New Mexico Judicial Branch

FY 2019 Unified Budget
Legislative Agenda

. . . courts owe their preeminence in no small measure to statesmen who have looked past the politics of the moment and have supported a strong, independent, and impartial Judiciary as an essential element of just government and the rule of law.

U.S. Supreme Court Chief Justice John G. Roberts

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MESSAGE FROM CHIEF JUSTICE JUDITH NAKAMURA

Dear Governor Martinez and Members of the New Mexico Legislature,

Our New Mexico Constitution vests governmental power in three distinct branches and provides that no branch "shall exercise any powers properly belonging to either of the others." In this tripartite structure, the Judicial Branch has no authority over how state funds are generated or what funds are directed to the courts. Yet, we are asked to perform a function essential to democratic, constitutional self-governance: ensure the rule of law.

The Judicial Branch is not immune from the fiscal challenges we have all faced for nearly a decade. We have and will continue to evaluate every aspect of how we do business to ensure that we are operating efficiently and effectively with the resources available to us. But we would be remiss in our responsibilities if we did not convey to you what we need to operate and the impact on our courts and the public if those needs are not met.

The Judiciary's budget is a sliver of the state's overall operating budget, just 2.63% in FY2018. The budget request presented here falls short of our true need. Employing our exhaustive budget process, our Budget Committee heard testimony from every judicial unit regarding their FY2019 budget needs. The Committee recommended a budget request of $184,652,800, which was further scrutinized by the Chief Judges' Council. Recognizing the state's budget realities, the Council further reduced the budget requests to $175,446,200, a 9.6% increase over the Judiciary's FY2018 budget.

Our FY2019 request is as notable for what it does not include as for what it does. There are no requests for new programs or to restore programs eliminated due to previous budget reductions. There are no requests for new judges or requests to add staff to individual courts. Instead, we have requested **base budget funding** necessary to adequately operate existing programs, fill authorized positions, and reduce vacancy rates impeding services. Additionally, we are seeking **workforce investment funding** necessary to reduce our turnover rate, recruit and retain competent and capable employees, and attract and retain judges with experiences reflective of our caseloads.

The maintenance of a strong and independent judiciary is a necessary component of a functional State government. We look forward to working together with you, the members of our co-equal branches of government, on behalf of all New Mexicans.

Sincerely yours,

Judith K. Nakamura

SIGNIFICANT ACCOMPLISHMENTS

Jury and Language Access Services. Due to a Court ordered reduction in the mileage rate paid to judicial branch employees and jurors, implementation of a new jury management system, and the support of the Legislative and Executive branches, FY2018 appropriations appear to be sufficient to fund juries and language access services for the first time since FY2011. Additionally, the jury management system was implemented within budget and ahead of schedule and jurors are being paid the statutorily required minimum wage for the first time since FY2009.

Magistrate Lease Reductions. To date, the Magistrate Division has successfully renegotiated 27 of its 47 leases and is in ongoing negotiations with the remaining 20 landlords. Elimination of automatic escalation clauses and reductions in lease rates have resulted in annual savings thus far of $113,234.95.

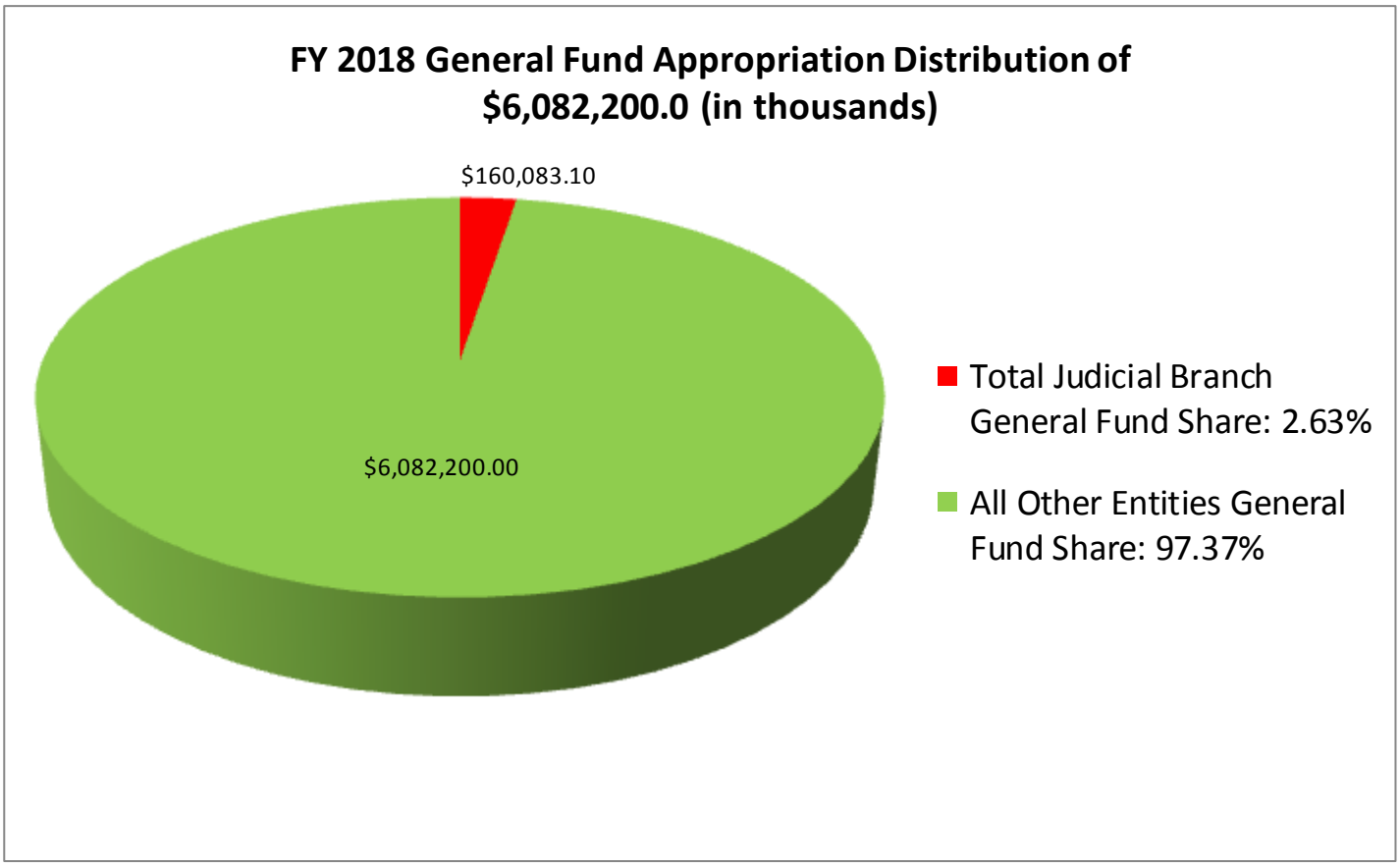
Technology. With implementation of the Odyssey case management system in the Supreme Court and the Court of Appeals, all state courts are now operating on the same unified case management system. This is the first statewide application of a unified case management system in the nation. The Supreme Court and Court of Appeals joined the district courts in accepting e-filed pleadings and documents, streamlining court processes and procedures and improving operating efficiencies.

Alternative Dispute Resolution. At the request of the Supreme Court, the Statewide ADR Commission is developing recommendations to implement legislation passed during the 2017 Session which gave the Courts an additional mechanism for funding alternative dispute resolution services. The Court has requested that the recommendations expand the efficient delivery of quality ADR services statewide.

Criminal Justice Coordinating Councils. In October, 2016 the Supreme Court ordered the convening of local criminal justice coordinating councils in each judicial district to identify criminal justice system problems. Courts in all thirteen judicial districts are engaged with their justice partners to identify systemic improvements to public safety and assurance of the fair adjudication of criminal cases.

Implementation of Constitutional Amendment. In July, 2017 the Supreme Court issued rules to implement the constitutional amendment approved by voters in November, 2016. The Court continues to work with its justice partners and its sister branches of government to develop court processes and procedures that protect the rights of the parties and the public.

JUDICIAL BRANCH SHARE OF FY2018 GENERAL FUND APPROPRIATIONS



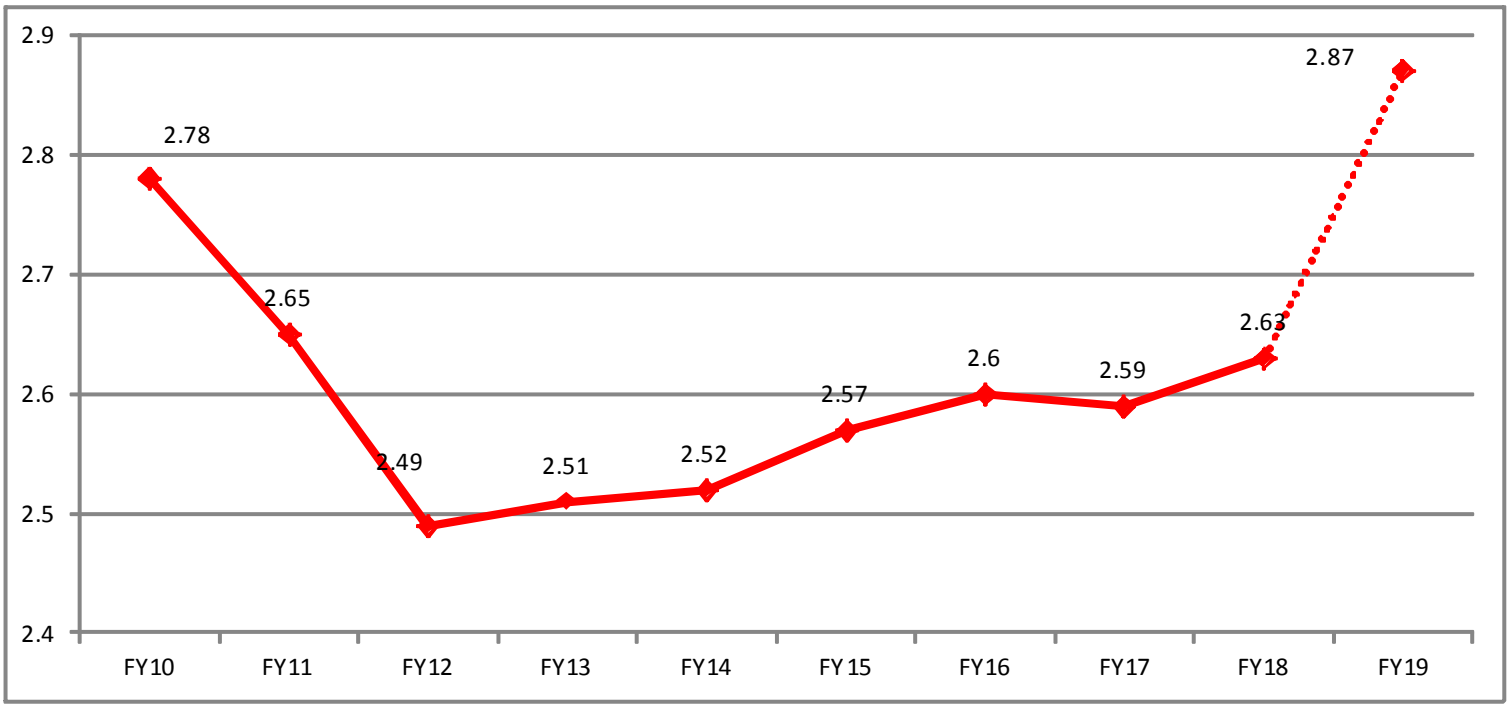
FY 2018 Recurring General Fund Appropriation

Judiciary 2.6% | Medicaid 15% | Public Schools 44% | Public Safety 7% | Higher Education 13% | Other 18.4%

