

LFC Requester: _____

**AGENCY BILL ANALYSIS
2025 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

AgencyAnalysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original **Amendment** _____
Correction _____ **Substitute** _____

Date Jan. 30, 2025
Bill No: HB 57-280

Sponsor: Pamela Herndon
Short Title: ATTORNEYS FOR INDIGENT
DOMESTIC ABUSE VICTIMS

Agency Name and Code Number: Law Offices of the Public Defender
-280
Person Writing: Theresa Edwards
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
None	None		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
None	None	None		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	Indeterminate, but likely moderate	Indeterminate, but likely moderate	Indeterminate, but likely moderate	Recurring	General

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

House Bill 57 (HB 57) amends the Family Violence Protection Act (the Act) by adding a definition for an indigent person and adds new sections to the Act establishing the entitlement to attorney representation for alleged domestic violence victims, a procedure for the courts to determine indigency, allows the courts to enter in to contracts with attorneys to provide domestic violence victim representation, and provides that attorneys are not subject to liability in civil actions respecting an attorney’s performance or nonperformance of services.

There is no effective date; the bill, if enacted, would become effective June 20, 2025.

FISCAL IMPLICATIONS

This bill does not directly implicate the Law Offices of the Public Defender (LOPD), but would impact the agency if it became effective.

The pool of available attorneys statewide to do this public interest / indigent representation in any area of law is extremely small. LOPD believes Mora, Hidalgo, Catron, Colfax, Union, Quay, McKinley, and Cibola have fewer than 4 attorneys. Colfax and Union counties may have no attorneys at all outside of judges and district attorney staff. The few attorneys around the state who are already working to defend or prosecute persons for alleged crimes leaves even fewer lawyers without conflict to represent victims in civil proceedings. This would force attorneys from outside those counties to come represent victims.

Over the last five years, LOPD has seen steadily falling numbers of attorneys willing to do contract work, even in more populous metro areas. Caseloads are high and the pay is very low. Attorneys who are appointed to represent victims in their civil cases will likely see issues with conflict and could further limit LOPD’s ability to contract with attorneys in the future.

Recruiting for in-house attorney positions also remains difficult; narrowing the pool of newly available attorneys would create even more recruiting hardship for our office.

As there is no appropriation in the bill, it is unclear how the costs of this bill would be covered. The costs to and additional duties for the Administrative Office of the Courts would be significant.

SIGNIFICANT ISSUES

The ABA Journal in November 2024 stated the following: “expectations for employment after law school graduation remained consistent over the past two decades. About half of all students surveyed this year expect to join private law firms, and about 6% plan to work in public-interest law, echoing earlier surveys. Meanwhile, those planning to work in government increased slightly, from 26% in 2004 to 28% in 2024.” (<http://tiny.cc/qzh7001>)

PERFORMANCE IMPLICATIONS

Recruiting new attorneys – both in-house and contractors – could become even harder with this law in effect as the already small pool of attorneys interested in this work would become more spread thin.

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS