In fond remembrance of Justice Charles Daniels

Justice Charles W. Daniels, who served two terms as Chief Justice and led New Mexico’s bail reform efforts, died on Sept. 1 at age 76. Justice Daniels served on the state’s highest court from November 2007 until his retirement at the end of 2018. He was Chief Justice in 2010 to 2012, and from 2016 to 2017.

“Our state has lost a titan of the law,” Chief Justice Judith K. Nakamura said in a statement on behalf of the Supreme Court. “From humble roots as the son of sharecroppers, Justice Daniels grew into a towering figure as an attorney and jurist who for a half century tenaciously defended our constitutional rights and advanced equal justice under the law. His brilliant legal mind and sharp wit made him an eloquent and compelling presence in the courtroom.”

Justice Daniels joined the state’s highest court after a career of more than three decades as a lawyer with a courtroom practice in both criminal and civil cases. He also taught at the University of New Mexico School of Law. He was born in Arkansas but grew up in New Mexico. While serving on active duty in the Air Force, he was inspired to pursue a legal career after reading a biography of the famous trial attorney Clarence Darrow. He received his Juris Doctor degree from UNM in 1969, graduating first in his class, and a Master of Laws from Georgetown Law School in 1971.

In 2016, then Chief Justice Daniels advocated for a constitutional amendment to overhaul New Mexico’s system of pretrial release and detention. The Legislature approved the measure and voters overwhelmingly adopted the amendment, which for the first time allowed district court judges to detain felony defendants shown to be too dangerous for release before trial. The amendment also ensures that defendants who are not dangerous or a flight risk cannot be held in jail pretrial solely because they cannot afford bail.

See Justice Daniels cont., page 6
Judiciary at State Fair for Community Outreach
Have gavel pencils, will travel

The New Mexico Judiciary established a precedent — 11 days of fun through public outreach at the State Fair.

Judges and employees from courts throughout the state, and staff of the Administrative Office of the Courts, were on hand at a booth throughout the Fair in September to answer questions and provide information about the Judiciary’s many innovative programs, including Online Dispute Resolution, a new way to settle debt and money due cases for free.

Most courts brought their own outreach materials, providing fairgoers with information about free legal clinics, expungement, guardianships and employment opportunities with the Courts.

“More than 76 employees represented the Judiciary in an outstanding manner at this year’s State Fair, making our booth a success,” said Supreme Court Chief Justice Judith K. Nakamura. “Thank you to all who participated and demonstrated how we can offer assistance to the public in locations other than a courthouse.”

Participants are encouraged to call or email Beth Wojahn with feedback, lessons learned, and any ideas on how to improve the Judiciary’s public outreach efforts. See our State Fair Photo Gallery starting below and continuing on pages 3, 4 and 5.

(L-R) The 13th Judicial District was represented by Valencia County Magistrate Court Judge John Chavez, Sherry Aragon, Stephanie Trujeque, Chief Judge Louis McDonald and Erin Olson.

A cross-section of the Judiciary: (L-R) Santa Fe County Magistrate Court Judge David Segura, Darla Goar of the Judicial Information Division, First Judicial District Court Judge T. Glenn Ellington, Supreme Court Chief Justice Judith K. Nakamura and Tamara Roybal from the Human Resources Division of the Administrative Office of the Courts.
The Judiciary at the New Mexico State Fair

State Fair General Manager Dan Mourning (center) is flanked by Chief Justice Judith K. Nakamura and Second Judicial District Court Judge Joshua Allison.

Fourth Judicial District Court’s (L-R) Annabelle Lucero, JoAnn Valdez, Helen Tafoya, Angela Martinez, John Guaderrama and Robert Duran.

Representing the Eleventh Judicial District, (L-R) San Juan County Magistrate Judge Rena Scott, Ashley Lucero, Geri Hughbanks and McKinley County Magistrate Court Judges Cynthia Sanders and April Silversmith.
The Judiciary at the New Mexico State Fair

(L-R) Marcos Armijo, Sharon Martinez, Andrea Romero from Española Municipal Court; Andrea Carrillo, Lucy Bell from the 12th Judicial District Court, and Judicial Information Division’s Margarita Terrell.

(L-R) Peter Gonzales and Gordon Bennett representing the Seventh Judicial District Court.

