

State Bar of New Mexico
Legal Services and Programs Committee

Legal Services Corporation State Plan

This report is submitted by the State Bar of New Mexico Legal Services and Programs Committee and has been approved by the State Board of Bar Commissioners. The committee and its predecessor, the Task Force on Legal Services, has been responsible for the continued development of civil legal assistance for the poor in New Mexico since mid-1995.

The committee consists of the “full committee” and four subcommittees: planning, pro bono, pro se, and funding. The full committee consists of the co-chairs of the committee and the chairs of the 4 sub-committees.

The sub-committees are composed of members of the state bar with an interest in civil legal services; executive directors of the five LSC funded programs that provide services in New Mexico; executive directors and staff of other providers of civil legal assistance; faculty from the University of New Mexico School of Law; representatives of key state agencies; and other interested persons. Sub-committee members also serve on the boards of directors of several legal services programs (LSC and non-LSC funded).

The full committee is co-chaired by Sarah Singleton and Judge Peggy J. Nelson. Ms. Singleton is an attorney in private practice in Santa Fe and an active pro bono attorney. As president-elect of the State Bar she played a key role in the formation of the Task Force on Legal Services for the Poor in 1995. Since then, she has led the effort to create an effective legal services system in New Mexico. She is currently a member of the ABA’s Standing Committee on Legal Aid and Indigent Defendants (SCLAID).

Judge Nelson is a district judge in north central New Mexico. She was a staff attorney in, and Executive Director of Northern New Mexico Legal Services for several years, has been a member of the DNA-People’s Legal Services Board of Directors, and was co-chair of the Task Force Long Range Planning Committee before becoming co-chair of the Legal Services and Programs Committee.

On two occasions (in 1995 and 1997—see below), the State Bar has convened “seminars” that brought a much larger group into the planning process: LSC funded program staff, judges from all levels of the judiciary, representatives of community groups, and others with an interest in legal services.

Planning Activities

First Seminar

The state planning effort in New Mexico began with a seminar titled “Dollars and Sense: Strategies for Expanding Access to Justice,” on July 29, 1995 (Note 1). The seminar was sponsored by the State Bar of New Mexico Legal Services Committee, chaired by a member of the New Mexico legislature, Rep. Gary King.

The seminar was attended by approximately 50 people: judges (from the New Mexico Supreme Court, Court of Appeals, and several district courts); the current and in-coming state bar presidents; members of the three state bar committees with jurisdiction over civil legal services—legal services, pro bono, and the Lawyer Referral Program for the Elderly (LREP); faculty from the University of New Mexico School of Law; executive directors and staff from all five LSC funded programs; and key staff from the major non-LSC funded civil legal assistance providers: LREP (statewide), the Senior Citizen’s Law Office (Albuquerque), Protection and Advocacy (statewide), and the Volunteer Lawyers Office (Albuquerque).

The seminar began with overviews of key issues facing legal services in New Mexico: fund raising (presented by Shelley Sherdaly from the Fundraising Project); expanding the pool of pro bono attorneys (John Arango, a member of the LREP committee); increasing access for pro se litigants (John Greacen, then clerk at the Bankruptcy Court, and a member of the advisory committee to the Self-Help Model Court in Maricopa County, AZ(2)); and systemic change (presented by Maureen Saunders, a faculty member at the UNM Law School).

The plenary session was followed by small group discussion of each of the four topics. The recommendations emerging from the small groups were:

- Form four state bar committees to continue work on the key issues: fundraising, pro bono, pro se, and systemic change.
- Fundraising: set a goal of \$2 million in new funds for civil legal services, from three sources: a) a filing fee, to be sought from the state legislature during its next session beginning in January, 1996; b) a general fund appropriation from the legislature; and c) a “buy-out” (3) for attorneys unable to perform pro bono service.
- For pro bono: in the face of potential cuts in the LSC appropriation, and further restrictions on the activities that could be performed by LSC recipients, “tell us the cases that need to be done, and we’ll do them.” The group recommended that the State Bar immediately hire a staff member to coordinate the statewide pro bono effort. In the longer run, the group recommended a series of initiatives similar to those recently put in place in Florida which included mandatory reporting of pro bono activity by all practicing attorneys; creation of pro bono committees in each judicial district, chaired by the presiding judge, to oversee pro bono activities in the district; and development of a “buy out” program.

