

# New Mexico State Courts

2003 Annual Report



## Annual Message

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I am pleased to have this opportunity to share with you the New Mexico Judiciary's accomplishments in 2003. The courts continue to adapt to meet the challenges of the new millennium, and the Judiciary is fortunate to have committed and qualified staff working at all levels of courts statewide. Our dedicated staff allows us to serve the needs of the public in spite of limited funding.

When I addressed the Legislature last January, I described four initiatives that I am pursuing during my term as Chief Justice. I am proud of the progress we have achieved. In the area of family court practices, I established a statewide Domestic Relations Task Force to explore ways to contain the costs of divorce proceedings, to make the process less adversarial and to ensure that the children caught in the middle of a divorce do not become victims. The Task Force will provide me with recommendations by the end of July, 2004.

My second initiative is to promote the establishment of children's and/or family courts in each judicial district. With the help of the Court Improvement Project, we are exploring ways to ensure that children receive the time and attention they deserve. The best way to reach the goal of designated/permanent Children's or Family Court judge in each district is to first target those districts that receive new judgeships in upcoming funding cycles. Those districts will be asked to create a Children's or Family Court Division. A second way to reach our goal is when a judge retires, the district would then create a Children's or Family Court Division and assign the new judge to that division.

The Jury Improvement Standing Committee, ably co-chaired by Justice Edward L. Chavez and Judge Ted Baca, are exploring ways to implement my third initiative – to ensure jurors receive better care. The Administrative Office of the Courts has hired a full-time employee to support the work of the Committee.

Adequate security for both court staff and the public is my fourth initiative. The New Mexico Statewide Court Security Committee was created and is charged with following up on the recommendations of the New Mexico Court Security Assessment and Strategic Plan. I look forward to implementing their recommendations at the end of June, 2004.

The accomplishments of the Judiciary in 2003 are many. The Administrative Office of the Courts Judicial Information Division and the New Mexico Traffic Safety Bureau entered into a cooperative grant agreement to develop four DWI projects. The DWI Offender History Database is New Mexico's first centralized DWI information source. The Database received the Association of Transportation Safety Information Professionals Best Practices award and a Letter of Commendation from the Governor's Highway Safety Association. The Judiciary looks forward to collaborating with the Traffic Safety Bureau in the future to ensure that New Mexico remains on the cutting edge of technology in the area of DWI and other issues concerning public safety.

Drug courts continue to provide an excellent alternative to incarceration. During FY 03, the number of funded drug courts grew to twenty-four. The Legislature funded a classified position within the AOC for a statewide drug court coordinator, and the coordinator has worked with the Drug Court Advisory Committee to further refine drug court standards, including standards for program fee collection and expenditures.

The Judiciary continues to pursue the goals of its strategic plan. As I said last January, the Judiciary cannot maintain justice without adequate funding. The Judiciary looks forward to working with the Executive and Legislative branches to ensure we receive the resources we need to maintain justice in the thirteen judicial districts, fifty-three magistrate courts, the Bernalillo County Metropolitan Court, and our two appellate courts.

With great pleasure, and with gratitude to our many dedicated and hard-working employees, I present the New Mexico Judiciary's 2003 Annual Report.



Petra Jimenez Maes, Chief Justice  
New Mexico Supreme Court

# The New Mexico Judiciary

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**New Mexico Supreme Court:** The Supreme Court consists of five Justices and is located in Santa Fe. The Supreme Court is the court of last resort and has superintending control over all inferior courts and attorneys licensed in the state.

*The Supreme Court has mandatory appellate jurisdiction in:* criminal matters in which the sentence imposed is life in prison or the death penalty, appeals from the Public Regulation Commission, appeals from the granting of writs of habeas corpus, appeals in actions challenging nominations, and removal of public officials.

*The Supreme Court has discretionary jurisdiction in:* denials of petitions for writ of habeas corpus, petitions for writ of certiorari to the Court of Appeals, other extraordinary writ matters, and certified questions either from the Court of Appeals or federal courts.

**New Mexico Court of Appeals:** Ten judges preside, sitting in panels of three. The court has offices in Santa Fe and Albuquerque.