The Bernalillo County Metropolitan Court Team: (L-R) Judge Jason Jaramillo, Chief Judge Sandra Engel, Tiffany Archuleta and Lissa Lowe.

Administrative Office of the Courts team members (L-R) Ken Wells, Moses Suleiman and Michael Laflin.
The Judiciary at the New Mexico State Fair

Seventh Judicial District Court Judge Mercedes Murphy and Patrick Avalos.

(L-R) Court Executive Officer Melissa Frost and Angelic Gutierrez from the Sixth Judicial District Court, Chief Information Officer David Wasson and Joseph Romero of the Judicial Information Division. These brave souls staffed the Judiciary booth on the first day of the Fair.

(L-R) Second Judicial District Court Judges Amber Chavez Baker, Debra Ramirez and Lisa Chavez Ortega and General Counsel Elizabeth Garcia standing with Jefferson Middle School student Kaleigh Campbell, wearing a judge’s robe and holding the gavel pencil.
Judiciary submits unified budget request

New Mexico’s judicial branch of government is requesting a budget increase of $15.7 million, or 8.6%, in the upcoming 2021 fiscal year for court programs and personnel to better serve the public.

The Judiciary’s unified budget proposal asks the Legislature to provide about $198.5 million for all judicial operations: Supreme Court, Court of Appeals, district, metropolitan and magistrate courts as well as the Administrative Office of the Courts and the New Mexico Compilation Commission, the state’s official legal publisher.

Among the budget requests:

- $2.7 million to improve court security, including security personnel for magistrate courts across the state.
- $1.7 million for technology and the Judicial Information Division.
- $844,000 is to expand pretrial justice services.
- $400,000 is to continue Online Dispute Resolution, which was implemented statewide in September for debt and money due cases.

Funding is sought for new positions, including a statewide court security manager; a behavioral health specialist to help improve the courts’ response to people with mental illness; and a guardianship attorney to provide legal support to judges and staff and oversee compliance with new statutory requirements in the adult guardianship system.

The Judiciary is seeking $1.5 million for five new district court judgeships and support staff to cope with increasing workloads: one judge each in the First, Third and Twelfth Judicial Districts and two judges in the Second Judicial District of Bernalillo County. The Legislature last created additional judgeships in 2014.

Lawmakers convene in 2020 for a 30-day session. Legislators will prepare a state budget at a time when revenue is strong because of booming oil production. Forecasters expect revenue in New Mexico’s main budget account to reach nearly $8 billion next year — about $900 million more than current spending on public education and other state government programs and services.

Justice Daniels loved historic Supreme Court Building, from page 1

“Justice Daniels leaves a deep and lasting imprint on the legal landscape,” Chief Justice Nakamura said. “His vision and advocacy for changing an antiquated pretrial system represents one of the most significant justice reforms in New Mexico history. All New Mexicans have benefited from his lifelong devotion to a fair and impartial system of justice.”

Hundreds attended a memorial service for Justice Daniels on Sept. 15 at Popejoy Hall at the University of New Mexico. Family, friends and colleagues recalled Justice Daniel’s love of the law, music, auto racing and a keen sense of humor. Four weeks before his death, Justice Daniels drove practice laps at the Indianapolis Motor Speedway.

At the memorial, Chief Justice Nakamura recalled Justice Daniels’ love of the historic Supreme Court Building and that he often gave tours to school groups.

“He would introduce himself as ‘Charles Daniels’ adding that ‘I work here.’ And when touring the courtroom,” the Chief Justice said, “he would point out that while New Mexico’s Supreme Court courtroom is not as ornate and elaborate as courthouses in other states, it was just perfect because it kept the Justices ‘right-sized.’ ”

Justice Daniels was the author of more than 100 Supreme Court opinions, including State v. Brown, an important decision in 2014 on the rights of defendants awaiting trial.

The National Association of Pretrial Services Agencies (NAPSA) recently selected Justice Daniels for a Special Recognition award for his “leadership, distinguished performance and outstanding accomplishments” in pretrial justice. Artie Pepin, director of the Administrative Office of the Courts, accepted the award on behalf of the justice at the association’s conference on Sept. 10.

