

## **Constitutional Amendment No. 3**

**“Proposing to amend Article 6, Section 35 of the constitution of New Mexico by allowing the dean of the University of New Mexico School of Law to appoint a designee to the Judicial Nominating Commission.”**

For \_\_\_\_\_ Against \_\_\_\_\_

### **ARGUMENTS FOR THE AMENDMENT**

1. The role of chair of the Appellate Judges Nominating Commission is primarily administrative. These are not tasks that require the legal mind of the dean of a school of law, but even if they were, this proposed amendment ensures that there will be an esteemed legal scholar serving as chair of the commission. The Rules Governing Judicial Nominating Commissions outline the role of the chair and task the chair with the duties of announcing the existence of a judicial vacancy to the public and members of the commission, scheduling meetings of the commission and providing the media with notice of the meetings, preparing application packets and preparing agendas for meetings.
2. The University of New Mexico School of Law serves a vital interest to the state by educating a vast majority of the attorneys who practice here since it is the only school of law in New Mexico. Beyond the normal duties of being the dean of a school of law, and the current requirement to serve as chair of the Appellate Judges Nominating Commission, the dean is also required by statute to serve as the chair of the Judicial Compensation Commission. Allowing the dean's designee to serve on the Appellate Judges Nominating Commission would relieve the dean of a commitment that could be performed by others
3. The dean of the University of New Mexico School of Law is already permitted to have a designee for important commissions, including the New Mexico Sentencing Commission and the New Mexico Compilation Commission. The dean is also required to appoint three members to the Public Defender Commission. Each of these commissions has functioned adequately without requiring the dean to attend every meeting. The dean should be allowed to appoint a designee

### **ARGUMENTS AGAINST THE AMENDMENT**

1. The amendment potentially removes a neutral tie-breaking vote from the commission. When the Appellate Judges Nominating Commission was created, there was a desire to have a neutral person who could break any of the commission's tie votes. The legislature, which passed the joint resolution to create the commission, and the people, who voted to pass the constitutional amendment in 1988, believed that the dean of the University of New Mexico School of Law was the best person to put into this neutral tie-breaking role.
2. The amendment could remove one of New Mexico's most prominent legal scholars from the judicial appointment process. The Appellate Judges Nominating Commission serves a vital role in New Mexico's judicial system by vetting and nominating candidates for the most prominent judicial positions in the state. The dean is tapped into New Mexico's legal community by virtue of being the head of the state's only law school. The dean's connections in the legal community could provide insight into the careers and backgrounds of the applicants that the commission vets.

Pro and con arguments were provided by the State of New Mexico Legislative Council Services, and shortened by LWVCNM.