



THE JUDICIAL COUNCIL
OF
NEW MEXICO

Annual Report

64302

December 31, 1979

NEW MEXICO JUDICIAL COUNCIL
New Mexico Law Center
1117 Stanford, NE
P. O. Box 4007
Albuquerque, NM 87196



DR. JAMES A. BEALL
Chairman
THEODORE MONTOYA
Vice-Chairman
DAVID R. GARDNER
Executive Secretary
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January 1, 1980

The Honorable Bruce King, Governor
State of New Mexico

The Honorable Members of the
New Mexico State Legislature

The Honorable Justices of the
New Mexico Supreme Court

Dear Governor, Members of the Legislature, and Justices of the
Supreme Court:

I am submitting herewith the 1979 annual report of the New Mexico
Judicial Council pursuant to Section 34-12-5, New Mexico Statutes
Annotated, 1978 Compilation, which directs the Judicial Council
to "submit a report of its proceedings and recommendations to
the legislature, the governor and the supreme court each year."

Respectfully submitted,

Dr. James A. Beall
Dr. James A. Beall, Chairman
New Mexico Judicial Council

vld

NCJRS

JAN 25 1980

ACQUISITIONS

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JUDICIAL COUNCIL MEMBERSHIP

December 31, 1979

Chairman

Dr. James A. Beall

Vice-Chairman

Russell D. Mann

Manny M. Aragon, Senator, Albuquerque

Edward J. Baca, Acting Director, Administrative Office of the Courts,
Santa Fe

James A. Beall, Lay Member, Ruidoso

Reginald A. Begaye, Representative, Tohatchi

Jeff Bingaman, Attorney General, Santa Fe

Robert Desiderio, Dean, University of New Mexico School of Law,
Albuquerque

Eugene Franchini, District Judge, Albuquerque

B. C. Hernandez, Court of Appeals Judge, Albuquerque

Edmund H. Kase, III, District Judge, Socorro

Russell D. Mann, Attorney, Roswell

Marshall G. Martin, Attorney, Albuquerque

H. Vern Payne, Supreme Court Justice, Santa Fe

Lidio Rainaldi, Magistrate, Gallup

Ira Robinson, District Attorney, Albuquerque

Carlos G. Salas, Lay Member, Mesilla Park

Harry E. Stowers, Jr., District Judge, Albuquerque

Hal Stratton, Representative, Albuquerque

Mary M. Wilson, Lay Member, Albuquerque

The Judicial Council feels deeply the loss of Senator Theodore R. Montoya who was serving as Vice-chairman of the Council at the time of his death. The following also served as members of the Council during 1979: Senator Paul F. Becht, Albuquerque; Justice Mack Easley, Santa Fe; District Judge James A. Maloney, Albuquerque; Representative Walter R. Parr, Las Cruces; Representative Boyd F. Scott, Farmington; Director Larry Coughenour of the Administrative Office of the Courts; and Dean Frederick M. Hart of the University of New Mexico School of Law.

NEW MEXICO JUDICIAL COUNCIL

MEMBERSHIP

Created by the Legislature in 1969, the Judicial Council is a statutory body of nineteen members. The membership consists of one Supreme Court justice and one magistrate appointed by the Supreme Court; one Court of Appeals judge appointed by the Court of Appeals; three district judges elected by the district judges; two senators and two representatives chosen by committees of the Legislature; two attorneys appointed by the Board of Bar Commissioners; three non-lawyers and a district attorney appointed by the Governor; the Attorney General; the dean of the University of New Mexico School of Law; and the director of the Administrative Office of the Courts. The addition of a district attorney to the Council took place in 1979, pursuant to Section 1, Chapter 103, Laws of 1979.

Each year, in July, the Judicial Council elects a chairman and a vice-chairman. Judge B. C. Hernandez and Dr. James A. Beall were the chairman and vice-chairman, respectively, through June, 1979. Dr. Beall was elected chairman and Senator Theodore R. Montoya was elected vice-chairman in July, 1979. Following Senator Montoya's death, Mr. Russell D. Mann was elected vice-chairman.

DUTIES

The duties of the Judicial Council are established by law, and are found in Section 34-12-3 of the New Mexico Statutes Annotated, 1978 Compilation. The Council is to:

- a. continuously study the administration and operation of all courts in the state;
- b. investigate criticisms and suggestions pertaining to the administration of justice;
- c. keep advised concerning the decisions of the courts and the Legislature affecting the organization and operation of the courts; and
- d. recommend desirable changes to the Legislature and the Supreme Court.

