

NEW MEXICO COMMISSION ON ACCESS TO JUSTICE

ANNUAL REPORT  
TO THE  
SUPREME COURT OF NEW MEXICO

March 11, 2011

## **SUMMARY**

The Commission on Access to Justice (“Commission”)<sup>1</sup> presents its 2009 report to the Supreme Court to update the Court on Commission efforts and activities to increase access to justice for all New Mexicans. The Commission does not request Court action on any specific items at this time and gratefully acknowledges the support of the Court for the activities of this Commission and its participation in such integral efforts as Pro Bono Week.

### 1. Pro Bono Plan, Pro Bono Week and Mandatory Reporting

In 2009, the Pro Bono Working Group continued to work with the statewide Pro Bono Coordinator, Nita Taylor, to implement the Commission’s Ten Step Plan and to coordinate, assist, monitor and evaluate the efforts of the judicial districts statewide to establish local approaches to the effective provision of pro bono legal services. The group also revised the annual reporting procedure to ease the administrative burden on local committees to complete the report while still eliciting critical data.

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<sup>1</sup> Membership of the Access to Justice Commission for 2009 is found in Appendix One.

Perhaps the most visible and successful activity of the local pro bono committees was broad participation in New Mexico's first *Celebrate Pro Bono Week*, held on October 25th to 31st, 2009. This event was founded on a national basis by the American Bar Association, and many states participated. Hundreds of lawyers in New Mexico contributed their time in 2009 to ensure that many of New Mexico's low income population received free legal assistance for domestic violence, consumer debt, landlord tenant and other issues. Sixteen local pro bono committees representing all thirteen judicial districts planned and implemented local public events. One or more Supreme Court justices or Court of Appeals judges travelled across the state to visit each location and to recognize and applaud the work being done. The participation and attendance of the judiciary was critical to honor and thank the lawyers who have provided pro bono services, and the Commission wishes to express its gratitude. The Pro Bono Week events were highly successful in not only recognizing lawyers for their pro bono service, but also in providing general legal information on various topics as well as private consultations to a large number of New Mexico's low income population. For some of the local committees, the effort necessary to pull together to coordinate the local

celebration catalyzed future growth. More details on the events appear in the Pro Bono Working Group's report below. Goals for 2010 include assisting the local committees in their efforts to expand pro bono services to year-round programs and further developing "best practices" to augment that effort.

On March 15, 2008 an amendment to Rule 16-601 of the Code of Professional Conduct and the adoption of new Rule 24-108 NMRA of the Rules Governing the New Mexico Bar became effective. Rule 16-601 addressed the overall responsibility of those in the legal profession to provide legal services to those unable to pay, and further defined what, in fulfilling this responsibility, a lawyer should aspire to do. Rule 24-108 further defined the aspirational goal of an attorney to render at least 50 hours of pro bono legal services per year or, alternatively or in addition to, to contribute financial support in the amount of \$500 per year, or provide a combination of pro bono hour and a financial contributions as suggested in the rule.

The rule required an annual certification as to whether the lawyer has satisfied the lawyer's professional responsibility to provide pro bono services to the poor. The certification was to be accomplished through a

form that was made a part of the lawyer's annual membership fees statement that required the lawyer to report:

- (1) the number of hours the lawyer dedicated to pro bono legal services, and
- (2) if the lawyer has satisfied the obligation by contribution or part contribution, the amount of that contribution.

The State Bar of New Mexico 2009 Dues/Licensing Form was modified to enable compliance with the certification requirements of Rule 24-108.<sup>2</sup>

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<sup>2</sup> See Sections 3 and 7 of Dues Form, attached as Appendix Two.

A study of the 2009 Dues Form was completed to determine the level of compliance. A detailed analysis by judicial district is found on Attachments Three and Four. Following is a brief summary of findings:

2009 Dues Form Study for Calendar Year 2008

1. Total Active members submitting 2009 Dues Forms	6,175
2. Active members reporting pro bono hours	3,694
3. % active members reporting pro bono hours	60%
4. Total pro bono hours reported by active members	225,301
5. Avg. pro bono hours reported per member reporting hours	61
6. Active members reporting pro bono monetary contribution	552
7. Total amount of monetary contribution reported on dues form*	\$108,720
8. Avg. monetary contribution per member reporting contributions	\$197
9 % Active members meeting aspirational goal	52%
10. % Active member meeting aspirational goal with hours only	47%
11. % Active members meeting aspirational goal with contributions only	1%
12. % Active members meeting aspirational goal with combination of hours and contributions	4%
13 % Active members reporting <i>no</i> hours and <i>no</i> contributions	37%

\* Contribution amount only includes those made on the dues form accompanied by a check and does not include donations made to EAJ or legal service providers outside the dues form process.

