

# THE NEW MEXICO COURTS 1991 ANNUAL REPORT



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STATE OF NEW MEXICO  
JUDICIAL BRANCH

Robert L. Lovato  
Director

**Supreme Court of New Mexico**  
**Administrative Office of the Courts**

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January 15, 1992

THE HONORABLE CHIEF JUSTICE AND  
JUSTICES OF THE SUPREME COURT OF  
NEW MEXICO  
DISTINGUISHED MEMBERS OF THE  
NEW MEXICO LEGISLATURE

In compliance with Section 34-9-3 NMSA 1978, I am pleased to submit to you this Report on "the activities of the administrative office (of the courts) and of the state of business of the courts," including statistical data concerning"...the business of the courts." This Report presents relevant information and analysis---in text, tables and charts---with respect to the State's courts, focusing particularly on their programs and accomplishments.

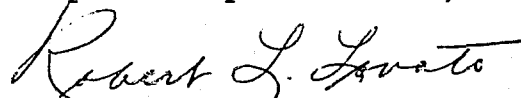
This Annual Report of New Mexico's judicial branch is primarily oriented to the 79th, or 1990-91, fiscal year. For example, all statistical data, both docket-related and financial, relate to this time period. However, the court narrative reports encompass some events and results through the end of calendar 1991, so that they can be as up-to-date as possible. The Report is primarily concerned with all state-funded courts, from those at the magistrate level to the Supreme Court, as well as other judicial agencies which support the judiciary.

In general, the State's judiciary continues to respond adequately to its constitutional and statutory mandates. Most cases, both at the trial and appellate levels, are being resolved in a timely, fair and professional manner. Management systems which have recently been implemented or are imminent---in such areas as accounting, personnel, automation and time standards---are expected to permit even more effective and efficient performance. These activities are discussed throughout the Report, especially in the introductory overviews and the section on the AOC. Where insufficient resources are producing problems, such as the Court of Appeals and the Bernalillo County Metropolitan Court, relevant information and analysis are presented.

I wish to express my personal appreciation to you, the members of the Supreme Court and the Legislature, who have consistently

endorsed the management and other initiatives developed and implemented in recent years under the aegis of the administrative office of the courts. Without such strong support, the accomplishment cited in this Report could not have been realized. This process of improvement in the administration of justice is not yet complete, but with your continuing assistance, the State's courts will administer justice to the people of New Mexico even more efficiently and effectively.

Respectfully submitted,



Robert L. Lovato,  
Director

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U.S. Department of Justice  
National Institute of Justice

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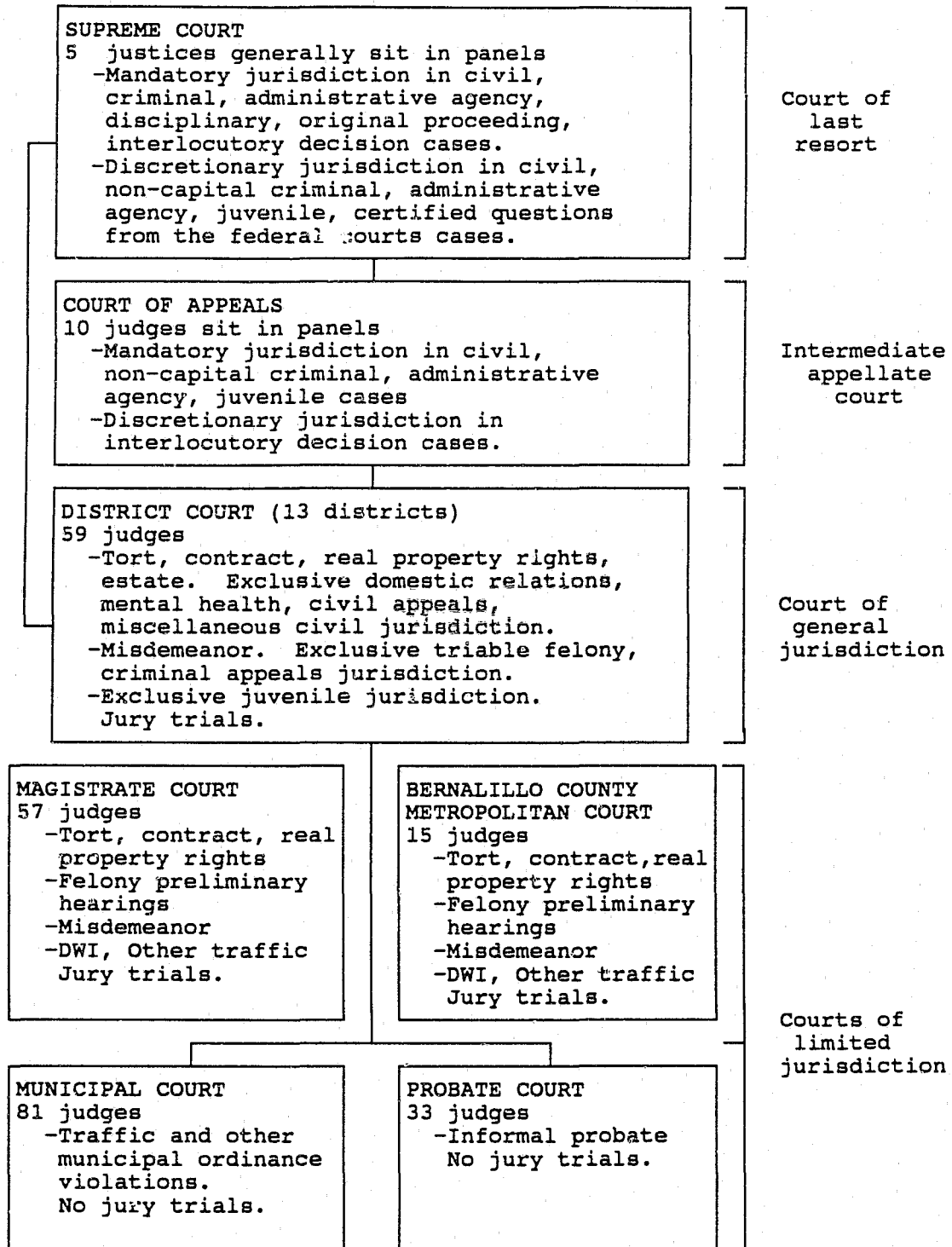
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# NEW MEXICO COURT SYSTEM



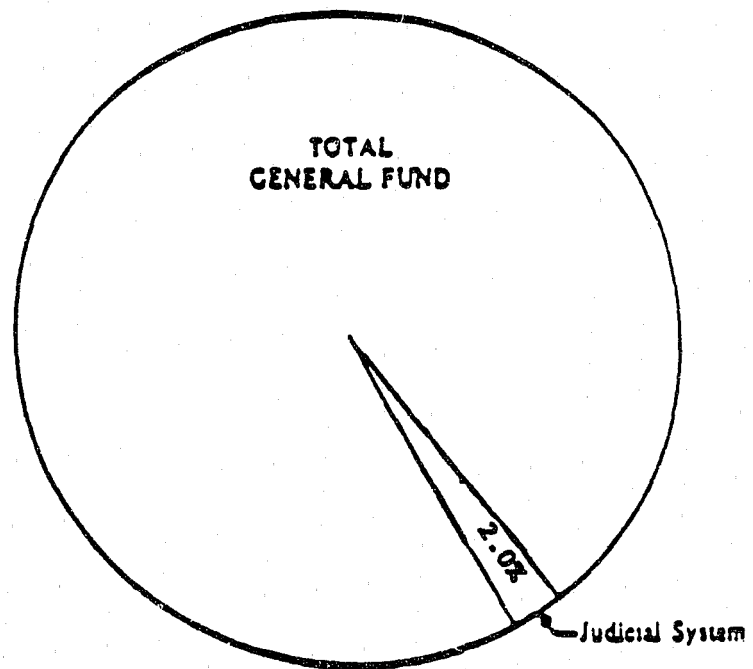
**JUDICIAL SYSTEM APPROPRIATIONS  
FISCAL YEAR 1991-92**

**TOTAL GENERAL FUND**

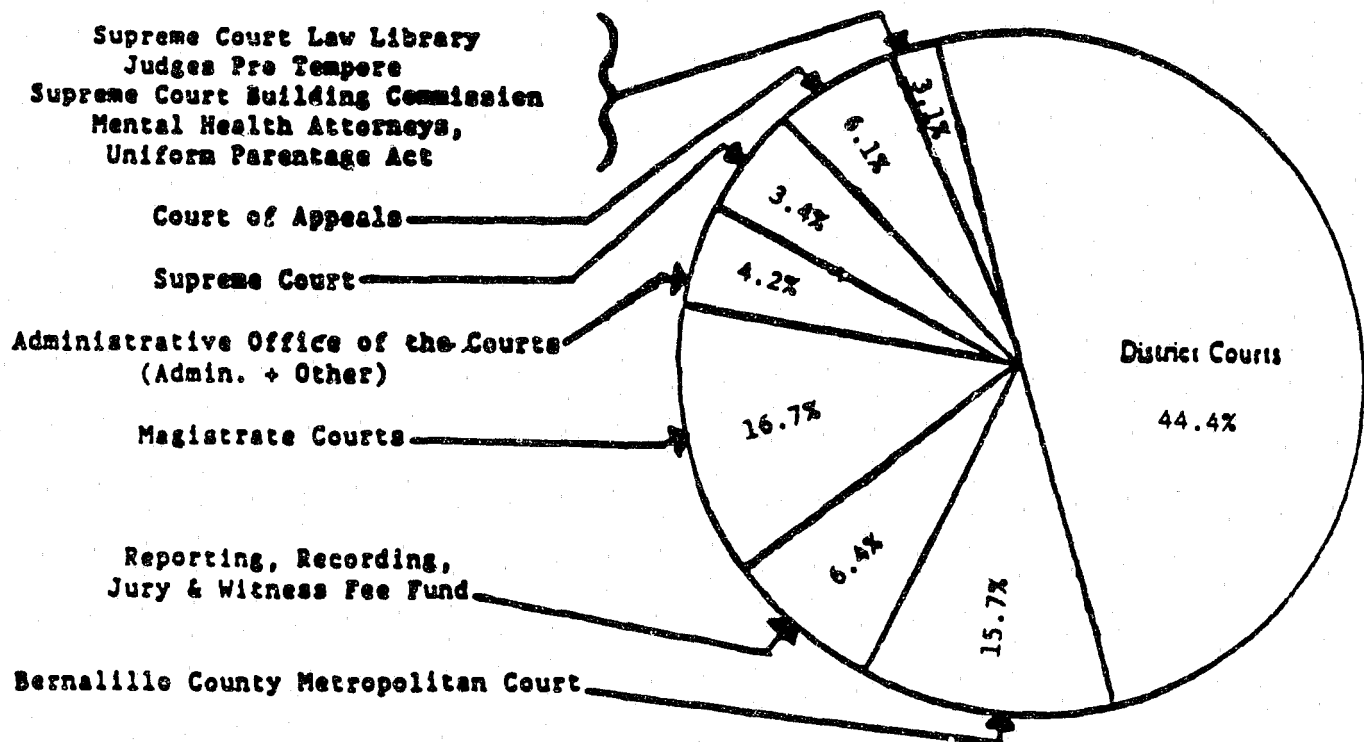
**\$ 2,040,291,000**

**JUDICIAL SYSTEM  
APPROPRIATIONS\***

**\$ 40,621,800**



**DISTRIBUTION OF JUDICIAL APPROPRIATIONS FISCAL YEAR 1991-92**



\* Excludes Judicial Standards Commission and District Attorney offices.

NEW MEXICO JUDICIARY FINANCIAL SUMMARY  
GENERAL FUND APPROPRIATIONS  
79th, 80th and 81th Fiscal Years

Code Number	Agency	79th FY Actual	80th FY Budgeted	81th FY Requested*
205	Supreme Court Law Library	\$ 522,700	\$ 551,000	\$ 741,400
213	Judges Pro Tempore	21,700	39,700	40,000
215	Court of Appeals	2,102,700	2,467,000	2,924,100
216	Supreme Court	1,355,500	1,383,300	1,442,200
218	Admin. Ofc. of the Courts			
	AOC Administration	1,335,100	1,398,900	1,509,600
	Magistrate Courts	6,603,300	6,804,100	7,630,400
	Other (Training, Data Proc., Court Automation)	<u>288,700</u>	<u>294,900</u>	<u>5,653,800</u>
	Total - AOC	8,227,100	8,497,900	14,793,800
	Compensation Package			1,098,700
219	Supreme Court Building Commission	395,800	397,600	467,900
221	Reprt., Recrd., Jury & Wit. Fee Fund	2,605,600	2,591,600	3,122,000
222	Mental Health Attorneys	308,400**	257,900	295,000
223	Uniform Parentage	10,000	9,900	10,000
231	First Judicial District Court	1,496,400	1,528,100	1,802,100
232	Second Judicial District Court	6,165,700	6,515,700	7,423,600
233	Third Judicial District Court	922,100	988,300	1,092,300
234	Fourth Judicial District Court	573,700	597,100	630,500
235	Fifth Judicial District Court	2,013,700	2,122,800	2,516,500
236	Sixth Judicial District Court	699,400	713,000	782,200
237	Seventh Judicial District Court	601,100	634,300	702,200
238	Eighth Judicial District Court	620,700	623,000	681,000
239	Ninth Judicial District Court	831,500	869,300	931,900
240	Tenth Judicial District Court	349,800	358,000	377,800
241	Eleventh Judicial District Court	1,032,700	1,092,600	1,159,600
242	Twelfth Judicial District Court	731,600	800,800	824,100
243	Thirteenth Judicial District Court	<u>1,191,700</u>	<u>1,199,400</u>	<u>1,296,000</u>
	Subtotal - District Courts	17,230,100	18,042,400	20,219,800
244	Bernalillo County Metro. Court	<u>6,298,900</u>	<u>6,383,500</u>	<u>6,908,900</u>
	Total Judiciary	\$ <u>39,078,500</u>	\$ <u>40,621,800</u>	\$ <u>52,063,800</u>

\* Supreme Court/AOC recommendation

\*\* This figure includes a 79th fiscal year appropriation of \$200.0, plus a deficiency of \$55.5 for expenditures incurred during the 78th fiscal year and a supplemental of \$53.0 for the 79th fiscal year for a total of \$308.5.

NEW MEXICO JUDICIARY  
GROWTH OF GENERAL FUND APPROPRIATIONS  
79th, 80th and 81th Fiscal Years

Code Number	Agency	INCREASE	
		80th/79th	81th/80th
205	Supreme Court Law Library	5.4%	34.6%
213	Judges Pro Tempore	83.0%	0.7%
215	Court of Appeals	17.3%	18.5%
216	Supreme Court	2.1%	4.3%
218	Admin. Ofc. of the Courts		
	AOC Administration	4.8%	7.9%
	Magistrate Courts	3.1%	12.2%
	Other (Training, Data Proc., Court Automation)	2.2%	1,917.2%
	Total - AOC	3.3%	74.1%
	Compensation Package	NA*	NA*
219	Supreme Court Building Commission	0.5%	17.7%
221	Reprt., Recrd., Jury & Wit. Fee Fund	(0.5%)	20.5%
222	Mental Health Attorneys	1.9%	14.4%
223	Uniform Parentage	1.0%	1.0%
231	First Judicial District Court	2.1%	17.9%
232	Second Judicial District Court	5.7%	13.9%
233	Third Judicial District Court	7.2%	10.5%
234	Fourth Judicial District Court	4.1%	5.6%
235	Fifth Judicial District Court	5.4%	18.6%
236	Sixth Judicial District Court	2.0%	9.7%
237	Seventh Judicial District Court	5.5%	10.7%
238	Eighth Judicial District Court	0.4%	9.3%
239	Ninth Judicial District Court	4.6%	7.2%
240	Tenth Judicial District Court	2.4%	5.5%
241	Eleventh Judicial District Court	5.8%	6.1%
242	Twelfth Judicial District Court	9.5%	2.9%
243	Thirteenth Judicial District Court	0.7%	8.1%
	Subtotal - District Courts	4.7%	12.1%
244	Bernalillo County Metro. Court	1.4%	8.2%
	Total Judiciary	4.0%	28.2%

Note: The table excludes district attorney offices and the Judicial Standards Commission.

\* Not applicable.



# NEW MEXICO JUDICIARY ACTIVITY SUMMARY

79th (1990-91) Fiscal Year

## Supreme Court (See pages 9-14)

- ° Case filings decreased by about 5% overall; and . . .
- ° As a result, cases closed increased marginally and slightly exceeded total cases filed . . .
- ° The backlog of pending cases was reduced from the FY-78 level.

<u>Data Summary</u>	<u>79th FY</u>	<u>78th FY</u>
Total pending cases, begin FY	151	155
Adjustment (beginning balance)	111 *	
New cases filed	+ 674	+ 711
Cases closed	- 719	- 715
Total pending cases, end FY	<u>217</u>	<u>151</u>

## Court of Appeals (See pages 15-27)

° New cases filed during FY 1990-91 decreased by 3%, to a total of 817, or approximately 68 cases per month. The Court also experienced a 27% increase in motions filed and acted on (from 1,993 to 2,527) . . .

° Total dispositions amounted to 78% cases, resulting in an increase of 2% over the prior fiscal year . . .

° The backlog of pending cases continued to rise, from 614 to 644 cases. The Court of Appeals' backlog remains significant; however, the addition of three judges to this court is expected to have an impact on reducing the backlog.

<u>Data Summary</u>	<u>79th FY</u>	<u>78th FY</u>
Total pending cases, begin FY	614	495
New cases filed	+ 817	+ 843
Cases closed	- 780	- 763
Adjustment (technical)	- 7	+ 39
Total pending cases, end FY	<u>644</u>	<u>614</u>

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\* Cases from prior years were closed and previously not shown as pending.

## NEW MEXICO JUDICIARY ACTIVITY SUMMARY

79th (1990-91) Fiscal Year

### District Courts (See pages 28-37)

° Case filings in the 79th fiscal year remained fairly constant from FY-78 to FY-79, as did the number of re-opened cases.

° The total number of cases closed rose by 4% from the prior fiscal year's total. As a result . . .

° Total pending cases as of June 30, 1991 decreased about 3% from earlier levels.