- Pro se: “reduce demand for lawyers” by expanding support for pro se litigants; look to the self-help court in Maricopa county as model for what could be accomplished in New Mexico; and consider seeking funding for an demonstration “self-help” court in Albuquerque (4).
- Systemic change: improve administration of New Mexico’s welfare and Medicaid programs, thereby reducing demand for representation; develop uniform forms for all courts in New Mexico, making it easier to train pro se litigants; and expand alternative dispute resolution (ADR) programs.

Task Force: 1995-96

After some discussion of the recommendation to create four state bar committees, the Board of Bar Commissioners decided to instead create a single task force. The resolution creating the Task Force on Legal Services for the Poor stated:

1. It is a high priority of the State Bar to assure that those in need of legal services but unable to afford an attorney are able to obtain access to legal services and the courts.
2. Other groups affiliated with the legal profession should join in a cooperative effort to meet this priority.
3. A pro bono referral program be established by December 1, 1995.
4. Specific steps be taken to address the anticipated growth in the use of existing programs and facilities by pro se litigants.
5. Plans be made to stabilize existing funding, and that efforts to increase funding should be coordinated among organizations competing for funding.

The Task Force was composed of all of the members of the then existing bar committees with an interest in legal services, augmented by judges and others with special expertise in fund raising, pro bono, pro se, and systemic reform. The Task Force was co-chaired by Stanley Sager, a prominent Albuquerque attorney, and the Hon. Pamela Minzner, a member of the New Mexico Supreme Court. Because the Task Force had many members, all of its work (except formally approving reports) was conducted by four committees: long range planning, funding, pro se, and pro bono. The committees were empowered to act within their areas of expertise.

Task Force Long Range Planning Committee

The task for the Long Range Planning Committee was to develop a plan for provision of civil legal assistance to the poor in NM. Early in its deliberations, the Committee agreed that any legitimate plan had to address the entire need. That is, the plan had to envision a system that provided an appropriate service to *all* eligible persons with a legal need.

Over the course of several months, the Committee, with the assistance of John Arango, developed a plan using information from the American Bar Association’s Legal Needs Study (5). The plan showed: the number of legal needs occurring in low income households in New Mexico; the actions taken by low income persons when they have a legal need; the services to be

provided; the numbers of households to be served; and an estimate of the cost of providing those services. In presenting the plan to the Board of Bar Commissioners, Sarah Singleton and Stanley Sager stressed four concepts that are central to the plan:

- *Full access*: any effective system must aim to provide an appropriate service to every low income person with a legal need.
- *More than federal funding*: much of the cost of legal services will have to be borne by the state.
- *More than LSC providers*: in particular, the private bar will have to continue to represent most low income people with legal needs.
- *More than “one need, one lawyer”*: there will never be enough money (or enough lawyers) to provide representation for every legal need; self-help will be an essential part of any legal services system.

The plan was adopted by the full Task Force in December, 1996, and by the Board of Bar Commissioners during its first meeting in 1997. Because the report of the Long Range Planning Committee is, by action of the Board of Bar Commissioners, *the plan* for legal services in New Mexico, it may be useful to briefly summarize the contents of the report (6):

- Using 1990 census data, the number of low income households in New Mexico (at 125% of poverty) is about 132,000. Using prevalence (7) rates from the ABA Study, these households have a total of approximately 145,000 legal needs.
- Taking into account the fact that many family/domestic relations legal situations generate two clients, the number of potential clients is shown below:

Category	Prevalence (8)
Family/Domestic Relations	28,000
Housing/Real Property	23,000
Finances/Consumer	23,000
Community and Regional	18,000
Employment	11,000
Personal Injury	10,000
Health	8,000
Wills, Estates	7,000
Public Benefits	5,000
Business, Farms	3,000
Schooling	3,000
Civil Liberties	1,000
Vocational Training	1,000
Special Groups	4,000

- The most common action taken by low income households with legal needs is—no action at all. In New Mexico, no action is taken for 52,000 legal needs.

- When action is taken, the most common actions taken are:

Action Taken	Number of Legal Needs
Enter the legal/judicial system (9)	44,000
Take “on own” action	33,000
Consult a non-legal third party	14,000

- Of the needs taken into the legal judicial system, about 30,000 are taken to an attorney: about 23,000 to a private attorney (10), and about 8,000 to a legal services attorney.
- Unmet legal needs:
 - If “unmet legal need” is defined as legal needs for which a) no action is taken, or b) the most effective action is taken outside the legal system and the client is dissatisfied with the result, or c) the client enters the legal system but is unlikely to receive an appropriate service, then 60% of legal needs in New Mexico, or 87,000 legal needs, are “unmet needs”.
 - If “unmet legal need” is defined as legal needs that a) are not brought into the legal system, or b) are in the legal system but unlikely to receive an appropriate service, then 75% of legal needs in New Mexico, or 109,000 legal needs, are “unmet needs”.