## 2. IOLTA Rule

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 have been at extraordinary lows and the expected increases have yet to materialize. 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 has been able to maintain its grant budget for 2010. The Center continues to work with attorneys to achieve compliance with the new rule.

## 3. Funding for Civil Legal Services

The Court continued to acknowledge the need for increased funding for civil legal services for low income individuals and to support such funding. However, in current economic times, the effort to preserve existing funding and to adjust to expected legislative cuts to funding took center stage.

#### 4. Pro Hac Vice and Cy Pres Residual Funds

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. Registration fees received in 2009 added approximately \$140,000 for distribution in grants in 2010. Although 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 were unsuccessful in 2008, the district's local rules committee recently decided to revisit this subject. The Commission and State Bar will be working with this rules committee to develop an acceptable local rule. Efforts will also continue on revisions to the current rules including increases in the registration fees.

The Resources Development Working Group developed a proposed amendment to Rule 1-023 NMRA (class actions) 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, and the rule is currently being considered by the Supreme Court's Rules of Civil Procedure Committee.

#### 5. Limited License Rule and Free Process

In 2008, the Supreme Court approved the Commission's proposed new Rule 15-301.2 NMRA, which authorizes the issuance of three-year legal services limited law licenses. This rule permits out-of-state attorneys and emeritus attorneys to practice law in New Mexico without having to take the New Mexico bar exam during the term of the limited law license provided that those attorneys remain employed by a civil legal services organization. The purpose of the rule is to help attorney recruitment efforts of legal aid providers who were experiencing trouble recruiting and retaining lawyers to work for their programs, particularly in rural areas. Although little use of the new rule has been made to date, hopefully increased use of it in the future will increase legal aid staff.

The Rules Group of the Commission will continue to monitor the use of the limited license rule for civil legal service providers and will be recommending additional proposed amendments in 2010 to broaden the scope of limited licenses available for use by civil legal services attorneys.

In addition, the Rules Group conducted its annual review of the operation of the uniform rules and forms for free process and will be recommending additional amendments in 2010 to improve the efficiency of the process.

6. 2007 State Plan: Providing Civil Legal Aid  
to Low Income New Mexicans

In the Order adopting the State Plan, the Court assumed oversight of the State Plan through the Commission. The Systems Planning Working Group began 2009 with two projects related to the 2007 State Plan for Providing Civil Legal Aid to Low Income New Mexicans (“State Plan”): 1) developing a peer review system of civil legal services in New Mexico; and 2) assessing the current status of implementation of the 2007 State Plan. The goal of the peer visits is for the service providers 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. The ABA Standards for the Provision of Civil Legal Aid are the basis for the visits. Under a schedule set for the visits, by May of 2012 all the legal services organizations will have hosted a visit from at least 2 other legal organizations.

In order to assess the progress of implementing the 2007 State Plan, the Systems Planning Working Group surveyed all providers as to all required elements and goals set forth in the Plan. The group will have a draft of the final report on these surveys ready for the February 2010 Commission meeting. The report will include an updated version of the 2007 staff allocation chart in the Plan that shows the number of legal staff in New Mexico, by judicial district, who work with people at or below 200% of federal poverty guidelines.

The Commission also charged the Systems Planning Working Group with a third project involving researching questions of court neutrality regarding contact with the public and assistance to pro se litigants. The group will present an executive summary of this research and conclusions at an upcoming ATJ Commission meeting.

#### 7. Self Represented Litigants

After a long process of consulting with appropriate subject matter experts and stakeholders, the Commission is in the final phase of developing standardized plain language family law forms. When approved, the forms should be available through the internet, as well as through courts and legal service providers. The Commission is

collaborating with Legal Aid and Law Access New Mexico in their utilization of a technology initiative grant from Legal Services Corporation to facilitate this effort. Forms should be available to low-income New Mexico residents through the [www.lawhelpnewmexico.org](http://www.lawhelpnewmexico.org) website. This project, when completed, will allow a self-represented litigant to answer user-friendly, non-legalese questions online and then receive a set of generated pleadings with instructions that can be filed in court. The first phase of the project is creating pleadings to permit a self-represented litigant to file a petition requesting a change of name. The second phase of the project will focus upon the set of divorce pleadings being developed by the Self-Represented Litigants Working Group.

