



METROPOLITAN COURT STUDY
(2006-2007)

**League of Women Voters
of Greater Las Cruces**

Study Group

Chair: Marjorie Burr
Bonnie Burn
Ellen Haltom

METROPOLITAN COURT STUDY

In the New Mexico Court System the lowest courts are the magistrate, municipal, probate and metropolitan courts. A magistrate court has jurisdiction in civil actions involving less than \$10,000 and in misdemeanor cases, as well as making probable cause determinations, setting bail, conducting preliminary hearings and issuing arrest and search warrants in felony cases. A municipal court is limited to jurisdiction in traffic and other misdemeanor violations of municipal ordinances. Neither magistrate nor municipal courts are courts of record. A metropolitan court can conduct jury trials and hear civil cases involving claims under \$10,000 and misdemeanor cases. It is a court of record. Metropolitan court justices must be attorneys, and they are elected officials.

In New Mexico, a metropolitan court (metro court) exists only in Bernalillo County where it replaces the magistrate and municipal courts. It is possible for Doña Ana County to establish a metro court as soon as its population reaches 200,000. Population projections indicate that this happened in 2005, although the 2010 census will establish the county population.

The issue of establishing a metro court, however, is controversial. A bill establishing a metro court for Doña Ana County was introduced in the 2006 Legislature but was defeated. A study by the League of the benefits and consequences of a metro court for Doña Ana County was adopted at its Annual Meeting in April, 2006.

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League of Women Voters of Greater Las Cruces

Establishment of a Metropolitan Court in Doña Ana County

Position and Background

September 17, 2007

The League of Women Voters of Greater Las Cruces believes that a Metropolitan Court system best serves the requirements of due process and fair trials for the residents of Doña Ana County. Because of the geographic size of the county, the League supports a system that includes satellite courts in outlying areas.

A League study of the lower court systems culminated in a 2007 position supporting consolidation of the Magistrate and Municipal courts into a Metropolitan Court.

The study was initiated in anticipation of Doña Ana County's becoming a Class A county when it reaches a population of 200,000 by the 2010 federal census. Class A counties are required by New Mexico statutes to establish Metropolitan Courts.

A Metropolitan Court is a state court of limited jurisdiction with authority over the same matters as Magistrate and Municipal Courts except for state educational institutions. Metropolitan Courts hear misdemeanor cases and they conduct preliminary hearings in felony cases. Metropolitan Courts can conduct jury trials and hear civil cases when the amount in controversy is under \$10,000. Metropolitan Courts also may issue search warrants and writs for collection of judgments. Metropolitan Courts also hear violations of municipal and county ordinances. Metropolitan Courts are courts of record for domestic violence and DWI cases.

Cases may be appealed from Metropolitan Court to District Court. In civil suits, domestic violence and DWI cases, in which the Metropolitan Court is a court of record, the District Court reviews only matters of law, not facts. All other cases are trials *de novo* in District Court.

Metropolitan Court judges must be licensed attorneys with three years of practice experience. They are elected officials, although the governor appoints attorneys to fill vacancies between elections upon the recommendation of a Metropolitan Court judicial nominating committee. Metropolitan court judges run in partisan elections for the first term and thereafter in retention elections.

The Metropolitan Court Study Committee researched laws and background material, observed session of local Magistrate and Municipal courts, toured and observed the Bernalillo County Metropolitan Court, and interviewed judges, attorneys, and legislators. The results of the study have been presented in a report entitled, *LWV/GLC Metropolitan Court Study, 2006-2007*, in unit meetings, and in a consensus meeting of League membership.

We believe that people's access to justice requires judges who are licensed attorneys and who have been thoroughly trained in due process and the requirements of a fair trial. We believe that courts of record create efficiency in the system. We believe, because of Doña Ana County's geographic size, a centralized Metropolitan Court system should include satellite courts.

In summary, the League of Women Voters of Greater Las Cruces believes the lower courts in Doña Ana County should be consolidated into a Metropolitan Court system. This better ensures due process, a fair trial for defendants, and a more effective and efficient court system. A people's court is a court in which people receive justice.