*The Court of Appeals has mandatory jurisdiction in:* civil, non-capital criminal, and juvenile cases.

*The Court of Appeals has discretionary jurisdiction in:* interlocutory decision cases and administrative agency appeals.

**District Court:** Seventy-five judges preside. There are thirteen judicial districts. District courts are courts of general jurisdiction which may hold jury trials.

*The district court has jurisdiction to hear:* Tort, contract, real property rights, estate, felonies; exclusive jurisdiction in domestic relations, mental health, appeals from administrative agencies and lower courts, and juvenile matters.

**Magistrate Court:** Sixty-two judges preside. There are 53 magistrate courts. Magistrate courts are courts of limited jurisdiction which may hold jury trials.

*The magistrate court has jurisdiction to hear:* Tort, contract, real property rights (\$0-10,000); felony preliminary hearings; misdemeanors; first, second and third degree DWI/DUI and other traffic violations.

**Bernalillo County Metropolitan Court:** Sixteen judges preside. The Metropolitan Court is a court of limited jurisdiction which may hold jury trials.

*The Metropolitan Court has jurisdiction to hear:* Tort, contract, real property rights (\$0-10,000); felony preliminary hearings; misdemeanors; first, second and third degree DWI/DUI and other traffic violations.

# Special Programs

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The Administrative Office of the Courts (AOC) Judicial Information Division (JID) and the New Mexico Traffic Safety Bureau (TSB) entered into a cooperative grant agreement to develop four projects aimed at addressing DWI issues in New Mexico:

- The New Mexico **DWI Court Monitoring Program** provides consistent, Judiciary-wide DWI reporting methods to state agencies, the public and other government entities by enhancing and monitoring the accuracy, integrity and effectiveness of data entry, data collection and data dissemination related to magistrate court activities on DWI offenses filed in the courts. Reports enable courts to increase data integrity, verify fee collections, track DWI convictions per arresting agency, and monitor alcohol screening events docketed in the FACTS™ case management system.
- The “**DWI in New Mexico**” web page is available to the public on the New Mexico Judiciary’s website at [www.nmcourts.com](http://www.nmcourts.com). The web page contains DWI reports on dispositions, charges, data errors, sentencing, convictions and dismissals, financial assessments and collections, alcohol screening and statute compliance in magistrate courts.
- The **DWI Offender History database** is New Mexico’s first centralized DWI information source, containing DWI prior conviction information for magistrate, district, metropolitan and municipal courts. The database contains identifying information pertaining to the offender, court location, case number, case charges and dispositions, and provides a link to the Judiciary’s Case Lookup application. The database contains over 260,000 DWI cases. In July 2003, the Association of Transportation Safety Information Professionals awarded the DWI Offender History database the Best Practices national award. The DWI Offender History was also awarded a Letter of Commendation from the Governor’s Highway Safety Association in July of 2003.
- The **Statewide Traffic Records System** is a statewide, multi-departmental effort to facilitate the sharing of key traffic records information under the direction of the State Traffic Records Coordinating Committee (STRCC), an interagency committee created to coordinate traffic records information and quality issues and to jointly implement solutions.

The **Judicial Performance Evaluation Commission** (JPEC) continues its work in conducting evaluations of New Mexico judges on a number of attributes and behaviors, all of which fall into the categories of integrity, legal knowledge and decision-making abilities, communication skills and preparation, attentiveness and ability to maintain control over court proceedings.

The **Court Improvement Project** (CIP) increased funding in the Court Appointed Attorney Fee Fund; developed a model and secured contracts for court appointed attorneys in most judicial districts; provided limited training at the annual Children’s Law Institute; and created the Corinne Wolfe Children’s Law Center at the Institute of Public Law at the University of New Mexico. The Project’s most recent endeavor has been to develop performance standards, recently approved by the New Mexico Supreme Court, for court appointed attorneys serving in child abuse/neglect cases.

