

NEW MEXICO COMMISSION ON ACCESS TO JUSTICE

ANNUAL REPORT
TO THE
SUPREME COURT OF NEW MEXICO
FOR 2010

May 6, 2011

The Commission on Access to Justice (“Commission”)¹ presents its report for 2010 to the Supreme Court to update the Court on Commission efforts and activities to increase access to justice for all New Mexicans. The Commission gratefully acknowledges the support of the Court for the activities of this Commission and its participation in such integral efforts as Pro Bono Week. Assuring meaningful access to the civil legal system is a core function of the judiciary, and the accomplishments of this Commission would not be possible without the leadership and endorsement of the Court. While current economics have somewhat eliminated prior successes of the Commission in helping legal service providers to achieve substantial legislative funding increases (disbursed through the Civil Legal Services Commission or CLSC), the enthusiasm of the Commission is not dampened. Commission challenges and priorities for 2011 are: (1) to assist in efforts to maintain or increase funding for legal service providers in the current budget crisis, as well as to recruit more staff attorneys, especially in remote and rural areas of the State; (2) provide pro se forms statewide, both hard copy and web-based; and (3) increase the full representation component of pro bono efforts, especially in the area of family law and especially in light of decreased legislative funding of legal service providers. In addition, the

¹ Membership of the Access to Justice Commission for 2010 is found in Appendix A.

Commission will explore language access obligations in both courts and services of legal service providers pursuant to relevant ABA standards.

The Commission operates through working groups, composed of Commissioners and other interested people. This report summarizes the work of these groups; detailed annual reports are attached as appendices. The chairs and active members of the working groups are listed in Appendix C.

Mandatory Pro Bono Reporting, Pro Bono Plan and Pro Bono Week

Pro bono service hour reporting data for 2010 was not available at the time of this report. Typically, a significant number of attorneys in New Mexico (over 1000, according to the State Bar) fail to return the dues forms by the January 1 deadline each year or even by the formally “late” deadline of February 1. Analyzing mandatory reporting data in the absence of this number of dues forms (equivalent to 50,000 hours not yet reported according to State Bar estimates based on prior years’ reporting) would be premature and would not accurately reflect pro bono/donation data for the state. However, increases in both pro bono service hours and monetary donations to legal services since the advent of mandatory reporting are clear from analyzing the data from prior years (this information was not available for the 2009 Commission annual report). Thanks to the recruiting efforts of local Access to Justice (“ATJ”) pro bono committees around the state, volunteer attorneys reported providing 275,733 hours of pro bono services in 2009 (as reported by 65% of active attorneys and judges on 6,604 dues forms for 2009).

See Appendices D and E (2009 dues and 2008-2009 dues form comparisons). Monetary donations accompanying the 2009 dues forms totaled \$133,211, an increase of \$24,491 over 2008 (does not include donations made directly to legal service providers or other campaigns, such as the Equal Access to Justice (EAJ) Campaign, outside of the dues form process). The 2009 reporting numbers represent an increase of 50,432 hours over 2008.

In 2010, 619 attorneys participated in pro bono activities across the state, serving 7300 individuals. The Law-La-Palooza event held in October 2010 at the Albuquerque Convention Center provided legal assistance to over 800 individuals in one day, thanks to the volunteer efforts of 135 attorneys, 12 legal service providers, and 30 or more paralegal students from UNM and CNM. The success of the local committees is described in detail in Appendix F, Summary of the 2010 Pro Bono Committee Annual Reports (submitted by Amy LaFaver, ATJ Pro Bono Coordinator). The chairs of the local pro bono committees are listed in Appendix B.

However, the number of unmet legal needs in the State by far exceeds available legal services. The 2010 Legal Services Corporation Update to the Justice Gap Report states that for every client accepted by a legal service provider, two are turned away for lack of resources to provide services. The number of people without lawyers is spiking even further in these difficult economic times as job loss leads to foreclosures, evictions, bankruptcies, and the inability to pay child

support. The people who are turned away cannot afford an attorney, and therefore turn to the courts with their legal issues, desperately requesting court staff to help them. See Self Represented Litigant discussion below.

The Pro Bono/Communication/Outreach Working Group streamlined the annual evaluation process for the local pro bono committees, reducing the administrative burden of reporting and increasing the effectiveness of the results. The group uses the results to produce tools or best practices as a resource available to all pro bono programs. Goals for 2011 include: promoting public libraries as partners in ensuring access to justice; researching and promoting the availability of professional liability insurance coverage for both pro bono and discrete task representation; and encouraging pro bono service. See Appendix G.

Self Represented Litigants

The Self Represented Litigant (SRL) Working Group continues to push for courts to provide information to the public without giving legal advice and to develop standardized plain language forms, both web-based and hard copy. As noted above, these forms are a Commission priority for 2011, whether through partnership with New Mexico Legal Aid's A2J Author/LawHelp interactive website project, law library or other centralized websites, or a combination. See the SRL group report (Appendix H) for further details of the interactive forms and web-based legal information efforts. The goal is to provide not only access to user-friendly standardized forms, but also basic legal information, referrals and

directories. The SRL and rules groups are currently piloting Commission-approved proposed divorce forms in the Second Judicial District Court which will be submitted to the Domestic Relations Rules Committee for further input. In 2011, the SRL group will submit proposed standardized forms in other areas such as kinship guardianship instructions, motions, etc., although simple forms may be available only in pdf vs. interactive web-based forms.

The SRL group continues to collaborate with the access to justice movement in public libraries nationwide. Thanks to the support of entities such as the Bill and Melinda Gates Foundation, public libraries generally already offer public access computers as gateways to legal and other information. Many courts will not be able to offer such computer public access until the budget situation improves. Not only have budget cuts reduced representation by legal service providers (resulting in even more SRLs asking for legal information in the courts), they have also hampered efforts to promote court-based self help program guidelines and plans developed by the SRL group. Nonetheless, besides the forms and web information projects, the SRL group continues to study Title VI language access obligations through collaborating with the New Mexico Center for Language Access.

Rules, Legislation and Resource Development

The Commission successfully sought Supreme Court approval of rule changes proposed by the rules and resources working groups with the goal of augmenting funding available to legal service providers (residual cy pres funds) and to enhance the ability of civil legal service providers to recruit out-of-state lawyers to practice under limited license rules. The rules group is also working to streamline and simplify the summons form (to provide clear information) and free process application procedure for SRLs. See Appendices I (rules/legislation group report) and J (resource group).

IOLTA. In 2008, the Supreme Court approved changes in Rule 24-109 NMRA (effective Jan. 1, 2009) establishing mandatory attorney participation in IOLTA (Interest on Lawyers' Trust Accounts) at financial institutions paying comparable interest rates on the accounts. Although the goal of the rule change was to increase the amount of IOLTA accounts, its actual effect was to help minimize the damage suffered by the New Mexico's IOLTA fund (as compared to such funds nationally) resulting from precipitous drops in interest rates on bank deposits. In other successful efforts on the federal front, the Commission joined appeals by many affected organizations to the FDIC to push for legislative amendments including IOLTA accounts within the category of noninterest-bearing accounts protected by unlimited deposit insurance, at least through December 31, 2012.

Pro Hac Vice. Rule 24-106 NMRA requires non-admitted attorneys appearing in civil cases in state courts to register with the State Bar and, subject to certain exemptions, pay a fee of \$250 per appearance. The resource group reports that *pro hac vice* fees paid in 2010 totaled \$ 135,255 for distribution in grants in 2011. In 2011, the resource group will continue its efforts to expand the registration requirement to non-admitted lawyers appearing in civil actions before the United States District Court for the New Mexico District.

Cy Pres Residual Funds. Courts have applied the equitable doctrine of *cy pres* to award balances remaining from class action settlements and other court-administered funds to charitable organizations provided there is a sufficient connection between the purposes of the award and the underlying litigation. The rules/legislation and resources groups worked together to propose an amendment to Rule 1-023 NMRA (class actions) that would go beyond the current “sufficient connection” option to allow the court to direct residuary funds to support legal services programs in New Mexico. After Commission approval and certain revisions of the amendments requested by the Supreme Court’s Rules of Civil Procedure Committee, the Supreme Court has approved the rule as amended, effective May 11, 2011.

