



**The New Mexico Judiciary**  
**ADVANCING JUDICIAL EXCELLENCE**  
**Strategies and Initiatives to Improve Services**  
**FY 2018-2021**

# DRAFT

## NOT FOR PUBLIC RELEASE

*The cover image displays Lady Justice at the centerpoint of the New Mexico Supreme Court seal. The blindfold represents the absence of bias, without fear or favor regardless of identity, money, might or weakness. The sword refers to decisiveness and authority vested in the power and strength of truth and fairness. The scales illustrate a judicial process charged with balancing facts and law where all are subject to the Rule of Law. The strategies and initiatives to improve court services presented throughout this three-year plan rest on these fundamental principles.*

## A New Way Forward for the New Mexico Judiciary

This booklet outlines a **three-year campaign (FY 2018-21) for strategic change** adopted by the New Mexico Judiciary. The campaign builds on numerous reforms and improvements that have occurred in recent years and are planned for the future. Four key strategies guide these changes. They intend to:

- (1) Simplify the court's organizational structure and streamline case processing to improve efficiency and better deliver fair, timely justice;
- (2) Expand the use and deployment of technology, especially online services, to permit greater convenience and service to the public;
- (3) Enhance public access to and understanding about court processes and programs; and
- (4) Promote safer, more secure, user-friendly court facilities.

Additionally, these strategic plans are directed at saving time and money, improving performance, embracing innovation, and challenging the status quo. Every judge, court employee, and court – including the Supreme Court, Court of Appeals, and District, Metropolitan, Magistrate, Probate, and Municipal Courts – are part of this important campaign. Task forces, committees, researchers, and teams have already begun to work with the public, justice stakeholders, local and State Bar Associations, counties, cities, and State executive and legislative officials. *The New Mexico Judiciary's overarching goal is simple, yet profound – to advance judicial excellence in court services and productivity through better use and smarter reallocation of existing resources for the citizenry we serve.*

## **What's a Campaign Approach to Strategic Change?**

A campaign approach to change is a novel, innovative way the Judiciary has chosen to implement new directions. It is a flexible, open-ended approach to mobilize judges, staff, and justice system partners around “vital improvement themes.” As a less ridged and formalized technique than traditional strategic planning, which often takes many months and cumbersome procedural steps, it permits organizations to reach results must faster.

This new planning process is particularly suited to loosely-coupled organizations and environments like courts and justice systems where the actions of independent work units in one part of the system can have little or no effect in another or may unpredictably trigger reactions out of proportion to the initial issues raised. A campaign approach also permits loosely-coupled systems to focus on substantial and sustained planning, not the plan as a document. As such, activities can move forward by consensus without the agreement of all.

New Mexico's Chief Judges' and Court Executive Officers' Councils selected this process at the suggestion of the National Center for State Courts (NCSC), a nonprofit court and justice system consultancy. The NCSC helped facilitate a Judicial Branch Leadership Summit of council members held in April 2018, in Taos. This document outlines the strategies developed at the Summit and subsequently approved by the New Mexico Supreme Court. The NCSC provided its consulting services to the State at no cost.

# A Call to Action

There has been a growing distrust by the American public in government over the last 60 years of public opinion research as reported by the Pew Research Center, a nonpartisan fact tank that does not take policy positions. Although courts have consistently been the most trusted branch of government in these surveys, there is little reason for court officials to celebrate.

A recent National Center for State Courts' *State of the State Courts (2017)* poll conducted every two years for the last 20 years found negative public attitudes have persisted, and in some areas worsened, regarding state and local trial courts. Among NCSC findings: Many respondents hold serious misgivings about the fairness and impartiality in the selection and decisions of judges. Often it was expressed that judges are seemingly out of touch with their communities. Many feel that the judiciary and court staff should show greater engagement and empathy for litigants, witnesses, and visitors.

NCSC pollsters also found that many respondents had difficulties accessing courts in rural areas, especially for those living in the Southwest.



Numerous people feel state and local courts are overly complicated, not innovative and extremely lax in providing helpful, simple, online digital ways to easily conduct business with them.

## Insights on Public Trust

Certainly, many factors affect public attitudes about courts. To many, courts are confusing and intimidating places. Judicial procedures are complex and Latin phrases abound. Judges and court staff – often immersed in dealing with heavy case loads – appear not only preoccupied but inaccessible. Rules requiring judges and court staff to remain independent and unbiased so decisions are fair and impartial often limit what advice, direction, and interaction they are permitted to give litigating parties. This can further, unwittingly, separate and distance them from the public. And, oftentimes without a lawyer as a guide – which many people cannot afford – a visit to court can be an even more daunting and unnerving experience.

