

# A list of Legal Resources Available On-line for Persons in New Mexico Courts

## *With Helpful Information on Using the List*

Prepared for the Community Engagement Implementation Team, Access to Justice Commission



## OVERVIEW

This list is prepared to be used and distributed by community organizations interested in helping potential litigants find assistance with legal problems. It does not provide legal advice. We recommend that persons facing legal problems obtain assistance from an attorney, and this document provides information to enable that search.

Many of the Legal Service Providers listed offer free or low-cost services to clients, usually dependent on their income level. Guidelines are often based on some percentage of the Federal Poverty Level, typically 125% or 200%. Many persons who do not qualify for free assistance still cannot afford to pay an attorney and therefore must either seek an attorney whose assistance is not based on those guidelines or plan to proceed Pro Se, that is, as a Self-Represented Litigant (SRL). This document is intended to help persons in each of these categories. We suggest that you make at least one contact with a Legal Service Provider such as Legal Aid to get an initial review of your situation and a reading on your eligibility for free assistance.

The Access to Justice Commission is engaged in several projects intended to improve access to justice in New Mexico. Revamping and better coordinating the websites and resources listed here is under way and will be coming to fruition in the next couple of years. This document will be updated as changes are made and new versions will become available at <https://acesstojustice.nmcourts.gov/>.

You can find a list of New Mexico Legal Service Providers with brief descriptions at the end of this document, with a visual aid attached to enable you to find the appropriate provider for particular civil legal problems.

The Access to Justice Commission sponsored the development of the comprehensive *Referral Resource Manual of Civil Legal Services* by Disability Rights New Mexico, a detailed source document for legal service providers and the services they provide. It is also available at <https://acesstojustice.nmcourts.gov/other-atj-resources.aspx>.

# LAW HELP NEW MEXICO WEBSITE

[www.lawhelpnewmexico.org](http://www.lawhelpnewmexico.org)

This website is maintained by New Mexico Legal Aid (NMLA). A major overhaul of the website is under way but for at least the next year (through 2020) the website in its present form will continue.

The website provides basic legal information (Legal Topics tab). As this is being written much of the website is devoted to legal aspects of the COVID-19 crisis (home page and Coronavirus Updates tab). Legal clinics and workshops appear under the Legal Clinics and Workshops tab; unfortunately nearly all of these have been cancelled until further notice because of the COVID-19 shutdown. Useful agencies and self-help centers are collected under the Helpful Links tab.

Legal Aid Attorneys. There are attorneys who work for Legal Aid either directly, under contract, or as *pro bono* volunteers. You can apply for legal help using the Apply for Legal Help tab. NMLA must abide by restrictions imposed by its funding agencies on the income of those they help and the types of cases that can be represented. An online form is available or you can apply by calling the helpline, 1-833-545-4357. The form or intake person will collect information on your income and the nature of your legal problem to determine whether you qualify for help. Even those who qualify may not be helped because of funding limitations. If you qualify for free legal aid from NMLA, they may:

- ▶ Assign your case to one of their attorneys for an initial consultation and discussion about the types of services they might be able to provide.
- ▶ Give you written information about your legal rights.
- ▶ Ask you to send them more information about your case.
- ▶ Refer you to a free attorney or a self-help center.

## PRO BONO AND OTHER ACCESS TO ATTORNEYS BY PERSONS OF LIMITED MEANS

### Volunteer Attorney Program and Legal Aid

Relatively few attorneys are available and willing to do *pro bono* service. Several Judicial Districts have *Pro Bono* Committees that recruit volunteers for the Volunteer Attorney Program and arrange for volunteer attorneys to help with legal clinics, self-help centers, and workshops in collaboration with the courts. The members of the Volunteer Attorney Program from all the judicial districts are made available to New Mexico Legal Aid to assign to cases that are taken in through the NMLA intake process. There is an effort under way to facilitate making these VAP attorneys available for cases that do not qualify for Legal Aid, but it is not likely to be in place sooner than 2021.

As a person seeking *pro bono* legal services, if you do not qualify for NMLA assistance there is no further recourse through the Volunteer Attorney Program. Some people call lawyers they know or who are known to their friends and ask for help. The State Bar Online Bench and Bar directory allows you to search for attorneys by city or county and practice areas, and the State Bar also has a legal referral service described below.