<u>Data Summary</u>	<u>79th FY</u>	<u>78th FY</u>
Pending cases, begin FY *	49,804	48,510
Cases filed (including reopened cases)	78,233	78,526
Cases closed	<u>76,616</u>	<u>73,798</u>
Total pending cases, end FY	<u>51,421</u>	<u>53,238</u>

### Magistrate Courts (See pages 39-45)

° The method by which magistrate court statistics are captured was revised in FY-78 and continued to be refined in FY-79. We are still unable to determine an accurate number of total active cases (including any backlogs).

° Total filings by charge rose by about 6% in the 79th fiscal year.

° Total dispositions were approximately 115,635.

<u>Data Summary</u>	<u>79th FY</u>	<u>78th FY</u>
	<u>Charge</u>	
Filings	129,739	122,576
Dispositions	116,017	87,600

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\* Adjustments made to reconcile with physical inventory of cases.

# NEW MEXICO JUDICIARY ACTIVITY SUMMARY

79th (1990-91) Fiscal Year

## Bernalillo County Metropolitan Court (See pages 47-51)

° The Court's case load activity decreased during the 79th fiscal year. Case filings decreased by 54,800 cases, or by 19%, over the 78th fiscal year level.

° The number of cases closed also declined. The total declined by 12,800 cases, or by 6%.

<u>Data Summary</u>	<u>Total</u> (A)	<u>Parking</u> (B)	<u>Adjusted Total</u> (A) - (B)
New cases filed			
79th FY	313,400	27,400	286,000
78th FY	353,500	12,700	340,800
77th FY	305,300	5,000	300,300
Cases closed			
79th FY	222,400	23,300	199,100
78th FY	234,900	23,000	211,900
77th FY	204,200	13,900	190,300

# ADMINISTRATIVE OFFICE OF THE COURTS

## Roster

Robert L. Lovato, Director  
Michelle Trujillo, Secretary  
Marcella Ortega, Internal Auditor

Steve H. Urist, Deputy Director  
Alicia Mason, Staff Attorney  
Aurora Sandoval, Internal Auditor

## Administrative Support Division

Angela Lucero, Management Analyst  
Patricia Garcia, Management Analyst  
Cheryl Meyer, Personnel Administrator  
Priscilla Duran, Asst. Personnel Administrator  
Jeff Varela, Personnel Analyst  
Susan Jenkins, Personnel Analyst  
Catherine Ritthaler, Personnel Secretary

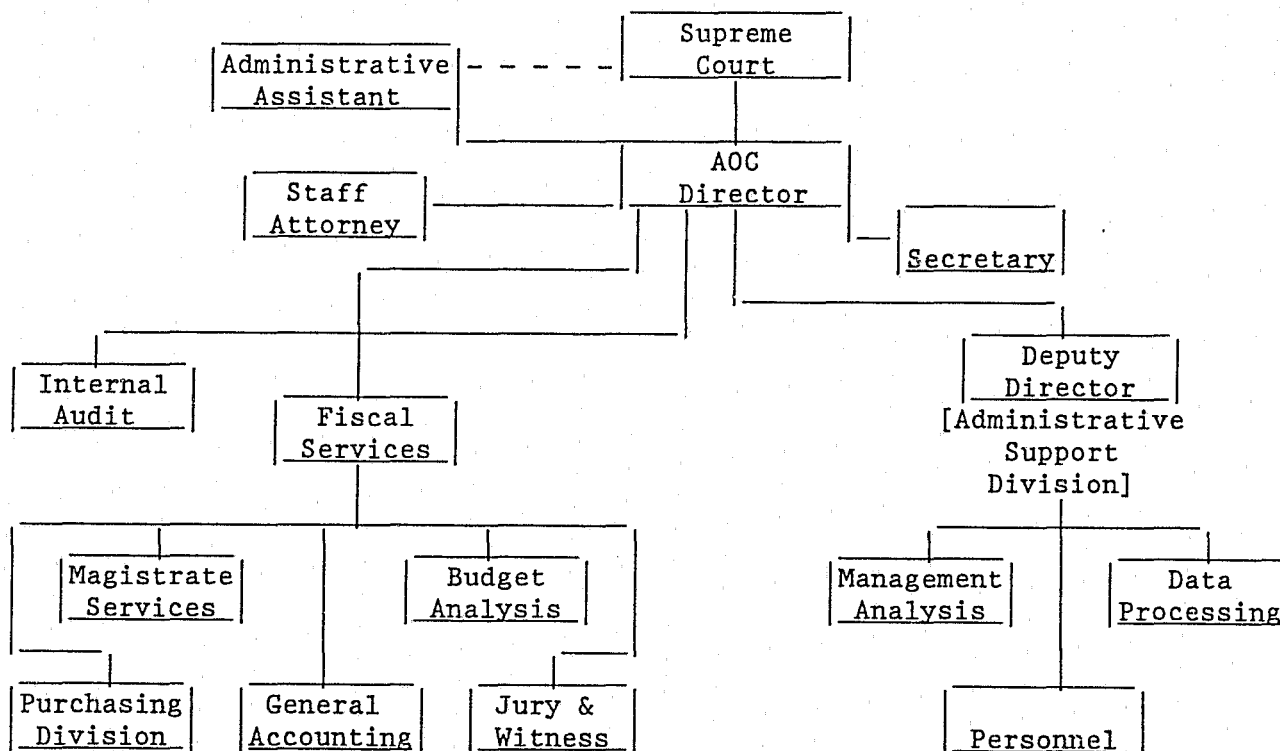
Walter Kuencer, Data Processing Manager  
Brenda Carroll, Systems Analyst  
Reneé Cascio, Systems Analyst  
Mike Geiger, Systems Analyst  
Sharon Wolfe, Computer Operator

## Fiscal Services Division

Donna Gary, Director, Fiscal Services  
Ray Chavez, Budget Analyst  
Arturo Montoya, Financial Specialist III  
Priscilla Gonzales, Financial Specialist III  
Alfred Lujan, Procurement Specialist  
Marcos Arguello, Storekeeper

Kimi Ascencio, Financial Specialist II  
Donna Scharn, Financial Specialist II  
Marie Sanchez, Financial Specialist I  
Patricia Mirabal, Financial Specialist I  
Justin Najaka, Financial Specialist I

## ORGANIZATION CHART



## ADMINISTRATIVE OFFICE OF THE COURTS

### Statutory Authority and Duties

The Administrative Office of the Courts (AOC), through the statutory powers and duties of the director (Section 34-9-3 NMSA 1978) and under the supervision and direction of the supreme court, is required to perform the following functions:

- ° Supervise all matters relating to administration of the court;
- ° Examine fiscal matters and the state of the docket of the courts;
- ° Secure information as to the courts' need of assistance;
- ° Prepare and transmit statistical data and reports concerning the business of the courts to the supreme court;
- ° Submit to the supreme court and to the legislature by January 30 of each year a report of the activities of the administrative office and of the state of business of the courts, including the statistical data submitted to the supreme court and the director's recommendations. This report is a public document;
- ° Resolve financial problems in those courts receiving legislative appropriations, ensure adequate but economical financing of each of those courts and the equitable distribution of available funds;
- ° Receive, adjust and approve proposed budgets submitted by such courts in the state prior to submission of the budgets to the state budget division of the department of finance and administration for inclusion in the executive budget; and
- ° Perform other duties in aid of the administration of justice and the administration and dispatch of the business of the courts as directed by the supreme court.

In carrying out its statutory mandate, AOC administers the operating and capital budgets of the magistrate court system and the Supreme Court Building Commission; the reporting, recording, jury and witness fund; the mental health attorneys fund; the judges pro tempore fund; the uniform parentage act; and continuing judicial education appropriations.

## Organizational Structure and Responsibilities

As central staff for the state's unified court system, AOC provides judicial branch personnel administration; management analysis services for all courts; systems for budget preparation, review and oversight, accounting and audit; central clearinghouse for statistical and other reports; program design and monitoring; administrative and data systems development and maintenance; and internal audit. AOC also provides operations supervision for the Supreme Court Building Commission. The 31 employees are assigned to these areas of court administration, which consist of two formal divisions.

The Administrative Support Division is under the direction of the deputy director of the Administrative Office of the Courts, this division is responsible for the following areas:

Management functions of AOC, including management analysis, magistrate services coordination, the judicial personnel office, and data systems analysis and development. Central staff support functions such as secretarial, word processing, clerical, and reception are also part of this division.

Specific duties include: 1) analyzing and developing administrative policies and procedures for the courts and AOC; 2) conducting special analytical studies; 3) publishing and updating court and AOC manuals, forms and guidelines; 4) compiling and analyzing court statistics; 5) analyzing and developing court data systems; 6) administering the judicial personnel system and compensation plan; 7) conducting personnel studies; 8) training judges, clerks and other support personnel; 9) negotiating magistrate court building and services leases; and 10) providing other administrative support or management services as required or requested by the Supreme Court or other state courts.

The Fiscal Services Division is responsible for financial control and magistrate field services functions. This includes the following tasks: magistrate accounting, data collection, payroll, inventory and purchasing; budget review and assistance for all judicial agencies; vouchering and administration of special funds, including jury and witness, mental health attorneys and judges pro tempore funds, and the uniform parentage act; vouchering travel requests for judges and judicial employees, including out-of-state travel for state court judges; managing AOC budgets; purchasing and inventory for all agencies housed within the Supreme Court building; and financial audits of all judicial agencies.

The Staff Attorney position is attached to the office of the director. The staff attorney's primary functions are as legal counsel to all divisions of AOC and as a legal resource for the magistrate courts; however, the attorney will provide assistance to all judicial agencies as required. The staff attorney does not represent AOC before any grievance boards or in litigation.

The Internal Auditor positions (2) are also under the direction of the office of the director. The auditors perform both financial and compliance audits to ensure that internal controls are adequate and that the courts are following the proper procedures in the administration of justice.

The Administrative Assistant to the Chief Justice position is assigned to AOC for special projects for the judiciary and to assist AOC in the areas of planning, research and statistics.

## Management Projects and Continuing Programs

### Jury Selection Project

Jury selection based on a master list compiled from the list of registered voters and licensed drivers has been in operation for one year. In that time, the Administrative Office of the Courts and the district courts have worked extensively to refine the system.

One of our goals is to create a jury selection system of the highest quality, by working closely with those agencies that have a direct impact on jury operations. Over the course of the year, meetings were held with personnel from the Secretary of State, the Motor Vehicle Division and the Information System Division to discuss issues of importance and to maintain the lines of communication open.

We are constantly in the process of looking for ways to improve the system, while remaining innovative. One of our most recent modifications to the program allows the district courts to receive jury lists on floppy diskettes. Also of importance, was a visit from Tom Munsterman of the National Center for State Courts. Mr. Munsterman is an expert on jury selection. The purpose of his visit was to study our jury system and provide suggestions for improvement.

### Court Automation

The New Mexico Judicial Branch is currently in the process of implementing uniform statewide automated systems to address district and magistrate court functional and management information needs. A modern automated court information system that supports data and word processing, in a networked environment, and provides for links allowing controlled access for other state agencies and public users to court information will facilitate the orderly administration of the court system and the ability to provide statistical information to satisfy legislative and other agency requests.

Populations benefiting from statewide court automation will be the Supreme Court, magistrate and district judges, court clerks, litigants, attorneys, court data users such as Administrative office of the Courts, legislature, Motor Vehicle Division, Public Defender's Office, District Attorney's Office, Corrections, juvenile agencies, law enforcement, private research facilities and news agencies. Statewide automation will enable the Judicial Branch to collect, record and report data and information in a consistent and uniform manner. Current data collection and reporting at most court sites in New Mexico is a manual process. This manual processing of information results in increasingly unacceptable delay, inconsistency and non-standardization of both process and information. Automation will enhance case monitoring, court clerks' case event recording, case inquiry, statistical modeling, fiscal record keeping and will reduce case delay, scheduling conflicts, and public delay in transactions at clerks offices. Court data users will be provided on-line inquiry access to computer stored information and hard copy uniform reporting will be available from all courts.

An implementation plan has been developed and approved by the Supreme Court, district and magistrate judges and the Administrative Office of the Courts through the Chief Judge's Council. The plan involves a distributed, networked

system. Ninety-three (93) court sites will be served by twenty-seven (27) computers. The computer sites will service remote locations via telecommunications. The major organizational structure is that of the judicial district boundaries. Within individual judicial districts, CPU and remote locations were identified to meet the logical and/or geographical requirements of the district.

Four district courts (Lovington, 5th District; Alamogordo/Carrizozo, 12th District; Gallup, 11th District; Albuquerque, 2nd District) have been using THE COURT SYSTEM from Jalan for a year. A District Court Users Group of representatives of the automated courts meets regularly to define modifications, enhancements, procedures and maintain uniformity. A Request for Proposals for magistrate court application software is currently in the final stages of review. It is anticipated that a vendor will be selected prior to the end of December 1991 as the selected provider for magistrate court application software. Prior to the end of fiscal year 80, pilot court sites in Santa Fe and Gallup magistrate courts will be implemented, testing and refining the selected application software. By the beginning of fiscal year 81 (July 1, 1992) application software packages (District and Magistrate) will be ready for production use statewide in any courts for which hardware is available.

The Judicial Branch is seeking funding for the acquisition of computer hardware, system and application software, cabling and installation services, and professional services for statewide district and magistrate court automation. A Court Automation Fund was established in 1987 by an act of the 38th Legislature. This fund provides for the collection of three dollars (\$3.00) from persons convicted of violating any provision of the Motor Vehicle Code involving the operation of a motor vehicle. The fund is administered by the Administrative Office of the Courts and may be expended upon appropriation by the legislature for the purchase and maintenance of court automation systems for the magistrate and district courts. Annual fund revenues are anticipated to be approximately \$650,000 per year.

The equipment, system software, application software, installation costs and training for the installed district courts and the anticipated costs for the magistrate pilot sites in FY-80 have been paid from the fund. At the current fund revenue levels, a complete statewide automated system is years away. The fund is responsible for annual maintenance costs (hardware and software maintenance contracts). Only the remainder of the annual appropriation will be available for hardware and software purchases for the implementation of new courts. Budget requests have been submitted for court automation related funding via two avenues. First, the fiscal year 81 appropriation request for agency code 01-218.10 (Court Automation Fund) includes requests of \$754,900 of Court Automation Fund monies and \$5,172,300 of General Fund monies. Secondly, a Capital Project Request for Severance Bond monies of \$8,536,134 was also submitted.

An implementation plan was developed through the Chief Judge's Council which calls for statewide automation using a distributed network of shared resources (27 computers) for 93 district and magistrate court sites. The plan anticipates full implementation within a year of funding and includes the use of contract services to assist in the installation of the systems. The severance bond Capital Request of \$8,536,134 was prepared in response to this



implementation plan. We believe that this request is the best solution to meet the automation needs of the Judicial Branch. Funding from the Court Automation Fund is not adequate to implement, in a timely manner, the entire system as desired. With successful funding through this Capital Request a statewide automated judicial system can be a reality in the immediate future. The Court Automation Fund will be sufficient for maintenance and operating costs for the entire system after implementation.

### Judicial Personnel System

We are in the fifth year of our pay-for-performance system under the Hay Guide-Chart Profile Method. This was the first year we did not pace our salary ranges to the reported market movement of 2.5%. We chose instead to move ranges in accordance with the executive branch movement of 1.5%. Due to the war in the Persian Gulf and the state of the economy, it appeared that 1.5% was appropriate. In July 1991, salary ranges were moved upward by 1.5%, and employees were granted merit increases based on their performance scores, receiving anywhere from 6.5% to 1.5% for merit. The average increase for classified employees was approximately 3%. We are pleased to report that in the three years since adopting our current classification and compensation plan, the average compa-ratio of classified employees has moved from 77% to 97%. This means that the judiciary is very close to meeting its goal of paying tenured, effectively-performing employees in the competency range of 96% to 104% of their salary grade.

While there are concerns about those few employees who are frozen at the top of their salary ranges, the compensation philosophy of the judicial branch is that all jobs have a maximum "worth" in the market. If an employee is being paid at or above maximum for the job, he or she may receive less than a market movement (or COLA) payment. There are also a number of employees who are already within the pay range for competent performance who will only be compensated up to the market movement percentage. Employees need to remember that in the public sector, salary increases cannot be the primary motivator because the state does not have the funds to serve this function.

In comparing our salary ranges (or range structure) with that of the executive branch, we find our salary ranges lag up to 10% in the middle ranges. Since the executive is the "market" with whom the judiciary compares itself, it is our intent to adopt the executive pay line. We are requesting from the legislature, \$160,000 in FY-81 so that we may adopt the executive pay ranges and thus obtain parity. The FY-81 budget request also includes \$658,000 to maintain our merit program and to provide a 3% movement in the salary ranges. An additional \$198,000 is requested to provide a 3% market movement increase to all unclassified employees.

The classification plan we adopted in 1988 continues to serve us well. Those who administer the plan have become increasingly skilled in the classification process and the entire system is in a continual monitoring/maintenance mode.

The role of Personnel Division staff is to assist all courts in their personnel management functions, i.e., recruiting new employees; serving as a liaison between courts, Administrative Office of the Courts, Legislative Finance Committee, and Department of Finance and Administration; providing

employee benefits information, coordinating training of administrators, supervisors and clerks; assisting supervisors in resolving work performance problems or disciplinary problems; and staffing various committees and other special projects that are assigned on an ad hoc basis.

### Training and Education

The 1990-91 fiscal year was full of activity and surprises in the area of education and training. Our court clerk training for both the district and magistrate court clerks had to be canceled due to severe budgetary problems in the magistrate courts. The funds designated for the clerk conference were transferred to pay for office supplies in the magistrate courts. In contrast to this very big disappointment, four individuals from the New Mexico judiciary were invited to attend the Judicial Leadership Seminar in Blowing Rock, N.C. This was quite an honor, since only six states were selected out of a field of 26 states that had applied. One of the major accomplishments of the seminar was the designing of a judicial education steering committee that has since been put into practice. Subsequent to that seminar, the New Mexico Supreme Court authorized a cooperative effort between the Supreme Court and the University of New Mexico Law School to apply for a grant from the State Justice Institute to create a New Mexico Judicial Education Center at the UNM Law School. The purpose of the center will be to direct a planned judicial education curriculum for all levels of judges and other judicial personnel. The State Justice Institute funded our proposal and the organizational activities are well under way. If all goes well, other states have shown interest in our project and hope to follow our lead.

