Administrative Office of the Courts

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Supreme Court Justice testifies before legislative committee about plan to expand access to civil legal services

SANTA FE – Supreme Court Justice C. Shannon Bacon outlined for legislators today a plan for increasing the availability of services to help low- and modest-income New Mexicans with civil legal problems.

The New Mexico Commission on Access to Justice developed the strategic plan for meeting the essential legal needs of people on matters ranging from safe housing and work environments to health care and financial issues. The Supreme Court established the commission in 2004. Click here to view and download the plan.

"The Justice for All Plan will expand resources and information available to people with civil legal needs. This will empower people who need to access the court system and create a court system that is more efficient and effective for everyone," Justice Bacon, a member of the commission, said in a statement.

The justice told the House Judiciary Committee that legal aid organizations lacked the resources to fill the gap in available legal services in civil cases.

“In 2018, the civil legal service providers were able to represent 16,000 New Mexicans in court proceedings, but it left 64,000 without anybody,” Justice Bacon told lawmakers. “There is some assistance there but it is certainly not complete.”

According to national studies, about a third of low-income households take no action to deal with their legal needs. That can lead to serious consequences, such as a default judgment and garnishment of a worker’s wages to pay consumer debt.

In New Mexico, growing numbers of people are representing themselves in civil cases because they cannot afford an attorney or live in an area where there are few lawyers. About half of all

newly filed civil cases in state district courts in fiscal year 2019 had at least one self-represented party. That is up from 36 percent in the 2011 fiscal year.

The Supreme Court has approved the commission's plan. Among the commission's recommendations:

- Expand self-help legal resources, including creating instructional videos that explain procedures for different types of legal matters such as changing child custody, dealing with an eviction and preparing for a court hearing.

- Explore creating a statewide online self-help service center that people could access by videoconferencing, an online chat system, text messaging and web co-browsing.

- Develop more "plain language" court forms for people who represent themselves in a lawsuit.

- Expand an online service, known as Guide & File, offered by courts to assist people prepare documents. The free service is available now only for divorce and domestic violence cases. The web-based application works much like software for preparation of tax returns.

- Develop legal practice guides for attorneys to help them offer free legal assistance on types of cases that are outside of their area of expertise.

The commission also is supporting efforts underway in the state court system to improve access to civil legal services, such as development of a Court Navigators program for specially trained, supervised personnel to assist people who do not have an attorney.

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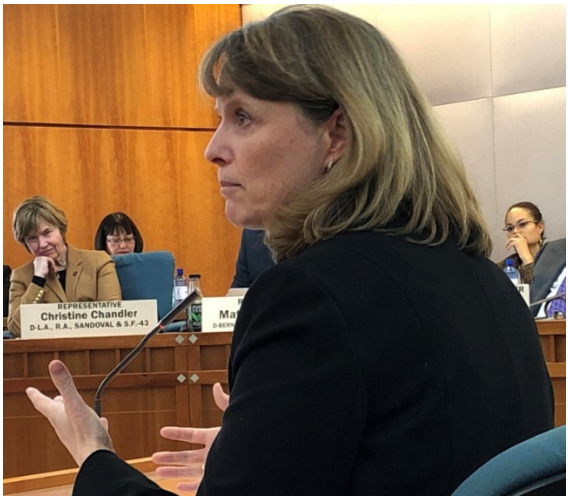

Supreme Court Justice C. Shannon Bacon testifies before the House Judiciary Committee. Photo courtesy of the Administrative Office of the Courts.