In consultation with the Administrative Office of the Courts, the Working Group continues work on the development of best practices, rules and guidelines for self help programs in the courts. The AOC staff attorney for the Access to Justice Program continued court staff training in legal advice versus legal information as set forth in Supreme Court General Rule 23-113 (court staff information to self represented litigants). The staff attorney also developed an online training program on this topic as a component of 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 (as well as other interpreters) who seek to enhance their bilingual abilities and to earn certificates in medical interpreting, justice system interpreting, and bilingual communication. In addition, the staff attorney was asked to present legal advice vs. information material at a conference 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, and many of the same principles of providing access while avoiding legal advice apply.

The forms effort will expand in 2010 to additional subject areas and also to evaluate and improve use of the forms by self represented litigants. Efforts to formalize or assist court-based approaches to assisting self represented litigants will resume when resources become more available. The Working Group is monitoring the development and effects in other states of legislation requiring the provision of attorneys for some civil cases and other self represented litigant management approaches, such as increasing understanding of, and compliance with, court orders.

## **ORGANIZATION OF REPORT**

The Commission operates through working groups to accomplish its goals. The working groups are made up of Commissioners and other interested people. The chairs and active members of the working groups are listed in Appendix Five. The remainder of this report presents a summary of the work of these groups.

### **1. PRO BONO/COMMUNICATIONS/OUTREACH WORKING GROUP & PRO BONO COORDINATOR**

The Pro Bono Working Group is to assist the statewide Pro Bono Coordinator, Nita Taylor, with projects designed to implement the Commission's Ten Step Plan. The Pro Bono Coordinator, Nita Taylor, has continued her successful efforts to coordinate, monitor and evaluate the work of the judicial districts statewide to establish an approach to provision of pro bono legal services. The chairs of each local pro bono committee are listed in Appendix Six. Appendix Seven is a summary of the annual reports submitted to this commission by each local pro bono committee chair.

In 2009, the Pro Bono Working Group of the Access to Justice Commission continued to work with the local pro bono committees by providing assistance, encouragement, and evaluation. The early tier of local pro bono committees has developed various systems for providing pro bono services to clients. These systems are working at various degrees of effectiveness and will be evaluated again in March and April of this year to determine best practices. The Pro Bono Working Group has reformulated the evaluation criteria to encourage more transparency and open-ended responses while still capturing key data such as the number of clients served.

In 2010, this Working Group will capitalize on the energy and momentum generated in 2009. Goals include assisting the local pro bono committees in expanding the provisioning of pro bono services to year-round programs. In addition, the Working Group will, develop “best practices” to augment that effort. The best practices are culled from reviewing the Annual Reports submitted by the local Working Groups. The purpose of making best practice models available is to reduce the “start up” period for newly formed local pro bono committee by providing advice and technical support.

The Pro Bono Coordinator has worked closely with all local pro bono committees throughout 2009 to assist them in advancing their programs. The sixteen committees collectively conducted a total of 97 committee meetings, with some meeting as often as monthly and others less than quarterly. Perhaps the most visible and successful activity of the local pro bono committees was New Mexico's first *Celebrate Pro Bono Week*, held on October 25th to 31st, 2009. This event was founded on a national basis by the American Bar Association, and many states participated. Hundreds of lawyers in New Mexico contributed their time in 2009 to ensure that many of New Mexico's low income population received free legal assistance for domestic violence, consumer debt, landlord tenant and other issues. Sixteen local pro bono committees representing all thirteen judicial districts planned and implemented local public events. One or more Supreme Court justices or Court of Appeals judges travelled across the state to visit each location and to recognize and applaud the work being done.

Public legal information seminars and one-on-one consultations with lawyers were provided in Santa Fe, Albuquerque, Las Cruces, Las Vegas, Roswell, Carlsbad, Hobbs, Silver City, Socorro, Portales, Gallup,



Ruidoso and Alamogordo. The First, Second, Third, and Sixth Judicial Districts also hosted large multi-topic legal fairs that provided general information to a number of attendees and private consultations to individuals throughout the event. For example, in the Second Judicial District, two “Law-La-Palooza” legal fairs provided access for nearly 200 low-income clients to 33 attorneys, 12 legal services providers, 30 or more UNM law students and others. In the Third Judicial District, the local committee hosted “Las Cruces Free Legal Help Day,” which provided 25 one-hour seminars presented by 23 attorneys or judges and 147 private consultations given by 32 volunteer attorneys. As a result, over 300 persons left the court that day with information and assistance about their legal problems. The Las Cruces team estimates the legal help provided would equate to an estimated \$40,400 of billable hours. The New Mexico Bar Bulletin Article highlighting the week is attached as Appendix Eight.