Originally a Court Improvement Project initiative, the **Tribal-State Judicial Consortium** held its fourth annual conference – the **2003 Four Corners Tribal, State, & Federal Judicial and Law Enforcement Exchange** – in Albuquerque, New Mexico. The three-day event was hosted by the Supreme Courts and the Court Improvement Programs of Arizona, Utah, Colorado and New Mexico, as well as the Colorado-New Mexico Indian Court Judges Association and the Supreme Court of the Navajo Nation, the Department of Justice, the Department of Health & Human Services, and the International Association of Chiefs of Police.

The Exchange brought together tribal, state, and federal judges; social service agency staff; law enforcement personnel; service providers and others to address questions of mutual concern, including issues of full faith and credit, recognition and enforcement of protection orders, child support enforcement, and jurisdiction. The emphasis of the Exchange was on child and family issues, including child abuse and neglect, child support enforcement, family violence, and violence against women.

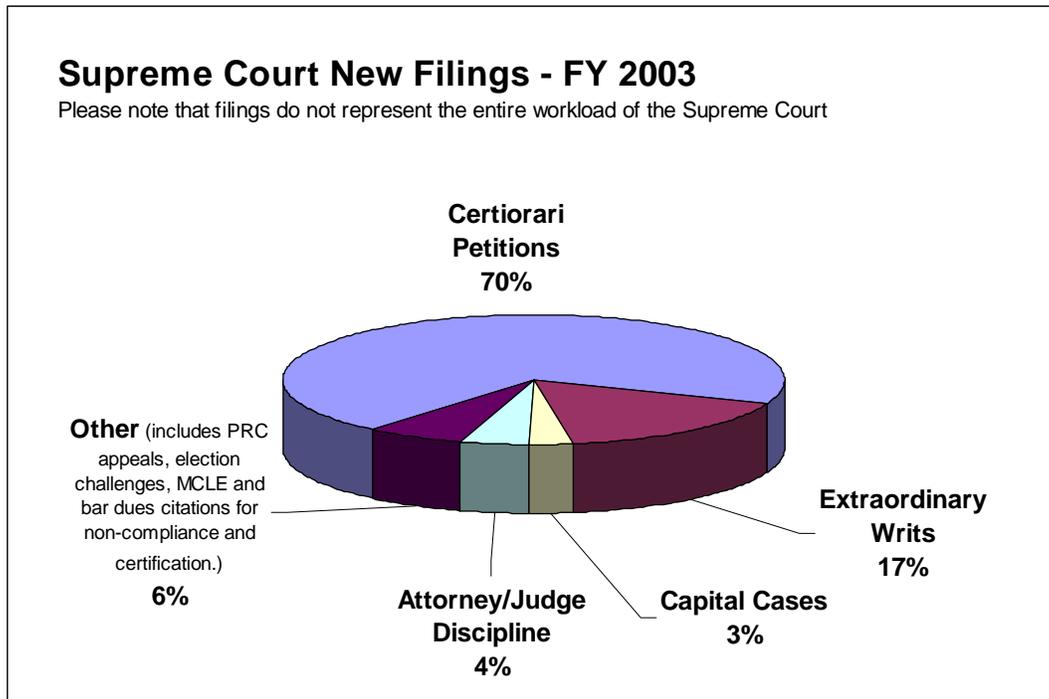
The **Warrant Enforcement Program** (WEP) collects outstanding fines and fees for the magistrate courts. In Fiscal Year 2003, the program collected \$3,089,208 in outstanding fines and fees and collected \$1.76 million in bench warrant fees, for a total of \$4,849,208.

The Administrative Office of the Courts, in partnership with the Children, Youth and Families Department, offers **Mediation in Abuse and Neglect Cases**. The program currently includes twelve counties in six judicial districts. Mediation is available from investigation through case closure, with most cases being mediated at the adjudicatory stage (once the child has been removed from the home).

Additionally, the Sixth Judicial District offers mediation to families involved with both the protective services division and the juvenile justice divisions of CYFD to assist parties in reaching an agreement that protects the child while also addressing the family's needs. The program experienced a 54 percent increase over the prior year's referrals.

The Second Judicial District established **Say No to Abusing Power** (SNAP), a violence prevention program designed to intervene in adolescent violent behavior towards family members. Thirty youths participated in the program in FY 03, and 160 family members attended SNAP court with their children.