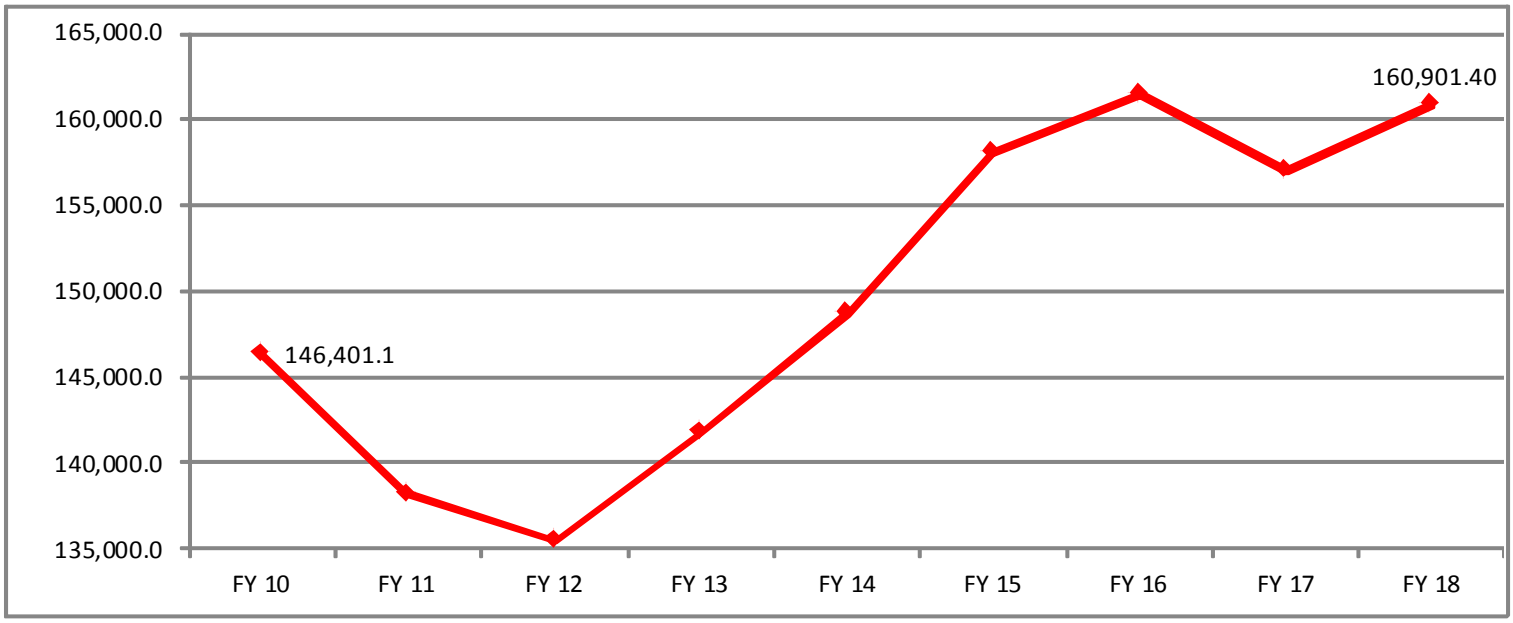
JUDICIAL BRANCH GENERAL FUND APPROPRIATIONS AS A PERCENTAGE OF TOTAL STATE GENERAL FUND APPROPRIATIONS

If the Judicial Branch's request for FY 2019 of $175,446.2 is fully funded, it still represents only approximately 2.87% of the expected FY2019 General Fund appropriations of $6.1 billion.

Judicial Branch Percent of State General Fund Appropriations FY 2010 - FY 2018

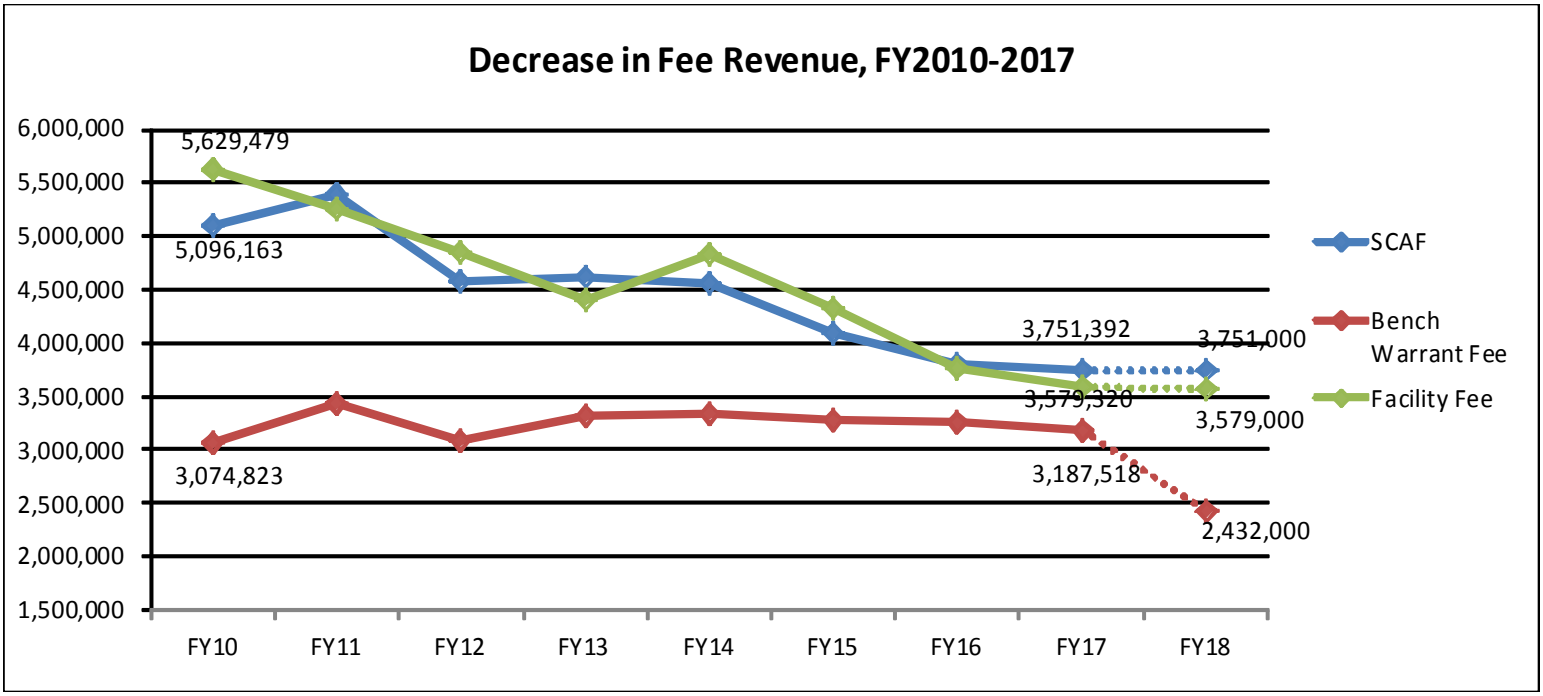


Judicial Branch General Fund Growth FY 2010 - FY 2018

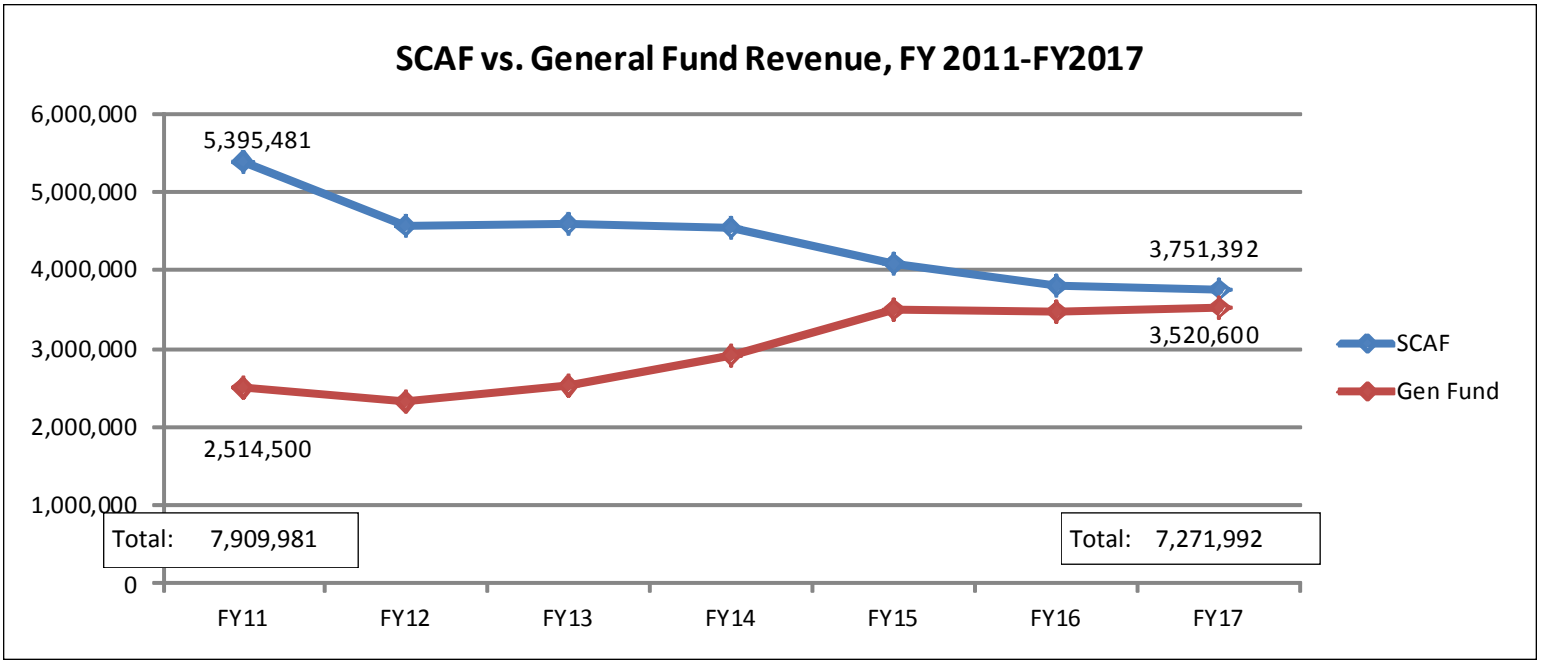


DECREASES IN REVENUE

Courts should not be expected to rely on fee revenue for ongoing operating expenses. *See, 2011-2012 Policy Paper: Courts are Not Revenue Centers, Conference of State Court Administrators*. Declining fee revenues have contributed to increased supplemental requests for the Magistrate Courts as well as a reduction in technology services.



All technology recurring funds are from the Supreme Court Automation Fee (SCAF) and general fund. In FY2018, the Judicial Information Division had 8.1% less total revenue than in FY2011.



UNIFIED BUDGET SUMMARY:
BASE BUDGET FUNDING AND WORKFORCE INVESTMENT TOTAL INCREASE
$15,363,000

Judicial Branch FY2019 budget priorities:

- **Base budget funding** necessary to adequately operate existing programs, fill authorized positions, and reduce vacancy rates to reasonable levels.
- **Workforce investment funding** to reduce high turnover, recruit and retain capable employees, and attract and retain judges with diverse experience reflecting the courts' caseload**s.**

Base Budget Increase for Basic Court Operations = $9,793,700

⇒ Supreme Court, Court of Appeals, Statewide Entities	$ 418,200
⇒ District and Metropolitan Courts	$ 4,827,400
◊ Operational costs for existing programs	
◊ Fill authorized employee vacancies; reduce the average vacancy rate to 4%	
⇒ Magistrate Courts	$ 1,366,800
◊ Reduce vacancy rate from 16.67% to 9%	
◊ Address GF shortfalls and loss of fee generated revenue:	
∗ Supplementals: FY2018 request $550,000, FY2017 request $1,233,000	
∗ Facility fees FY2011 to FY2017 -$1,680,680	
∗ Bench warrant fees FY2011-FY2017 -$239,791	
⇒ Statewide Automation Program	$ 1,500,000
◊ Replace lost SCAF funds - FY2017 - $637,989 LESS than in FY2011. The SCAF fund balance has declined from $2,233,789 at the end of FY2011 to $460,017 at the end of FY2017, a decline of -$1,773,772, or -79.4%	
◊ Add three FTEs for a statistician and two Helpdesk positions	
⇒ AOC Administrative Services and Special Court Services	$ 1,681,300
◊ Increase in Court-Appointed Attorneys - $462,800	
◊ Water Adjudication personnel - $300,000	
◊ Administration to reduce vacancy rate - $232,500	
◊ GSD rate increases - $686,000	

Workforce Investment to Recruit and Retain Employees and Judges = $5,569,400

Employees	**$ 3,004,800**
Reduce turnover and support career progression	
⇒ Compa-ratio minimum progression	1,410,600
◊ 90% 3 years; 95% 6 years; 100% 10 years	
⇒ At-will judicial staff	187,700
⇒ Employees 3% increase	1,406,500
Judges	**$ 2,564,600**
⇒ Increase pay 9.9% as recommended by the Judicial Compensation Commission	
◊ Raising Supreme Court Justices to 44/51 nationally	
◊ Court of Appeals Judges to 37/40 nationally	
◊ District Court Judges to 44/51 nationally	
◊ Reduce the gap between judicial salaries and New Mexico lawyer compensation	
⇒ Reduce the loss of experienced judges, especially in civil cases	
⇒ Attract diverse and experienced judicial candidates	

BASE BUDGET REQUESTS FOR EXISTING COURT OPERATIONS: $6,612,400

Supreme Court, Court of Appeals, and Statewide Entities	**$ 418,200**
District and Metropolitan Courts	**$ 4,827,400**
Magistrate Courts	**$ 1,366,800**

Eighty-five percent of the Judiciary's general fund appropriation is used to pay personnel costs. In order to meet these costs during lean economic times, the Judicial Branch has relied on vacancy savings to cover routine operating expenses and keep our doors open. This practice has taken a toll on our employees and our infrastructure, has resulted in reduced services to the public, and is no longer sustainable.