### Court Accounting System

The Judicial Branch has successfully completed the installation of an automated uniform accounting system in the 13 judicial districts, Bernalillo County Metropolitan Court and the Administrative Office of the Courts. The system is consistent with generally accepted accounting principles and is capable of interfacing with the Department of Finance and Administration's modified cash basis accounting system, and reconciling to it. The system uses MAS90 accounting software and a private accounting firm which uses the same software has agreed to provide technical support for the system. Because the Judiciary is under a uniform accounting system, training and technical support from the Administrative Office of the Courts are available to the district courts.

### Internal Audit

Due to budget constraints during the first half of 1991, the Internal Audit Division of the Administrative Office of the Courts audited only four magistrate courts. The audits covered nine areas: cash, accounts receivable, fixed assets, consumable inventory, bonds, overages and shortages, receipts, disbursements, and leave records.

The auditors also performed nine reviews (similar to audits, but excluding fixed assets, consumable inventory and a site visit) and numerous limited reviews of bonds and accounts receivable. Also, of significance is the amount of time and effort the auditors dedicated to the performance of a special audit.

In addition, internal audits for two quarters were performed of the General Fund and Special Revenue Funds of AOC and the Supreme Court Building Commission. The audit covered five areas: cash, revenues, expenditures, encumbrances and leave records.

The purpose of an audit and review is to determine if the court is in compliance with applicable laws, rules, and procedures set forth in the New Mexico Statutes Annotated (NMSA) 1978, the Supreme Court Rules Annotated (SCRA) 1986, the Judicial Branch Personnel Rules 1988, the Magistrate Court Administrative Procedures Manual 1990, the Policy Directives and Generally Accepted Accounting Principles. The audits were conducted in accordance with the standards of the professional practice of internal auditing and included such tests of records and other auditing procedures considered necessary to complete the audit.

Inherent in an audit is a review of internal controls. The objectives of a review of an internal control system are: to provide AOC with assurance that the assets belonging to the court, as well as the assets that the court has a custodial responsibility for, are safeguarded against loss from unauthorized use or disposition; that the court is complying with established policies, procedures or New Mexico laws; and that transactions are recorded properly.

Future plans include performing quarterly internal audits of the General Fund and Special Revenue Funds. The auditors also plan to continue performing audits of the magistrate courts on a random basis.

## SUPREME COURT

During the first half of the fiscal year, the Supreme Court was comprised of Chief Justice Dan Sosa, Jr., Justice Richard E. Ransom, Justice Joseph F. Baca, Justice Seth D. Montgomery and Justice Kenneth B. Wilson. Hon. Gene E. Franchini defeated Justice Wilson in the general election held in November 1990. Justice Franchini took office on November 30, 1990.

The following is a recapitulation of the docket activities of the Supreme Court for the period July 1, 1990 through June 30, 1991:

### REPORT OF THE CLERK

The following table indicates areas where the case load of the Court has increased and where it has diminished and shows the various categories of cases filed on the regular docket of the Court, with figures for the prior four fiscal years for comparison.

	<u>79th</u>	<u>78th</u>	<u>77th</u>	<u>76th</u>	<u>75th</u>
Civil	188	193	233	212	238
Criminal	6	9	12	14	5
Certiorari	287	333	281	248	296
Mandamus	21	20	19	16	22
Prohibition	39	31	40	45	53
Superintending					
Control	33	21	30	22	12
Habeas Corpus	0	1	2	1	0
Disciplinary					
Proceedings	9	10	18	18	12
Judicial					
Standards Commission	3	8	3	3	4
Removal from the					
Corporation Commission	1	2	1	5	0
Appeal from					
Orders of Public					
Service Commission	3	2	3	1	1
Certification					
from the U.S.					
District Court	2	1	6	4	5
Certification from					
the Court of Appeals	2	2	1		
Appeals from Employment					
Security Division	7				
Rule 12-603, Election					
Challenges	0	1			
Miscellaneous					
Proceedings	1	6	7	2	3
Quo Warranto	0	0	0	0	2
Rule 12-501 Petitions					
for Certiorari	72	66	79	43	49
Grand Jury Presentment	0	1			
Writ of Error	<u>0</u>	<u>4</u>	<u>—</u>	<u>—</u>	<u>—</u>
Totals	674	711	735	634	702

Of the 188 Civil cases, 18 were applications for interlocutory appeals.

On a monthly basis, new cases on the regular docket of the Court were as follows, with figures for the 78th, 77th, 76th and 75th fiscal years provided for comparison:

	<u>79th</u>	<u>78th</u>	<u>77th</u>	<u>76th</u>	<u>75th</u>
July	66	56	64	51	51
August	63	71	57	47	49
September	57	55	46	47	55
October	63	55	52	52	63
November	50	74	67	58	52
December	38	57	45	66	63
January	57	45	67	35	63
February	55	50	63	46	64
March	56	68	64	57	61
April	52	72	59	48	52
May	61	59	77	63	60
June	<u>56</u>	<u>49</u>	<u>74</u>	<u>64</u>	<u>69</u>
Totals	674	711	735	634	702

The Supreme Court handed down a total of 188 Opinions/Decisions during the 79th fiscal year.

**CHIEF JUSTICE DAN SOSA, JR.**

31 Opinions/Decisions  
(5 on certiorari)

Affirmed 17  
Reversed 13  
Affirmed Part, Reversed Part 1

**JUSTICE RICHARD E. RANSOM**

40 Opinions/Decisions  
(10 on certiorari)

Affirmed 18  
Reversed 16  
Affirmed Part, Reversed Part 5  
Remanded 1

**JUSTICE JOSEPH F. BACA**

34 Opinions/Decisions  
(2 on certiorari)

Affirmed 21  
Reversed 10  
Affirmed Part, Reversed Part 2  
Remanded 1

**JUSTICE SETH D. MONTGOMERY**

32 Opinions/Decisions  
(4 on certiorari)

Affirmed 24  
Reversed 6  
Affirmed Part, Reversed Part 1  
Certification 1 (vacated judgment)

**JUSTICE KENNETH B. WILSON**

11 Opinions/Decisions  
(2 on certiorari)

Affirmed 5  
Reversed 3  
Affirmed Part, Reversed Part 1  
Certification 2

**JUSTICE GENE E. FRANCHINI****28 Opinions/Decisions  
(3 on certiorari)**

Affirmed	18
Reversed	7
Affirmed Part, Reversed Part	2
Remanded	1

**PER CURIAM****12 Opinions**

Disciplinary Proceedings	12
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**Supreme Court Docket Report****Cases Disposed**

Written Opinions/Decisions: 188 filed; closing 193 cases

**Certiorari:**

Denied	261
Quashed	5

(16 petitions pending action by the Court at the end of the 78th FY)

**Prohibition:**

Denied	30
Peremptory Writs Issued	6
Writs Quashed	1

(3 petitions were pending action by the Court at the end of the 78th FY)

**Mandamus:**

Denied	17
Dismissed	2
Peremptory Writs Issued	1
Judgment entered on the Mandate	1

**Superintending Control:**

Denied	27
Peremptory Writs Issued	4
Dismissed	2
Writ Quashed	1

(2 petitions were pending action by the Court at the end of the 78th FY)

**Original Proceedings:**

Suspension of Attorneys	1
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Cases Dismissed	72
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**Rule 12-501****Petitions for Certiorari:**

Denied	65
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(5 Petitions were pending action by the Court at end of 78th FY)

Transferred to COA	1
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**Interlocutory Appeals:**

Denied	17
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(1 Application for Interlocutory was pending action by the Court)

**Certifications:**

Declined	2
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Disciplinary Proceedings:	9
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Grand Jury Presentment:	<u>1</u>
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Total Cases Disposed:	719
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**Recap of Pending Cases:**

At issue - not set for submission	20
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Not at issue	91
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Previously submitted - under advisement	78 - on the civil case docket <u>28</u> - on the docket for writs
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Total Pending Cases	217
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Note: 18 Petitions were pending on certiorari  
 5 Petitions Rule 12-501 pending  
 1 Petition for Writ of Prohibition pending  
 2 Petitions for Writ of Superintending Control pending  
 1 Petition for Writ of Mandamus pending

The average elapsed time (in days) for direct appeals from the district courts which were closed during the 79th fiscal year by written opinion or decision was as follows:

	<u>79th</u>	<u>78th</u>	<u>77th</u>	<u>76th</u>	<u>75th</u>
From Notice of Appeal to Transcript	118	127	89.89	86.55	94.1
From Notice of Appeal to Submission	289	285	242.27	(new category)	
From Transcript to Issue	91	98	86.53	80.71	86.6
From Issue to Submission	79	65	68.32	57.1	66.3
From Submission to Opinion/Decision	146	127	81.80	113.95	202.5
From Issue to Opinion/Decision	223	194	155.67	156.67	215.9
From Transcript to Mandate	333	303	249.87	261.15	320.9

The previous table does not include opinions or decisions issued on certiorari to the Court of Appeals, direct appeals from administrative agencies, certification from the Federal District Court or Court of Appeals, original proceedings, disciplinary matters and miscellaneous matters.

These cases have not been included because of the difference in rules of procedure governing the filing and briefing schedules.

The Supreme Court maintains a Miscellaneous Docket in order to track all matters that are not filed on the regular docket of the Court. There were 40 matters filed on this docket.

The Rules of Criminal Procedure require the Supreme Court to entertain any request for extensions of time for bringing a criminal case to trial within six months from arrest or indictment. The Children's Court Rules of Procedure also provide procedures for obtaining extensions from the Supreme Court on matters involving adjudicatory hearings. The Metropolitan Court Rules have a provision for obtaining extensions in matters involving appeals from that Court to the District Court. The Supreme Court maintains dockets and files for each of these categories and orders are entered on all petitions. There were 713 petitions for extension pursuant to Rule 5-604 handled during the 79th fiscal year; 20 petitions pursuant to Rule 10-308; 35 petitions pursuant to Rule 10-226; 17 pursuant to Rules 6-703, 7-703 and 8-703. There were two petitions filed pursuant to Rule 10-223. There were a total of 827 petitions filed on all miscellaneous dockets.

The Court conducted hearings on 89 matters on the Wednesday docket for various motions and petitions to come before the Court. There were 122 cases submitted to the Court on oral argument on the regular calendar of the Court, and 69 cases submitted on briefs only.



## BOARD OF BAR EXAMINERS

The Board of Bar Examiners is appointed by the Supreme Court and is charged with the duties of investigating the professional qualifications and good moral character of applicants for admission or reinstatement to the bar of New Mexico, to prepare and arrange for administration of the bar examinations and make recommendations to the Supreme Court with respect to admission and reinstatement. The Board administers examinations in February and July of each year.

The Board is comprised of 11 members appointed by the Supreme Court. All members of the Board are practicing attorneys of the New Mexico Bar in good standing, with an affirmative interest in legal education and requirements for admission to the bar. The Clerk of the Supreme Court is the Secretary and staff of the Board.

### February 1991 Test Results

119	Took Exam
98	Passed
21	Failed
31	Repeaters
22	Passed
9	Failed
88	First Timers
76	First Timers Passed
12	First Timers Failed
15	UNM Repeaters
12	UNM Repeaters Passed
3	UNM Repeaters Failed
3	UNM First Timers
1	UNM First Timers Passed
2	UNM First Timers Failed
82%	Total Passed
70%	Repeaters Passed
86%	First Timers Passed
80%	UNM Repeaters Passed
33%	UNM First Timers Passed

### July 1991 Test Results

245	Took Exam
197	Passed
48	Failed
23	Repeaters
14	Repeaters Failed
9	Repeaters Passed
222	First Timers
188	First Timers Passed
34	First Timers Failed
8	UNM Repeaters
3	UNM Repeaters Passed
5	UNM Repeaters Failed
84	UNM First timers
71	UNM First Timers Passed
13	UNM First Timers Failed
80%	Total Passed
85%	First Timers Passed
39%	Repeaters Passed
38%	UNM Repeaters Passed
85%	UNM First Timers Passed

## COURT OF APPEALS

During the 79th fiscal year, the Court of Appeals was composed of:

William W. Bivins.....Chief Judge (July to November 13, 1990)  
A. Joseph Alarid.....Chief Judge (November 14, 1990)  
Thomas A. Donnelly.....Judge  
Pamela B. Minzner.....Judge  
Rudy S. Apodaca.....Judge  
Harris L. Hartz.....Judge  
Benjamin Anthony Chavez.....Judge

The following is a report of the docket activities of the Court of Appeals for the 79th (1990-1991) fiscal year, as submitted by the clerk of the court, Patricia C. Manzanares.

The membership of the Court consists of ten judges. Each judge has a secretary and a law clerk. By law, the judges act in panels of three on all appellate decisions. Agreement of two judges is required on all opinions. Motions may be acted on by one judge unless the motion goes to the merits of the case, in which case it is decided by a three-judge panel. In addition, the Court has a permanent staff of attorneys - the Prehearing Division consists of 13 attorneys and 1 secretary. The Clerk's Office has a staff of five - an attorney/chief clerk, a financial specialist/deputy clerk, and three court clerks. The 1990 Legislature passed Laws 1990, Chapter 35 which increased the number of judges of the Court of Appeals from seven to ten. The three new judges were appointed and took office in July and August 1991. During the 79th fiscal year, the Court maintained offices in Santa Fe, Albuquerque and Las Cruces.

In November and December 1990, the Court held a mandatory settlement conference project during which all of the Court's civil backlog of cases was assigned to volunteer facilitators. Proceedings in any case assigned to settlement conference were stayed pending the outcome of the conference. Those cases which did not settle were placed back on the regular docket on December 10, 1990, or at the expiration of any extension granted by the Court. See Section VII(D) of this report.

The Court of Appeals is the intermediate appellate court between the district courts and certain administrative agencies below it and the New Mexico Supreme Court above it. N.M. Const. art. VI, §§ 28, 29. The appellate jurisdiction of the Court of Appeals is coextensive with the state. As a practical matter, the Court of Appeals reviews appeals in all cases, either administrative or judicial, except judicial cases involving contract claims, criminal cases involving sentences of death or life imprisonment, administrative appeals from the Public Service Commission, removals from the State Corporation Commission, and cases involving writs of habeas corpus.

The Court of Appeals operates under procedural rules adopted by the Supreme Court, the Rules of Appellate Procedure (SCRA 1986, 12-101 through 607).

The goal of the Court is to dispose of all appeals as fairly and as expeditiously as possible. On June 15, 1989, the New Mexico Supreme Court adopted Rule 12-406 of the Rules of Appellate Procedure, which states that any appeal or other case pending before the Court of Appeals should be disposed of within ten months after the date of filing of the notice of appeal. The rule is effective for cases filed in the appellate courts on or after July 1, 1990.

In order to gain as much information as possible and to work out problems in meeting the rule, the Court of Appeals implemented the new rule on an informal basis for the fiscal year commencing July 1, 1989. At the present time, the Court is not meeting these standards in the general civil area. The Court has not met the standards since 1983. In that year, the legislature passed NMSA 1978, Section 34-5-8. That legislation allows the Supreme Court to reserve to itself certain categories of cases and provides that the Court of Appeals will exercise appellate jurisdiction in all other cases. The Supreme Court specifically reserved to itself contract cases (approximately 200 cases per year), in addition to its case load as provided by constitution or law.

The Court of Appeals presently has an appellate case load of over 800 new cases filed annually. The Court currently has a backlog of cases which increased during the 79th fiscal year. The Court expects the three additional judges appointed to the Court during the 80th fiscal year to have an impact on reducing the backlog. In addition, the Court experienced a 27% increase in motions filed and acted on over the prior year (from 1993 to 2527.) See Section IV of this report.

The Court's open cases increased five (5%) from 614 at the end of the 78th fiscal year to 644 at the end of the 79th fiscal year. Open cases include cases that have been disposed of by the Court but the time for filing a petition for writ of certiorari has not expired or such a petition has been filed and is pending.

#### I. APPEALS FILED

During the 79th fiscal year, 817 new cases were filed. This continued the high numbers of filings from the 77th and 78th fiscal years. By comparison, 712 new cases were filed in the 76th fiscal year and 517 in the 67th fiscal year. The Court's average filings are approximately 68 per month.

Of the 817 new cases filed during the 79th fiscal year, two were transferred to the Court of Appeals from the Supreme Court. The Court places cases in five priority categories. A breakdown of new cases filed by category is as follows:

Category:	1(a)(i)	Interlocutory Appeals, Criminal	14
	1(a)(ii)	Interlocutory Appeals, Civil	35
	1(b)	Children's Court	31
	1(c)	Mental Health	1
	2	Criminal	290
	3(a)	Worker's Comp, WC Division	106
	3(b)	Worker's Comp, District Courts	13
	4(a)	Domestic Relations cases with custody/support issues	36
	5(a)	Administrative Appeals	44
	5(b)(i)	Medical Malpractice	4
	5(b)(ii)	Other Torts	92
	5(c)	Property	24
	5(d)	Probate	11
	5(e)	Water	0
	5(f)	Domestic Relations without custody/support issues	24
	5(g)	Other civil cases	<u>92</u>
Total			817

Of these 817 cases, no filing fee was paid in 376. This is because 334 were free process appeals, 40 were appeals by the state, and two were transferred from the Supreme Court.

## II. CALENDARING

Appeals under the SCRA are initiated with the Court by the filing of a docketing statement, which includes a statement of the case summarizing all material facts, a statement of the issues to be presented on appeal, and a list of supporting and contrary authorities. The docketing statement is then screened by the Court's prehearing division, which makes recommendations to the judge assigned to calendaring duties.

The following table represents a breakdown of docketing statements filed during the past fiscal year:

<u>Docketing Statements Filed</u>	
Criminal	290
Worker's Compensation	119
Domestic Relations	60
Children's Court	31
Other Civil	<u>268</u>
Total Filed	768

Once the docketing statement is filed and reviewed, the case may be placed on one of three calendars. General and legal calendars contemplate a full briefing process. A case put on a summary calendar, with summary affirmance, reversal or dismissal proposed, may be summarily disposed of by the Court unless the party opposing the proposed disposition convinces the Court to recalendar the case.

The following calendar assignments were rendered during the 79th fiscal year. These numbers do not correspond to the number of docketing statements filed because a case is usually calendared about a month after the docketing statement is filed; also, interlocutory appeals are calendared although no docketing statement is filed.

<u>Cases Calendared</u>	<u>Civil</u>	<u>Criminal</u>	<u>Total</u>
Summary	325	284	609
General	52	6	58
Legal	<u>4</u>	<u>2</u>	<u>6</u>
Totals	381	292	673

The following calendar reassignments or dispositions were rendered after the time had passed for parties opposing proposed calendarings to file memoranda in response on cases originally assigned to summary calendar.

