

**New Mexico Commission on Access to Justice
March 13th, 2020 Meeting Minutes
Remote Meeting Via Zoom**

In Attendance: Juan Abeyta (ATJ Community Engagement Consultant), John Arango (CLS Commission), Mark Bennett (Decision Resources, Inc.), Kip Bobroff (ATJ Commissioner), Lewis Creekmore (NM Legal Aid), Melanie Fritzsche (NM Legal Aid), Bette Fleishman (Pegasus Legal Services for Children), John Greacen (NCSC Consultant), Pamela Herndon (KWH Law Center for Social Justice and Change), Gary Housepian (Disability Rights New Mexico), Torri Jacobus (City of Albuquerque), Celina Jones (AOC), Janice Kauer (NM Legal Aid), Summers Kalishman, Ellen Leitzer (Senior Citizens Law Office), Kaitlyn Luck (ATJ Commissioner), Liz McGrath (ATJ Co-Chair), Noah McKinney (ATJ Admin Assistant), Karen Meyers (attorney), Christine Morganti (State Bar of NM), Hon. Judge Mercedes Murphy (7th Judicial district) Hon. Judge Nan Nash (ATJ Co-Chair) Deborah Norman (United South Broadway Corp.), Mark Pustay (United South Broadway Corp.), Rachel Rodriguez (Equal Access to Justice), Mary Smith (CLS Commissioner), Grace Spulak (AOC), Renee Valdez (Metro Court), Celia Yapita (Catholic Charities)

January 10, 2020 Meeting Minutes: Meeting minutes were approved with no changes

2020 Legislative Session Funding Update

Liz McGrath / John Arango

-At the 2020 session, the legislature allocated \$200,000 increase in recurring funds, and a \$50,000 increase in nonrecurring funds for the CLS Commission. The CLS Commission requested that an additional \$400,000 be budgeted from the fund itself. We do not know if the Governor is going to take any action to cut back on any expenditures, given the recent decrease in oil revenue projections.

-The Commission is still hoping to fund a needs assessment, and raise money for the website. There have been a number of discussions about creating the portal at the same time that we create the website, which will be approximately another \$100,000.

-There was discussion about NMLA making a proposal to the ATJ Fund Grant Commission for either the needs assessment or the website. This is a change from what the Fund Grant Commission has done in the past, but the ATJ Commission may be able to provide information to the Fund Grant Commission about the importance of the needs assessment and website and how it will further the ATJ's JFA work. ATJ Commission leadership will contact the Fund Grant Commission about the potential of expanding the projects it will fund or providing funds to the ATJ Commission to distribute as it did with the provider collaboration funds.

Provider Collaboration Grant Update

Gary Housepian

-Since the last meeting, Gary has met with the Native American Disability Law Center as well as the NM State Bar about their programs. He is still waiting to meet with DNA People's Legal Services. Gary is compiling a spreadsheet to compile information obtained based on these meetings.

-Ultimately, the goal should be a portal that will allow legal and non-legal providers to coordinate their work and provide information to the public.

Remote Appearances and COVID-19

**New Mexico Commission on Access to Justice
March 13th, 2020 Meeting Minutes
Remote Meeting Via Zoom**

-One of the items on our action plan is to “promote remote appearances.” This is even more timely given the need for social distancing based on COVID-19. John Greacen will write something for the Commission about remote appearance and ways to ensure that it is accessible that the Commission can send to the Supreme Court and any emergency response group in the judiciary looking at this issue.

Evictions and COVID-19

-Karen Meyers raised the issue of people facing eviction due to loss of employment/wages during the pandemic. The Commission, after discussion, decided to make a recommendation asking the Supreme Court to direct courts to stay eviction proceedings due to the public health emergency in New Mexico and the national emergencies.

-Grace will work with Legal Aid and Gary Housepian to draft a recommendation about the stay on eviction proceedings. The Commission would like to have this go to the Court by Monday, March 16.

-There may be federal funds available so assistance with housing and other essential needs. At one point Catholic Charities had FEMA funds to provide rent assistance although there are not currently FEMA funds available for this purpose. However, providers should look to maximize federal assistance that may be available.

-Gary Housepian mentioned that after a potential abeyance, tenants may still owe back rent, and that we may want to recommend some kind of provision or buffer, to stop a cascade of mass evictions once the emergency is over.

Additional ATJ Considerations Due to COVID-19

-The Commission should be mindful of other ATJ concerns raised by COVID-19 and consider making recommendations as appropriate.