A nonpartisan political organization that encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.

Reason for study: Access to justice for legal, fair, and timely trials.

Question for Consensus: Should Doña Ana County, now that it is nearing the 200,000 population mark, consolidate its lower courts?

Three areas of concern:

- Consistency of adjudication in Magistrate Court—following legal principles
- Understanding of due process among non-attorney judges that may affect a fair trial
- Expense of trials *de novo*, retrials, in District Court.

TABLE 1: THE COMMITTEE RESEARCH

READING	COURT OBSERVATIONS	INTERVIEWS
<ul style="list-style-type: none"> • Constitution and Statutes • Doña Ana County Court Consolidation Committee Report • Soich Paper • Trail Court Performance and Measurement Standards • “Problem Solving Courts” • Document from Dona Ana County Magistrate Judges 	<ul style="list-style-type: none"> • Magistrate Court <ul style="list-style-type: none"> - Las Cruces - Civil Court - Video Arraignments - Anthony • Las Cruces Municipal Court • Bernalillo County Metropolitan Court 	<ul style="list-style-type: none"> • Magistrate Court – Nicole Gonzalez, chief clerk • State Rep. Joseph Cervantes • Judge Melissa Miller-Byrnes, Chief Judge, Las Cruces Municipal Court • Mr. Arthur Pepin, director Administrator of the Court—correspondence • Judge Oscar Fietze, Chief Judge, Magistrate Court • Robert Robles, Chief Judge, District Court and Nadine Sanchez, admin. • Susana Martinez, District Attorney • Senator Lee Rawson • Judge Judith Nakamura, chief judge, Bernalillo County Metro Court and Brian Gilmore, court administrator • Senator Mary Kay Papen

Table 2: COMPARISON OF THREE LOWER COURTS

<p><u>Municipal</u> Las Cruces –[Home rule], Hatch, Sunland Park and Mesilla – [State Law]</p>	<p><u>Magistrate</u> Las Cruces Circuit to Anthony and Hatch</p>	<p><u>Metropolitan</u> Bernalillo County Located in Albuquerque</p>
<p>4.5 judges</p>	<p>5 judges</p>	<p>19 judges</p>
<p>Qualifications: Set by municipality Las Cruces has to be attorney Other municipalities’ judges are not</p>	<p>Qualifications: Resident of County High School Diploma or Equivalent</p>	<p>Qualifications Licensed Attorney with 3 years experience</p>
<p>Governing body appoints to fill vacancies Run in non-partisan election every four years</p>	<p>Governor appoints to fill vacancies Run in partisan election every four years</p>	<p>Judicial Selection Committee appoints to fill vacancies Run in partisan elections for first term; thereafter in retention elections</p>
<p>34.0 staff</p>	<p>29.5 staff</p>	<p>305 staff</p>
<p>Operating Budget \$1,723,854 \$1.5-\$2 million in fees brought into city—court just about breaks even. Budget is part of the City Budget</p>	<p>Operating Budget \$1,672,556 State Funded through AOC</p>	<p>Operating Budget \$25,165,500* State Funded through AOC</p>
<p>Revenue is split between payment of required state fees and the remainder going to the city treasury. City picks up prisoner cost - \$80/day</p>	<p>All revenues sent to AOC Budget is funded by State through AOC</p>	<p>All revenues sent to AOC Budget is funded by State through AOC</p>
<p>Municipal Ordinance</p>	<p>Under the Administrative Office of the Court (AOC)</p>	<p>Under the Administrative Office of the Courts (AOC)</p>
<p>Court of Limited Jurisdiction</p>	<p>Court of Limited Jurisdiction</p>	<p>Court of Limited Jurisdiction</p>
<p>Petty Misdemeanors (<91 days in jail and/or a \$500 fine)</p>	<p>Civil action <\$10,000 Petty Misdemeanors Probable Cause Determination Sets Bail</p>	<p>Jurisdiction over same matters as Magistrate Court</p>
<p>Certain offense such as DWI and DUI have more severe penalties</p>	<p>Conducts Preliminary Examinations unless defendant has been indicted Issues arrest and search warrants</p>	<p>Jurisdiction over all offenses and complaints under county and municipality located within the county, except state educational Institutes</p>
<p>Not a court of record</p>	<p>Not a court of record</p>	<p>Court of record</p>
<p>Appeals: Trial <i>de novo</i></p>	<p>Appeals: Trial <i>de novo</i> Since mid-1990s, magistrate courts are required to keep all DWI case files. Recently, magistrate courts are required to keep all domestic violence files indefinitely. Other files are kept for the length of time required by NM Administrative Code, and then destroyed.</p>	<p>Appeals: Person convicted may appeal to District Court for a new trial except for DWI, domestic violence and civil cases (in which the district court accepts facts found by Metro court and only reviews whether Metro court applied the law correctly)</p>
		<p>*In 1984 Operating Budget was \$3.8 million with 134 Staff.</p>