Judicial Branch Vacancy Rate as of October 2017 = 13.84% (251 vacant perm/term out of 1813 FTE)

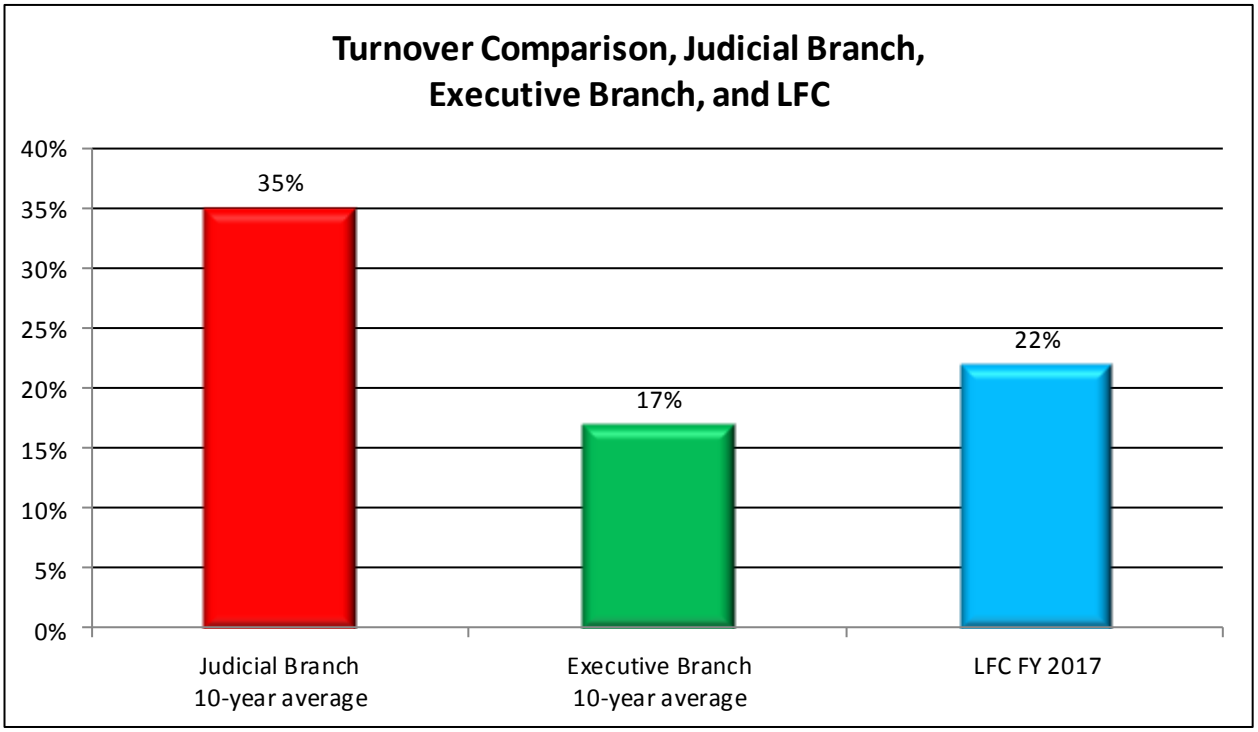
⇒ The state's two largest courts have vacancy rates of 15.88% (Second Judicial District Court) and 14.43% (Bernalillo County Metropolitan Court), accounting for 103 vacant positions in the Albuquerque courts alone.

⇒ Magistrate Courts vacancy rate = 17.12%

⇒ Magistrate warrant enforcement clerks vacancy rate = 37.84%

High Turnover

⇒ Employee exit interviews indicate that the stress and overwork associated with understaffing are contributing to the Judiciary's high turnover rate. The FY2017 statewide turnover rate was 27% and the Judicial Branch's 10-year turnover rate is well above that of the Executive Branch and the LFC.



BASE BUDGET REQUESTS FOR EXISTING COURT OPERATIONS: $6,612,400

The Cost of Turnover

⇒ The 2016 Executive Branch estimated cost of employee turnover is $42,620 per position filled.

⇒ The Judicial Branch conservatively estimates the average cost of employee turnover at $21,450 per position filled.

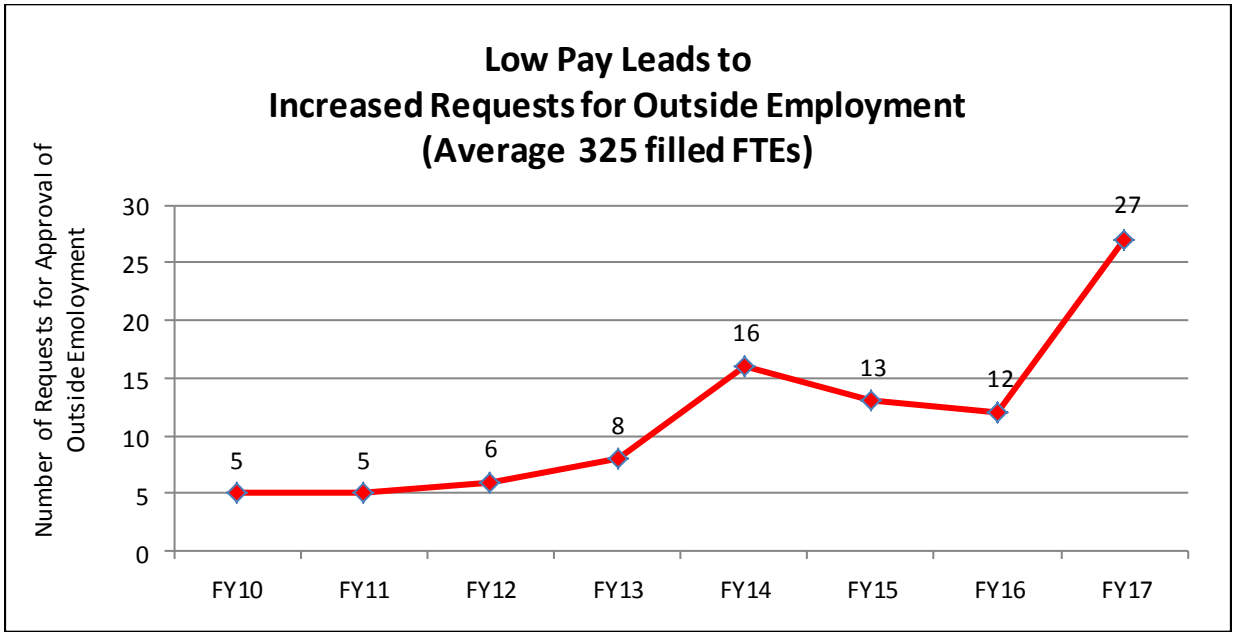
- ◊ These estimates take into account separation, vacancy, replacement, and training costs but do not include less tangible costs such as time lost in training new employees to bring them to full capacity.

⇒ The FY2017 Judiciary turnover rate was 27%, with 419 separations from an average of 1,580.5 filed FTEs. If the FY2017 rate had been 20%, it would have required filling 316 positions. The difference is a requirement to fill 103 additional positions above 20% at a cost of $21,450 per position, or $2,209,350.

⇒ Over the last decade, if the Judiciary had achieved a 20% turnover rate instead of 35%, it would have realized an estimated $5,834,400 in annual savings.

- ◊ Judiciary FTEs = 1813 (without judges)
- ◊ Average turnover 35% = 635 FTEs
- ◊ Cost of average turnover = 635 x $21,450 = $ 13,620,750
- ◊ Cost of turnover if reduced to 20% = 363 x $21,450 = $ 7,786,350
- ◊ Savings from reduced turnover = $ 5,834,400

⇒ Requests for outside employment from employees of the Magistrate Courts and AOC have increased by 69% from FY2014 to FY2017, mostly from employees paid less than $50,000. Requests since FY2014 total 68, or 20.9% of filled FTE workforce.

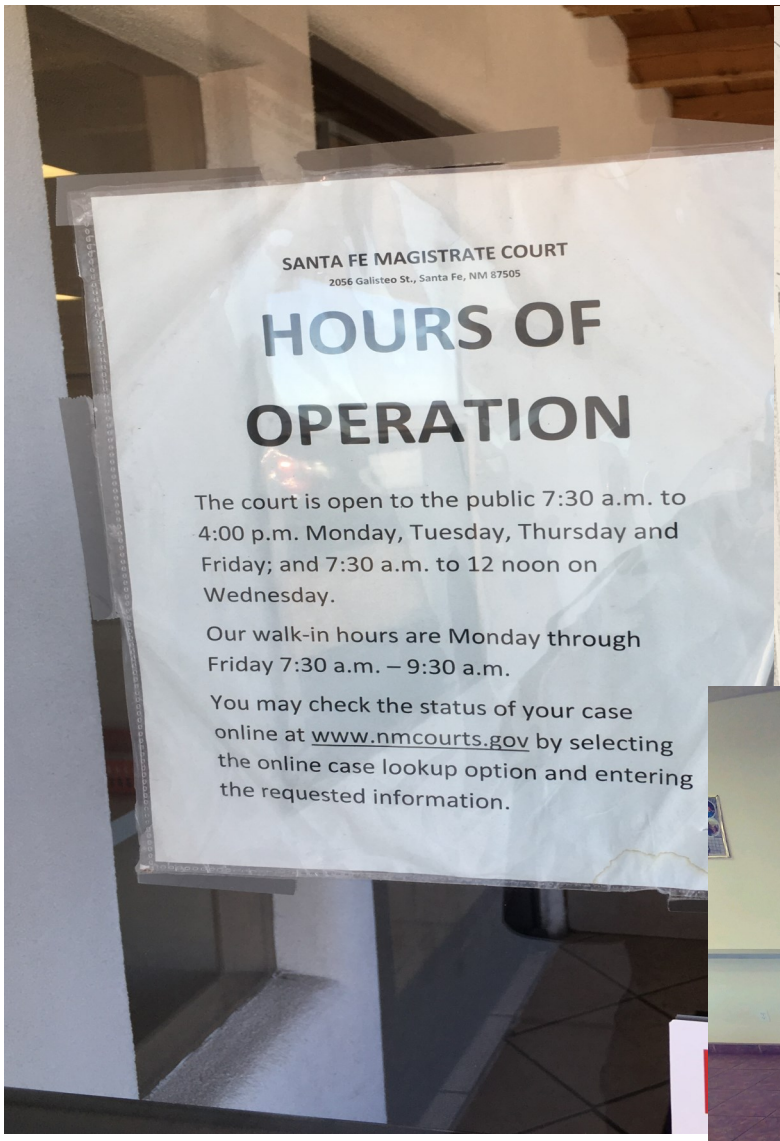


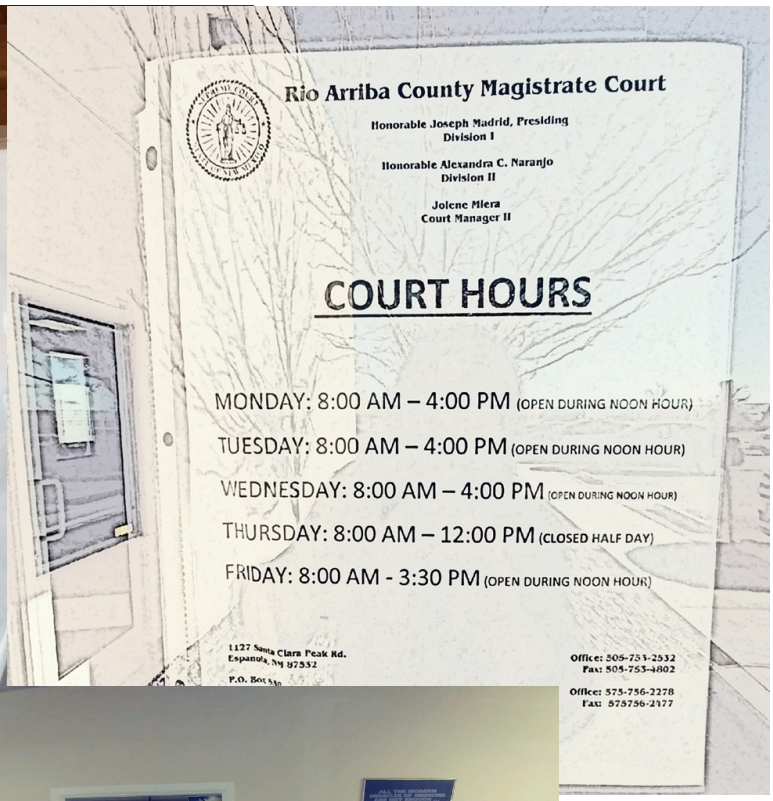
BASE BUDGET REQUESTS FOR EXISTING COURT OPERATIONS: $6,612,400

