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## FISCAL IMPACT REPORT

ORIGINAL DATE 01/26/11

SPONSOR Wirth LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Create Appellate Transcription Fund SB 166

ANALYST Sanchez

### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY11	FY12	FY13		
\$0	\$125	\$125	Recurring	Appellate Transcription

(Parenthesis ( ) Indicate Revenue Decreases)

#### Responses Received From

Administrative Office of the Courts (AOC)

Administrative Office of the District Attorneys (AODA)

### SUMMARY

#### Synopsis of Bill

Senate Bill 166 creates the Appellate Transcription Fund. The non-reverting fund would consist of docket fees paid in the Supreme Court and the Court of Appeals. Currently, docket fees are allocated to the Supreme Court Automation Fund and the Metro and Magistrate Court Facilities Fund. SB166 increases the docket fee from \$125 to \$225 and allocates the docket fees to the Appellate Transcription Fund. Monies in the Transcription Fund will pay for costs associated with producing and administering transcripts in indigent appeals in criminal and abuse and neglect cases appealed to the Court of Appeals and the Supreme Court.

### FISCAL IMPLICATIONS

SB 166 creates a new fund in the state treasury.

According to the AOC, SB 166 will generate approximately \$125 thousand in additional yearly revenue. The funds will be used to pay the transcription costs in indigent appeals in both the Court of Appeals and the Supreme Court.

This bill creates a new fund and provides for continuing appropriations. The LFC has concerns with including continuing appropriation language in the statutory provisions for the newly

created funds, as earmarking reduces the ability of the legislature to establish spending priorities.

### **SIGNIFICANT ISSUES**

The Appellate Transcription Fund will help pay for court transcription costs.

Having a transcript made of the trial or hearing although somewhat expensive up front has the real possibility of saving money in the long run. Without a transcript of the hearing or trial each agency attorney and each appellate judge or justice that is involved in the appellate process has to review the audio record of the hearing or trial, usually in the form of a CD, and then prepare his or her own transcript with citations to that record. A citation to the record usually by reference to minutes and seconds identifies where in the audio record a particular witness testifies or an objection is made or the court rules, and is a necessary part of all appellate briefs. Consequently, three or four transcripts will often be made in each appeal of a criminal trial: one by the appellate defender, one by the assistant attorney general handling the case, and one by the appellate judge's law clerk, and if the case goes to the supreme court by the justice's law clerk. Reviewing an audio trial record and creating a transcript with citations to the record takes a considerably longer time than just reviewing a printed transcript of the trial or hearing. Consequently, the time saved by each attorney or law clerk by reviewing a prepared transcript as compared to creating his or her own transcript is multiplied by three or four. Therefore, having transcripts prepared has the real possibility of making the appellate process more efficient.

### **PERFORMANCE IMPLICATIONS**

According to the AOC, the creation of this fund will ensure prompt payment and preparation of appellate transcripts. This will assist both appellate courts to process appellate cases in a more timely and efficient manner.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Both the Supreme Court and the Court of Appeals will continue to try to pay for transcripts from their reduced general fund appropriations. As funding is reduced however, appeals involving indigent parties may be delayed, as appeals cannot proceed until transcripts are paid for and received.

CS/bym