-One concern is how to hold legal clinics. Video clinics are a possibility but also have limitations. Many people do not have access to technology to do this. With libraries potentially closing, one major source of information and internet access for low income people will be cut off.

Judicial Budget Process Presentation

Celina Jones

-Celina Jones, General Counsel for AOC, presented about the Judiciary’s Unified Budget Process

-All courts and judicial entities in New Mexico participate in the Unified Budget Process. Before this process was in place, individual entities would advocate for their own priorities, which created some confusion in the legislative process and concerns about which entities budget needs were being given priority. The Unified Budget Process was developed to reduce confusion and to ensure that all entities’ needs were given the same weight

**New Mexico Commission on Access to Justice
March 13th, 2020 Meeting Minutes
Remote Meeting Via Zoom**

-The process starts after each legislative session. Around March or April, there is an initial discussion about individual priorities in districts, such as a need for additional staff, capital to complete a courtroom, or additional software or computers.

-The key events are the internal Budget Committee hearings held in the summer months. In 2020, these hearings will be held on July 8th and 9th. During these hearings the Budget Committee hears from all judicial entities about their budget priorities and proposals. The Budget Committee issues recommendations based on these hearings.

-Recommendations of the budget committee go to the Chief Judges Council, who can act by approving them, requesting changes or more information. Ultimately, the Chief Judges Council's recommendations will be referred to the Supreme Court. The Supreme Court makes the final decision about the unified budget that will be proposed to the legislature.

-On October 2, 2020, there will a final review of all the requests, including special requests (such as requests for funding needed for the prior year, supplemental requests for the current year, and special project funds for the next year.) This is also when there will be a discussion of the Unified Budget strategy, as well as the LFC hearing schedule and strategy.

-The Budget Committee is made up of District Court judges from small, medium, and large districts, representation from magistrate judges, court staff, chief executive officers from the courts, and the director and CFO of AOC. The director and CFO of AOC are not voting members.

- If the commission wants to make funding requests that would go through a particular court or the AOC, we will need to figure it out and talk to the appropriate people by **latest** July 2020. The recommendation is 4-6 weeks from now.

-Liz mentioned a few ways the ATJ could participate in the budget process. One way could be an initiative to put money into court navigators or signage, but another would be for us to review the budget and identify requests that appear to increase access to justice, and provide our input.

-Judge Nash suggested we ask the budget committee to hear from Grace on that review.

-The schedule of Budget Committee meetings for 2020 is attached to the minutes.

JFA Implementation

Mark Bennett

-Each Implementation Team presented on three items:

- Priorities for work
- Steps taken on action items
- Challenges and help needed

Governance Implementation Team

-Priorities for work:

**New Mexico Commission on Access to Justice
March 13th, 2020 Meeting Minutes
Remote Meeting Via Zoom**

-Map out the commission's structure, create IT teams aligned with the strategic action plan, revise the current process for appointing current commissioners as well as ensuring diversity among stakeholders, developing a comprehensive plan for progress towards the JFA goal, including data and data gathering on a regular basis.

-Steps taken on action items:

-There is a meeting scheduled this afternoon discussing mapping out the commission's structure. Grace and Liz have been working on a document concerning job descriptions for IT co-chairs. The data / evaluation subcommittee met on March 10th.

-Challenges and help needed:

-Engaging potential stakeholders and commissioners who are not part of the legal community will be a challenge. This IT will work with the Community Integration IT team to identify potential Commissioners and ways to engage them. The IT may need financial resources for the data collection and analysis.

-Questions: none

Communications and Fund Development

-Priorities for work:

-Getting regular inserts into the Bar Bulletin, establishing regular communications with the Supreme Court, Communications campaign phase 2 with Carol Strategies, planning and funding for phase 3, the EAJ / State Bar unified development entity.

-Steps taken on action items:

-Justice Bacon will provide regular communication to the Supreme Court during the Court's Wednesday Conferences. The IT will look at developing an insert for the Bar Bulletin, which has a next deadline of May 18. The Bar Foundation and EAJ have had initial conversations about a unified budget entity, and will continue those discussions after the Bar Foundation meets in April.

-Challenges and help needed:

-Other fundraising issues will likely come up through the other teams, as they determine their objectives and the resources they need to accomplish their goals, so this IT wants to make sure that other ITs communicate funding needs. The Community Integration IT team's activities in Taos, Las Cruces, and Hobbs, will overlap with Carroll Strategies' Phase 2 work, so this team needs good communication with the Community Integration IT. This IT will need guidance and assistance through AOC with Phase 3 of the Carroll Strategies campaign.

