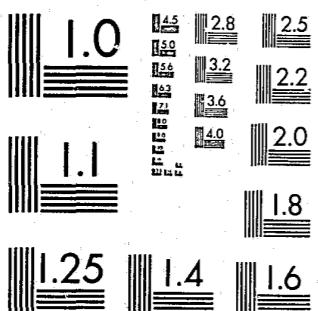


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# THE JUDICIAL COUNCIL OF NEW MEXICO

82652

Thirteenth Annual Report

December 31, 1981

**NEW MEXICO  
JUDICIAL  
COUNCIL**

P.O. BOX 4007

ALBUQUERQUE, N.M. 87196-4007



**MANNY M. ARAGON**  
Chairman  
**MARSHALL MARTIN**  
Vice-Chairman  
**DAVID R. GARDNER**  
Director  
(505) 842-3102

January 18, 1982

The Honorable Bruce King, Governor  
State of New Mexico

The Honorable Members of the  
New Mexico State Legislature

The Honorable Justices of the  
New Mexico Supreme Court

Dear Governor, Members of the Legislature and Justices of the  
Supreme Court:

I am submitting herewith the 1981 annual report of the New Mexico Judicial Council, pursuant to §34-12-5, NMSA, 1978 which directs the Judicial Council to "submit a report of its proceedings and recommendations to the legislature, the governor and the supreme court each year."

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. M. Aragon".

Manny M. Aragon Chairman  
New Mexico Judicial Council

U.S. Department of Justice 82652  
National Institute of Justice

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Manny M. Aragon, State Senator, Albuquerque - Edward J. Eaca, Director, Administrative Office of the Courts, ex-officio, Santa Fe - Dr. James A. Beall, Ruidoso - Jeff Bingaman, Attorney General, Ex-officio, Santa Fe - W. John Brennan, District Judge, Albuquerque - Robert Desiderio, Dean of UNM Law School, ex-officio, Albuquerque - Tandy L. Hunt, State Representative, Roswell - Patricia Madrid, District Judge, Albuquerque - Russell D. Mann, Lawyer, Roswell - Marshall Martin, Lawyer, Albuquerque - Joseph H. Mercer, State Senator, Albuquerque - Sammy Pacheco, District Attorney, Taos-H. Vern Payne, Supreme Court Justice, Santa Fe, - Lidio Rainaldi, Magistrate, Gallup - N. Randolph Reese, District Judge, Hobbs - Olivia Rothschild, Las Cruces - Raymond D. Sanchez, State Representative, Albuquerque - Mary C. Walters, Court of Appeals Judge, Santa Fe - Mary Margaret Wilson, Albuquerque.

## JUDICIAL COUNCIL

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**ACQUISITIONS**

### New Legislation

The legislature in 1981 passed a special bill which in essence re-established the Judicial Council along the same lines as it has previously existed, but provided funding to substantially increase the staff. The staff increase was to enable the Council to more fully carry out its duties. The new law became effective with the beginning of the fiscal year in July.

### Membership

The composition of the Council was not changed by the new law. There are nineteen members of the Council. At the close of the year the membership was as reflected in Table 1. Others who served on the Council during the year and whose terms expired, or who resigned, were Judge Gene Franchini, Judge B. C. Hernandez, Ira Robinson, Jo-Carol Ropp, Tom Rutherford, and Hal Stratton.

### Duties

The duties of the Judicial Council are contained in Section 34-12-3 of the New Mexico Statutes Annotated, 1978 Compilation, as amended. The Council is to:

- a. continuously study the administration and operation of all the courts in the state;
- b. investigate criticisms and suggestions pertaining to the administration of justice;
- c. keep advised concerning the decisions of the courts and the legislature affecting the organization and operation of the courts; and
- d. recommend desirable changes to the legislature and the supreme court.

### Meetings

The law requires the Council to meet at least four times a year, including at least one session where the public is invited to submit complaints, observations or recommendations concerning the administration of justice in the courts of the state. During 1981 the Council held eleven meetings. Eight of the meetings were held in Albuquerque and two in Santa Fe. A meeting was held in Truth or Consequences in May to which the public was invited to submit complaints, observations and suggestions. All meetings are open to the public, and are generally held on the second Friday of each month.

### Cooperation and Assistance

The Council has received very good cooperation from district court clerks, county officials and employees, judges, district at-

Table 1 Judicial Council Membership

Name	Position	Appointed By	Term Expires	Residence
Vern Payne	Supreme Court Justice	Supreme Court	N/A	Santa Fe
Lidio Rainaldi	Magistrate	Supreme Court	N/A	Gallup
Mary Walters	Court of Appeals Judge	Court of Appeals	N/A	Santa Fe
James Brown	District Judge	District Judges	12-31-81	Farmington
Randolph Reese	District Judge	District Judges	12-31-82	Hobbs
Patricia Madrid	District Judge	District Judges	12-31-83	Albuquerque
Manny Aragon	Senator	President Pro Tem of the Senate	N/A	Albuquerque
Joseph Mercer	Senator	President Pro Tem of the Senate	N/A	Albuquerque
Tandy Hunt	Representative	Speaker of the House	N/A	Roswell
Raymond Sanchez	Representative	Speaker of the House	N/A	Albuquerque
Russell Mann	Lawyer	Board of Bar Commissioners	12-31-84	Roswell
Marshall Martin	Lawyer	Board of Bar Commissioners	12-31-83	Albuquerque
James Beall	Lay Member	Governor	12-31-81	Ruidoso
Olivia Rothschild	Lay Member	Governor	12-31-83	Las Cruces
Mary Wilson	Lay Member	Governor	12-31-84	Albuquerque
Sammy Pacheco	District Attorney	Governor	12-31-82	Taos
Robert Desiderio	Dean of the Law School	Ex Officio	N/A	Albuquerque
Jeff Bingaman	Attorney General	Ex Officio	N/A	Santa Fe
Edward Baca	Director of the Adminis- trative office of the Courts	Ex Officio	N/A	Santa Fe

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torneys, and other state agencies during the year. This has greatly facilitated the work of the Council, and it appreciates that assistance.

Budget

The budget for the 69th fiscal year, ending June 30, 1981, was \$48,600. With the new legislation the Council's budget for the 70th fiscal year was increased to \$190,500. That budget was composed of the following items and amounts:

Salaries	\$117,452
Employee Benefits	18,843
Travel	4,096
Maintenance & Repairs	300
Supplies	1,244
Contractual Services	28,600
Board & Commission	9,500
Capital Outlay	9,800
Out-Of-State Travel	700
	<u>\$190,535</u>

The budget for salaries and employee benefits increased substantially. In the prior fiscal year the Council staff consisted of an executive secretary and a secretary-bookkeeper, both of whom were employed only on a three-quarter time basis. In the current fiscal year the staff has expanded to include an administrative assistant, a staff attorney, a courts analyst, and a secretary, all on a full time basis. The travel and supplies categories increased to meet the needs of the staff, and in the contractual services category there were large increases for rent (new office space had to be acquired,) postage, and telephone services. Another cost of expansion has been for office furniture and equipment.

Offices and Staff

The Judicial Council has offices on the fourth floor of Pan American Plaza, 2300 Menaul N.E., Albuquerque, New Mexico. The mailing address is:

New Mexico Judicial Council  
P. O. Box 4007  
Albuquerque, NM 87196-4007

The telephone numbers are: (505) 842-3101 and (505) 842-3102.

The staff members are:

David R. Gardner  
Edward "Lee" Gonzales  
Patricia Bradley  
Maggie Gombos

Director  
Administrative Assistant  
Staff Attorney  
Courts Analyst

Trinnie Lujan  
Yolanda Pino

Secretary-Bookkeeper  
Secretary

#### PROGRAMS AND STUDIES

The Judicial Council has, in addition to the executive committee, six standing committees which carry out various studies for the Council. Each committee has from three to seven members, and most members of the Council serve on two committees. Each committee has a member of the Council staff assigned to it. The committees generally meet monthly. The six committees are:

- The Redistricting Committee
- The Judicial Qualifications and Manpower Committee
- The Appellate Court Study Committee
- The District Court Study Committee
- The Limited Jurisdiction Court Study Committee
- The Criminal Justice Study Committee

Most, but not all, of the programs and studies of the Council are carried out under the direction of one or another of the committees.

#### Citizen Monitoring of Magistrate Courts

Early in 1980, Court Update, an organization of New Mexico citizens concerned about the administration of justice in the state courts, asked that the Council sponsor its application for a federal grant for a court monitoring project in the state's magistrate courts. The Council agreed, and the project was initiated on May 15, 1980. The project was scheduled for completion in May, 1981, but the schedule has been revised and it is now hoped that it can be completed by June, 1982.

Court Update established the following goals for the project:

1. To identify the problems in the Magistrate Courts, whether in lack of equipment, improper facilities for a court, inefficiency in procedures, management and service to the public, or inadequacy of support personnel.
2. To gain judicial and public support for solutions to these problems.
3. To open and maintain effective lines of communication between citizens and their judges.
4. To gather facts about the courts to bring to the public.
5. To overcome the reluctance on the part of the public to serve on juries.

In a brochure to recruit monitors, the project was described as follows:

Trained lay volunteers will monitor the Magistrate Courts

### District Court Facilities

and collect data on standardized forms. A careful analysis of these data will furnish the basis of recommendations to the Judicial Council of New Mexico, the Supreme Court, and the Administrative Office of the Courts, and eventually, in appropriate areas, to the Legislature. A report will be prepared for the public. In addition to the above, perhaps the most important hoped-for accomplishment will be the involvement of a large number of citizens in the monitoring project and the education of the public concerning the procedures of the judicial system.

The project director and participants are laymen. One of the chief strengths of the project has been the involvement of citizens as volunteer monitors in their local magistrate courts. Reliance upon local volunteer monitors has also proved to be a source of frustration and delay in the project. In twenty-one magistrate courts where monitoring has been completed, the comments of the monitors have generally been very positive. The monitors, their coordinators, the project director, and trainers have put in many hours to complete their work. Over 5,500 evaluation forms have been completed detailing the findings of those monitors. However, there are still forty-nine courts to be monitored, and although a great amount of time has been spent trying to recruit and train monitors for those courts, the progress has been extremely slow. In some areas monitors who receive training fail to carry through on their commitments. In other areas prospective monitors back out. Part of the problem may be due to apathy on the part of the local citizens, but in some areas it is reportedly due to a fear of reprisal or a distrust of the courts.