The more than 700 conference attendees gave a standing ovation in honor of Justice Daniels. The association also announced plans for a new award named after Justice Daniels, which will be presented to judges who have made substantial contributions in the pretrial justice field.
Metropolitan Court’s Resource Day serves nearly 250 veterans

For a second year, the Bernalillo County Metropolitan Court’s Community Veterans Court opened its Resource Day to veterans outside of the program. As hoped, hundreds came out for the event.

In total, 249 veterans attended to learn about the various free or low-cost resources and services available to them in the community and were able to sign up for services and have their questions answered on-site.

“The idea is to streamline services for those who have served our country,” said Judge Henry A. Alaniz, who presides over the Community Veterans Court. “Resource Day offers veterans information on everything from housing to healthcare.”

Some of the agencies in attendance included the Veterans Integration Center (VIC), the Albuquerque Center for Hope & Recovery and First Nations Community Healthsource.

A light lunch was provided to veterans and their families. This year’s event was held at the Forward Flag Foundation, with the idea that it would be easier to access than the courthouse, where the event had been held in the past.

The Community Veterans Court holds Resource Day twice a year for participants in the specialty court program and opens the event once a year to all veterans in the community.

Through judicial oversight, supervised probation, treatment and counseling, the Community Veterans Court works to address the root cause of what brought a veteran into the criminal justice system.

“The camaraderie felt among the veterans in our program is strong. They’re always looking for ways to support one another and are happy to extend that helping hand to other servicemen and servicewomen in our community,” said Judge Alaniz. “We’re looking forward to doing it again next year.”

A supreme send-off

Ralph Vigil, who worked as a Security Officer for the Supreme Court for 13 years, officially retired on July 1. Mr. Vigil dedicated a total of 46 years of service to the state of New Mexico.

Here is Mr. Vigil (center) with (L-R) Justice Barbara J. Vigil, Justice Michael E. Vigil, Chief Justice Judith K. Nakamura, Justice C. Shannon Bacon and Justice David K. Thomson.
First Young Adult Court graduate shows how program can benefit the community

Adrian Concini stood before a judge in 2017, facing a possible nine-year prison sentence for two counts of trafficking controlled substances. At his arrest, Concini admitted to police that he was selling drugs primarily to support his own habit.

Twenty-two months later, Concini—now completely sober and gainfully employed—stood next to a judge who had just dismissed his charges because he successfully completed the Second Judicial District’s Young Adult Court program.

“You have truly changed the path of your life,” Second Judicial District Court Judge Cindy Leos said to Concini during the August ceremony marking his graduation from Young Adult Court. “You have become a genuine, hardworking, responsible adult. You also have gone beyond the program’s requirements by becoming a mentor to others. You are a true inspiration.”

Judge Leos presides over Young Adult Court. Concini is the first of what she expects to be many graduates of a program that began in 2017, with the aim of rehabilitating—rather than incarcerating—18- to 25-year-olds facing certain felony charges. Twenty-five other individuals are currently in the program.

“We expect 18-year-olds to make adult decisions, but the neuroscience shows that impulse control is not fully developed until a person reaches their mid-20s,” Judge Leos said. “When we combine that with the challenges that many people in this age group face with employment and housing, we are looking at a perfect storm for criminal activity.”

Young Adult Court participants do not get a free pass for illegal behavior. Individuals are referred to Young Adult Court by judges, attorneys or pre-trial supervision officers who encounter them at the early stages of their cases. A referral triggers a three-step screening process that includes a background investigation, a face-to-face assessment with a court clinician and a case review by the Young Adult Court team members.

Upon acceptance into the program, participants must adhere to all program rules, which include a weekly court appearance before Judge Leos and strict requirements to attend counseling sessions and submit to drug testing. Willfully violating these conditions will get a participant expelled from the program, with their case returning to the regular criminal court system.

Concini admits that his transformation did not happen immediately, and he found himself back in jail once following a relapse in his drug rehabilitation. “What finally made me snap was the real fear of going away for nine years,” he said. He feared that time would end his relationship with his fiancé and his daughter. That motivated him to make sobriety the chief focus of his life. Once he made that commitment, adhering to the program’s rules became much easier.

At his graduation ceremony, Concini said life is much better because he can now honestly say he is a “hardworking man who can take care of myself and my family.”