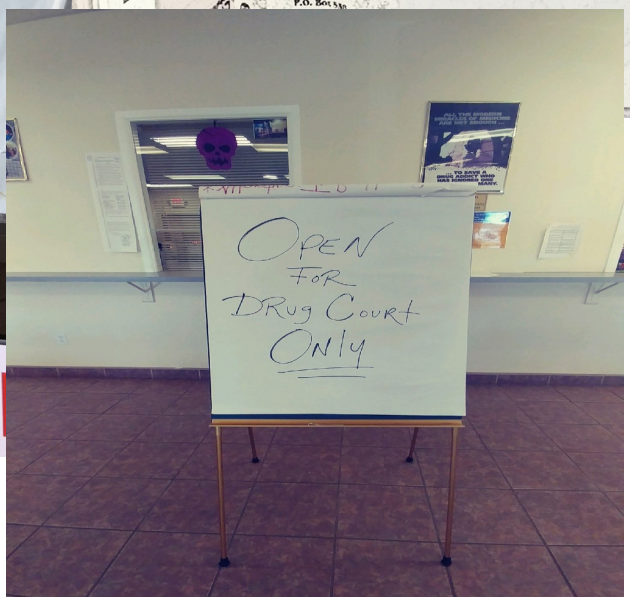
Impact on the Public

⇒ Reduced Access to Courts

- ◊ Magistrate courts: All Magistrate courts have reduced hours and 28 of 46 courts have reduced their hours a half-day or more a week due to staff shortages.
- ◊ District courts: 2nd Judicial District (Albuquerque) clerk's offices are only open to the public from 10 a.m. to 2 p.m. due to staff shortages.
- ◊ Reductions in Services: Vacancies in court-operated self-help centers , child and family mediation programs, drug court programs, and other specialty courts have reduced services available to those who most need them.







AOC BASE BUDGET FUNDING FOR INFORMATION TECHNOLOGY, COURT APPOINTED ATTORNEYS, AND ADEQUATE STAFFING: $2,495,300

In addition to the Magistrate Court budget, AOC manages budgets for Statewide Automation (IT), Court Services, and Administration. Sixty-percent (60%) of the non-magistrate requested budget increases are for technology. The remaining requests are for court appointed attorneys in abuse and neglect proceedings and to address AOC staffing shortages.

Information Technology $1,500,000

Critical Function: Services provided by the Judicial Information Division (JID) are essential to Judicial Branch operations and funding for JID is a critical priority for FY2019.

⇒ JID maintains and operates:
- ◊ the only statewide uniform case management system in the country for all trial and appellate courts;
- ◊ a unique statewide video network that saves inmate transportation costs and enhances public safety through video arraignments;
- ◊ an electronic filing system for all district court civil cases and appellate cases; and
- ◊ a Help Desk that responds daily to multi-level technology inquiries from courts and the public.

Declining Resources:

⇒ JID fee revenue declined –30% from FY2011-FY2017, a loss of $1,644,089.

⇒ GF appropriations to JID increased $1,006,100 from FY2011-FY2017 but the loss in fee funding left JID with $637,989 LESS total funding in FY2017 than in FY2011.

Impact:

⇒ Limitations on public access to court records.

⇒ Inability to generate reports/data from the Odyssey case management system.

⇒ Inability to provide e-filing in criminal cases.

⇒ Delays in responding to court and public requests for data assistance.

Court Appointed Attorneys $462,800

Low pay continues to challenge the ability to obtain and retain contract attorneys to represent children and families in child abuse and neglect cases.

⇒ General Fund request of $462,800 provides minimum increases for contract attorneys, supports a social worker model as a best practice on a pilot basis, and provides for non-contract attorneys otherwise funded through supplemental requests.

⇒ Supplemental funding: FY2017, $450,000; FY2018 request $250,000.

AOC Vacancy and Retention $532,500

Increase of 2.4% to reduce vacancy rate from 7% to 4% and retain employees paid from declining other state funds (federal grants) ($232,500) and fund water rights adjudications ($300,000).

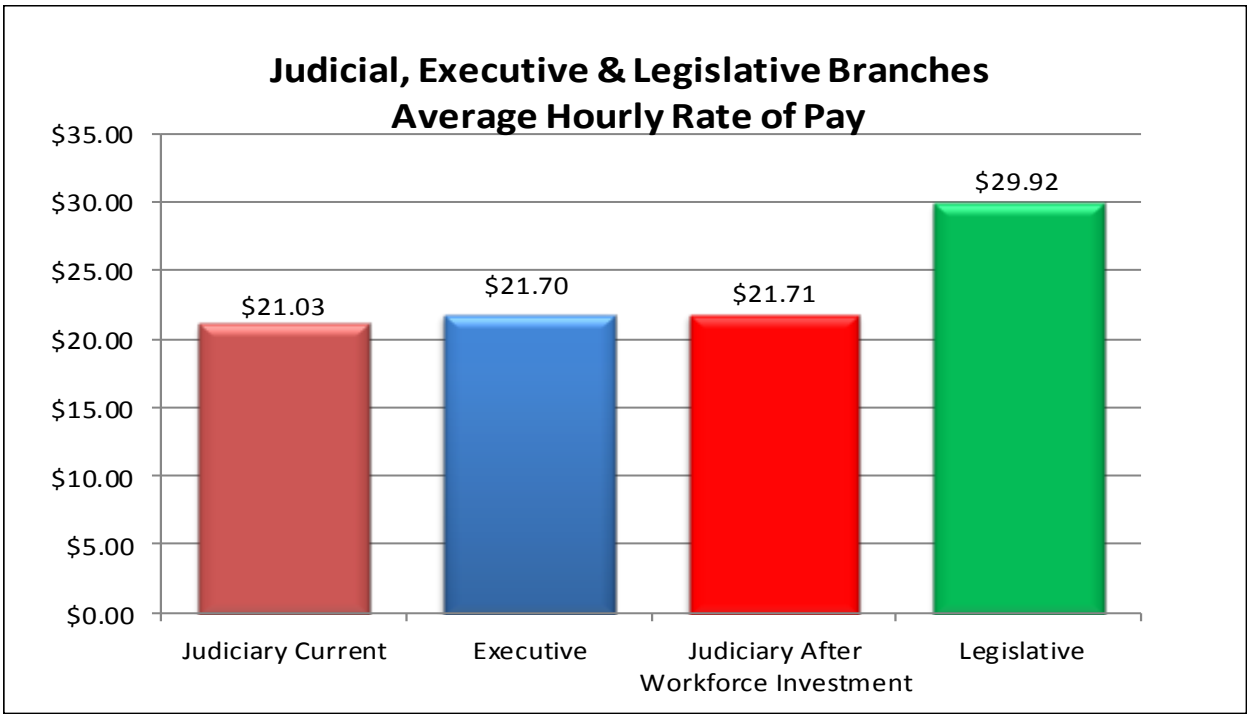
WORKFORCE INVESTMENT—EMPLOYEES: $3,004,800

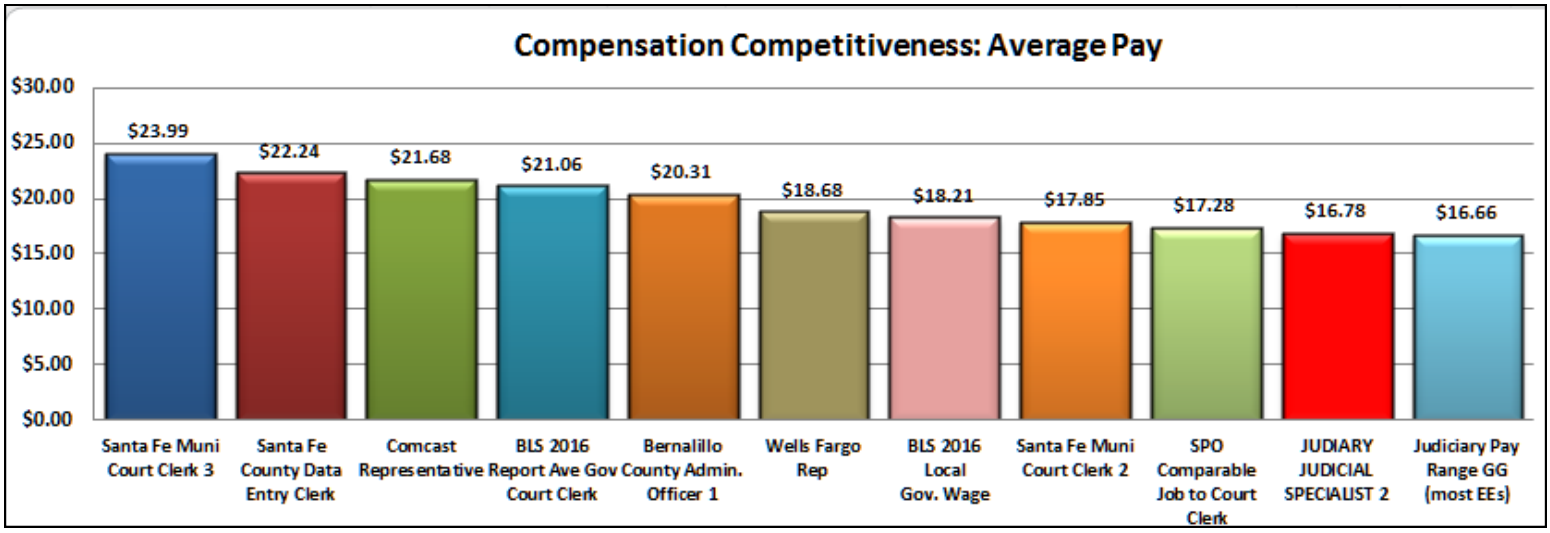
Recruit and retain employees by supporting career progression and increasing pay.

- ⇒ Compa-ratio minimum progression
  - ◊ 3 years 90%; 6 years 95%; 10 years 100% — $ 1,410,600
- ⇒ At-will judicial staff — $ 187,700
- ⇒ Employees 3% increase — $ 1,406,500

Pay

- ⇒ Judicial Branch pay is not competitive with either state government or the private sector
  - ◊ Average compa-ratio in pay ranges with the most employees:
    - * Judiciary clerks: 88% (467 employees)
    - * SPO pay band 65: 103.5% (2,342 employees)





