New Mexico Legal Aid Statewide Report

B S P * R E S E A R C H

NEW MEXICO LegalAid

center on law and poverty

March, 2022
Summary of Research Design

BSP Research conducted a comprehensive analysis of the legal needs of New Mexico’s low-income population to help inform the strategic planning of New Mexico Legal Aid. The research design included a landscape analysis of any published reports, news articles, policy briefs, or academic research that discuss the legal needs of low-income residents of New Mexico and any interventions to improve access. The results of the landscape analysis are integrated into this report and helped inform the original data collection efforts.

Our research design included a statewide survey of New Mexico’s low-income population to better understand their legal needs and experiences with the legal system in the state. The survey, fielded from November 10, 2021, through November 22, 2021, had 651 respondents with oversamples of Native Americans and agricultural workers. The survey was followed by a set of focus groups and interviews with service providers from across the state who work closely with low-income residents of the state. Across both qualitative approaches, we heard from 8 respondents from across the state. All interviews and focus groups were conducted virtually and were moderated by Dr. Gabriel Sanchez. In an effort to maintain a standard of honest and uncensored responses in the focus group and interviews, participants and their specific quotes will be kept anonymous. A full discussion of the methodological approaches taken and a list of all respondents from our qualitative research is provided in the appendix of this report.

This report provides the main findings of the research with a perspective toward actions to help New Mexicans who may need legal aid by connecting them with available resources.

High Poverty Rates in New Mexico Provide Context for Survey Results

New Mexico struggles with high poverty rates that are consistently above the national level. New Mexico’s relatively weak economy translates into a comparably low median household income of $48,059, and a disproportionately high poverty rate of 20%. When compared to the national median household income of $60,293, and the poverty rate of 14.1%, New Mexico’s economic vulnerability becomes clear.¹

When we look internally at poverty rates in New Mexico, there are significant racial and ethnic inequalities. With the exception of Asian Americans, all racial and ethnic minority populations experience higher poverty rates than the state average. In fact, as reflected in the figure below, with the exception of the African American population, New Mexicans have higher poverty levels than the national average across all racial and ethnic groups in the state (Current Population Survey Annual Social and Economic Supplement 2019)². This inequality motivates the analysis of the survey’s findings by race and ethnicity.

---

¹ file:///Users/Gabe/Downloads/Final_Version_2020_NM_HNA.pdf

² https://www.census.gov/programs-surveys/cps.html
Similarly, within the state of New Mexico, poverty is an area of inequality for the Native American population. Nearly a third (30.1%) of all AIANs in the state live below the poverty level, compared to approximately 11.5% of the non-Hispanic white population. This is important to note, especially as the margin of inequality in New Mexico specifically showcases a much greater disparity for the Native American population than the national rates in the table found above.

Given the disproportionately high poverty rates in New Mexico it is not surprising that the demand for legal services appears to outpace the state's legal support capacity. For example, New Mexico Legal Aid handled 5,973 cases across the state in 2019 and helped recover approximately $4.8 million in benefits, damages, and attorney fees to its clients. However, New Mexico still suffers legal aid attorney shortages. More specifically, for every 14,000 low-income individuals in New Mexico, there is only one legal aid attorney at NMLA (NMLA 2019-2020 Community Impact Report).

Demand for Legal Services has Increased due to the Pandemic

With significantly higher poverty rates than the national average, New Mexico’s demographic profile suggests that there may be a high demand for subsidized or free legal support among state residents. Research has suggested that the pandemic has increased economic stress across the country and increased the need for legal support. At the national level, a survey conducted by the Legal Services Corporation found that the need for civil legal aid is immense, even early in the pandemic. The vast majority (97%) of LSC grantees anticipated a sharp increase in legal needs.

---

3 U.S. Census Bureau ACS 2019 1-Year Estimates
arising from COVID-19, particularly in the areas of eviction, foreclosures, unemployment assistance and appeals, consumer debt, and income maintenance.\(^5\)

The increased need for legal aid in New Mexico reflects these national trends. For example, the New Mexico Bar Association has indicated that the pandemic increased the strain on low-income families in New Mexico. This has led to an increased need for assistance in domestic violence cases, housing (eviction and foreclosure), consumer debt, and access to benefits (TANF, SNAP, unemployment).\(^6\)

Survey research conducted by our team has confirmed that COVID-19 has exacerbated civil legal needs in New Mexican families and has been particularly pronounced among a few subgroups of the overall population—Native American and Hispanic New Mexicans and members of the agricultural workforce.