Equal Access to Justice and New Mexico Bar Foundation. After several years of attempting a trial affiliation intended to culminate in a merger of the New Mexico Bar Foundation and Equal Access to Justice, the organizations ultimately

were unable to agree on the scope of their merged mission; the affiliation ended in late 2010. The resource group report contains details about the organizations and their separate missions and notes that, nonetheless, the Commission may be able to assist both groups in coordinating fund raising and grant efforts.

In 2011, the resource group will continue to identify and investigate new opportunities to increase financial support for legal services programs, including promoting the *cy pres* project.

2007 State Plan: Providing Civil Legal Aid to Low Income New Mexicans (System Planning)

In the Order adopting the State Plan, the Court assumed oversight of the State Plan through the Commission. Pursuant to the State Plan and to ABA and Legal Services Corporation (LSC) standards governing the provision of civil legal services, the CLSC-funded legal service providers are fully engaging in the peer visit system coordinated by the AOC staff attorney to learn about each other's organizations, to engage in conversations about relevant standards and guidelines, to give assistance and guidance, and to promote best practices. After input from legal service providers and ATJ Commissioners, the system planning group also prioritized recommendations for implementing the State Plan. The recommendations emphasize the legal needs of rural low-income New Mexicans and defining/improving evaluation, reporting, and referral protocols pursuant to ABA/LSC standards and requirements. However, the group's report (Appendix K)

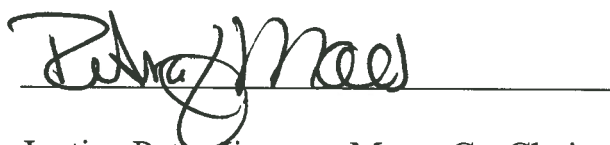
states that top priority may shift to developing creative ideas for changes in the legal services system in light of severe budget cuts and their dramatic effects on the staff and structure of providers.

Conclusion

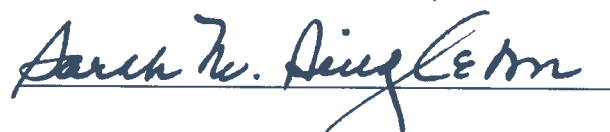
The Commission will continue its efforts to secure meaningful access to justice. The quest to provide access is even more significant and critical in these times of deep budget cuts and a depressed economy. We request that the Court authorize the Commission to continue its work.

Respectfully Submitted,

COMMISSION ON ACCESS TO JUSTICE

A handwritten signature in cursive script, reading "Petra Jimenez Maes", written over a horizontal line.

Justice Petra Jimenez Maes, Co-Chair

A handwritten signature in cursive script, reading "Sarah M. Singleton", written over a horizontal line.

Hon. Sarah M. Singleton, Co-Chair

APPENDICES

Appendix A	Roster of the Access to Justice Commission For 2010
Appendix B	Chairs of the Local Pro Bono Committees
Appendix C	Chairs and Active Members of the Working Groups
Appendix D	2010 Dues Form Reporting for 2009 Pro Bono Hours/Donations
Appendix E	2008-2009 Reporting Comparisons

-----ANNUAL REPORTS FOR 2010-----

Appendix F	Summary of the 2010 Pro Bono Committee Annual Reports
Appendix G	Pro Bono/Outreach Working Group Annual Report
Appendix H	SRL Working Group Annual Report
Appendix I	Legislation and Rules Working Group Annual Report
Appendix J	Resource Development Working Group Annual Report
Appendix K	System Planning Working Group Annual Report

APPENDIX A

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

January 4, 2010

ROSTER FOR THE NEW MEXICO COMMISSION ON ACCESS TO JUSTICE

Honorable Petra Jimenez Maes, Co-Chair New Mexico Supreme Court (Supreme Court representative)	Appointed May 28, 2004 3-yr term expires 12/31/2007 1st reappointment 1/1/2008 3-yr term expires 12/31/2010
Hon. Sarah M. Singleton, Co-Chair First Judicial District Court (Supreme Court designee)	Appointed May 28, 2004 3-yr term expires 12/31/2007 1st reappointment 1/1/2008 3-yr term expires 12/31/2010
John Arango (Supreme Court designee)	Appointed 1/1/2009 to fulfill T. Sibbitt's unexpired term, said term to expire 12/31/2009 1st reappointment 1/1/2010 3-yr term expires 12/31/2012
Douglas A. Echols (Governor designee)	Appointed September, 2006 3-yr term expires 12/31/2009 1st reappointment 1/1/2010 3-yr term expires 12/31/2012
Michelle Giger Center for Civic Values (State Bar designee)	Appointed April 27, 2007 to fulfill K. Brockel's unexpired term, said term to expire 12/31/2008 1st reappointment 1/1/2009 3-yr term expires 12/31/2011
Bruce D. Hall (Supreme Court designee)	Appointed 1/1/2009 3-yr term expires 12/31/2011
Levon B. Henry DNA - Peoples Legal Services, Inc. (Supreme Court designee)	Appointed 10/24/2007 to fulfill unexpired term of G. Valdez, said term to expire 12/31/2007 1st reappointment 1/1/2008 3-yr term expires 12/31/2010
Gregory T. Ireland (Supreme Court designee)	Appointed 1/1/2010 3-yr term expires 12/31/2012

Dorene A. Kuffer (Supreme Court designee)	Appointed 1/1/2010 3-yr term expires 12/31/2012
Prof. Antoinette Sedillo Lopez (Dean of UNM School of Law or designee)	Appointed 3/10/2008 to fulfill unexpired term of S.Scarnecchia, said term to expire 12/31/2010
Senator Cisco McSorley (Senate President designee)	Appointed June 23, 2004 2-yr term expires 12/31/2006 1st reappointment 1/1/2007 3-yr term expires 12/31/2009 2nd reappointment 1/1/2010 3-yr term expires 12/31/2012
Andrew S. Montgomery Office of the Attorney General (State Bar designee)	Appointed 1/1/2007 3-yr term expires 12/31/2009 1st reappointment 1/1/2010 3-yr term expires 12/31/2012
Honorable Nan G. Nash Second Judicial District Court (Supreme Court designee)	Appointed May 28, 2004 2-yr term expires 9/1/2006 1st reappointment 10/9/2006 3-yr term expires 12/31/2009 2nd reappointment 1/1/2010 3-yr term expires 12/31/2012
Thomas W. Olson Montgomery & Andrews, P.A. (State Bar designee)	Appointed March 3, 2006 3-yr term expires 12/31/2008 1st reappointment 1/1/2009 3-yr term expires 12/31/2011
Jessica A. Perez (State Bar President Elect)	Appointed 1/1/2010 to fulfill S. Shanor's unexpired term, said term to expire 12/31/2010
John D. Watson (Supreme Court designee)	Appointed 3/10/2008 to fulfill unexpired term of R. Chavez, said term expires 12/31/2010
Rep. Antonio "Moe" Maestas (House Speaker designee)	Appointed 2/8/2008 to fulfill the unexpired term of H. Balderas, said term to expire 12/31/2008 1st reappointment 1/1/2009 3-yr term expires 12/31/2011

Joey Moya, Chief Counsel
New Mexico Supreme Court

Appointed May 28, 2004
1-yr term expires 12/31/2004
1st reappointment 1/1/2005
3-yr term expires 12/31/2007
2nd reappointment 1/1/2008
3-yr term expires 12/31/2010

Staff:

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**APPENDIX B - 2010 Local Pro Bono Committee
Chairs / Co-chairs**

First Judicial District	Hon. Raymond A. Ortiz
Second Judicial District	Hon. Clay P. Campbell Hon. Nan G. Nash
Third Judicial District	Hon. Fernando R. Macias Hon. Michael T. Murphy
Fourth Judicial District	Hon. Matthew J. Sandoval
Fifth Judicial District - Chaves County	Hon. Steven L. Bell Dustin Hunter, Esq.
Fifth Judicial District - Eddy County	Hon. Jane Shuler Gray
Fifth Judicial District - Lea County	Hon. William Schoobridge
Sixth Judicial District	Hon. Henry R. Quintero
Seventh Judicial District	Michelle Ritt Martinez Domestic Violence & Child Support Hearing Officer
Eighth Judicial District	Hon. Sam B. Sanchez Ms. Sue B. McDowell, Esq.
Ninth Judicial District	Hon. Robert S. Orlick Hon. Drew Tatum
Tenth Judicial District	Hon. Albert J. Mitchell, Jr.
Eleventh Judicial District –McKinley County	Hon. Grant L. Foutz
Eleventh Judicial District –San Juan County	Commissioner Cindy Gray Domestic Violence & Child Support Hearing Officer
Twelfth Judicial District	Hon. James W. Counts
Thirteenth Judicial District	Hon. John F. Davis Ms. Crystal Anson Hyer, Esq.