<u>Summary Cases</u>	<u>Civil</u>	<u>Criminal</u>	<u>Total</u>
Cases Reassigned to Non-Summary	96	92	188
Number of Summary Reassignments	165	189	354
Cases Disposed without opposition	127	52	179
Cases Disposed with opposition	<u>100</u>	<u>143</u>	<u>243</u>
Total disposed on summary	227	195	422
Percent of cases assigned to summary and disposed on summary	70%	69%	69%
Percent of cases disposed on summary (of cases calendared)	60%	67%	63%

### III. DISPOSITIONS

In the 79th fiscal year, there were 780 cases disposed of, or approximately 111 dispositions per judge. Dispositions include opinions, dispositive orders, and transfers or certifications to the New Mexico Supreme Court. The 780 cases were disposed of as shown below with comparable figures for previous years:

	79th	78th	77th	76th
Transferred/Certified to				
Supreme Court	27	23	26	22
Dismissed by Order	179	140	121	102
Opinions filed	598	622	601	571
(adjusment for opinions				
that were not dispositive)	-27	-37	-21	-26
(adjusment for				
consolidations)	+3	+15	+14	+21
Totals	780	763	741	690

The categories of cases disposed of by opinion is as follows:

Category:	1(a)(i)	Interlocutory Appeals, Criminal	2
	1(a)(ii)	Interlocutory Appeals, Civil	7
	1(b)	Children's Court	29
	1(c)	Mental Health	1
	2	Criminal	257
	3(a)	Worker's Comp, WC Division	79
	3(b)	Worker's Comp, District Courts	13
	4(a)	Domestic Relations cases with	
		custody/support issues	32
	5(a)	Administrative Appeals	23
	5(b)(i)	Medical Malpractice	4
	5(b)(ii)	Other Torts	44
	5(c)	Property	17
	5(d)	Probate	4
	5(e)	Water	0
	5(f)	Domestic Relations without	
		custody/support issues	19
	5(g)	Other civil cases	43
	Total		574

Because the Court of Appeals initially receives almost all appeals originating from district courts, criminal and civil, as well as administrative bodies and because of the heavy case load resulting therefrom, it has been necessary over the years to develop a system for screening and summarily deciding those cases which are controlled by precedent or are without merit. This system is the calendaring process by which all cases coming into the Court are screened through what is known as a docketing statement without briefs and without a transcript of testimony. A central staff (prehearing division) screens these cases under the supervision of one of the judges of the Court. The judges currently perform this duty for a three-month term on a rotating basis. Thus, with a ten-member court, after a judge has performed calendaring duties, he or she would not again serve in this capacity until twenty-seven months later. Nevertheless, judges who are not performing calendaring duties serve as

participants on summary cases, which requires reviewing the docketing statement, amendments thereto, if any, and memoranda filed in opposition or support of the Court's proposed disposition.

With one judge assigned at all times to the calendaring process, the remaining members serve on panels of three in deciding those cases which are placed on a briefing calendar, either general, legal, or limited. Those cases receive full briefing and all or part of the record of the hearing or trial below is reviewed. One judge is assigned to author these opinions and the two participants are required to review the file. Sometimes a participant, or the author if he or she does not obtain a majority, may write a separate opinion, either concurring specially or dissenting.

Because of the calendaring rotation, there will always be a disparity in production figures as between those judges who calendar and those who do not. For example, the calendaring judges will file overall more opinions during a given year than those judges who did not calendar that year. The calendaring judges may have fewer non-summary (regular) opinions filed however, because during the calendaring rotation, those judges did not receive regular opinions to author.

The 598 opinions disposing of 574 cases were filed by the judges of the Court as follows:

Total Cases Disposed of by Judge  
(Authorships & Participations)

Chief Judge William W. Bivins

Authored opinions in	31 cases (19 formal, 12 memorandum)
Authored summary opinions in	<u>4</u> cases (0 formal, 4 memorandum)
	35
Participated in opinions in	60 cases (33 formal including 4 dissents and 1 special concurrence; 25 memorandum including 1 concurrence; 2 formal/memorandum)
Participated in summary opinions in	<u>130</u> cases (8 formal; 122 memorandum)
	190

Chief Judge A. Joseph Alarid

Authored opinions in	15 cases (10 formal, 5 memorandum)
Authored summary opinions in	<u>121</u> cases (5 formal, 116 memorandum)
	136
Participated in opinions in	39 cases (25 formal, 13 memorandum, 1 formal/memorandum)
Participated in summary opinions in	<u>91</u> cases (2 formal, 89 memorandum)
	130

Judge Thomas A. Donnelly

Authored opinions in	33 cases (22 formal, 11 memorandum)
Authored summary opinions in	<u>0</u> cases (0 formal, 0 memorandum)
	33
Participated in opinions in	59 cases (42 formal including 1 dissent and 1 special concurrence; 16 memorandum including 1 dissent; 1 formal/memorandum (a concurrence & dissent))
Participated in summary opinions in	<u>123</u> cases (5 formal; 118 memorandum)
	182

Judge Pamela B. Minzner

Authored opinions in	16 cases (12 formal, 4 memorandum)
Authored summary opinions in	<u>98</u> cases (5 formal, 93 memorandum)
	114
Participated in opinions in	43 cases (34 formal including 2 special concurrences; 9 memorandum)
Participated in summary opinions in	<u>99</u> cases (7 formal; 92 memorandum including 1 concurrence)
	142

Judge Rudy S. Apodaca

Authored opinions in	22 cases (16 formal, 5 memorandum, 1 formal/memorandum)
Authored summary opinions in	<u>102</u> cases (5 formal, 97 memorandum)
	124
Participated in opinions in	48 cases (36 formal including 4 dissents and 1 dissent & concurrence; 12 memorandum)
Participated in summary opinions in	<u>100</u> cases (5 formal; 95 memorandum)
	148

Judge Harris Hartz

Authored opinions in	29 cases (20 formal, 8 memorandum, 1 formal/memorandum)
Authored summary opinions in	<u>62</u> cases (0 formal, 62 memorandum)
	91
Participated in opinions in	51 cases (34 formal including 3 dissents, 3 special concurrences, 3 concurrences, and 1 concurrence & dissent; 17 memorandum including 1 dissent and 1 special concurrence)
Participated in summary opinions in	<u>113</u> cases (3 formal; 110 memorandum, including 1 special concurrence)
	164

Judge Benjamin A. Chavez

Authored opinions in	34 cases (23 formal, 11 memorandum)
Authored summary opinions in	<u>1</u> cases (1 formal, 0 memorandum)
	35
Participated in opinions in	66 cases (40 formal including 4 dissents and 1 special concurrence; 26 memorandum including 2 dissents)
Participated in summary opinions in	<u>122</u> cases (4 formal including 1 dissent; 118 memorandum including 1 dissent)

188

The following chart shows both cases disposed of (column 3) and opinions filed (column 6) by the judges of the Court. Total cases disposed of plus non-dispositive opinions less consolidated opinions equals total opinions filed.

	<u>Regular</u>	<u>Summary</u>	<u>Total Cases Disposed</u>	<u>NonDis-positive Opinions</u>	<u>Consoli dated</u>	<u>Total Opinions Filed</u>
Bivins	31	4	35	0	0	35
Donnelly	33	0	33	3	1	35
Alarid	15	121	136	8	1	143
Minzner	16	98	114	4	0	118
Apodaca	22	102	124	6	0	130
Hartz	29	62	91	5	0	96
Chavez	34	1	35	1	1	35
District Judges	<u>6</u>	<u>0</u>	<u>6</u>	<u>0</u>	<u>0</u>	<u>6</u>
Totals	186	388	574	27	3	598

The following District Judges sitting by designation authored six opinions: Judge Frank H. Allen, Judge David W. Bonem, Judge Stanley F. Frost, Judge Benjamin S. Eastburn, Judge Fred T. Hensley, and Judge Steve Herrera. Three District Judges participated in four cases: Judge Joseph E. Caldwell (2 cases), Judge Robert M. Doughty, II, and Judge James T. Martin.

Of the 598 opinions disposing of 574 cases, 432 cases were disposed of by memorandum opinions. Memorandum opinions are not to be officially reported or published and are not to be cited as precedent. SCRA 1986, 12-405(C). 140 cases were disposed of by formal opinions. Two cases were disposed of by opinions that were partially memorandum and partially formal opinions.

The 574 cases disposed of by opinion are broken down by result in the following table:

	<u>Civil</u>	<u>Criminal</u>
Affirmed	172	186
Reversed	74	44
Dismissed	23	8
Affirmed in part and reversed in part	<u>46</u>	<u>21</u>
Totals	315	259



The following dispositions were made on applications for orders allowing interlocutory review:

Granted	7	
Denied	40	(includes 1 granted but later quashed)
Transferred	<u>2</u>	
Total	49	

#### IV. MOTIONS

2527 motions were filed and acted upon by the Court of Appeals during FY-79. This was a 27% increase in motions over the prior year. They are broken down by category as follows:

Extensions filed		1559
Briefs	547	
Transcripts	16	
Docketing Statements	185	
Memos in Opposition	517	
Other	294	
Motions for Oral Argument		44
Dismiss		173
Stays		14
Rehearing		76
Granted	5	
Denied	71	
Pending	0	
Miscellaneous		<u>661</u>
		2527

#### V. CERTIORARI STATUS REPORT

The following table represents Supreme Court action on Court of Appeals cases:

Notices pending at end of prior year	15
Notices filed during the 78th fiscal year	<u>287</u>
	302
Granted during the 78th fiscal year	31
Denied during the 78th fiscal year	251
Remanded to the Court of Appeals	1
Notices Pending	<u>19</u>
	302

17 petitions for certiorari that were granted in the prior year were pending at the beginning of the 79th fiscal year. Of these and the 31 petitions for certiorari granted during the 79th fiscal year, five were later quashed and 27 opinions were filed by the Supreme Court. Thus, 16 petitions on which certiorari had been granted were pending at the end of the 79th fiscal year.

## VI. AVERAGE TIME TO DISPOSE OF APPEALS BY CATEGORY - OPINIONS

The SCRA require a transcript of proceedings (either taped or written) for cases placed on a general calendar; no transcript of proceedings is filed in cases placed on a summary or legal calendar. The following tables depict the average time to dispose of appeals broken down by category for cases disposed of by opinion. The time for issuance of mandate has not been computed. The rules state that mandate shall issue within 20 days of final action by the Court of Appeals, but because of motions for rehearing and petitions for certiorari to the Supreme Court, the time varies. The time for ruling on petitions for certiorari is controlled by the Supreme Court.

Three atypical cases were not counted for purposes of computing average days disposition time. One case had been pending disposition in bankruptcy court and had originally been opened without a docketing statement (with a skeleton transcript) under prior rules. Only one case was decided that had been on a limited calendar; it was not counted.

The average disposition time achieved by the Court in interlocutory appeals, children's court cases, criminal cases, worker's compensation cases, and domestic relations cases (priority categories 1(a), 1(b), 2, 3(a), 3(b), and 4(a)) was 212.7 days. This was similar to the average time during the last fiscal year. In non-priority cases, category 5, the average disposition time was 314.7 days. The Court's combined average disposition time in all cases was 239.8 days. The combined average disposition rate was 32 days longer than during the previous year.

## VII. HEARINGS and SPECIAL PROGRAMS

A. There were four days of motions hearings involving four cases.

B. The Court held 24 days of oral arguments involving 33 cases. Oral arguments were held in Santa Fe, Albuquerque, Roswell, and by telephone conference.

C. Pursuant to authority granted by the New Mexico Supreme Court on July 19, 1985, the Court of Appeals adopted procedures for voluntary settlement conferences. The purpose of a settlement conference is to expedite the appeal process and to assist the parties and counsel in effecting settlement at the earliest possible stage. If that cannot be done, then a secondary goal is to narrow the issues. The program is voluntary and is only used where all parties agree to a settlement conference. The judge assigned to handle the settlement conference shall not be a member of the panel assigned to decide the case should it not settle. During the 79th fiscal year, one case was assigned for voluntary settlement conference.

D. Settlement Week: During November 1990, the Court held a settlement week project. One hundred fifty-three cases, consisting of 142 briefed cases awaiting submission to panels of judges and 11 cases recently assigned to non-summary calendars, were distributed to volunteers consisting of experienced attorneys and former judges. The facilitators reported settlement in 22 of the cases at the end of the project. In two other cases, the issues were considerably narrowed. Other cases progressed to settlement after settlement week had terminated. The attorneys and judges reported spending 1,000 hours in their efforts to facilitate settlement. The Court estimates it spends between 100 and 140 hours of total judge and attorney staff time on each appeal. Thus, settling the 22 cases saved at least 2,200 hours of court time.

The average amount of time spent by the facilitators was 9.6 hours in those cases that settled and 7.5 hours in cases that did not settle. Included in the group of cases that settled are two cases deserving special recognition in part because of the large amount of time spent on them and in part because their settlement represented the settlement of more than one case. One facilitator reported spending 30 hours to settle a case brought by the Water Quality Control Commission regarding ground water pollution. The settlement encompassed not only the specific case before the Court of Appeals but also a number of other cases, both pending and not yet filed, involving the same defendant. Another facilitator reported spending 50 hours to settle the El Paso water case. Again, the settlement encompassed not only the specific case but other cases or potential cases as well. The settlement of these high-profile, complex cases was certainly a benefit to the Court of Appeals and lower tribunals where the collateral cases would have been litigated. In addition, due to the nature of the cases, the settlements provided a real service to the people of this state as a whole as well as the individual litigants involved in them.

The Court of Appeals anticipates holding settlement week in the future on a biannual basis. In addition, it has incorporated what it learned during settlement week into its on-going settlement program.

VIII. CASES FILED IN NEW MEXICO COURT OF APPEALS BY COUNTY

<u>County</u>	<u>Free Process</u>	<u>Civil</u>	<u>Criminal</u>	<u>Inter- locutory</u>	<u>Total</u>
Bernalillo	70	100	71	15	186
Cibola	3	2	3	0	5
Catron	0	1	0	1	2
Chaves	35	8	36	0	44
Colfax	3	4	3	0	7
Curry	11	4	9	1	14
De Baca	0	0	0	0	0
Dona Ana	17	25	18	8	51
Eddy	20	14	19	2	35
Grant	2	6	2	0	8
Guadalupe	0	0	0	0	0
Harding	0	0	0	0	0
Hidalgo	1	1	1	0	2
Lea	33	3	34	5	42
Lincoln	2	4	1	0	5
Los Alamos	0	3	2	0	5
Luna	3	5	3	1	9
McKinley	4	2	6	0	8
Mora	0	1	0	0	1
Otero	10	14	15	1	30
Quay	2	2	3	0	5
Rio Arriba	6	10	6	2	18
Roosevelt	3	1	4	0	5
Sandoval	6	5	7	1	13
San Juan	16	13	21	4	38
San Miguel	5	10	3	1	14
Santa Fe	20	61	12	5	78
Sierra	1	6	1	0	7
Socorro	2	4	2	1	7
Taos	2	6	2	1	9
Torrance	0	2	0	0	2
Union	1	2	0	0	2
Valencia	8	8	6	0	14
Admin.Appeals	8	44	0	0	44
Worker's Comp Div	<u>83</u>	<u>107</u>	<u>0</u>	<u>0</u>	<u>107</u>
Totals	377	478	290	49	817

The totals in the last column include the civil, criminal, and interlocutory cases.

AVERAGE NUMBER OF DAYS  
Cases on a General Calendar (Tapes)

<u>Category</u>	<u>No. of Cases</u>	<u>Notice of Appeal to Transcript</u>	<u>Transcript to At Issue</u>	<u>At Issue to Submission</u>	<u>Submission to Opinion</u>	<u>Total</u>
1(a)(i)	0	0	0	0	0	0
1(a)(ii)	3	101	73	32	139	345
1(b)	8	123	81	72	81	357
1(c)	1	71	63	132	21	287
2	51	131	110	69	112	422
3(a)	25	98	79	116	124	417
3(b)	5	143	60	131	109	443
4(a)	9	98	84	99	155	436
5(a)	1	89	77	622	282	1070
5(b)(i)	0	0	0	0	0	0
5(b)(ii)	6	127	89	482	93	791
5(c)	2	108	91	426	167	792
5(d)	1	145	63	243	11	462
5(e)	0	0	0	0	0	0
5(f)	5	86	83	513	175	857
5(g)	<u>5</u>	81	79	511	123	794
Total	122					
Average Days		116.01	92.03	151.65	118.99	478.68

AVERAGE NUMBER OF DAYS  
Cases on a General Calendar (Transcripts)

<u>Category</u>	<u>No. of Cases</u>	<u>Notice of Appeal to Transcript</u>	<u>Transcript to At Issue</u>	<u>At Issue to Submission</u>	<u>Submission to Opinion</u>	<u>Total</u>
1(a)(i)	0	0	0	0	0	0
1(a)(ii)	0	0	0	0	0	0
1(b)	1	230	174	40	92	536
1(c)	0	0	0	0	0	0
2	19	180	100	83	157	520
3(a)	0	0	0	0	0	0
3(b)	2	143	60	68	53	324
4(a)	0	0	0	0	0	0
5(a)	1	118	35	596	48	797
5(b)(i)	2	100	153	216	234	703
5(b)(ii)	7	109	89	508	101	807
5(c)	6	134	117	442	115	808
5(d)	0	0	0	0	0	0
5(e)	0	0	0	0	0	0
5(f)	1	83	100	524	176	883
5(g)	<u>1</u>	128	81	667	55	931
Total	40					
Average Days		150.8	100.9	254.82	132.95	639.47

