Administrative Office of the Courts

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FEDERAL JUDGE IMPOSES SANCTIONS ON ATTORNEY IN DISMISSED LAWSUIT CHALLENGING BAIL REFORM

SANTA FE – A federal court has imposed sanctions on an attorney for making what the judge described as "groundless" and "frivolous" claims in a lawsuit that challenged Mexico's system of pretrial release and detention of criminal defendants.

U.S. District Judge Robert A. Junell dismissed the lawsuit last month and on Thursday ordered sanctions against the attorney representing those who brought the lawsuit – the Bail Bond Association of New Mexico, several legislators and an Albuquerque woman who was charged with aggravated assault. The lawyer is to pay for attorney's fees and other expenses incurred by the Attorney General's Office in representing justices of the state Supreme Court as well as judges and administrators of the Second Judicial District Court and the Bernalillo County Metropolitan Court, who were named as defendants.

"The federal court has appropriately required the reimbursement of New Mexico taxpayers for the expense of defending against frivolous claims in the bail bond industry's lawsuit," said Artie Pepin, director of the Administrative Office of the Courts.

"The order issued by the court finds (at page 12) that claims asserted by the Bail Bond Association and several legislators are 'groundless,' 'frivolous,' and that the sanction of requiring repayment to New Mexico taxpayers is appropriate to deter the filing of 'unsupportable lawsuits for political reasons," said Pepin.

"New Mexico courts will continue to set appropriate release conditions for defendants and keep in jail those who are shown to be too dangerous to be released," said Pepin.

The lawsuit challenged the constitutionality of procedural rules adopted by the Supreme Court in July to govern pretrial release and detention decisions. The court rules carry out a constitutional

amendment adopted by voters in 2016, which allows district court judges to lawfully hold felony defendants in jail before trial if they are shown to be too dangerous for release. The amendment also ensures that defendants who are not dangerous or a flight risk cannot be held in jail pretrial solely because they cannot afford a bail bond.

The federal judge ordered the parties to initially try to reach a settlement on the amount of attorney's fees and costs to be awarded.

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Editors: The federal court's order is attached.