Courthouses themselves can present a frustrating, un-welcoming experience for people, too. Although they are intended to be majestic focal points of a democratic system of justice and state symbols of the Rule of Law, some portray a bleaker image – a picture of neglect, decay, and dysfunction. Many county-owned and maintained court facilities can be unsafe, functionally inadequate, and poorly maintained. Counties, regularly pressed by their own governmental service needs, have limited funds to upgrade court buildings. Where court facilities are uninviting, hard to navigate, and in disrepair, justice is seen to be devalued and public confidence in the courts is diminished.

As process-oriented organizations, how cases are handled by courts has an enormous influence upon people's evaluations of their experiences with the justice system. Researchers and social scientists who study legal and judicial systems have found that how people and their problems are managed has more influence than case outcomes in two key areas: (a) their perceptions of the way their case was processed and the quality of the treatment they received from judges and court staff, and (b) whether they accept and continue to abide by the decisions, orders, and directives issued by the court. It is such a pervasive, recognized phenomenon that special phrases have been utilized to describe it: *procedural fairness* or *procedural justice*; two terms for the same concept.<sup>1</sup>

Four primary elements determine a person's assessment of his or her experience concerning procedural fairness when interacting with judges and staff. This is true whether the contact is in-person or remotely through technology:

*Respect.* People react positively when they sense they are treated with politeness and dignity; when they feel valued and their rights are respected. Helping people understand how things work and what they must do to navigate through the court system is strongly associated with a person's satisfaction with courts and the justice system.

*Voice.* People want the opportunity to tell their story; to explain their unique situation and circumstances. Often, as court patrons describe their viewpoints and reasons for seeking court intervention, judges and court staff can help them grasp issues, terms, and processes more clearly.

*Trust.* People look for actions to indicate they can trust the character and sincerity of those in authority, and that those in authority are aware of and genuinely concerned about their

needs. People look for conduct or behavior that is competent, benevolent, caring, and seeking to do the right thing.

*Neutrality.* People are more likely to accept direction, decisions, and help when those in authority do things that both are, and perceived to be, fair and neutral (i.e. like things have been treated alike), the importance of the facts are clearly understood and the next steps or reasons for a decision or course of action have been plainly explained.

Lastly, the digital revolution is another significant force shaping public trust and confidence. Technology now and in the foreseeable future will be dominated by the internet. An "always-on" culture with smartphones, tablets, and laptops has become the norm in American society. Courts will not only increasingly utilize high-tech/high-touch systems, but tech-savvy customers will progressively push them to do so at an ever-faster pace for

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1. Tom R. Tyler, et. al., *Social Justice in a Diverse Society* 75 *Law & Soc'y Rev.*, 75 (1997); Jason Sunshine & Tom R. Tyler, *The Role of Procedural Justice and Legitimacy in Shaping Public Support for Policing*, *Law & Soc'y Rev.*, 37 (2003).

expanded access, choice, convenience and transparency. Even the oldest Baby Boomers today are plugged-in; 83 percent use the internet and smartphones daily according to Pew researchers.

Understandably, many courts, as well as executive branch agencies, are slow in adopting modern tech tools due to cost and government infrastructure restrictions, not reluctance by court or government leaders to do so. Consequently, when software and hardware upgrades do take place the changes may neither be as extensive nor timely as people have come to expect from a highly digitized private sector and thereby frustrate the public's patience and confidence.

## The Leadership Challenge

Against this backdrop, New Mexico's Judiciary – both judges and court staff – are challenged to simplify, streamline, and demystify court processes and services. Doing so requires a mind-set change by court leaders toward new, innovative approaches that have the capacity to reengineer court business practices while remaining true to the Judiciary's bedrock constitutional duty to resolve disputes brought to it in a fair, impartial, and timely way.

Admittedly, governments, including courts, can be startlingly poor at designing their processes and understanding the needs of their customers. It is not exactly rocket science to make forms easier to understand and complete, or to make each step in a process clearer and less prone to error. But, it does take a concerted effort on the part of the court as an organization and the people within it.

Why then does it seem so difficult? The answer some speculate lies in what appears to be the natural tendency for organizations to go through a metamorphous over time and lose the essence of their real purpose... their reason for being. They

“morph” toward greater concern for the members of the organization and can, as a result, become irrelevant to their original purpose.

For courts, of course, our purpose is to resolve disputes in a just, independent, peaceful and expedient fashion. Our reason for existence essentially lies outside ourselves. We exist to perform a critical service for society. Without that service, there would be civil disobedience and social chaos.

Consequently, this campaign is certainly a reaffirmation by New Mexico's Judiciary of our constitutional responsibilities. Namely, to provide efficient, accessible, and fair local and state courts to the citizenry we serve through an innovative and smarter reallocation of existing resources without placing undue burdens on the State.

