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## FISCAL IMPACT REPORT

Stapleton/Armstrong, D  
 / Trujillo CH/ Roybal      **ORIGINAL DATE** 2/7/2018  
**SPONSOR** Caballero/ Trujillo L      **LAST UPDATED** \_\_\_\_\_ **HM** 82  
  
**SHORT TITLE** Encourage Pro Bono Legal Services      **SB** \_\_\_\_\_  
  
**ANALYST** Torres \_\_\_\_\_

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY18	FY19	FY20	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	NFI	NFI	NFI			

### SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts

### SUMMARY

#### Synopsis of Bill

HM 82 requests a working group be formed to collect information, establish a plan, and deliver recommendations to an interim legislative committee by December 31, 2018. The working group is to be comprised of attorneys in private, governmental, and nonprofit practice to be chaired by the executive director of the Southwest Women’s Law Center. HM 82 also requests the State Bar of New Mexico coordinate with the working group to disseminate the findings and recommendations to members.

### FISCAL IMPLICATIONS

No fiscal implications to state agencies are identified.

The AOC notes that “there may be [efficiency gains] for the courts if unrepresented parties in actions typically involving low-income people can be assisted with pro bono attorneys.”

### SIGNIFICANT ISSUES

HM 82 requests non-state organizations to act, and does not guarantee action will take place if the memorial is passed.

The AOC adds that “low-income people who do not have access to professional guidance can be victimized and suffer negative economic effects when faced with legal problems involving landlord-tenant, healthcare, or other access problems. Licensed attorneys who could offer assistance with legal guidance could help low-income people have positive results in the court system.”

### **OTHER SUBSTANTIVE ISSUES**

The AOC highlights that “HM 82 is an expression of legislative concern about the potentially devastating consequences of not resolving civil legal problems of low income New Mexicans, such as access to housing; education; health care; food assistance; fair pay; support for victims of domestic violence; and child support. The memorial cites the report of the New Mexico Supreme Court's Commission on Access to Justice (ATJ) that less than twenty percent of the legal needs of low-income New Mexicans are being met. The memorial further acknowledges that legal service providers are unable to provide sufficient legal assistance due a lack of funding and personnel, while at the same time, there are more than 5500 licensed attorneys in New Mexico who could provide some pro bono services.”

Furthermore, AOC contends that the working group may be duplicative because the Access to Justice (ATJ) Commission was created by the NM Supreme Court in 2004 with the goal of expanding resources for civil legal assistance to New Mexicans living in poverty, increasing public awareness through communication and message development, encouraging more pro bono work by attorneys, and improving training and technology. This commission “recommended rule changes to increase pro bono services, such as easing the requirements to obtain limited law licenses for out-of-state and retired attorneys who perform pro bono services for established legal service providers. The group also attempts to increase funding for legal service providers. In conjunction with several judicial districts, foreclosure programs have reduced the number of default foreclosures. These efforts have produced more pro bono services, yet the need remains. New Mexico is the second poorest state in the union, and federal funding of legal service programs has been drastically cut in recent years.” Finally, the AOC notes that “perhaps the new pro bono working group can find new ways to increase legal services, but it does seem duplicative of the ATJ Pro Bono Working Group.”

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

IT/jle