The pandemic has truly devastated the Native American community in New Mexico. UNM’s Native American Budget and Policy Institute has summarized the many economic challenges facing tribes in the state, including the exacerbated unemployment rates in counties with high Native American populations during COVID-19.\(^7\) According to the 2020 New Mexico Native American Family Planning and Development survey, a sizable percentage of Native American households across the state either lost their jobs (15%) or business revenue (29%), had workhours cut (37%), or had trouble paying their rent or mortgage (15%). In addition, over 1 in 3 Native American respondents (36%) stated that they or a family member lost employer-provided health insurance due to COVID-19; over half (54%) say that children in their home lost health insurance as well.\(^8\)

According to the 2020 New Mexico Latino Parent/Family Survey, roughly 20 percent of Hispanic families have had someone in their household lose their job since COVID-19, and 48 percent had their work hours or pay cut.\(^9\) Moreover, 1 in 3 primary caregivers had trouble paying their rent or mortgage. Unfortunately, the economic stability of Hispanic New Mexicans during the pandemic is wavering, as half of Hispanic families state they only have $1,000 or less in savings for emergencies, and roughly 1 and 5 families state they have $100 or less in savings. With such limited emergency funding available, most Hispanic families that need legal services would not be able to afford even an initial consultation, much less full legal support.

As part of the essential workforce, agricultural workers have risked their health during the COVID pandemic to ensure that the larger population has access to food. This population also faces grave challenges to protecting themselves and their family members from COVID-19 due

\(^6\) https://www.nmbar.org/NmbarDocs/CLE/2020AM/Session%20Materials/S2.AccessstoJusticeintheTimeofCOVID.PDF
\(^7\) https://nabpi.unm.edu/assets/ccovid-19-tribal-economic-impact-report.pdf
to their work environment. While there are little to no efforts tracking how many farmworkers have tested positive, been hospitalized, or died from the virus, the Food and Environment Reporting Network (FERN) estimates that approximately 79,000 food system worker cases and 321 deaths are linked to 1,400 COVID-19 outbreaks at food plants and farms.\(^{10}\)

The survey helps identify the current challenges many New Mexicans face due to the pandemic-driven economic downturn. This section of the report provided context for the rest of the findings from the survey and helped inform the decision to over-sample agricultural workers and Native Americans, and ensured that we had enough completed surveys with Hispanic New Mexicans to break out results for these three sub-groups.

Consistent with the research cited from our literature review, fresh numbers from the statewide New Mexico Legal Needs survey reinforce the pandemic’s impact on the economic well-being of New Mexicans. As reflected in the figure below, 23% of respondents report that they have had difficulties paying for household necessities, including food, household supplies, or medicine, since the start of the pandemic. According to the survey, women and agricultural workers are more likely to report these difficulties with affording necessities.

<table>
<thead>
<tr>
<th>Have any of the following circumstances happened to you, or someone in your household, at any time since the start of the COVID-19 pandemic?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Difficulty affording necessities such as food, household supplies, or medicine</td>
</tr>
<tr>
<td>Had trouble making rent or mortgage payment</td>
</tr>
<tr>
<td>Lost job</td>
</tr>
<tr>
<td>Collected unemployment</td>
</tr>
<tr>
<td>Had to cancel or delay medical appointments, therapies, or procedures due to the cost</td>
</tr>
<tr>
<td>Got smaller tax refund than expected, or none at all</td>
</tr>
<tr>
<td>Had difficulty with creditors over any type of unpaid bills or loans</td>
</tr>
<tr>
<td>Had difficulty obtaining vital documents from the state, such as drivers license or birth certificate</td>
</tr>
</tbody>
</table>

Nearly one-in-five New Mexicans have had challenges paying their rent or mortgage. An identical percentage (19%) have had someone in their household lose their job throughout the pandemic, including 20% of both Native American and Hispanic households. Agricultural

workers are more likely (+7%) than the state average to have challenges paying their rent or mortgage. Furthermore, sizable segments of the Native American community (23%) and members of the agricultural workforce (18%) report that they have collected unemployment since the start of the pandemic. The survey provides a sense of whether these economic challenges may have led to a spike in the demand for legal support.

New Mexico’s Population Faces Many Challenges Requiring Legal Support

The survey asked all respondents to identify if they have experienced a wide range of issues, over the past two years, that the literature suggests often requires legal advice. Below are the percentages of respondents who have faced each situation. Respondents could choose as many challenges as they have experienced, so the overall total is higher than 100%. Overall, 43% of low-income New Mexicans have faced at least one of these challenges, with housing issues being the most common experience across the sample (17%), followed by challenges gaining access or keeping public assistance programs (16%).