New Mexico

(Court structure as of Fiscal Year 2004)

COLR
A

Supreme Court
5 justices sit en banc

CSP Case Types:

- Mandatory jurisdiction in civil, capital criminal, criminal, administrative agency, disciplinary, original proceeding, interlocutory decision cases.
- Discretionary jurisdiction in civil, noncapital criminal, administrative agency, juvenile, certified questions from federal court cases.

[link](#)

IAC
A

Court of Appeals
10 judges sit in panels of 3

CSP Case Types:

- Mandatory jurisdiction in civil, noncapital criminal, administrative agency, juvenile cases.
- Discretionary jurisdiction in interlocutory decision cases.

[link](#)

GJC

District Court (13 districts)
78 judges
Jury trials

CSP Case Types:

- Tort, contract, real property, probate/estate. Exclusive mental health, civil appeals, miscellaneous civil.
- Exclusive domestic relations.
- Misdemeanor. Exclusive felony, criminal appeals.
- Exclusive juvenile.

[link](#)

LJC

Magistrate Court (53 courts/32 counties)
65 judges
Jury trials

CSP Case Types:

- Tort, contract, real property (\$0 - \$10,000).
- Preliminary hearings, misdemeanor.
- Traffic infractions.

[link](#)

LJC

Bernalillo County Metropolitan Court
18 judges
Jury trials except in traffic

CSP Case Types:

- Tort, contract, real property (\$0 - \$10,000).
- Preliminary hearings, misdemeanor.
- Traffic/other violation.

[link](#)

LJC
Locally funded

Municipal Court (83 courts)
85 judges,
No jury trials

CSP Case Types:

- Misdemeanor.
- Traffic/other violation.

LJC
Locally funded

Probate Court (33 counties)
33 judges
No jury trials

CSP Case Types:

- Probate/estate (uncontested cases).

Legend

 = Appellate level

 = Trial level

COLR = Court of Last Resort
IAC = Intermediate Appellate Court
GJC = General Jurisdiction Court
LJC = Limited Jurisdiction Court
A = Appeal from Admin. Agency
↑ = Route of appeal

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SYNOPSIS OF RESEARCH, INTERVIEWS AND OBSERVATIONS

Readings:

Article 6 of the *Constitution of the State of New Mexico* was amended in 1979 to include Metropolitan Courts. State Statute 34-8A-1 states that “There is established ...[in] a class A county [200,000 persons in the last census] the “metropolitan court.”” However, each Metropolitan Court must be established by *State Statute*. State Statute 34-8A-8 establishes the only Metropolitan Court in New Mexico in Bernalillo County. Similarly, another statute would have to be passed to establish a Metropolitan Court in Doña Ana County. State Statute 35-2-1 says that magistrates in counties with population over 200,000 must have law degrees.

A *Doña Ana County Court Consolidation Study Committee* was formed in 2005 and issued a report done by the Administrator of the Court (AOC) in November, 2005. The report considers the issues of consolidating facilities, conversion of case management systems (there are currently four different systems in the five lower courts in Doña Ana County), and the estimated operating cost (highly suspect). The report includes the results of an opinion survey of users of the lower courts—attorneys, public defenders, assistant district attorneys, law enforcement officials and business persons (but not citizens!). Asking two different questions, the survey found that 79% of those responding support consolidating into a metro court at one location; 74% support consolidation with satellite locations. Less than 40% believe that the municipal/magistrate court system is effective, and more than half (55%) think that the municipal and magistrate courts in Doña Ana County do not exercise uniformity in their rulings. The study committee concluded that consolidation is feasible, and recommends that the Legislature appropriate \$100,000 for a professional feasibility study.

