

April 7, 2023

SENATE EXECUTIVE MESSAGE NO. 35

The Honorable Mimi Stewart, President Pro Tempore
and Members of the New Mexico State Senate
State Capitol Building
Santa Fe, New Mexico 87501

Dear President Pro Tempore Stewart and Members of the Senate:

I have decided to veto SENATE BILL 2 (“SB 2”), which is principally related to retention and recruitment in the judicial branch. One of our highest priorities must be to attract the best possible candidates for our judiciary. This requires offering salaries and benefits that are competitive with those of other states and private sector positions. To that end, last year I signed into law a 17% raise for judges and justices. SB 2 would again substantially increase the salaries of the New Mexico Supreme Court justices, as well as all district and appellate court judges, by tying them to the salaries of federal magistrate judges in New Mexico.

I acknowledge we need to raise judicial salaries to remain competitive. However, I am not convinced SB 2 is the answer. To begin, tying the salaries of New Mexico judges to a metric used by the federal government could prove problematic at a later date. Additionally, I believe that our courts—not only judges, but also district attorneys, public defenders, and pre-trial service systems—deserve substantial investments in order ensure that our criminal justice system is running effectively and fairly. The people of New Mexico are looking to us to keep them safe.

Additionally, significant backlogs of cases in recent years have led to lengthy delays and inefficiencies in our judicial system. Indeed, Senator Joseph Cervantes, one of SB 2’s sponsors and a practicing attorney, pointed out that it took one of his cases *seven years* to make it through the appellate process—preventing his young client from accessing the funds needed to pay for his medical expenses and care necessitated by the defendant’s negligence. We need to update our processes and systems in order to work more efficiently. For example, I would give very serious consideration to approving additional openings on the bench to help alleviate the workloads of the currently seated justices and judges, or for any other funding that would allow courts to streamline their systems.

At bottom, while I appreciate the intent behind SB 2, I cannot support it in its current form. I urge the Legislature to reconsider this matter and work with me to develop a more targeted approach to compensation for our judges and justices that reflects the needs of our justice system.

Because of these issues, and pursuant to my authority under Article IV, Section 22 of the New Mexico Constitution, I have vetoed SENATE BILL 2, enacted by the Fifty-Sixth Legislature, First Session, 2023.

Respectfully yours,

Michelle Lujan Grisham
Governor

RECEIVED FROM THE OFFICE OF THE GOVERNOR

Time: _____ a.m. p.m.
Date: _____ 2023

By _____
Secretary of State of New Mexico

Time: _____ a.m. p.m.
Date: _____ 2023

By _____
Chief Clerk of the Senate