BLS = Bureau of Labor Statistics

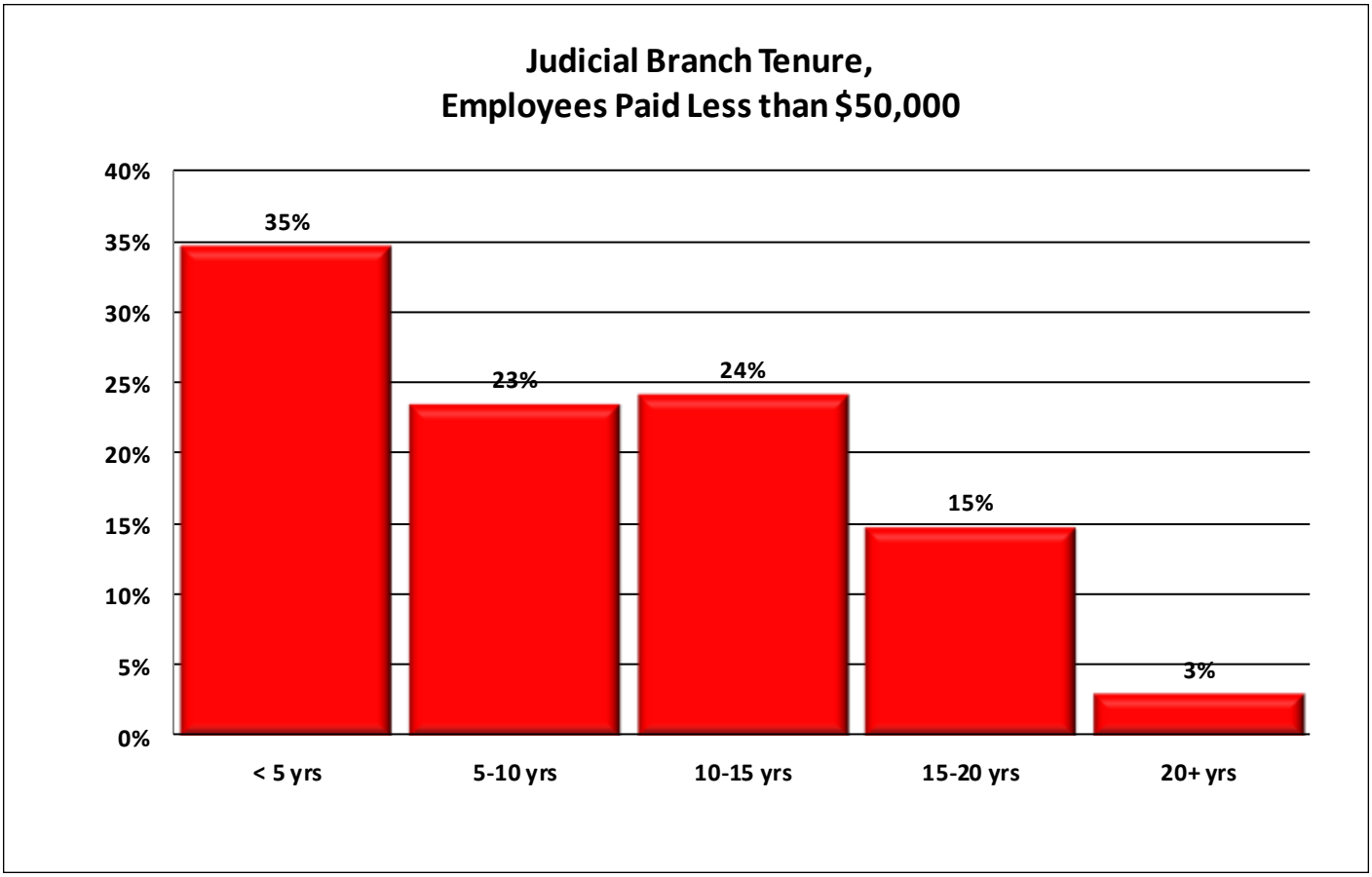
WORKFORCE INVESTMENT—EMPLOYEES: $3,004,800

Career Progression

⇒ Implement a career progression plan by advancing staff through their pay range compa-ratio at regular intervals of 3, 6, and 10 years to stem the loss of experienced employees.

⇒ The majority of Judicial Branch staff consists of those paid less than $50,000 who support court operations in clerks' offices.

- ◊ Excessive turnover results in 35% of these employees having less than 5 years tenure with the Judiciary.
- ◊ 82% of these employees achieve tenure of more than 10 years but only 18% stay beyond 15 years.



⇒ High turnover in court staff combined with stagnant career progression results in the loss of many experienced and highly qualified staff after 10 years with the Judiciary.

⇒ Many take jobs with state, county and municipal employers where they are paid more and where their retirement plans continue to build on the benefits vested while working for the Judiciary.

WORKFORCE INVESTMENT—JUDGES: $2,564,600

Increase pay by 9.9% as recommended by the Judicial Compensation Commission (JCC) to attract and retain diverse and experienced judicial candidates. According to the JCC, low pay has discouraged experienced lawyers with diverse practice backgrounds from seeking judicial office.

Pay

⇒ New Mexico judicial salaries are the lowest in the nation
- ◊ Supreme Court 50 out of 51
- ◊ Court of Appeals 40 out of 40 (not all states have Courts of Appeals)
- ◊ District Courts 51 out of 51

⇒ Judicial contributions to retirement are the fifth highest in the nation

⇒ New Mexico Supreme Court Justices are paid $131,174, which is:
- ◊ 8.6% below the average pay of New Mexico lawyers
- ◊ 60% less than the average partner in a New Mexico law firm ($210,502); and
- ◊ 41% less than the average New Mexico solo practitioner ($184,457).

⇒ Some New Mexico county attorneys, city managers, and law school deans earn more than District and Court of Appeals judges and Supreme Court justices

Judicial Diversity and Experience

⇒ 48% of District and Metropolitan court judges have been on the bench for 6 years or fewer

⇒ Between 2010-2016, a majority of all applicants had more than half of their experience in government service, including 37% who had between 75-100% of their experience in government.

Contribution Rates to Judicial Defined Benefit Retirement Programs (2017 Update from 2015 National Center for State Courts survey)

	Judges Salary	Salary Rank	Judicial Contribution Rate	Fee Funds	State (Employer) contribution rates
California	$ 200,042	5	16.75%	N/A	26.5% (FY 2015-16)
Rhode Island	$ 158,340	18	12.00%	N/A	26.8% (FY 2016)
Illinois	$ 190,758	3	11.00%	N/A	42.33%
Idaho	$ 124,000	47	11.57%	N/A	23.87%
New Mexico District Court	$ 118,384	51	10.50%	$38 per dist. court civil docket fee.* $25 per Metro Court civil docket fee + $10 per jury fee	15%
New Hampshire	$ 146,236	27	10.00%	N/A	70.9% (07.01.15 forward)
Pennsylvania	$ 178,868	8	10% for 1st 10 years; 7.5% thereafter	N/A	Varies to achieve actuarial soundness; current rate for most judges is 43.65

* Docket fees contributed the equivalent of a 14% contribution in FY2017.

FY2018 AOC DEFICIENCIES AND SUPPLEMENTAL REQUESTS

Judicial Unit	Purpose	Amount Requested
Deficiencies		
Magistrate Court	Carryover from FY2016 shortfall in premium payment for employer insurance. Reduced from $115,000 to $70,989 by payments from end-of-year funds in FY2016 and FY2017.	$ 70,989
Supplemental		
Court Appointed Attorney Fund	Funding levels during FY2018 continue to challenge AOC's ability to meet a statutory requirement to retain attorneys to represent children and parents in abuse and neglect cases as well as mental health proceedings. FY2018 supplemental need of $250,000 is $200,000 less than the FY2017 supplemental appropriation of $450,000.	$ 250,000
Magistrate Court	Shortfall in lease payments due to continuing decreases in fee funding; Facility Fees (-$1,500,000 since FY2015); Operations Fee (-$400,000 since FY2016); Warrant Fee (-$1,000,000 during FY2018). Despite reductions in lease payments FY2018 from FY2017 of more than $100,000, fee revenue loss continues to require supplemental funding to meet lease costs. FY2018 supplemental need ($550,000) is $683,000 less than FY2017 supplemental appropriation provided in HB1 during the special session ($1,233,000).	$ 550,000

FY2019 JUDICIAL BRANCH SPECIAL REQUESTS AND DATA PROCESSING $3,416,673			
Judicial Unit	**Purpose**	**GF Amt Requested**	**CSEF Requested**
AOC Specials	PC Refresh	$ 136,000	
	Two (2) Vehicles (Replace Fusions)	$ 40,000	
	Assistive Listening Device Equipment Refresh	$ 10,000	
	Judge & Court Staff Weighted Caseload Study	$ 400,000	
	Statewide Security Assessment	$ 250,000	
AOC Special Subtotal		**$ 836,000**	
Magistrate Courts Specials	Fixtures, Furnishings and Equipment	**$ 600,000**	
District Courts Specials			
2nd Judicial District	Modular Furniture for Domestic Violence Staff	$ 68,500	
	Modular Furniture for JJC Clerks Move	$ 68,500	
3rd Judicial District	Courtroom Technology - Computer Refresh; A/V Equipment	$ 100,000	
4th Judicial District	Computer Refresh	$ 31,293	
	VoIP Telephone System	$ 15,000	
5th Judicial District	Relocate and Furnish New Courthouse in Lea County	$ 600,000	
8th Judicial District	Vehicle - Subaru Forester	$ 27,000	
	Computer Refresh (Taos, Colfax, Union)	$ 33,380	
	ADA Compliant Podiums for Taos County	$ 15,000	
11th Judicial District	Replace Vehicle for Juvenile Problem Solving Courts	$ 30,000	
District Courts Subtotal		**$ 988,673**	
Data Processing	Language Access Interpreter Scheduling System and Equipment		$ 115,000
	VNOC Video Network Equipment Refresh		$ 372,000
	Statewide switch replacement		$ 275,000
	Second Judicial District Court (Albuquerque) Network Infrastructure		$ 230,000
	Data Processing Total		**$ 992,000**
	Specials Total	**$2,424,673**	

FY 2019 JUDICIAL BRANCH CAPITAL OUTLAY REQUESTS

Judicial Unit	Purpose	Amount Requested
Security Items		
Magistrate Courts	Security Equipment	$ 1,019,482
1st Judicial District	Replace Security Cameras for Santa Fe, Los Alamos and Rio Arriba County Courthouses	$ 50,000
4th Judicial District	Remodel of Santa Rosa Facilities	$ 100,000
	Alarm System for Santa Rosa	$ 44,816
	Security Equipment for Las Vegas	$ 26,000
6th Judicial District	Security Equipment - Two (2) Surveillance/Inspection X-Ray Screening Systems and two (2) 6M Walk Through Metal Detectors for Grant and Luna County Courthouses	$ 49,138
9th Judicial District	Basic Alterations of Hearing Room for Curry County Courthouse	$ 25,000
	Two (2) Security X-Ray Screening Systems for Curry and Roosevelt County Courthouses	$ 50,000
11th Judicial District	Upgrade to Security Electronic Access Control System	$ 75,000
Building Integrity		
Supreme Court BC	Asbestos Remediation and Re-Stucco of the Building's Exterior Courtyards	$ 122,971
4th Judicial District	Voltage Suppression System for Las Vegas	$ 40,000
Critical Facility Utilization		
Bern Co Metro Court	Continue w/ Design and Construction of New Courtroom, Judge's Chamber and Jury Room	$ 1,088,380
1st Judicial District	Convert File Room into a Judges' Conference Room	$ 210,000
2nd Judicial District	High Density File System - High Density File System ($165.0); Dismantle, Refurbish and Re-Assemble Existing High Density File System ($126.0); Fixed Archive Shelving ($28.0); Modular Furniture & File Tables for Clerks ($39.5); High Speed/Volume Scanner ($31.22)	$ 389,720
12th Judicial District	Construction of Office Space in Ruidoso	$ 139,500
Courtroom Technology		
4th Judicial District	Courtroom Technology for Las Vegas Courthouse	$ 307,085
8th Judicial District	Courtroom Technology for Taos Courthouse (Upgrade from Analog to Digital)	$ 46,850
	Digital Docket Displays for Taos and Union County Courthouses	$ 9,375
11th Judicial District	Courtroom Technology for San Juan and McKinley County Courthouses	$ 200,000
13th Judicial District	Courtroom Technology for Sandoval County Courthouse	$ 98,000
	TOTAL CAPITAL OUTLAY REQUEST	**$ 4,091,317**