The two greatest obstacles to the project have been the difficulty in recruiting monitors and keeping them, and the slowness of bureaucracy in reimbursing participants for their out-of-pocket expenses. None of the participants are paid for their services, other than the project's treasurer and typist. The director, coordinators and monitors receive only reimbursement for mileage, postage and telephone expenses. Because of government restrictions on advancing funds, and delays in processing vouchers, participants have had to rely upon their own resources to keep the project going. As many are retirees on fixed incomes, this has been a substantial burden. These expenses, coupled with the frustrations encountered when others do not fulfill their commitments, have come close to causing the termination of the project on several occasions.

The Council feels the goals of the project are still desirable and attainable. The results where the monitors have done their jobs show that the project is beneficial to the state. The Council is very appreciative of the great efforts of Milan and Pauline LaDu and the many monitors. The project is now scheduled to conclude on June 30, 1982.

Under state law, the county governments are to provide and maintain space for the district courts at county expense. This includes the courtroom and office and associated space for the judge, court clerk, and other judicial personnel. Because of rising utility costs and tighter financial conditions, county governments are looking more toward state government for assistance in such matters. In addition, the district courts are concerned about the adequacy of existing space and provision for future facility needs. The Council has therefore undertaken a study of court facility needs and the current costs of maintaining existing court space.

The findings are presented in three parts; the first provides a brief general description and analysis of courthouses and facilities by district and county. The second part presents a chart of county government expenditures in fiscal year 80-81 for district court space (Table 2) and accompanying explanation of the method used in collecting and analyzing the data. The final part reflects preliminary conclusions and identification of some issues that have subsequently surfaced.

#### First Judicial District

##### Santa Fe County

Built in 1979, the judicial complex in Santa Fe is one of the newest facilities in the state and houses all six district judges and their staffs, the district court clerk, a law library, the juvenile probation office and the district attorney. It includes a small area designated for holding prisoners by the sheriff awaiting court hearing. Most district court business is conducted at the Santa Fe judicial complex.

The building is attractive and generally adequate although space problems have already occurred. The corridors and public waiting areas are quite spacious while the courtrooms are uniformly small. Space is adequate for most courtroom proceedings although it is difficult for lawyers and parties to confer or conduct bench conferences without being overheard. Where there are multiple parties in a proceeding some lawyers and clients must sit in the spectator's area because there is insufficient room at designated counsel tables. However, plans are underway to add a large courtroom to the building to accommodate multiple party cases and jury selections. There is a parking shortage which will worsen when existing parking space is taken up by the new addition. It should be noted that trial of the many cases arising from the February, 1980, penitentiary riot has placed a real strain on the facilities as a result of judges outside the district being assigned riot-related cases. The required security risks involved in transporting potentially violent defendants through the building was also a problem.

Court files for all the counties in the district are kept in the Santa Fe facility and storage problems have developed, although they are gradually being controlled by microfilming the court records.

#### Rio Arriba County

The courthouse in Tierra Amarilla is more than ninety miles from the Santa Fe judicial complex. Built in 1917, the two-story building stands as one of the oldest courthouses in the state. All court space is located on the second floor, consisting of a large jury courtroom, jury deliberation room, a judge's chamber, and administrative offices. No court employees are permanently assigned to the facilities.

In its current condition, Rio Arriba's courthouse appears to adequately serve the district. However, if redistricting should occur, mandating a full-time judgeship and court staff, the court space would require extensive remodeling and up-dating. The courthouse, although adequately maintained, is old and the floorplan does not easily adapt to full-time judicial use. Minimum court facility standards would call for adequate public restroom facilities, a properly designed court clerk's office, a small courtroom, attorney conference rooms, a law library, and witness rooms.

#### Los Alamos County

The county-municipal building was built in 1967 and contains a medium-sized jury courtroom which is used by the district court on an average of one day a month. No court personnel are there the rest of the month, and there is no court clerk space since all court records are filed and maintained in Santa Fe. The district judge chambers are used for grand jury proceedings on occasion, and are also used by the magistrate and municipal judges. The jury room is also used for county purposes, such as a work area for auditors.

The court space is on the second floor and is accessible by both stairs and an elevator. The heating and cooling systems are deemed very good. The only complaint heard was that parking space was inadequate on days when a jury selection was taking place.

#### Second Judicial District

##### Bernalillo County

Since the courthouse was built in 1926 there have been successive remodeling efforts as the need of the court has grown. All county offices except the district attorney have moved from the building. In addition, a juvenile detention center has been built (1980) which houses the juvenile division of the district court and

the juvenile probation officers.

There is a courtroom and office space for each of the fourteen judges in the courthouse and there are plans for remodeling the fourth floor (formerly the county jail) to create two additional courtrooms. There are two courtrooms at the juvenile detention center.

Other than the poor heating and cooling system at the courthouse, the facilities appear adequate. The courtrooms vary in size and arrangement to a degree, but most provide adequate work space for attorneys and other participants. Spectator seating is not extensive, although even the smallest courtroom accommodates thirty-six. There is a jury assembly room for jurors. Prisoners must be brought through the same corridors used by the general public, parties and witnesses. Witnesses must often wait in the corridors until called to testify.

The most pressing problems facing the Second Judicial District are threefold: 1) parking needs, 2) the transport of prisoners, 3) the lack of central planning. The parking problem results from the central location within the downtown Albuquerque business district. The main government and quasi-public buildings are all located downtown placing a very real strain on available parking in the area of the courthouse. Court-budgeted costs for juror parking alone total some \$37,000 per year. Local government plans are being considered that would create an addition to city hall in order to consolidate city-county offices now spread out in various locations. The addition would place as many as 1,300 more commuter employees within the courthouse vicinity and would increase the demand for public parking. The second problem is that the city-county detention center is not located near enough to the court to make transport of prisoners easy. As a result, the cost to the court for transporting prisoners is high and the system has experienced a number of prisoner escapes. The final problem, if resolved, would eliminate the problems in parking and prisoner transport. The Second District has developed a strong need for a judicial complex. Bernalillo County has experienced a high growth rate which continues to place high demands on the judicial system. Court projections are that the Second District will outgrow its facility space within a five to ten year period. If the court continues to remodel the building (by eventually acquiring district attorney office space), the parking and prisoner transport problems will only escalate.

#### Third Judicial District

##### Dona Ana County

The county purchased and remodeled the old post office building in Las Cruces to provide for a judicial complex in 1979. The structure was originally built in 1917 and consists of two floors and a basement. The district court occupies the first floor and

the district attorney has the second floor. Juvenile probation offices are in the basement.

By extensive remodeling, the county has created two almost identical jury courtrooms in a circular design. The attorney work areas are crowded and the acoustics are poor in both courtrooms. The court clerk has adequate working space although more storage space is needed.

Current plans include remodeling the first floor further to include another courtroom and office space for the newly added judge in this district. In conjunction, the law library will be moved from the first floor to the basement. Current facility needs will be met when the remodeling program is completed.

#### Fourth Judicial District

##### San Miguel County

The courthouse in Las Vegas was constructed in 1935 and has had very little remodeling or renovation since that time. The building floor plan consists of the traditional three floors and basement; the jail on the third floor, the court on the second floor and county offices on the first and basement floors.

The overall appearance and physical space of the second floor is not impressive considering that most of the court business in the district is conducted in the Las Vegas courthouse. The negative factors include the following: both judges' chambers are small and lack proper facilities; secretary and reception space is shared with court reporters; one hearing room is not easily accessible; the main jury courtroom (although adequate in size) is not designed with a public lobby area; the law library and court clerk's areas are crowded; restroom facilities are inadequate.

The county government does not appear to take an active role in maintaining the courthouse in general perhaps because of economic considerations. The second floor is maintained by a bailiff since the county does not provide the court with janitorial services. The heating system is old and in need of continual repair. There is no central cooling system, nor is the court accessible to the handicapped.

The court has out-grown its space in this building and renovations with additional space do not appear feasible due to current parking limitations and the physical inadequacy and deterioration of the building.

##### Mora County

The courthouse in Mora was built in 1939 and consists of two

floors and a basement. A jail complex was added in 1972 and in 1978 offices for the Department of Human Services were added. All court facilities are on the first floor and consist of a very large courtroom, judge's office, and jury deliberation room. No permanent court staff is assigned to Mora because the facilities are not often used by the court. Although rather spartan in appearance, the facilities are adequately maintained and the potential for court space improvements and future expansions is good.

##### Guadalupe County

The present courthouse in Santa Rosa was built in 1942 next to the original courthouse. It is a two story addition with no basement and its general appearance is one of obsolescence and neglect.

The court space occupies the second floor. The jury courtroom is quite large, although its jury deliberation room is small and inadequate and the restrooms are in continual disrepair. The court has one part time court clerk assigned to this facility who also works as a part time secretary for the juvenile probation officer. Court participants have complained of primitive and potentially hazardous conditions. Poor heating, plumbing and lighting are chronic problems.

Minimal maintenance requirements are not being met by the county. No janitors have been hired and in the past very little money has been budgeted for building repairs and maintenance. The building has been cited for fire violations by the local fire department. A substantial financial commitment would be required to revitalize the court facilities in this county.

#### Fifth Judicial District

##### Chaves County

The courthouse in Roswell is an impressive three story and basement building constructed in 1911. The county has kept the building in excellent condition and it is one of the outstanding architectural landmarks in the state. A jail facility and law library were added to the rear of the courthouse in recent times.

