

**New Mexico Commission on Access to Justice  
April 23<sup>th</sup>, 2020 Meeting Minutes  
Remote Meeting Via Zoom**

**In Attendance:** Stacey Leaman (NM Center on Law and Poverty), Janice Kauer (NMLA), Karen Meyers (Attorney), George Chandler (ATJ Commissioner), Grace Spulak (AOC), Rachel Rodriguez (Equal Access to Justice), Liz McGrath (ATJ Co-Chair), Mark Bennett (ATJ Commission consultant), Quiana Salazar-King (New Mexico Immigrant Law Center), Jennifer Foote (ATJ Commissioner), Renee Valdez (Metro Court), Gary Housepian (Disability Rights NM), Torri Jacobus (City of Albuquerque), Deian McBryde (Attorney), Noah McKinney (ATJ Admin Assistant), Aja Brooks (Second Judicial District), Maria Griego (New Mexico Center on Law and Poverty), Mary Smith (CLS Commissioner), Lewis Creekmore (NM Legal Aid), Ellen Litzer (Senior Citizens Law Office), Jeffrey Weschler (ATJ Commissioner), Melanie Fritzsche (NM Legal Aid), Simone Seiler (13<sup>th</sup> Judicial District), Chris Morganti (State Bar of New Mexico); Laura Bassein (JEC); Susan Givens-Mulvaney; Isela Anchondo (UNM Law Student); Hon. Shannon Bacon (NM Supreme Court); Debbie Norman (United South Broadway); Carla Martinez (President-Elect State Bar of NM); Riley Masse (NMLA); Mark Pustay (United South Broadway); Therese Yannen (Native American Disability Law Center); Sovereign Hager (NM Center on Law and Poverty); Kip Bobroff (ATJ Commissioner); Pamela Herndon (KWH Law Center for Social Justice and Change); Hon. Erin O'Connell (2<sup>nd</sup> Judicial District); Hon. Jane Levy (2<sup>nd</sup> Judicial District); Gary Housepian (Disability Rights New Mexico); Juan Abeyta (ATJ Consultant); John Greacen (ATJ Consultant)

**Critical Decision-Making Presentation**

**Mark Bennett**

-Mark Bennett gave a presentation about making critical decisions for organizations.

-A main takeaway of this presentation: critical decisions need to be made not by habit or reaction, but by design. The leader is a decision architect. The four major elements of design are:

-Results: A clear, defined set of goals is necessary for a good design

-Process: how does the process engage the right people with the right information?

-Values: this process needs to have a focus on underlying values and principles that can be voiced and discussed.

-Perspectives: the only way to enable quality process is if it is composed of diverse perspectives.

-Presentation materials are attached to these minutes.

**Service Provider Updates/Concerns**

**State Bar**

-has waived fee for attorney referral program during COVID-19 emergency

**Senior Citizen Law Office**

-doing Facebook live presentations on various legal issues for clients (most recent was about landlord-tenant issues)

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Eviction Concerns/New Mexico Legal Aid Update

- getting a huge number of calls about evictions;
- NMLSA has posted info on website about the federal CARES Act eviction moratoria and state stay, tweeting this info as well to try and get it out to the public
- concerns that people don't understand instructions about how to call in, not being able to call in due to lack of phone service/minutes; Riley Masse reported having clients who had received default judgements because they were unable to call in correctly
- problem with Metro issuing writs out farther than typical timeline; writs were only set to issue after March 24 but are still being enforced; appeal timeline has run so people aren't able to get into the home;
- landlords are now not trying to evict for non-payment of rent, they are issuing 30 day notices of termination of lease or 7 day notices for minor infractions of rental agreements; these things are not covered under the stay so people are getting evicted in these cases
- significant portion of landlords get protection under CARES Act with regard to their mortgages, but also have restrictions regarding tenancies on these properties; Texas has issued some kind of order requiring landlords in eviction cases to affirmatively plead or show that property is not subject to the CARES Act
- NMLA generally getting back to people within 24-48 hours; call center will be back up Monday am and will recirculate toll free number; people can also apply online for NMLA assistance if they have technology to do so
- LLTN hotline for ABQ residents is still available (can refer either to hotline or general NMLA number for ABQ residents)
- Senior Citizens Law Office has had a number of evictions with elderly people who have medical conditions and they have been relatively successful at negotiating with landlords so that people are able to stay in their homes
- Disability Rights NM will work with NMLA regarding disability-based evictions
- people can send information to Chief about issues with the stay to the Chief Justice with a copy to Deborah Dungan
- The Commission will do a separate submission about a Texas-type order to the Supreme Court