APPENDIX C

Access To Justice Commission Working Groups¹

WORKING GROUP	(CO-)CHAIR	MEMBERS
Pro Bono/Communications/Outreach	Robert Mead The Hon. Nan Nash	
		Janet Blair
		Joe Conte
		Rosalie Fragoso
		Amanda Frazier
		Crystal Hyer
		Greg Ireland
		Jaime Kennedy
		Larry Kronen
		Karen Meyers
	State Bar ATJ Pro Bono Coordinator	Amy LaFaver
		Fran Palochak
		Jodie Schwebel
		Antoinette Sedillo- Lopez
		Hon. Sarah Singleton
		William Strouse
		Nita Taylor
		Jane Beth Wishner
Resource Development	Tom Olson	
		Michelle Giger
		Levon Henry
		Cisco McSorley
		Gloria Molinar
		Kate Mulqueen
		Conrad M. Rocha
		William Strouse
System Planning	Kasey Daniel Liz McGrath (co-chair as of late 2010)	
		John Arango
		Bruce Hall (resigned in 2010)

¹ Groups are listed in the order in which they report at the ATJ Commission meetings; only active members are listed (attended a majority of working group meetings or otherwise contributed).

		Dorene Kuffer
		Justice Petra Jimenez Maes
		Gail Evans
		Conrad Rocha
		Hon. Sarah Singleton
		Richard Spinello
		Pat Stelzner
		MaryAnn Baker-Randall
		Lisa Schatz Vance
Legislative/Rules	Joey Moya Supreme Court Chief Counsel	
		Angelica Anaya Allen
		Doug Echols
		Gail Evans
		Kay Homan
		Dorene Kuffer
		Andrew Montgomery
		John D. Watson
Self-Represented Litigants	Tina Sibbitt AOC/ATJ Program Staff Attorney	
		Carol Garner
		Leigh Ann Chavez
		Kay Homan
		Crystal Hyer
		Celia Ludi
		Justice Petra Jimenez Maes
		Geoff Nims
		Andre Shiromani
		Fran Palochak
		Jodie Schwebel
		Candy Sisneros
		Angela Simpson
		Renee Valdez
		John D. Watson

APPENDIX D - 2010 New Mexico Dues Form Data - 2009 Pro Bono Hours and \$\$ Donated by Judicial District

Sorted by Judicial District

Judicial District	Total Active Attorneys & Judges	Pro Bono Hours			Pro Bono Monetary Contribution			Aspirational Goal**		No Contribution		
		# Providing Hours	% Providing Hours	Pro Bono Hours Provided	Avg. Pro Bono Hours Provided	# of Contributors	Amount of \$\$	Avg. Amount of \$\$	# Meeting Asp.Goal of Hours **	% Meeting Asp.Goal of Hours **	# Contributing No Hours	% Contributing No Hours
1st	1,100	691	63%	46,219	67	144	\$30,278	\$210	482	44%	406	37%
2nd	2,974	2,030	68%	130,578	64	350	\$52,530	\$150	1,527	51%	933	31%
3rd	303	173	57%	10,328	60	39	\$6,745	\$173	140	46%	129	43%
4th	48	32	67%	2,423	76	9	\$65	\$7	28	58%	17	35%
5th - Chaves *	124	89	72%	6,674	75	4	\$750	\$188	67	54%	35	28%
5th - Eddy *	54	36	67%	2,188	61	3	\$420	\$140	28	52%	18	33%
5th - Lea *	60	44	73%	2,318	53	8	\$688	\$86	1	2%	16	27%
6th	66	44	67%	2,850	65	6	\$245	\$41	38	58%	22	33%
7th	38	35	92%	2,542	73	2	\$450	\$225	29	76%	3	8%
8th	106	77	73%	5,414	70	12	\$2,100	\$175	56	53%	28	26%
9th	68	39	57%	2,575	66	6	\$840	\$140	35	51%	29	43%
10th	12	6	50%	335	56	2	\$75	\$38	6	50%	6	50%
11th - McKinley *	48	39	81%	2,492	64	1	\$100	\$100	32	67%	9	19%
11th - SanJuan *	123	85	69%	5,563	65	10	\$1,830	\$183	60	49%	38	31%
12th	88	57	65%	3,489	61	3	\$910	\$303	49	56%	32	36%
13th	225	160	71%	9,776	61	28	\$3,890	\$139	126	56%	65	29%
Out of State	1,167	644	55%	39,969	62	146	\$31,295	\$214	473	41%	515	44%
Active Members	6,604	4,281	65%	275,733	64	773	\$133,211	\$172	3,177	48%	2,301	35%
Total	6,604	4,281	65%	275,733	64	773	\$133,211	\$172	3,177	48%	2,301	35%

Notes: * 5th Judicial District has three pro bono committees; Chaves County, Eddy County and Lea County
11th Judicial District has two pro bono committees: McKinley County and San Juan County

** Rule 24-108 NMRA of the Rules Governing the New Mexico Bar states that a lawyer should aspire to render at least fifty (50) hours of pro bono public legal services per year; or alternatively, or in addition to these hours, may contribute financial support to organizations that provide legal services to persons of limited means in the amount of \$500 per year, or a combination of hours and a financial contribution. For this report when looking at the Aspirational goal, we are only looking at those who contributed **hours**.

2010 New Mexico Dues Form Data - 2009 Pro Bono Hours and \$\$ Donated by Judicial District (Active Members)

Sorted by Number of Active Attorneys/Judges in Judicial District

Judicial District	Total Active Attorneys & Judges	Pro Bono Hours			Pro Bono Monetary Contribution			Aspirational Goal**		No Contribution		
		# of Providers	% Providing Hours	Pro Bono Hours Provided	Avg. Pro Bono Hours Provided	# of Contributors	Amount of \$\$\$	Avg. Amount of \$\$\$	# Meeting Asp.Goal**	% Meeting Asp. Goal**	# Contributing No Hours and No \$\$	% Contributing No Hours and No \$\$
2nd												
Out-of-State												
1st												
3rd												
13th												
11th - SJ *												
5th - C *												
8th												
12th												
6th												
5th - E *												
9th												
5th - L *												
4th												
11th - Mck *												
7th												
10th												
Active Members	0	0	#DIV/0!	0	#DIV/0!	0	\$0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Inactive members	1,722	304	18%	24,162	79	80	\$8,720	\$109				
Total	1,722	304	18%	24,162	79	80	\$8,720	\$109				

Notes: * 5th Judicial District has three pro bono committees; Chaves County, Eddy County and Lea County

**APPENDIX E - 2008 Pro Bono Hours and \$\$ Donated in Comparison to
2009 Pro Bono Hours and \$\$ Donated by Judicial District**