The eighth annual **Howell Heflin award** was presented to the Judicial Education Center (JEC) for its judicial education website which features web-based educational programming for judges and court staff. In particular, the award recognized JEC's Alternative Dispute Resolution web course for judges and court mediators. JEC also hosted the annual conference of the National Association of State Judicial Educators.



# Specialized Courts

## Drug Courts:

- During FY 03, the number of funded drug courts in New Mexico grew to twenty-four – six adult/felony; six DWI; eleven juvenile; and one family dependency drug court. Recurring funding from the 2003 Legislature grew by \$3 million.
- The Legislature funded a classified position for a statewide drug court coordinator, who worked with the Drug Court Advisory Committee (DCAC) to further refine drug court standards, including standards for program fee collection and expenditure.
- The AOC applied for a BJA Congressionally Mandated award, with the help of United States Senator Jeff Bingaman's office. The grant award of \$496,230 will be used to expand an existing and to create two new family dependency drug courts.

defense attorney. The team provides services such as housing assistance, counseling, substance abuse services, education, work skills development, and medical care.

- For several years, the Bernalillo County Metropolitan Court has worked collaboratively with the mental health community to balance protecting public safety with providing treatment to mentally ill individuals who enter the criminal justice system. **Mental Health Court** provides the means to divert mentally ill offenders from prosecution or as a sentencing alternative to jail, when appropriate. The Court serves as a single point of contact where a team of specialists work with mentally ill offenders to develop treatment plans, obtain services, and provide supervision and monitoring. Mental Health Court helps individuals who are not in immediate crisis and/or may not be competent to secure access to housing, treatment and community support.

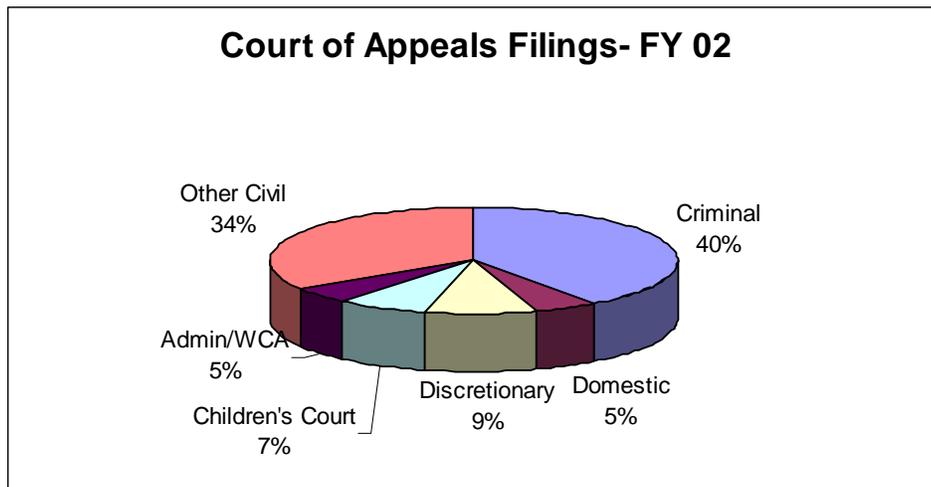
## Bernalillo County Metropolitan Court:

- The **Domestic Violence Early Intervention Program** uses a team-oriented approach to provide intense supervision with frequent one-on-one sessions, extensive alcohol and drug screening, and counseling services tailored to the needs of each participant. In addition, the program provides services to victims of domestic violence.
- **Homeless Court** identifies persons who have prepared or are preparing themselves to break away from the homeless cycle. The judge reviews the case and refers the candidate to treatment providers and a volunteer private

The **Court Appointed Special Advocate (CASA)** program recruits, screens, trains and supervises volunteers who advocate for the best interest of children who come into the court system primarily as a result of abuse or neglect.

The Second Judicial District began planning a **Truancy Court** in May, 2003, which will collaborate with the Albuquerque Public Schools in an effort to stop truancy among public school students who demonstrate a pattern of excessive unexcused absences.