The plan approved by the Board of Bar Commissioners envisions a system in which low income households are as successful as moderate income households in dealing with their legal needs. The system has six basic strategies:

- To reduce the number of low income legal needs for which no action is taken (36%) to the same level found in moderate income households (26%), by using *outreach* to encourage households with legal needs to do something, and by *building a network* of community leaders organizations and others (“non-legal third parties”) *able to refer poor people with legal needs to an appropriate source of assistance*.
- To build on what low income households already do when they have a legal needs, by using *community legal education* to increase the number of poor people able to effectively deal with their legal needs outside the legal system.
- To use a *legal helpline* to provide advice, brief service and referrals to all poor persons seeking assistance from the legal system. Conservative rates of “client satisfaction” are used to ensure that a sufficiently large pool of attorneys is available to serve households that need more than advice.
- Providing *group representation* for some legal needs (especially, community and regional needs).

- *Maintaining the level of participation of private attorneys* (both pro bono and on a negotiated fee basis).
- *Expanding the number of legal services staff attorneys* to ensure that all households that require more than advice or brief service, and are not served by private attorneys, are represented by an attorney.

The envisioned system estimates the number of people served per year, and thus uses incidence, rather than prevalence. The number of new needs per year is 107,000. The system handles these needs as follows:

Disposition of Needs	Number of Needs
All legal needs (incidence)	107,000
No action taken	27,000
Taken to a non-legal third party and need no further assistance ("satisfied")	8,000
Take "on own" action and are satisfied	14,000
Taken into the legal system (11)	58,000
Satisfied with legal helpline services	30,000
Group representation	7,000
Represented by private attorney, usual fee	5,000
Represented by private attorney, reduced fee	2,000
Represented by private attorney, pro bono	5,000
Represented by legal services attorney (12)	8,000
Contingent fee but lost, rounding errors	1,000

In the envisioned system, only those low income households who choose to take no action are unserved. The system reduces unmet need from 60% or 75% of all legal needs (depending on the definition used) to 27% of all legal needs. It may be that a larger number of low income households can be persuaded to take action, but the New Mexico planners did not think that current technology would yield system utilization rates higher than those currently found in moderate income groups.

The total cost of the system envisioned above is approximately \$27,000,000 (13). Poor people will pay 45% of the system cost (14), or about \$12,000,000. Pro bono services will account for about \$3,000,000. The rest—about \$12,000,000, or 45% of the total—will be paid by the public.

Other Planning Activities: 1995-96

The other important planning activity during 1995-96 was the preparation, by the executive directors of the LSC funded programs, of a plan to preserve state support. Over about six months, two key decisions were made: to preserve the then LSC-funded state support center and its staff; and to fund the support center by directing the IOLTA grants awarded to the LSC funded programs to the state support center. The New Mexico Center on Law and Poverty was created on January 1, 1996.

Task Force Funding Committee

The Funding Committee began work immediately after the seminar in July, 1995. Because filing fees in New Mexico are used to fund judges' retirement, the Committee decided not to seek an increase in the filing fee for legal services. Instead, the Committee recommended that a modest "answer fee" be created.

On initiative of a member of the Committee, Rep. Gary King, the answer fee bill was introduced during the 1996 legislative session. Two leading lobbyists agreed to promote the bill on a pro bono basis. The legislation passed, but was vetoed by Governor Gary Johnson in April, 1996.

During the rest of the year, negotiations with the governor's staff suggested that the governor would sign a bill increasing the filing fee for legal services. At the time the Task Force completed its work (December, 1996), a filing fee bill was ready for consideration by the legislature during the 1997 legislative session.

Other Funding Activities: 1995-96

Fundraising activities conducted by the Equal Access to Justice Fund increased significantly in 1995-96: law firm contributions increased by nearly 50%. The Equal Access to Justice Fund was created in 1989 by four LSC funded programs: The Legal Aid Society of Albuquerque, Indian Pueblo Legal Services, Northern New Mexico Legal Services, and the state support center. Funds are raised from private law firms and individual donors in a campaign conducted by attorney volunteers during the fall of each year. Since 1992, US Senators Pete Domenici and Jeff Bingaman have served as honorary chairs of the campaign. Grants are made to participating programs using a formula determined by the board of directors of the Fund. The Fund will grant its millionth dollar sometime during 1999.

