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## Foreward

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## FOREWORD

This year we are observing the bicentennial anniversary of our nation. In New Mexico, the legal profession is also commemorating the fiftieth anniversary of the State Bar of New Mexico and we at the law school are celebrating the silver jubilee of our first graduating class. It is also a significant year for the school because the Honorable Daniel Sosa, Jr. has become our first graduate to serve on the New Mexico Supreme Court.

In recognition of these events, the University of New Mexico School of Law, through its law review, is pleased to present this history of our Supreme Court. Dr. Susan A. Roberts' study begins where Professor Arie W. Poldervaart's work, *Black-Robed Justice*, concluded: in 1912 when New Mexico became a state. The present work reviews the work of the Court through the 1960's, leaving for future historians the present decade.

It is altogether fitting that an historian should stop somewhat short of contemporary events, but, in this case at least, it is unfortunate because the Court's achievements during the past five years certainly heralds a new era in its history. Indeed, it is no exaggeration to say that the New Mexico Supreme Court has become the leader in effectuating judicial reform in the country during this time.

For years cries were heard across the nation that improvement was needed in the way courts settled disputes, but little had been done. As commerce and population multiplied, so did litigation, and the United States Supreme Court's redefinition and refinement of rights possessed by the accused in criminal cases also increased the work of the courts. There has been the clear need to allocate greater resources to the judicial branch of government, but courts and the legal profession had a concomitant responsibility to clean their own houses. The goal was clear: to increase efficiency and to provide more just determination of matters brought to the courts for decision. The will to seek this goal existed, but there was a need for leadership. By assuming a bold and imaginative posture, the New Mexico Supreme Court has supplied the required impetus and direction for orderly change in this state, and has become a model for other states.

The situation that existed just a few years ago in this state, and that still obtains in most other jurisdictions, is difficult to justify. For example, later historians are likely to find it incomprehensible that no procedural rules for criminal cases exist in many states and that they were not adopted in New Mexico until 1972 when the Rules of Criminal Procedure for the District Courts were approved by the Supreme Court. Prior to that date the many trial courts

throughout the state had to develop and apply rules for individual cases, guided only by general principles enunciated in a multitude of appellate opinions. A similar situation existed with regard to rules of evidence. Although lawyers and judges have a highly developed sense of what evidence is admissible, it was not until 1973 that uniform rules of evidence were adopted by the Court, and, again, New Mexico was leading the nation. Adapted from the rules of evidence proposed for use in all federal courts by the United States Supreme Court, the rules were approved in New Mexico before they were adopted for the federal courts.

This year, following a complete revision of the Appellate Rules for Civil Cases that was completed in 1974, the Court approved new appellate rules for use in criminal cases. Drafted by a Supreme Court Committee chaired by Chief Judge Joe Wood of the New Mexico Court of Appeals, they incorporate many of the suggestions made by an intensive study undertaken by the National Center for State Courts. Thus, in the past two years, New Mexico has moved to the forefront in appellate case management reform.

Also promulgated this year were Uniform Jury Instructions for use in criminal cases. According to the American Judicature Society, only Illinois and Nebraska have any claim to having adopted uniform instructions for criminal cases before New Mexico. Nebraska's instructions cover only general and evidential matters, omitting instructions on the elements of individual crimes, and the Illinois instructions provide a mold or "pattern" for the bench rather than being mandatory as are New Mexico's.

Similar advances have been made in other areas. The Magistrate Rules for both Civil and Criminal Procedure and Official Forms were adopted in 1974 and have simplified and standardized practice in these courts. New rules regulating court reporters have just been adopted, and rules and forms for use in juvenile cases are presently under consideration by the Court. Committees are drafting revisions of both the Rules of Civil Procedure and Uniform Jury Instructions for use in civil cases, and a recently appointed committee of the Supreme Court is now drafting rules for Municipal Courts.

The New Mexico Supreme Court has also effected reforms in the governance and regulation of the profession. Having adopted the new Code of Professional Responsibility, the Court in 1973 established an entirely new disciplinary board and rules of procedure to hear complaints against lawyers, and in the same year the Board of Bar Commissioners was reorganized and reapportioned, making it a more effective and viable body. Recognition of specialties was approved

and regulated by the court in 1973, making New Mexico one of the first states to move in this direction. In 1974 a comprehensive Code of Judicial Conduct was mandated by the Court, again before any such action had been taken by any but a handful of other states. The Court has also actively encouraged the continuing education of lawyers and judges, sponsoring programs for the judiciary and participating in the formation of Continuing Legal Education of New Mexico, Inc.