The Third Judicial District's **Teen Court**, established in 1994, provides an alternative sentencing program for teenage first offenders.



# Goal 1: Improve Case Flow Management to provide timely and fair proceedings

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The Supreme Court identified **Improvement of Jury Service** as a priority and, in conjunction with the Standing Committee for the Improvement of Jury Service, instructed the Civil and Criminal Uniform Jury Instruction committees to draft instructions that incorporate the standing committee's recommendations.

The Court of Appeals used its **Case Management Calendaring System** to average less than six months from notice of appeal to decision in approximately 65 percent of its caseload. For the second year, the Court of Appeals utilized a program to transcribe audiotaped proceedings for indigent criminal appeals and cases involving the termination of parental rights, providing a substantial cost saving to the state by reducing the time spent listening to tapes in order to review the record on appeal. The Court of Appeals referred most civil cases that are not decided on its summary calendar to its appellate mediator for mandatory mediation. The mediation settlement rate increased by 3 percent to 33 percent in FY 03.

The Judicial Information Division began statewide training and implementation of Supreme Court approved **District Court Data Standards** in May, 2003. The Standards address the growing demands for reliable statistics, reliable measures, and the need for consistency of information and data entry. The Standards deal with:

- Definition of a criminal case
- Disposition codes for all case types
- Standards for key case processing dates
- Tracking the six month rule in criminal cases and counterpart rules in juvenile cases
- Delinquency cases
- Counting jury trials
- Correctly categorizing habeas corpus and lower court competency cases
- Tracking time from submission to decision under Rule 1.054.1
- Reopening cases

Because pilot volunteer **Mediation Programs** in selected magistrate courts proved successful, the Legislature enacted a five-dollar mediation filing fee in civil cases filed in magistrate courts to expand mediation programs to other magistrate courts.

The **First Judicial District Court** received a two-year grant to provide vocational and educational training to court clients and designated one of its seven judges as a Children's Court judge.

The **Second Judicial District Court** created a case tracking program using bar codes and a hand-held scanner to track case files in the Criminal Division and installed a web-based calendar to track appointments, job schedules, reservations for audio equipment, and staff schedules.

The **Third Judicial District Court** continued to use Differentiated Case Management procedures in the Court's civil divisions and implemented data standards to monitor case management and measure effectiveness of court processes. The Court also provides a Pro Se Clinic in which volunteer attorneys from the community provide legal services to those in need of legal advice.

The **Fourth Judicial District Court** provided regularly scheduled clinics and provided forms to self-represented litigants.

The **Fifth Judicial District Court** employs full-time staff dedicated to assisting self-represented litigants in Chaves and Eddy counties.

The **Seventh Judicial District Court** volunteered to be the pilot court for the data standards rollout, used juror exit questionnaires to improve the quality of jury service, and began implementation of a mediation program.

The **Eighth Judicial District Court** contracted with a mediator to provide alternative dispute resolution services to court users.

One of the **Ninth Judicial District Court's** three judges retired from the bench and another was appointed to the Federal bench. The district continued to operate as efficiently as possible without sacrificing services to court users during the transition time.

Judges in the **Twelfth Judicial District Court** in Otero County implemented a program to expedite the flow of criminal cases, which allows civil cases to proceed in a timely fashion.

## Goal 2: Provide training to enhance the skills of judges and court staff

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The **Supreme Court** encouraged staff to attend training through other state agencies, leadership courses, and the Governor's Annual Career Conference. Appellate attorneys attended substantive law classes to enrich their knowledge of the law. Supreme Court Justices attended all training sessions offered by the Judicial Education Center and through the Conference of Chief Justices.

The **Court of Appeals** implemented a cross-training program in the Clerk's Office to ensure that all judicial specialist duties can be performed by several people. The Court instituted an exchange program in which employees observe employees in other divisions of the Court, in district courts and the Worker's Compensation Administration. One employee of the Court earned her Bachelor's degree with honors in business using educational leave granted under the New Mexico Judicial Branch Personnel Rules and another employee worked toward an associate's degree in computer science.