In 2010 the goals of the local committees include growing their volunteer attorney pools (VAPs) and focusing on programs that match the expertise and interest of the lawyers with the needs of the low income population. This includes refining the direct referral process and developing opportunities that would result in a greater number of low

income individuals receiving legal assistance with a broad range of topics through the efforts of fewer lawyers (i.e., the legal fair concept described in a number of Annual Reports). The issue of malpractice insurance for some committees is still a challenge if referrals cannot be made through one of the insured legal service providers, such as in the Thirteenth Judicial District.

## **2. RESOURCE DEVELOPMENT WORKING GROUP**

### **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 have been at extraordinary lows in the current economy and the expected increases have yet to materialize. 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 has been able to maintain its grant budget for

2010. The Center continues to work with attorneys to achieve compliance with the new rule.

### **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. From its adoption in 2005 through the 2009 grant cycle, the registration fees have provided more than \$400,000 in grants to more than 10 legal services providers. Registration fees received in 2009 added approximately \$140,000 for distribution in grants in 2010.

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. Recently, the district's local rules committee has decided to revisit this subject, and Staff of the State Bar along with members of the Group will be working with the committee to develop an acceptable local rule.

The Group will also be working with Staff of the State Bar and appropriate committees of the Bar on revisions to the current rules including increases in the registration fees.

### **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. The proposed amendments were submitted to the Supreme Court in 2009 for referral to the Supreme Court’s Rules of Civil Procedure Committee, where they are

currently being considered by the Supreme Court's Rules of Civil Procedure Committee.

### **Goals for 2009**

During the coming year the Group intends to continue efforts to promote the Cy Pres project, to increase revenues from the pro hac vice rules and registration requirements 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.

### **3. SYSTEM PLANNING WORKING GROUP**

The Systems Planning Working Group began 2009 with two projects related to the 2007 State Plan for Providing Civil Legal Aid to Low Income New Mexicans (“State Plan”): 1) developing a peer review system of civil legal services in New Mexico; and 2) assessing the current status of implementation of the State Plan. The Systems Planning Working Group broke into two working groups to better accomplish the work. In spring of 2009, the Access to Justice Commission also charged the Systems Planning Working Group with a third project involving researching

questions of court neutrality regarding contact with the public and assistance to pro se litigants. The progress of each of these projects is detailed below.

### **Peer Review**

In 2008, the Systems Planning Working Group created a working group charged with developing and implementing a quality peer review program for New Mexico's Legal Service providers. Under the leadership of its chair, Dorene Kuffer, the Peer Review Working Group met several times in 2009 and successfully completed its charge. One of the first things accomplished was to change the name of the working group to the "ATJ Peer Visit Working Group." This name change is a reflection of the belief of the group's members that it would be counterproductive to investigate each other's organizations and/or to look at each other's agencies to find problems. Rather, the working group's belief is that a collaborative approach, one which fosters communication and support, is best. The goal of the peer visits is 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. The protocol developed for the peer visits includes a short

reporting requirement by both the hosting and visiting entities. In addition, the ABA Standards for the Provision of Civil Legal Aid are the basis for the visits. A schedule has been set for the visits such that by May of 2012, all the legal services organizations will have hosted a visit from at least 2 other legal organizations. Pegasus Legal Services for Children hosted the first peer visit on December 17, 2009, with Legal FACS and New Mexico Legal Aid doing the visiting. Per the suggestion of Justice Petra Maes, AOC staff attorney for the Access to Justice Program, Tina Sibbitt, will be responsible for the ongoing coordination of the peer visits.

### **State Plan Implementation**

The State Plan Implementation (SPI) working group is chaired by Liz McGrath. The SPI working group met several times during 2009 and is working on finalizing a report on the current status of the implementation of the 2007 State Plan. The working group conducted a survey of all the civil legal services providers, and is incorporating the many responses into the report. The report will include an updated version of the staff allocation chart included in the 2007 State Plan. This chart shows the number of legal staff in New Mexico, by judicial district, who work with people at or below 200% of federal poverty guidelines. The SPI

working group will have a draft of the final plan at an upcoming ATJ Commission meeting.

### **Court Neutrality**

The Systems Planning Working Group met as a whole and developed the following three questions to be addressed via legal research memos:

- 1) Is there an issue about a court's maintenance of neutrality if the court has a program that gives out court forms to the public and if so, how does the court maintain its neutrality?
- 2) Is there an issue about a court's maintenance of neutrality if the court refers cases to pro bono attorneys and if so, how does the court maintain its neutrality? Also, if a court were to provide malpractice insurance would that cause further neutrality issues?
- 3) Is there an issue about a court's maintenance of neutrality if the court has a dedicated person on staff helping pro se litigants (a "self help" center) and if so, how does the court maintain its neutrality?