Judicial Bra
Unified Budget

		FY 2017 OpBud Actuals		FY 2018 OpBud Current Fiscal Year			FY19 General Fund (GF) Re						
	JUDICIAL UNIT	General Fund	Other State Funds	Original General Fund	Other State Funds	Total All Funds	Operational Request GF	Operation % Change Over FY18 GF	Operational Increase GF	Rates & Health Insurance (4%) GF	Workforce Investment Plan GF	Judicial Compen-sation GF	Information Technology
	Column Number	1	2	3	4	5	6	7	8A	8.5	9A	10A	10.5A
	Formula										Components		
1	Statewide Units										2, 3, 4 & 5		
2	Law Library	1,505.4	1.3	1,507.6	2.2	1,509.8	1,513.0	0.4%	5.4	2.1	23.4	0.0	0.0
3	Compilation Comm	0.0	1,561.2	0.0	1,853.4	1,853.4	0.0	0.0%	-	-	0.0	0.0	0.0
4	Court of Appeals	5,898.6	0.6	5,718.5	1.0	5,719.5	5,870.5	2.7%	152.0	6.6	99.6	153.7	0.0
5	Supreme Court	3,226.1	0.0	3,302.0	0.0	3,302.0	3,499.0	6.0%	197.0	8.0	57.1	80.9	0.0
6	Sup Crt Bldg Comm	918.9	0.0	930.7	0.0	930.7	994.5	6.9%	63.8	14.5	29.3	0.0	0.0
7	St.Wide Auto Prg.	3,520.6	5,051.5	3,629.5	5,207.5	8,837.0	5,129.5	41.3%	1,500.0	19.2	168.3	0.0	0.0
8	**Total Statewide Units**	**15,069.6**	**6,614.6**	**15,088.3**	**7,064.1**	**22,152.4**	**17,006.5**	**12.7%**	**1,918.2**	**50.4**	**377.7**	**234.6**	**0.0**
9	AOC												
10	Admin Supp. Prg.	9,933.1	4,014.1	9,895.3	3,273.8	13,169.1	10,127.8	2.3%	232.5	7.4	99.3	-	-
11	Special Srvcs Prg.	10,159.3	2,194.7	9,944.2	2,381.4	12,325.6	10,707.0	7.7%	762.8	-	0.0	0.0	0.0
12	**Total AOC**	**20,092.4**	**6,208.8**	**19,839.5**	**5,655.2**	**25,494.7**	**20,834.8**	**5.0%**	**995.3**	**7.4**	**99.3**	**0.0**	**0.0**
13	First District	6,814.8	1,140.4	6,904.2	1,112.7	8,016.9	7,180.2	4.0%	276.0	27.9	123.1	131.4	0.0
14	Second District	22,329.0	4,137.9	22,721.8	4,372.0	27,093.8	24,240.7	6.7%	1,518.9	120.7	749.0	394.2	0.0
15	Third District	6,387.6	957.2	6,471.4	1,048.5	7,519.9	6,781.3	4.8%	309.9	79.8	124.3	116.8	0.0
16	Fourth District	2,273.1	179.7	2,302.9	181.5	2,484.4	2,353.4	2.2%	50.5	-	39.3	43.8	0.0
17	Fifth District	6,442.8	655.2	6,555.5	620.7	7,176.2	6,731.5	2.7%	176.0	44.1	79.3	160.6	0.0
18	Sixth District	3,187.8	190.4	3,229.6	263.2	3,492.8	3,266.4	1.1%	36.8	17.5	33.3	58.4	0.0
19	Seventh District	2,317.2	393.6	2,347.6	430.2	2,777.8	2,451.8	4.4%	104.2	-	45.7	43.8	0.0
20	Eighth District	2,916.2	227.8	2,954.4	275.5	3,229.9	3,052.4	3.3%	98.0	14.0	42.9	43.8	0.0
21	Ninth District	3,322.1	780.1	3,365.7	768.1	4,133.8	3,599.9	7.0%	234.2	21.8	79.1	73.0	0.0
22	Tenth District	899.2	33.8	911.0	42.8	953.8	950.7	4.4%	39.7	4.0	19.7	14.6	0.0
23	Eleventh District	6,273.0	852.6	6,355.3	859.2	7,214.5	6,844.2	7.7%	488.9	32.2	100.2	116.8	0.0
24	Twelfth District	3,326.1	226.7	3,369.7	229.6	3,599.3	3,526.2	4.6%	156.5	17.7	73.6	58.4	0.0
25	Thirteenth District	6,906.3	1,398.1	7,096.9	1,209.0	8,305.9	7,503.0	5.7%	406.1	35.0	101.9	116.8	0.0
26	**Total District Courts**	**73,395.2**	**11,173.5**	**74,586.0**	**11,413.0**	85,999.0	**78,481.7**	**5.2%**	**3,895.7**	**414.6**	**1,611.3**	**1,372.4**	**0.0**
27	Metropolitan Court	22,839.9	2,867.7	23,011.8	3,459.2	26,471.0	23,943.5	4.0%	931.7	80.8	528.1	263.5	0.0
28	Magistrate Court	27,683.3	3,540.1	27,557.5	3,633.6	31,191.1	28,924.3	5.0%	1,366.8	132.8	388.5	694.1	0.0
29	**Judiciary Grand Total**	**159,080.4**	**30,404.7**	**160,083.1**	**31,225.1**	**191,308.2**	**169,190.8**	**5.7%**	**9,107.7**	**686.0**	**3,004.8**	**2,564.6**	**0.0**
			Running Totals						**Running Totals**	**9,793.7**	**12,798.5**	**15,363.1**	**15,363.1**

A

nch FY 2019
Request Summary

uest 9/1/17						FY19 Other State Funds (OSF) Request		% Over/ Under	FY19 Request	% Over/ Under	
Judgeships	Expansions	Pre-Trial Services	Total Request	Total Request % Change Over FY18	Total Increase	Total Request	Total OSF	Other State Funds	Total All Funds	Total All Funds	
GF	GF	GF	GF	Inc/(Dec) GF	GF	OSF	Inc/(Dec)	VS. FY18		VS. FY18	
11A	12A	13A	14A	15	16	17	18	19	20	21	
				(14/3)-1	14 - 3						
											1
0.0	-	-	1,538.5	2.1%	30.9	1.5	(0.7)	-31.8%	1,540.0	2.0%	2
0.0	-	-	0.0	0.0%	0.0	1,864.2	10.8	0.6%	1,864.2	0.6%	3
0.0	-	-	6,130.4	7.2%	411.9	1.0	-	0.0%	6,131.4	7.2%	4
0.0	-	-	3,645.0	10.4%	343.0	-	-	0.0%	3,645.0	10.4%	5
0.0	-	-	1,038.2	11.6%	107.5	-	-	0.0%	1,038.2	11.6%	6
0.0	0.0	-	5,317.1	46.5%	1,687.6	5,207.5	-	0.0%	10,524.6	19.1%	7
0.0	**0.0**	**0.0**	**17,669.2**	**17.1%**	**2,580.9**	**7,074.2**	**10.1**	**0.1%**	**24,743.4**	**11.7%**	8
											9
-	-	-	10,234.5	3.4%	339.2	3,265.5	(8.3)	-0.3%	13,500.0	2.5%	10
0.0	-	-	10,707.0	7.7%	762.8	1,842.5	(538.9)	-22.6%	12,549.5	1.8%	11
0.0	**0.0**	**0.0**	**20,941.5**	**5.6%**	**1,102.0**	**5,108.0**	**(547.2)**	**-9.7%**	**26,049.5**	**2.2%**	12
0.0	-	-	7,462.6	8.1%	558.4	1,112.7	-	0.0%	8,575.3	7.0%	13
0.0	-	-	25,504.5	12.2%	2,782.7	4,693.5	321.5	7.4%	30,198.0	11.5%	14
0.0	-	-	7,102.2	9.7%	630.8	1,038.8	(9.7)	-0.9%	8,141.0	8.3%	15
0.0	-	-	2,436.5	5.8%	133.6	192.7	11.2	6.2%	2,629.2	5.8%	16
0.0	-	-	7,015.5	7.0%	460.0	685.6	64.9	10.5%	7,701.1	7.3%	17
0.0	-	-	3,375.5	4.5%	145.9	274.2	11.0	4.2%	3,649.7	4.5%	18
0.0	-	-	2,541.3	8.3%	193.7	430.2	-	0.0%	2,971.5	7.0%	19
0.0	-	-	3,153.1	6.7%	198.7	310.3	34.8	12.6%	3,463.4	7.2%	20
0.0	-	-	3,773.8	12.1%	408.1	771.6	3.5	0.5%	4,545.4	10.0%	21
0.0	-	-	989.0	8.6%	78.0	44.8	2.0	4.7%	1,033.8	8.4%	22
0.0	-	-	7,093.4	11.6%	738.1	861.3	2.1	0.2%	7,954.7	10.3%	23
0.0	-	-	3,675.8	9.1%	306.1	251.8	22.2	9.7%	3,927.6	9.1%	24
0.0	-	-	7,756.7	9.3%	659.8	1,162.0	(47.0)	-3.9%	8,918.7	7.4%	25
0.0	**0.0**	**0.0**	**81,880.0**	**9.8%**	**7,294.0**	**11,829.5**	**416.5**	**3.6%**	**93,709.5**	**9.0%**	26
0.0	-	-	24,815.9	7.8%	1,804.1	3,256.1	(203.1)	-5.9%	28,072.0	6.0%	27
0.0	-	-	30,139.6	9.4%	2,582.1	3,751.5	117.9	3.2%	33,891.1	8.7%	28
0.0	**0.0**	**0.0**	**175,446.2**	**9.6%**	**15,363.1**	**31,019.3**	**(205.8)**	**-0.7%**	**206,465.5**	**7.9%**	29
15,363.1	**15,363.1**	**15,363.1**									