“This is the only program of its kind in New Mexico, and it is proving successful,” Judge Leos said at the graduation. “The participants in Young Adult Court aim to graduate the program in 18-24 months living a sober lifestyle with stable housing and employment—contributing to the overall safety of our community.”
Criminal case e-filing and Online Dispute Resolution go statewide

Two initiatives to make the court system more user friendly have gone statewide following successful pilots.

Online Dispute Resolution (ODR), an easy-to-use service for resolving debt and money due lawsuits, became available in all New Mexico courts in September. E-filing in criminal cases was launched statewide on Oct. 1.

ODR is a free service that allows both sides in a lawsuit to negotiate an agreement at their convenience through private online messages from a home, business or any location with internet access. The system works on computers, smartphones and other mobile devices, and is available 24 hours a day, seven days a week.

ODR costs less and is much faster than going to trial. A successful settlement agreement avoids the need to appear in a courtroom. With technology like ODR, courts can assist people who might otherwise ignore a consumer debt lawsuit because they are unable to take time off from work to go to court or they find the legal system too confusing.

Debt and money due cases include lawsuits in which a bank sues a person over credit card debt or a hospital seeks payment for unpaid medical bills. About 31,000 debt and money due lawsuits were filed statewide from April 2018 through April 2019.

ODR was piloted in three judicial districts in June and was expanded statewide on Sept. 1. The online system asks questions of each party about what they want to potentially resolve the lawsuit, and offers are exchanged. The online system will automatically prepare a settlement document and electronically file it in court if an agreement is reached through ODR. During the first two weeks of negotiation, both sides involved in a dispute may ask for the help of a trained online mediator. If no agreement is reached after 30 days, the online negotiation ends and the case moves forward in court.

Both ODR and criminal case e-filing are part of an initiative to advance judicial excellence by expanding technology to better serve the public.

E-filing reduces costs and is more efficient than filing paper documents. It also minimizes the risk of data entry errors because e-filed documents automatically are entered into the Judiciary’s computer system used for docketing and processing cases.

The e-filing system cannot be used to initiate a criminal case, but it is available for subsequent filings. E-filing and service of documents in criminal cases will occur through the File and Serve system used for civil, family and probate filings submitted electronically to courts. Additional information about e-filing is available on the Judiciary’s website. The Second and Twelfth Judicial District Courts have piloted e-filing in criminal cases since January, 2019.

To prepare for the statewide launch of e-filing, the Judicial Information Division provided online training via webinars, along with in-person training at the Judge Steve Herrera Judicial Complex in Santa Fe.

E-filing was piloted in civil cases in 2009, and rolled out district-by-district over three years.
Judges from Mongolia visit New Mexico courts

Five judges from Mongolia visited New Mexico in late June, stopping in at the state Supreme Court and the Second Judicial District Court along the way.

Global Ties ABQ, a non-profit organization that works to foster ongoing relationships between Albuquerque residents and international visitors, coordinated the tour, which the judges saw as a great educational experience.

Supreme Court Justices Barbara J. Vigil and C. Shannon Bacon joined the group in the Supreme Court courtroom and discussed the Supreme Court’s supervisory authority over other courts in the state, its role in licensing attorneys to practice law in New Mexico and its position as the state’s court of last resort. Afterward, Justice Vigil led the group on a tour of the historic Supreme Court Building.

Judge Victor Lopez hosted the group’s visit to the Second Judicial District Court, which included a tour of the courthouse in Albuquerque, observing a pretrial detention hearing and meeting with four district court judges.

Mongolia, which descended from the Mongol Empire founded by Genghis Kahn in 1206, was a Communist State from the 1920s until the fall of the Soviet Union in 1990. The country adopted a democratic constitution, which included an independent judiciary in 1992. The president appoints all of the country’s judges to lifetime terms.

Three of the visiting Mongolian judges sit on First Instance Civil Courts, which are equivalent to New Mexico’s District Courts. One judge sits on an Inter-Soum First Instance Civil Court, which is akin to New Mexico’s Magistrate or Metropolitan Courts. The fifth judge is the Chief Judge of a Provincial Criminal Court of Appeals. That court is similar to the New Mexico Court of Appeals, though it only considers criminal cases.

In their meeting with the district court judges, the Mongolian Judges asked about the jury selection process, the administration of drug courts and whether electing judges hampers judicial independence. The interest in drug court stems from an increasing problem with drug addiction in Mongolia and a desire to find solutions other than simply jailing people.