A report was written by Zella Soich in 2006, evidently in fulfillment of requirements for an internal professional development program for court administrators, “*Improving Court Efficiency in New Mexico by Establishing a Metropolitan Court System.*” She states that the criteria for organizational structure and jurisdiction should be due process, equality and fairness, balanced with economy and efficiency. She details the many problems associated with the quick (slightly more than one year) establishment of a new court system in Bernalillo County. One thesis of the author is “Rather than expecting population growth to be the justification for a metropolitan court system. ... court responsiveness to cultural, ethnic and operational issues might be a better measure.” She conducted a survey in Chavez and San Juan Counties and found a strong preference for keeping lawyers from becoming judges in these courts. This is considered a people’s court system, and non-lawyer judges provide balance. There is some question as to whether her research in these two counties is applicable to Doña Ana County.

The *Trial Court Performance Standards and Measurement System*, a 1995 publication of the Bureau of Justice Assistance under the U.S. Department of Justice lists five performance areas encompassing the fundamental purposes and responsibilities of courts: 1) Access to justice; 2) Expedition and timeliness; 3) Equality, fairness, and integrity; 4) Independence and accountability; 5) Public trust and confidence. Linked to these standards are 68 performance measures. This system provides a framework for understanding the practical effectiveness of trial courts and their unique local legal cultures.

The Metro Court Study Committee reviewed a set of papers in the January 2007 issue of *New Mexico Lawyer*, “*Problem-Solving Courts*,” describing several innovative programs in New Mexico courts, including some in the Bernalillo Metro Court—Homeless Court, Mental Health Court, DWI/Drug Court. These papers show how courts can address underlying conditions that lead to illegal activities.

An undated [possibly 2007?] document, “*Metro Court for Doña Ana County: Solution or Snake Oil? Five Powerful Reasons Not to Rush into a Metro Court in Doña Ana County*,” was written in refutation of the Doña Ana County Court Consolidation Report by five Doña Ana County Magistrate Judges. The five reasons are: 1) The Metro Court System costs over three times more than what we have now; 2) Public perception of the Bernalillo County MCS, the only MCS in the state, is poor; 3) The Bernalillo MCS has been plagued by administrative problems from the start; 4) An opinion survey on municipal-magistrate courts in Doña Ana County is flawed; 5) The value of a People’s Court would be eroded by a court of lawyers.

Court Observations:

Lower Court System: The state court system was established by the State Constitution in 1912 and includes the Administrative Office of the Courts (AOC). The first major change was in 1959, allowing for municipal courts in municipalities of greater than 500 (later changed to 1,500) population. Funding for municipal courts is from the municipality's general fund, and the courts are not under the administrative authority of the AOC. A 1968 Constitutional amendment established magistrate courts, replacing justices of the peace. For magistrate courts the AOC has administrative jurisdiction and operating money is provided by the state general fund. Neither municipal nor magistrate courts are courts of records. Residency in the county and a high school diploma or equivalent are required qualifications to be a judge in the magistrate courts. In municipal courts, the municipality's charter determines the qualifications for judges and range from high school diploma or equivalent to licensed attorney. Both judges in the municipal court of Las Cruces are attorneys.

In 1979 a metropolitan court was established by law for Class A Counties (greater than 200,000 population). The jurisdiction of the metropolitan court covers 1) offenses and complaints under ordinances of the county and any municipalities in it; 2) civil actions less than \$5,000 (later changed to \$7,500); and 3) contested parking or vehicle operation regulations. This is a court of record; judges must be lawyers who have practiced at least three years; term of office is four years, with retention votes after first full term.

