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Judicial System Rises to Challenges of Times

By Kevin K. Washburn

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New Mexico’s economic crisis is having a profound negative impact on schools, courts and the rest of the public sector in the state. Many of us are facing challenges more difficult than any we have ever seen.

The rest of us in public service can look to our state’s judges for lessons in courage and grace during bad economic times. Let me explain.

Poor economic conditions cause tremendous stresses on the courts. Put simply, in times of serious economic stress, civilization begins to break down.

Substance abuse and violent crime increase because citizens face greater tensions in their work and their families. Property crimes and white collar crimes increase because there are greater temptations to steal from others. Civil disputes increase as parties seek to wiggle out of binding contracts and others become more likely to sue over even minor infractions.

All of these problems cause judicial dockets to grow, placing increased burdens on the courts. But while judicial burdens have been rising, judicial budgets have been falling, forcing courts to do much more with a lot less.

A cynic might expect the judicial system to come to a screeching halt under such circumstances. Instead, our judges have quietly addressed each financial crisis with greater courage and have begun to work harder and harder.

The leadership exercised by our judges has been quite remarkable. Since judges’ salaries are set by statute, judges have a legal right to be paid their salaries.

During the past two years when budgets began to shrink, we might have expected judges to cross their arms and invoke their statutory right to full pay.

Instead, we have seen remarkable generosity.

Earlier this year, when the Metropolitan Court and District Court in Albuquerque were forced to furlough staff for several hours each month, the judges reached into their own pockets to pay staff so that the burden would fall on the judges rather than the clerks.

Because staff vacancies cannot be filled and have left the clerk’s office short-staffed, some of the judges have rolled up their sleeves and worked alongside clerks to keep the case files current.
Judges have also cut janitorial services and turned down the heat and air.

To deal with the expanding docket, three retired judges volunteered time as "pro tem" judges to help quickly adjudicate the vast number of probation violation cases. One of those, Judge Woody Smith, had earlier volunteered in a pilot project to run a settlement program designed to resolve cases much more quickly and to reduce the court's docket.

In sum, the judges have demonstrated good humor, collegiality, generosity and a strong work ethic during times when stresses on the courts are the greatest.

Such generosity would be less remarkable if our judges were highly paid, but New Mexico's judges are the lowest paid judges in the region and almost the lowest paid in the entire country. Our judges also have the weakest judicial retirement plan in the region. Each one could earn a much higher salary by performing the same job in a neighboring state.

However, one need not look outside the state to understand the compensation problem, for our judges are also underpaid in comparison to many other New Mexico public servants.

The chief justice of New Mexico, for example, earns less than the state engineer, or the secretary of Tourism, despite overseeing a judicial system with many more employees than either of those offices.

The chief judge of the 1st Judicial District, which includes Santa Fe and Española, earns $15,000 less per year than the Santa Fe county attorney, despite supervising a larger staff and covering a wider jurisdiction.

Judges are human, of course, and we have certainly seen some make mistakes. Their mistakes are more visible than those of ordinary citizens because they occupy a very high pedestal.

But while individual judges, like other human beings, occasionally fail to meet our lofty expectations, our judges collectively have risen above daunting obstacles presented by the current economic crisis and shown real fiscal leadership at a time when good examples are hard to come by. Most of them deserve to be up on that high pedestal.

The harshest effects of the fiscal crisis are ahead of us, but the rest of us are lucky to have the courts modeling how to behave generously and responsibly during difficult economic times.

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