See Appendix C for a more complete report on the activities of the Equal Access to Justice Fund.

Task Force Pro Bono Committee

In response to the mandate from the Board of Bar Commissioners, the Pro Bono Committee moved quickly to create a statewide pro bono program. "Lawyers Care" was created to refer cases that LSC funded programs could no longer handle due to restrictions or LSC funding cuts. A person to staff the program was hired in early 1996. More than 500 attorneys were recruited to take cases that could not be handled by the five legal services programs.

Task Force Pro Se Committee

The Pro Se Committee began work on activities that continues to this day. The Committee's work can be grouped into four categories: 1) cataloging pro se activities in the state;

2) conducting training for judges and court personnel; 3) preparing manuals on pro se procedures for courts; 4) developing standardized forms; and 5) translating pro se materials into Spanish. See page 12 below for a report on the activities of the Pro Se Committee.

Institutionalizing State Planning: The Legal Services and Programs Committee

The Task Force on Legal Services to the Poor completed its work at the end of December, 1996 (for a copy of the Task Force final report, see Appendix B). In its place, the Board of Bar Commissioners created the Legal Services and Programs Committee at beginning of 1997. This action institutionalized the legal services state planning process within the State Bar of New Mexico.

As discussed at the beginning of this report, the Legal Services and Planning Committee consists of an umbrella committee and four sub-committees: planning, pro bono, pro se, and funding.

Planning Sub-Committee: 1997-Present

The first task undertaken by the Planning Sub-Committee was to refine the list of essential services in the Long Range Plan. The refined list, titled “Goals for Civil Legal Services in New Mexico”, is shown on page 10.

The Sub-Committee then began to prepare more detailed plans for each of the essential services. The first step in this process was to conduct a study of all providers of civil legal services in the state. The Sub-committee facilitated an award by the State Agency on Aging to the New Mexico Center on Law and Poverty to conduct the study. A copy of the study is attached as Appendix E.

The study identified fifty organizations in New Mexico that provide “some form of legal service or a service which impacts on the legal arena.” These organizations were then surveyed to identify the services provided. “We identified nineteen core organizations that provide direct legal services (whether advice, mediation, referrals to pro bono lawyers, pro se assistance, or direct representation by the organization itself”. This core group was then re-surveyed to learn more about their eligibility guidelines, intake, delivery methods, use of attorneys, staffing patterns, and types of cases handled.

Given the large number of providers, the Sub-Committee decided that its first priority should be to create a coordinated intake system. Again using a grant from the State Office on Aging, the Sub-Committee arranged for MaryAnn Sarosi, then director of CARPLS, a legal helpline serving the Chicago area, to conduct a study of the intake systems used by providers in New Mexico, and to make recommendations regarding “whether there were opportunities to improve the effectiveness and efficiency of the civil legal services delivery system in New Mexico.”

Ms. Sarosi delivered a report containing her findings and recommendations to the Sub-Committee in February, 1998. Ms. Sarosi's recommendation was that New Mexico:

“...implement a Multi Program Helpline. There could be one statewide helpline or two regional ones...Clients' questions would be answered more efficiently; staff attorneys could focus more time on cases requiring greater resources; referrals would be more reliable...; and the ability to assess ongoing legal needs of the targeted population would improve.”

A copy of Ms. Sarosi's report is attached as Appendix F.

Legal Helpline Seminar

In February, 1998, the Legal Services and Programs Committee convened its second seminar to discuss the recommendation to implement a multi-program legal helpline. About 80 persons participated, including judges from the Supreme Court and district courts, bar leaders, members of the Legal Services and Programs Committee sub-committees, representatives of community organizations, and directors and staff of LSC- and non-LSC funded programs.

The program consisted of an overview of her report by MaryAnn Sarosi; small group discussions of Ms. Sarosi's findings and recommendations; reports from small groups; and a final plenary session, in which a consensus for further action emerged.

In general, all of the small groups agreed that a multi-program legal helpline would benefit New Mexico clients and programs. Five issues were raised: 1) a broader group needs to participate in the design of the Legal Helpline; 2) careful attention should be given to language and cultural issues, especially in Indian communities, and for callers who speak only Spanish; 3) the differing laws and court practices in Indian communities (each of the 19 pueblos, the Jicarilla and Mescalero apaches, and the Navajo Nation, has its own laws and tribal court procedures) may make it difficult for a single Legal Helpline to cover Indian communities; 4) funds for the Legal Helpline should not be taken from existing programs; 5) lack of access to telephones in rural areas is a real issue; and 6) because of the language and cultural issues, it may be best to start small and then expand to cover entire regions or the whole state.