The New Mexico Supreme Court's accomplishments during the past few years are indeed impressive, more so, perhaps, because they have involved members of the bar and judiciary. Most of the innovations were possible only because lawyers and judges were willing to serve long hours without compensation on numerous Supreme Court Committees formed to undertake specific projects. Thus, contrary to the belief of many that lawyers are incapable of reforming their own profession, it was the profession itself that effectuated change. Funds made available under the Law Enforcement Assistance Act by the Governor's Council on Criminal Justice allowed the Court to provide staff support for several projects. We are pleased that the Institute of Public Law and Services at the law school had the opportunity of working with the Court on many of the projects.

I thank Dr. Roberts for permitting us to publish this portion of her history of the Court. I also appreciate the efforts expended by our law review editor and staff in editing and preparing the manuscript.

Frederick M. Hart  
Dean  
University of New Mexico  
School of Law

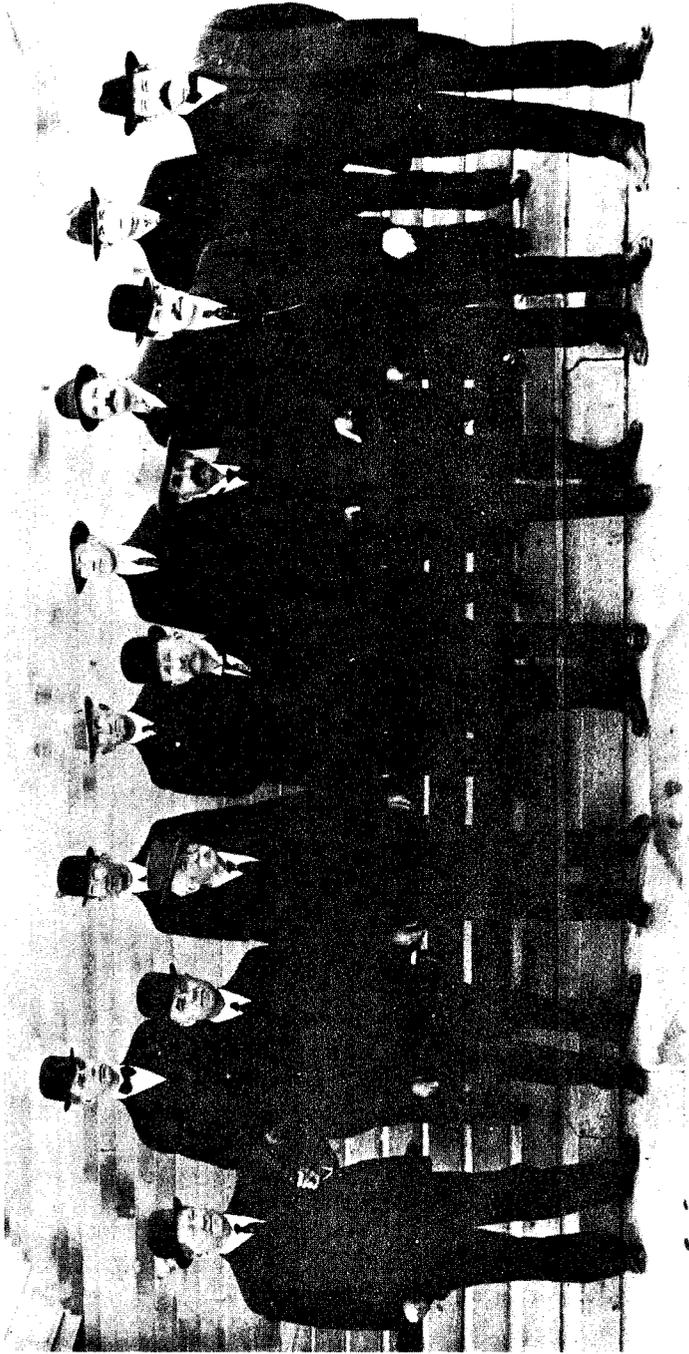
## EDITOR'S NOTE

During 1975 the State Bar of New Mexico and the first graduates of a New Mexico law school mark important anniversaries. Although a legal community's introspection should not await special occasion, the year seems an especially appropriate one. Ms. Roberts' study is a political, rather than a legal, history of the Supreme Court. It describes the men who served on the Court and the processes by which they were selected. We hope it proves a source both of pleasurable reading and of serious thought about New Mexico judicial decisionmaking.

Dean Frederick M. Hart deserves special credit for his assistance and encouragement in this project.