Administrative Office Detailed Bud

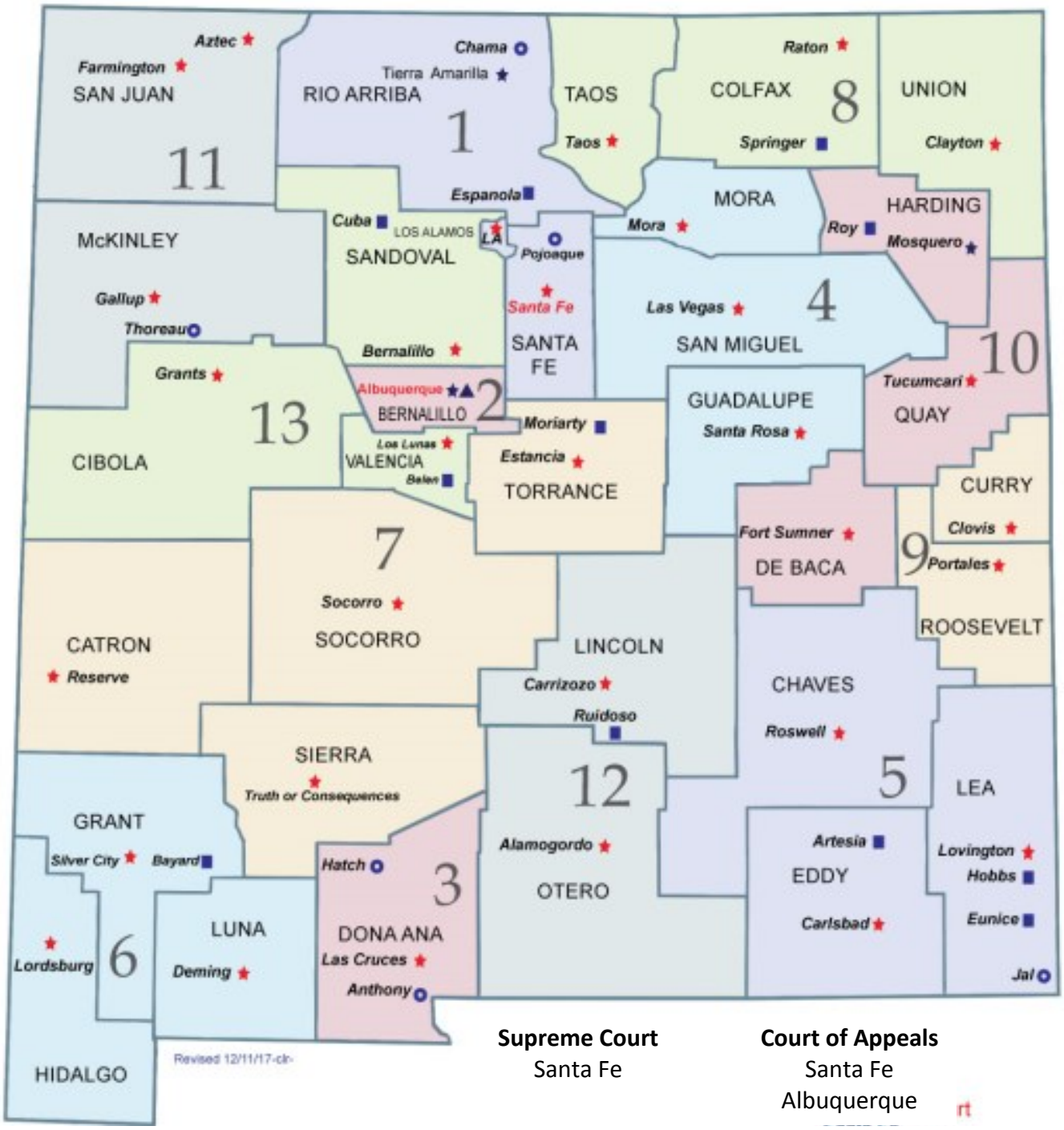
		FY 2017 OpBud Actuals		FY 2018 OpBud Current Fiscal Year			FY19 General Fund (GF)						
		General	Other State	Original General	Other State	Total All	Operational Request	Operation % Change Over FY18	Operational Increase	Rates & Health Insurance (4%)	Workforce Investment Plan		Information Technology
	JUDICIAL UNIT	Fund	Funds	Fund	Funds	Funds	GF	GF	GF	GF	GF		
	Column Number	1	2	3	4	5	6	7	8A	8.5	9A	10A	10.5A
	Formula										Components		
1	AOC										2, 3, 4 & 5		
2	Administration	3,557.4	0.0	3,597.4	0.0	3,597.4	3,816.3	6.1%	218.9	7.4	99.3	-	-
3	Jud Perf Eval	297.6	0.0	297.6	0.0	297.6	297.6	0.0%	-	-	-	-	-
4	Tribal Consort	28.2	0.0	28.2	0.0	28.2	41.8	48.2%	13.6	-	-		-
5	Jury & Witness	6,049.9	1,998.4	2,253.5	2,025.0	4,278.5	2,253.5	0.0%	-	-	-	-	-
6	Interpreter/LAS			3,718.6	100.0	3,818.6	3,718.6	0.0%	-	-	-	-	-
7	Federal Grants	0.0	874.2	0.0	1,148.8	1,148.8	0.0	0.0%	-	-	-	-	-
8	**Admin Supp. Prg.**	**9,933.1**	**2,872.6**	**9,895.3**	**3,273.8**	**13,169.1**	**10,127.8**	**2.3%**	**232.5**	**7.4**	**99.3**	**0.0**	**0.0**
9	Judge Pro-Temp	0.0	0.0	30.3	0.0	30.3	30.3	0.0%	-	-	-	-	-
10	AOC CASA	1,354.7	0.0	1,356.7	0.0	1,356.7	1,356.7	0.0%	-	-	-	-	-
11	AOC Water Rights	0.0	762.2	0.0	938.9	938.9	300.0	#DIV/0!	300.0	-	-	-	-
12	AOC SESV	878.7	0.0	881.1	0.0	881.1	881.1	0.0%	-	-	-	-	-
13	Court App Attorney	6,281.9	0.0	5,787.1	0.0	5,787.1	6,249.9	8.0%	462.8	-	-	-	-
14	Access to Justice	112.1	0.0	124.7	0.0	124.7	124.7	0.0%	-	-	-	-	-
15	StWide ADR	3.3	0.0	3.3	0.0	3.3	3.3	0.0%	-	-	-	-	-
16	Child Mediation	208.0	0.0	276.4	0.0	276.4	276.4	0.0%	-	-	-	-	-
17	Mag Mediation	0.0	132.5	0.0	142.5	142.5	0.0	#DIV/0!	-	-	-	-	-
18	Drug Courts	1,320.6	1,300.0	1,484.6	1,300.0	2,784.6	1,484.6	0.0%	-	-	-	-	-
19	**Special Srvcs Prg.**	**10,159.3**	**2,194.7**	**9,944.2**	**2,381.4**	**12,325.6**	**10,707.0**	**7.7%**	**762.8**	**0.0**	**0.0**	**0.0**	**0.0**
20	Magistrate Courts	27,683.3	50.0	27,557.5	0.0	27,557.5	28,924.3	5.0%	1,366.8	132.8	388.5	694.1	-
21	Mag Warrant Enf	0.0	3,184.7	0.0	3,284.6	3,284.6	0.0	0.0%	-	-	-	-	-
22	Facility Fund	0.0	0.0	0.0	0.0	0.0	0.0	0.0%	-	-	-	-	-
23	Drug Court	0.0	305.4	0.0	349.0	349.0	0.0	0.0%	-	-	-	-	-
24	**Mag Court Prg.**	**27,683.3**	**3,540.1**	**27,557.5**	**3,633.6**	31,191.1	**28,924.3**	**5.0%**	**1,366.8**	**132.8**	**388.5**	**694.1**	**0.0**
25	Jud Inf Division	3,520.6	0.0	3,629.5	0.0	3,629.5	5,129.5	41.3%	1,500.0	19.2	168.3	-	-
26	JID SCAF	0.0	3,447.8	0.0	3,423.5	3,423.5	0.0	0.0%	-	-	-	-	-
27	JID ODYSSEY	0.0	479.4	0.0	630.0	630.0	0.0	0.0%	-	-	-	-	-
28	JID Photo Enhance		170.7		190.4	190.4	0.0	0.0%	-	-	-	-	-
29	JID Municipal Fund	0.0	953.6	0.0	963.6	963.6	0.0	0.0%	-	-	-	-	-
30	**St.Wide Auto Prg.**	**3,520.6**	**5,051.5**	**3,629.5**	**5,207.5**	**8,837.0**	**5,129.5**	**41.3%**	**1,500.0**	**19.2**	**168.3**	**0.0**	**0.0**
31	**Total AOC**	**51,296.3**	**13,658.9**	**51,026.5**	**14,496.3**	**65,522.8**	**54,888.6**	**7.6%**	**3,862.1**	**159.4**	**656.1**	**694.1**	**0.0**
									Running Totals	**4,021.5**	**4,677.6**	**5,371.7**	**5,371.7**

B

of the Courts FY2019
get Request

Request 9/1/17						FY19 Other State Funds (OSF) Request		% Over/ Under	FY19 Request	% Over/ Under	
Judgeships	Expansions	Pre-Trial Services	Total Request	Total % Change Over FY18	Total Increase	Total Request	Total OSF	Other State Funds	Total All Funds	Total All Funds	
	GF		GF	Inc/(Dec) GF	GF	OSF	Inc/(Dec)	VS. FY18		VS. FY18	
11A	12A	13A	14A	15	16	17	18	19	20	21	
				(14/3)-1	14 - 3						
											1
-	0.0	0.0	3,923.0	9.0%	325.6	-	-	0.0%	3,923.0	9.0%	2
-	0.0	0.0	297.6	0.0%	0.0	-	-	0.0%	297.6	0.0%	3
-	0.0	0.0	41.8	48.2%	13.6	-	-	0.0%	41.8	48.2%	4
-	0.0	0.0	2,253.5	0.0%	0.0	2,025.0	-	0.0%	4,278.5	0.0%	5
-	0.0	0.0	3,718.6	0.0%	0.0	100.0	-	0.0%	3,818.6	0.0%	6
-	0.0	0.0	0.0	0.0%	0.0	1,140.5	(8.3)	-0.7%	1,140.5	-0.7%	7
0.0	**0.0**	**0.0**	**10,234.5**	**3.4%**	**339.2**	**3,265.5**	**(8.3)**	**-0.3%**	**13,500.0**	**2.5%**	8
-	0.0	0.0	30.3	0.0%	0.0	-	-	0.0%	30.3	0.0%	9
-	0.0	0.0	1,356.7	0.0%	0.0	-	-	0.0%	1,356.7	0.0%	10
-	0.0	0.0	300.0	#DIV/0!	300.0	400.0	(538.9)	-57.4%	700.0	-25.4%	11
-	0.0	0.0	881.1	0.0%	0.0	-	-	0.0%	881.1	0.0%	12
-	0.0	0.0	6,249.9	8.0%	462.8	-	-	0.0%	6,249.9	8.0%	13
-	0.0	0.0	124.7	0.0%	0.0	-	-	0.0%	124.7	0.0%	14
-	0.0	0.0	3.3	0.0%	0.0	-	-	0.0%	3.3	0.0%	15
-	0.0	0.0	276.4	0.0%	0.0	-	-	0.0%	276.4	0.0%	16
-	0.0	0.0	0.0	#DIV/0!	0.0	142.5	-	0.0%	142.5	0.0%	17
-	0.0	0.0	1,484.6	0.0%	0.0	1,300.0	-	0.0%	2,784.6	0.0%	18
0.0	**0.0**	**0.0**	**10,707.0**	**7.7%**	**762.8**	**1,842.5**	**(538.9)**	**-22.6%**	**12,549.5**	**1.8%**	19
-	0.0	0.0	30,139.6	9.4%	2,582.1	-	-	0.0%	30,139.6	9.4%	20
-	0.0	0.0	0.0	0.0%	0.0	3,401.5	116.9	3.6%	3,401.5	3.6%	21
-	0.0	0.0	0.0	0.0%	0.0	-	-	0.0%	-	0.0%	22
-	0.0	0.0	0.0	0.0%	0.0	350.0	1.0	0.3%	350.0	0.3%	23
0.0	**0.0**	**0.0**	**30,139.6**	**9.4%**	**2,582.1**	**3,751.5**	**117.9**	**3.2%**	**33,891.1**	**8.7%**	24
-	0.0	0.0	5,317.1	46.5%	1,687.6	-	-	0.0%	5,317.1	46.5%	25
-	0.0	0.0	0.0	0.0%	0.0	3,423.5	-	0.0%	3,423.5	0.0%	26
-	0.0	0.0	0.0	0.0%	0.0	630.0	-	0.0%	630.0	0.0%	27
-	0.0	0.0	0.0	0.0%	0.0	190.4	-	0.0%	190.4	0.0%	28
-	0.0	0.0	0.0	0.0%	0.0	963.6	-	0.0%	963.6	0.0%	29
0.0	**0.0**	**0.0**	**5,317.1**	**46.5%**	**1,687.6**	**5,207.5**	**-**	**0.0%**	**10,524.6**	**19.1%**	30
0.0	**0.0**	**0.0**	**56,398.2**	**10.5%**	**5,371.7**	**14,067.0**	**(429.3)**	**-3.0%**	**70,465.2**	**7.5%**	31
5,371.7	**5,371.7**	**5,371.7**									

NEW MEXICO STATE COURTS



Supreme Court
Santa Fe

Court of Appeals
Santa Fe
Albuquerque

1st	2nd	3rd	4th	5th	6th	7th
Santa Fe Rio Arriba Los Alamos	Bernalillo	Doña Ana	Mora San Miguel Guadalupe	Lea Eddy Chaves	Grant Luna Hidalgo	Catron Sierra Socorro Torrance

8th	9th	10th	11th	12th	13th
Taos Colfax Union	Curry Roosevelt	Harding Quay De Baca	San Juan McKinley	Lincoln Otero	Cibola Sandoval Valencia