-Questions: none

New Mexico Commission on Access to Justice
March 13th, 2020 Meeting Minutes
Remote Meeting Via Zoom

Broad Self-Help

-Priorities for work:

-Informational website development. One priority is building consensus among stakeholders about what the website should look like, and what the user experience should be. The IT will also make sure the website is compatible with whatever portal efforts that may follow.

-Steps taken on action items:

-Follow up on funding for website building and identifying things to be done without funding. The group will continue to harvest available informational materials from services providers and other organizations to be used for the website.

-Challenges and help needed:

-Almost everything this team needs to do is dependent on funding.

-Questions:

-Liz asked whether any providers are considering applying to the ATJ Fund Grant Commission for the website. As discussed above, this would be a change from what the Commission has typically funded, but ATJ Commission could communicate with them about shifting funding priorities since they have additional IOLTA money.

Community Integration

-Priorities for work/Steps taken:

-Held community sessions in Taos, Hobbs, and Las Cruces went well. Each community identified and prioritized their civil legal needs, identified additional individuals within the community who needed to be at the table to address those needs, and identified local points of contact going forward. All three communities are very eager to move forward.

-The top priority for Taos was kinshipguardianship issues, 28% of grandparents in Taos county are raising grandkids.

-In Hobbs, the main issue was housing and affordable housing. There is a group from the Maddox foundation willing to work with the Commission on this

-In Las Cruces, the issues were more global, with the top issue being the lack of equity in the judicial system, particularly with regards to domestic violence and immigration issues.

-Steps taken on action items:

-This IT plans on meeting with each of these groups again, focusing on developing an action plan to identify resources each community can apply to those issues, as well as additional resources that must be developed.

**New Mexico Commission on Access to Justice
March 13th, 2020 Meeting Minutes
Remote Meeting Via Zoom**

-Challenges and help needed:

-If this work expands to additional communities, there may be too large a workload given the staffing resources the commission has at this point. This IT has identified a second cohort of communities including Silver City, Las Vegas, Shiprock, and T or C, but may have to put them on hold. All three communities, in which this IT held meetings expressed interest in navigators. Challenges there will include resources to train these navigators.

-Questions:

-Pamelya asked if there was cultural diversity in the meetings. There was no African-American representation at the meetings. There was a wide variety of organizations represented, but there were still gaps in representation.

Rules and Court-Based Services

-Priorities for work:

-Develop plain-language shadow forms, study and make recommendations about current signage in courthouses, work with the Supreme Court on the court navigator initiative, and identify potential funding sources, create a shared resource bank for court staff.

-Challenges and help needed:

-Many courthouses are not owned by the judiciary but by counties, so we would have to work with the Association of Counties to see what we can do. Not all judicial districts have information about what is going on in other districts.

-Questions: None

Full Representation

-Priorities for work:

-Have providers focus on essential needs, needs assessment, increasing the number of cases handled through full representation and limited scope representation by pro bono attorneys, develop models of non-lawyer representation that can be implemented in a small scale in New Mexico, re-evaluate the pro emeritus rule to increase pro bono resources, and addressing the issue of conflict in the imputation of pro bono cases,

-Steps taken on action items:

-John Arango and Liz have begun talking about how to define “essential civil legal needs.” John has taken steps towards developing a proposal for the needs assessment. The group will also meet with Richard Spinello to discuss promoting limited scope representation. Kip Bobroff will

**New Mexico Commission on Access to Justice
March 13th, 2020 Meeting Minutes
Remote Meeting Via Zoom**

put together a meeting to discuss the role of the DV advocates and whether it might be expanded.

-Challenges and help needed: none determined

-Questions: none

Pro Bono

-Priorities for work:

-engage Trial Lawyers Association; 100% pro bono participation by all licensed attorneys; make sure all Pro Bono Committee chairs are engaged; mapping needs of particular groups (e.g. domestic violence advocates)-Steps taken on action items:

-Steps taken

-Developing an annual survey form to be given to district chairs of pro bono groups throughout the state to assess how they are meeting the needs of the people where they reside; find ways to recognize people for doing pro bono work.

-Challenges and help needed:

-The COVID-19 virus has introduced challenges to providing pro bono services. It is likely we will have to innovate to continue to provide services.