### Legal Service Providers

The New Mexico non-profit legal service providers listed all have attorneys on staff. A list is at the end of this document. The providers are generally specialized (for example, foreclosures, bankruptcies, domestic violence, immigration), so look over the descriptions of providers in the list, go to their websites or call them, and see if you may be eligible for that service. Each has an intake process similar to the one described above for Legal Aid. The sites where these lists are available are repeated here:

<https://www.nmbar.org/NmbarDocs/forPublic/LegalServiceProviders.pdf>

[www.lawhelpnewmexico.org](http://www.lawhelpnewmexico.org)

[www.nmpovertylaw.org](http://www.nmpovertylaw.org)

# RESOURCES AVAILABLE FROM THE STATE BAR OF NEW MEXICO

## State Bar

[www.nmbar.org](http://www.nmbar.org) • 505 797-6000 or 1-800 876-6227 • [sbnm@nmbar.org](mailto:sbnm@nmbar.org)

The State Bar is the governing organization of all the attorneys in New Mexico. Their website has a number of resources for the public.

### ▶ Legal Resources for the Elderly Program (LREP)

1-800 876-6657 • [https://www.nmbar.org/Nmstatebar/For\\_Public/LREP/LREP.aspx](https://www.nmbar.org/Nmstatebar/For_Public/LREP/LREP.aspx)

A free, statewide helpline for New Mexico residents age 55 and older. The Program does not have any income restrictions. LREP is a joint project of the New Mexico State Bar Foundation and the New Mexico Aging and Long-Term Services Department.

Examples of civil legal areas for which LREP frequently receives calls are: debt problems/bankruptcy; employment issues; foreclosure; kinship guardianship; grandparent visitation; guardianship; landlord/tenant issues; Medicaid long-term care; Medicare; powers of attorney; probate; Social Security Disability; transfer-on-death deeds; and general estate planning.

LREP offers workshops around the state and has a number of informational legal publications. See the website for information on these.

### ▶ Online Bench and Bar Directory

[https://www.nmbar.org/Nmstatebar/For\\_Public/Find\\_an\\_Attorney.aspx](https://www.nmbar.org/Nmstatebar/For_Public/Find_an_Attorney.aspx)

A list of New Mexico attorneys searchable by name, location, areas of practice and other criteria.

### ▶ Lawyer Referral Program

505 797-6066 or 1-800 876-6227 • [https://www.nmbar.org/Nmstatebar/For\\_Public/Lawyer\\_Referral.aspx](https://www.nmbar.org/Nmstatebar/For_Public/Lawyer_Referral.aspx)

\$35 referral fee (\$25 refundable). Collects information from you and arranges a 30 minute consultation with an attorney, who you may be able to retain at a fee to be negotiated with the attorney. May take up to 2 weeks.

### ▶ State Bar Workshops and Legal Clinics

At Legal Clinics you may meet with an attorney for a free brief consultation and possible further assistance. These can result in representation at the discretion of the attorney involved.

[https://www.nmbar.org/nmstatebar/Directory/Workshops\\_and\\_Legal\\_Clinics/Nmstatebar/For\\_Public/Workshops.aspx?hkey=95874f35-931f-4568-b98a-cc6f0a3184d2](https://www.nmbar.org/nmstatebar/Directory/Workshops_and_Legal_Clinics/Nmstatebar/For_Public/Workshops.aspx?hkey=95874f35-931f-4568-b98a-cc6f0a3184d2).

Free workshops on various legal issues: Veterans, Consumer Debt and Bankruptcy, Divorce, Senior Citizens, and Homeless.

### ▶ Other Legal Service Providers

The Bar maintains a list of legal service providers.

<https://www.nmbar.org/NmbarDocs/forPublic/LegalServiceProviders.pdf>, reproduced and discussed separately elsewhere in this document. New Mexico Legal Aid [www.lawhelpnewmexico.org](http://www.lawhelpnewmexico.org) and the Center on Law and Poverty [www.nmpovertylaw.org](http://www.nmpovertylaw.org) also maintain lists (mostly the same) of legal services providers.

### ▶ Disputes with Lawyers

The Bar has a Client Protection Fund that can reimburse you in some instances for losses associated with dishonest conduct of lawyers. The Bar also offers a fee arbitrations service.