Munkdhavaa Magnalbayar, the Mongolian Criminal Court of Appeals judge, asked about a detailed exchange between the judge and the defense attorney during the pretrial detention hearing. “It seemed evident that the judge was going to detain the defendant,” Judge Magnalbayar said. “Why did she have to have such a long discussion with the attorney?”

Charles Brown, presiding judge of the District Court’s Criminal Division, explained that judges in the U.S. court system are required to explain their decisions and the conversation between the judge and attorney in open court adds to transparency in the criminal justice system.
NM Hispanic Bar Association brings youth law camp to Metro Court

Aspiring attorneys from the New Mexico Hispanic Bar Association Law Camp visited the Bernalillo County Metropolitan Courthouse this summer for a tour of one of New Mexico’s busiest courts and to compete in a mock trial.

The middle school students from across the state were able to observe the judicial process at work as they witnessed several misdemeanor trials, custody arraignments and sentencing hearings.

The group also visited with Judge Maria I. Dominguez and Judge Renée Torres, who talked about their paths to becoming Metropolitan Court judges and stressed the importance of education. The students also got a first-hand look at the court’s inmate holding cells, probation division and self-help center.

The camp concluded with a mock trial competition, for which they had been coached all week by volunteer attorneys and judges. The students showed off their budding legal skills in front of friends and family. Metropolitan Court Judge Felicia Blea-Rivera and District Court Judge Lisa Chavez Ortega presided over the trials.

Twelfth District offers videos to help public understand the court system

The Twelfth Judicial District Court recently created a series of videos to help the public navigate a maze of procedural rules, court processes and legal terminology.

The videos on the Court’s website are designed to inform the public about legal concepts, court practices and tools to assist self-represented litigants.

The videos are closed captioned in English and Spanish, and provide information from judges about court case basics, what to do when appearing in court, self-help legal resources available at the court, steps one can take for traffic citations, and jury service.
“Clara” is the Judiciary’s new language access avatar

The New Mexico Judiciary has a new assistant who is on the internet all of the time - literally - helping the public find information on the NMCourts.gov website. Clara is a multilingual, interactive avatar who speaks Navajo as well as Spanish and English. Clara can be found on the Language Access Services webpage.

Clara’s capabilities integrate artificial intelligence, voice commands, speech recognition and other technologies to improve access to court services. The Language Access Services Division of the Administrative Office of the Courts developed the website avatar. The name Clara is a nod to the Spanish word “claro” meaning “clear,” and it was championed by Bernalillo County Metropolitan Court’s Renee Valdez. “Clara, female for claro,” said Valdez. “Clear is kind.”

“State courts have a legal and moral obligation to provide equal access to justice for all people” said Paula Couselo-Findikoglu, the Language Access Services senior statewide program manager.

“New Mexico has 19 Pueblos and Dine’, Mescalero and Jicarilla Apache Nations, and 36% of the state’s population speak a language other than English at home. Clara is able to assist these website visitors, as well as low-vision individuals.”

Of the New Mexicans who speak a language other than English at home, 79% speak Spanish, 10% speak Navajo, and 5% speak Pueblo languages, according to the Modern Language Association.

Clara speaks multiple languages

Clara speaks in English and Spanish using software for high quality text-to-speech, and she is lip synced to enhance realism. For Navajo, Clara speaks using studio-recorded audio because text-to-speech is not an option. As an example, the word “court” doesn’t exist in Navajo and Pueblo languages, so Clara uses a description of terms, or a certain aspect of a concept to identify a word.

On the website, Clara asks a series of multiple choice questions to which users may respond. Clara will ask increasingly targeted questions and will take users to other webpages where specific information they need is hosted. A voice command to talk to Clara is available in Google Chrome and Android.

Clara may soon be in select courthouse kiosks across the state. Couselo-Findikoglu is working with courts to define what services from Clara and the avatar-kiosk integration project would most help visitors. A prototype of the kiosk is being developed and although services will vary from court to court, Clara will be multilingual based on local community needs to assist with check-ins, answer frequently asked questions and to give visitors directions.

“This kiosk, integrating an avatar and multiple speech recognition technologies, will be the first of its kind across the nation, so the New Mexico Judiciary is certainly pushing the envelope with this effort,” said Couselo-Findikoglu.