Stimulus Payments

- Senior Citizens Law Office, New Mexico Center on Law and Poverty, NMLA and others trying to get information out to people who need to submit information to the IRS to receive a stimulus payment;
- issues with getting information to people who are not filers and don't get any kind of Social Security benefits;

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- The Consumer Financial Protection Bureau has good information on their website (<https://www.consumerfinance.gov/coronavirus/>) about how to provide information to IRS
- another concern is for people who don't have internet access and who have to give confidential information to other people to provide the information through the IRS website for them (lots of potential for scams and identity theft); people need to make sure they have trusted organizations helping them apply if they cannot do it themselves
- will put information about what people need to do to apply for stimulus payments and who can help them on the Supreme Court website; Justice Bacon is responsible for doing this and we will need to get her the information
- Healthcare for Homeless may be able to help people provide information to the IRS as well as the NM Primary Care Association and Pathways
- may need to add garnishment of stimulus checks to issues to bring to Supreme Court attention

New Mexico Center on Law and Poverty

- the Center has developed know your rights resources that are available on their website: (web address)
- there are serious concerns about food access particularly in tribal communities;

Second Judicial District Self Help

- the Self-Help Center is now entirely remote; the clerks offices and info desks at Second are still open; and there is a phone for people who come to the courthouse to use to talk with self-help staff rather than meeting face-to-face with court staff; they are also able to have people call and email the self-help center

Native American Disability Law Center

- they have a benefits contract to help enroll people and have Navajo speaking staff; can include them in resources for helping people access stimulus
- issues with COVID policies in group homes and facilities in the Four Corners area; issues with medical rationing and inability to get info from Indian Health Services about how they are allocating care
- prosecutors getting a lot of pressure to use Navajo commitment act to commit people who are positive and not-appropriately self-isolating

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**Metro Court Landlord Tenant Settlement Program**

**Karen Meyers**

- This program is designed use settlement facilitations to create agreements between landlords and tenants in Metro Court cases where a stay of eviction has been ordered due to a tenant's inability to pay rent; the hope is that this will create a mechanism for tenants to remain in their homes and landlords to recover at least some of the back rent through payment plans
- Karen Meyers with the City of Albuquerque and Judge Nash have been working with Metro Court to design and implement this program
- Metro Court is on board with program; they will refer all cases where tenants prove they are unable to pay rent and the case has been stayed; in these cases, landlord and tenant will participate in a
- Metro Court's current procedure in cases where tenant shows up and proves not payment is to stay cases and refer to facilitation as opposed to issuing a writ; if an agreement is worked, the court does not need to issue a writ
- volunteer settlement facilitators have been identified
- target start date is May 11
- this is scalable statewide; Karen Meyers will ask ADR Commission to look at this and share with judges around the state
- technology issue will be one of the biggest issues, i.e. tenants may not have technology to participate in the facilitation; we may need to allow for rescheduling if tenants are unable to participate at their scheduled time due to technology barriers (e.g. no phone service)
- are working on language access; court may be able to help with interpretation;
- anyone interested in volunteering as a settlement facilitator should let Karen Meyers or Judge Nash know

**COVID-19 Strikeforce/Federal Benefits Updates**

- one major recent issue was the deadline for people receiving Social Security benefits who do not file taxes but have dependents; IRS said if don't meet deadline on Wednesday (April 22) have to wait until 2020; deadlines for other groups are different; the Consumer Financial Protection Bureau has information about these deadlines available on their website:  
<https://www.consumerfinance.gov/coronavirus>
- National Housing Preservation Database has information about properties that are covered by the CARES Act available [here](#)
- HSD did presentation to New Mexico Center on Law and Poverty about their work in applying for various federal benefit waivers that are available due to the COVID-19 public health emergency
- National Consumer Law Center has information available about federal protections here:  
<https://www.nclc.org/special-projects/covid-19-consumer-protections.html>

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**Carroll Strategies**

-Carroll Strategies has provided the Communication and Fund Development IT with a proposal for Phase 2 of their communication strategy; the theme is “Now More Than Ever” and will emphasize the increased and urgent need for civil legal assistance due to COVID-19.

-one additional important target is attorneys who can volunteer to assist in alleviate the civil legal crisis that will be exacerbated by COVID-19. Janice and Justice Bacon will work with Carroll Strategies to make sure the messaging includes this target audience.

-anyone who would like to see the proposal or give feedback should contact Grace Spulak ([aocgcs@nmcourts.gov](mailto:aocgcs@nmcourts.gov))

**2020 ATJ Commission Meeting Schedule (meetings will be conducted remotely until further notice):**

-May 7

-July 17

-September 11

-November 6