Table 1 gives a summary of the courts observed. Table 2 gives a comparison of the three courts. Each of the three courts is different, although they generally focus on the same kinds of cases with parameters being driven by state law or city ordinances.

The judges in the magistrate court require a large amount of training, and proficiency in adjudication is acquired over time. Those who come from a law enforcement background are familiar with the Code Enforcement book that is the guidebook used throughout the lower court system. Because magistrate courts fall under the state court system, seminars, workshops, and other training is provided for the judges and the clerks of the court. In the Doña Ana County magistrate court, turnover among the judges has been high, and the newest four judges have served on the court two years or less. Case management and scheduling are areas that have seen recent improvement. Since the court is not a court of record, appeals cases begin anew at the District Court. This practice increases the workload for the District Court. The building facility problems for Las Cruces magistrate court will be remedied when construction of the new courthouse is completed. Security in the courts in Anthony and Hatch is an issue.

The municipal courts vary in operation throughout the county. The City of Las Cruces has home rule; therefore, the courts hear cases involving city ordinances. The judges are lawyers. Their training in the law appears to make their adjudications more consistent. During a hearing more attention is spent on having the defendants understand the circumstances that brought them into the court and the penalties of their actions. Hatch, Sunland Park, and Mesilla municipal courts fall under state law. Judges in these courts do not have to be lawyers, and the court schedule is often set up to accommodate the people in their community; e.g., Sunland Park hears cases in the evening.

The Bernalillo Metropolitan Court has evolved into an effective court since its inception in 1980. The transition period was not smooth. The facilities were inadequate, and systems had to be established. In 2004, the court moved into a newly constructed courthouse. The focus for the court is on customer service. Many new systems have been put into place to accommodate the 1,200 individuals who use the court system daily. It has a state-of-the-art information technology system, and adequately staffs its customer service and court records section. It has added many educational programs and a mediation service. Background check and probation departments are included in its complement of services. All of the judges are trained lawyers and must have three years of experience practicing law. The Bernalillo Metro Court is a court of record; therefore, the District Court reviews the defendant's file to ensure that the law was carried out appropriately but does not rehear the facts. The Metropolitan Court has jurisdiction over the same matters as Magistrate Court and over all offenses and complaints under county and any municipality within the county ordinances, except state educational institutions.

More information about the issues related to the lower courts appear in the Pros and Cons discussion, pp. 9-10)

Interviews:

Table 1 lists the interviews conducted by the Committee. We appreciated the time and effort each of the interviewees gave to us, and the cooperation and education they provided to us. The interviews completed our court observations. Many of the specific (e.g., number of judges and staff, finance, facilities, etc.) details we needed to know about the organization and administration of the courts were furnished in the interviews.

Magistrate judges not only talked with us about the court proceedings but also informed us on the education received by them and the court staff, the concern about job security for them and their staffs should a consolidation of courts occur, and the service provided for the users of the courts.

Robert Robles, chief judge, District Court, and Judith Nakamura, chief judge, Bernalillo County Metropolitan Court, discussed the *Doña Ana County Court Consolidation Study* (November 22, 2005). This study is discussed in the synopsis of research (p. 7). A recommendation was made that the legislators approve \$100,000 to conduct a feasibility study about consolidation.

Susana Martinez, district attorney, District Court, enlightened us about the appeal process and discussed the necessity of due process and fair trial.

Interviews with our local legislators informed us about the legislative process to establish a Metropolitan Court. A bill must be sponsored and passed in the legislature before a court can be established. Flexibility about the number of judges and other requirements that are appropriate for a county the size of Doña Ana may be written into the bill.

Access to justice and providing fair, appropriate legal service to the users of the court were major factors in all of the interviews.

AREAS FOR COMPARISON OF SYSTEMS

1. ACCESS

Magistrate/Municipal Courts: defendants, law enforcement, and attorneys have local access to court.
Metro Court: offers one-stop shopping in a central location. Circuit courts may be harder to support. People know where to go to conduct court business. Some travel may be involved. Eliminates “forum shopping” with no choice of lower court for defendant or prosecution.