Paula Couselo-Findikoglu, Language Access Services statewide senior program manager, presented New Mexico’s Avatar-Kiosk Integration Project at the Courts Technology Conference hosted by National Center for State Courts in New Orleans in September.
Dispute resolution in the 21st Century: an international perspective

Courts must increase investments in information technology for adequate dispute resolution in the 21st Century, says Sir David Foskett, author of “The Law and Practice of Compromise.”

The retired judge from the High Court of England and Wales spoke about the future of dispute resolution during a recent luncheon in Santa Fe hosted by Supreme Court Justice David K. Thomson and the First Judicial District Bar Association.

Sir David said New Mexico’s use of Online Dispute Resolution is similar to a program under way in England and Wales for an Online Solutions Court to handle small claims disputes.

“My message here is that the revolution that ODR is designed to achieve must not fall by the wayside by under-investment in the IT or the personnel who are put in place to assist in the process,” said Sir David. “Consumer dissatisfaction must be avoided at all costs because it will affect respect for the law, judicial processes and processes designed to avoid litigation.”

He emphasized the importance of training in mediation techniques and said highly qualified mediators will be important for ODR. In New Mexico, ODR is available for parties in debt and money due cases and they can request the help of an online mediator. Sir David also suggested all judges should receive mediation training so they know how a mediator operates.

“In that way, judicial encouragement to parties to pursue mediation will come from a well-informed source,” he said.

Philippine delegation learns about problem solving courts

Administrative Office of the Courts staff met with a delegation from the Philippines to share information about New Mexico’s problem solving courts.

“The vibrancy of interest from the visiting leaders, and their insightful questions, left those of us on the host panel even more appreciative of the opportunity to share what we’re doing in New Mexico problem solving courts,” said Robert Mitchell, Problem Solving Courts senior statewide program manager.

The group examined the standards and effectiveness of New Mexico’s drug court model, program sustainability planning tools, and collaborative ways to engage in policy development.

New Mexico has 52 active problem solving courts statewide which integrate criminal justice and behavioral health best practice interventions to work with offenders whose criminal activity is driven by underlying substance abuse or mental illness.
The Second Judicial District Court took center stage at the State Bar of New Mexico’s 2019 Annual Meeting, receiving three prestigious awards.

Chief Judge Stan Whitaker received the Justice Pamela B. Minzer Professionalism Award, and former Chief Judge Nan Nash was presented with the Seth D. Montgomery Distinguished Judicial Service Award.

The court’s Judicial Supervision and Diversion Program earned the Outstanding Legal Program Award.

The Justice Montgomery Award is given annually to a judge who has who has distinguished himself or herself through long and exemplary service on the bench, while also significantly advancing the administration of justice or improving relations between the bench and the bar.

Judge Nash was honored for her 25-year tenure at the Second Judicial District Court. She began as director of court alternatives and ended her career as chief judge. Along the way, she constantly pushed for ways to make the justice system more accessible to average citizens and more efficient for attorneys and other judges.

Judge Nash’s career highlights included establishing the court’s first Drug Court team, which was New Mexico’s first treatment court. She was instrumental in developing the court’s Center for Self-Help and Dispute Resolution, as well as its recently launched Assisted Outpatient Treatment Court.

Judge Whitaker joined the district court in 2006, and became chief judge in 2018. The Justice Minzer award recognizes attorneys and judges who exemplify the epitome of professionalism over long and distinguished legal careers.

"The recipients of this award are selected with special care for their service, dedication and commitment to the legal profession and the community," State Bar of New Mexico Executive Director Richard Spinello said in a letter notifying Judge Whitaker of his selection for the award. "Your professional, ethical and personal conduct throughout your impressive legal career and on the bench make you most deserving of this special award."

The district court’s Judicial Supervision and Diversion Program, in addition to being named Outstanding Legal Program in New Mexico, is being recognized as a model for similar programs across the state and the country. This recognition stems from the program’s use of evidence-based methods for determining the proper levels of supervision for pre-trial defendants, as well its success at operating diversion programs that enhance both public safety and fairness of the justice system.

SHARE YOURS NEWS WITH COURT CONNECTIONS
This newsletter was created to share the accomplishments of the entire New Mexico Judiciary. We need your help to make that vision a reality. You know all the great things happening in your courts. Send those stories and photos to Sidney Hill at albdxh@nmcourts.gov.