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Contact: Kristin Weber at kweber@halt.org
202/887-8255

New Mexico's Small Claims Courts Receive High Marks in National Report Card

State's Small Claims Courts Fifth Best in the Nation but Reform Group Says There's Room to Improve

HALT—*An Organization of Americans for Legal Reform* released its 2004 Small Claims Report Card today, grading all 50 states and the District of Columbia on their small claims courts. The legal consumer advocacy group publicizes the value of small claims courts, the only place in the civil justice system where people can resolve common disputes without an attorney. While HALT's 2004 Small Claims Report Card illustrates that New Mexico's small claims courts provide a strong alternative to traditional litigation, more reforms are still needed.

New Mexico's score on the report card was the fifth highest in the country. New Mexico's courts hear small claims cases up to \$10,000, which is one of the highest limits in the country. Hurting the state's grade, none of the New Mexico courts surveyed by HALT employ small claims advisors. Furthermore, none of the New Mexico courts surveyed by HALT hold evening or weekend sessions, making it impossible for many people to use the courts without missing work.

“While New Mexico scored high marks on parts of the report card, there is still room for improvement in many areas. For example, most small claims courts in New Mexico do not have small claims advisors to explain the court's procedures to users,” said HALT Senior Counsel Tom Gordon. “Another problem is the lack of help with the collection process. If a person wins a judgment for \$10,000 but can't collect because she wasn't informed about what the defendant's assets were, or how to obtain a lien on those assets, then the high jurisdiction of small claims court doesn't help at all.”

HALT's 2004 Small Claims Report Card graded states in six categories: dollar limit, self-help, convenience, mediation, expedited collection and injunctive relief. Grades varied from the “B” range for top-ranked Georgia and three other states, to failing marks for four states. No state received an “A” grade. New Mexico's “B-minus” grade leaves room for improvement.

The 2004 report card emphasizes the need to raise jurisdictional dollar limits on small claims courts even higher in New Mexico; HALT advocates a \$20,000 limit on claims. The report card also reveals the necessity of implementing reforms to make these courts more consumer-friendly and accessible—true people's courts. For instance, Chaves County requires that parties in small claims court go to mediation to attempt to resolve their disputes amicably before taking them to a judge. Bernalillo County and Santa Fe have optional mediation programs. The legislature must enact user-friendly reforms like this throughout the state.

Small claims courts have tremendous promise as a means of empowering ordinary people to take charge of their own routine legal needs. By reforming these courts to fulfill this promise, New Mexico lawmakers can show a commitment to opening up the legal system to its citizens.

A more extensive summary of HALT's 2004 Small Claims Report Card, along with the national and state report cards, can be found on HALT's Web site at www.halt.org. Founded in 1978, HALT—*An Organization of Americans for Legal Reform* is a nonpartisan, nonprofit public interest organization. HALT pursues an aggressive education and advocacy program that challenges the legal establishment to improve access and accountability and reduce costs in the civil justice system.