2. SECURITY

Magistrate/Municipal Courts: offer security for people using the court, the judicial staff, and facility. Anthony and Hatch magistrate courts have no security system. Las Cruces Municipal Court has security. Sunland Park, Hatch and Mesilla have no security.
Metro Court: has security provided by an outside company and a sheriff’s deputy office and on-duty in the building.

3. REVENUE

Municipal Courts: revenue returns to the cities after required fees are paid to the Administrator of the Court.
Magistrate/Metro Courts: all revenues are paid to the Administrator of the Court.

4. BUDGETS

Municipal Courts are part of the unified city budget.
Magistrate/Metro Courts: part of the unified budget for the state court system. Metro Court pays own mortgage from funds collected in an administrative fee category and information technology is paid from an information technology fee.
Metro Court: because of central operations is better able to leverage their resources. Additional costs for stenographers, public defenders, jury trials, district attorneys, city attorneys.

5. FACILITIES

Magistrate/Municipal Courts: in Las Cruces have poor building facilities—the converted old post office building. New building for Magistrate Court is underway at South Main and Calle de Alegra that can accommodate a Metro Court system.
Metro Court: Bernalillo County Metropolitan Court has brand new building. This is the third location for that court system. Better use of information technology.

6. JUDGES

Magistrate Court: judges are lay people and need only a GED to meet qualifications. Anecdotal information: Many judges are retired from another profession and take up the judgeship because it is a job and pays quite well. Although judges receive education through seminars, workshops, and special sessions sponsored by the State or outside state organizations, new judges have a long learning curve. In Dona Ana County, there has been recently a lot of turnover in judges. Among the current judges, four have served two years or less. Judges to fill vacancies are appointed by the governor and then run for election.
Municipal Court – in Las Cruces, judges have to be attorneys; in Anthony and Hatch this is not a requirement. If a metro court implemented, municipal judges who are attorneys will have to run county-wide rather than municipal-wide initial elections and retention elections.
Metro Court: Fewer cases appealed to District Court. Judges are attorneys with three years of experience. Pool of potential judges is drawn from district attorney and public defender office lawyers. Metro judges initiate various programs for defenders.

7. COURT OF RECORD

Magistrate/Municipal Courts: Are not courts of record. Appeals cases are trial *de novo*, which result in DWI and domestic violence cases taking “two bites out of the apple,” increasing caseloads and costs for District Court and overtime for law enforcement. For past 1-1/2 years, District Attorney in Las Cruces has taken away DWI and domestic violence cases from Las Cruces Magistrate Court.

Metro Court: is a court of records. Appeal cases are reviewed to ensure that the law was followed. Appeals are reduced because judges are attorneys. Additional costs for making lower courts court of record. Less cost for no re-trials in District Court.

8. ACTUAL HEARINGS Due Process/Evidence/Fair Trial

Magistrate Court: all of due process procedures may not be followed (e.g., giving notice and charge; increase knowledge of defendant about rights, and penalties). Fair trial involved representation for both sides, indigent defendant has right to public defender, subpoena witnesses, discovery and rules of evidence. Sentencing must be fair.

Municipal and Metro Courts: have the legal training to ensure fair trials and due process. They are aware of the law and precedent-setting cases and can ensure that proper procedures are followed.

9. EFFICIENCY

Magistrate Court: has been criticized about managing the court schedules, managing the flow of paperwork, and payments of court fees.

Municipal Court: Cumbersome relationship and poor communications between city administration and court personnel in Las Cruces.

Metro Court: is customer-focused, offers a highly complex information technology system that arranges scheduling and record keeping. Customer Service area where payment occurs has sufficient windows and a numbering system that gives wait time and directs people to appropriate windows. Court operates 24/7 so that court business may occur by coming to the court, using the telephone, and using one's credit card. Jury trials involve additional cost.

10. PEOPLE'S COURT

Magistrate Court is often referred to a people's court. Because of low literacy levels in NM, the poverty rate is high and people are often in trouble. The courts have to be able to accommodate non- or limited-English speakers who have great difficulty understanding procedures and requirements. Magistrate, who are lay people, believe they know how to relate to these individuals better. Sensitivity to local culture and concern v. charges of cronyism.