The court space itself, however, appears to have reached its limit in interior renovations and changes. The court occupies about fifty-eight per cent of the second floor and all of the "penthouse" third floor. The current floor plans work poorly in both courtroom areas. The main, second floor courtroom has been made into a smaller irregular space, although it is still large enough to hold a hundred spectators. Adjacent witness rooms are not used properly and the law library is not easily found. The "penthouse" courtroom is adjacent to a second judge's chambers. The

judge has no private access to his chambers and must pass through the small courtroom. The court clerk office on the second floor is now adequate; however, there is no room for expansion. One judge's secretary shares office space with the court clerk staff.

The overall appearance of the court facilities is good and all utility areas have been adequately updated by the county. However, current use indicates that a second large courtroom is needed and if more renovations occur in the future, a total re-evaluation of the current court floor plans should be considered.

#### Eddy County

The courthouse in Carlsbad was originally constructed in 1917 and a major addition was completed in 1938. Extensive interior remodeling occurred in 1975 and a new courtroom and law library were finished in 1979.

The facility is a good-sized three story and basement building. A nicely designed law library is in the basement. On the third floor is the second judge's chambers and the second floor contains a large jury courtroom, a smaller jury courtroom, a non-jury courtroom and court office space for a judge and staff. All three courtrooms are reportedly used on a daily basis. When two jury trials are simultaneously in process the total court space becomes overcrowded. The two judges at this location felt there was a real need for another large jury courtroom with juryroom and witness waiting areas. Indications are that the county may be willing to provide more court space by moving out of county-occupied offices.

#### Lea County

The county courthouse in Lovington is an impressive four story building constructed in 1936 with an addition made in 1957. The court space covers the entire second floor with two large jury courtrooms and court office space. A third courtroom is planned in the present law library area. Total court space is more than adequate. Office spaces and law library are large. The two judges at this location have good-sized offices in Hobbs as well as in the Lea County courthouse. Court facility needs are being adequately met in this county and expansion potential is good.

#### Sixth Judicial District

##### Grant County

The courthouse in Silver City was built in 1930 and has experienced interior renovations in the past although no additions have been made. It is a large building with three floors and a partial basement. Court space is on the second floor although a magistrate courtroom recently completed on the third floor is used by the visit-

ing district judge when needed. However, it is not equipped for a jury. The one district courtroom is large and impressive. The jury deliberation room has no integrated restroom facilities and appears small and uncomfortable. There is a need for general interior renovations. Future needs mandate a second jury courtroom and a second judge's chambers. Adequate juryroom space and juror restroom facilities are needed.

One further note: the most common problem of all courthouse users is parking. The courthouse is situated on a rather steep hill, lines of visibility are poor, and parking space is very limited. On trial and jury selection days double parking and auto accidents are commonplace.

#### Hidalgo County

The original courthouse in Lordsburg was built in 1926 and a major project doubled the floor space in 1978. The court continues to occupy the original second floor space which includes one good-sized jury courtroom, juryroom, court clerk's office space, law library and judge's chambers. Although there are no individual offices for a court reporter or judge's secretary, overall space appears adequate as court is held on the average of only five days per month. However, the court clerk indicated a need for improved storage space and the law library is inadequate in size and appearance. Janitorial and maintenance services also need to be improved.

#### Luna County

Constructed in 1910, the old courthouse in Deming continues to have a well-maintained and attractive appearance. Court office and library space was increased by joining the courthouse with an adjacent building which has been converted from jail use to county and court offices. The second floor contains a large jury courtroom and a smaller recently built non-jury courtroom. Generally the judicial section appears spacious and well-planned. The law library and court clerk on the third floor may need additional room, however.

Overall, the county has prided itself in maintaining the court facilities, with commendable results.

#### Seventh Judicial District

##### Socorro

The court facilities in Socorro are on the second floor of a two story building reconstructed in 1940. The court space is now crowded and generally inadequate. Two judges maintain offices in the courthouse in cramped quarters. The one courtroom, although large, needs a proper cooling system. In general, the building's

power units are overloaded and electrical outages are a frequent occurrence. The small law library often doubles as a judge's hearing room.

Socorro County court facility needs are many. A second courtroom, a much larger library area, and additional office space are needed. The court clerk's office is also small and very crowded. The county indicated that adding a third floor is physically if not financially feasible. However, the building would most likely require major utility systems renovation.

#### Torrance

The one story courthouse in Estancia was built in 1967, and a jail section has since been added to the northwest wing. The building has one large jury courtroom and office space for the court clerk's staff. A small office is provided for the two judges who travel regularly to Estancia. A small library room is available for attorney research and witness interviews. Overall the facilities appear comfortable and well-maintained for the limited court use that this facility receives.

#### Catron County

The courthouse in Reserve is a two story structure built in 1968. The court facilities are used about four days out of the month. No court staff is permanently stationed in Reserve. The one courtroom is large and the adjoining jury deliberation room and judge's chambers appear adequate for present use. The facilities are clean and well-maintained. The courtroom is also used for magistrate court when the need arises.

#### Sierra County

The court space in Truth or Consequences is on the ground floor of a two story building constructed in 1939. A small law library located on the second floor has outgrown the available space and some books are shelved in the corridor. Conditions are crowded in this courthouse. The court clerk's office is comprised of two separate offices on opposite sides of the main corridor and located near a side entrance, creating a noisy and distracting work environment. The jury deliberation room is used for micro-filming as no other space is available. However, office space is adequate for the traveling judge assigned Sierra County cases. The jury courtroom is adequate in size and appearance although there is a need for a hearing room and witness rooms. There is also a general need for improving the restroom facilities.

#### Eighth Judicial District

#### Taos County

The courthouse in Taos is an interesting response to the court

facility needs of a growing district. Within a modular complex that was built in 1968, the court occupies one of four county buildings, each designed for a specific function.

The court building is dominated by a large amphitheater-like courtroom. Court staff reported that use of this courtroom in winter months is held to a minimum because the noise of the heating system renders proceedings inaudible. There is also a very small non-jury courtroom. The court clerk's office is located below entrance level and is crowded. Present office space for the judge's staff is inadequate and there is no provision for visiting judges' office space. The resident judge coordinates his visits to the Colfax and Union County courts when his courtroom and chambers are needed by a visiting judge. Because of the large increase in court volume in Taos County, a second jury courtroom and related facilities will be needed. Space is not well-used in this facility. Entry ways and hallways are narrow and poorly designed and access to the courtroom from the judge's chambers is awkward. Poor ventilation is a major complaint of the court staff.

#### Colfax County

The five story courthouse in Raton was built in 1936. It is a large impressive building. All court facilities are located on the third floor. The courtroom, which is large and well-maintained, retains its original "art deco" motif. The floor plan is not very flexible and the original design did not provide for a court clerk's office, law library, jury deliberation room, or witness rooms. Most of these areas have been added, although the result in many cases is inadequate work space or inefficient arrangement of related areas. The nonjury courtroom doubles as clerical workspace. There is no secretarial/reception office adjacent to the judges chambers. The only space that works well is the main courtroom. All other functional spaces would benefit from structural modifications and improved maintenance.

#### Union County

The courthouse in Clayton was built in 1894. As the oldest courthouse structure in continuous use, it stands relatively unchanged to this day. The two story building houses the court on the second floor and is in general need of restoration and repair. The courtroom is large although lighting is old and inadequate. The jury deliberation room is in especially poor condition. The judge's quarters, although average in size, are shared with the district attorney and court reporter. The only staff at this location is the court clerk and her office also is small and crowded.

Generally, the basic problem for the Union County courthouse is neglect. There is a real need to revitalize the areas used by the court and make them more comfortable.

### Ninth Judicial District

#### Curry County

The county courthouse in Clovis is a three story and basement complex constructed in 1935 with major expansion and remodeling occurring in 1956 and 1968. The second floor contains one large courtroom and most of the related court facilities. A second courtroom and judge's chambers are being constructed on the annex third floor with funds appropriated by the 1981 Legislature. The layout of judge's chambers, secretarial space, and court reporter areas adjacent to the existing courtroom on the second floor appears to work well. Recent renovations have made the jury deliberation room more comfortable. The law library is large and conveniently located. Court clerk space is adequate although more electrical outlets would be a very useful improvement in that area.

Generally, recent and pending improvements will keep the Curry County courthouse in line with court expansion needs. However, with the location of the jail on the top floor of the building and chronic vandalism to plumbing, damage to the courtroom ceiling is a continual problem.

#### Roosevelt County

The courthouse in Portales was built in 1938. It is the standard three story and basement structure with the jail on the third floor and the court facilities on the second floor. It has a large courtroom even though construction of an adjacent magistrate court reduced the original size. The jury deliberation room is unusually large. This courthouse also has the problem of water damage caused by jail vandalism. Court clerk space is somewhat crowded and more storage space is needed. The law library and judge's chambers are combined in one large area which limits access to the library.

Some basic problems are evident. There is no public restroom for women on this floor. General interior improvements would benefit the court.

### Tenth Judicial District

#### Quay County

The Quay County courthouse in Tucumcari is a three story and basement building constructed in 1938. It has a large main courtroom and other court facilities on the second floor. The jury deliberation room is small and uncomfortable. Law library space is also used for microfilming. Room for court clerk expansion is available on the second floor only if the Environmental Improvement Agency is displaced. There is also a need for public restroom facilities on this floor. The facilities are generally in good re-

pair.

#### DeBaca County

The DeBaca County courthouse in Ft. Sumner is a two story building with a basement jail completed in 1930. All court facilities are located on the second floor along with the county health department. The court space includes the courtroom, a jury room, one restroom, a judge's chambers with separate restroom across the hallway, and a court clerk's office. Staffing at this location is limited to the court clerk. The courtroom seats about sixty spectators and is used about four days a year for jury trials and six days a year for non-jury matters. Overall, the facilities are in need of regular maintenance and interior improvements. For its limited use, basic court space requirements are being met, although the jury deliberation room especially needs upgrading.

#### Harding County

The courthouse in Mosquero is reportedly an old three room school house enlarged in 1923 to its present two story and basement size. A large jury courtroom, jury deliberation room, and judge's chambers are on the second floor. The part-time court clerk has a separate office on the second floor. The courtroom has been used for only one jury trial in the past eight years and non-jury matters require about two days use per month.

