



## Administrative Office of the Courts

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### **Supreme Court endorses proposals to help New Mexicans obtain civil legal services**

SANTA FE – The state Supreme Court has approved proposals to expand the availability of civil legal services in New Mexico, particularly to lower- and middle-income residents and to people living in rural areas with few attorneys.

“The Court recognizes our state faces a significant gap in access to justice,” said Chief Justice Judith K. Nakamura. “Many people cannot afford an attorney to resolve legal problems ranging from housing and financial disputes to family matters such as child custody and support. To truly fulfill the promise of equal justice under the law, we must offer more assistance for the critical legal needs of New Mexicans.”

The Court established a work group last year to consider whether New Mexico should authorize a new non-lawyer practitioner to provide civil legal services. The group submitted a report to the Court and the justices endorsed the following proposals:

- Attract more out-of-state law school graduates to practice in New Mexico by recruiting those with passing scores on the Uniform Bar Examination (UBE). The State Bar of New Mexico and the Board of Bar Examiners are to collaborate on initiatives, which could include partnering with communities or private law practices seeking attorneys. Three dozen states, including New Mexico, allow the transfer of qualifying UBE scores to gain admission to the practice of law.
- Establish a Rural Law Opportunity Program to provide financial incentives for attorneys to practice in communities in rural or underserved areas. The Court directed the State Bar to explore developing a program in conjunction with the University of New Mexico School of Law, which could include a government stipend and student loan forgiveness for attorneys who agree to live and work in selected areas.
- Implement a Court Navigators program for specially trained, supervised personnel to assist people who do not have an attorney. Navigators would not have a law degree and

would offer assistance and provide legal information – not legal advice. There would be no attorney-client relationship. The justices ordered the Administrative Office of the Courts to develop a pilot program. Navigators potentially could help people obtain and fill out court forms, organize documents needed for cases and attend hearings to provide support for self-represented litigants. About half of the newly filed civil cases in district courts in the 2019 fiscal year had at least one self-represented party.

- Continue studying whether to license non-lawyers to perform limited types of legal work. Washington first implemented such a program but the necessary education is expensive and there are questions whether student loan debt may prevent non-lawyer legal providers from charging fees much lower than for a fully licensed lawyer.

“Access to justice is more than just access to an attorney,” said Ninth Judicial District Court Judge Donna J. Mowrer, who chaired the work group. “Some states are implementing legal technicians or similar programs where non-lawyers offer limited legal services in a specific area. We have recommended, and the Supreme Court agreed, to continue to study these other states and their programs. Our goal would be to create a program viable for New Mexico that is not cost prohibitive to our citizens, but offers a valuable service.”

The work group attributed New Mexico’s access to justice gap to a lack of attorneys in many areas of the state, costly attorney fees and the retirement of lawyers who are not replaced by younger attorneys as fewer students enter law school and graduate decide against a traditional law practice.

A third of the state’s counties have 10 or fewer attorneys, and three counties –De Baca, Harding and Hidalgo –have no active resident attorneys. [Click here](#) to view a copy of the work group’s report submitted to the Supreme Court.

“Middle- and low-income New Mexicans are increasingly going without legal assistance. Utilizing some of the innovative programs outlined is a potential win for our citizens. They get assistance and a more full understanding of their civil rights and the court process,” said Judge Mowrer.

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