MEETINGS

Section 34-12-3.E., New Mexico Statutes Annotated, 1978 Compilation, (NMSA 1978) requires the Judicial Council to hold at least four meetings a year, including at least one session to which the public is invited to submit complaints, observations or recommendations concerning the administration of justice in the courts of the state. During 1979, the Council held ten meetings including a public meeting in Roswell. All meetings are open to the public, but once a year the Council schedules a meeting in a different part of the state and publicizes its intention to hear complaints and recommendations from citizens at that meeting. Meetings are generally scheduled for the first Friday of the month. During 1979, six meetings were held in Albuquerque and three were held in Santa Fe.

COOPERATION AND ASSISTANCE

The Judicial Council acknowledges the cooperation and information supplied by court clerks, state agencies and others during the year. The Council appreciates that assistance.

PROGRAMS AND STUDIES

JURY ADMINISTRATION

Changes in the laws, some proposed by the Judicial Council, to ease the burden of jury service on jurors became effective in 1979. Section 38-5-2, NMSA 1978, allows a person who has served on a petit or grand jury in either the federal or state courts within the preceding thirty-six months to claim an exemption from jury service in any court of the state.

Section 38-5-12 returned the jury term to six months from three months for those counties having populations of less than 300,000, in order to ease the workload of district court clerks who were faced with the selection of new jury panels every three months. The same law urges the use of alternate jury panels where jury trials are frequent and could impose upon the time of individual jurors.

Section 38-5-15, NMSA 1978, ties the mileage rates for jurors and jury commissioners to the mileage rate for state employees and the per hour compensation to the state minimum wage. This permits automatic increases for jurors when the other rates are raised by the Legislature.

Section 38-5-18, NMSA 1978, provides a statutory remedy for prospective jurors who are threatened with losing their jobs if they respond to a jury summons rather than report to work. Section 38-5-19 makes it a petty misdemeanor for the employer to make such a threat or to actually fire an employee who reports for jury service.

The goal of trial by jury is to achieve a just resolution of litigated disputes and criminal charges. Considerations of cost to the taxpayer and inconvenience to citizens called to serve on juries are important, but not as important as achieving a just result. A just result implies a fair and impartial jury, which in turn implies a jury representative of the community at large. While juries selected from voter registration lists, as required by existing law, are generally representative of the community, there are occasional challenges that certain minority or age groups are under-represented. One alternative the Judicial Council has reviewed in the past is the use of alternative source lists. Also examined have been programs for reducing the time individual citizens are required to serve on juries.

The House of Representatives for the state, in 1979, passed House Memorial 33, dealing with the need to further study jury management. The memorial reads as follows:

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A MEMORIAL

REQUESTING THE JUDICIAL COUNCIL OF NEW MEXICO AND THE ADMINISTRATIVE OFFICE OF THE COURTS TO CONDUCT A STUDY AND DEVELOP A PLAN FOR THE IMPLEMENTATION OF A MODIFIED SYSTEM OF JURY SELECTION.

WHEREAS, the burden of jury duty falls only on registered voters and some segments of the population are under-represented on voter registration lists; and

WHEREAS, registering to vote is not necessarily an indication of community consciousness and jurisdictions in other states have supplemented voter registration lists with other lists in order to have a broader source of jurors; and

WHEREAS, efforts have been made across the country to reduce the burden of jury service imposed on citizens by reducing the amount of time they may be called upon to be absent from home and jobs to serve; and

WHEREAS, the very characteristics of jury service that jurors find discomforting are at the same time inefficient for the courts and detrimental to the judicial system; and

WHEREAS, a study should be conducted of the jury selection system and a plan should be developed for the implementation of a modified system of jury selection; and

WHEREAS, the plan should specify methods for utilizing eligible jurors to further the following goals:

1 1. lessening the inconvenience to citizens of serv-
2 ing as jurors;

3 2. broadening citizen participation in the jury sys-
4 tem and distributing the responsibility for participating in the
5 jury system among the people in as fair a manner as possible;

6 3. increasing the efficiency and effectiveness of
7 judicial activity;

8 4. reducing the length of the term of service of a
9 juror; and

10 5. reducing the number of trials which an individual
11 juror serves during a term;

12 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that the judicial council
13 of New Mexico and the administrative office of the courts be re-
14 quested to conduct a study of the jury system and to develop a
15 plan for the implementation of a modified system of jury selection
16 to further the previously indicated goals; and