-Questions:

-Juan Abeyta brought up the fact that one concern in community meetings around the state is that people don't know what attorneys might offer pro bono services. The Commission and the Pro Bono Work Group should try to determine how to get information about attorneys doing pro bono work to the public. It may be helpful to have all pro bono requests go through a centralized entity like the Volunteer Attorney Program. The Commission, VAP, and Pro Bono Work Group should also work to identify communities where pro bono service is not readily available.

Meeting Evaluation

-In order to make Commission meetings more effective, we will begin meeting evaluations.

-For this meeting, please provide responses to the following three questions to Grace Spulak (aocgcs@nmcourts.gov):

-What went well with the meeting?

-What would you like to see done differently?

-What other ideas, comments, or questions do you have concerning the meetings?

**New Mexico Commission on Access to Justice
March 13th, 2020 Meeting Minutes
Remote Meeting Via Zoom**

2020 ATJ Commission Meeting Schedule:

-May 15th

-July 17th

-September 11th

-November 6th

**New Mexico Judiciary
Calendar Year 2020 Budget Development Time Line for FY 2022 Budget
2.25.20 DRAFT**

Internal Deadlines	Budget Committee Topics: 9:00 a.m. at JID unless otherwise noted	External Deadlines	CJC Topics: 9:00 a.m. at Supreme Court unless otherwise noted (All dates below subject to change)
	Jan. 3, 2020 <ul style="list-style-type: none"> • Review 2020 Meeting Dates 		Thursday, January 23 , at 9:00 am or immediately following SC Legislative Breakfast
Jan 31 – AOC will send out proposed revised FY22 Budget Template	Friday, February 8 <ul style="list-style-type: none"> • No Meeting 		Friday, February 21
	Friday, March 6 <ul style="list-style-type: none"> • Review FY22 Budget Template and instructions for Operating and Capital Submission • Adopt instructions for budget submissions and presentations and discuss criteria for budget submissions at the July hearings • 		Friday, March 20
April 24 – Capital Requests due to AOC	Friday, April 3 <ul style="list-style-type: none"> • Review Position Cost Guidelines • Review Resource Matrix for judgeship/staffing requests • Initial discussion of budget priorities, legislation, and strategy for 2021 legislative session (FY22 Budget) 	March 11 – Legislation not acted upon by governor is pocket vetoed	Friday, April 10
May 1 §6-3A-4(A) – Agencies provide program listing			

	Friday, May 1 <ul style="list-style-type: none"> Review and Approve Capital Budget submissions 		Friday, May 15
June 12 – Budget Request Info due to AOC	Friday, June 5 – At call of the Chair because of timing of CJC occurring with Conclave		Wednesday, June 17
July 1 §6-3A-5(A) – Performance Measures due to DFA and LFC			
	Wednesday and Thursday, July 8-9 Budget Hearings <ul style="list-style-type: none"> July 8th – Hearings July 9th – Questions of Committee discussed <p>(*Budget Books sent to Committee June 29, 2020)</p>		Friday, July 17 (Tentative) <ul style="list-style-type: none"> Discussion of Budget Committee recommendations
Wednesday, August 26, 2020 – BAR Authority & Def, Supp, and Special Requests due to AOC	Friday, August 7 <ul style="list-style-type: none"> Additional presentations from courts regarding budget proposals as necessary Review of Unified Budget Document – Send to committees again if necessary 	Tuesday, Sept. 1 – Deadline to submit FY22 appropriation requests to DFA and LFC	August TBD <ul style="list-style-type: none"> Discussion of Budget Committee Recommendations
September 1 - §6-3A-6(A) Performance-Based Budgets due to DFA, LFC, AOC			
	Friday, September 4 <ul style="list-style-type: none"> Review and Approval of BAR Authority Requests & Supplemental, Deficiency and Special Requests Review of Legislative Committee Dates and Agenda 		Sept TBD

	<p>Friday, October 2</p> <ul style="list-style-type: none"> • Final Review and Approval of BAR Requests & Def, Supplemental and Special Requests, if necessary • Discussion of Unified Budget strategy • Discussion of LFC hearing schedule and strategy 	<p>TBD - LFC hearings</p> <p>Friday, Oct. 16, 2020 – Deadline for BAR authority requests & Def, Supp and Special Requests to be submitted to DFA & LFC</p>	<p>Friday, October 18</p>
	<p>Friday, November 20</p> <ul style="list-style-type: none"> • Final adjustments to Unified Budget strategy 	<p>TBD - LFC hearings</p>	<p>Friday, November 15 (subject to adjustment based on Nov LFC hearings)</p>
	<p>Friday, December 4: Call of the Chair</p>		<p>Friday, December 13: Call of the chair</p>