Goals for Civil Legal Services in New Mexico

Element	Goal
Outreach	Reduce the number of low income households with legal needs that take no action by encouraging poor people to take action on their own behalf or to seek assistance from a non-legal third party. Special attention will be given to reducing lack of action in hard to reach groups, such as migrants, the disabled, the homebound and institutionalized, people in remote rural areas, and others.
Community Legal Education	<ul style="list-style-type: none"> a) Produce better outcomes for low income households with legal needs that choose to take action on their own by providing information on rights and self-help dispute resolution b) Train non-legal third parties in low income neighborhoods and rural communities to provide assistance to households with legal needs c) Reduce the number of legal needs in low income households by providing information on rights and responsibilities, and on actions that can be taken to prevent legal needs
Legal Helpline	<ul style="list-style-type: none"> a) Provide assurance to low income persons who believe they have a legal problem by enabling them to speak to an attorney or an experienced paralegal b) Produce better outcomes for low income households with legal needs that choose to take action on their own after receiving telephone advice from an attorney or paralegal c) Resolve legal problems in low income households by providing a brief legal service d) Identify low income persons whose legal need could be resolved by alternative dispute resolution, and refer those persons to an appropriate forum e) Identify low income persons who require the assistance of a lawyer or paralegal, and refer those persons to an appropriate source of representation
Support Pro Se Litigants	<ul style="list-style-type: none"> a) Reduce the number of pro se litigants by diverting potential pro se litigants to less formal dispute resolution forums b) Prepare low income persons with legal needs who choose to proceed pro se to represent themselves in court
Alternative Dispute Resolution	Resolve legal problems of low income households in an alternative dispute resolution forum
Private Bar Representation	Resolve legal problems by using private attorneys—paid and pro bono—to represent low income persons with legal needs
Legal Services Representation	Resolve legal problems by using staff attorneys—in LSC and non-LSC programs—to represent low income persons with legal needs
Group Representation	<ul style="list-style-type: none"> a) Resolve legal problems of low income households by providing representation in situations in which a substantial number of persons, living in the same neighborhood or community, have the same legal need or needs b) Resolve legal problems of low income households by providing representation in situations in which a substantial number of persons have the same legal need or needs, and can be effectively represented as a group, rather than as individuals
Policy Advocacy/Law Reform/Systemic Change	<ul style="list-style-type: none"> a) Change laws, policies and practices that operate unfairly against low income individuals, families, groups and communities b) Develop and implement laws, policies and practices that enable poor people to achieve human dignity and economic self-sufficiency, ideally without depending on State assistance
System Management/Substantive Support	Develop and maintain a system able to effectively and efficiently achieve the above goals.

During the final plenary, the consensus was that the Sub-Committee should continue to explore the creation of a multi-program Legal Helpline. In response to this decision, the Legal Services and Programs Committee is now actively seeking funding to develop a strategic workplan for a multi-program Legal Helpline.

Funding Sub-Committee: 1997-Present

The filing fee bill prepared as one of the last acts of the Funding Committee of the Task Force was passed by the legislature in early 1997. The Governor again vetoed the legislation. As of this report, no further requests have been made to the state legislature.

Individual LSC recipients, however, have actively pursued funding from other non-LSC sources. These activities are described in detail in the funding applications submitted to the LSC by the programs in July, 1998. The Legal Aid Society of Albuquerque, for example, received a substantial grant from HUD for fair housing work. Northern New Mexico Legal Services received two grants from the Ford Foundation in 1998 (one was a renewal of an existing grant; the other was sought with Indian Pueblo Legal Services), and submitted a major Violence Against Women Act (VAWA) proposal to DOJ in conjunction with Indian Pueblo Legal Services and 15 local domestic violence programs.

Indian Pueblo Legal Services has received six non-LSC grants between 1997 and 1998, totaling \$160,000. DNA-People's Legal Services currently has 13 non-LSC grants including seven domestic violence grants and the only Native American Protection and Advocacy grant in the nation.

DNA-People's Legal Services joined the Equal Access to Justice Fund (EAJF) in 1996. Southern New Mexico Legal Services is now considering joining EAJF. If it joins, EAJF will be one of the few statewide legal services fundraising campaigns.

