

**New Mexico Commission on Access to Justice**  
**May 21, 2020 Meeting Minutes**  
**Remote Meeting Via Zoom**

**In Attendance:** Janice Kauer (NMLA); Karen Meyers (City of Albuquerque); Grace Spulak (AOC); Rachel Rodriguez (Equal Access to Justice); 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); Noah McKinney (ATJ Admin Assistant); Aja Brooks (Second Judicial District); Maria Griego (New Mexico Center on Law and Poverty); Mary Smith (CLS Commissioner); Liz McGrath (Co-Chair ATJ Commission); Lewis Creekmore (NM Legal Aid); Ellen Leitzer (Senior Citizens Law Office); Melanie Fritzsche (NM Legal Aid); Susan Givens-Mulvaney (Youth Heartline); Debbie Norman (United South Broadway); Carla Martinez (President-Elect State Bar of NM); Mark Pustay (United South Broadway); Pamela Herndon (KWH Law Center for Social Justice and Change); Juan Abeyta (ATJ Consultant); John Greacen (ATJ Consultant); Siresha Manne (NM Center on Law and Poverty); Bette Fleischman (Pegasus Legal Services); Hon. Nan Nash (Co-Chair ATJ Commission); Celia Yapita (Catholic Charities); Kaitlyn Luck (ATJ Commissioner); Mark Bennett (Strategic Planning Consultant); Hon. Shannon Bacon (NM Supreme Court); Mateo Page (AOC); Josh Pando (AOC); Terrelene Massey (SW Women's Law Center); Sarah Steadman (NM Law School); John Arango (CLS Commission); Kip Bobroff (Attorney); Deian McBryde (Attorney); Simone Seiler (13<sup>th</sup> District)

**Provider and Court Updates/Challenges/Discussion**

-Bette Fleishman mentioned that NM has 2<sup>nd</sup> highest proportion of children with the virus and that some children in foster care have the virus

**New Mexico Center on Law and Poverty**

-doing a lot of recent work on health care access; people getting wrongly billed for testing; people being asked for SSNs or immigration status; NMCLP working with HSD to address these issues; treatment should also be mostly free, but billing is very complicated

-also working on food access

-public charge concerns for immigrants is a barrier for people trying to access benefits

**CARES Act Foreclosure Forbearance**

-CARES Act forbearance extended until June 30; previously was May 18

-United South Broadway has begun to see people coming in for help on CARES Act forbearances

**Stimulus Payments**

-New Mexico Legal Aid (NMLA) trying to push out information but they don't have capacity to help a lot of individuals obtain stimulus payments

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-Senior Citizens Law Office (SCLO) also putting out information; they have an update on their website for non-filers; also don't have capacity to help huge numbers of individual clients

-Deadline has passed for filing updated dependent status with the IRS, but non-filers can still file to provide information to receive stimulus payments.

-NMCLP working to make sure that the state is not taking stimulus payments to pay back the state for child support benefits; states have a choice about whether to send stimulus payment to families or reimburse state first; California has promulgated a regulation about this and NMCLP is encouraging NM to do the same

-NMLA working to put together project regarding stimulus payments in Laguna; working in conjunction with Kip Bobroff to set up this project;

#### Worker Safety Issues

-NMCLP has seen concerns from employees about employers not providing PPE; they are providing informational materials and advising individual clients about these issues

#### Unemployment

-first phase of unemployment is complete; people who have gotten it easily have gotten it; big issue now will be helping people who have been denied; NMLA connecting to food banks to try and get information to people who need assistance

-no information from any agencies about when work requirements will be reinstated for unemployment

#### Eviction Stay Updates

-Supreme Court eviction order is remains in place until further order of the court, with no discussion of lifting it any time soon. When lifted would be better to include a phased-in approach with warning to tenants.

#### Metro Court Landlord Tenant Mediation Update

**Karen Meyers / Judge Nash**

-Landlord-Tenant project aims to ease load on courts. Only non-payment of rent cases are referred at this time.

-Identified non-payment cases send an order telling parties it is referred to the program, provides info, and tells landlords they need to educate and determine their eligibility for CARES. Self-Help works with volunteer mediators telephonically. If an agreement is not reached, case goes back to court.

-Started May 11<sup>th</sup>, with 10 facilitators addressing cases that have already had hearings

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-Idea is to help landlords and tenants reach agreement in cases where there is a stay of eviction so tenants can remain in the property if they want and landlords can recoup some of the rent

-About 26 cases went to settlement facilitations, some still pending for second sessions, feedback from facilitators is that these are not short processes. 6 did not reach agreement. Court wants to move slowly towards facilitations for cases that have not yet gone to hearing to see if an agreement can be reached before the hearing

-Challenges are administrative costs and lack of staff. Right now, Metro Self-Help is doing scheduling and contacts. Will look at additional staffing options at Metro

-Metro says about 60% of cases referred to the program have settled

-Landlord-tenant case filings down by  $\frac{3}{4}$  in metro court

-may be CARES Act money at state and City of Albuquerque that could support COVID-related relief

-Commission will do a letter to executive and copy to Chief Justice re executive using CARES Act funds to support eviction and foreclosure settlement programs;

### **Special Legislative Session and CARES Funding**

-Session will be primarily on current fiscal year, give governor authority to move money from this fiscal year to FY21. Intention is not to make cuts but come up with framework to deal with FY21. Decisions will likely be made mostly in advance and the session itself will be very short

-We don't know what will happen with the CLS Commission reserves. Last report July 1 2019 stated \$884,000 in reserve. Estimate is that there will be enough to maintain contract levels through FY21. FY22 will be a much bigger problem.

### **Update on stay of garnishment and CARES act requests to Supreme Court**

-The Court met May 20, discussed requests from the Commission regarding 1) requiring landlords to certify when filing an eviction case that the property in question is not subject to the CARES Act and 2) exempting stimulus payments from garnishment in debt collection cases.

-The Court will craft something about the garnishment issues and will draft an order exempting stimulus payments from garnishment in consumer debt cases (wouldn't apply to child support arrears)

-Court was not inclined to take recommendation about CARES Act. Both the Court and NMLA sent information to trial courts about the CARES Act

### **Transition back to JFA Work**

**Liz McGrath / Judge Nash / Grace Spulak**

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- There should be a general refocusing of efforts back to JFA strategic plan.
- Next meeting will be July 17 with more meetings before if necessary.
- CLS program directors will meet in interim to discuss CLSC funding and issues.
- IT groups should meet before July 17 meeting to help reorient and start moving.

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

- July 17
- September 11
- November 6