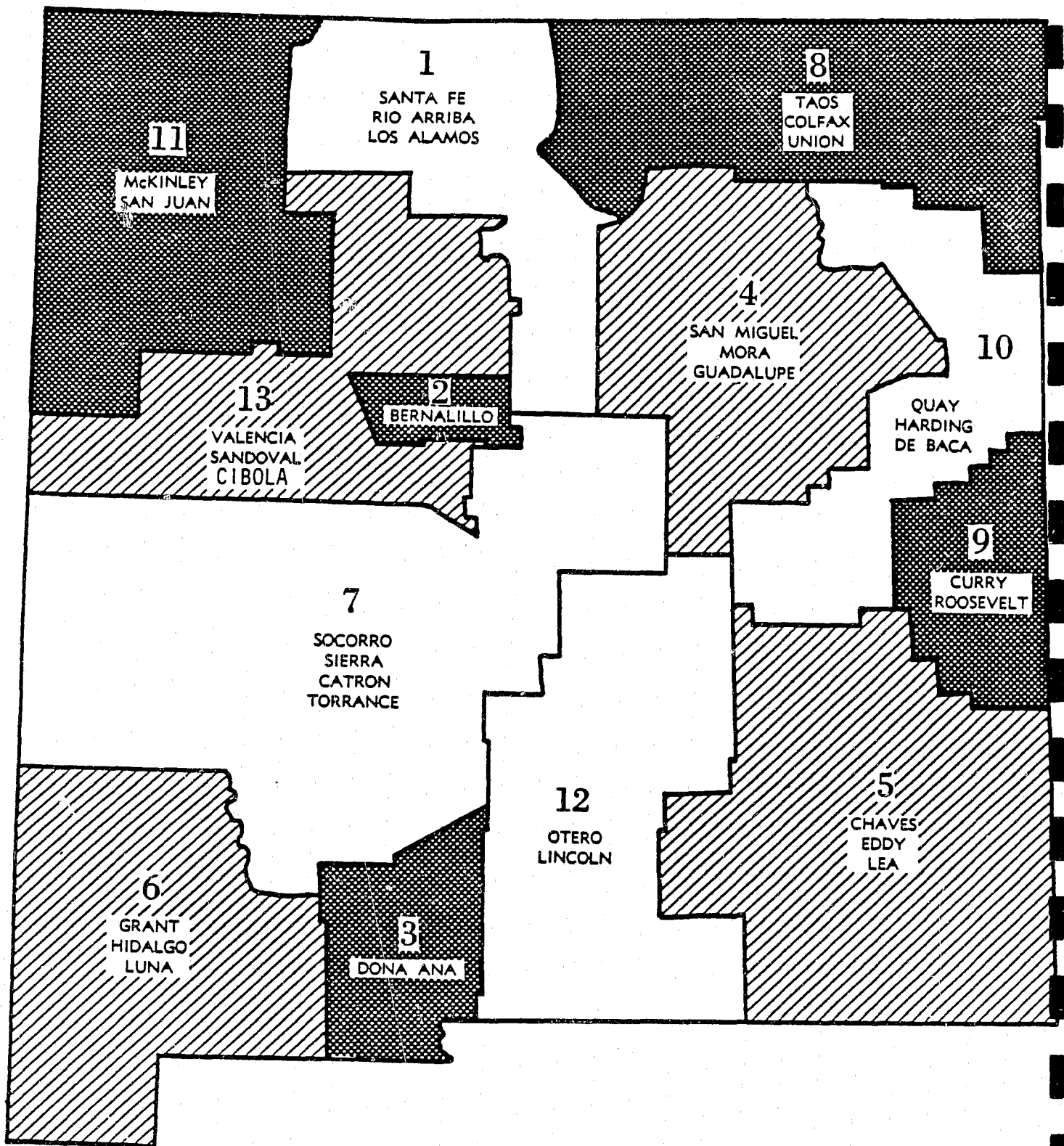
AVERAGE NUMBER OF DAYS  
Cases on a Legal Calendar

<u>Category</u>	<u>No. of Cases</u>	<u>Notice of Appeal to At Issue</u>	<u>At Issue to Submission</u>	<u>Submission to Opinion</u>	<u>Total</u>
1(a)(i)	0	0	0	0	0
1(a)(ii)	3	61	37	57	155
1(b)	0	0	0	0	0
1(c)	0	0	0	0	0
2	8	143	88	92	323
3(a)	0	0	0	0	0
3(b)	1	99	81	311	491
4(a)	0	0	0	0	0
5(a)	0	0	0	0	0
5(b)(i)	0	0	0	0	0
5(b)(ii)	2	210	477	135	822
5(c)	0	0	0	0	0
5(d)	0	0	0	0	0
5(e)	0	0	0	0	0
5(f)	0	0	0	0	0
5(g)	<u>5</u>	131	425	109	665
Total	19				
Average Days		131.47	209.26	107.1	447.83

AVERAGE NUMBER OF DAYS  
Cases on a Summary Calendar

<u>Category</u>	<u>No. of Cases</u>	<u>Notice of Appeal to Submission</u>	<u>Submission to Opinion</u>	<u>Total</u>
1(a)(i)	2	100	14	114
1(a)(ii)	1	36	21	57
1(b)	20	106	10	116
1(c)	0	0	0	0
2	178	107	16	123
3(a)	53	86	10	96
3(b)	5	80	19	99
4(a)	24	78	10	88
5(a)	21	92	14	106
5(b)(i)	2	106	20	126
5(b)(ii)	26	106	17	123
5(c)	9	92	8	100
5(d)	3	88	5	93
5(e)	0	0	0	0
5(f)	13	83	17	100
5(g)	<u>33</u>	96	27	123
Total	390			
Average Days		98.73	15.13	113.87

JUDICIAL DISTRICTS



# DISTRICT COURTS

## District Court Judges - 1991 Roster

<u>District/Division</u>		<u>Location</u>	<u>Judge</u>
First	I	Santa Fe	Petra Jimenez-Maes
	II		Joe C. Castellano, Jr.
	III		Patricio M. Serna, Chief Judge
	IV		Bruce E. Kaufman
	V		Art Encinias
	VI		Steve Herrera
Second	I	Albuquerque	Michael E. Martinez
	II		James F. Blackmer
	III		Tommy E. Jewel
	IV		Frank H. Allen, Jr.
	V		Gerard W. Thomson
	VI		Wilbert C. Smith II
	VII		Philip R. Ashby
	VIII		Ross C. Sanchez
	IX		C. Burton Cosgrove III
	X		Rozier E. Sanchez
	XI		Diane Dal Santo
	XII		Gerald Cole
	XIII		Robert H. Scott
	XIV		W. John Brennan, Chief Judge
	XV		H. Richard Blackhurst
	XVI		Robert L. Thompson
	XVII		Anne Kass
	XVIII		Susan M. Conway
	XIX		Albert S. Murdoch
Third	I	Las Cruces	Robert E. Robles
	II		Graden Beal
	III		James T. Martin, Chief Judge
	IV		Lalo Garza
Fourth	I	Las Vegas	Nicolas T. Leger
	II		Jay G. Harris, Chief Judge
Fifth	I	Carlsbad	Fred A. Watson
	II	Roswell	Alvin F. Jones, Chief Judge
	III	Hobbs	Ralph W. Gallini
	IV	Hobbs	Patrick J. Francoeur
	V	Carlsbad	James L. Shuler
	VI	Roswell	William J. Schnedar
	VII	Hobbs	Lawrence H. Johnson



# DISTRICT COURTS

## District Court Judges - 1991 Roster

<u>District/Division</u>	<u>Location</u>	<u>Judge</u>
Sixth	I Silver City	V. Lee Vesely
	II Deming	Manuel D.V. Saucedo, Chief Judge
Seventh	I Socorro	Edmund H. Kase III, Chief Judge
	II	Leslie C. Smith
Eighth	I Raton	Peggy J. Nelson
	II Taos	Joseph E. Caldwell, Chief Judge
Ninth	I Clovis	Stephen K. Quinn
	II Clovis	Fred T. Hensley, Chief Judge
	III Portales	David W. Bonem
Tenth	I Tucumcari	Stanley F. Frost, Chief Judge
Eleventh	I Aztec	Benjamin S. Eastburn
	II Gallup	Joseph L. Rich
	III Aztec	Byron Caton
	IV Farmington	Paul R. Onuska, Chief Judge
Twelfth	I Alamogordo	Sandra A. Grisham
	II Alamogordo	Robert M. Doughty II, Chief Judge
	III Carrizozo	Richard A. Parsons
Thirteenth	I Los Lunas	Mayo T. Boucher, Chief Judge
	II Bernalillo	Kenneth G. Brown
	III Los Lunas	
	IV Grants	Martin G. Pearl

## District Courts - Activities

### First Judicial District

This year the First Judicial District instituted year-round settlement conferences that have resulted in the resolution of a large percentage of pending cases. The program is co-sponsored by the First Judicial District Bar Association and uses volunteer settlement referees to assist litigants at no cost in settling cases.

The First Judicial District has formally instituted a firm setting docket control system. Under this system, cases are given firm dates for filing of Motions, Pre-Trial Conferences, and Trial soon after cases are filed. Five (5) week trailing jury dockets and three (3) week non-jury dockets are set up throughout the year which have resulted in the disposition of larger numbers of cases than under the previously used "back-up" docket system.

Also, the First Judicial District has experimented with Summary Jury Trials as an aid to settling complex cases. Summary Jury Trials operate with the same principles as a regular jury trial, except that no witnesses are called. For example, instead of a seven week jury trial, attorneys are given two days to present the case. The attorneys for the plaintiff and for the defendant are given the opportunity to summarize what the witnesses would state if they had testified. Each party is given the same amount of time for their presentations. The jury is not informed until the conclusion of the trial that their role is primarily advisory and their decision is not binding. At the conclusion of the trial, the judge requests that the jurors remain in the jury box and the attorneys are then given the opportunity to ask the jurors questions. The system works when the attorneys perceive that the jury understood the case. The First Judicial District has conducted two Summary Jury Trials and both have been successful.

### Second Judicial District

During the 79th fiscal year, the Second Judicial District Court faced the challenges of a burgeoning case load head on. The most obvious challenge was the implementation of a new case management computer system. Beginning in the Criminal Division, new IBM color monitors and a printer were installed; the clerks and judicial secretaries were trained, and on April 22, 1991 the conversion to the new JALAN system began.

The project of improving the local rules of the court continued through the year. The court has used the input of the legal community, clerks, and public agencies to make positive changes to the existing local rules. This project will be finished during the 80th fiscal year, when the new rules are submitted to the New Mexico Supreme Court. This project has been beneficial to the court.

There are 13 court reporters that work with the 14 judges of the Second Judicial District. A court reporter will spend no more than five days on a case. At the conclusion of the five day period another reporter is assigned to the case. Work sheets (case histories) are maintained on each case by the designated reporter and provided to the next reporter assigned. Five days of trial is usually the equivalent of 1000 pages of transcript. For organizational purposes, a schedule is maintained that tracks the activity of each reporter and performance standards are created for each individual reporter. The Second Judicial District's system of pooling court reporters has proven to be a positive example to other states. The Managing Court Reporter has traveled to California, Virginia, and Minnesota to discuss our system of pooling reporters in a court setting.

In summary, the Second Judicial District continued to achieve its goal of establishing a justice system that processes its case load in a timely and efficient manner. The impact of the new computer system, new local rules and highly qualified employees will go a long way towards reaching this goal. However, a great deal remains to be done. Chief Judge Brennan has formulated a list of court objectives for 1991: (1) publish local rules; (2) solidify the judicial retirement plan; (3) improve the heating and cooling system in the building (maintenance contract); (4) revise the security system in conjunction with the sheriff's office; (5) establish a building committee to discuss a new courthouse; (6) publication of a court informational brochure; and (7) explore the possibility of a judicial retreat.

### Third Judicial District

The Third Judicial District Court has implemented a mediation program in hopes of settling custody disputes quicker and more efficiently. In addition, the district has entered into a contract with the Department of Human Services, Child Support Division, for a hearing officer. Hopefully, this will help alleviate some of the burden created by a rising case load.

The Third Judicial District Court has created a special services division. This division will be responsible for the filing of all domestic relations cases, all appeals, tapes and exhibits. The division will be located in the same area as the child support hearing officer. We hope that this will serve two purposes: (1) to alleviate the congestion in the clerk's office and (2) to give the hearing officer easy access to the domestic relations files.

### Fourth Judicial District

The Fourth Judicial District is proud of Judge Benny E. Flores' appointment to the Court of Appeals in August 1991. This appointment speaks well of the professional status of the district.

This district is in the process of establishing a settlement week. Settlement week will give individuals who are a party to a law suit the opportunity to settle the case through the use of mediation without the intervention of the court. Attorneys with mediation training serve as the settlement facilitators. During settlement week, it is anticipated that approximately 70% to 80% of the cases will be settled. A primary benefit derived by the use of settlement week is the freeing of the docket.

Other projects of interest for the fourth district are: (1) the acquisition of a television set and VCR for use by attorneys during trials (VCR used primarily for depositions); and (2) the use of a FAX machine to assist attorneys in getting information to the court on short notice.

### Fifth Judicial District

The Fifth Judicial District was involved in the following activities: New Mexico Law on Disc (CD-ROM) was installed in Chavez, Eddy and Lea counties; CASA (Court Appointed Special Advocates) programs for children's court and domestic relations mediation programs are fully operational in all three counties; contract Guardian Ad Litem are in all three counties; FAX (facsimile) machines have been installed in each county; and the local court rules were completely revised.

### Seventh Judicial District

Judge Edmund H. Kase III completed 20 years as a district judge in July, and is now the longest sitting district judge in the state. He began his career with the judiciary in July of 1969 as a court librarian and received his judgeship in 1971.

The Seventh Judicial District Court has implemented many areas of budget control; long distance communications has been cut by switching carriers, new copiers were rented at a reduced monthly cost, and bulk purchasing was initiated.

MAS90 was introduced to the courts and automation began for this district in September 1990. The general ledger and vouchering is working efficiently on the MAS90. Correcting mistakes on the system is time consuming.

### Eighth Judicial District

The Eighth Judicial District encompasses three counties; Taos, Colfax, and Union. The activities in this district are many. One program of interest is the mandatory mediation program which has worked well. Very few agreements mediated by the parties have returned to court for further action. The district also participates voluntarily in the statewide settlement conferencing program.

Other areas of interest are: (1) the availability of a TV and VCR for the judges use in chambers and also for the attorneys use in the courtroom; and (2) the court has enacted a FAX-imaged signature filing rule, which allows documents signed and sent by FAX filed as originals in emergency cases.

The courtroom and the court offices were painted and cleaned this year. This was long overdue and was accomplished with the help of the Community Corrections Program.

### Ninth Judicial District

The Ninth Judicial District Court added the services of a Child Support Hearing Officer. The hearing officer maintains an office in the Roosevelt County Courthouse.

For the second time in four years, the office was partially destroyed by water following a seven inch rain that caused the collapse of the ceiling onto the desks and equipment. Through the efforts of the court staff, the office was cleaned and order restored. However, the rain did cause the loss of two work stations, three typewriters and one printer. Fortunately, no files were destroyed. Through it all, the office remained open for business.

The Child Support Office, which has one full-time employee, added a permanent part-time employee last year. With a projected annual disbursement of nearly two million dollars for 1991 and over 1700 cases on file, the court is requesting the expansion of the part-time employee to full-time.

### Tenth Judicial District

Since the initial installation and training on the MAS90, the Tenth Judicial District Court has been able to completely automate the clerk's office, with the exception of docketing and the Child Support Payment Ledger. The district

is using the MAS90 accounting software for all of the office's accounting, such as jury, attorneys, witnesses, and interpreters fees. The system allows for the ability to generate financial reports at any given time.

Several accomplishments have been achieved through automation. The inventory of all fixed assets was placed on the MAS90 for all three counties in the district. Also, the installation of the LOTUS program facilitates daily tasks. The Cash Book and the statistics report have been implemented through the use of the LOTUS program. The Cash Book is where daily receipts are posted and the statistics program is where all new, reopened, and closed cases are documented. This year the district was able to use the BPS system produced by the State Budget Division. It was a tremendous aid in preparation of the district's budget.

#### Eleventh Judicial District

The JALAN/IBM AS400 system, which has been in development for a year and a half, was installed in Gallup. The hardware arrived in July while the software was being completed. The software was completed and loaded in late October. In November the court went "parallel." During the parallel period all documents which were filed manually were also filed electronically. On December 10th, the manual half of the parallel system was discontinued and the entire system went "live." By March, all active cases for McKinley County had been loaded. All system operators are trained and cross-trained in the functioning of all four major case types and have also been cross-trained for system operations such as backup. Users are now being trained on and using the Query function for reporting on data which is in the machine.

Also in Gallup, the WPA murals from 1938 which surround the large courtroom were restored by the crew of restoration experts from an Albuquerque museum. The murals were chipping and flaking in places but now appear to be bright and clean and freshly painted. The entire courthouse in Gallup has been put on the National Historic Register so everyone was pleased that the large murals (20 feet tall by 200 feet) could be restored to their original state.

During this fiscal year, all judges were provided with personal computers, CD readers, and a subscription to CD-Rom statutes/caselaw by the Michie Company. This appears to be a move that was welcomed on their part, as it gives them much quicker response in regard to the foundations for their legal decisions. It is anticipated that these PC's will be compatible with the AS400 upon its installation so that the judges will have access to both case law/statutes and case information.

In June of 1991, Judge Brown announced his retirement after 13 years on the bench. After receiving recommendations from the Judicial Nominating Commission, Governor Bruce King appointed Farmington attorney Byron Caton to the judgeship for Division III.