Supreme Court justices and Court of Appeals judges provide annual training for new law clerks hired each fall, and the justices and judges attend the annual Judicial Conclave coordinated by the Judicial Education Center.

### The **Judicial Education Center**:

- Produced conferences for every group of judges and clerks within the state Judiciary, including regional training programs for district court staff, a law and literature seminar and a seminar to train judges to perform community outreach on DWI.
- Co-sponsored the annual Children's Law Institute and sponsored two semesters of the Judicial Studies 101 course at Albuquerque's Technical Vocational Institute, as well as a semester of the Navajo Court Interpreter Training and Certification Institute.
- Offered an eight-week online course entitled *Handling Domestic Violence Cases*, a series of lectures, interactive exercises and resources on domestic violence.
- Published benchbooks and handbooks, and helped fund training programs for fifty-five judges and court personnel for out-of-state training programs.
- Implemented its new regional education model for district courts and consulted with the Judicial Performance Evaluation Commission, the Judicial

Standards Commission, and the Court Improvement Project to ensure pertinent programming on issues of importance to judicial development and improvement.

- Continued its online interactive trial on domestic violence for New Mexico courts and continued to work with the National Association of State Judicial Educators to develop a web-based resource library for judges and judicial educators nationwide on drunk driving cases.

The **First Judicial District Court** held its first regional training seminar at the Santa Fe Community College and provided budget training for all judicial branch units.

The **Second Judicial District Court** offered specialized training for employees geared toward their assignment within the court; provided orientation manuals for new hires; provided legal research training for judges.

The **Third Judicial District Court** designed and implemented a program to train mediators in both mediation and water law, thereby providing a fair and expeditious process for resolving disputes associated with the Lower Rio Grande Stream Adjudication and disputes arising from the rights to use surface and ground water of the Rio Grande basin.

Two employees of the **Fifth Judicial District Court** have graduated from the National Center for State Courts Institute for Court Management and one employee has graduated from the Court Manager program.

Judges and drug court staff of the **Eighth Judicial District Court** attended the New Mexico Drug Court Conference. The domestic violence program director attended the New Mexico Coalition Against Domestic Violence and attended a forum sponsored by the National Latino Alliance for the Elimination of Domestic Violence. Bailiffs attended enhanced court security training, and a domestic violence special commissioner provided training to court staff on domestic relation issues.

The **Twelfth Judicial District Court** provided supervisors with management development opportunities and provided employees with job-related training.

## Goal 3: Provide reasonable and affordable access to justice in safe and adequate facilities

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The **Supreme Court** established a five-year plan to convert existing microfilm to an imaging system that will allow each employee in the Clerk's Office to retrieve documents and assist customers with more efficient production of information.

The **Supreme Court Law Library**, despite a shortage of funds both for the library collection and staff, continued to provide access to legal information to the bench, the bar, the government and the citizens of New Mexico, as well as coordinating training in computer-assisted research for court personnel. The Law Library negotiated a flat-rate contract for public use of the Westlaw information system, making legal information resources available to self-represented litigants, sole practitioners and small law firms.

The Library continued to provide service to the public via the Internet and experienced an increase both in visits to its web site and direct queries to the library through e-mail.

The **Court of Appeals** solicited feedback on its opinions by sending survey forms to attorneys and litigants with each opinion. The survey return rate is almost 20 percent, and survey responses indicate overall satisfaction with the Court's work as a whole. The surveys are one of the Quality Committee projects which the Court implemented to assess and improve the work of the Court. The Court participated in the Quality New Mexico assessment program and has twice earned Quality New Mexico's Pinon award.

Work continues to provide **Magistrate Courts** with safe and adequate facilities, including security improvements in the Las Cruces and Mora magistrate courts. The magistrate courts in Clovis and Artesia moved into new courthouse facilities and construction began on new courthouse facilities in Grants and Roswell.

The **Third Judicial District Court** began a review and update of the district's security manual.

The **Fourth Judicial District Court** implemented security measures in the courthouse and began working with the county to plan a new courthouse in San Miguel County.

The **Fifth Judicial District Court** continued renovations to the Chaves County Courthouse, which has been designated on the State and National Registers as a Historic Property.