Leslie J. Harris  
Editor-in-Chief

Lynn H. Slade  
Editor, New Mexico Law Review

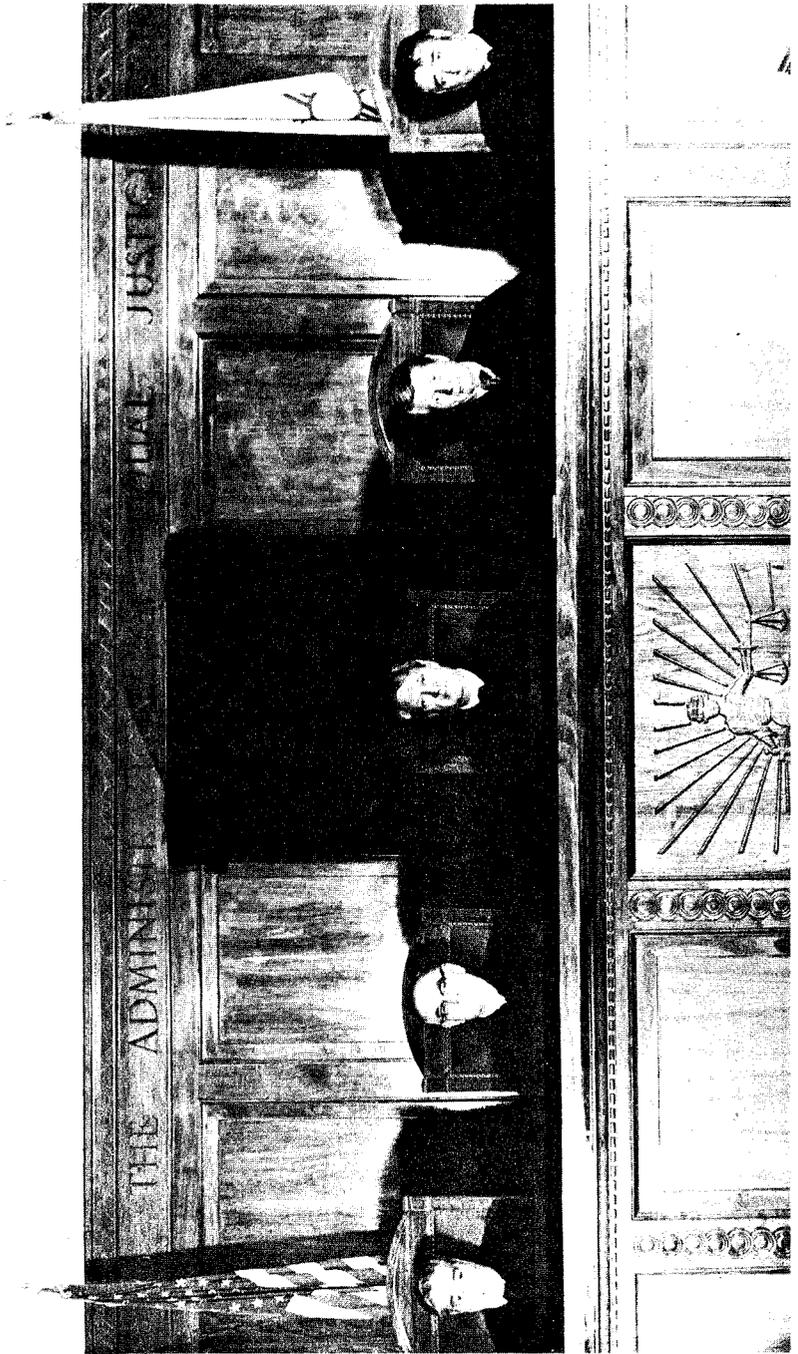


**EARLY DIGNITARIES**—Some of the state's public officials, the first to take office after New Mexico was granted statehood, gathered for a portrait in 1912. They are (back): Richard H. Hanna, Justice of the Supreme Court; C. J. Roberts, Chief Justice of the Supreme Court; Frank W. Parker, Justice of the Supreme Court; George H. Van Stone, Corporation Commissioner; Hugh H. Williams, Chairman of the Corporation Commission; M. S. Groves, Corporation Commissioner; (front): Robert P. Ervien, Commissioner of Public Lands; O. N. Marron, Treasurer; Frank W. Clancy, Attorney General; W. C. MacDonald, Governor; Antonio Lucero, Secretary of State; W. G. Sargent, Auditor; Alvan N. White, Superintendent of Public Instruction.



DINNER BY COLONEL SENA  
IN HONOR OF  
**CHIEF JUSTICE PARKER'S  
30<sup>TH</sup> ANNIVERSARY**  
SUPREME COURT BENCH, JAN 11<sup>TH</sup> 1926

SEATED: Colin Neblett, H. B. Holt, Clarence M. Botts, M. C. Mechem, C. J. Roberts, Frank L. Parker, Joe Sena, unidentified, John Watson, Howard N. Bickley, Richard Hanna, Edwin Mechem, Reed Holloman. STANDING: Sena's son-in-law, unidentified, Archie Darden, E. R. Wright, R. P. Barnes, Carl Gilbert, Charles Catron, E. L. Holt, Bob Dow, Manuel Sanchez.



THE COURT TODAY—Members of the present New Mexico Supreme Court are: Samuel Z. Montoya; LaFel E. Oman; John B. McManus, Chief Justice; Domnan Stephenson; Daniel Sosa.