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FISCAL IMPACT REPORT

SPONSOR Garcia, MP ORIGINAL DATE 02/03/21
LAST UPDATED _____ HB 189
SHORT TITLE Community Governance Attorney PGM Max Salary SB _____
ANALYST Dick-Peddie

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	NFI	NFI	NFI			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
New Mexico Attorney General (NMAG)
New Mexico Higher Education Department (NMHED)
University of New Mexico (UNM)

SUMMARY

Synopsis of Bill

House Bill 189 amends Section 21-21Q-3 NMSA 1978, to allow for the Community Governance Attorney Commission to adjust the maximum allowable salaries beyond \$50 thousand for attorneys pursuant to the Community Governance Attorney Act. The salary is not to be increased beyond that of entry-level attorneys paid by legal service assistance entities in New Mexico that receive funding from the federally established legal services corporation.

The effective date of HB189 would be is July 1, 2021

FISCAL IMPLICATIONS

The New Mexico Higher Education Department administered the Local Community Governance

Act Program in 2020 and reported in agency analysis they could do so again in future years, indicating there is no fiscal impact if HB189 were enacted.

SIGNIFICANT ISSUES

The Community Governance Attorney Act, passed in 2019, assists acequia associations, land grants, and colonias with legal services by providing tuition waivers or salary stipends. However, the legislation capped attorney compensation at \$50 thousand, which excluded some legal service groups from participating because their attorneys were compensated above the cap. According to AOC, providing more flexibility to compensating attorneys under the Act would help bring legal services to communities that need it. Entry-level legal aid attorneys now start at \$52.7 thousand and will increase to \$54.5 thousand in 2022.

The AOC also submitted statistics on the dwindling legal services available in the state, noting:

Access to Justice Gap:

20 percent of New Mexico counties have fewer than six attorneys available for parties in need of legal aid; three counties have none. Self-represented litigants tax the judicial system requiring more time in court.

Depleted Attorney Pool:

The average age for attorneys in New Mexico is 52. UNM School of Law has seen a thirty percent decrease in student enrollment over the last five years. With the dwindling law school enrollment the state is projected to see even greater shortages in legal services in the future.

Agency analysis from UNM noted that even though HB189 would broaden attorneys eligible for the program, the new estimated cap of \$52.7 thousand may still exclude otherwise qualified individuals from the program.

PERFORMANCE IMPLICATIONS

AOC believes HB189 could improve performance outcomes through decreasing the number of self-represented litigants, therefore improving following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type