17 BE IT FURTHER RESOLVED that the plan be presented to the
18 second session of the thirty-fourth legislature; and

19 BE IT FURTHER RESOLVED that copies of this memorial be sent
20 to the judicial council of New Mexico and to the administrative
21 office of the courts.
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HM 33
Page 2

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At a meeting of the Judicial Council, the director of the Administrative Office of the Courts (AOC) agreed to gather information for the study and present it to the Council. Staff members of the Council and AOC discussed items to be researched for the study, and the AOC sent a questionnaire to the judicial districts to obtain some of the information. It has developed that the AOC has obtained a grant to study jury management on a larger scale, and rather than duplicate the work under that grant, the Council will review the product of that study in the light of the work it has already done on the subject. The Council will have a committee of its members studying jury selection during the next year, and expects to cooperate with the AOC and the Supreme Court in proposing legislation and court rules to meet the requests made in House Memorial 33.

JUDICIAL PERSONNEL

The Judicial Council has been very concerned during 1979 with problems of turnover of employees in the judicial branch of government, the qualifications of judges and employees, and the need for additional personnel. The problems are the result of a more basic problem - that of low salaries.

During the Judicial Conclave it was reported that the Second Judicial District has been experiencing a turnover rate of nearly 100 percent. The few experienced employees spent most of their time training the new employees. In that district as well as throughout the state, the judicial branch has served as a training ground for other government agencies and private enterprise. Statewide the turnover rate is 35%. A report from the Advisory Committee on Salaries in the Judicial Branch indicated there may be conditions in addition to low salaries contributing to the turnover rate.

The position of judges is also affected by the salary level. While the salary of a district judge may appear attractive to the general population, it is not attractive to the lawyers who have the qualifications to be the best judges. By the time a lawyer has gained the experience that would make him a good judge he is generally at the age where he is about to send his children to college and his earning capability is much greater than what a judge makes. Consequently the judicial post is more attractive to lawyers who are just starting out, or who are having a difficult time earning a living, or who are ready to retire. Fortunately there are some excellent training programs available for judges and many judges have taken those courses. As the cost of living increases faster than salary levels the situation will become predictably worse. One district judge resigned a year ago because of the low salary, and some Supreme Court justices have retired to go into private practice.

In December the Judicial Council heard the report from the Advisory Committee on Salaries in the Judicial Branch. The report was presented by Mr. Ray Powell, chairman of the committee. The committee was formed at the suggestion of some members of the New Mexico Legislature, the Governor, and the Supreme Court, and consisted of a representative cross-section of lay and professional leadership in New Mexico. To assure their independence and objectivity, committee members donated their time and expenses without cost to the state. Following considerable research and analysis, the committee members unanimously agreed on five recommendations. Those recommendations were:

1. That there are significant disparities between salaries of six job classifications in the judicial branch and those in the executive branch performing comparable functions. An appropriation of \$127,000 should be made to bring salaries of judicial employees up to a level equal to other state employees.
2. Further study of the reasons for the high turnover rate of judicial employees should be made. Although low salaries are one reason for the turnover, employees leaving their jobs should be interviewed to determine if other reasons exist that could be remedied.
3. A multi-level reorganization of the magistrate system, being studied by the Administrative Office of the Courts, should be completed and magistrates' classified positions and salaries should be restructured to achieve comparability with other state employees.
4. Salaries for district judges, judges of the Court of Appeals, and justices of the Supreme Court should be increased by 15½% in 1980, and by a further amount in 1981. The recommended increase for 1981 is 12½% for Supreme Court justices, 12% for Court of Appeals judges, and 11½% for district judges.
5. More up-to-date equipment and systems for the judicial branch would improve efficiency and hopefully permit New Mexico to continue its low number of support staff per judge. The formation of another ad hoc committee to investigate that observation was recommended.

The Judicial Council agrees with those recommendations. Table 1 on page 9 shows the effect of inflation on judicial salaries.