Judicial District	Total Active Attorneys & Judges 2008	Total Active Attorneys & Judges 2009	Pro Bono Hours **										Pro Bono Monetary Contribution **				
			# Providing Hours 2008	# Providing Hours 2009	% Providing Hours 2008	% Providing Hours 2009	Pro Bono Hours Provided 2008	Pro Bono Hours Provided 2009	Avg. Pro Bono Hours Provided 2008	Avg. Pro Bono Hours Provided 2009	# of Contributors 2008	# of Contributors 2009	Amount of \$ 2008	Amount of \$ 2009	Avg. Amount of \$ 2008	Avg. Amount of \$ 2009	
1st	1,057	1,100	593	691	A	63%	37,775	46,219	64	67	112	144	\$26,521	\$30,278	\$237	\$210	
2nd	2,786	2,974	1,772	2,030	64%	68%	104,562	130,578	59	64	239	350	\$43,156	\$52,530	\$181	\$150	
3rd	279	303	166	173	59%	57%	9,729	10,328	59	60	27	39	\$3,787	\$6,745	\$140	\$173	
4th - Chaves *	48	48	25	32	52%	67%	1,516	2,423	61	76	1	9	\$100	\$65	\$100	\$7	
5th - Eddy *	108	124	78	89	72%	72%	3,950	6,674	51	75	4	4	\$700	\$750	\$175	\$188	
5th - Lea *	54	54	35	36	65%	67%	1,888	2,188	54	61	3	3	\$355	\$420	\$118	\$140	
6th	53	60	38	44	72%	73%	1,881	2,318	50	53	1	8	\$25	\$688	\$25	\$86	
6th	63	66	34	44	54%	67%	1,705	2,850	50	65	2	6	\$350	\$245	\$175	\$41	
7th	41	38	30	35	73%	92%	2,142	2,542	71	73	1	2	\$50	\$450	\$50	\$225	
8th	92	106	68	77	74%	73%	5,118	5,414	75	70	4	12	\$550	\$2,100	\$138	\$175	

9th	54	68	34	39	63%	57%	1,883	2,575	55	66	4	6	\$550	\$840	\$138	\$140
10th	12	12	6	6	50%	50%	591	335	99	56	0	2	\$0	\$75	\$0	\$38
11th - McKinley *	47	48	27	39	57%	81%	1,469	2,492	54	64	2	1	\$450	\$100	\$225	\$100
11th - SanJuan *	113	123	69	85	61%	69%	4,869	5,563	71	65	7	10	\$1,045	\$1,830	\$149	\$183
12th	91	88	53	57	58%	65%	2,542	3,489	48	61	7	3	\$1,475	\$910	\$211	\$303
13th	208	225	139	160	67%	71%	8,134	9,776	59	61	16	28	\$3,660	\$3,890	\$229	\$139
Out of State	1,069	1,167	527	644	49%	55%	35,547	39,969	67	62	122	146	\$25,946	\$31,295	\$213	\$214
Total	6,175	6,604	3,694	4,281	60%	65%	225,301	275,733	61	64	552	773	\$108,720	\$133,211	\$147	\$172

2010 New Mexico Dues Form Data - 2009 Pro Bono Hours and \$\$ Donated by Judicial District (Active Members)

Sorted by Number of Active Attorneys/Judges in Judicial District

Judicial District	Total Active Attorneys & Judges	Pro Bono Hours				Pro Bono Monetary Contribution			Aspirational Goal**		No Contribution	
		# of Providers	% Providing Hours	Pro Bono Hours Provided	Avg. Pro Bono Hours Provided	# of Contributors	Amount of \$\$	Avg. Amount of \$\$	# Meeting Asp.Goal **	% Meeting Asp. Goal **	# Contributing No Hours and No \$\$	% Contributing No Hours and No \$\$
2nd	2,966	1,772	60%	104,562	59	239	\$43,156	\$181	1,517	51%	984	33%
Out-of-State	0	527	#DIV/0!	35,547	67	122	\$25,946	\$213	445	#DIV/0!	465	#DIV/0!
1st	1,052	593	56%	37,775	64	112	\$26,521	\$237	532	51%	412	39%
3rd	304	166	55%	9,729	59	27	\$3,787	\$140	153	50%	101	33%
13th	227	139	61%	8,134	59	16	\$3,660	\$229	128	56%	64	28%
11th - SJ *	124	69	56%	4,869	71	7	\$1,045	\$149	57	46%	45	36%
5th - C *	124	78	63%	3,950	51	4	\$700	\$175	70	56%	29	23%
8th	107	68	64%	5,118	75	4	\$550	\$138	60	56%	23	21%
12th	90	53	59%	2,542	48	7	\$1,475	\$211	46	51%	38	42%
6th	66	34	52%	1,705	50	2	\$350	\$175	32	48%	27	41%
5th - E *	55	35	64%	1,888	54	3	\$355	\$118	31	56%	18	33%
9th	69	34	49%	1,883	55	4	\$550	\$138	33	48%	19	28%
5th - L *	61	38	62%	1,881	50	1	\$25	\$25	35	57%	15	25%
4th	50	25	50%	1,516	61	1	\$100	\$100	23	46%	23	46%
11th - Mck *	49	27	55%	1,469	54	2	\$450	\$225	25	51%	19	39%
7th	46	30	65%	2,142	71	1	\$50	\$50	28	61%	11	24%
10th	13	6	46%	591	99	0	\$0	\$0	5	38%	6	46%
Active Members	5,403	3,694	68%	225,301	61	552	\$108,720	\$197	3,220	60%	2,299	43%
Inactive members	1,722	304	18%	24,162	79	80	\$8,720	\$109				
Total	7,125	3,998	56%	249,463	62	632	\$117,440	\$186				

Notes: * 5th Judicial District has three pro bono committees; Chaves County, Eddy County and Lea County
 11th Judicial District has two pro bono committees: McKinley County and San Juan County

** Rule 24-108 NMRA of the Rules Governing the New Mexico Bar states that a lawyer should aspire to render at least fifty (50) hours of pro bono public legal services per year; or alternatively or in addition to these hours may contribute financial support to organizations that provide legal

services to persons of limited means in the amount of \$500 per year, or a combination of hours and a financial contribution.

Monetary donations do not include those made outside the 2009 Dues Form, such as those made directly to legal services organizations or to Equal Access to Justice.

**APPENDIX F - ACCESS TO JUSTICE COMMISSION
SUMMARY OF 2010 PRO BONO COMMITTEE ANNUAL REPORTS**

The Chairs of 12 of the sixteen pro bono committees in New Mexico submitted an annual report responding to the ten questions posed to them by the New Mexico Commission on Access to Justice. In 2010, 619 attorneys participated in pro bono activities across the state serving 7300 individuals. Highlights included legal fairs, a week long spring break program with law students, pro se clinics and direct representation. Below is a summary of their responses identified by Judicial District. Both the 5th and the 11th Judicial Districts have pro bono committees in each county of the district and are identified as follows: 5th Judicial District - Chaves County (5^C); Eddy County (5^E); Lea County (5^L); and 11th Judicial District: McKinley County (11^{Mck}); San Juan County (11^{SJ}). The individual 2010 Pro Bono Committee Annual Reports, providing details of work accomplished by each committee, are posted on the State Bar of New Mexico's website at the following address:
http://www.nmbar.org/Attorneys/ATJ/10ATJ_juddistricts.html.

Thanks to the recruiting efforts of local ATJ pro bono committees around the state, volunteer attorneys provided 275,733 hours of pro bono services in 2009 to residents of New Mexico. (2010 pro bono service hour data was not available at the time of this report). The mandatory reporting of pro bono hours and monetary donations to legal service providers on the annual bar dues form showed an increase of over 50,000 pro bono hours and \$25,000 in monetary donations from the prior year (2008 to 2009). However, the number of unmet legal needs in the State by far exceeds available legal services; the most current report states that for every client accepted by a legal service provider, two are turned away for lack of resources to provide services. The number of people without lawyers is spiking even further in these difficult economic times as job loss leads to foreclosures, evictions, bankruptcies, and the inability to pay child support. The people who are turned away cannot afford an attorney, and therefore turn to the courts with their legal issues, desperately requesting court staff to help them. Therefore, with the establishment of the 16 pro bono committees, through the Access to Justice Commission, these needs are being addressed.

Reports were not submitted from the following committees: 5th- Eddy County, 8th, 9th and 10th Judicial Districts.

1. Provide a list of your committee members with phone numbers and e.mail addresses.

Collectively, the twelve pro bono committees, who submitted an annual report, have a total of 221 committee members. The 2nd Judicial District has a broad membership consisting of 28 members; with most committees consisting of 11-12 members and several small committees consisting of a membership of 6 or 7.

2. Has your committee been successful in developing programs that enable attorneys to assist your low-income population? Please describe the program(s). If not, why not?

