

We Must Properly Fund New Mexico's Court System

By Senator Pete Campos

New Mexico's courts face a funding crisis that threatens to undermine the judiciary's ability to protect our rights by delivering timely justice. We must act now to prevent further damage.

As Supreme Court Chief Justice Charles Daniels recently told a legislative committee, "We are now basically on life support through the end of this fiscal year."

In courthouses across the state, New Mexicans can see the corrosive effects of budget cuts and underfunding of the judiciary.

- Most magistrate courts are closed to the public for at least half a day each week because the courts are unable to fill vacant staff positions. These courts are the busiest in the state, resolving more than 170,000 criminal, civil and traffic cases last year.
- There will be no more criminal or civil jury trials starting in March unless the courts receive additional funding. Criminal defendants, whether innocent or guilty, are entitled to a speedy trial under the constitution.
- The prosecution of criminal cases is being impaired. Some courts confront the possibility of dismissing cases because the state's public defender office lacks the staff and budget it needs to handle more cases.
- Drug and mental health courts have substantially reduced the number of people they can serve with treatment programs because of budget cuts. Studies have shown these programs are more effective than prison in preventing an offender's re-arrest and cost far less than imprisonment.

All New Mexicans feel the consequences of delays in justice. Businesses and individuals must wait longer to resolve civil lawsuits, including landlord-tenant disputes, divorces and damage claims for injuries in accidents. Criminal defendants may seek to dismiss charges against them if they are denied the constitutional right to a speedy trial.

The New Mexico judiciary accounts for less than 3 cents of every \$1 that taxpayers spend from the state's general fund on programs and services ranging from public education to prisons. Rather than talk about "right-sizing" or further cutting government, legislators must adequately fund essential services such as our courts. A modest step in the right direction toward adequate funding the judiciary is to require that at least 3 percent of the state's annual budget be allocated for court operations.

Maintaining the rule of law is vital to the day-to-day functioning of our democratic way of life.

The judiciary has done its part by trimming costs in a time of austere budgets and shrinking state revenues. That belt-tightening includes keeping court staff positions vacant, lowering juror pay and reducing the mileage reimbursements for travel by jurors, judges and all court employees.

Doing more with less is no longer possible. New Mexicans can expect fewer services and further reductions in court business hours if the judiciary must absorb additional budget cuts.

Our constitution created the judiciary as a separate, independent branch of government. But the ability of an independent judiciary to serve New Mexicans depends on the budget decisions of the legislative and executive branches of government.

It's time that we in the legislature work in a bipartisan fashion to ensure the judiciary can carry out its responsibilities to safeguard the constitutional rights of every man, woman and child in New Mexico. Timely access to justice and a properly functioning court system benefits everyone.