As caseloads continue to rise there is pressure upon the courts to dispose of more cases. The pressure is particularly heavy in the First, Second and Fifth judicial districts. One problem has been how to show when a new judge or more employees are needed. The Administrative Office of the Courts has been working for several years on developing credible figures showing the caseloads and needs

TABLE 1

NEW MEXICO JUDICIAL SALARIES AS RELATED TO CONSUMER PRICE INDEX

1967 = \$1.00 Purchasing Power of the Dollar

as of:	1967 Price Index	Supreme Court		Court of Appeals		District Judges	
		Annual Salary	Purchasing Power	Annual Salary	Purchasing Power	Annual Salary	Purchasing Power
12/31/67	100	\$20,000	\$20,000	\$18,500	\$18,500	\$17,500	\$17,500
12/31/68	104.2	21,000	20,154	19,500	18,714	18,500	17,754
12/31/69	109.8	21,000	19,126	19,500	17,760	18,500	16,849
12/31/70	116.3	22,500	19,347	21,000	18,057	20,000	17,197
12/31/71	121.3	22,500	18,549	21,000	17,312	20,000	16,488
12/31/72	125.3	29,500	23,543	28,000	22,346	27,000	21,548
12/31/73	133.1	29,500	22,164	28,000	21,037	27,000	20,285
10/31/74	153.2	29,500	19,256	28,000	18,277	27,000	17,624
10/31/75	164.6	32,000	19,441	30,500	18,530	29,500	17,922
10/31/76	173.3	33,500	19,331	32,000	18,465	31,000	17,888
10/31/77	184.5	36,348	19,700	34,720	18,818	33,635	18,230
10/31/78	200.9	38,165	18,997	36,456	18,146	35,317	17,579
10/31/79	225.4	38,165	16,932	36,456	16,174	35,317	15,669

of the district courts. That agency now has the capability of reliably predicting the future case loads, and consequently, the need for additional judicial personnel.

A Judicial Council committee has been assigned to study and recommend criteria and qualifications for the selection of judges.

RE-DISTRICTING

With the dicennial census in 1980 will come the opportunity for the legislature to re-district the state's judicial districts. The state constitution limits formation of new districts to once every ten years, following the federal census. The Judicial Council moved early in the year to form a committee to study re-districting, mindful that the administrative efficiency of the courts is intimately affected by the number, geographic area, and case-load characteristics of districts. With the help of the law school, the Judicial Council expects to develop information that will be useful to the Legislature in considering re-districting of the judicial districts.

JUDICIAL CONCLAVE

The Second Annual Judicial Conclave was held on September 14 and 15, 1979, at the Albuquerque Convention Center in Albuquerque. The Judicial Council sponsored the conclave jointly with the Judicial Conference, The State Bar of New Mexico, The New Mexico Supreme Court, the Administrative Office of the Courts, and the New Mexico Judges Association.

The conclave addressed the problem of cutting the costs and time taken in litigating civil cases. Topics covered and proposals made included:

Introduction

Judges should read the existing rules and run court proceedings according to those rules to save up to twenty-five percent in time and money.

Brevity in Pleadings

Judges should read the pleadings before trial.

Judges should require lawyers to bring pleadings up to standards.

Local rules should be standardized.

Court Clerk Operations

The position of court clerk should be upgraded to that of court administrator since that is the work clerks are doing.

Court clerks should be given professional training.

A body of chief court clerks should be appointed as regional representatives to provide a liaison with the Supreme Court, act as an advisory committee for legislation affecting court clerks, and serve as a sounding board for clerks needing assistance.

Modern office equipment should be brought into use.

Service of Process

Eliminate return receipt requirements.

Discovery

Shorten and streamline discovery.

Eliminate delays in motion and hearing procedures on objections to interrogatories.

Preparatory interrogatories should be used to save time in taking depositions.

Impose sanctions where depositions are taken but not used for trial.

Conduct a formal discovery conference.

Alternatively, require an informal discovery conference with a letter memorandum on agreements.

Institute a Supreme Court rule limiting the number of written interrogatories, including the number of sub-parts.

Use panels of attorneys to conduct discovery conferences.

Adopt local rules for informal discovery conferences conducted by a judge or a master.

Use an informal conference with the doctor and both attorneys to resolve the need for medical testimony.

Adopt a new rule in workmen's compensation cases, requiring both parties to file affidavits at the time of filing pleadings, setting forth the issues and the need for discovery.

Set a discovery hearing thirty days after the case is at issue to schedule discovery and the exchange of medical reports and hospital records. Consider abuse or misuse of discovery in setting attorney fees.

Remarks

Require judges who fail to file a judgement within a certain time following trial to file a report with the Administrative Office of the Courts explaining the delay.

Require attorneys to file requested findings of fact prior to trial.

Motion Procedures

Hold attorneys who file frivolous motions in contempt of court, or assess against them the cost incurred thereby by the opposing party. The judge issuing a contempt citation should explain in writing the reasons for the citation.

Make use of existing rules to strike frivolous motions and pleadings. Warn offending attorneys that delaying tactics will not be tolerated.