The **Seventh Judicial District Court** completed construction of the Neil P. Mertz Judicial Complex in Torrance County and developed safety manuals and disaster plans for each of the four courthouses in the district.

The **Eighth Judicial District Court** implemented security measures, hired a bailiff, acquired security equipment and participated in the planning of a new judicial complex.

The **Tenth Judicial District Court** installed an enhanced sound system for hearing impaired court users.

The **Thirteenth Judicial District Court** hired an experienced court administrator; began construction of the new Sandoval County Courthouse and began the design phase of a new courthouse for Valencia County. The Court solicited guidance from Intel in the design of the Sandoval County Courthouse on how to acquire Courtroom 21 technology.

## Goal 4: Obtain adequate funding and resources for court operations

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The Legislature approved **three new Judgeships** in FY 03 – one in the Third Judicial District, one in the Sixth Judicial District and one in the Thirteenth Judicial District. The Thirteenth Judicial District, in response to the Chief Justice’s initiative, has designated the new judge as a family court judge.

The Legislature appropriated \$400,000 to the **Water Rights Adjudication Fund** to pay judges *pro tempore*, special masters, law clerks and judicial specialists and to pay capital outlay, travel and other expenses incurred by the district courts in water rights adjudication cases.

The Legislature allocated funding to the Administrative Office of the Courts to conduct a **Court Staff Workload Study**, scheduled for completion in June of 2004. The purpose of the study is to identify and measure the work done by court staff in New Mexico.

The **Magistrate Court Division** of the Administrative Office of the Courts continues to analyze staff and judge need using caseload studies. Three clerk positions which came vacant by attrition were transferred from overstaffed courts to understaffed courts.

## Goal 5: Obtain and use technology to collect, process and share information needed to process cases and manage resources

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The **Court of Appeals** images closed files on CD-ROMs, which are available for viewing in the Supreme Court Law Library. The Court uses its website (<http://coa.nmcourts.com>) to provide information about the judges and the Court, caseload, statistics and procedural information.