The second floor is in need of interior repair and upgrading. The judge's chamber is small and barely adequate. The clerk also keeps some files in this room and more storage space is needed.

### Eleventh Judicial District

#### San Juan County

Court operations in Aztec were moved in 1977 from the original county courthouse to a commercial building remodeled for the court and leased by the county. This is a one story building which encompasses two large jury courtrooms (seating fifty spectators in each), a small hearing room (seating ten spectators), the office of the court clerk, and offices for two judges and their staffs. One courtroom is particularly innovative in design, with the jury box facing the witness stand and judge's bench, rather than off to one side. Thus the litigation area is between the jury and the bench and the spectators are behind the jury box. A plate glass panel separating spectator and litigation areas further reduces noise and distractions to the jury.

The jury deliberation rooms are adequate and some witness rooms are provided, but there are no counsel rooms and no law library per se. An extensive library is maintained in Farmington in leased

space near the district attorney's office. The court clerk's office is somewhat crowded; additional working space and storage space for supplies and exhibits is needed.

The county plans to build a court complex adjacent to the new detention center. This facility will accommodate three judges when completed in 1983.

#### McKinley County

The courthouse in Gallup was built in 1938 and is a three story building with a full basement. It is an attractive and well-maintained building. The court occupies the second floor and that portion of the basement used for the law library. There is a large jury courtroom seating one hundred and fifty spectators and a small non-jury courtroom seating fifteen spectators, both of which are adequate and suitable. The jury deliberation room is spacious and well-equipped, but there are no witness rooms or counsel rooms. The judge's secretary and court reporter share an office, which increases the amount of traffic and distractions for each.

The court clerk's office is somewhat crowded and additional working space and storage space are needed. The most obvious shortcomings are the lack of public restrooms on the second floor, lack of witness and counsel rooms, and inadequate space for the micro-film program.

#### Twelfth Judicial District

##### Otero County

The courthouse in Alamogordo is a three story and basement structure built in 1956. The court occupies the second floor and a portion of the third floor used for the law library. Allocated space consists of one large jury courtroom (seating eighty five spectators), a small hearing room (seating fifteen spectators) which is also used for jury deliberation, offices for two judges and their staffs, and the office of the court clerk. All office space is crowded and public areas are especially inadequate. The only restrooms on this floor are a public restroom near the hearing/deliberation room and a private restroom in one judge's chambers. There are no witness rooms and hallways are crowded and noisy during many trials.

A separate jury deliberation room with private restrooms, an additional public restroom, and a private restroom in the other judge's chambers are needed. Office areas should be expanded, particularly for the court clerk's staff, and soundproofing is needed for the courtroom area.

##### Lincoln County

The court in Carrizozo occupies a portion of the floor space

in one of two one story buildings constructed in 1964 on the same site occupied by a county building dating to 1940. There is no resident judge at this location and no provision has been made for offices for visiting judges and their staffs. Court facilities are limited to one large courtroom seating 125 spectators, the office of the court clerk, and a law library which is also used as a witness waiting room. The courtroom is used two-to-three days per week and facilities are adequate for this limited use. However, with increased use, a judge's chambers, staff office space, and expansion of the clerk's office will be necessary. The library is inconveniently located in and adjacent to the building's furnace room and should be relocated.

#### Thirteenth Judicial District

##### Sandoval County

The courthouse in Bernalillo was built in 1926 and enlarged in 1975. Located on the third floor are the main courtroom (seating seventy spectators), chambers and staff offices for a resident judge, and the office of the court clerk. An office and non-jury courtroom are provided on the second floor for visiting judges; this space is small and appears to have been hastily remodeled. The judge here expressed the need for a second jury courtroom to alleviate scheduling conflicts. Judge's chambers and jury deliberation room are adequate; secretarial office and clerk's office are crowded. Few of the court's case files fit in the clerk's vault; the remainder are kept in the open office area and in a basement storeroom.

Other problems at this location are lack of witness and counsel rooms, poor heating and cooling systems, no access to the third floor by elevator, poor janitorial service and building maintenance, and bats which roost in the walls and roof, occasionally appearing in the courtroom.

##### Valencia County

The Valencia County courthouse in Los Lunas was constructed in 1959. The district court occupies the second floor of the building and some space in the nearby juvenile detention center. Courthouse facilities include a large jury courtroom (seating one hundred spectators), a non-jury courtroom (seating fifteen persons), chambers and staff offices for two resident judges, and the office of the court clerk. The jury deliberation room is adequate, but there are no witness waiting rooms or counsel rooms. Court funds were used to provide juvenile probation offices, library facilities, and a hearing room in the juvenile detention center which is not yet operational. Continued use of this space depends upon the fate of the detention center.

Office space for both judges' secretaries is inadequate. Needed equipment such as filing cabinets will not fit in the small offi-

ces and visitors must conduct their business from the hallways through "dutch" doors. The clerk's office is somewhat crowded and storage space is particularly needed.

Other needs at this location are a second jury courtroom, a larger library area, extensive updating of the library references, and better janitorial service and building maintenance.

#### Cibola County

Court facilities in Grants were created in 1974 to serve as a sub-office for court operations in Los Lunas and now serve the newly-created Cibola County as temporary quarters until a planned county courthouse can be built. The one story building in use provides a small jury courtroom (seating thirteen spectators), jury deliberation room, chambers for a visiting judge, and the office of the court clerk. There are no separate restroom facilities for jurors, no witness or counsel rooms, and no law library. The courtroom is small, uncarpeted, and has no rail or divider to separate the public area from the litigation area.

A building site is available for construction of a county courthouse, but funding via a proposed bond issue is uncertain.

#### Court Facilities Study Chart

The court facilities study chart is a fiscal analysis of county government expenditures during fiscal year '80-'81 for maintenance of district court allocated space. Each judicial district is represented by county and actual court facilities location. In most districts all court facilities are located in the county seat. An exception is District Five in which Lea County also owns and maintains a building in Hobbs that provides offices for the two judges and their staffs. District Thirteen is also an exception in that Valencia County maintained a courtroom and other facilities in Grants before the city became the seat of Cibola County on July 1, 1981.

The gross square footage reflects the total size of county-owned or rented buildings which house the courts. In some cases, county representatives provided this data; in many cases, however, these figures were not readily available and copies of courthouse floorplans were used by the Judicial Council staff to determine total square footage. The Council greatly appreciates the overwhelming cooperation and effort of county government in the collection of this information.

In determining court facilities square footage, Judicial Council criteria specified the following:

1. District Courtrooms and hearing rooms
2. Juryrooms and juror restroom facilities
3. District Judge's chambers, secretarial and court reporter offices
4. Court clerk space
5. Witness rooms/counsel rooms
6. Law libraries
7. Juvenile Probation offices
8. Court-related public spaces (restrooms, lobby, hallways)
9. Holding cells for criminal defendants

Court facilities showing one hundred percent use of gross square footage indicate that the entire building is utilized by the court. Building complexes in Santa Fe and Bernalillo Counties, for example, did not qualify since they include district attorney and county sheriff offices which are not included in court space criteria. In respect to court-related public spaces, determination of these areas varied greatly from county to county. Some courthouses provide offices for other agencies on the same floor as the courts. District attorney offices, adult probation offices, and magistrate court facilities are almost invariably located near the district courts, making precise determination of square footage difficult. In some counties designated district court space is used almost exclusively by other agencies.

COURT FACILITIES STUDY  
(1980-81 Fiscal Year Analysis)

District #	County	Facilities Location	Gross sq. ft.	Court Facilities sq. ft.	%	County Maint. Costs '80-81	Court Facilities Maintenance Amount
1	Santa Fe	Santa Fe	51,301	44,945	87.6	\$ 82,000	\$ 71,832
	Rio Arriba	Tierra Amarilla	14,261	2,863	20.1	93,688	18,831
	Los Alamos	Los Alamos	25,127	1,866	7.4	102,962	7,619
2	Bernalillo	Albuquerque	190,204	123,220	64.8	419,366	271,749
3	Dona Ana	Las Cruces	34,112	29,184	85.6	207,774	177,855
4	San Miguel	Las Vegas	24,204	8,028	33.2	59,019	19,594
	Mora	Mora	15,032	2,500	16.6	50,024	8,304
	Guadalupe	Santa Rosa	8,653	4,685	54.1	17,414	9,421
5	Eddy	Carlsbad	41,907	11,087	26.5	195,507	51,809
	Chaves	Roswell	67,154	10,608	15.8	170,493	26,938
	Lea	Lovington	73,253	19,049	26.0	319,260	83,008
		Hobbs Sub-Office	5,120	5,120	100.0	7,293	7,293
6	Grant	Silver City	28,566	6,779	23.7	132,722	31,455
	Hidalgo	Lordsburg	14,126	3,828	27.1	42,722	11,578
	Luna	Deming	31,665	11,575	36.6	28,331	10,369
7	Torrance	Estancia	23,231	3,778	16.3	42,416	6,914
	Socorro	Socorro	27,785	4,915	17.7	73,397	12,991
	Catron	Reserve	10,659	1,867	17.6	26,588	4,679
	Sierra	Truth or Consequences	16,000	4,009	25.1	70,318	17,650
8	Taos	Taos	21,407	6,657	31.1	81,090	25,219
	Colfax	Raton	28,868	7,217	25.0	58,627	14,657
	Union	Clayton	8,634	2,461	28.5	24,410	6,957
9	Curry	Clovis	39,958	8,611	21.6	91,296	19,720
	Roosevelt	Portales	20,315	4,997	24.6	57,246	14,083
10	Quay	Tucumcari	25,764	4,792	18.6	34,493	6,416
	De Baca	Ft. Sumner	9,966	2,052	20.6	10,903	2,246
	Harding	Mosquero	8,474	1,773	20.9	12,798	2,675
11	San Juan	Aztec	12,800	12,800	100.0	110,795	110,795
	McKinley	Gallup	33,540	8,494	25.3	68,638	17,365
12	Lincoln	Carrizozo	28,320	5,128	18.1	65,803	11,910
	Otero	Alamogordo	37,581	6,118	16.3	97,373	15,872
13	Valencia	Los Lunas	40,332	10,166	25.2	74,000	18,648
	Cibola	Grants (included with Valencia County figures)					
	Sandoval	Bernalillo	22,049	3,333	15.1	96,601	14,587
<b>TOTALS</b>			<b>1,040,368</b>	<b>384,505</b>		<b>\$ 3,025,367</b>	<b>\$ 1,131,039</b>

County maintenance costs were derived from figures provided by each county government administration. The total maintenance costs for each county courthouse (or courthouse facility) were compiled from the 1980-81 fiscal year expenditures for the following items:

- A. Utilities (water/electricity/heating/cooling)
- B. Salaries of janitorial employees (employee benefits included)
- C. Janitorial Contract Services
- D. Maintenance contracts related to building maintenance
- E. Janitorial supplies
- F. Property insurance (comprehensive, fire, and liability)

The percentage of court facility space was determined and applied to the gross county building maintenance costs to arrive at the maintenance amounts attributable to district court facilities. The amount currently expended for maintenance is not to be equated with the amount needed for adequate maintenance.