Require attorneys to attempt to obtain the concurrence of opposing counsel before filing motions.

Require that the grounds for the motion be stated and that a brief accompany the motion citing authority for the motion.

Pre-trial and Settlement Hearings

Confine pre-trial hearings to three or four basic questions:

- (1) What are the claims and defenses?
- (2) What are you willing to stipulate?
- (3) Who are the witnesses and what will be their testimony?

or;

- (1) How extensive will discovery be?
- (2) Can you agree on an exchange of documents?
- (3) When will the case be ready to try?
- (4) Is it too early to talk settlement?

Docketing Cases

Set a firm continuance policy.

Use judges pro-tem and designated judges to keep on schedule with the trial date.

Docket Management

Create a task force to inventory all cases in a district, then send in a team of judges to clear off the backlog.

Require that motions be accompanied by briefs.

Require client approval of motions for continuances.

Court Reporting - Alternatives

Have pools of reporters rather than one reporter assigned to each judge.

Have centralized typing pools paid for by transcript charges.

Require performance bonds of reporters.

Use partial transcripts - only so much of the record as is necessary for the appeal.

Use audio monitors, voice compression taped transcripts, vidiotape, or computer aided transcription.

Adopt audio taping for all non-evidentiary proceedings and continue to use traditional reporting otherwise.

Use only audio tape transcripts.

Evidentiary Rules

Judges should be familiar with the rules of evidence and check Shepherds citations on the rules for the latest changes and interpretations since there is a 41% reversal rate on rulings in evidentiary matters.

Judgements, Findings and Conclusions

Requested findings should be submitted to the judge at the pre-trial hearing. They may be modified upon motion and

and ruling thereon during the course of the trial.

The judge could state his findings and conclusions orally at the close of evidence and enter judgement at that time on those findings.

Alternatively, the judge could immediately review the exhibits and his notes at the close of trial, arrive at sequential findings of fact, and announce his decision within two hours after the trial concludes.

Alternatives to Trial

Institute court rules to make arbitration binding.

Allow appeals from arbitration, but impose sanctions and payment of fees if the appealing party fails to improve his position by a given percentage through trial.

Arbitration may be a step either controlled by court rule as an alternative to court proceedings or as a step taken after the case has been filed in court. It should not be allowed to become an additional step in court process thus merely consuming additional time and money.

While the conclave participants - judges, lawyers, legislators, and interested citizens - did not agree with all proposals, it was felt the proposals should be studied and, where meritorious, implemented. Because of its diverse membership and statutory responsibility, the Judicial Council was given this task by the conclave participants. The Council has reviewed the proposals and is in the process of assigning topics of investigation to committees.

MISCELLANY

LEGISLATION

Several laws were passed by the 1979 Legislature enacting proposals made by the Judicial Council. Those dealing with jury administration have been dealt with above. Others are referred to here by section of the New Mexico Statutes Annotated.

Sections 31-6-2 through 31-6-14 were amended or enacted to reform the grand jury laws. Reports of abuses of the grand jury system prompted the Council's proposals which permit a target witness before the grand jury to have an attorney present to advise him; require the prosecuting attorney to be impartial in presenting evidence to the grand jury; provide for the recording of all statements made to the grand jury; permit a target witness to testify under certain conditions; place restrictions on subpoenas; and limit multiple representation of clients before a grand jury by a lawyer and his associates.

Sections 52-1-4, 4.1, 5, 6, and 7, change the place of filing and maintaining of workmen's compensation insurance certificates from the offices of the district court clerks to the office of the Superintendent of Insurance. This was done to remove the burden of keeping such records from the court clerks and to make the records accessible through one central location.

PROPOSALS FOR LEGISLATION IN 1980

During the 1980 Session of the Legislature, only "money" bills and bills introduced pursuant to the Call of the Governor, and bills vetoed at the preceding session can be considered. During the year the Council considered a number of measures that can only be introduced in the 1980 session if the Governor agrees to put them into his call. Four proposals in particular have been recommended to the Governor. The four are:

1. An amendment of Laws 1979, Chapter 208, creating an additional judgeship in the Fifth Judicial District. The position would not be filled until January, 1981, following the general election. The additional judge is needed now, and it is proposed by the Judicial Council that the law be amended to have a new judge appointed by the governor to fill the position as soon as possible.