[https://www.nmbar.org/Nmstatebar/For\\_Public/Dispute.aspx](https://www.nmbar.org/Nmstatebar/For_Public/Dispute.aspx)

# NEW MEXICO COURTS

**Overview of the Court system:** There are several systems of courts established in New Mexico.  
<https://www.nmcourts.gov/about-the-courts.aspx>

## ▶ New Mexico District Courts.

These are courts of so-called General Jurisdiction – that is, they can accept and make the first decision on every kind of case. Most of this guide is made to prepare you to deal with a case in the District Courts. There are several courts of Limited Jurisdiction that you may encounter, some take minor or special cases out of the District Courts, and some hear appeals from the District Courts.

There are 13 Judicial Districts; most have jurisdiction over cases in more than one county (venue). When you begin or file a case, in general you must begin in the District Court that has jurisdiction in the County where you live <https://www.nmcourts.gov/nm-courts/>. Sometimes the other party in your case may file in another district for various reasons, so you will have to respond in that district. There are rules created by the Supreme Court that govern all the District Courts, and some of the courts have special rules that apply only in that district.

## ▶ Metropolitan Court

Only in Bernalillo County, where the Magistrate Court and Albuquerque Municipal Courts were merged. Judges must be attorneys.

## ▶ Magistrate Courts

These are courts of limited jurisdiction, at least one in each county except for Bernalillo. They hear criminal misdemeanors and petty misdemeanors, and felony preliminary hearings. They also hear some types of civil cases (sometimes called small claims court). Many landlord-tenant cases are heard in Magistrate Courts, and traffic citations outside cities where there are Municipal Courts. Magistrate Judges do not have to be attorneys except in Dona Ana County, although many are attorneys.

## ▶ Municipal Courts

Limited jurisdiction courts in many cities. Hear violations of municipal ordinances, which are petty misdemeanors. Mostly traffic citations. Municipal Judges do not have to be attorneys and most are not.

## ▶ Probate Courts

Non-lawyer judges in every county who can perform some of the functions associated with probating an uncontested will or an estate that had no will.

## ▶ Court of Appeals

Hears appeals from decisions in the lower courts. May be overruled by the Supreme court.

## ▶ Supreme Court

The top court in New Mexico, hears appeals of all types of cases, usually after an appeal of the Court of Appeals is contested. Some kinds of cases are filed first in the Supreme Court. The Supreme Court also governs the practice of law, supervises the lower courts, and writes the rules of procedure for all the courts with the help of many volunteer commissions.

## ▶ Tribal Courts

Each Pueblo and Tribe is a sovereign nation under U.S. Law and each has its own tribal courts and associated procedures. Some New Mexico tribal courts put their statutes and rules online. A few do not have western-style courts and legal sorts of issues are settled according to tribal custom. See more under Forms, Tribal Courts, below.

## ▶ Federal Courts

Bankruptcy, immigration, and federal benefits are not in the jurisdiction of the state courts we discuss in this document. Some of the providers listed can help you with these. The New Mexico Federal District Court has a pro se help page at <https://www.nmd.uscourts.gov/representing-yourself-pro-se>.

# COURT-MANDATED FORMS AND SELF-HELP SERVICES

Self-Help website. The Administrative Office of the Courts (AOC, reporting to the Supreme Court) maintains a useful Self-Help website <https://self-help.nmcourts.gov/> that you can use to learn how to navigate the court system, to locate forms you will need to file with a court, and instructions for using the forms. The website also connects you to the Self-Help websites of the 8 individual District Courts that have Self-Help websites. Those courts also may have Self-Help desks, usually located in the courthouses, where you can get information in person about the court. **At this time in-person Self-Help service has been suspended in most courts: call the court Self-Help Center or visit their respective websites for COVID-19 alternatives.**

On the website [www.nmcourts.gov](http://www.nmcourts.gov) click on the *Self-Help tab*. A menu appears on the left. Let's review the useful tabs on this menu.

The Supreme Court Law Library tab has links to the statutes (state laws), court rules of procedure, administrative rules, city and county ordinances (laws), case lookup (for finding case numbers and other information on current and past cases), tribal law, and other legal information. There are also useful links to providers and self-help resources, many of which will be redundant with information in this packet.