The funding Sub-Committee will continue to advocate for mandatory reporting of pro bono hours by members of the State Bar and publicizing that under the Supreme Court rules pro bono service is part of an attorney's ethical obligation and that the contribution of \$350 to a legal services organization or to EAJF is an acceptable alternative to pro bono service. The Committee also participates in a fundraising activity for EAJF.

Finally, many individuals in New Mexico have been active in the effort to increase the appropriation for the LSC. The State Bar encourages the US Congressional delegation and the bar members to actively support adequate federal funding for civil legal services.

Pro Se Subcommittee: 1997-Present

The Sub-Committee recently issued its “Summary of Present Pro Se Activities in New Mexico”, the first comprehensive report on the extent of pro se activity in New Mexico (see Appendix G). The report shows that support for pro se litigants is available in all of the major judicial districts except those in the southeast corner of the state. In general, pro se litigant support is jointly provided by legal services programs and local bar associations. Of particular interest is the Self-Help Center of the Third Judicial District and the Pro Se Clinic of the Eleventh Judicial district (15). These were modeled in part on the Courthouse Booth program in the courts in Albuquerque, conducted by the Volunteer Lawyers Office (a United Way program), supplemented by the pro se clinics conducted by the Legal Aid Society of Albuquerque.

In addition, the Sub-Committee’s manual for Magistrate and Metropolitan Courts is under review by the Administrative Office of the Courts. The Committee is also working closely with a task force established by the Supreme Court to prepare standard domestic relations forms. For a more complete description of the Sub-Committee’s work, see Appendix H.

All of the LSC-funded programs have, over the years, developed pro se materials acceptable to the state judicial districts or tribal courts in which they practice and provide some type of pro se assistance. The efforts of the Pro Se Sub-Committee represent the first concerted effort toward the adoption of uniform pleadings throughout the state court system.

Pro Bono Sub-Committee: 1997-present

The Pro Bono Sub-Committee, now called “Lawyers Care Pro Bono Advisory Committee” continues its oversight of the statewide Lawyers Care Program. Lawyers Care presently has a panel 1245 volunteers who accept referrals. The panel includes attorneys, court reporters and legal assistants. 1086 members of the panel are attorneys. Intake and screening is done by the LSC programs, which then send the file to the Lawyers Care Coordinator. The Lawyers Care Coordinator then refers the cases to volunteers. To date, Lawyers Care has received 1055 cases for referral.

The Lawyers Care goals for 1998 was 300 cases. In the first eight months of 1998 Lawyers Care received 590 cases. 496 were placed as of August 31. Lawyers Care expects to place an additional 120 cases by the end of the third Quarter.

State Bar Coordinated Pro Bono Activities

The Task Force recommended that the State Bar create a position to coordinate public service activities. The State Bar of New Mexico did this in 1998, and now has a “Director of Pro Bono and Referral Programs.” This position supervises Lawyers Care, as well as the Bar-operated Lawyer Referral for the Elderly Program (LREP) and the Statewide Lawyer Referral Service. In addition, volunteer projects of the Young Lawyers Division (AIDS law panel and the legal assistance provided at the Health Care for the Homeless facility) are supported by this Director.

The LSC Capacities for an Effective Statewide System

In Program Letter 98-1, the LSC asked planners in each state to address seven issues:

- 1) Intake and provision of advice and brief services.
- 2) Effective use of technology.
- 3) Increased access to self-help and prevention information.
- 4) Capacities for training and access to information and expert assistance.
- 5) Engagement of private attorneys.
- 6) Development of additional resources; and
- 7) Configuration of a comprehensive, integrated statewide delivery system.

The remainder of this document addresses each of these issues from a statewide perspective. Information on the activities of individual LSC recipients can be found in their applications for funding submitted to the LSC in July, 1998.

Intake and Provision of Advice and Brief Services.

As discussed earlier, the Legal Services and Programs Committee is now actively seeking funding to conduct a feasibility study for a multi-program legal helpline in New Mexico. After the seminar, the Planning Sub-Committee met with the full Legal Services and Programs Committee to discuss next steps. The Planning Sub-Committee Co-Chairs recommended that funding was needed to staff the pre-implementation phase. This approach was adopted by the full Committee at its spring meeting. As of this date, a final contract is pending that will provide funds for a consultant to work with the Planning Sub-Committee to develop a fundable work plan for a multi-provider legal helpline. This work plan would provide the basis to seek additional funding for the start-up phase of this project. Included in this pre-implementation phase are the development of program protocol, development of agreements among current providers of legal services and a number of other tasks. We anticipate that the primary pre-implementation activities will take place in September – December, 1998. This will be coordinated with a legislative strategy for a funding initiative in the 1999 session.

