

Las Cruces Report

February 2020

BACKGROUND

The New Mexico Commission on Access to Justice was established by the NM Supreme Court to expand access to the civil justice system for all New Mexicans. The Commission's guiding principle is that providing legal services to those most in need can only be accomplished by a community-wide effort. The Commission is working with communities across the state to identify needs and develop strategies and resources to address local priorities. This report details activities to date in the community of Las Cruces.

OVERVIEW

The Commission on Access to Justice has held two community forums in Las Cruces (one in late 2018 and most recently in February of 2020) that drew a total of 17 individuals representing various sectors of the community including local government, higher education, the judiciary and non-profit organizations. The sessions were intended to create a space where participants could listen to each other and share their perspectives on civil legal needs and their impact on the community.

Participants identified what they felt were the barriers and issues that most affected the local community. Many of the issues are interrelated and many individuals are confronted with multiple issues. Those present were interested in continuing the dialogue on creating greater awareness and understanding of the issues, as well as, working together to develop strategies to address the issues.

Following is a ranked list of priorities. The Commission will work with local organizations and individuals to support efforts to address those priorities.

CIVIL LEGAL PRIORITIES

Following is a listing of priorities to be addressed. A brief description accompanies each priority. Some of the concerns related to these issues are being addressed to various degrees by other working groups of the Commission and are noted where appropriate.

A) Building Equity in the Judicial System

Dawn Hommer, CAASN, and Melissa Ames, Community of Hope, will serve as local POC's going forward on this issue. Others that should be included: Supreme Court/leg; judges; expert in systems change; Mesilla Valley Hospital, ACLU, NMLA; DA and City Atty; public schools; NMSU; UNM.

B) Judicial System Trainings/Education

Target City/County Attorneys, Magistrate & Municipal Judges, and others in the system on trauma-informed care/services such as, domestic violence and immigration issues.

C) Increase Access to Civil Legal Services/Attorney Representation

Legal Aid not able to serve clients adequately due to capacity; lack of communication between attorneys/clients and community service providers; cases where the "ball was dropped".

Need subject-matter legal clinics for clients (e.g. kinship guardianship, immigration, custody, housing) held at non-traditional hours and in locations that are accessible to the people who need them; need follow-up after the clinics.

Community members in the Las Cruces area have a significant number of legal needs—domestic violence, custody, housing, medical debt, wage garnishment, payday loans—that they cannot navigate on their own.

D) Reduce Access Barriers

People are afraid of going to court. Courts aren't seen as "friendly" places. People who have experienced trauma often feel re-traumatized by the legal process because of the barriers.

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Translation of documents submitted to the court in Spanish through the AOC takes so long people end up waiting unreasonable lengths of time for their cases to be considered.

People cannot understand court forms because they are not in plain language nor bilingual.

Lack of transportation: people cannot get to court. Court hearings are during work hours and people are losing money and risk losing jobs to take time off for court.

E) Provide broad awareness training

F) Domestic Violence Issues

G) Increase Awareness and Capacity of Self-Help Legal Resources

Self-help center has notice on website that if self-represented litigants use the weekly family law clinic too many times they will be barred from use for “abusing” the service.

Not enough capacity at court-sponsored family law and civil legal clinics (capped at 10 people).

Turnover of court personnel leads to loss of progress and institutional knowledge about best practices for serving self-represented litigants.

Many clients try to represent themselves and access self-help resources and feel that they are told they have no option but to hire an attorney

H) Immigration Issues

Immigration policies at the federal level make people who are undocumented very fearful about reporting domestic violence to law enforcement, seeking services, or attending court. Public charge rule having chilling effect on people applying for status.

Clients who are undocumented cannot travel to Albuquerque to meet with attorneys because of the ICE check-point.

Lack of understanding among judges and law enforcement about U visa requirements/process and no immigration attorneys to advocate for clients who may qualify for immigration relief.

People confused about notarios and what they can do—notarios filling out paperwork incorrectly for people.

I) Guardianship/Kinship Issues

Seeing an increase in grandparents raising grandchildren who aren’t able to get documents (e.g. birth certificates), benefits, or services for

children.

Service providers and caregivers don’t know about resources such as caregiver’s affidavit and legal services for caregivers seeking kinship guardianship.

Caregivers and service providers feel that there is no protection for children who are left with caregivers and no way for caregivers to have immediate legal authority.

COMMUNITY ACTIONS AND SUPPORT

The participants took a survey to measure their respective organization’s interest and capacity in taking specific actions. Listed below are activities they felt they could contribute to:

- Bring others together for community forums.
- Host public information seminars
- Participate in local planning processes
- Meet with policymakers/legislators on specific issues, policies, legislation, and/or funding
- Help resolve conflicts or disagreements
- Be called on by the Commission and local decision makers to offer opinions
- Assist others in the community in raising their own concerns or views
- Develop more awareness of civil legal needs in my sector
- Offer space for online access to legal resources by community members
- Host staff trainings including navigator training
- Serve as a clearinghouse for information
- Interested in analyzing policies that impact my community
- Collaborate on a new project to benefit the community

NEXT STEPS

The Commission will convene another community forum in Las Cruces that will focus on developing strategies to address the highest priorities. The Commission will also provide a report detailing actions to date and an initial list of available resources. Organizations and individuals that would like to participate should contact:

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