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FISCAL IMPACT REPORT

ORIGINAL DATE 2/1/06

SPONSOR McSorley LAST UPDATED _____ HB _____

SHORT TITLE Legal Access for Low Income Persons SB 540

ANALYST McSherry

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	\$98.6	Non-Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates Appropriation in the General Appropriation Act
Relates to Appropriation in the General Appropriation Act

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

Senate Bill 540, Legal Access for Low Income Persons, appropriates \$98,634 from the general fund to the Administrative Office of the Courts for the purpose of finalizing its report, begin implementation of its recommendation, conduct public hearings, help low-income persons access available resources, produce videos on the scope of the problem of the legal needs of low-income persons and employ a statewide program manager to staff the commission.

FISCAL IMPLICATIONS

The appropriation of \$98,634 contained in this bill is a non-recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year shall revert to the general fund.

SIGNIFICANT ISSUES

AOC reports that one quarter of New Mexico's population lives at or below the federal poverty standard and that poor and low income New Mexicans have a variety of legal needs including

family law, housing, consumer affairs, employment, health, community issues, wills, and public benefits. AOC further reports that, according to a recent estimate, as much as 80% of the legal needs of poor and low income New Mexicans go unmet.

State Supreme Court established the New Mexico Commission on Access to Justice (ATJ) to expand and improve civil legal assistance to low income New Mexicans. The Commission has eighteen members representing the bar, judiciary, legal aid providers, Governor's office, and legislative leadership. In addition to the eighteen Commission members numerous interested persons serve on its working groups.

AOC reports that, during its first year of operation, the Commission:

- 1) Held four public hearings to take testimony from people in the Las Cruces, Roswell, Gallup, Taos, Albuquerque, and Santa Fe areas on the legal problems encountered by low income people who cannot afford a lawyer; and
- 2) Focused on creating a strategic plan, identifying and assessing needs, developing a statewide delivery system, increasing resources and increasing public awareness of the problem.

According to AOC the proposed program manager would be a half time position.

PERFORMANCE IMPLICATIONS

More and more litigants are self-represented (pro se) in New Mexico's courts. AOC asserts that this increase is due to the limited availability of legal services for low income persons.

Self-represented litigants require more court time, more staff assistance, and are more likely to make an error that requires additional hearings. According to efforts to provide greater assistance to these litigants will help the courts run more efficiently.

ADMINISTRATIVE IMPLICATIONS

The Access to Justice Commission is a Supreme Court-created Commission which is currently administered by AOC.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The Access to Justice Commission will continue to rely on resources

POSSIBLE QUESTIONS

1. Is the expected duration for completion of the Commission for Access in Justice tasks the end of fiscal year 2007?
2. What duration is planned to hire the proposed program manager to staff the Commission?
3. What would "help low-income persons to access available resources" mean?
4. Was a strategic plan developed by the Commission?

EM/yr