#### Conclusion

The Judicial Council staff had the invaluable experience of visiting and evaluating first-hand district court facilities in each of the thirty-three counties of the state. Court facilities were observed in use and court personnel and county government representatives were interviewed in order to gain a more comprehensive understanding and perspective in regard to district court facility needs.

One clear observation is that facilities provided the district courts in New Mexico vary widely in regard to overall size, age, efficiency of design, degree of use, structural maintenance or renovation, cosmetic maintenance, degree of public convenience, and expansion potential. Unfortunately, the quality of court housing is somewhat indicative of the availability of county funds. Those counties with higher revenues typically have good court facilities while poorer counties are often unable to prevent deterioration of their courthouses, let alone finance major improvements. New Mexico's district court system is largely state-funded and it is somewhat surprising that there has been little local government resistance to required participation. The counties' role in housing the courts requires annual expenditures for a state court operation which is not county-initiated or county-supervised. Cooperation has been good, presumably because of the long-standing nature of this arrangement. However, it appears that the counties will actively pursue the possibility of reimbursement by the state of all expenditures on behalf of state-mandated programs. District court facilities fall into this category.

Many courts have resorted to funding some maintenance or im-

provement projects from their own operating budgets when the county is either unwilling or unable to assume this responsibility. A review of court inventories disclosed many items such as carpeting, window coverings, air conditioning units, water fountains, ceilings, light fixtures, and courtroom carpentry purchased with state funds. Some counties do provide these items for their district courts.

District court facilities in New Mexico lack uniformity, standards or guidelines, and centralized planning for present and future needs. Two areas that seem to have received little attention from anyone are provisions for fire safety and for access and special facilities for the handicapped. A court facilities planning or review body could address these needs as well. Most of the courthouses in the state were built prior to 1940, and in many instances the original design and some basic components of court space have been lost as the courts expanded over the years. For example, areas intended for use as witness rooms, counsel rooms, or libraries have been appropriated by a growing court staff for use as offices, microfilm rooms, or storage areas. The result is often an inefficient working environment for the court and an inconvenient setting for jurors, attorneys, litigants, and observers. Expansion or remodeling of court space is usually done on an ad hoc basis, to meet an immediate objective, and the end result is not always satisfactory. Floor plans and work spaces sometimes work poorly in even the newest or most recently remodeled facilities.

#### District Court Clerk Manual

For several years the district court clerks have wanted a manual of procedures to use in training personnel and for reference in answering questions or processing non-routine matters. There have been attempts in the past to write such a manual for statewide use and some district court clerks have developed their own manuals locally. Both the Administrative Office of the Courts and the Judicial Council have given past support to development of a manual. However, no manual has ever been completed to the point of adoption.

The Judicial Council made development of a manual a priority for the year, and a committee composed chiefly of district court clerks was formed. The first meeting was held on October 21, 1981. The meeting was chaired by Judge Reese, as chairman of the Council's district court study committee, and was attended by court clerks, Council staff members, and members of the staff of the Administrative Office of the Courts.

The committee went over the need for the manual to determine the format and content of material to be included, and reviewed the applicability of a manual used in Idaho and a manual developed by one of the New Mexico court clerks. Subcommittees were formed to write chapters of the manual.

The writing of the manual is in process. The resulting draft will be reviewed by the court clerks and Administrative Office of the Courts. Possibly the Supreme Court will be asked to officially adopt the manual. It is expected that this long felt need will be answered early in 1982. Thereafter, changes will be made as court clerk procedures are changed by court rule or new legislation. Staff attorneys in both the Judicial Council and the Administrative Office of the Courts should be able to help regularly update the manual.

#### Criteria For Justification of Additional Judgeships

The functions of the Judicial Council include review of requests for additional judgeships to be authorized and funded by the legislature. While there has been no specific formula for forecasting the need for increased judicial manpower or for evaluating requests for judgeships, certain factors have traditionally been recognized as valid indicators of court volume and appropriate staffing levels. The approach used in reviewing the adequacy of the number of judgeships in a district has been collection and analysis of available caseload data and consideration of certain other relevant factors. In addition, there is general agreement in the judiciary and the legislature that a state trial judge's caseload should approximate 1,000 cases per year.

Available caseload data includes:

- types and numbers of cases filed;
- types and numbers of cases closed;
- types and numbers of cases pending at year-end;
- caseload per judge;
- caseload composition or mix; and
- computed backlog, which reflects the length of time required to dispose of all pending cases in a given court or district and is also somewhat indicative of the expected time to disposition for new cases filed.

Other relevant factors include:

- travel requirements within multi-county districts;
- actual and projected population growth;
- ratio of population to judges;
- statutory provisions and resulting impact on litigation process (e.g. the new juvenile code); and
- unique circumstances (e.g. the February, 1980, penitentiary riots and the impact on the First Judicial District).

(See Table 3 - New Mexico Judicial District Profiles and Table 4 - District Court Caseload Composition)

NEW MEXICO  
JUDICIAL DISTRICT  
PROFILES

	<u>AREA (SQ. MI.)</u>	<u>1970 POPULATION*</u>	<u>1980 POPULATION*</u>	<u>PERCENT CHANGE 1970-1980</u>	<u>POPULATION DENSITY 1980</u>	<u>ESTIMATED 1985 POPULATION†</u>	<u>ESTIMATED 1990 POPULATION‡</u>	<u>ESTIMATED 1980-1990 PERCENT CHANGE</u>
1st Judicial District	7,853	95,142	122,187	28.4	15.6	128,600	140,200	14.7
2nd Judicial District	1,169	315,774	419,700	32.9	359.0	449,500	496,800	18.4
3rd Judicial District	3,804	69,773	96,340	38.1	25.3	101,600	114,600	19.0
4th Judicial District	9,679	31,593	31,452	-0.4	3.2	34,500	35,300	12.2
5th Judicial District	14,644	134,008	154,592	15.4	10.6	160,900	169,300	9.5
6th Judicial District	10,374	38,470	47,838	24.4	4.6	54,200	59,000	23.3
7th Judicial District	21,012	24,440	31,634	29.4	1.5	32,800	35,500	12.2
8th Judicial District	9,836	34,611	37,293	7.7	3.8	41,400	43,700	17.2
9th Judicial District	3,857	55,996	57,714	3.1	15.0	61,100	61,600	6.7
10th Judicial District	7,365	14,798	14,121	-4.6	1.9	14,900	14,600	3.4
11th Judicial District	10,954	95,725	135,783	41.8	12.4	167,500	194,700	43.4
12th Judicial District	11,496	48,657	55,662	14.4	4.8	58,300	60,900	9.4
13th Judicial District	9,370	58,068	95,652	64.7	10.2	97,800	112,600	17.7
Statewide Totals/ Averages	121,413	1,017,055	1,299,968	27.8	10.7	1,403,100	1,538,800	18.4

\*Source - UNM Bureau of Business and Economic Research

TABLE 3 (a)

NEW MEXICO  
JUDICIAL DISTRICT  
PROFILES

	<u>JUDGESHIPS FY '79-'80</u>	<u>JUDGESHIPS FY '80-'81</u>	<u>JUDGESHIPS FY '81-'82</u>	<u>PRACTICING ATTORNEYS 1981</u>	<u>ATTORNEYS PER JUDGE 1981</u>	<u>PERSONS SERVED PER JUDGE 1980</u>	<u>CASES FILED FY '80-'81***</u>	<u>FILINGS PER JUDGE FY '80-'81</u>	<u>CIVIL BACKLOG AS OF 6/30/81 (MONTHS)</u>	<u>DOMESTIC RELATIONS BACKLOG (MONTHS) AS OF 6/30/81</u>	<u>CRIMINAL BACKLOG AS OF 6/30/81 (MONTHS)</u>	<u>JUVENILE BACKLOG (MONTHS) AS OF 6/30/81</u>
1st Judicial District	4**	5.3**	6	496	83	27,152	4,939	932	13.9	8.1	16.6	3.6
2nd Judicial District	14	14.5**	15	1,242	83	29,979	20,817	1,436	7.1	3.2	10.7	11.0
3rd Judicial District	2	2	3	89	36	48,170	3,164	1,582	6.4	2.6	5.2	1.8
4th Judicial District	2	2	2	29	15	15,726	1,156	578	8.0	4.6	13.8	27.7
5th Judicial District	5	5.5**	6	187	31	30,918	7,715	1,403	9.8	3.3	5.3	4.4
6th Judicial District	2	2	2	42	21	23,919	1,879	940	12.1	9.3	4.7	3.1
7th Judicial District	2	2	2	18	9	15,817	1,218	609	8.9	1.0	5.1	1.8
8th Judicial District	2	2	2	55	28	18,647	1,284	642	13.8	5.9	8.8	4.8
9th Judicial District	2	2	2	44	22	28,857	2,556	1,278	10.5	2.7	3.6	3.8
10th Judicial District	1	1	1	13	13	14,121	626	626	11.3	6.6	4.8	8.1
11th Judicial District	3	3	3	110	37	45,261	3,704	1,235	10.8	1.7	4.8	2.8
12th Judicial District	2	2	2	46	23	27,831	2,098	1,049	11.9	3.1	3.7	4.4
13th Judicial District	3	3	3	45	15	31,884	3,031	1,010	12.0	5.0	12.0	2.7
Statewide Totals/ Averages	44	46.3	49	2,416	50	29,212	54,187	1,170	9.0	3.8	8.0	7.0