### STRATEGIC THEMES

1. Simplify the court's organization structure and streamline case processing to improve efficiency and better deliver fair, timely justice.
2. Expand the use and deployment of technology, especially online services, to permit greater convenience and service to the public.
3. Enhance public access to and understanding about court processes and programs.
4. Promote safer, more secure, user-friendly court facilities.

# 1. Simplify the court’s organizational structure and streamline case processing to improve efficiency and better deliver fair, timely, justice. (ACCESSIBLE; EFFICIENT; FAIR)

Nationwide, court systems have wrestled with simplifying their organization structures and improving internal case processing since Roscoe Pound delivered his seminal speech on *The Causes of Popular Dissatisfaction with the Administration of Justice* to the American Bar Association in 1906. Pound, a young law school dean at the University of Nebraska, and later at Harvard, urged each state to consolidate courts where possible, fund them through the state rather than locally, reduce and simplify court rules and procedures, and speed the adjudication of cases. Those reforms have guided changes in local, state and federal courts over for over 100 years.

Although New Mexico has done a good job in transitioning from local to state funding and in modernizing many court rules and legal procedures, simplifying court organizational structures and consistently holding delay to a minimum have proven to be more difficult to carry out. Judicial leaders have concluded both those unrealized reforms deserve a renewed emphasis in this 3-year strategic campaign.

Improved efficiency and cost-saving for the court and public are the Judiciary’s ultimate objectives in simplifying court structures. Many states have merged general jurisdiction (district) and limited jurisdiction (magistrate, municipal, probate) courts to create one single trial court that handles all case types. Economies of scale – doing things more efficiently because of increased size, volume and speed in operations – have allowed greater specialization, improved resource sharing, expanded innovation, better overall governance, and more coordinated use of high-tech.

Timely case processing is linked to the enhanced delivery of justice when unnecessary delay is minimized. As Professor Ernie Friesen, an early caseload management researcher and law school dean, often emphasizes, “Delay is the enemy of justice.” It weakens the fundamental purposes of courts whether it involves applying the law to the facts in a timely way, protecting individuals from the arbitrary use of government power, or uplifting public trust and confidence in the courts through the prompt, peaceful resolution of disputes.

In implementing this strategic direction, the Judiciary intends to:

## Organization Structure Initiatives

- Explore the coordination and consolidation of functions and services among district and magistrate courts in the interests of promoting economies of scale and better public service.
- Review the possibility of coordinating county probate, district, and municipal court functions to stimulate greater efficiency and improved public accessibility.
- Examine restructuring and coordinating appellate court administrative and case functions.

## Case Processing Initiatives

- Adopt evidence-based practices that improve caseload, decrease costs, and reduce delay.
- Establish a culture of early case resolution
- Advance the use and operation of Criminal Justice Coordinating Councils in all 13 judicial districts for systemic improvements among justice system partners.

## 2. Expand the use and deployment of technology, especially online services, to permit greater convenience and service to the public. (EFFICIENT; ACCESSIBLE; INNOVATIVE)

“Rapidly evolving technologies are transforming society, including the courts. Technology forecasts indicate that IT infrastructures will be increasingly cloud-based. Personal mobile devices will become even more powerful and ubiquitous. [And] the era of ‘smart’ machines is here and will be disruptive,” according to a recent report by the National Center for State Courts.

New Mexico’s Judiciary is resolute in its desire to digitize many of its business functions. Initial activities center on implementing the Tyler Odyssey electronic case management system replete with e-filing, digital records, and integrated information sharing. New Mexico is the first state where all appellate and trial courts are operating on the same unified case management system.

Possibilities for further reengineering court operations will be far-reaching. As an example, Minnesota’s *eCourtMN* case management system, an early Odyssey software version, has been tailored to reduce costs and increase service by centralizing and regionalizing a range of case processing work (e.g. jury qualification and summoning, traffic ticket processing, expedited child support orders, etc.) previously spread across that state’s 87 counties.

Increasingly, the public is expecting to conduct business with the court online. A glimpse of what is to come was recently revealed by a 2018 Pew Research study. Analysts found smartphone ownership has become a nearly ubiquitous element of teen life (ages 13-17): 95% report they have a smartphone or access to one and 45% say they are online nearly constantly.

To expand the use and delivery of high-tech / high-touch services, the Judiciary will:

### **Business Efficiency Initiatives**

- Develop and implement a “back scanning” program to digitize appropriate paper files.
- Provide effective ways to communicate information about technology advances and policies to judges, court staff and the public.
- Integrate audio recording of adjudication proceedings with Odyssey case management software.
- Develop accurate, timely and useful performance reports regarding Odyssey data and case processing standards from filing to disposition, regardless of the type of disposition.
- Implement guardianship case tracking software.

### **Customer Service Initiatives**

- Implement credit card transactions for all appropriate court activities.
- Complete e-filing for all case types.
- Maximize online document access.
- Expand the “file and guide” system for self-represented litigants.
- Increase and expand the use of interactive video conferencing for court hearings, interpreting, first appearances, and representation by NM Legal Aid and volunteer lawyers.
- Increase access to online court processes.