Each memo was to include a bibliography of published opinions/articles on the topic and to indicate what other states are doing to resolve the neutrality issue. Justice Maes, Sarah Singleton and Bruce Hall all generously volunteered the time of their law clerks to research and draft



the memos. All three memos were completed by mid-October 2009. Kasey Daniel will have developed an executive summary of the three memos for an upcoming ATJ Commission meeting.

#### **4. LEGISLATION AND RULES WORKING GROUP**

The ATJ Commission's Legislation and Rules Working Group continued to work on several ongoing rules initiatives. First, in coordination with the Resource Development Working Group, the rules group worked 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 Pro Hac Vice fund to provide civil legal services to low-income individuals. The proposed amendments were submitted to the Supreme Court in 2009 for referral to the Supreme Court's Rules of Civil Procedure Committee. Second, in coordination with the SRL Working Group Forms Sub-working Group, the rules group continued to assist with the development of a forms package for consideration by the Commission that could be used by self-represented litigants in contested domestic relations cases. Third, the rules group conducted its annual review of the operation of the uniform rules

and forms for free process and will be recommending additional amendments in 2010 to improve the efficiency of the process. Fourth, the rules group continued to monitor the use of the recently approved limited license rule for civil legal service providers, *see* Rule 15-301.2 NMRA, and will be recommending additional proposed amendments in 2010 to broaden the scope of limited licenses available for use by civil legal services attorneys. And fifth, the rules group began to review recommendations for improving the civil summons form to improve the information it provides to self-represented litigants.

#### **5. SELF REPRESENTED LITIGANT (SRL) WORKING GROUP**

After a long process of consulting with appropriate subject matter experts and stakeholders, the Self-Represented Litigant and the Legislation/Rules Working Groups are in the final phase of developing standardized plain language family law forms. As with prior forms efforts, this project was faced with many divergent opinions and philosophies. The focus is on user-friendly forms and instructions, especially for those judicial districts where as yet there is no funding for separate self-help staff or centers. However, a limiting issue is the reality that many self represented litigants are not able to fill out forms correctly without

assistance. Some judicial districts currently have their own version of forms, but many of these forms cannot easily be used in a different district. In addition, the working groups are developing recommendations as to how these new forms will function and relate to current approved rules and forms.

When approved, the forms should be available through the internet, as well as through courts and legal service providers. The Commission is collaborating with Legal Aid and Law Access New Mexico in their utilization of a technology initiative grant from Legal Services Corporation to facilitate this effort. Forms should be available to low-income New Mexico residents through the [www.lawhelpnewmexico.org](http://www.lawhelpnewmexico.org) website. This project, when completed, will allow a self-represented litigant to answer user-friendly, non-legalese questions online and then receive a set of generated pleadings with instructions that can be filed in court. The first phase of the project is creating pleadings to permit a self-represented litigant to file a petition requesting a change of name. The second phase of the project will focus upon the set of divorce pleadings being developed by the Self-Represented Litigant Working Group. Some online forms should be available by the end of June.

In consultation with the Administrative Office of the Courts, the Working Group continues work on the development of best practices, rules and guidelines for self help programs in the courts. The AOC staff attorney for the Access to Justice Program continued court staff training in legal advice versus legal information as set forth in Supreme Court General Rule 23-113 (court staff information to self represented litigants). The staff attorney also developed an online training program on this topic as a component of 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 (as well as other interpreters) who seek to enhance their bilingual abilities and to earn certificates in medical interpreting, justice system interpreting, and bilingual communication.

In addition, the staff attorney was asked to present legal advice vs. information material at a conference 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, and many of the same principles of providing access while avoiding legal advice apply. Additional recommendations aim at how to include public libraries in access to justice

efforts in all the states. This Commission has included law librarians such as State Law Librarian Rob Mead in working group efforts from the beginning; future efforts will seek to expand that membership to public librarians as well.

The forms effort will expand in 2010 to additional subject areas and also to evaluate and improve use of the forms by self represented litigants. Efforts to formalize or assist court-based approaches to assisting self represented litigants will resume when resources become more available. The Working Group is monitoring 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.) and its effects. Additional national developments being tracked are in the areas of increasing self represented litigant understanding of, and compliance with, court orders.

## **CONCLUSION**

The Commission will continue its efforts to secure meaningful access to justice for low income New Mexicans and will make specific proposals to the Court as needed. We request that the Court generally authorize the Commission to continue its work.

Respectfully Submitted,

COMMISSION ON ACCESS TO JUSTICE

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JUSTICE PETRA JIMENEZ MAES,  
CO-CHAIR

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HON. SARAH M. SINGLETON,  
CO-CHAIR