The following programs have been launched and/or maintained by the Pro Bono Committees as referenced below:

- Provided settlement facilitation of family law matters prior to hearings on Motions for Orders to Show Cause (1st);
- Established/Refined Alternative Dispute Resolution Program for DM, CV and PB cases at reduced fee when a party qualifies for free process (1st);
- Established a voucher program for all attendees of the Pro Se family law clinics. Attendees receive a 30 minute consultation voucher after the clinic (1st);
- Established/refined routine Pro Se Clinics (1st, 3rd, 4th, 5^E, 11^{Mck}, 13th);
- Established a pro se foreclosure docket. Staff attorneys and volunteer attorneys are available to visit with homeowners (13th);
- Created a domestic relations instructional video for pro se litigants. The First Judicial District produced the video in Spanish. (1st, 11^{SJ});
- Provided legal assistance, including Advice & Counsel, Brief Services and Direct Representation, through the administration of the Bernalillo County Volunteer Attorney Pool (VAP) by Law Access New Mexico (2nd); the administration of other VAPs by New Mexico Legal Aid (3rd, 4th, 6th, 8th, 11^{Mck}, 12th); and of the San Juan County VLP by DNA People's Legal Services (11^{SJ});
- Developed alternative referral process that sends case to Pro Bono Committee's sub-committee for screening/referral should Legal Aid be unable to handle case for any reason (6th);
- Established/implemented a Courthouse help desk that utilizes volunteer attorneys to assist pro se litigants with cases that are filed in the district, 4 hours a week (6th);
- Established/implemented a Courthouse Booth Project that utilized volunteer attorneys to assist in early litigation status conferences in foreclosure cases (2nd);
- Conceived/created/conducted legal fairs, and/or series of seminars/workshops, *during New Mexico Pro Bono Week* that enabled low income individuals to receive free legal information and advice from volunteer attorneys (2nd, 6th, 8th, 9th, 11^{Mck}, 11^{SJ}, 12th, 13th);

- Developed/implemented legal workshops, i.e., Default Divorce Workshops (5^C, 6th, 11^{Mck});
- 2. Has your committee been successful in developing programs that enable attorneys to assist your low-income population? Please describe the program(s). If not, why not? (Continued)**
- Created/implemented alternative Spring Break Program “Spring Into Action” that is targeted to enabling University of Denver law students to fulfill a public service requirement. Local attorneys are assigned supervisory roles (11^{SJ}).
 - Developed a “Morning to Mentor” program for newly licensed attorneys or attorneys new to the area to educate incoming attorneys about pro bono obligations and opportunities (11^{SJ});
 - Created a 3 hour basic domestic relations law seminar for government and non-family law practitioners. These attorneys have agreed to assist the Court and DNA in giving brief basic legal advice during pro se clinics. The result should be opportunities for government, civil and criminal law practitioners to donate pro bono time without violating statutory restrictions (11^{SJ});
 - Very few programs have been launched due to the issue of malpractice insurance. Volunteer attorneys ask that the district provide malpractice insurance for court appointed pro bono cases. The issue of how such insurance can be provided to pro bono attorneys has not been resolved (13th).
- 3. Have you formed a Volunteer Attorney Pool from a survey or other tool? Please list the names of the attorneys who have provided pro bono services through participation in one of your programs. If you have not formed a Volunteer Attorney Pool, why not?**

<u>Judicial District</u>	<u>Yes/No</u>	<u>Attorneys Participating In VAP Programs *</u>
1 st	Yes	113
2 nd	Yes	300
3 rd	Yes	68
4 th	No**	
5 ^C	Yes	4
5 ^E	Did not report	
5 ^L	No	
6 th	Yes	17
7 th	No	

8 th	Did not report	10
9 th	Did not report	
10 th	Did not report	
11 ^{McK}	Yes	17
11 ^{SJ}	Yes	60
12 th	Yes	30
13 th	No***	
Total		619

* See individual reports for names of participating attorneys.

** The 4th Judicial district reported there are not enough private attorneys in the district to form a VAP.

*** The 13th Judicial District reported the inability to provide malpractice insurance is problematic to forming a VAP.

4. Has your committee attempted to develop programs that have been unsuccessful in attracting assistance from pro bono attorneys? Please describe.

1st No

2nd Yes The Committee conducted two Law-la-Palooza events outside of Bernalillo County in 2010. They experienced some coordination difficulties and ultimately were unable to attract and serve as many low income persons needing legal assistance as anticipated.

3rd Yes. Very few Direct Representation referrals from NMLA were accepted by participating attorneys, due to the general inability to predict up front the time and resource commitment.

4th Yes In 2010, the committee met once, in April. The only attendees were Judge Mathis (committee chair at the time), Judge Sandoval, Nita Taylor (the State Bar ATJ Pro Bono Coordinator at the time), Janay Haas (the NMLA PAI Coordinator at the time), and Mary Ann Baker-Randall, NMLA Managing Attorney of the Las Vegas Office. No local private attorneys, government attorneys or other judges attended the April meeting.

5^C No

5^E Did not report

- 5^L No.
- 6th No
- 7th No.
- 8th Did not report
- 9th Did not report
- 10th Did not report
- 11^{McK} No
- 11^{SJ} No.
- 12th No
- 13th Yes It has been challenging to attract a large pool volunteer attorneys to help at the court clinics. They have a small, core group of regular volunteers for the court clinics but have difficulty increasing the volunteer pool. Attorneys who state they will volunteer often do not show up.

5. Please quantify the number of your low-income population who have benefited from your programs. Provide detail by program, if possible (i.e., clinic attendance, direct representation, etc.).

The estimated number of the low-income population benefiting from attorney pro bono efforts is **7,300**. See individual Pro Bono Committee Annual Reports for details. This is an increase of 3,534 people receiving pro bono services since 2009.

1 st	423	5 ^C	62	11 ^{SJ} -	505
2 nd	2,960	6 th	124	12 th -	116
3 rd	1,082	7 th	111	13 th -	1407
4 th	288	11 ^{McK}	222		

6. What do you see as the greatest impediment to securing pro bono assistance for your district's low income people? Please quantify the impediment, if possible.

- Attorney focus is on providing legal services; it has been difficult to get participation in planning efforts (1st);

- Matching interests and experience of VAP lawyers with needs of clients (2nd);
- Low number of attorneys with high number of individuals needing legal help (3rd, 4th, 7th, 11^{SJ});
- High number of government attorneys, but they are prohibited from doing direct representation of private clients (4th);
- Lack of significant participation (apathy) by members of the general bar (5^L);
- Limitation on amount of additional time attorneys from small firms can expend (5^C);
- Full representation of clients too costly for solo practitioners or small firms (5^C);
- Minimal number of attorneys specializing in legal needs of the poor (6th);
- Large geographical area to be covered by small number of attorneys (7th);
- Large geographical area limits clients of already limited means from traveling into town to visit with an attorney (7th);
- Closure of the local Legal Aid office in Socorro is anticipated to have devastating consequences as it is the primary source of representation to low-income individuals (7th);
- High proportion of government attorneys resisting participation (11^{McK}, 11^{SJ});
- Lack of public awareness of available services (12);
- Lack of malpractice insurance (13th).

7. Do you anticipate your current pro bono program to maintain its current status and/or grow in subsequent years? Please explain.

- Growth is expected. The programs developed have made it easy for attorneys to sign up for a specific date and time, without consuming much of their time and taking them away from their practices for long periods of time. (1st).
- Great interest has been generated among the local Bar, and even attorneys who do not practice in the areas of law typically utilized in our programs have found deep satisfaction in serving the less fortunate (1st);
- Growth is dependent on the success of additional recruiting of new members to provide legal assistance (1st, 11^{SJ}, 12th, 13th).
- Growth plans include increasing the size of the VAP, conducting quarterly Law-La-Palooza Legal Fairs, expanding the Courthouse Booth project to address civil issues, and using volunteer attorneys to assist in early litigation status conferences in foreclosure cases (2nd);
- Growth plans include the continuance/expansion of offering CLE's to attorneys to make them more comfortable providing legal information and advice in areas outside their normal practice area (2nd).