### 3. Enhance public access to and understanding about court processes and programs. (EFFICIENT; ACCESSIBLE; FAIR)

As New Mexico’s third branch of government, the Judiciary has a moral and constitutional duty to ensure people of all backgrounds, incomes and special needs have open access to resolve their civil and criminal disputes through the courts. To do so involves re-thinking ways to develop and provide useful, informative justice services, resources, processes and programs.

Access improvement, however, is only half of the solution. Nationally for the last few decades court reform organizations have encouraged local and state trial courts to reduce barriers that prevent people from understanding and exercising their rights provided through the public court system. Positive changes have occurred: e-filing, simpler procedures, and new self-help legal information and processes are now widespread. All good outcomes.

The more difficult task that remains is to substantially increase public awareness about these new methods and opportunities. In many situations, these fresh approaches provide less expensive and more constructive ways to resolve disputes, treat offenders, and seek justice. Coupled with a greater emphasis on procedural justice, the New Mexico Judiciary intends to strengthen public access and awareness of court services in the following ways:



#### Public Outreach Initiatives

- Develop communication policies and a unified strategy that can address speakers, speaker guidelines, a speaker’s bureau, appropriate press releases, a plan to regularly update the Legislature, an improved website, the uniform use of social media, and “how to” videos that can be posted on social media.
- Solicit service and performance feedback via the court’s website and other means (e.g. periodic CourTool surveys) from court users (lawyers, witnesses, jurors, and litigants), judges, and court staff, and create follow-up action plans.
- Build an internal “info-net” for judicial officers with content that can include policies, policy changes, forms, meeting minutes, and newsletters.
- Create an innovative Judicial Branch Communications Office.
- Implement 2017 approved new funding mechanism for alternative dispute resolution services

#### Training Initiatives

- For judges – develop curricula on Odyssey training, the Judicial Education Center Annual Education Symposium, new judge orientation, and for experienced and chief judges training in leadership, budgeting, media relations, human resources, chief judge/CEO team-building, and effective interaction with justice system partners.
- For all staff – define and update educational curriculum and materials; focus special training on procedural justice.
- Transfer the Judicial Education Center (JEC) from the University of New Mexico to the Judiciary; eliminate fee funding for JEC education.

## 4. Promote safer, more secure, user-friendly court facilities. (EFFICIENT; ACCESSIBLE)

Local and state courthouses are an integral part of American life. As prominent structures in virtually every county, they are among the most visited and busy public buildings in any community. Home to routine legal proceedings as well as the drama of high profile trials, a greater number of courthouses are being re-structured to be safer, more secure and user-friendly in response to a more confrontational society and the needs of a demanding, better informed public. To these ends, New Mexico's judicial leaders are determined to find ways to improve access, safety and services at court buildings in all 33 counties of the State.

Where building security is inadequate, the Judiciary will work to strengthen it. Where safety protocols and training are lacking, operating procedures and policies will be instituted. And where parties seeking court intervention may be vulnerable to harm, the Judiciary is intent on providing separate and secure space. If courts cannot ensure the safety of all participants in the judicial process, the integrity of the justice system is threatened.

As public buildings, courthouses need to be welcoming places that are easy to navigate for visitors. Those who have physical, cognitive, cultural or language challenges in dealing with the justice system and its processes should be able to conduct business as easily, comfortably and efficiently as those who do not.

A growing number of people with family, civil, traffic and misdemeanor cases today are "going it alone" in court proceedings. Called "self-represented litigants," they either cannot afford a lawyer or opt not to retain counsel. Courthouses have increasingly becoming sites for court-annexed legal self-help programs

providing information, do-it-yourself instructions, forms, and access to pro-bono legal services.

Helping and educating litigants without lawyers has become a new dimension among the services offered by courts. In response, it is the Judiciary's intent to demystify judicial procedures and simplify internal court workflows for the public. This direction includes digital solutions as self-help services become increasingly available online.

In promoting safer, more secure, user-friendly court facilities, the Judiciary intends to:

### **Security Initiatives**

- Institute a security committee for each courthouse under the direction and leadership of the chief district court judge and court administrator in each county.
- Establish policies and procedures regarding safety and security in each court building via the courthouse security committee.
- Co-locate court facilities where possible to maximize security.
- Adopt building and design standards that support safe, secure, and accessible justice.

### **User-Friendly Initiatives:**

- Pilot and expand a Limited License Legal Technician (LLLT) program, as possible, to serve self-represented litigants similar to programs in Washington, Oregon and Utah.
- Review and develop pilot projects with public libraries to provide self-help legal information, forms and instructions.
- Co-locate court facilities where possible to maximize efficiency, convenience and access for the public.

