

**Response of Chief Justice J. Edward Chavez**  
**Re: New Mexico Court Assessment**

I wanted you to know in writing that we truly appreciate the assessment by the ABA of the NM Judiciary. The assessment is a tool I intend to use with a long term strategic planning committee. I have obtained approval by the court to form such a committee and to include attorneys in addition to judges and staff. I will share the assessment with each of them and use it as a focal point for improving our judiciary. There are many more matters I believe require attention which are not addressed in the assessment but such is the nature of being concerned about details rather than generalities.

In any event the assessment makes some points about the NM judiciary which quite frankly are out of our control, for example, adequate funding of public defenders and a wholesale change of our constitution to change the way judges are selected and their terms. We have been discussing these topics with the legislature, but have no control over whether the legislature will act and if so how. The sense of some who have read the assessment is that the ABA gave NM a negative rating because NM does not adhere to the policy of the ABA. This was a criticism of the assessment, because it was not really clear that NM attorneys and the public necessarily agree with the ABA on how judges should be selected. I for one have publicly commented (even while running for my office) that if we must elect judges in NM it should be done on a non-partisan basis, with public financing, after the candidate has been screened by an objective nominating commission and that we also need laws that limit how much (for example to what a judge gets in public financing) a third party group such as 527's can spend to campaign against a judge. I believe such an approach is constitutional since only reasonable limits are in place to further a compelling state interest of independent courts, that is a court that makes

decisions without fear or favor. Frankly I believe that the greatest threat to the independence of the judiciary are these types of groups, more so than partisan elections.

Please convey to the ABA that I am very grateful for the assessment, I do believe it will be useful as a tool to improve the efficiency of our judiciary in NM and at the same time provide a comfort level that we are doing many things right in NM. I will expand use of the assessment with legislators because I want them to know that the NM judiciary is constantly trying to improve and that there are matters which are exclusively within their control that if implemented will make a material difference in making our judiciary more accountable, more efficient and more accessible. Thank you Ned.

Ed Chavez

February 8, 2008