## ► Forms

The New Mexico Supreme Court has mandated that Self-Represented Litigants (SRL's, persons who intend to appear in court without an attorney) use forms provided by the court in many kinds of cases. These forms and instructions sheets are on the website [www.nmcourts.gov](http://www.nmcourts.gov) under the Self-Help tab, then Forms. Select the tab for the type of court you're in – District, Magistrate, Municipal, Probate, Metropolitan.

## ► Tribal Courts

The Tribal Courts tab in the forms section has little useful information. Directly contacting the tribal court is the best way to find information. In addition, there are complex interactions between tribal courts and New Mexico courts depending on the tribal membership status of the litigants and the nature of the litigation. Child custody is particularly problematic and the advice of a New Mexico attorney may be critical, especially for non-tribal members.

Most tribes with western-style courts allow New Mexico attorneys to practice in tribal courts if they apply and pay minimal fees. Some tribal courts certify lay members of the tribe. DNA Peoples Legal Services, Native American Disability Law Center, and NM Legal Aid have attorneys who practice in some tribal courts on some kinds of issues. Otherwise contacting the particular tribal court is a way to find a qualified attorney. The Tribal Law and Policy Institute hosts the Tribal Court Clearinghouse, a website that lists for all tribal courts in the country websites and phone numbers as well as tribal codes and constitutions.

<http://www.tribal-institute.org/lists/justice.htm> . You can also go to page 56 of the New Mexico State Bar Resource Deskbook, available online at <https://www.nmbar.org/nmstatebar/Publications/ResourceDeskbook/Nmstatebar/PublicationsResources/Resource%20Deskbook.aspx?hkey=f054d3c1-4ca0-4e7b-8fd0-d1e68271c043>.

## ► In General

Note that the forms available at [nmcourts.gov](http://nmcourts.gov) are different depending on which court you're in. Be sure you pick the appropriate tab for the type of court you're in to find the forms you need. Visiting the website for the specific court will be a useful way to find local rules that can be important, as well as the possible availability of self-help services.

# LIST OF PROVIDERS AND BRIEF DESCRIPTIONS

*as of Dec. 2019*

## **Advocacy Inc.**

Serves at-risk children and youth from birth to 18 years by providing legal advocacy and support through legal representation for children in foster care or state custody, and guardianship, adoption and guardian ad litem services.

**505-266-3166** • [www.nmadvocacy.org](http://www.nmadvocacy.org)

## **Catholic Charities Center for Immigration & Citizenship Legal Assistance**

Helps file legal paperwork for legal permanent residents to gain US citizenship, for refugees to gain US legal permanent resident status and for DACA recipients.

**Albuquerque: 505-724-4662 / 505-724-4631** • **Santa Fe: 505-424-9789** • [www.ccasfnm.org](http://www.ccasfnm.org)

## **Catholic Charities Domestic Violence and Sexual Assault Survivor Immigration Services (DVSASIS)**

Provides free representation to immigrant victims of domestic violence, sexual assault and child sexual abuse to obtain lawful status.

**505-724-4649** • [www.ccasfnm.org](http://www.ccasfnm.org)

## **Catholic Charities of Southern New Mexico**

Provides pro bono or low-cost bilingual immigration legal services. They provide assistance to victims of crime, including domestic violence. In addition, they provide counseling and referrals for those with financial needs and they offer monetary assistance to the poor.

**Las Cruces Office: 575-527-0500** • **Roswell Office 575-622-1636** • [www.catholiccharitiesdlc.org](http://www.catholiccharitiesdlc.org)

## **Disability Rights New Mexico**

From offices in Albuquerque, Las Cruces and Las Vegas, DRNM uses legal, administrative and other remedies to protect and expand the legal and civil rights of persons with disabilities.

**800-432-4682** • [www.drnrm.org](http://www.drnrm.org)

## **DNA-People's Legal Services**

From New Mexico offices in Farmington and Dulce, DNA uses legal assistance, advice and representation in US and tribal courts to help people living in poverty protect their property and assets, stay safe from physical, mental and financial abuse, avoid exploitation and safeguard their civil rights. DNA promotes tribal sovereignty and offers community legal education programs.