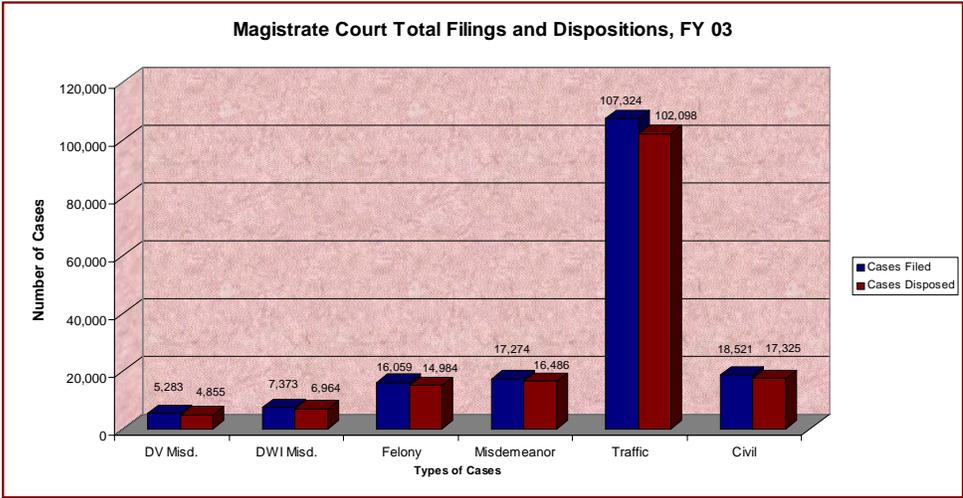
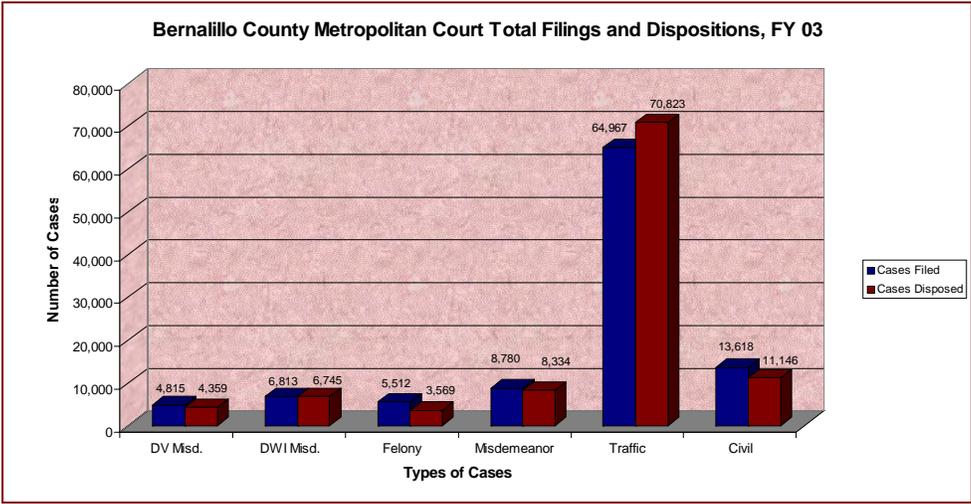
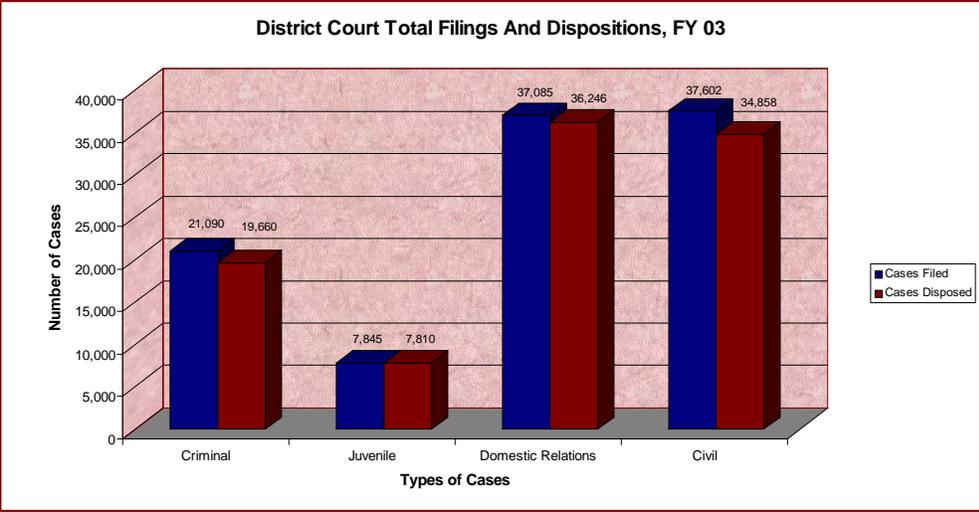
The Judicial Information Division of the Administrative Office of the Courts continues its rollout of **Video Arraignment and Video Conferencing** equipment in New Mexico magistrate courts and detention facilities. Conducting video arraignments not only reduces security risks in magistrate courts but also reduces the cost of transporting inmates to court for arraignment by law enforcement agencies.

The **Second Judicial District Court** developed an Intranet supply ordering system, allowing employees to place supply orders via the Intranet and began work on a redesign of the Court’s web site.

The **Twelfth Judicial District Court** implemented an electronic law library in both counties of the district.

The Judicial Information Division of the Administrative Office of the Courts continued work on three projects:

- **Jury management.** Installed and provided hands-on application and user training in twenty-nine district court locations.
- **Drug Court Secure Access Data Collection.** Developed an automated method for securely collecting and storing all confidential drug court data in compliance with all Federal confidentiality regulations pertaining to drug courts.
- **Protective Order Data Sharing.** Developed method to transmit protective order data from the district courts to the Department of Public Safety over a secure data line for subsequent transmission to the national FBI Domestic Violence Database. Law enforcement officials from anywhere in the country can access the FBI Domestic Violence Database to confirm the existence of a valid New Mexico protective order, thereby enhancing their ability to protect victims of domestic abuse in New Mexico.





New Mexico Supreme Court