Rising Cost of Housing and High Job Loss are Major Challenges for New Mexicans

Recent research has found that the rising cost of housing in New Mexico has become an even greater challenge for families across the state during the pandemic. Since 1991, New Mexico has been one of 37 states with legislation against rent control. Following the onset of the pandemic, this unrestrained ability to increase rent has resulted in an average 8% rent increase in 2020 from the year before, and an additional 23% increase in 2021, which is double the national average.\(^{11}\)

The data from Apartment List’s National Rent Report determines that cities in the Sun Belt and mid-sized cities dealt with considerable increases, while coastal cities did not. This, according to the report, is due to a low supply of apartments for renters who need home space for remote work.\(^{12}\) Another major reason for rent spikes are new companies, like Intel, Amazon, and Facebook, bringing new jobs and job-seekers to the Albuquerque area, which has only increased the competition for the low number of housing units available, allowing for major rent increases.\(^{13}\)

Due to the financial stress from the pandemic in conjunction with the rising housing costs, according to a 2021 survey done by BSP Research, over 1 in 5 residents have had trouble making rent or mortgage payments. Furthermore, 26% of respondents in New Mexico indicated that rental financial assistance would help with their housing situation, yet 50- 54% had never heard about the renter/homeowner assistance programs in New Mexico, indicating that there is a gap between those who need help and those who were able to find it.

---

\(^{11}\) [https://www.liberationnews.org/peoples-housing-project-in-new-mexico-demands-rent-control/](https://www.liberationnews.org/peoples-housing-project-in-new-mexico-demands-rent-control/)

\(^{12}\) [https://www.apartmentlist.com/research/national-rent-data](https://www.apartmentlist.com/research/national-rent-data)

The qualitative interviews reinforce the salience of housing challenges for low-income New Mexicans. Focus group experts agreed that this is one of the direst issues facing New Mexican residents, namely those who meet poverty guidelines, especially as evictions resumed in March 2022. This will, and already has, resulted in a surge of eviction court cases. One expert in particular noted that although this has always been a problem in New Mexico, the rising unemployment rates due to the pandemic have only made the risk of eviction or foreclosure more pertinent.

The quotes below are consistent with similar sentiments from respondents across all areas of the state, and as noted below, the housing challenges in New Mexico may only increase after the eviction moratorium expires soon, leaving many people vulnerable.

“"The top tissue facing our people here in northern NM is housing. People who have qualified for housing support cannot find any affordable housing because there is not enough to go around right now. A lot of our clients are having to go to court due to evictions. People recognize that they need support but do not always know where to go for help. “

“Housing has been a problem nationally over time and particularly in NM. People who are below poverty in particular. When evictions moratorium expires in March this is only going to get worse. “

“Eviction and maintaining residency is a common issue with the population I work with. Having help for them on what their rights are and what resources they have available to them before a major issue happens would be ideal. Maybe having NM Legal Aid train some service providers to address legal rights could help.”

Acquiring and Maintaining Public Assistance is Another Major Challenge in New Mexico

The relatively high rate of experience with obtaining and keeping public assistance is consistent with other research conducted in New Mexico that has found that state residents are worried that taking advantage of new public benefits, including legal aid, could jeopardize their existing support.

Respondents who reported that they faced issues getting or keeping public assistance were asked to identify more specifically the challenges they have had with public assistance programs. As reflected in the figure below, being denied or cut from food assistance benefits (SNAP) was the most common challenge identified, followed by being denied or cut from unemployment benefits and TANF.
Have you ever experienced any challenges obtaining or keeping any of the following public assistance programs?

- Denied or benefits cut from SNAP (food assistance): 15
- Denied or benefits cut from unemployment benefits: 13
- Denied or benefits cut from TANF (assistance with basic living costs such as housing or utilities): 11
- Denied or benefits cut from Medicaid: 10
- Denied or benefits cut from Medicare, including disability support: 9
- Had problems applying for or been denied or terminated from childcare assistance: 5
- Something else, specify: 2

New Mexico Families Face Significant Challenges in New Mexico

A sizable percentage of low-income New Mexicans have also experienced family-related issues, including custody, divorce, or domestic violence challenges. These concerns were echoed by the focus group experts, who noted that domestic violence cases have also increased with the pandemic, though many of those who needed help were unable to get it during the closures and remote environments in response to the pandemic. The following quote from a focus group with service providers who work in the Southern region of New Mexico are reflective of what we heard more broadly.