Magistrate/Municipal/Metro Court: offer language interpreters. The litigation and law of the 21st century is more complex than in the past, the judge must have the education and training needed for due process and fair trials in the courtroom. For example, DWI cases involve drug testing, toxicology and other items. A people's court can be defined as one that protects individual rights and dispenses justice equally and fairly.

PROCESS FOR ESTABLISHING A METROPOLITAN COURT

Process for establishing a Metropolitan Court is through Legislative Action.

Previous legislative history

- Legislation to establish Doña Ana County Metropolitan Court introduced and defeated.
- Joint Memorial carried by two members of Doña Ana County legislative delegation requested the Third Judicial Court and the District Attorney to withdraw support for consolidation of courts in Las Cruces and Doña Ana County.
- Magistrate Court judges petitioned the legislators to increase the population size from 200,000 to 300,000 before consolidation could occur. The population has been raised before. This bill either was not introduced or failed to pass.

Action required for establishing Doña Ana County Metropolitan Court

- Legislative funding for feasibility study (\$100,000).
- Drafting of establishment bill
- Support of 2/3 of Doña Ana County legislative delegation
- Support of governor
- Introduction of bill in legislative session
- Passage of bill through committees
- Passage by State House of Representatives and Senate
- Signed into law by governor

LEAGUE OF WOMEN VOTERS OF GREATER LAS CRUCES

METROPOLITAN COURT STUDY Proposed Consensus Questions

Q: Considering the criteria on which we evaluate courts, would a Metro Court better serve Doña Ana County?

Criteria include:

- Consistency in adjudicating cases
- Understanding of due process—fair trial
- Efficiency and effectiveness
- Retrial of appeals cases sent to District Court
- Attorney vs. non-attorney judges

Instructions: Rate each of the following: Strongly Agree, Agree, Disagree, Strongly Disagree

Based on the research and observations presented during unit meeting:

- The current system of magistrate and municipal courts serves the citizens of Dona Ana County.
___ Strongly Agree ___ Agree ___Disagree ___ Strongly Disagree
- Doña Ana Country has grown in population to a size that would merit a change in the court system.
___ Strongly Agree ___ Agree ___Disagree ___ Strongly Disagree
- The body of laws, including cases that interpret and set precedent for the law, has increased in volume and complexity so that it is important to have an attorney rather than a non-attorney judge on the bench.
___ Strongly Agree ___ Agree ___Disagree ___ Strongly Disagree
- The required evidence presented at hearings has increased so that a magistrate court no longer effectively serves those charged.
___ Strongly Agree ___ Agree ___Disagree ___ Strongly Disagree

- Defendants receive due process and fair trials when hearings are conducted by judges trained as attorneys.

___ Strongly Agree ___ Agree ___Disagree ___ Strongly Disagree

<u>Due Process</u>	<u>Fair Trial</u>
1. Court gives notice of hearing and charge	1. Defendant and plaintiff are represented
2. Judge ensures defendant knows rights	2. Indigent defendants are offered public defender
3. Judge ensure defendant knows penalties	3. Defendant and plaintiff have subpoena power
	4. Discovery is available to plaintiff and defendant
	5. Rules of evidence and criminal and civil procedures are followed
	6. Judge must understand the law and be familiar with the accompanying cases that interpret and set precedents for the law
	7. Sentencing must be fair
	8. Adjudication is consistent among judges

- A cost/benefit analysis of magistrate/municipal courts v. a metropolitan court should take into consideration the need for trial *de novo* when a case is appealed from the magistrate or municipal court because the latter are not courts of record.

___ Strongly Agree ___ Agree ___Disagree ___ Strongly Disagree

- Considering Dona Ana County's geographic size (3,807 square miles) and rural character, which model better serves its citizens

___ A centralized Metropolitan Court

___ A centralized Metropolitan Court in Las Cruces complemented by satellite courts for certain areas of the county

___ The present system of Magistrate Court in Las Cruces with circuits in Hatch and Anthony, and Municipal courts in Las Cruces, Hatch, Mesilla, and Sunland Park