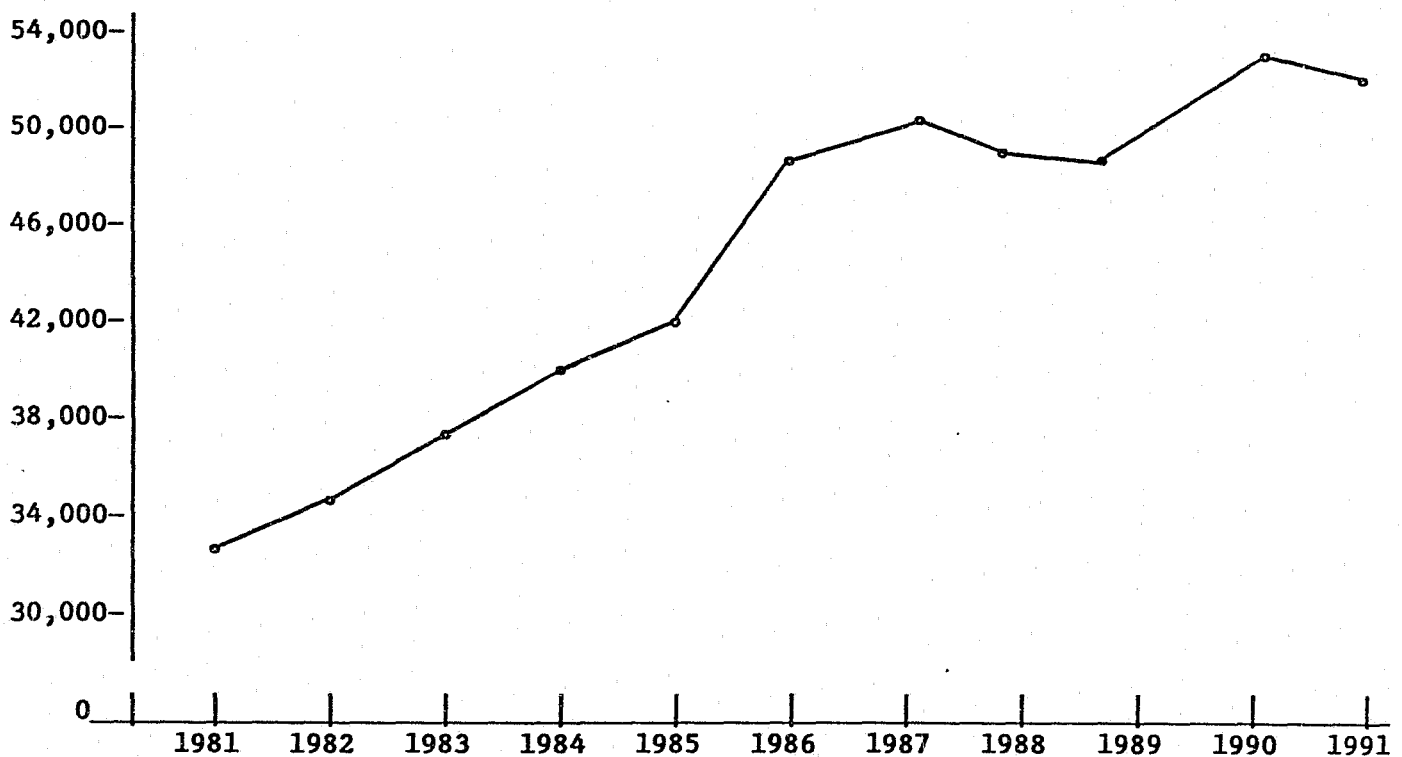
#### Twelfth Judicial District

During 1991, the Twelfth Judicial District Court, Otero County, which was a manually operated court became fully automated. Commencing April 1, 1991, the district began entering all pending cases into the IBM AS400 system in conjunction with the AOC's projected goal for automation of the district courts. At this point, they are in the process of getting Lincoln County likewise automated, and hope to achieve full automation there by early 1992.

**STATEWIDE DISTRICT COURT CASE LOAD TREND**  
69th - 79th Fiscal Years

Fiscal Year	Pending Begin FY	New Filings	Re-opened Cases	Closed Cases	Pending End FY
79th (1990-91)	49,804	63,224	15,009	76,616	51,421
78th (1989-90)	48,510	63,894	14,632	73,798	53,238
77th (1988-89)	48,202	57,600	14,235	71,920	48,117
76th (1987-88)	50,204	55,712	13,749	71,342	48,323
75th (1986-87)	46,974	57,347	11,820	66,057	50,084
74th (1985-86)	41,883	59,247	11,653	65,063	47,602
73rd (1984-85)	40,802	55,768	11,681	66,321	41,913
72nd (1983-84)	37,072	55,341	10,133	61,764	40,782
71st (1982-83)	34,059	59,243		55,588	37,714
70th (1981-82)	32,984	53,710		52,578	34,116
69th (1980-81)	32,573	54,187		53,983	32,777

**PENDING CASES IN NEW MEXICO DISTRICT COURTS**  
As of June 30 for 1981 through 1991



DISTRICT COURT CASELOAD REPORT  
Presented by County, 79th (1990-91) Fiscal Year

County	CIVIL CASES					DOMESTIC CASES				
	Pending 7-01-90	New Filings	Re- opened Cases	Closed Cases	Pending 6-30-91	Pending 7-01-90	New Filings	Re- opened Cases	Closed Cases	Pending 6-30-91
LOS ALAMOS	110	151	39	187	113	85	112	52	171	78
RIO ARriba	341	405	74	372	448	227	322	189	525	213
SANTA FE	1922	2702	298	2750	2172	706	1349	331	1634	752
SUBTOTAL	2373	3258	411	3309	2733	1018	1783	572	2330	1043
BERNALILLO	11142	14739	1514	16419	10976	3674	5632	2193	7456	4043
DONA ANA	1234	1777	71	1750	1332	583	1279	260	1514	608
GRADALUPE	54	49	9	54	58	17	29	21	28	39
MORA	78	50	6	73	61	42	38	19	63	36
SAN MIGUEL	415	488	306	804	405	307	340	154	530	271
SUBTOTAL	547	587	321	931	524	366	407	194	621	346
CHAVES	1777	699	39	657	1858	326	985	312	1179	444
EDDY	576	580	33	634	555	413	720	365	1036	462
LEA	1089	911	54	1210	844	468	857	205	1007	523
SUBTOTAL	3442	2190	126	2501	3257	1207	2562	882	3222	1429
GRANT	477	317	67	390	471	233	336	74	413	230
HIDALGO	88	74	3	97	68	25	49	4	52	26
LUNA	310	177	26	268	245	105	147	52	198	106
SUBTOTAL	875	568	96	755	784	363	532	130	663	362
CATRON	24	30	2	25	31	10	19	1	22	8
SIERRA	161	174	52	237	150	73	256	56	335	50
SOCORRO	160	219	14	184	209	91	199	41	249	82
TORRANCE	88	119	31	126	112	78	988	136	1100	102
SUBTOTAL	433	542	99	572	502	252	1462	234	1706	242
COLFAX	315	195	65	359	216	136	108	33	154	123
TAOS	530	432	43	504	501	402	190	53	209	436
UNION	110	80	19	127	82	33	31	11	50	25
SUBTOTAL	955	707	127	990	799	571	329	97	413	584
CURRY	563	517	18	414	684	385	710	241	935	401
ROOSEVELT	280	190	4	191	283	126	149	34	163	146
SUBTOTAL	843	707	22	605	967	511	859	275	1098	547
DE BACA	44	21	1	26	40	6	14	3	13	10
HARDING	24	18	1	19	24	4	5	1	6	4
QUAY	327	170	9	172	334	75	138	49	175	87
SUBTOTAL	395	209	11	217	398	85	157	53	194	101
MCKINLEY	328	523	4	528	327	241	461	74	526	250
SAN JUAN	1422	972	27	906	1515	664	842	183	1028	661
SUBTOTAL	1750	1495	31	1434	1842	905	1303	257	1554	911
LINCOLN	476	421	320	671	546	104	207	54	285	80
OTERO	686	598	39	604	719	558	553	74	657	528
SUBTOTAL	1162	1019	359	1275	1265	662	760	128	942	608
CIBOLA	352	273	64	327	362	104	290	52	285	161
SANDOVAL	698	735	130	827	736	240	259	80	366	213
VALENCIA	922	941	250	1248	865	426	419	94	672	267
SUBTOTAL	1972	1949	444	2402	1963	770	968	226	1323	641
TOTAL	27123	29747	3632	33160	27342	10967	18033	5501	23036	11465

DISTRICT COURT CASELOAD REPORT  
Presented by County, 79th (1990-91) Fiscal Year

County	CRIMINAL CASES					JUVENILE CASES					TOTAL 79TH FY CASELOAD				
	Pending 7-01-90	New Filings	Re- opened Cases	Closed Cases	Pending 6-30-91	Pending 7-01-90	New Filings	Re- opened Cases	Closed Cases	Pending 6-30-91	Pending 7-01-90	New Filings	Re- opened Cases	Closed Cases	Pending 6-30-91
LOS ALAMOS	22	113	23	121	37	15	33	27	55	20	232	409	141	534	248
RIO ARRIBA	123	165	65	238	115	69	140	136	281	64	760	1032	464	1416	840
SANTA FE	417	665	149	754	477	139	301	244	551	133	3184	5017	1022	5689	3534
SUBTOTAL	562	943	237	1113	629	223	474	407	887	217	4176	6458	1627	7639	4622
BERNALILLO	4035	3836	1350	5122	4099	1771	2673	1358	3871	1931	20622	26880	6415	32868	21049
DONA ANA	300	532	108	702	238	194	305	195	495	199	2311	3893	634	4461	2377
GRADALUPE	6	12	5	18	5	7	15	20	34	8	84	105	55	134	110
MORA	12	18	3	25	8	6	19	10	24	11	138	125	38	185	116
SAN MIGUEL	121	152	17	174	116	67	171	65	199	104	910	1151	542	1707	896
SUBTOTAL	139	182	25	217	129	80	205	95	257	123	1132	1381	635	2026	1122
CHAVES	169	251	58	324	154	211	205	285	510	191	2483	2140	694	2670	2647
EDDY	168	200	40	267	141	150	218	238	423	183	1307	1718	676	2360	1341
LEA	350	421	96	544	323	72	163	119	281	73	1979	2352	474	3042	1763
SUBTOTAL	687	872	194	1135	618	433	586	642	1214	447	5769	6210	1844	8072	5751
GRANT	91	123	49	173	90	54	95	53	154	48	855	871	243	1130	839
HIDALGO	23	54	9	57	29	11	27	11	41	8	147	204	27	247	131
LUNA	42	85	23	98	52	23	72	26	75	46	480	481	127	639	449
SUBTOTAL	156	262	81	328	171	88	194	90	270	102	1482	1556	397	2016	1419
CATRON	12	14	0	17	9	2	4	0	5	1	48	67	3	69	49
SIERRA	33	58	29	90	30	12	31	15	43	15	279	519	152	705	245
SOCORRO	75	123	25	136	87	13	50	9	51	21	339	591	89	620	399
TORRANCE	16	70	13	73	26	29	56	20	89	16	211	1233	200	1388	256
SUBTOTAL	136	265	67	316	152	56	141	44	188	53	877	2410	444	2782	949
COLFAX	79	110	39	143	85	15	21	24	49	11	545	434	161	705	435
TAOS	150	82	8	73	167	54	61	12	69	58	1136	765	116	855	1162
UNION	17	37	7	31	30	2	16	8	24	2	162	164	45	232	139
SUBTOTAL	246	229	54	247	282	71	98	44	142	71	1843	1363	322	1792	1736
CURRY	128	275	53	210	246	132	232	102	283	183	1208	1734	414	1842	1514
ROOSEVELT	73	72	35	125	55	47	35	15	72	25	526	446	88	551	509
SUBTOTAL	201	347	88	335	301	179	267	117	355	208	1734	2180	502	2393	2023
DE BACA	8	11	4	16	7	3	1	0	2	2	61	47	8	57	59
HARDING	1	4	0	4	1	0	0	0	0	0	29	27	2	29	29
QUAY	49	67	34	93	57	40	40	4	29	55	491	415	96	469	533
SUBTOTAL	58	82	38	113	65	43	41	4	31	57	581	489	106	555	621
MCKINLEY	92	184	72	197	151	26	206	45	239	38	687	1374	195	1490	766
SAN JUAN	431	620	112	627	536	186	350	56	326	266	2703	2784	378	2887	2978
SUBTOTAL	523	804	184	824	687	212	556	101	565	304	3390	4158	573	4377	3744
LINCOLN	46	113	49	141	67	11	24	11	35	11	637	765	434	1132	704
OTERO	415	296	43	351	403	128	145	39	131	181	1787	1592	195	1743	1831
SUBTOTAL	461	409	92	492	470	139	169	50	166	192	2424	2357	629	2875	2535
CIBOLA	129	198	26	172	181	16	78	13	89	18	601	839	155	873	722
SANDOVAL	161	198	61	197	223	42	145	71	190	68	1141	1337	342	1580	1240
VALENCIA	332	255	31	282	336	41	98	9	105	43	1721	1713	384	2307	1511
SUBTOTAL	622	651	118	651	740	99	321	93	384	129	3463	3889	881	4760	3473
TOTAL	8126	9414	2636	11595	8581	3588	6030	3240	8825	4033	49804	63224	15009	76616	51421



**MAGISTRATE COURTS**  
**Magistrate Court Judges - 1991 Roster**

<u>County/Division</u>	<u>Location</u>	<u>Judge</u>
Catron I	Reserve	Robert A. Atwood
	Quemado (Circuit)	
Chaves I	Roswell	Billy V. Carpenter
Chaves II	Roswell	John W. McLemore
		Presiding Judge
Cibola I	Grants	W. Frank Emerson
Cibola II	Milan	Marion K. Cregger
Colfax I	Raton	Archie A. Valdez
Colfax II	Springer	Fred C. Caldwell
	Cimarron (Circuit)	
Curry I	Clovis	Caleb J. Chandler
Curry II	Clovis	Richard A. Burke
		Presiding Judge
De Baca I	Ft. Sumner	Thomas P. Rogers
Doña Ana I	Las Cruces	Oscar C. Frietze
Doña Ana II	Las Cruces	Benjamin B. Rios
		Presiding Judge
Doña Ana III	Las Cruces	Ruben J. Maynez
	Anthony (Circuit)	
	Hatch (Circuit)	
Eddy I	Carlsbad	Bill L. Sadler
Eddy II	Carlsbad	Nancy F. Beard
		Presiding Judge
Eddy III	Artesia	Larry E. Wood
Grant I	Silver City	John H. Scholl
Grant II	Bayard	Y.B. Morales
Guadalupe I	Santa Rosa	Arcenio C. Sanchez
	Vaughn (Circuit)	
Harding I	Roy	Pedro A. Gonzales
Hidalgo I	Lordsburg	Edward S. Cramer
Lea I	Lovington	Vickey A. Crawford
Lea II	Hobbs	J. Ralph Wrinkle
Lea III	Eunice	Don W. Gladden
Lea IV	Tatum	Kenneth W. Grawunder
	Jal (Circuit)	
Lincoln I	Carrizozo	Gerald Dean, Jr.
Lincoln II	Ruidoso	James R. Wheeler
Los Alamos I	Los Alamos	Marthanne Reinhard

**MAGISTRATE COURTS**  
**Magistrate Court Judges - 1991 Roster**

<u>County/Division</u>	<u>Location</u>	<u>Judge</u>
Luna I	Deming	Frederick G. Gifford
McKinley I	Gallup	Lidio G. Rainaldi
McKinley II	Gallup	Paris C. Derizotis Presiding Judge
McKinley III	Thoreau	John J. Carey
Mora I	Mora	Rudy C. Montoya
Otero I	Alamogordo	Reynaldo S. Cordova
Otero II	Alamogordo	Henry M. Prelo Presiding Judge
Quay I	Tucumcari San Jon (Circuit)	J. Bronson Moore
Rio Arriba I	Chama	Tony Martinez
Rio Arriba II	Española	Richard C. Martinez
Roosevelt I	Portales	Jesse Porter
Sandoval I	Bernalillo	Bennie Lovato
Sandoval II	Cuba	Kenneth Eichwald
San Juan I	Aztec	Brenda J. Hines
San Juan II	Farmington	Karla P. Hall
San Juan III	Farmington	Terry L. Pearson, Sr. Presiding Judge
San Miguel I	Las Vegas	Luis Martinez
San Miguel II	Las Vegas	Oliver J. Hern Presiding Judge
Santa Fe I	Santa Fe	Eugene F. Romero Presiding Judge
Santa Fe II	Santa Fe	Isaac R. Archuleta
Santa Fe III	Santa Fe Pojoaque (Circuit)	George Anaya, Jr.
Sierra I	T or C	Totsie Norton Williams
Socorro I	Socorro	Ignacio N. Garcia
Taos I	Taos	Erminio Martinez
Taos II	Taos Questa (Circuit)	Betty J. Gonzales Presiding Judge
Torrance I	Moriarty Estancia (Circuit)	Jean Williams
Union I	Clayton	Herbert S. Blakely
Valencia I	Los Lunas	Toribio L. Perea
Valencia II	Belen	Gillie Sanchez

## Magistrate Courts - Activities

### Magistrate Court System

Magistrate court is the State Court of Limited Jurisdiction. Under state law, magistrate courts have the power to decide certain types of cases. Although the proceedings in magistrate court are similar to those in the district court, they are simplified so that everyone has a forum available to present his or her case.

July 1, 1986 saw a major change in the magistrate court system in New Mexico. Now, all but two judges are full time. Unnecessary courts were abolished by the legislature and limited case load courts were designated as circuit courts. There are 57 magistrate judges in 32 counties. The AOC and the magistrates are always striving to improve the magistrate court system. Long term goals focus on training for judges and clerks; increased compensation for clerks and other court staff; and automation.

### Funding

The demanding case load of the magistrate court system has caused the tasks performed by the clerical staff to become detail oriented and of significant importance. In order to provide quality service to the public and meet the demands created by the case load, the magistrates requested additional clerical staff for 1991. In the future, automation may help to alleviate the problems associated with a demanding case load. Due to the economic conditions of the state, the magistrate system did not receive any additional clerical positions.

Also in 1991, magistrate clerk's training was canceled and the designated funds were transferred to the supplies category to cover a deficiency. Magistrate court rents (leases) underwent several cuts that included negotiations with landlords to allow limited renewals without paying an increase in rent, without honoring escalation provisions, and postponing plans to relocate some courts; all based on the clause that tied the AOC commitment to legislative funding.

### New Mexico Magistrate and Metropolitan Court Benchbook

The New Mexico Magistrate and Metropolitan Court Benchbook was completely revised in 1991 by the Courts of Limited Jurisdiction Committee. The primary purpose of the benchbook is to provide the magistrate and metropolitan judges with the necessary information to perform their judicial duties. The benchbook is a procedures manual that provides a general explanation of the law or procedure.

The magistrate and metropolitan judges were given an opportunity to provide feedback on the revisions at their annual training conference. The judges identified specific areas that needed to be qualified. Of major concern was that the benchbook be updated and reviewed on a regular basis.