\*\* 5th judge in 1st Judicial District effective 5/15/80 (excluded)

6th judge in 1st Judicial District effective 3/1/81

15th judge in 2nd Judicial District effective 1/1/81

6th judge in 5th Judicial District effective 1/1/81

\*\*\*Source - Administrative Office of the Courts

Prepared by Maggie Gombos (NM Judicial Council) 11/81

TABLE 3 (b)

**DISTRICT COURT - CASELOAD COMPOSITION**

	<b>ALL CATEGORIES</b>		<b>CIVIL</b>		<b>DOMESTIC RELATIONS</b>		<b>CRIMINAL</b>		<b>JUVENILE</b>	
	<u>TOTAL NO. OF CASES</u>	<u>FILED FY 80-81</u>	<u>NO.</u>	<u>%</u>	<u>NO.</u>	<u>%</u>	<u>NO.</u>	<u>%</u>	<u>NO.</u>	<u>%</u>
1st Judicial District	4,939		2,204	45	1,354	27	932	19	449	9
2nd Judicial District	20,817		11,175	54	6,369	30	1,435	7	1,838	9
3rd Judicial District	3,164		1,135	36	1,513	48	331	10	185	6
4th Judicial District	1,156		538	47	399	35	109	9	110	9
5th Judicial District	7,715		2,629	34	3,551	46	1,023	13	512	7
6th Judicial District	1,879		608	32	805	43	195	10	271	15
7th Judicial District	1,218		498	41	449	37	161	13	110	9
8th Judicial District	1,284		659	51	441	34	135	11	49	4
9th Judicial District	2,556		815	32	1,032	40	529	21	180	7
10th Judicial District	626		254	41	162	26	126	20	84	13
11th Judicial District	3,704		1,539	42	1,374	37	527	14	264	7
12th Judicial District	2,098		863	41	836	40	257	12	142	7
13th Judicial District	3,031		1,752	58	964	32	167	5	148	5
<b>TOTALS</b>	<b>54,187</b>		<b>24,669</b>		<b>19,249</b>		<b>5,927</b>		<b>4,342</b>	
AVERAGE				46		35		11		8
HIGH				58		48		21		15
LOW				32		26		5		5
MEDIAN				41		37		12		7

TABLE 4

When the Council receives a request for endorsement of an additional judgeship, the information for a particular district is reviewed over an extended period to identify trends that would justify the need for an additional judge. The information is also compared to other districts to assure uniform treatment in staffing.

The Council is attempting to identify alternative methods for forecasting and justifying the need for new judgeships. There has been some consideration of a weighted caseload method such as is used in California, Florida, New Jersey, Virginia, Washington, Kentucky, and some other states. That method uses a specific formula based on analysis of types and numbers of case filings, determination of varying time elements required for different dispositions in each case type, determination of relative frequency of each possible disposition, and estimates of available bench-time for hearing cases. The chief drawback to use of a weighted caseload system in New Mexico is the lack of an existing data base for calculating the basic components of the system: the weights for each possible disposition by case type and available bench-time. The statistical data currently available are not sufficiently detailed to use a weighted caseload approach, but technological innovations such as computerization and audio recording of proceedings will provide more information of this nature.

In the meantime, if a commitment were made to implement a weighted caseload system, the first step would be to require court personnel to manually collect and report this data or to commit an outside agency to this analysis stage. This is a costly and time-consuming process. Another consideration is that this method requires continuous monitoring and updating, as events and statutory provisions affect the litigation process and require revision of the weights to be used in the formula.

Another proposal that the Council hopes to explore further as a possible gauge of when and where additional judges are needed would require a determination of an acceptable time span from the time a case is ready for trial to the time of disposition. This approach has been discussed but no study has been initiated as yet.

In the past year, the Council was asked by judges of the Second, Sixth, and Eleventh Judicial Districts to review their respective requests for additional judgeships. This was done, using the standard criteria, and the Council reached these conclusions:

1. that it does support the request for one new judgeship in the Second Judicial District (Bernalillo County);
2. that it cannot support the request for one new judgeship in the Sixth Judicial District (Grant, Luna, and Hidalgo Counties); and
3. that it does support the request for one new judge-

ship in the Eleventh Judicial District (McKinley and San Juan Counties), with recognition that the situation is marginal at this time and with the provision that funding may be appropriated by either the 1982 or the 1983 legislature.

#### Judicial Redistricting

Article VI, Section 16, of the New Mexico Constitution provides that the State Legislature can increase the number of judicial districts "at the first session after each United States census." Past legislative action in New Mexico and courts in some jurisdictions have interpreted similar phrases to mean the year next following the actual enumeration when preliminary information is available, rather than when final publication of census figures occurs, which can be much later. For example, the census count was taken in 1970, and the New Mexico Legislature increased the number of judicial districts at the 1971 session. Anticipating a proposed increase in the number of judicial districts during the 1981 legislative session, and recognizing that judicial districting affects court organization and efficiency, the Judicial Council created a redistricting committee in 1980 to study the need for additional judicial districts. During 1980, this committee collected information on factors affecting judicial districts: population centers, commercial centers, travel, caseloads, population growth, geography, and others. Responses to questionnaires sent to judges, district attorneys, and county chairmen, by the committee, as well as a public meeting held in the Fifth Judicial District, indicated no strong support for increased judicial districts. The Council resolved to take no position on redistricting in 1980, other than to provide information if requested.

The 1981 Legislature passed House Bill 453, which increased the number of judicial districts from thirteen to eighteen. This bill was vetoed by the governor. After researching the issue, the redistricting committee concluded that as a vetoed bill, House Bill 453 could constitutionally be reconsidered during the 1982 legislative session. Therefore, the Council's interest in judicial redistricting continued.

The question arose as to whether House Bill 453 as passed in 1981 was the only redistricting scheme that could constitutionally be considered in 1982, or whether a different bill could be introduced. Through the Council staff attorney, the redistricting committee researched the proper interpretation of the constitutional provision governing this question. While preliminary census information was available to the 1981 Legislature, the final, published census figures were not available until after adjournment. Which year was meant by the constitutional provision that the session "after each United States census" was the proper session to increase judicial districts?

Research by the committee showed that case law in different jurisdictions has interpreted phrases similar to this one in different ways, the two major interpretations being: 1) "after the census" means the session after final, full publication of census figures; and 2) "after the census" means the legislative session at which preliminary census information is available. The reason for using one or the other of the above interpretations seemed to be the extent to which exact information on population was required. Since population is one, but not the only, consideration in judicial redistricting, the committee concluded that the preliminary information available to the 1981 Legislature was sufficient, and that 1981 was probably the correct year to increase judicial districts. Therefore, House Bill 453 as passed was the only bill increasing judicial districts that could be considered in 1982.

The redistricting committee then looked at the effects of House Bill 453 on New Mexico's judicial districts. Presently, there are thirteen judicial districts: one one-judge district, six two-judge districts, three three-judge districts, two six-judge districts, and one fifteen-judge district. There are now two one-county districts. House Bill 453 would result in five one-judge districts, nine two-judge districts, two three-judge districts, one five-judge district, and one fifteen-judge district, as well as nine one-county districts.

The committee also gathered additional information on recent caseloads, actual judges' travel, final 1980 census figures, and projected populations by county and by judicial district. This information was compared for judicial districts as they are now, and as they would be if House Bill 453 were in effect.

Having compiled this information, the redistricting committee formally recommended to the Council, on a two to one vote, that the Council support passage of House Bill 453 if that were the only measure that could effect judicial redistricting between 1980 and 1990. A vote in the Council to adopt that recommendation failed on a vote of six for and seven against.

The redistricting committee made two other recommendations, both of which were adopted by the Council. One is that the legislature be asked to pass a resolution for a constitutional amendment permitting the number of judicial districts to be decreased as well as increased. The other is that the legislature be asked to pass a resolution to amend the constitution to provide that redistricting of judicial districts could be done once in the three year period following the year in which the census is taken.

#### Presiding Judge Authority

The council became interested in presiding judge authority in response to a letter to the Council from the state Supreme Court listing presiding judge authority as an area of concern. The Council's District Court Study Committee was assigned this topic.

Currently, the only New Mexico guidelines for presiding judges and authority between judges in a multi-judge district are found in Section 34-6-18 N.M.S.A. 1978, which merely provides that:

"All judges of a judicial district have equal judicial authority, rank and precedence; and . . . unless otherwise designated by rule of the district court, the judge of division one shall be the presiding judge of the district."

Through the Council's staff attorney, the committee collected and studied various other states' statutes and rules, articles, and the American Bar Association Standards on presiding judges. A questionnaire was then prepared, and presiding judges in ten of the thirteen districts were interviewed concerning their views on presiding judge authority and their actual duties as presiding judge. In addition, in three of the districts, judges other than presiding judges were interviewed.

The views and opinions of the different presiding judges varied. Most of the judges felt that while their administrative tasks took significant extra time in addition to their regular caseload duties, it was a necessary part of their job and was fairly easily dealt with. Two suggestions were brought up to compensate the presiding judge for his extra tasks: one was to give the presiding judge less of a caseload than the other judges in the district; the other was to pay the presiding judge an additional amount to compensate him for his additional work. Several judges felt the presiding judge should be elected rather than appointed by the Supreme Court, because the local judges were more familiar with each other's personalities and abilities in administration, but there was a wide difference of opinion as to the proper length of terms of office. Some judges felt the Supreme Court should set out presiding judge authority in the form of a rule; others thought there should be a rule regarding presiding judges, but that it should be a local rule; a few felt that no presiding judge rule was necessary, and that cooperation between the judges was the key to efficient court administration. Uniformly, the presiding judges were performing or supervising the basic administrative tasks recommended by the American Bar Association Standards.

