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## The New Mexico Supreme Court Experience in Perspective

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the Democratic court in terms of streamlining the court system and deciding matters of constitutional law and the Republican court in terms of contributing hard work in an effort to clear the docket.

With the activities of these two courts came efforts to restructure the state's judicial system. Such efforts were broad-based, involving the state bar, justices of the Supreme Court, and interested citizens from throughout the state. Reform became the topic for consideration at bar association meetings, a citizens' conference, constitutional revision committee deliberations, sessions of the legislature, and a convention called to draft a new state constitution. The movement's primary success was the establishment of a Court of Appeals, an innovation largely attributable to the justices of the stable Supreme Court of the 1960s. Its biggest failure was in the area of judicial selection, repeated attempts to change the system proving unsuccessful.

Finally, the 1960s were significant as an era of transition. Older practitioners of the law gradually gave way to a younger generation of attorneys, men who grew to professional maturity in the period following World War II. The Cargo appointees basically reflected this phenomenon, while the men that since succeeded to the Supreme Court have epitomized it.

#### THE NEW MEXICO SUPREME COURT EXPERIENCE IN PERSPECTIVE

In retrospect, the decisional tendencies of the New Mexico Supreme Court displayed a basically conservative pattern. This was true from the beginning of the statehood period and has remained true thereafter. Even the party identification of justices made little difference, for the Court advocated judicial self-restraint and avoided real innovation under both Republican and Democratic control of the judiciary. On occasion justices came out for constructive change, but they were usually in the minority. Only in the 1960s did a stable Court take up in a major way constitutional issues, and it did so some 30 years behind the times in some of the more significant areas of the law, for example, in the field of workmen's compensation.

Although an elected judiciary may respond to political pressures, the Supreme Court responded to statewide, rather than local political conditions. District judges like David J. Leahy and Reed Holloman were clearly in tune with local political conditions and, indeed, maintained their connections with predominantly local machines. Supreme Court justices, on the other hand, overruled the likes of Leahy and Holloman on numerous occasions, the Magee case being the most notorious example. These justices were seeking the

center ground through their opinions, a ground they most definitely occupied when it came to affiliation with the dominant party and to concurrence in the wishes of prevailing interest groups. Their actions were especially significant, as so many of them acceded to the high bench after having earlier served as district court judges. The very act of becoming a Supreme Court justice elevated these men above local concerns and largely accounted for why the New Mexico Supreme Court acquitted itself in a comparatively admirable fashion in cases so dismally decided on a strictly political basis at a lower level. Although political factors determined the Court's personnel, such factors could not determine the Court's decisions in a given case.

The influence of the state's legal community cannot be ignored. New Mexico lawyers influenced the judicial process from the drafting of the constitution through continuing efforts to affect judicial selection both with respect to elected and appointed court personnel and to the very method of selection. In addition, all Supreme Court justices and many governors and state legislators came to their positions from the legal community.

Party affiliation has also been instrumental in the history of the court. Already noted were the realities of a dominant Republican majority shaping the state constitution and its judicial article and of Supreme Court justices being affiliated with the predominant party. The fact of partisan elections and party responsibility necessarily affected judges, for they had to make a conscious and purposeful identification with a party. New Mexico's experience demonstrated how judges' electoral successes tended to follow party success, as general Democratic domination from 1930 on meant the election of only Democrats to the high bench.

The New Mexico Supreme Court experience in perspective thus fits the pattern of its Southwestern counterparts. The territorial court occupied a position in the political process similar to the positions of the other Rocky Mountain and Pacific West territorial judiciaries. Although New Mexico's constitution and its article on the judiciary deviated substantially from contemporaneous, more progressive documents and their resulting judicial structures, they remained true to the realities of internal political conditions. The statehood experience followed, with the Supreme Court acting out its role as both a governmental and political institution. As a governmental institution, it found itself involved in politics and political controversies but only within the limitations imposed by the nature of the judiciary as a legal and conservative body. As a political institution, it responded and was subjected to a number of external pressures and demands.

The peculiar significance of this Supreme Court is what it meant to the overall legal and political development of New Mexico. So considered, it provided a major forum for the settlement of political controversies. It further acted in a primarily restrictive fashion, checking the actions of other governmental institutions and agencies. Whatever its specific machinations, moreover, it reacted to and acted upon state politics in a manner exemplifying the historically conservative nature of political development in New Mexico.

Political conditions within New Mexico have, indeed, dictated the very history of the high court. It has in many ways been a most ordinary history, as this court, like other state courts, has necessarily functioned as both a governmental and political institution. At the same time, the history of this particular court has been extraordinarily rich in light of the short period of time New Mexico has been a state. It is difficult to imagine the officers and political participants in other states being quite so candid in their remarks and their actions. It is even harder to imagine a more colorful court history.

## SUCCESSION OF JUSTICES BY POSITION

- I. Roberts (1912-21)  
Davis (1921-22)  
Barnes (1922)  
Bratton (1923-24)  
Fort (1924)  
Bickley (1925-47)  
Compton (1947-72)  
Martinez (1973-75)  
SOSA (1975-)
- II. Hanna (1912-18)  
Raynolds (1919-22)  
Botts (1922-24)  
J. C. Watson (1925-34)  
Brice (1935-50)  
Coors (1951-53)  
Seymour (1953-54)  
Kiker (1955-58)  
Shillinglaw (1958)  
Carmody (1959-69)  
J. T. Watson (1969-70)  
STEPHENSON (1971-)
- III. Parker (1912-32)  
Neal (1932)  
Zinn (1933-43)  
Threet (1943-44)  
Lujan (1945-59)  
Chavez (1959-68)  
Tackett (1969-71)  
MONTROYA (1971-)
- IV. Catron (1929-30)  
Sadler (1931-59)  
Moise (1959-70)  
McKenna (1970)  
OMAN (1971-)
- V. Simms (1929-30)  
Hudspeth (1931-38)  
Mabry (1939-46)  
Hudspeth (1946)  
McGhee (1947-60)  
Noble (1960-69)  
Sisk (1969-70)  
McMANUS (1971-)