**MAGISTRATE REVENUE REPORT**  
**79th (1990-1991) Fiscal Year**  
**(All amounts in dollars)**

79TH FISCAL YEAR	COURT COSTS FINES/FEES	COURT COSTS & OTHER COURT COSTS	CIVIL COURT COSTS	LAB FEES	SUBSTANCE LAB FEES	TRAFFIC SAFETY	CORRECTION FEES	COURT AUTO- MATION FEE	TOTAL
CATRON CIRCUIT	10,693	4,352	375	500	70	659	2,843	744	20,236
CATRON I	9,941	2,450	1,050	315	150	255	1,690	311	16,162
CHAVES I, II	173,529	7,169	44,645	6,652	2,121	4,759	19,766	5,748	264,389
CIBOLA I	36,975	8,815	2,405	1,650	630	1,523	7,232	1,758	60,988
CIBOLA II	31,015	10,260	475	1,890	75	2,847	10,710	3,039	60,311
COLFAX CIRCUIT	21,180	4,995	450	1,005	0	662	3,895	812	32,999
COLFAX I	37,707	3,857	3,735	1,680	1,135	1,731	7,340	1,860	59,045
COLFAX II	24,841	5,095	650	1,089	395	1,005	4,410	1,110	38,595
CURRY I, II	117,995	18,942	22,860	5,572	975	5,784	25,353	6,672	204,153
DEBACA I	37,524	3,965	2,010	1,003	10	820	3,534	1,019	49,885
DONA ANA CIRCUIT	70,219	10,649	4,085	1,030	70	2,939	11,152	3,208	103,352
DONA ANA CIRCUIT CO	4,659	1,390	500	245	0	126	930	228	8,078
DONA ANA I, II, III	135,724	40,991	39,441	8,589	0	7,133	29,528	7,457	268,863
EDDY I, II	118,517	21,304	23,375	2,382	1,068	4,034	18,228	4,536	193,443
EDDY III	36,196	5,835	6,535	1,314	410	1,386	5,472	1,519	58,667
GRANT I	65,535	18,840	9,410	2,695	1,200	4,155	18,450	4,569	124,854
GRANT II	43,974	7,267	2,110	2,170	463	1,439	7,516	1,744	66,683
GUADALUPE CIRCUIT	21,272	9,398	125	0	36	1,401	5,000	645	37,877
GUADALUPE I	31,017	11,395	725	420	0	1,401	5,880	1,254	52,092
HARDING I	2,001	505	100	105	0	150	637	166	3,664
HIDALGO I	50,836	13,998	2,350	1,423	525	2,352	9,787	2,310	83,581
LEA CIRCUIT	3,021	240	375	70	0	51	272	57	4,086
LEA I	58,405	11,062	3,500	1,205	525	2,244	8,698	2,343	87,982
LEA II	248,492	28,340	27,660	5,930	2,400	4,859	24,630	5,648	347,959
LEA III	12,564	1,380	1,225	280	35	345	1,410	378	17,617
LEA IV	1,673	460	50	0	0	102	350	105	2,740
LINCOLN I	58,445	15,519	575	740	400	1,931	9,375	2,004	88,989
LINCOLN II	21,598	4,766	5,390	2,573	555	1,104	5,232	1,283	42,501

**MAGISTRATE REVENUE REPORT (Continued)**  
**79th (1990-1991) Fiscal Year**  
**(All amounts in dollars)**

79TH FISCAL YEAR	COURT COSTS FINES/FEES	COURT COSTS & OTHER COURT COSTS	CIVIL COURT COSTS	LAB FEES	SUBSTANCE LAB FEES	TRAFFIC SAFETY	CORRECTION FEES	COURT AUTO- MATION FEE	TOTAL
LOS ALAMOS I	41,115	9,484	3,510	1,280	570	3,068	12,936	3,451	75,413
LUNA I	39,786	2,900	4,470	2,760	300	3,551	12,697	3,737	70,201
MCKINLEY I, II	201,285	57,154	9,750	14,496	1,070	9,053	44,197	11,770	348,775
MCKINLEY III	5,577	2,340	75	0	0	738	2,590	777	12,097
MORA I	22,496	2,475	550	525	70	1,962	7,576	2,061	37,715
OTERO I	49,646	6,319	5,260	2,035	375	1,184	6,377	1,645	72,841
OTERO I, II	102,901	15,059	8,010	5,491	1,901	3,406	14,947	3,675	155,390
QUAY CIRCUIT	90,654	16,520	25	0	0	3,039	11,995	3,597	125,830
QUAY I	42,692	12,351	5,105	1,660	1,210	1,531	8,655	2,108	75,312
RIO ARRIBA I	23,887	5,640	525	910	220	1,179	5,095	1,323	38,779
RIO ARRIBA II	97,269	20,857	4,235	2,105	829	4,483	20,440	5,127	155,345
ROOSEVELT I	143,677	17,815	9,635	3,943	595	4,597	22,068	5,413	207,742
SAN JUAN I	63,304	15,273	3,260	5,740	90	1,400	12,580	2,473	104,120
SAN JUAN II, III	140,440	44,082	29,060	3,400	0	6,520	28,999	7,401	259,902
SAN MIGUEL I, II	26,687	10,554	4,830	3,090	295	2,060	9,693	2,199	59,407
SANDOVAL I	30,037	5,617	6,850	3,530	655	2,928	9,816	2,901	62,334
SANDOVAL II	20,690	8,398	550	1,035	750	1,881	6,951	2,055	42,310
SANTA FE CIRCUIT	22,764	5,668	600	1,640	220	1,153	5,477	1,508	39,030
SANTA FE I, II, III	181,801	46,707	48,850	11,560	1,000	8,409	42,084	11,112	351,523
SIERRA I	74,998	18,765	2,475	2,642	395	1,452	12,275	2,456	115,458
SOCORRO I	58,706	21,124	2,275	4,315	875	3,174	16,103	4,028	110,500
TAOS CIRCUIT	6,555	785	625	175	35	162	930	262	9,529
TAOS I, II	52,514	11,505	8,015	4,360	450	5,478	22,104	6,286	110,712
TORRANCE CIRCUIT	6,783	1,782	550	395	260	141	1,220	225	11,356
TORRANCE I	28,506	6,761	950	1,280	35	1,116	6,597	1,836	47,081
UNION I	43,384	7,344	2,475	745	0	1,386	5,597	1,650	62,580
VALENCIA I	36,317	6,070	7,610	6,506	0	2,134	7,002	2,599	68,238
VALENCIA II	112,500	21,618	6,650	6,749	1,672	3,450	16,021	4,167	172,827
TOTALS:	3,252,519	674,197	382,961	144,794	27,120	137,832	622,342	160,369	5,402,133

**MAGISTRATE CASE LOAD FILINGS**  
**79th (1991-92) Fiscal Year**

COUNTY & CITY	FILINGS/CHARGE	DISPOSITIONS
<b>CATRON</b>		
Reserve	331	373
Quemado <sup>1</sup>	384	374
<b>CHAVES</b>		
Roswell	7,370	7,135
<b>CIBOLA</b>		
Grants	1,107	862
Milan	1,230	1,275
<b>COLFAX</b>		
Raton	2,191	1,205
Springer	660	672
Cimarron <sup>1</sup>	439	491
<b>CURRY</b>		
Clovis	2,946	3,591
<b>DE BACA</b>		
Ft. Sumner	716	499
<b>DOÑA ANA</b>		
Las Cruces	6,493	5,717
Hatch <sup>1</sup>	61	37
Anthony <sup>1</sup>	1,894	1,403
<b>EDDY</b>		
Carlsbad	3,326	2,951
Artesia	2,244	1,314
<b>GRANT</b>		
Silver City	3,027	2,880
Bayard	1,093	1,194
<b>GUADALUPE</b>		
Santa Rosa	904	414
Vaughn <sup>1</sup>	651	389
<b>HARDING</b>		
Roy	64	58
<b>HIDALGO</b>		
Lordsburg	1,874	1,705
<b>LEA</b>		
Lovington	1,387	1,890
Hobbs	5,116	4,952
Eunice	357	349
Tatum <sup>2</sup>	49	44
Jal <sup>1</sup>	102	93
<b>LINCOLN</b>		
Carrizozo	1,629	925
Ruidoso	1,414	1,040
<b>LOS ALAMOS</b>		
Los Alamos	2,633	2,862
<b>LUNA</b>		
Deming	4,717	5,650
<b>McKINLEY</b>		
Gallup	10,002	8,711
Thoreau <sup>2</sup>	495	390

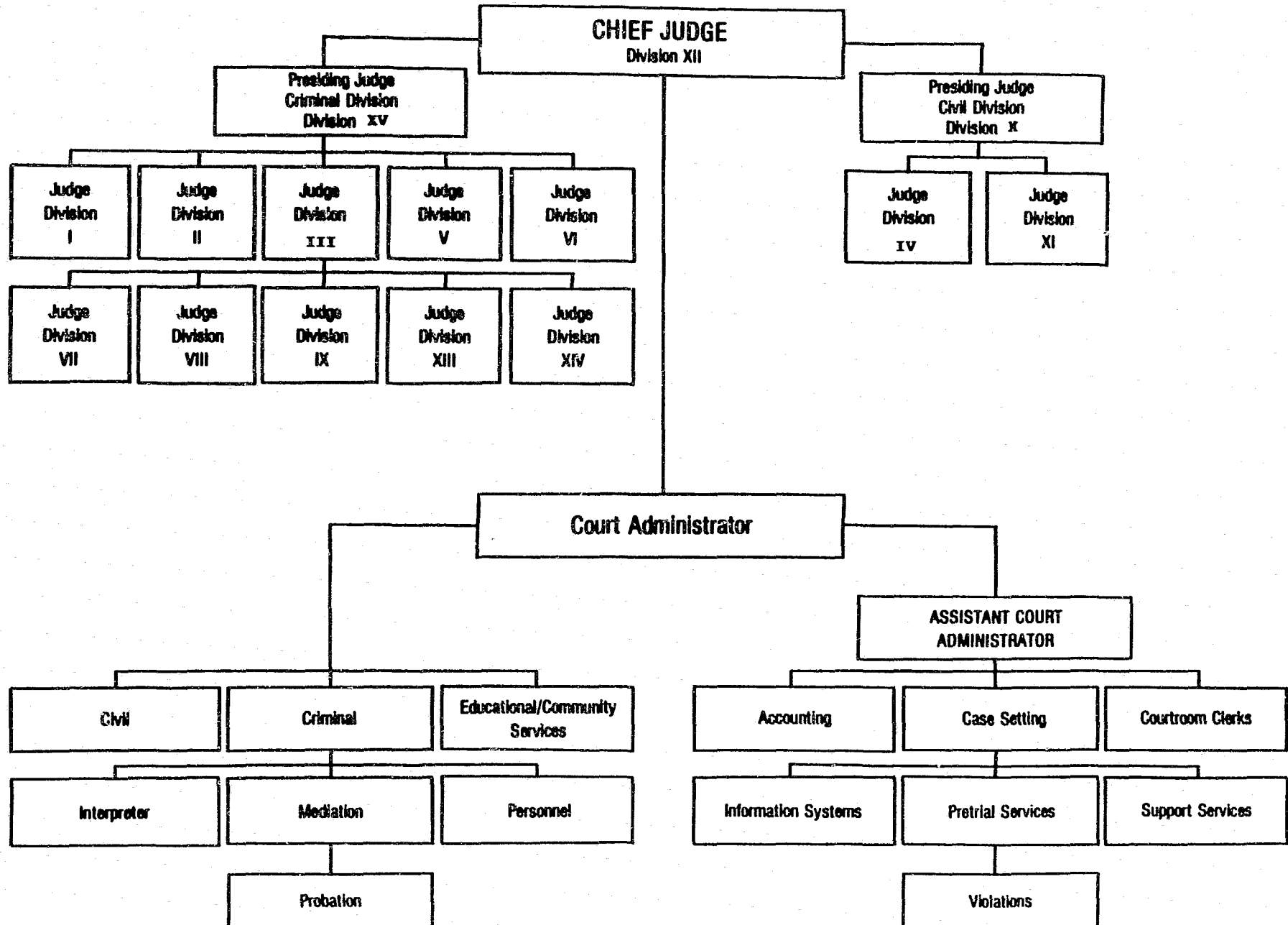
**MAGISTRATE CASE LOAD FILINGS**  
**79th (1991-92) Fiscal Year**

COUNTY & CITY	FILINGS/CHARGE	DISPOSITIONS
MORA Mora	1,076	961
OTERO Alamogordo	4,469	4,872
QUAY Tucumcari	2,225	1,937
San Jon <sup>1</sup>	1,409	1,317
RIO ARriba Chama	540	517
Espanola	3,056	3,114
ROOSEVELT Portales	3,902	3,662
SANDOVAL Bernalillo	1,766	1,895
Cuba	1,411	1,075
SAN JUAN Aztec	1,578	1,189
Farmington	7,930	7,263
SAN MIGUEL Las Vegas	1,126	902
SANTA FE Santa Fe	13,726	10,780
Pojoaque <sup>1</sup>	1,352	683
SIERRA T or C	2,616	3,001
SOCORRO Socorro	1,849	1,834
TAOS Taos	4,463	3,909
Questa <sup>1</sup>	28	51
TORRANCE Moriarty	1,214	637
Estancia <sup>1</sup>	402	215
UNION Clayton	805	658
VALENCIA Los Lunas	3,500	1,633
Belen	2,390	2,467
GRAND TOTALS	129,739	116,017

<sup>1</sup> This court operates as a circuit court.

<sup>2</sup> Part-time judge.

# Bernalillo County Metropolitan Court





### Activity Report

The Metropolitan Court is composed of 12 judges (three new judges will be added in January 1991) and 161 full-time, support staff. There are 14 divisions, including a Spanish Language Court Interpreter and Mediation Program.

The Accounting Division continues to implement a supply inventory system and has assisted in revising the joint-purchasing agreement between Metropolitan Court and District Court. The Accounting Division was responsible for the tracking of receipts in excess of \$5,785,494. Total FY-78 receipts exceeded FY-77 collections by 24.3%. In addition, the division processed 9,468 cash bonds and 4,922 surety bonds during FY-78. The division was also responsible for the collection of \$60,410 in interest paid through the initiation of repurchase agreements.

The following is a listing by category of revenue collected during FY-78:

#### METROPOLITAN COURT REVENUE REPORT 79th (1990-91) Fiscal Year

<u>Category</u>	<u>Total for Fiscal Year</u>
Fines	\$ 1,715,753
School Fees	189,023
Bond Forfeitures	159,871
Automation Fees	128,266
Civil Fees	226,600
Correction Fees	432,384
Docket Fees	303,363
Health Lab Fees	103,594
Interest Income	54,063
Mediation Fees	45,350
Probation Fees	45,960
Traffic Safety Fees	105,323
Traffic Safety Bureau	45,760
Other	<u>4,505</u>
Total	\$ 3,559,815

#### Where We Were - Fiscal Year 79

The major emphasis of FY-79 was the acquisition of a new IBM AS 400 Computer System and the transferring of all data from the old system to the new one. Our data processing staff established a state record by completing this task within one week.

Remodeling - Two wings of the second floor were remodeled to accommodate two of our three new judges. The addition of three new judges necessitated relocating the Metropolitan Misdemeanor District Attorney Unit and the three law enforcement agency liaisons out of our building. Six divisions of the court were also relocated within the building. Funding for the construction of a third courtroom was appropriated by the legislature in 1991.

Upgrading - The overall appearance of the building, the furnishings and equipment was upgraded.

Enhancing Court Security - The court security system was enhanced and the building was brought into compliance with state fire code regulations.

#### Where We Are

In FY-80, our major emphasis has been on Case load Management. We are in the process of developing a master plan for automating all our departments and for enhancing collection of outstanding fines and fees. In this vein, we contracted with the National Center for State Courts to conduct a case load management study which will assist court personnel in identifying problem areas, in setting priorities with regard to docket settings, and in developing procedures for eliminating backlog in criminal trial settings and bond arraignments. Since the three new judges began to hear cases, delay in the first trial settings for criminal misdemeanor cases was reduced from five months to four months; and in bond arraignments delay was reduced from three months to one month.

Our consultant met with judges, administration, several division heads and representatives of the police department, Public Defender's office, District Attorney's office and the Detention Center. The meeting gave the consultant an opportunity to obtain a grasp on how cases are initiated, processed and set for court.

A master plan, now in the developmental stages, will establish priorities for how computer resources will be used to process paperwork and assist with the public. Enhancements to the computer system will improve the court's responsiveness to the public, as well as develop higher employee productivity.

With regard to enforcement of collection of outstanding fines and fees, procedures have been implemented in the Violations Division which will reduce the number of trials resulting from traffic citations. Defendants are given the opportunity to plead guilty at the counter, in cases where the defendant only needs time to pay or would like to perform community service in lieu of payment.

Preliminary talks with the Motor Vehicle Department (MVD) were held to explore the possibility of having one of our cashiers stationed at the MVD office to accept payment for outstanding citations, in cases where a license is suspended because the defendant failed to appear. This would eliminate citizens having to appear at court to clear the citation and then having to return to MVD to reinstate their license. In addition, we are working with cross training staff in the Violations Division and Case Setting Division for the purpose of reducing long lines and to better serve the public. We are also exploring the possibility of the court contracting with a collection agency for the collection of outstanding fines and fees.

We will continue to emphasize safety, security and the overall general maintenance of the building.

Where We Hope To Be - FY-81

We will continue to work with our case load management plan developed in FY-80, with the goal of reducing the time frame for the first trial setting for criminal misdemeanor cases from four months to two months; and the delay in bond arraignment settings from one month to five days. Criminal Division trial judges are generally scheduled to cover between 16 or 20 trials per day. The bond arraignment judges are usually scheduled to cover 80 arraignments per day.

In addition, we plan to continue to emphasize the automation of all court functions, off-site pay stations, explore mail-in payments and develop legislation to allow metropolitan court to become a court of record in DWI cases. By becoming a court of record, trials de novo will be eliminated in the district court. Also, a message will be delivered to the community that the court and the legislature are serious about the DWI problem in the county. It will cost \$80,000 to make metropolitan court a court of record.

In an effort to maximize the use of our manpower resources, we are hoping to implement a "voice technology" system which will allow the public to continue to access information from our various departments by telephone. These efforts will hopefully allow the staff to concentrate on case processing and one-to-one service to the public.

