

1 SENATE JOINT MEMORIAL 41

2 **47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006**

3 INTRODUCED BY

4 Mary Kay Papen

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10 A JOINT MEMORIAL

11 REQUESTING THE THIRD JUDICIAL DISTRICT COURT AND THE DISTRICT  
12 ATTORNEY IN THE THIRD JUDICIAL DISTRICT TO WITHDRAW THEIR  
13 SUPPORT FOR CONSOLIDATION OF THE COURTS IN THE CITY OF LAS  
14 CRUCES AND DONA ANA COUNTY PENDING FURTHER REVIEW OF THE  
15 BENEFITS AND CONSEQUENCES.

16  
17 WHEREAS, a well-documented study of the Bernalillo county  
18 metropolitan court system by the administrative office of the  
19 courts concluded that "based on current attitudes and  
20 experiences... the public and lawyers are still critical of  
21 long waits, delays, expense (in time and money) and  
22 frustration"; and

23 WHEREAS, newspaper articles published since 2000 suggest  
24 the Bernalillo county metropolitan court system has continued  
25 to experience problems reporting that "tardiness, rudeness and

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1 a tendency to go easy on offenders are among the reasons a  
2 court watch group is recommending that half of the fourteen  
3 metro court judges who hear criminal matters should not be  
4 retained in this election"; and

5 WHEREAS, other newspaper articles have documented  
6 misconduct by Bernalillo county judges and judicial impropriety  
7 among judges in Bernalillo county; and

8 WHEREAS, in spite of warnings in 1979 from the New Mexico  
9 director of the administrative office of the courts that the  
10 legislature was trying to do in one session what it had taken  
11 Alabama six years to implement, the legislature rushed through  
12 the creation of the metropolitan court system in one year; and

13 WHEREAS, according to the administrative office of the  
14 courts' report, the Bernalillo county metropolitan court system  
15 has been plagued by administrative problems from the beginning,  
16 as evidenced by reports that case loads immediately increased  
17 by twenty-five percent, clogging up court operations and  
18 "causing the court to unravel"; and

19 WHEREAS, a report by the *Albuquerque Journal* said that  
20 "people are getting a horrible view of justice in America", and  
21 a report that in the second year of operation, one lawyer  
22 characterized the system as "still a zoo"; and

23 WHEREAS, in a survey of lawyers practicing in Bernalillo  
24 county in 1983, three years after it began operations, the  
25 *Albuquerque Tribune* summarized their characterization of the

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1 metro court as "chaos"; and

2 WHEREAS, the "Dona Ana County Court Consolidation  
3 Committee Report", written for the New Mexico legislature, the  
4 Las Cruces city council and the Dona Ana board of county  
5 commissioners estimates the cost of moving to a consolidated  
6 court system in Dona Ana county would triple costs from the  
7 current fiscal year 2005 figure of three million three hundred  
8 ninety-six thousand five hundred ten dollars (\$3,396,510) for  
9 all magistrate and municipal courts in the county to eleven  
10 million nine thousand nine hundred six dollars (\$11,009,906)  
11 for a consolidated court, while at the same time reducing the  
12 total number of judges from ten to seven;

13 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
14 STATE OF NEW MEXICO that the third judicial district court, the  
15 district attorney of the third judicial district and the city  
16 of Las Cruces withdraw their support for consolidation of the  
17 courts in the city of Las Cruces and Dona Ana county pending  
18 further review of the benefits and consequences; and

19 BE IT FURTHER RESOLVED that copies of this memorial be  
20 transmitted to the administrative office of the courts, the  
21 third judicial district court, the district attorney in the  
22 third judicial district and the mayor of the city of Las  
23 Cruces.