2. An amendment of Section 34-11-1, NMSA 1978, concerning the Judicial Conference. The Conference at present is made up of justices of the Supreme Court and judges of the Court of Appeals and district courts. Since the purpose of the Conference is to improve the judiciary, the Council feels there is an immediate need to bring the judges of the courts of limited jurisdiction

into the Conference to participate in training sessions and in discussions of ways to improve the courts. The courts affected would be the magistrate courts, municipal courts, probate courts, small claims courts and metropolitan courts.

3. An amendment to Section 31-6-1, NMSA, 1978, setting the terms of grand jurors. It has been pointed out that there are times when a grand jury is in the midst of an investigation and the jurors terms expire. The investigation must then stop and can only be completed by a new grand jury which would have to start all over from the beginning.

4. An amendment to Section 31-4-22, NMSA, 1978. The law now provides that a person held in New Mexico and wanted in another jurisdiction may choose to waive extradition proceedings, but can do so only before a court of record. The waiver procedure is mainly a matter of filling out the proper forms and since it is a voluntary act by the detainee, no due process questions are involved. It is proposed that the law be amended to allow magistrates to handle these proceedings to avoid delays where a judge of a court of record is not readily available.

Other proposals supported by the Council include an additional judgeship for the First Judicial District where the caseload has grown tremendously, and salary increases for judicial personnel and judges. The salary problem, treated above, is a money matter not requiring a place on the Governor's call. A bill vetoed by the Governor after the 1979 session still has the Council's support. That is an administrative procedures act which would be applicable to a large number of state agencies.

FILING FEES

One way to raise revenues which could make money available for salary increases or to make the judicial retirement fund actuarially sound would be to increase filing fees in civil cases docketed in the district courts. There has been no increase in filing fees in years, and New Mexico has lower filing fees than the federal courts and most surrounding states. Even the filing fee in magistrate court has not changed in ten years. The jury fee of \$36 per day for a twelve man jury comes nowhere near meeting the expenses of convening a jury - which runs as high as \$300 to \$400 a day. Moreover, the \$20 filing fee collected in district courts was dropped to \$16.50 in December. The law creating a fund to pay for additions to the Supreme Court Building provided that a fee of \$3.50 to be collected for that purpose should no longer be collected when there was enough money in the fund to pay off the indebtedness.

There are over 40,000 civil cases (including domestic relations cases) filed each year. For each case docketed, \$13.75 is collected

which goes to the judicial retirement fund. An additional \$2.75 is collected which goes to the New Mexico Compilation fund. The other fee, the \$3.50 for the building fund was also earmarked. By increasing the filing fee, the people using the courts would be paying for their operations to a greater extent.

PENALTY ASSESSMENTS

The problem of motorists who violate traffic laws but do not pay their fines has been an item of discussion in previous years by the Council. A bill introduced and passed by both houses of the Legislature in 1979 would have resulted in the confiscation of drivers licenses at the time of the offense and their return upon payment of the fine. The bill was vetoed because of the problems of handling the paperwork in processing over 200,000 traffic citations through the Administrative Office of the Courts and the Department of Motor Vehicles.

The Council continued to discuss the problem in 1979, and one member was appointed to head a committee to study the problem. The Administrative Office of the Courts has coordinated its efforts with the Department of Motor Vehicles in trying to come up with a workable solution. One possibility is for the Department of Motor Vehicles to flag all drivers licenses when there are outstanding traffic tickets and not renew licenses until the tickets are payed or otherwise taken care of. This poses a problem with what to do where the drivers are from other states. This problem is being treated by conference with adjoining states and the possibility of an inter-state compact. Under the compact a state issuing a citation would notify the state of the driver if the ticket were not paid within the time allowed, and that state would agree not to relicense the driver until the ticket were paid. One problem remaining is the long period of time which may pass between the issuance of the ticket and the license renewal date. Some states, including New Mexico, issue licenses good for four years. In that amount of time a driver may be prejudiced by failure to enforce sanctions in a timely fashion.

SENTENCING

A law establishing a presumptive sentence was passed in the 1979 session of the legislature, and that, with the determinate sentencing law that went into effect July 1, 1979, will have an effect on the standardization of sentences in New Mexico. However, there remains the likelihood that some judges will actually impose a sentence more than others. Other judges will make more use of deferred or suspended sentences with probation. Information on sentencing should be gathered to determine what discrepancies do exist. A committee was established for that purpose and was asked to look at standards on sentencing that might be established by court rule. It was reported that statistics at one time showed that in one district sixty percent of the convicted felons were sent to the penitentiary while in another district ten percent were sent to prison.

END