Effective Use of Technology.

Every LSC advocate in the state has at least a Level 2 computer (as defined by LSC) on his or her desk (16). Each office has access to e-mail and the web. Additionally, DNA-People's Legal Services (DNA), the Legal Aid Society of Albuquerque (LASA) and Indian Pueblo Legal Services (IPLS) have Westlaw or Lexis capability at each of their offices. All the LSC-funded programs have computerized case management systems. The four that use Kemp's Clients for Windows system coordinate upgrading and trainings to minimize consultant costs.

Southern New Mexico Legal Services (SNMLS), IPLS, LASA, and DNA all have excellent phone systems. All of these programs operate regional helplines (17). This use of technology is particularly effective because all of these programs (with the exception of LASA) serve geographical areas that are larger than many states.

Use of computers for more than word processing and document assembly can be improved in all of the programs. Additional effort needs to be made to train advocates to make more effective use of available technology.

Projected activities:

- a) Improve use of computers for communication within and between programs.
- b) Investigate development of one or more websites to provide information to eligible clients on legal rights, on program services, and on self-help actions that can be taken to address legal needs.
- c) Improve use of the internet for legal research.

Increased Access to Self-help and Prevention Information.

All providers share printed community legal education materials. The NM Center for Law and Poverty acts as a clearinghouse for community legal education materials. These activities will continue in the future. All providers will cooperate in developing one or more websites to distribute information to low income households.

Training and Access to Information and Expert Assistance.

The New Mexico Center on Law and Poverty acts as the state support center for all legal services providers and pro bono volunteers. It offers expert assistance to advocates on a range of issues, including TANF, Medicaid, Food Stamps and General Assistance; sponsors statewide substantive task forces involving advocates from all providers; monitors actions of the state legislature and key administrative agencies and keeps advocates up-to-date on developments in the law and regulations; and conducts an annual conference for all advocates, where training is offered on a broad range of substantive issues.

Expert assistance is available to advocates through consumer law and welfare workshops which meet periodically and draw upon the skills of both LSC and non-LSC staff. These roundtable discussions also provide the basis for networking which is crucial to developing and maintaining substantive knowledge in a given area of law. Also, through the State Bar's Lawyers Care Program, private attorneys are available to mentor or advise regarding cases within their professional expertise.

Projected activities:

- a) The State Bar Committee and its members will support the Center in continuing its work.
- b) Support stable and adequate funding for training.

Engagement of Private Attorneys.

The statewide pro bono programs described earlier will continue. After the Legal Helpline is in place it will be necessary to increase pro bono services. A number of recommendations made by the Committee, such as mandatory reporting and increased judicial support and involvement, have not been carried out. Efforts to have the private bar increase its commitment in the provision of legal services to the poor will continue. Currently private bar members provide over \$1,000,000 worth per year in pro bono services under a volunteer reporting system.

Development of Additional Resources.

The central issue in the development of a comprehensive, integrated system of legal services in New Mexico is lack of money. Finding additional funding is key to further development of New Mexico's legal services system.

As described throughout this report, New Mexico has a clear plan; a group of providers who have demonstrated ability to work together; statewide pro bono, private fund-raising, planning, and support efforts; on-going initiatives in its intake and pro se functions; a law school whose faculty has been active in planning and delivering services, and whose students, through its nationally known legal clinic, have been providing assistance to low income households for many years; a core of exceptionally well informed bar leaders; and a supportive legislature and judiciary. Some steps can be taken to better coordinate and integrate the current system without new funds. But significant change will occur only if new money can be found.

The best source of major new funds—millions of dollars—is the state. At this time, the possibilities for state funding are not good. We will continue current activities, including seeking significant funds from a) federal agencies, such as HUD and the Department of Justice; b) state agencies, in the form of contracts for services; and c) private donors, through expanded Equal Access to Justice Fund activities. New Mexico attorneys will also continue to actively support higher appropriations for the LSC.

Configuration of a Comprehensive, Integrated Statewide Delivery System.

This issue is considered from two points of view: activities that have occurred around this issue; and the approach New Mexico has taken to planning for the development of its legal services system.