- Growth plans include the continuance of soliciting attorneys by visiting large firms and other various legal organizations such as the NM Trial Lawyers Association and the NM Defense Lawyers Association (2nd);
- Focus will be on *consolidating* efforts to focus on small, successful core programs (or program) designed to meet the needs of low-income people in the most effective and efficient manner possible (3rd);
- The committee will focus on *maintaining* status of programs designed to meet the need of the low income population (3rd, 4th, 6th);
- Growth plans include increasing the number of legal fairs offered (5^C, 11^{MCK}, 12th);
- Growth plans include formalizing the Volunteer Attorney Pool (5^C, 5^L);
- The program itself is not likely to grow. However, we anticipate growth in services and pro bono commitment of the local attorneys. Even given the disruption in VLP coordinator services in 2010, there were an additional 1200 more hours reported in 2010 than in 2009. With the increased number of attorneys from government service to assist with clinics, the repeat of *Spring Into Action*, and the anticipated addition of more video instructional guides, it is hoped that the number of people served will also increase. (11^{SI});
- Growth plans include developing public educational programs (6th, 11^{MCK}, 12th).
- Growth plans include recruiting additional attorneys on a one-on-one basis (7th);
- The program will remain stagnant without malpractice insurance (13th);

8. Did your committee participate in New Mexico Pro Bono Week and if so, were the public functions sponsored during that week successful? Please quantify public participation. If not, please describe why the public functions were not successful. Do you intend to include similar functions in your on-going future pro bono plans?

10 committees participated in New Mexico Pro Bono Week in varying degrees. Based on information provided in the reports, approximately **1265 consumers received legal information** during the week at the sponsored events, over **128 pro bono attorneys were recognized for their participation in the pro bono programs**, and **62 attorneys attended CLEs addressing pro bono responsibilities**. For the second year in a row, the Supreme Court Justices travelled to some of these events, on their own dime, and were happy to do so when possible, and were completely on board and supportive of pro bono efforts statewide. See attached *Bar Bulletin – November 22, 2010 – Volume 49, No. 47*, article, “New Mexico Attorneys Join National Celebration of Pro Bono Week” for a summary of events. Responses for the districts are broadly summarized below; see individual annual reports for details.

- 1st The committee sponsored a volunteer recognition luncheon and CLE “*How to work with Pro Se Litigants*”, attended by 62 individuals. Guest speaker at the luncheon was Supreme Court Justice Patricio Serna.
- 2nd The committee sponsored a *Law-La-Palooza* legal fair, served by 135 attorneys, 12 legal service providers, 30 or more UNM students and others, providing legal assistance to over 800 individuals. In addition, Supreme Court Justice Edward Chavez was present to thank the volunteers and he presented a local attorney, Judy Fry, with the Pro Bono Attorney of the Year Award.
- 3rd Due to scheduling conflicts, the committee did not have any events during Pro Bono Week; however, they were able to hold a successful legal fair in November.
- 4th This committee sponsored a recognition luncheon for local pro bono attorneys. Supreme Court Justices Richard C. Bosson and Patricio M. Serna spoke at the event. Judge Sandoval handed out five Certificates of Appreciation. The Mayor of Las Vegas issued a Proclamation in support of Pro Bono work, which was read at a City Council meeting and at the recognition luncheon.
- 5^C Due to scheduling conflicts, the committee was not able to plan an event. The event was moved to March 2011.
- 5^E No report submitted.
- 5^L No events planned.
- 6th The committee sponsored *Pro Bono Day*, during which 7 local attorneys made presentations to approximately 65+ individuals on various subjects; 60 persons received free legal advice in 15 minute blocks of time, from 14 volunteer attorneys. In addition, the committee sponsored a recognition luncheon for its volunteer attorneys.
- 7th The Pro Bono Week concept was not well received by this Committee; they felt that due to poor attendance of 2009 activities and they challenged the significant impact that an event once a year can have on the community.
- 8th The committee sponsored a *Free Legal Help Day* through the local Legal Aid office. Presentations and consultations were provided throughout the day.*
- 9th The committee sponsored a legal fair*
- 10th No report submitted.

- 11^{McK}** The committee celebrated *Pro Bono Appreciation Week* by offering a public legal information table at the courthouse. In addition, information was disseminated at the two senior centers and an article was published in the local paper.
- 11^{SJ}** The committee hosted a recognition luncheon for its volunteer attorneys. Guest speaker at the luncheon was Supreme Court Justice Petra Maes. They also coordinated presentations at the three senior centers and held a Pro Se Clinic. They also created a “Morning to Mentor” program that was presented for the first in conjunction with Pro bono Week.
- 12th** The committee sponsored *Celebrate Pro Bono Week* by offering a free legal fair in Ruidoso.
- 13th** The committee sponsored a court clinic in Valencia county.

*Annual reports were not submitted by this district; however this information was reported in November from the district.

8. New Mexico Pro Bono Week was initiated as part of the national 1st Annual Celebrate Pro Bono Week. Would you support participation in another “New Mexico Pro Bono Week”?

- All committees support participation in another “New Mexico Pro Bono Week”.
- A few committees reported focusing their efforts on offering events throughout the year as opposed to focusing only on one week (7th, 11^{SJ});

9. Commission would like to use your work to build a resource guide for use by all committees. Please attach any forms, flyers, press releases, DVDs or other material you've used to implement your on-going programs or your participation in New Mexico Pro Bono Week.

Attorney recruitment letters	Volunteer Intake Guidelines
Legal Fair Flyers	Client Intake Forms
Pro Se Clinic Flyers	Radio sound bites
Legal clinic brochures	Public Service Announcements
Media releases	Government issued Proclamations
Bar Bulletin articles	Letters of invitation
Newspaper articles	Newspaper Articles
Pro Bono Week flyers	Billboard Advertisements

Stipulated Order Regarding Motion for Order to Show Cause	Limited Representation Consent Form
Pro Se Clinic Consent Form	Foreclosure Mediation Program Flier

- Material was provided by a number of the districts to enable the development of a resource guide. See individual reports for details. Materials included:

10. Did you utilize any of the funds that were made available to your committee? If so, how? How might you use these funds in the future?

In July of 2010, the Board of Bar Commissioners at the State Bar approved and funded a budget of \$24,000 to help support the local committees in their work. This equates to about \$1,500 per committee. \$3038.55 was utilized to support pro bono efforts across the state. The committees have been creative in how to best use the funds in their district.

- 1st The committee has used funds for postage for the invitations for the recognition luncheon, paid for a few of the lunches for special guests of the event, and for food and beverages for the volunteers at the legal fairs.
- 2nd The committee was able to rent tables and chairs, easels and a sound system for the Law-la-Paloozas, purchase the award for its "Pro Bono Attorney of the Year and water for the volunteers at the events.
- 3rd The committee utilized the funds to pay for advertising for their event.
- 4th The recognition luncheon was paid for with these funds. In the future, the committee plans on using the funds for public workshops and events.
- 5^C No funds used. The future plans include paying for advertising for events and for food and drink for the volunteers of these events.
- 5^E No report submitted
- 5^L No funds used.
- 6th Funds were utilized to record the presentations by local attorneys and then subsequently made into DVD's to be used in a variety of settings. The volunteer luncheon was also paid for by these funds. Future plans include the same kinds of activities.
- 7th No funds used. Future plans include a fund for pro se packets, for mediation fees and for a dedicated computer and printer for pro se use to be housed at the Socorro Public library.
- 8th No report submitted
- 9th No report submitted

10th No report submitted

11^{Mck} Funds we used for refreshments during Pro Bono Week. In the future, plans include paying for advertising, interpreters, a recognition luncheon and award to be presented the Pro Bono attorney of the Year.

11^{SJ} The volunteer recognition luncheon was paid for with these funds. In the coming year, the committee plans on using the funds for production of a DM instructional video.

12th A donation was made to the Senior Center where the legal fair was held. The plans include using the funds for similar things in the future.

13th No funds used

APPENDIX G - PRO BONO/OUTREACH WORKING GROUP 2010

The Pro Bono/Outreach Working Group undertook a range of activities and changes in 2010. The most noted change affecting our Working Group was Nita Taylor's resignation from the Pro Bono Coordinator position in June and the subsequent hiring of Amy LaFaver. Both coordinators worked closely with the Working Group in 2010 to address the on-going tasks of the Working Group.