Using these Standards as a basic guideline, and adding, where thought applicable, suggested rules and duties from other jurisdictions as well as considering the various judges' comments, a sample draft of presiding judge rules was written.

The Council's district court study committee revised the draft and presented it to the full Council for approval.

The revised rules sent to all district judges for comment read as follows:

SUGGESTED RULES REGARDING PRESIDING (CHIEF) JUDGES:  
(As amended in Judicial Council District Court Committee meeting held January 8, 1982)

1. Purpose. The purpose of these rules is to assure the speedy and efficient operation and administration of the district courts by providing for a chief judge to be chosen in each multi-judge district who will be in charge of handling administrative and public relations matters, as outlined below.
2. Election of Chief Judge. The judges of each multi-judge district in this state shall choose one of their members as chief judge on July 1, of even numbered years. The chief judge shall be a judge with administrative ability. He shall hold the office for two (2) years and shall be eligible to succeed himself (except in districts with a full-time court administrator). In the event of a tie vote, the Supreme Court through the chief justice shall select the chief judge. A chief judge may be removed by the Supreme Court sitting as the administrative supervisory body of all state courts. The chief judge's salary shall be supplemented as provided by the legislature.
3. Duties of the Chief Judge. The chief judge is charged with the general supervision and administration of the operations of the court in the district in which he is judge. He shall:
  - a) Call and preside over regular meetings of the judges;
  - b) Nominate judges for service on committees as necessary; provided however, that each judge may attend any committee meeting of his choice;
  - c) Represent the court of his district in its relations with other agencies of the government, the bar, the general public, and in ceremonial functions;
  - d) Initiate policy concerning the court's internal operations and its position on external matters affecting the court;
  - e) Counsel and assist other judges in the district in the performance of their responsibilities in the administration of the court;
  - f) Supervise the collection, compilation, and analysis on a continuing basis, of statistical data concerning the operation of the court for his district; and supervise the preparation and submission to the Administrative Office of the Courts of periodic reports and studies based on such data. Collected data should include information on pending cases, type and number of cases considered during the month, and number of cases decided during the month.

- g) Supervise court finances, including financial planning, accounts and auditing, financial reporting, and preparation of the court's annual budget.

4. Additional Duties of Chief Judge: Caseflow Administration.

In his capacity as director of the court's caseflow administration, the chief judge should:

- a) Prepare an orderly plan to apportion the business of the court among the trial judges as equally as possible, and reassess the cases as convenience or necessity requires, so as to assure prompt hearing and disposition of cases;
- b) Implement initial orientation and continuing education programs for the members of the court;
- c) Co-ordinate and administer such matters as hours of court, leaves of absence, attendance of meetings and conferences, and vacations;
- d) With the assistance of appropriate committees and the other judges in the district, propose local rules for the conduct of the court's business. These rules should include such matters as the times for convening regular sessions of the court and shall be submitted to the other judges in the district for approval by the majority. The chief judge has the authority to enforce these rules.

5. Delegation. The chief judge may delegate authority to associate judges and to court staff when doing so facilitates effective administration of the court.

6. Boundaries of Authority.

- A. In performing his functions, the chief judge should act in conformity with policies adopted by the court for the district as a whole, and should freely solicit the advice and suggestions of his fellow judges. The chief judge's exercise of administrative authority should not infringe on the judicial authority and responsibility of the judges of his court.
- B. No other judge is authorized to, nor shall any other judge undertake to perform, any of the foregoing functions of the chief judge, unless authorized by the Supreme Court or by the chief judge.

Bernalillo County Metropolitan Court

Problems and Progress

Since its debut approximately eighteen months ago, the Bernalillo County Metropolitan Court has been observed with keen interest by the public, the news media, the local bar association, and members of the judiciary. Initially, criticism was frequent and harsh, but in all fairness, the merger of three individual courts into a workable hybrid court system was a considerable task to accomplish in a short period of time and some operational problems were inevitable. Happily, the criticism has dwindled as improvement has been made in nearly every area.

---Handling of paperwork for traffic violations has been simplified and steps taken to shorten the normal amount of time required for payment of traffic fines in person so that a fifteen-minute wait is unusual, according to the court administrator. In addition, a change in procedure for payment of traffic citations becomes effective January 1, 1982, to allow payment by mail directly to the Motor Vehicle Department in Santa Fe.

---Snafus in case scheduling and notification to parties have been greatly reduced by procedural changes and increased staffing in that division of the court.

---Bail bond accounting information and driving while intoxicated (DWI) case file data have been computerized to improve accuracy and timeliness. The mini-computer in use was acquired through New Mexico Traffic Safety Division grant funds.

---A Lawyer's Advisory Committee continues to work with the court to identify procedural problems and suggest possible modification of court rules.

One large problem that remains is the sheer volume of the court's workload and the difficulty of managing it with manual systems. Automation is very limited in view of the potential and need; it would be invaluable in many areas. The Central Justice Information System being developed in the Second Judicial District for statewide multi-agency use will include the Metropolitan Court and will provide many needed services.

The unique jurisdiction of the court made caseload estimates difficult in some areas. It was felt that as many as two hundred jury trials per month might be expected. However, jury demands did not swell as had been anticipated, partly because the judges have refused jury demands in cases arising from city ordinance violations. Transfer of civil case filings from Bernalillo County District Court to the Metropolitan Court was expected to some degree because the monetary jurisdiction of the Metropolitan Court was increased from the \$2,000 limit which applies to all Magistrate Courts to \$5,000,

and also because the filing fee and length of time to disposition are considerably less in Metropolitan Court than in District Court. In fact, the Bernalillo County District Court reported 2,095 fewer civil cases filed in fiscal year '80-'81 than in the previous fiscal year and it appears that the Metropolitan Court absorbed some of those cases.

#### Committee Work

After one year of operation, the judges of the Metropolitan Court advised the Judicial Council that they felt it desirable to increase the number of authorized judgeships from eleven to thirteen. This request was referred to the Council's Limited Jurisdiction Court Study Committee for evaluation. Representatives of the court outlined various factors that influenced their request for two additional judgeships. One consideration is an increased emphasis on DWI enforcement at both local and statewide levels. The local commitment is reflected by the Albuquerque Police Department's acquisition and use of two mobile Breath-Alcohol-Test units (B-A-T mobiles). The first unit in use resulted in a doubling of the number of DWI arrests, from 4,148 in 1979 to 8,314 in 1980. The second unit, recently acquired, is expected to increase the current number of arrests by 25%, from approximately 9,000 in 1981 to an estimated 11,250 for next year. The impact on the court is felt in the number of arraignments required, the number of pleas taken, and the number of trials conducted.

A second related factor is the judicial handling of alleged DWI offenders as required by statute. It was pointed out that DWI citations are generally issued under state statute which allows collection of a \$25 lab analysis fee. There is also an enhancement statute requiring a mandatory two-day jail sentence upon conviction in second or subsequent DWI cases. These provisions are expected to reduce the number of guilty pleas entered and consequently, to increase the number of trials, including jury trials.

The judges indicated that the additional judgeships would enable them to continue to operate in the present time frame (traffic cases are set in thirty days or less; jury trials and lawyer's cases in forty-five to sixty days; and civil cases in sixty days) rather than allow the backlog to increase. Another advantage would be the planned resumption of Night Court and Weekend Court which would help to alleviate the serious overcrowding which occurs in the city-county detention Center, would reduce scheduling problems and overtime payments to Albuquerque Police Department officers who must appear in court outside of their work shift hours, and would also provide more convenient service to the public.

These factors (increased DWI enforcement and related statutory provisions, continued speedy disposition of cases and planned resumption of Night and Weekend Court) along with the population growth in Bernalillo County were considered by the committee to be

the most valid indicators of increasing caseload and the most persuasive arguments in favor of increasing the number of judgeships for the Metropolitan Court. Other factors presented as justification were viewed by the committee as more indicative of potential caseload growth than actual growth. For example, some consideration has been given to the possibility of the lower courts assuming exclusive jurisdiction in small civil lawsuits to relieve the burden on the district courts or, specifically, the Metropolitan Court may eventually have exclusive jurisdiction in civil claims of less than \$5,000 (at present these may be filed in either Metropolitan or District Court). Along the same lines, the judges pointed out that there is currently some question over whether or not the Metropolitan Court has statewide service of process and clarification by the Supreme Court Rules Committee is needed. If the intent is that service of process outside Bernalillo County be permitted, the number of civil case filings would increase significantly as Albuquerque is a trade center attracting residents of several surrounding counties. Naturally, if and when these changes occur, suitable provision will need to be made for additional manpower required by the increased workload.

In addition to several meetings with various judges and the court administrator, an effort was made to gather opinions of court users and observers regarding the overall operation of the court. Some direct observation was also conducted. The general consensus was that things are running more smoothly than before, the backlog time is not a problem, and although an additional judge (or two) might be needed, the need was far greater in the Bernalillo County District Court than in the Metropolitan Court.

#### Recommendations

In the final analysis, the committee reversed its original position that the request for two judgeships be endorsed and instead concluded that the one year history of the court was too limited a time-frame to fairly evaluate whether the judicial manpower was adequate or inadequate. Statistical data regarding actual trials conducted and types of dispositions were found lacking. The committee agreed that upcoming changes such as the new procedure for motor vehicle penalty assessments and sanctions for non-compliance, and implementation of the Central Justice Information System would need to be considered for impact on the court. The potential for increased workload was recognized and would warrant review in another year.

In addition, the committee recommended that the statute which consolidated the three courts and created the Metropolitan Court be revised to deleted language restricting the number of authorized judgeships to eleven prior to July 1, 1985. Deletion would clear the way for additional judgeships whenever they may be deemed appropriate, as is the practice in all other state-funded courts.