"Sadly, we know that many women and children suffered from domestic violence during the pandemic and were not able to get any help because they were forced to work and school at home. As we hopefully move back to men working outside the home, we should expect to see more reported cases. This will mean more legal support needs for families looking for help with domestic violence and custody."

Respondents from the focus groups and interviews noted that there is often a gap in legal support available for families with children in need of legal support. The respondent quoted below works specifically with youth and pointed out that there has been a rise in children facing serious challenges with their school that requires the advice or representation of a lawyer.
"I work with many children who are having challenges in school- big trouble challenges. There has been a marked increase in the number of children in this situation in our community. Many families have children struggling with huge issues like mental health that leads to the issues in our schools."

Given New Mexico’s consistent ranking as one of the worst states in the nation in overall child-well-being, strategic planning must include discussions of how to improve access and support to families who are facing challenges. According to the 2020 Kids Count Data Report, New Mexico ranked number 50th in the nation for overall child well-being, as well as education. Furthermore, nearly all indicators tracked in the Kids Count analysis also suggest that African American, Native American, and Latino children face disparate outcomes across a range of health, economics, education, and family/community challenges in the state. For instance, on a national level, 15% of high school students do not graduate on-time. Having capacity to serve low-income families with the challenges that require legal support is critical given the very difficult environment families in New Mexico are raising their children in.

Over the past two years, did you experience any of the following situations?

- Housing issues such as utility bill difficulties, foreclosure, tenant or landlord disputes
- Issues getting or keeping public assistance programs, such as government programs for food, cash...
- Family issues such as custody, divorce, guardianship, or domestic violence
- Health-related issues such as difficulties with health insurance or medical provider
- Employment or work-related issues such as unpaid wages, poor working conditions, or unfair labor practices
- Issues with consumer services such as unfair debt collection or predatory loan
- Civil rights violations, such as police misconduct or discrimination due to your race, gender, sexual...
- One of your children suspended from school, disciplined or difficulty getting services like special education or...
- Sued or taken to court
- Taken to tribal court for a non-criminal issue
- Taken to tribal criminal court

---

Native Americans and Agricultural Workers Face Significant Inequalities in Challenges Requiring Legal Support

Some important sources of variation across the state’s population are worth pointing out. For example, and as reflected in the figure above, both Native Americans and agricultural workers in New Mexico are much more likely to experience challenges requiring legal support across many of these specific issue areas. This includes both groups being much more likely to experience housing challenges than the overall state average—28% for both groups compared to 17% of the overall sample. Similarly, both groups are twice as likely to have experienced civil rights challenges than the state average.

The inequality in family-related challenges, including custody issues or domestic violence, facing Native Americans is particularly alarming. For instance, nearly a third of all Native Americans have experienced a family-related challenge over the past two years compared to only 14% of New Mexicans overall, and 11% for the Hispanic population in the state. This finding strongly suggests that providing Native Americans with adequate legal aid in New Mexico will require enough capacity in legal expertise in family law.

The literature review supports the recommendation that New Mexico Legal Aid ensure they have legal capacity to provide legal support for family law related issues for Native American women, in particular. The extant literature suggests that Native American women need support with sexual violence, which is disproportionately high among Native Americans in the state. For example, American Indian women are 1.2 times as likely as non-Hispanic white women to have experienced violence in their lifetimes and 1.7 times as likely to have experienced violence recently in their lives. Furthermore, according to a state-wide survey of Native Americans in New Mexico, 33% of Native American women have been victims of sexual violence, and 49% have been the victims of domestic violence.

The gap between Native Americans’ experiences with challenges that may require assistance from the legal system strongly suggests that legal aid services should be structured to fit the unique needs of this community, particularly with expertise in family law. The report identifies inequalities across just about all issue areas between Native Americans and the overall state’s population however, so adding lawyers who are themselves Native American, and/or who are experts in tribal law would be useful regardless of their areas of specialization.

Legal Expertise in Health Care is Salient in New Mexico

Eleven percent of low-income New Mexicans have faced health-related issues such as difficulties with health insurance or a medical provider. Among low-income New Mexicans' health-related

15 https://nabpi.unm.edu/assets/documents/mniwg-briefing-paper.pdf
16 Full survey results available here: https://latinodecisions.com/blog/attitudes-toward-reproductive-health-policy-among-native-americans/
challenges, an emergency room or medical bill being too expensive was the most commonly cited issue at 28%. This was followed by 25% who experienced their health insurance costs rising unexpectedly and 23% who lost their health insurance or who were unfairly denied health insurance. Reinforcing challenges with health insurance, 22% of respondents reported that they could not find affordable health insurance. Finally, 19% of respondents with health-focused challenges reported that they have had a dispute with their insurance company about a bill, and 17% have had a dispute with a doctor or medical provider about a bill or malpractice issue.