Over the past three years the primary task of the Working Group has been to assist the Pro Bono Coordinator in the annual evaluation of the local pro bono committees. Many of the local committees had complained that the evaluation forms, which followed the Ten Step Plan, were tedious and did not capture useful information. Consequently, the Working Group decided to change focus in 2009 and ask the local committees to describe what they had accomplished in 2009. In April 2010, the Working Group evaluated the first submission of these new reports to determine best practices amongst the local committees. These statewide best practices were disseminated to the local committees in June 2010. The new evaluation system is both less bureaucratic and punitive and more useful than the previous evaluation process for the local committees. The goal of the Working Group is to continue to promote transparent evaluation of local committees but to do so in a way that encourages involvement rather than fostering resentment.

A second activity of the Working Group involved the attendance at the ATJ/Public Libraries training conference held in Austin, Texas, in January 2010. The New Mexico group included Robert Mead, State Law Librarian and co-chair of the Working Group, Karl Reifsteck, an attorney with Law Access, and Kevin Unrath, a manager with Albuquerque Public Library. The goal of the conference was to promote Public Libraries as partners in the process of ensuring access to justice. As a result of this conference, the team that attended will be doing a pre-conference workshop on access to justice at the 2011 New Mexico Library Association in April, 2011.

The Pro Bono/Outreach Working Group continues to work on some of the more difficult issues, such as exploring ways in which malpractice insurance can be provided for local pro bono committee activities and encouraging government attorneys to do pro bono service. We are hoping to make additional progress on these issues, with the assistance of Amy LaFaver and the State Bar, in 2011. We are also beginning the process of having a monthly Access to Justice column in the Bar Bulletin in order to help educate the bar about pro bono and access to justice issues. Finally, the Working Group will promote the use of limited representation agreements with the goal of increasing the number of pro bono attorneys doing discrete tasks for self-represented litigants, such as drafting marital settlement agreements or qualified domestic relations orders.

APPENDIX H - SRL WORKING GROUP ANNUAL REPORT 2010

The Commission's Self Represented Litigant (SRL) Working Group seeks ways to establish and encourage self help programs and services in courts statewide that meet the standards of "best practices." The Working Group's priority for 2010 and 2011 is for courts to provide information to the public without giving legal advice and standardized plain language forms, both web-based and hard copy. The SRL and Rules/Legislation Working Groups finalized a forms package for use by self-represented litigants in contested domestic relations cases, which was approved by the Commission for submission to the Supreme Court. The proposed forms are currently being piloted (in hard copy only) in the Second Judicial District Court and will be submitted to the Domestic Relations Rules Committee for further input. In addition, the SRL and rules groups are developing recommendations as to how the new standardized forms will function and relate to current approved rules/forms and to the new e-filing system as it expands statewide.

Currently, some judicial districts offer their own version of forms, but many of these forms cannot easily be used in a different district; some are available both in hard copy and on the web, others only in hard copy. Of the

web-based forms, some offer the option to fill in the forms online, others only offer the option to print out blank forms to be filled in by hand. Also, some districts have unique case processing for domestic relations cases that require unique forms and individualized instructions for SRL forms.^A

Since 2009, the Commission has been collaborating with Legal Aid and Law Access New Mexico in their utilization of a technology initiative grant from Legal Services Corporation to develop interactive software versions of standardized approved forms.^B At the same time, the Commission is exploring options to revitalize the law library or other centralized websites to provide not only access to user-friendly standardized forms, but also basic legal information and directories. Besides the LawHelp site, both the physical Supreme Court Law Library and its website (or the nmcourts website) are central locations to which many people first go

^A For example, in general, unless a SRL is applying for free process, the first stop with completed forms and a filing fee is the clerks' counter. However, in the First Judicial District, a pro se litigant filing for a contested divorce with children must first go:

(1) to the Self Help Center to obtain:

- a hearing date for the Order to Produce Discovery for Child Support and Interim Allocation Hearings; and
- a date for the information session for required mediation

and then (2) to the judge's office for signatures on the Order for Mediation, Order to Produce Discovery for Child Support Interim Allocation Hearings, and Temporary Domestic Order.

Only after completing steps (1) and (2) can the SRL proceed to file at the clerks' counter.

^B These forms should be available to low-income New Mexico residents through the www.lawhelpnewmexico.org website. This project will allow an SRL to answer user-friendly, non-legalese questions online and then receive a set of generated pleadings with instructions that can be filed in court.

in search of answers. Despite local procedural variations, standardized forms will be available and courts should be capable of adapting local procedures to accommodate the forms. Standardized forms should be especially useful for those judicial districts where as yet there are no forms available and no funding for separate self-help staff or centers. Although many SRLs are not able to fill out forms correctly without assistance, the interactive version of the forms guides the user through the form by asking simple, direct questions, one at a time.

While many courts will not be able to provide public access computers or kiosks until the budget situation improves, computers are now available for public use at nearly all public libraries. The SRL Working Group continues to collaborate with the access to justice movement in public libraries nationwide. The AOC staff attorney for the Access to Justice Program was asked to present legal advice vs. information material at a conference in January, 2010 in Austin, Texas, focusing on access to justice in public libraries. The conference was funded by the Gates Foundation and Legal Services Corporation and focused on public libraries as gateways to legal information.

The forms effort in 2010 ran into unanticipated obstacles and delays due, in large part, to the continuing severe budget crisis. Both courts and

legal service providers have been forced to furlough and layoff staff due to prior and expected budget cuts. For example, the Socorro office of NM Legal Aid closed in January 2011. In addition to diminishing the level of service that the legal service providers can offer to low income people and further flooding the courts with SRLs who no longer have a legal service provider to go to, these cuts reduced the amount of time for trained Legal Aid/Law Access staff to develop software templates for the interactive forms project. With even deeper budget cuts coming down the pike, this effect will only be magnified, with providers struggling to provide basic legal services to clients, much less take on additional efforts such as website development. Despite judicial budget cuts, reinvigoration of central court/law library websites will continue to provide even more effective legal information to the public.

In addition, the SRL Working Group will build on its success in court staff training in legal advice versus legal information as set forth in Supreme Court General Rule 23-113 (court staff information to SRLs) by incorporating language access as an element of providing legal information. These efforts will require continued discussions with the New Mexico Judiciary's collaborative higher education project of the New Mexico Center for Language Access. This program is aimed at judicial and medical staff to

enhance and certify bilingual and interpreting abilities. In 2011, the Commission will explore language access as it relates to the services of legal service providers, state courts and relevant ABA standards.

Finally, the Working Group will continue to monitor the development in other states of: Civil Gideon legislation (provision of attorneys required for civil cases involving fundamental human issues such as housing, child support/custody, etc.); guidelines and ethics for the role of judges in SRL cases; and methods of increasing SRL understanding of, and compliance with, court orders.

APPENDIX I – LEGISLATION/RULES WORKING GROUP 2010

The ATJ Commission's Legislation and Rules Working Group continued work on several rules initiatives. First, in coordination with the Resource Development Working Group, the rules group provided input on proposed amendments to Rule 1-023 NMRA of the Rules of Civil Procedure for the District Courts, which would authorize class action judgments to include provisions to permit the use of residual funds from class action settlements for use by the IOLTA fund and the *Pro Hac Vice* fund to provide civil legal services to low-income individuals. The proposed amendments were submitted to the Supreme Court in 2009, who referred them to the Rules of Civil Procedure Committee. After publication for comment, the civil rules committee asked for the Commission's response to the comments received. The proposed amendments were subsequently submitted to the Supreme Court for final approval and are currently under advisement by the Court.

Second, in coordination with the SRL Working Group, the rules group finalized a forms package for use by self-represented litigants in contested domestic relations cases, which was approved by the Commission for submission to the Supreme Court. The proposed forms are currently being

piloted in the Second Judicial District Court and will be submitted to the Domestic Relations Rules Committee for further input.

Third, the rules group proposed amendments to the uniform rules and forms for free process to clarify the income standards for granting free process and to improve the efficiency of the process for granting free process to self-represented litigants who have been income screened and received training from civil legal services providers. The proposed amendments were approved by the Commission for submission to the Supreme Court, who subsequently published them for comment. No comments were received, and the Court recently adopted the amendments.

Fourth, the rules group proposed amendments to broaden the ability of civil legal service providers to recruit out-of-state lawyers to practice under limited license Rules 15-301.1 and 15-301.2 NMRA. The Commission approved the proposed amendments for submission to the Supreme Court. The Supreme Court referred the proposed amendments to the Board of Bar Examiners, and the proposed amendments are currently under advisement by the Court.