**Dulce: 705-759-7568** • **Farmington: 505-325-8886** • [www.dnalegalservices.org](http://www.dnalegalservices.org)

## **Enlace Comunitario**

Through direct civil legal services, pro se advocacy and related social services, Enlace provides free services to Spanish-speaking immigrants who are victims of domestic violence or in need of divorce, custody and child support.

**505-246-8972** • [www.enlacenm.org](http://www.enlacenm.org)

## **Legal Resources for the Elderly Program**

In addition to legal workshops and informational brochures, LREP offers a free legal helpline for New Mexicans age 55+ seeking help with civil legal services matters including consumer debt and bankruptcy, employment, foreclosure, kinship guardianship, grandparent visitation, guardianship, landlord/tenant, Medicaid long-term care, Medicare, powers of attorney, probate, Social Security Disability, transfer on death deeds, and general estate planning.

**800-876-6657** • [www.nmbar.org/public/lrep](http://www.nmbar.org/public/lrep)

## **Native American Disability Law Center**

Using a coordinated approach of individual representation, systemic advocacy and community education, the Center provides free legal assistance to Native Americans with disabilities.

**800-862-7271** • [www.nativedisabilitylaw.org](http://www.nativedisabilitylaw.org)

## **New Mexico Center on Law and Poverty**

Provides legal and policy advocacy to address poverty through systemic change that helps low-income persons maintain basic necessities or resolve problems affecting their income and living conditions, including landlord-tenant disputes, domestic violence, foreclosures, child support and custody and consumer fraud. CLP offers representation on systemic issues such as education, healthcare, public benefits, workers' rights, fair lending and access to justice.

**505.255.2840** • [www.nmpovertylaw.org](http://www.nmpovertylaw.org)

## **New Mexico Legal Aid**

From offices in Albuquerque, Clovis, Gallup, Las Cruces, Las Vegas, Roswell, Santa Ana Pueblo, Santa Fe, Silver City and Taos, NMLA provides free legal services to eligible low-income residents through representation, brief services, legal advice, outreach and community education. Focus areas: public benefits, affordable housing, domestic violence and family law, foreclosure, landlord/tenant, migrant farmworkers, veterans and consumer rights.

**833-545-4357 (833-LGL-HELP)** • [www.newmexicolegalaid.org](http://www.newmexicolegalaid.org)

## **New Mexico Immigrant Law Center**

Provides free and low-cost immigration information and legal assistance to low-income persons to ensure economic security and protection from persecution and domestic violence, to assist asylum seekers, unaccompanied minors, immigrants facing deportation and DACA recipients, and to attain US citizenship or permanent residency and work authorization.

**505-247-1023** • [www.nmiloc.org](http://www.nmiloc.org)

## **Pegasus Legal Services for Children**

Provides free or low-cost civil legal services to children and their caregivers, including young parents, homeless and runaway youth, grandparents raising grandchildren, families of children requiring special education services and children in foster care.

**505-244-1101** • [www.pegasuslaw.org](http://www.pegasuslaw.org)

## **Senior Citizens' Law Office**

SCLO provides free civil legal services to residents of Bernalillo, Sandoval, Torrance and Valencia Counties who are age 60+ in focus areas such as: public benefits, healthcare coverage and access, housing, consumer rights, long-term care and advance healthcare directives.

**505-265-2300** • [www.sclonm.org](http://www.sclonm.org)

## **Southwest Women's Law Center**

Through pro bono services, legislative advocacy, legal research and coalition building, SWLC aims to eliminate gender bias, discrimination, harassment and poverty through equal pay, access to affordable health and reproductive health care, school sports programs and immigrant rights.

**505-244-0502** • [www.swwomenslaw.org](http://www.swwomenslaw.org)

## **United South Broadway Corporation**

The Fair Lending Center provides free legal representation, HUD-certified housing counselors and educational workshops to low-income homeowners facing foreclosure, and assists homeowners seeking loan modification or loss mitigation.

**505-764-8867** • [www.unitedsouthbroadway.org](http://www.unitedsouthbroadway.org)

## **Court's Self-Help Centers**

For a list of Self-Help Websites, including State District Courts and Bernalillo County Metropolitan Court, *see* <https://self-help.nmcourts.gov/>

For a **map** of the state's district courts, *see* <https://www.nmcourts.gov/state-courts.aspx>