### Mandatory Sentencing

The Judicial Council voted to have its committee on criminal justice examine the question of whether a modification would be advisable in laws mandating imposition of sentences. The question arose when a district judge felt he could not in good conscience follow the law requiring him to sentence a young man to jail. The firearm enhancement provision of the sentencing code requires that if a person is found to have used a firearm in the commission of a felony, that person must be sentenced to the state penitentiary for at least one year, and the judge may not suspend or defer that portion of the sentence. The young man apparently waved a gun in a menacing manner in an altercation with another motorist. A jury found the young man guilty, but recommended leniency. The judge could not see sending him to prison for a year with the attendant loss of support that would mean for the man's family and the effect it would have on the young man himself. In another situation another judge suspended all but the mandatory one year in prison for a former deputy marshall found guilty of involuntary manslaughter. The deputy had answered a call at night, and when he arrived at the scene he was fired upon and wounded in the leg. He returned the fire and fatally wounded another man not involved in the shooting. A third example arose in a jury trial of an eighteen-year old boy where the crime charged included an allegation of use of a firearm. The district judge was concerned because he felt strongly that it would be unjust in the particular circumstances to send him to prison on his first offense. The jury apparently felt the same way and asked if a guilty verdict would mean an automatic prison term. The jury was told it would. The jury returned a verdict of not guilty.

Although the above are three examples which indicate that the broad, all-inclusive language of the firearm enhancement provision will result in what many will consider unnecessarily harsh results, it is not known whether the incidence of such results is statistically significant. The committee has started gathering information on mandatory sentencing in New Mexico and elsewhere to see how often such provisions are used, and with what results. It is known that prosecutors often use such mandatory sentencing provisions as a negotiating tool in plea bargaining, and the matter never comes to the sentencing stage before a judge because it has been plea bargained out in exchange for a guilty plea on other charges.

If the study of the committee indicates that some modification of mandatory sentencing is called for, alternatives will be presented to the legislature. The Council has researched the question and has no doubt that the legislature has full authority to mandate definite sentences for crimes. The alternatives suggested for possible study include making firearm enhancement applicable in a second offense, abolishment of all mandatory sentence language, and establishment of sentence review panels having authority

to modify sentences required by law when the circumstances warrant a modification.

### News Review

In response to its duty to continuously study the courts in New Mexico, one of the activities of the Council is to examine news clippings from around the state dealing with the courts. The Council subscribes to a clipping service which is quite specific as to the types of items clipped. In addition, the Administrative Office of the Courts supplies a more voluminous batch of clippings it receives, after it has made use of them.

Having reviewed the clippings, the Council staff makes further use of them by writing brief summaries of the month's clippings of general interest and sending copies of this news review to those judges who have indicated an interest in receiving it. The majority of judges at all levels have indicated an interest in the review. Some have commented very favorably on it, and others say it helps them keep abreast of happenings in other courts around the state.

## MISCELLANY

During the year the Judicial Council reviewed proposals introduced by the legislature affecting the courts and formulated its own proposals to be submitted to the legislature. The Council also discussed and reviewed matters and issues brought up by individual members and advocates of specific programs. Three of the legislative proposals considered were endorsed by the Judicial Council. Other matters discussed and reviewed did not result in formal action by the Council but were considered in light of proposals in the legislature and are presented in this section for informational purposes.

### Legislative Proposals

**Juvenile Code:** Through legislative approval, the Governor created the Juvenile Code Task Force which reported to the Judicial Council its findings concerning changes and recommendations to the proposed Children's Code. As a result of the many questions and issues discussed during the task force's presentation, the Council established a committee for further study of the report. The committee subsequently reported on the status of bills to amend the Children's Code and the following concepts raised in the proposed revisions: creation of a citizen review board; release of foster parents from liability for the acts of juveniles; waiver of representation by an attorney by juveniles over 15 years old; detention of status offenders; appointing authority for children in need of supervision; the financial liability imposed on parents for acts of their own children; juvenile probation procedures; local forensic evaluations; hearing procedures for juveniles; and approval of families in need of services.

**Judicial Planning Council:** Members of the Metropolitan Criminal Justice Coordinating Council came before the Judicial Council to present a proposed bill creating a State Judicial Planning Council funded by the state general fund. The proposed State Judicial Planning Council would replace the regional and state planning organizations funded under the phased-out federal Law Enforcement Administration Act. It was the consensus of the Judicial Council that the effort created by the LEAA funding had had a major impact on the improvement of the judicial system. Organizing the components of the justice system meant that long and short range planning established under the LEAA could be realized through the proposed State Judicial Planning Council. The Judicial Council members reviewed the proposal and endorsed the Criminal Justice Assistance Act under which the State Judicial Planning Council was introduced.

**Judicial Salaries and Retirement:** Several proposals submitted by the Supreme Court and passed in the legislature involved increases in judicial salaries and improvement of retirement benefits. A five percent cost of living increase and a five percent merit increase were approved for 1981. The state increased its share of group health

insurance payments and reduced the cost for each employee by ten percent. Salary upgrades were approved for Juvenile Probation Officers, court reporters, law clerks, some probation staff in the Metropolitan Court; district, Court of Appeals and Supreme Court judges and justices, metropolitan judges and magistrates. A retirement bill allowing computation of judicial retirement based upon the total time of service rather than only the full years of service passed. Retirement buy-back provisions allowed returning employees to purchase their retirement benefits back if the funds had previously been withdrawn. The Judicial Council renewed its support for the bills noted above. Table 5 shows the past increases in judicial salaries for judges and justices of the Supreme Court, Court of Appeals and district courts. It also reflects the effects of inflation on those salaries.

### Council Proposals

**Non-elective Selection of Judges:** The Judicial Council endorsed a proposal submitted to the legislature as House Joint Resolution 4 providing for judicial selection by appointment for the Court of Appeals and the Supreme Court. The resolution called for a judicial nominating commission to be responsible for providing a list of qualified candidates to the governor for appointment. The proposed commission consisted of the speaker of the house of representatives; the president pro tempore of the senate; three members from the bar commission; and four governor-appointed citizens. The resolution also called for a process of retention whereby the state electorate voted on retaining or rejecting an appellate court judge or justice. A separate legislative proposal, Senate Joint Resolution 2, was similar to House Joint Resolution 4. It called for the non-elective selection to include district judges. The senate resolution stipulated that the Judicial Standards Commission have the responsibility for submitting a list of candidates to the governor and it also included a process for retention and rejection of appointed judges. The Judicial Council-approved house joint resolution failed in the house. Senate Joint Resolution 2 passed in the legislature and will be submitted to the electorate in the next general election. The Council subsequently voted to actively support the proposed constitutional amendment in the upcoming election with one member voting against the proposal.

**Judicial Qualifications:** The Judicial Council proposed an amendment to the state constitution concerning judicial qualifications of Supreme Court justices and district court judges. The major changes required that a Supreme Court justice shall have been practicing law in the state for at least ten years. A six year requirement was indicated for district court judges. Substitutions for the time practicing law requirement included time served as an appellate court judge and time as a law clerk while licensed to practice law in the state. The proposed judicial qualifications amendment was not passed by the legislature.

TABLE 5  
NEW MEXICO JUDICIAL SALARIES AS RELATED TO CONSUMER PRICE INDEX

as of:	1967 Price Index	1967 = \$1.00 Purchasing Power of the Dollar					
		Supreme Court		Court of Appeals		District Judges	
		Annual Salary	Purchasing Power	Annual Salary	Purchasing Power	Annual Salary	Purchasing Power
12/31/67	100	\$20,000	\$20,000	\$18,500	\$18,500	\$17,500	\$17,500
12/31/68	104.2	21,000	20,154	19,500	18,714	18,500	17,754
12/31/69	109.8	21,000	19,126	19,500	17,760	18,500	16,849
12/31/70	116.3	22,500	19,347	21,000	18,057	20,000	17,197
12/31/71	121.3	22,500	18,549	21,000	17,312	20,000	16,488
12/31/72	125.3	29,500	23,543	28,000	22,346	27,000	21,548
12/31/73	133.1	29,500	22,164	28,000	21,037	27,000	20,285
10/31/74	153.2	29,500	19,256	28,000	18,277	27,000	17,624
10/31/75	164.6	32,000	19,441	30,500	18,530	29,500	17,922
10/31/76	173.3	33,500	19,331	32,000	18,465	31,000	17,888
10/31/77	184.5	36,348	19,700	34,720	18,818	33,635	18,230
10/31/78	200.9	38,165	18,997	36,456	18,146	35,317	17,579
12/31/79	229.9	38,165	16,601	36,456	15,587	35,317	15,362
12/31/80	258.4	44,000	17,028	43,000	16,641	42,000	16,254
11/30/81	280.7	49,500	17,634	47,000	16,744	45,000	16,031

**Waiver of Extradition:** The Council proposed an act relating to the waiver of extradition by persons charged with a crime in another state that would amend the state statutes governing extradition procedures. The act allows the written waiver of extradition proceedings to be executed by a magistrate. The house bill (535) passed the legislature amending Section 31-4-22 NMSA, 1978.

**Magistrate Appeals:** The Council proposed an amendment relating to trials de novo in district court. The amendment permitted a district judge trying a case on appeal from a magistrate court to impose a greater penalty upon conviction than that imposed by the magistrate court. The proposed amendment passed the legislature.

#### Other Areas Of Interest

**Municipal Court Issues:** The Council has initiated an overall review of the municipal courts through its committee to study courts of limited jurisdiction. The municipal courts are accountable only to their respective city governments and no central administrative body exists (other than the Municipal League and the Municipal Judges Association). The Council's committee has noted that limited training has been provided to municipal judges and no training for clerks. The committee has solicited information regarding the actual number of municipal judges in the state, salaries paid, caseload volume, and availability of courtroom facilities.

**District Attorney Issues:** The president of the District Attorney Association requested time before the Judicial Council to advise the Council of prosecutors' needs and interests. The Association took the position that the district attorneys are an inherent part of the judicial branch of government. The president noted that the district attorneys were the only group not approved for salary increases during the 1981 legislative session. He explained that the district attorneys were also facing problems in payment to expert witnesses due to delays in reimbursement procedures. The president noted the importance of having representation in such groups as the Judicial Council and the Uniform Jury Instruction Committee.

**END**