Statistical Report 79th (1990-91) Fiscal Year

	<u>CIVIL</u>	<u>MISD</u>	<u>PARKING</u>	<u>TRAFFIC</u>	<u>DWI</u>	<u>FELONY</u>	<u>TOTAL</u>
Filings	9,175	86,877	27,446	178,105	8,754	3,064	313,421
Dispositions	10,363	31,191	23,288	145,608	8,906	3,064	222,420

<u>Civil Cases Filed by Type</u>	<u>Under \$2,000</u>	<u>Over \$2,000</u>	<u>Total</u>
Damages/Personal Injury	35	25	60
Property Damage	689	190	879
Forcible Entry and Detainer	61	4	65
Debt and Money Due	3,537	712	4,249
Contract	204	49	253
Bad Checks	104	3	107
Replevin	6	1	7
Back Wages	39	8	47
Other Damages	533	123	656
Restitution (Landlord/Tenant)	<u>3,967</u>	<u>33</u>	<u>4,000</u>
Totals	9,175	1,148	10,323

### Educational/Community Services Division

<u>Defendants Enrolled In:</u>	<u>Totals</u>
Petty Larceny School	1,031
DWI School	3,225
Driver Improvement School	4,633
Motorcycle Safety School	115
Pet Owner Responsibility School	68
Victim's Impact Panel	2,887
 Referred to Community Service	 9,367
 Community Service Hours Performed	 400,590

### Pretrial Services Division

Number of defendants arrested	
and booked on misdemeanor charges	27,706
Defendants not eligible for pretrial release	8,295
Defendants interviewed for possible pretrial release	19,411
Defendants denied pretrial release	13,470
Defendants released nonfinancial	6,226
Number of defendants arrested and booked on felony	
open charges	3,387
Number of defendants interviewed on felony charges	3,181
Number of felony background investigations conducted	2,437
Total misdemeanor and felony releases	7,565

### Probation Division

Monthly average of clients on supervised probation	1,097
Probation terminations (successful)	1,959
Probation terminations (unsuccessful)	646
Monthly average of clients supervised	
by volunteer officers	215

### Violations Division

Misdemeanor cases:	
Filed	86,877
Disposed	31,191
 Traffic Cases:	
Filed	178,105
Disposed	145,608

## OTHER JUDICIAL AGENCIES

### SUPREME COURT LAW LIBRARY

The Supreme Court Law Library is governed by a board of trustees composed of all the Justices of the Supreme Court. The board hires the Director (State Law Librarian) and oversees the general management of the library. The library, supported entirely from the general funds of the state, is the state's central legal library, and provides oversight and guidance to the 32 District Court Law Libraries in the state. The library was the official state archives from 1931 to 1969 and currently retains much of that material. The state Law Librarian is an ex officio member of the State Commission of Public Records and the Compilation Commission Advisory Board. During fiscal year 79, he was also the chairman of the State Bar's Library Committee and the Judicial Records Retention Committee. In FY-80, he was also appointed chairman of the Advisory Committee on New Mexico Rules and Regulations.

#### Activity Highlights

Patron needs and requests continued at a high level. Over 50 new patrons were registered. Circulation of books, as measured by the card file, was slightly higher than last year. Circulation of periodicals remained constant. The three highest areas of complaint were the dearth of current material, overcrowded books on the shelves, and inadequate evening and weekend hours. Compliments received were up, as increased reference service strove to make up for declining resources.

The library book budget continued to decline in real dollars. The appropriation for supplements has increased less than 2% a year since FY-77, while supplementation costs increased by 8.79% per year since FY-77. The library was thus again unable to maintain full supplementation of existing sets. The result was that the library had to cut over \$8,000.00 of treatise supplementation in FY-79. Essential materials are no longer being updated, and complaints show a significant increase. The library added 2,196 hardbound volumes in 1989-90. This is approximately equal to the number of volumes added in FY-74, despite the large increase in the number of case reporters issued each year. One hundred fifty-one of these volumes were new titles, most of which were gifts and monographs received on the federal depository program. The majority of the 2,196 volumes were case reporters, law reviews and U.S. documents.

The book of forms for the use of pro se litigants in the district courts was published and distributed throughout the state.

The library met its revised automation goals for FY-79. The reduction of the automation budget to zero for FY-80, however, has placed the entire plan in question.

Full responsibility continued for the management of the computer assisted legal research program. This program consists of three parts: (1) locally developed, in-house databases, such as the Index to New Mexico Attorney General Opinions, Index to N.M. Supreme Court Cases on Appeal, and the Index to Judicial Conduct Opinions; (2) purchased databases which run on the libraries microcomputers such as CD-ROM databases; and (3) the on-line services of WESTLAW and LEXIS.

The library's information retrieval capability was increased in FY-79 with a second copy of New Mexico Law on a Disc. The Index to Legal Periodicals, West's Federal Practice Library and Bender's Federal Civil Practice Library are all also on CD-ROM, and all available for direct patron use. Additionally, in FY-79 the library prepared an extensive review of New Mexico Law on a Disc.

The state Law Librarian visited five of the 32 district court law libraries, and provided additional consultation by letter and telephone. All district court law libraries are hampered by lack of funds, lack of adequately trained staff, and lack of space, as well as the inadequacy of the facilities with regard to shelf arrangement, lighting, and cleaning. None of them meet the national Standards for County Law Libraries.

Long range plans for the Law Library include bibliography preparation, preparation of collection development policies and analysis, development of a library procedures manual, promulgation of District Court Law Library Standards, development of additional publications, and increased support for the district courts. These projects will take extensive planning and correspondence time as well as budgetary support.

#### Summary

Staff morale remains high. The Law Library is working to meet the national Standards for Appellate Court Law Libraries and for the district courts to meet the national Standards for County Law Libraries. This will require additional staff, further supplementation of all its treatises, full binding for its periodicals which are intended for the permanent collection, additional seating for its patrons and space for its books, and improved search and retrieval systems. Increased training efforts, management controls, and the good will of the library staff continue to provide the much needed service of access to the law for the people of the State of New Mexico.

#### SUPREME COURT BUILDING COMMISSION

The Supreme Court Building Commission is composed of Chief Justice Richard E. Ransom, Honorable Samuel Z. Montoya, ret., and Mr. John F. McCarthy. The Commission is responsible for the care, custody and control of the Supreme Court Building, its grounds and all furniture, fixtures and equipment used by judicial agencies housed in the building. Under the supervision of the building superintendent and his assistant, the maintenance and custodial staff perform the continuous duties of building repair and maintenance.

The Supreme Court Building was originally constructed in 1936, with a major annex completed in 1964. The Supreme Court, Court of Appeals (including the Prehearing Division), Administrative Office of the Courts, and the Supreme Court Law Library are located in the building. The building consists of approximately 72,000 square feet, and houses 120 employees.

The building superintendent and his staff were involved in a variety of projects. One project of significant magnitude was the replacement of 1,380 sq. ft. of flagstone in the front walk. The staff also assisted with the installation of new carpet in several offices; the installation of new mini blinds; the replacement of clean-outs on the sewer line; the remodeling of a closet into an alcove for a printer; the installation of a new drain line on the chiller in the computer room; the installation of a new low water cut-off valve and a new safety pressure valve on the new boiler.

## NEW MEXICO COMPILATION COMMISSION

The Compilation Commission serves as the publisher of: laws enacted by the New Mexico Legislature, court rules, instructions and forms promulgated by the New Mexico Supreme Court, New Mexico Supreme Court and Court of Appeals opinions and New Mexico Attorney General opinions. The Commission also has the responsibility of publishing several judicial benchbooks.

The statutory functions and duties of the New Mexico Compilation Commission are carried out under the direction of a five member advisory committee.

During the 1989-1990 fiscal year, New Mexico became the first state to have its laws available for search and retrieval using a personal computer CD ROM drive. This new technology promises to increase the productivity of state and local government officials using the statutes and court opinions. It will also provide a valuable historical version of the NMSA 1978 and reduce costly space requirements for storage of the laws. The legislature is planning on using a version of this data base for its new automated systems. During the 1990-1991 fiscal year a major effort was made to install CD-ROM drives in state agencies and local public bodies. Training and continuing education programs were performed throughout the year. The Commission's sales have steadily increased with 1990-1991 CD-ROM subscription fees of \$41,575.00. During the 1991-1992 fiscal year Supreme Court opinions issued between the years 1945 and 1965 will be added to the disc. The Commission is working with the publisher to provide forms on the disc plus several other enhancements.

Other major new projects of the Compilation Commission during the 1990-1991 calendar year included:

- (1) converting and preparing the first automated data base of Attorney General opinions for search and retrieval;
- (2) publication of a combined Magistrate Court and Metropolitan Court Benchbook. Prior benchbook was completely revised; and
- (3) Preparing revisions of UJI Civil to make those instructions gender neutral.

Court Opinions. New Mexico Law On Disc contains the NMSA 1978 and the New Mexico Supreme Court opinions issued since January, 1965 and New Mexico Court of Appeals Opinions issued since November, 1966. It is updated quarterly.

New Mexico court opinions are also available for on-line search and retrieval through one of three on-line computer services; Lexis/Nexis, Westlaw and LegalNet/TechNet. All opinions published after July 1, 1987 are available through Technet/LegalNet at a lower on-line search and retrieval cost than is available through June 30, 1991 more than 900 New Mexico Supreme Court and New Mexico Court of Appeals opinions were reformatted by the Commission and inserted into the LegalNet court opinion data base. During the July 1, 1990 through June 30, 1991 period 238 opinions were added to this data base. The LegalNet data base is the most current data base of New Mexico opinions available.

New Mexico Statutes Annotated, "NMSA 1978". The primary responsibility in terms of revenues and expenditures is to publish the laws enacted by the legislature and to keep a current base of these laws.

The Commission staff proofreads all laws, court rules and instructions to assure that the NMSA 1978 contains the correct current copy of the laws. The following table shows the gradual increase in the number of new laws, court rules and instructions which must be published by the Commission. The 1991 laws published during the 1990-1991 and 1991-1992 fiscal years exceeded all prior years including 1987. The 1987 page count reflects a recompilation of court rules, instructions and forms which was processed separately from the laws enacted by the legislature.

	<u>Pages of Laws Published</u>							
	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>
Session Law Pages	1637	1812	1217	2785	1257	2911	1445	2288
NMSA 1978 Supplements & Replacements	5270	5090	4592	7443*	5274	5611	5118	6086

\*includes recompilation of rules.

Court Rules, Instructions and Forms. Through a contract with the Supreme Court the Commission acts as staff for Supreme Court-appointed rules committees. The Commission drafts court rules, instructions and forms. The Commission maintains loose-leaf binders containing pending drafts for most committees.

Most of the 86 rule amendments and new rules were published by the Commission in the 1990-1991 fiscal year were drafted by the Commission. Several hundred drafts of rule amendments were prepared by the Commission for consideration by the Supreme Court and its rules committees during the 1990-1991 fiscal year.

New Mexico Reports. The Commission serves as the exclusive source for the New Mexico Reports published by West Publishing Company which includes all New Mexico Supreme Court and New Mexico Court of Appeals Opinions. Two volumes were published and distributed during the 1990-1991 calendar year.

Attorney General Opinions. The Commission serves as the exclusive source for bound Attorney General Opinions and indices. A substantial effort was made in 1990 and 1991 to convert and reformat the opinions of Attorney General Stratton. The Commission will include these opinions along with many of the 1991 opinions issued by Attorney General Udall on November, 1991 CD-ROM disc. It will also publish the opinions of Attorney General Stratton during the 1992 calendar year.

Parallel Tables of the Laws. The Commission is required to maintain parallel tables of the laws. These tables are prepared at the end of each session to assure that all current general laws are published. dBase III is used for this purpose. The Commission is exploring a means to include the parallel tables on personal computer data bases.

Session Laws. In cooperation with the Secretary of State the Commission assists in the publication of the Secretary of State's Session Laws. It is the goal of the Commission to assure delivery of the Session Laws to the Secretary of State within 30 days after the last bill is signed by the Governor.



### JUDICIAL STANDARDS COMMISSION

The Commission has been in existence since June of 1968; it consists of two judges, two lawyers, and five lay members. The members serve without compensation, other than reimbursement for mileage and per diem. Lay members serve five-year terms, while the lawyer and judge members are appointed to four-year terms. The terms are staggered. The current members, appointing authorities, and expiration dates of terms are set out below:

<u>Member</u>	<u>Appointed by</u>	<u>Terms Expire</u>
Linda Atkinson Public Member Albuquerque	Governor	June 30, 1994
Annadelle Sanchez Public Member Española	Governor	June 30, 1995
Fred Harris Public Member Albuquerque	Governor	June 30, 1996
Peggy C. Traver Public Member Albuquerque	Governor	June 30, 1992
Dr. Tyrone L. Hardy Public Member Albuquerque	Governor	June 30, 1993
W. Booker Kelly, Esq. Attorney Santa Fe	Board of Bar Commissioners	June 30, 1994
Betty Read, Esq. Attorney Albuquerque	Board of Bar Commissioners	June 30, 1992
Position Vacant District Judge	Supreme Court	
Judge Rozier E. Sanchez District Judge Albuquerque	Supreme Court	June 30, 1993

### Authority and Duties of the Judicial Standards Commission

Article VI, Section 32 of the Constitution of the State of New Mexico and Chapter 34, Article 10 of the New Mexico Statutes, authorize the Commission to investigate complaints that a judge has been guilty of willful misconduct in office, has persistently failed to perform or is unable to perform the duties of a judge, is habitually under the influence of intoxicating substances, or is suffering from a physical or mental disability which is of a permanent nature and which renders him incapable of performing his judicial duties.

Up to and including the formal hearing, the existence of an investigation is kept confidential by the Commission, as required by the state constitution. Once the Commission's recommendation is filed with the Supreme Court, its report is of public record. The Supreme Court usually sets a hearing on the Commission's recommendation within a short time, and renders a decision adopting, denying, or modifying the recommendation of the Commission.

At any time, up to the conclusion of a formal hearing, if the investigation shows there is no evidence to support the allegations against the judge, the investigation may be closed. If a judge resigns or fails to be reelected while an investigation is under way, the investigation will be closed since the Commission has no authority to recommend that a person who is no longer a judge be disciplined. In some cases, the Commission has found evidence of wrongdoing by a judge, however the judge's actions were the result of misunderstanding rather than willful misconduct. In those situations, the matter may be referred to the Supreme Court, or to a judge having supervisory authority for counseling.

#### Complaints Received

During the 79th fiscal year, the Commission received 51 complaints. The following chart shows the sources of the complaints and each type of judge against whom the complaints were made:

<u>Source of Complaints</u>	<u>No. of Cases</u>	<u>Judges</u>	<u>No. of Cases</u>
Commission	2	Supreme Court	1
Citizens	2	Court of Appeals	0
Litigants	22	District	18
Criminal Defendants	4	Metropolitan	3
Public Officials	2	Magistrate	22
Lawyers	3	Municipal	5
Judges	0	Probate	2
Police	4	Pro-Tem	0
News Media	5	Candidate	0
Prisoners	4		
Anonymous	1		
Others	2		

During the 79th fiscal year, disposition was made of 49 cases. Of those, nine were pending from the prior year and 11 remained pending at the close of the year on June 30, 1991. The following chart shows the dispositions made:

Out of jurisdiction	16
Insubstantial	6
Dismissed after investigation	15
Judge resigned, died, or not re-elected	2
Formal hearings	6
Letter of caution	7

In some cases more than one disposition was given.

## BOARD GOVERNING THE RECORDING OF JUDICIAL PROCEEDINGS

### Members of the Board

Jennifer Bean-Alverson, President  
Vicki Akenhead, Reporter Member  
Dee Jones, Reporter Member  
Cynthia J. Trafton, Lawyer Member

Justice Joseph F. Baca, Member  
District Judge Frank H. Allen, Member  
William P. Gralow, Lawyer Member  
Kathy L. Romero, Executive Secretary

The Board Governing the Recording of Judicial Recordings is organized pursuant to Supreme Court rule, with staff provided by the Administrative Office of the Courts. The Board is financially autonomous, receives no legislative appropriations and is not a state agency. The Board consists of seven positions and has the authority, under the supervision of the New Mexico Supreme Court, to make and promulgate reasonable rules and regulations governing the practice of court reporting within New Mexico.

To date, there are 249 certified court reporters registered and 58 businesses licensed in the State of New Mexico. Examination for certification is mandatory and these tests are given four times per year by the Chief Examiner at a designated test site.

Of the 185 certified court monitors registered in the State of New Mexico, which consist of district court, the Worker's Compensation Division and the private sector, 18 of those are certified as both court monitors and court reporters. The training and testing of these monitors is done by the designated trainer in the district courts. The Chief Monitor Trainer conducts two training seminars per year for the training of persons interested in becoming certified court monitors.

### Activities

The Court Monitors Manual has been revised this past year by the Chief Monitor Trainer. The Board purchased a fully automated double-entry accounting system that incorporates a complete general ledger. The general ledger is the nucleus of any accounting system and provides the essential information for the preparation for financial statements. Included in this accounting system, is an accounts payable module. The system will generate the following financial reports: balance sheet, income statement, general journal, manual check register, and general ledger detail report.

### DISCIPLINARY BOARD OF THE SUPREME COURT

The Disciplinary Board is comprised of 12 members, consisting of both attorneys and lay members. The chairman of the board is Felix Briones, Jr.; chief counsel for the board is Virginia L. Ferrara.

The board investigates complaints filed against attorneys and either dismisses a case at the staff level or docket it for formal investigation. In September 1989, New Mexico joined the national trend in opening the attorney disciplinary system to more public participation. Rule 17-104(A) now provides that each hearing committee assigned to hear disciplinary matters shall consist of two members of the bar and one nonattorney member. As shown in the table below, there are a number of dispositions that may occur on a docketed case, from dismissal to disbarment.

### Initial Contacts

Complaints Filed	750
Complaints Carried into 1990-91	<u>85</u>
Cases Actually Handled	835

### Dispositions of Complaints

	<u>Informal Action</u>	<u>Formal Action</u>
Dismissed at Staff Level	599	
Docketed for Formal Investigation	111	111
Pending Determination as of June 30, 1991	<u>125</u>	
Cases Actually Handled	835	
 Docketed Cases Carried into 1990-91		<u>68</u>
Total Docketed Cases		179

### Disposition of Docketed Cases

Dismissed by Supreme Court After Hearing	2
Dismissed with a Letter of Caution	34
Dismissed w/concurrence of Reviewing Officer	15
Informal Admonition Issued	32
Formal Action	
Formal Reprimand	5
Public Censure	1
Reinstatement Denied	1
Reinstatement Granted	2
Summary Suspension	1
Suspension Continued Indefinitely	4
Indefinite Suspension with Conditions	3
Six-Month Suspension with Conditions	1
Indefinite Suspension - Deferred - two-year Supervised Probation with Conditions	1
Six-Month Supervised Probation with Conditions	2
Disbarred	<u>10</u>
Total	114

### Status of Remaining Docketed Cases

Under Investigation	20
Suspension Pending Disposition in Related Litigation	16
Before Reviewing Officer	1
Charges in Preparation	5
Charges Pending before Hearing Committee	18
Findings Pending Review by Disciplinary Board	2
Recommendations of Board Pending before Supreme Court	<u>3</u>
Total Docketed Cases Carried into 1991-1992	65