District & Magistrate Courts

District Courts

Metropolitan Court

Magistrate Full Courts

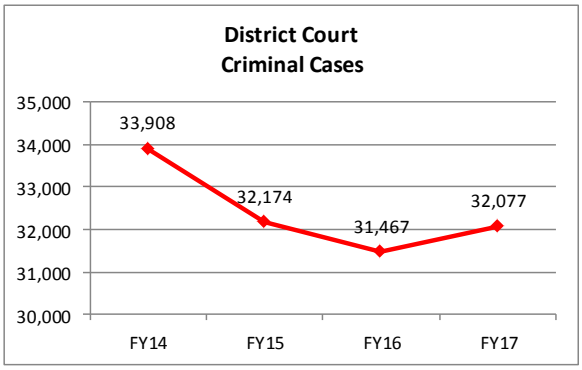
Magistrate Circuit Courts

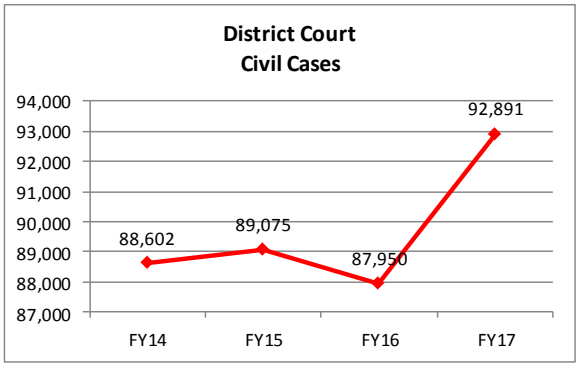
COURTS BY THE NUMBERS

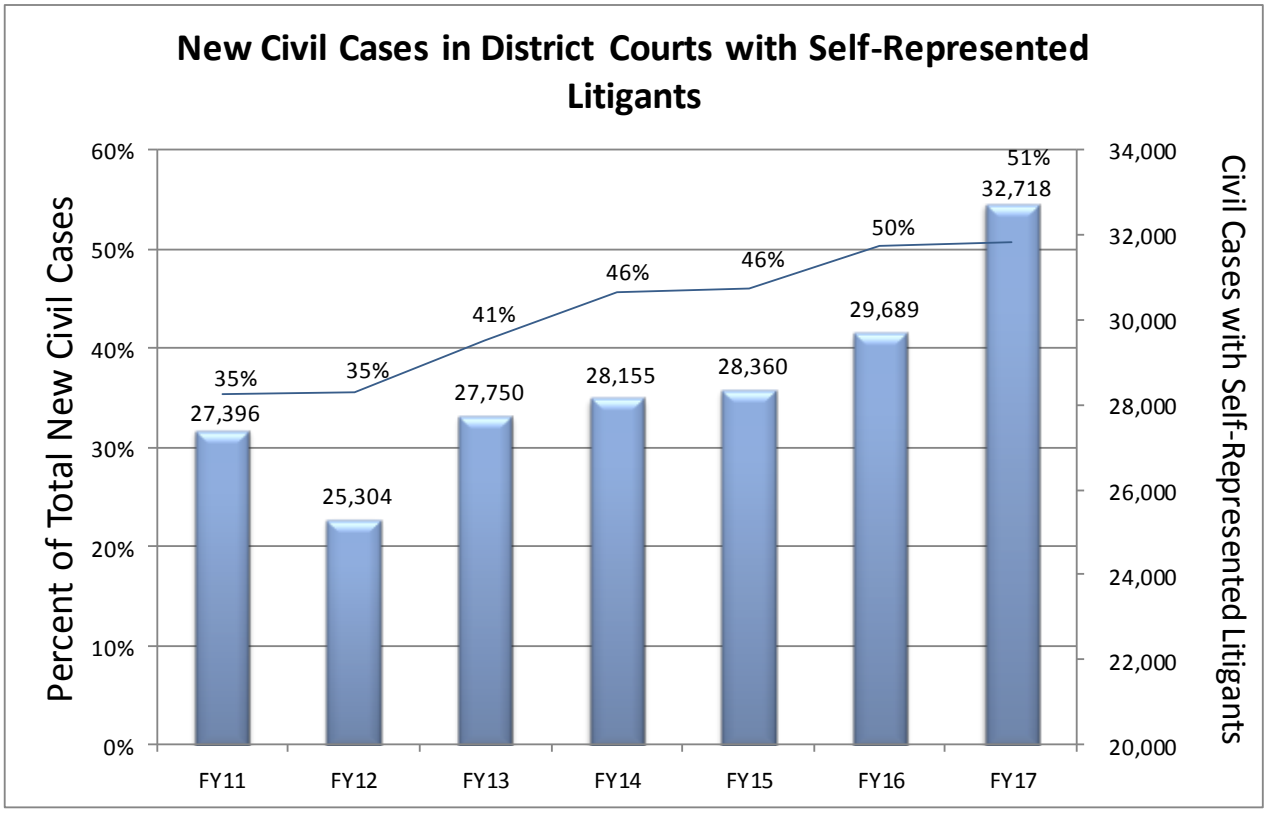
Courts	Justices/Judges	Locations	Staff
Supreme Court Justices	5	1	30
Judges on the Court of Appeals	10	2	51.5
District Court Judges	94	34	988.75*
Metropolitan Court Judges	19	1	318.5
Magistrate Court Judges	67	46	344.5

* Includes 22 hearing officers

In FY2017, civil cases made up 74% of new and reopened cases in district courts. From FY2014-FY2017, criminal cases in district court declined by 5.4% (1,831), but civil cases increased 4.8% (4,289).



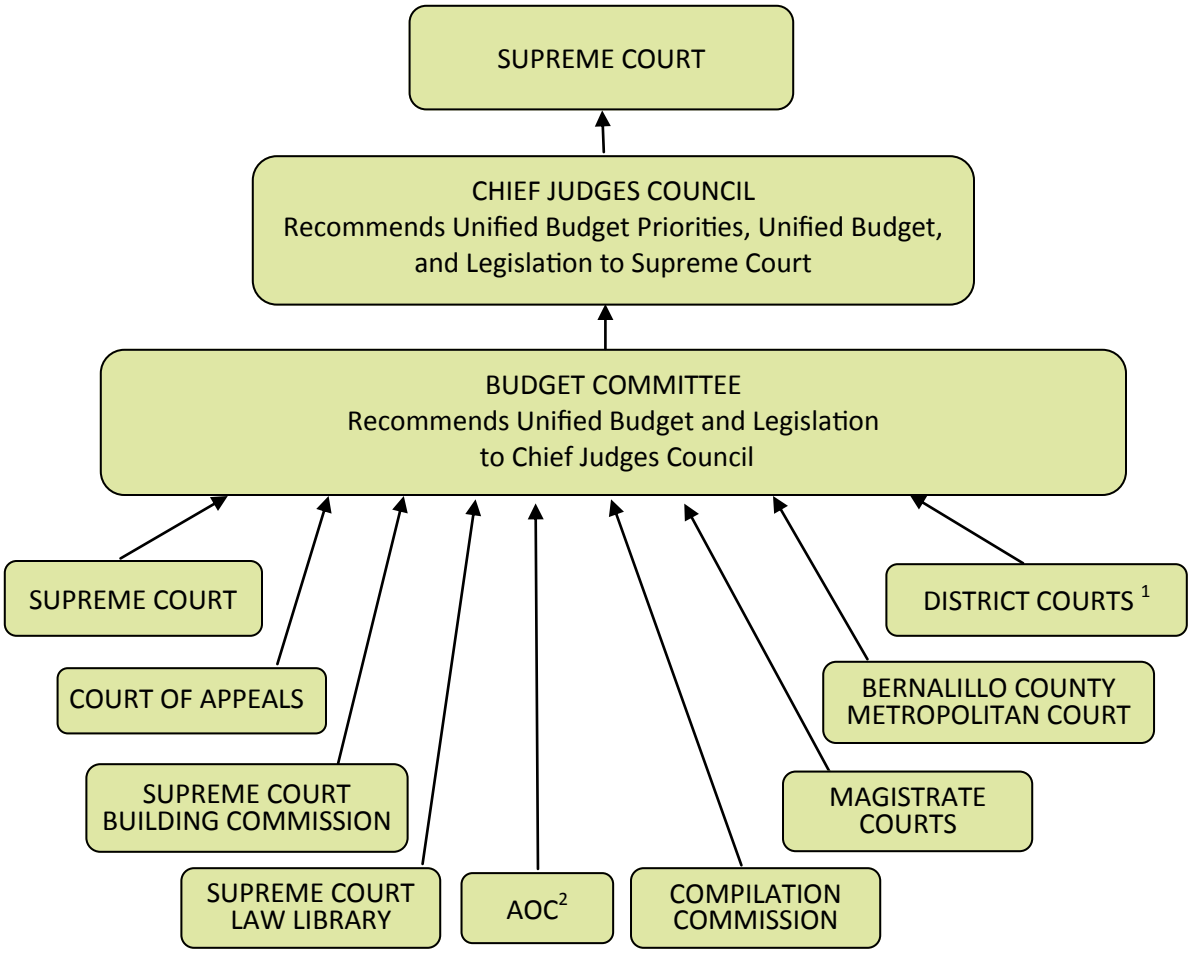




JUDICIAL BRANCH APPROVED LEGISLATION
2018 SESSION

Liquor Excise Tax Sunset	Amend Section 7-1-6.40 to remove July 2018 sunset, amend distribution to 50%, directing 45% to Local Government Division, directing 5% to AOC for drug courts and distributing AOC funds to a newly created nonreverting drug court fund. AOC's 5% for drug courts replaces current set-aside of $1,600,000 from Local Government Division distribution.
Consolidated Appropriation for Supreme Court, Supreme Court Building Commission, and Supreme Court Library	Provides for a consolidated appropriation and budget for the Supreme Court, the Building Commission, and the Library, and redefines the Building Commission to consist of the justices of the Supreme Court, to reduce audit costs, comply with auditor best practices recommendations, and achieve operational efficiencies.
Sex Offender Probation Review	Amends Section 31-20-5.2 to require the Corrections Department to notify the District Attorney to petition the district court to review the terms, conditions, and duration of a sex offender's supervised probation with the frequency required by the statute (initially 2.5 years after release for DOC facility).

UNIFIED BUDGET PROCESS



[1] Each District Court submits an individual budget request. The judicial districts by county are:

1st	2nd	3rd	4th	5th	6th	7th
Santa Fe Rio Arriba Los Alamos	Bernalillo	Doña Ana	Mora San Miguel Guadalupe	Lea Eddy Chaves	Grant Luna Hidalgo	Catron Sierra Socorro Torrance
8th	**9th**	**10th**	**11th**	**12th**	**13th**	
Taos Colfax Union	Curry Roosevelt	Harding Quay De Baca	San Juan McKinley	Lincoln Otero	Cibola Sandoval Valencia	

[2] The Administrative Office of the Courts (AOC) submits budgets for Magistrate Courts, Administrative Services, Court Services, and the Judicial Information Division.

TIME SEQUENCE FOR TYPICAL CIVIL CASE*

Plaintiff files Complaint

↓

Defendant files Answer or Motion to Dismiss → Case Dismissed

↓

Discovery period
Approximately 180 days
- *Interrogatories*
- *Requests for production*

↓

Motions for Summary Judgment
Legal Determination

↓

Pretrial Conference - mediation

↓

Trial
First setting approximately one year in → Verdict for Plaintiff or Defendant

↓

Post Trial motions

↓

Appeal (Court of Appeals)
Two years on average in state court → Mediation to settle issues on appeal

↓

Certiorari (Supreme Court)
Discretionary

*Adapted from "Legal Guide for Journalists," undated, State Bar of New Mexico, www.nmbar.org

TIME SEQUENCE FOR TYPICAL FELONY CASE*

Probable Cause Determination for Warrantless Arrests
Within a day or two, at most

Initial Appearance before Magistrate or Metropolitan Court Judge After Arrest
Without unnecessary delay

Bail appeal - Dist. Court

Bail appeal - App. Court

Indictment
No time limit if not in jail; 10 days if detained

Filing Complaint or Information

Preliminary Hearing

Arraignment

Discovery
Disclosure by state within 10 days after arraignment; disclosure by defendant

Motions: Notice of Defense of Insanity or Notice of Intent to Call an Expert on Issue of Specific Intent
At arraignment or within 20 days thereafter

Hearings on Motions

Interlocutory Appeal - *After the judge rules on the motions*

Notice of Alibi - *(If demanded) not less than 10 days before trial; D.A. responses due not less than five days after receipt of notice*

Plea Agreement

Trial
After the judge rules on the motions

Acquittal

Conviction

Pre-Sentencing Report

Sentencing

Motion for New Trial
Newly discovered evidence; before judgment or within 2 years; any other grounds, within 10 days of verdict

*Adapted from "Legal Guide for Journalists," undated, State Bar of New Mexico, www.nmbar.org

Chief Judges Council

Chief Justice Judith K. Nakamura, New Mexico Supreme Court
Chief Judge Linda M. Vanzi, Court of Appeals
Chief Judge Mary L. Marlowe Sommer, First Judicial District Court
Chief Judge Nan G. Nash, Second Judicial District Court
Chief Judge James T. Martin, Third Judicial District Court
Chief Judge Matthew J. Sandoval, Fourth Judicial District Court
Chief Judge Jane Shuler Gray, Fifth Judicial District Court
Chief Judge J.C. Robinson, Sixth Judicial District Court
Chief Judge Matthew G. Reynolds, Seventh Judicial District Court
Chief Judge Jeff F. McElroy, Eighth Judicial District Court
Chief Judge Drew D. Tatum, Ninth Judicial District Court
Chief Judge Albert J. Mitchell, Jr., Tenth Judicial District Court
Chief Judge Karen L. Townsend, Eleventh Judicial District Court
Chief Judge James W. Counts, Twelfth Judicial District Court
Chief Judge Louis P. McDonald, Thirteenth Judicial District Court
Chief Judge Edward L. Benavidez, Bernalillo County Metropolitan Court
Hon. Shannon Bacon, District and Metropolitan Judges Association
Hon. Pat Casados, Los Alamos County Magistrate Court
Hon. George Anaya, Jr., Santa Fe County Magistrate Court
Hon. Alan S. Kirk, Los Alamos Municipal Court

Budget Committee

Hon. Gary Clingman, Chair, Fifth Judicial District Court
Chief Judge Linda M. Vanzi, Court of Appeals
Chief Judge Nan G. Nash, Second Judicial District Court
Chief Judge James T. Martin, Third Judicial District Court
Hon. Donna J. Mowrer, Ninth Judicial District Court
Chief Judge Edward L. Benavidez, Bernalillo County Metropolitan Court
Hon. Karen P. Mitchell, Harding County Magistrate Court
Hon. Pat Casados, Los Alamos County Magistrate Court
Weldon J. Neff, Eleventh Judicial District Court Executive Officer
Sherry Weingarten, Torrance County Magistrate Court Manager

New Mexico Supreme Court (l to r)
Justice Charles W. Daniels
Senior Justice Petra Jimenez Maes
Chief Justice Judith K. Nakamura
Justice Edward L. Chávez
Justice Barbara J. Vigil

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Arthur W. Pepin, Director

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