Activities

Neither the Task Force Long Range Planning Committee nor the Legal Services and Programs Planning Sub-Committee has considered program configuration. Both groups have been more concerned with achieving consensus on plans, and coordination of on-going activities, than with program boundaries.

The delivery of most non-legal services in New Mexico is a combination of centralized policy-making and funding and decentralized service delivery. Virtually all services are delivered by independent non-profit organizations that serve tiny areas—usually, much less than a county. In this context, the five legal services programs serve huge areas. Only a few programs—the Area Agencies on Aging and the Community Action Agencies, for example—serve areas as large as the legal services programs.

Recently, Indian Pueblo Legal Services has begun discussions with DNA and NNMLS about a possible merger. Whether the merger occurs or not, these programs have plans to provide integrated and coordinated services to their clients

A Broader Perspective

The New Mexico plan focuses on legal needs and strategies for addressing those needs, rather than on the characteristics of the delivery system. It contains nothing about the number of providers, or the methods providers will use to achieve the desired level of effectiveness. In New Mexico's approach to planning, the seven issues raised by the LSC are tactical issues, to be dealt with once the resources to carry out the plan are available.

New Mexico is committed to achieving full access and building low income communities' capacity to deal with legal needs, rather than to the creation of a comprehensive, integrated system. If New Mexico is able to carry out its plan, it will *have* a comprehensive, integrated system. But that system will be a by-product of the real effort, which is to create a system that provides an appropriate service to all low income households with a legal need.

Notes

1. A fee paid in place of performing a voluntary service, such as representing a poor person. At the time of the seminar, Florida had recently agreed to a \$300 fee (per attorney, per year).
2. After the group presented its report, a key judge responded by offering to help raise funds for a demonstration self-help court from the legislature.

3. The ABA Legal Needs Study was conducted by the Consortium on Legal Services and the Public from 1992-96. The Study produced several reports. Those most used by planners in New Mexico were *Report on the Legal Needs of the Low- and Moderate-Income Public*, January 18, 1994, and *Agenda for Access: The American People and Civil Justice*, May, 1996.

4. The figures shown below differ slightly from those in the document approved by the Board of Bar Commissioners. The model first used in New Mexico was refined for use by Washington (state). The refined model is used here.

5. “Prevalence” is the total number of needs, regardless of when the need occurred. “Incidence”, used later in this document, is the number of needs occurring in one year.

6. The numbers in the column do not add to 145,000 legal needs because of rounding errors.

7. Only about 75% of those in the legal system have an attorney. Most of the rest are “in the system” only to the extent that they may ask a court clerk to explain what they received in the mail. Virtually all of this group are unserved by the system, although a few—whose number cannot be calculated using ABA Legal Needs Study date—proceed pro se.

8. The ABA Legal Needs Study shows that poor people and moderate income people use lawyers in the same way: for family/domestic relations matters, for personal injuries, and for wills and estates. Considering that legal services programs cannot handle personal injuries, and because of limited resources, are unable to provide assistance for most domestic relations issues (except those involving abuse or domestic violence), it is not surprising that poor people receive most of their representation from private attorneys.

9. In the current system, most clients that have contact with an attorney receive advice or brief service. In the envisioned system, the legal helpline will provide almost all of the advice and brief services. Virtually every client referred to an attorney will receive more than advice or brief service.

10. According to a survey conducted by the NM Center on Law and Poverty in 1997, the five LSC funded programs closed approximately 14,000 cases in 1996. The major non-LSC staff attorney programs (Protection and Advocacy and the Senior Citizens Law Office) closed approximately 4,500 cases, although not all of these clients had incomes below 125% of poverty. These figures are consistent with data in the table above, because many of these cases were advice, brief service, and referral, which will be handled by the Legal Helpline in the envisioned system.

11. Estimates of cost need to be used with caution. The figures shown are the right magnitude (tens of millions) but actual costs will be different. For example, all attorney hours—private and legal services--were assigned the same value (\$100) to make it easy to compare the cost of major system components. In reality, private lawyer’s rates are likely to be higher, and legal services’ lower.

12. While 45% paid by poor people seems high, the percentage borne by the poor is much higher in the current system because the legal services system is so underdeveloped.

13. The Eleventh District Program may be unique in bringing representatives of the county clerk and motor vehicle departments to divorce clinics to help participants understand how to register land and property, and motor vehicles, following a divorce.

14. At Northern New Mexico Legal Services all advocates have a Level 1 computer

15. NNMLS has 800# access in each of its offices.