And fifth, the rules group recommended a new civil summons form to improve the information it provides to self-represented litigants, which the Commission approved for submission to the Supreme Court. The Court

referred the recommendation to the civil rules committee for further input, and the proposed new form remains pending in that committee.

APPENDIX J - RESOURCE DEVELOPMENT GROUP 2010

Mandatory IOLTA. In 2008, the Supreme Court adopted Rule 24-109 NMRA establishing mandatory IOLTA (Interest on Lawyers' Trust Accounts) participation for attorneys and requiring the accounts to be maintained with financial institutions agreeing to pay interest rates comparable to the rates paid on similar accounts. The new rule became effective January 1, 2009 with expectations that IOLTA revenues would increase significantly. Unfortunately, interest rates on bank deposits fell to extraordinary lows in December of 2008, and have not yet recovered. The new rule, nevertheless, avoided what would otherwise have been a precipitous decrease in IOLTA revenues, with the result that the Center for Civic Values was able to reduce its 2011 grant budget by only \$25,000, which is a much lower reduction than many other IOLTA programs nationwide were forced to impose.

Other good news on the IOLTA front was a move by the Federal Deposit Insurance Corporation (FDIC), which also helped to preserve IOLTA funding. The Dodd-Frank Wall Street Reform and Consumer Protection Act provides temporary, unlimited deposit insurance for all noninterest-bearing transaction accounts. The FDIC's final rule implements the December 29,

2010, amendment to that Act by including IOLTA accounts within the definition of a "noninterest-bearing transaction account."

All funds held in IOLTA accounts, together with all other noninterest-bearing transaction account deposits, are fully insured, without limit, from December 31, 2010, through December 31, 2012. This coverage is separate from, and in addition to, the coverage provided to depositors for other accounts at an insured depository institution.

Pro Hac Vice Project. Rule 24-106 NMRA requires non-admitted attorneys appearing in civil cases in state courts to register with the State Bar and, subject to certain exemptions, pay a fee of \$250 per appearance. The fees are held in a special fund and distributed annually to nonprofit organizations providing or supporting the provision of civil legal services to the poor. Since its adoption in 2005, the rule has resulted in almost \$700,000 in grants to more than 12 legal services providers. In addition, registration fees paid in 2010 totaled \$ 135,255 for distribution in grants in 2011.

Recently, based on recommendations of its Unauthorized Practice of Law Task Force, the Board of Bar Commissioners submitted a package of proposed rule changes to the Supreme Court dealing with legal services rendered in New Mexico by non-admitted lawyers. The package included

revisions to Rule 24-106 NMRA that would broaden the types of activities that would require registration, allow individual lawyers to register no more than five times in any calendar year, and increase fees for the initial registration in a year to \$450 and for subsequent registrations to \$275. From the first fee collected in a given year, the State Bar would be required to pay an amount equal to the annual disciplinary fee assessed admitted lawyers to the Disciplinary Board and an amount equal to the annual client protection assessment of admitted lawyers to the Client Protection Fund. In addition, the administrative fee the State Bar would be permitted to deduct from each registration would increase from \$10 to \$25. Analysis by the State Bar indicates that the cap on registrations would not materially reduce registrations and that amounts available for legal services grants would increase notwithstanding the additional deductions from the registration fees. As of this writing, the proposed changes have not been published for comment.

In 2008 the Resource Development Group attempted unsuccessfully to expand the registration requirement to non-admitted lawyers appearing in civil actions before the United States District Court for the New Mexico District. In 2010, the district's local rules committee expressed some interest in revisiting this subject, and Staff of the State Bar along with

members of the Group met with the rules committee and subsequently submitted information about the State Bar processes for collecting and administering the fees. No developments have occurred since that meeting, however, and we understand the Clerk of the Court is investigating the possibility of the Court establishing its own fund. The Group will continue to monitor developments and work with the State Bar and the Rules Committee as appropriate.

Cy Pres Residual Funds Project. Residual, unclaimed balances – sometimes amounting to six or seven figures – may remain from class action settlements and other court-administered funds. Courts have applied the equitable doctrine of cy pres to award such balances to charitable organizations provided there is a sufficient connection between the purposes of the award and the underlying litigation. Working with the State Bar Legal Services and Programs Committee, the Group developed a proposed amendment to Rule 1-023 NMRA (class actions) modeled on rules adopted in Washington, Illinois, and Massachusetts that would direct residuary funds remaining from class action settlements to support legal services programs in New Mexico. After review by the Legislation and Rules Working Group, the Commission endorsed adoption of the proposed rule. Through ATJ the group worked with the Supreme Court’s Rules of Civil Procedure

Committee to address certain concerns expressed in comments to the proposed rule. The committee has now recommended approval of the rule as revised, and the Supreme Court currently has the rule under advisement.

Equal Access to Justice and New Mexico Bar Foundation.

Through annual campaigns to lawyers and other activities, Equal Access to Justice (EAJ) raises operating funds for four legal services providers: Legal Aid of New Mexico, DNA People's Legal Services, Law Access New Mexico, and New Mexico Center on Law and Poverty. A few years ago, EAJ and the New Mexico Bar Foundation (NMBF) began a trial affiliation intended to culminate in a merger of the two organizations. The parties, however, were unable to come to agreement on the scope of the mission of the merged organizations and the affiliation ended in late 2010.

EAJ will continue operating as a separate entity supporting the four legal service providers it has supported in the past. NMBF recently named EAJ's former executive director, Kate Mulqueen, as its director of development. Among other things, NMBF administers legal services grants from funds received through pro hac vice fees and direct contributions.

There may be opportunities for ATJ and appropriate working groups to assist EAJ and NMBF in coordinating their fund raising and grant making efforts.

Goals for 2011. During the coming year the Group intends to continue efforts to promote the cy pres project and to identify and investigate new opportunities to increase financial support for legal services programs. With several major providers represented in the Group, the Group will also be endeavoring to assist providers in coordinating their development activities and efforts.

APPENDIX K - SYSTEMS PLANNING WORKING GROUP 2010

The Systems Planning Working Group continued in 2010 with two main projects related to the 2007 State Plan for Providing Civil Legal Aid to Low Income New Mexicans (“State Plan”): 1) the peer reviews of civil legal services in New Mexico; and 2) assessing the current status of implementation of the State Plan.

Peer Review - The “ATJ Peer Visit Working Group” continued with the visits this year. The following agencies were visited by employees of other legal service providers in 2010: New Mexico Center on Law and Poverty, DNA People’s Legal Services, Senior Citizens’ Law Office, Enlace Comunitario and Law Access New Mexico. The peer visits system is working very well to provide opportunities for the legal services agencies in New Mexico to learn about each other’s organizations, to engage in conversations, to give assistance and guidance where needed, and to promote best practices in the provision of civil legal services. In 2011, the following agencies are scheduled to host peer visits: the State Bar of New Mexico (which houses Lawyer Referral for the Elderly Program, the \$30 Lawyer Referral Program and the State Bar Foundation), Legal FACs, Southwest Women’s Law Center, Catholic Charities and Advocacy Inc.

State Plan Implementation - The State Plan Implementation (SPI) working group was chaired by Liz McGrath. The SPI working group met several times during 2010 and ultimately developed a list of nine recommendations for further implementation of the State Plan. The members of the Systems Planning Working Group were then given the opportunity to rank the recommendations. The Access to Justice commissioners then had the opportunity to rank the recommendations as well. As a result of all the input from the various stakeholders, the following are the top priorities for State Plan implementation in the next year:

- Update the State Plan with extra attention being given to:
 - Giving the legal needs of rural low-income New Mexicans a higher priority;
 - Reconciling the categories (called “priority substantive areas”) in the State Plan, the Civil Legal Service Commission reporting requirements and New Mexico Legal Aid needs assessment.
 - Improve coordination of service delivery methods (including referral protocols between legal service agencies that do not already have referral protocols, increasing collaboration of outreach efforts).

Given that there likely may be significant cuts to legal services funding in New Mexico in the near future, these priorities may need to

change as various agencies are forced to close offices and lay off personnel. The Systems Planning Working Group's efforts may best be utilized in helping the legal services providers address the growing need for services with fewer resources by offering creative ideas for changes in the legal services system in New Mexico.