from one another. The District is currently authorized only one law clerk to assist these 10 judges.

Staff attorneys and law clerks serve the court by reviewing cases on appeal; performing legal research and analysis; examining briefs, records and legal authorities cited; drafting opinions, orders and decisions for the judges' review and final approval; and providing updated information on recent decisions, opinions and changes to rules and statutes to ensure compliance with current law. This array of duties is extremely difficult for a single individual to perform efficiently and effectively, often forcing the judges themselves to carry out the functions, which may cause delay instead of expediting access to justice in the region.

The ratio of one staff attorney and/or law clerk to ten judges (1 to 10) in the 5th Judicial District is the highest of any judicial district in the State. Only the 2nd Judicial District (Bernalillo County/ Albuquerque) has more judges (26); six staff attorneys assist them, a ratio of 1 to 4.3. A more comparable district might be the 11th Judicial District (San Juan and McKinley counties), where eight judges are assisted by one full-time staff attorney, a ratio of 1 to 8.

Placing a full-time staff attorney in each county in the 5th Judicial District will assist the Chief Judge, other judges, court administrator, division supervisors, and various court committees – a District-wide total of 81 employees in the three separate physical locations – with updated information, legal advice and opinions.

PERFORMANCE IMPLICATIONS

The district courts are participating in performance-based budgeting. The staff attorney expansion in the 5th Judicial District should improve the approved output performance measures of the courts.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The HAFC draft of HB 2 includes \$105 thousand for 1 FTE staff attorney for the 5th Judicial District.

To avoid excess funds SB 278 should reduce the appropriation by \$105 thousand and 1 FTE.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

CS/bb