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FISCAL IMPACT REPORT

SPONSOR: Rainaldi DATE TYPED: 3/11/03 HB

SHORT TITLE: Magistrate Mediation Fee SB 114/aSJC

ANALYST: Wilson

REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY03	FY04			
	\$90.0	\$90.0	Recurring	Magistrate Media- tion Fund

(Parenthesis () Indicate Revenue Decreases)

Relates to:

- SB 91, Drug Court Fees
- HB 228, Increase Local Government Corrections Fund
- HB 258, Increase Judicial Education Fee

SOURCES OF INFORMATION

Responses Received From
Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of SJC Amendment

The Senate Judiciary Committee amendment to Senate Bill 114 makes technical amendments and simplifies the bill. There are no substantive changes.

Synopsis of Original Bill

Senate Bill 114 creates a non-reverting magistrate court mediation fund, to be administered by the Administrative Office of the Courts, to fund voluntary mediation programs in the magistrate courts.

SB 114 adds a \$5.00 filing fee for all civil cases filed in magistrate court to the schedule of magistrate costs. Persons whom the court determines to be indigent may be granted free process.

Significant Issues

Four magistrate courts, Roswell, Santa Fe, Clovis, and Silver City, have had impressive success with a pilot program using volunteer unpaid mediators for civil cases. Recent Roswell statistics show that approximately 100, or 10% of the civil cases filed, were referred to mediation. Of those there was a 70% success rate . Cases that are successfully mediated relieve pressure on the court's docket and lead to judgments that are easier to enforce, since the parties themselves craft the substance of the judgment. This in turn leads to reduced clerical time needed to process post-judgment relief documentation. A few volunteer mediators have also been trained in Las Cruces and Farmington.

The pilot program has been successful, but the original grant to train the volunteer mediators has ended. In exchange for receiving training, the volunteer mediators agreed to mediate a certain number of cases for no charge. The caliber of the volunteers, who came from all walks of life, was impressive. Now the volunteers have largely fulfilled their commitment and many have gone on to other endeavors. Funds are necessary to train additional mediators and to make the program available in as many magistrate courts as possible. The AOCs proposes to use the funds collected to hire a contract employee to oversee training programs for volunteer mediators and implementation of the courts' mediation efforts.

The mediation project serves important policy objectives as well. It provides significant public service, brings people to court in a positive way, encourages people to be involved in crafting solutions to their problems and broadens public knowledge of court processes.

FISCAL IMPLICATIONS

The appropriation of \$90.0 contained in this bill is a recurring expense to the magistrate court mediation fund and shall not revert to the general fund.

The AOC claims there were more than 18,000 civil cases filed last year in Magistrate court. At \$5.00 a case, the AOC estimates revenues of \$90.0.

ADMINISTRATIVE IMPLICATIONS

The anticipated revenue will be used to hire an experienced mediator as a contract employee who will be based at the AOC and will administer the program. This person will travel to train volunteers to mediate and train court personnel in the process of setting up mediations.

RELATIONSHIP

SB 114 relates to other bills that also seek to amend Section 35-6-1 by adding costs:

SB 91, Drug Court Fees

HB 228, Increase Local Government Corrections Fund

HB 258, Increase Judicial Education Fee

DW/yr:njw:yr