These numbers, although sobering alone, are especially important to investigate in the Native American population. For instance, 20% of Native Americans have had difficulties with health insurance or a medical provider, compared to 11% of the total sample. Similarly, 22% of Native Americans were denied Medicaid compared to 10% of the total respondents. Twenty-eight percent faced challenges with getting or keeping public assistance programs, such as government programs for food, cash assistance, healthcare or disability for Native Americans, which is a jump from 16% of the total sample.

When looking at the state of New Mexico in its entirety, approximately 21.6% of Native Americans do not have health insurance, which makes them over 3.5 times more likely than Whites (5.6%) to be uninsured. These discrepancies are vital to note, especially as access to healthcare has become more salient during the pandemic, when having health insurance has been highly correlated with vaccination uptake and a host of other health outcomes.

Civil Rights Challenges / Discrimination Experiences

Although only 7% of the sample reported having challenges with civil rights issues over the past two years, this is a dire issue area to address given that national research suggests impoverished persons are twice as likely as their moderate-income counterparts to do nothing to address their civil rights problem, even though they are more likely to need more assistance. 17

The survey added depth to the civil rights area by asking respondents who have had a civil rights challenge to identify what specific civil rights problems they have experienced. The most common type of civil rights issue expressed was “excessive use of force by law enforcement.” In fact, nearly half of low-income New Mexicans who have had to deal with a civil rights issue over the past two years reported that this was due to excessive force, including in their interactions with immigration enforcement officials. As shown in the figure below, 39% of respondents also experienced discrimination at work or school, 32% have been unfairly denied a job or promotion, and 30% faced sexual harassment. Finally, the survey finds that many New Mexicans face multiple civil rights challenges, making the need for legal support that much greater for those who find themselves facing numerous violations of their civil rights.

17 https://www.justice.gov/olp/civil-legal-aid-101
What civil rights issues or problems did you experience?
Select all that apply

<table>
<thead>
<tr>
<th>Issue</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Victim of excessive force by law enforcement, such as police or</td>
<td>46%</td>
</tr>
<tr>
<td>immigration/ICE</td>
<td></td>
</tr>
<tr>
<td>Discrimination at work or at school</td>
<td>39%</td>
</tr>
<tr>
<td>Unfairly denied a job or promotion</td>
<td>32%</td>
</tr>
<tr>
<td>Sexual harassment</td>
<td>30%</td>
</tr>
<tr>
<td>Something else, specify</td>
<td>13%</td>
</tr>
</tbody>
</table>

Similar to discrimination in healthcare, Native Americans were more likely overall to have discriminatory experience. For example, while 7% of the total sample indicated that they had experienced “civil rights violations, such as police misconduct or discrimination due to [their] race, gender, sexual orientation, or immigration status” in the past two years, 15% of Native Americans had dealt with this challenge. Furthermore, as reflected in the table below, Native Americans were more likely to experience every civil rights issue queried in the survey, as compared to the overall New Mexico population.

<table>
<thead>
<tr>
<th>What civil rights issues or problems did you experience?</th>
<th>Total</th>
<th>AIAN</th>
<th>Inequality</th>
</tr>
</thead>
<tbody>
<tr>
<td>Victim of excessive force by law enforcement, such as</td>
<td>46%</td>
<td>54%</td>
<td>+8%</td>
</tr>
<tr>
<td>police or immigration/ICE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Discrimination at work or at school</td>
<td>39%</td>
<td>63%</td>
<td>+24%</td>
</tr>
<tr>
<td>Unfairly denied a job or promotion</td>
<td>32%</td>
<td>58%</td>
<td>+26%</td>
</tr>
<tr>
<td>Sexual harassment</td>
<td>30%</td>
<td>62%</td>
<td>+32%</td>
</tr>
</tbody>
</table>

The final question in the civil rights battery of items asked respondents to identify what they felt was the basis for the discrimination they experienced. This question allows respondents to identify as many of their intersectional identities that fit their perception of the mistreatment they experienced. A significant percentage (37%) of respondents reported that their race or ethnicity seemed to be the basis for their discrimination experiences. However, disability (29%) and sex/gender (21%) were also especially common among respondents who have faced discrimination. There is also a sizable segment of the overall low-income population in the state that has experienced discrimination due to their immigration status or because they speak a language other than English.
In your view, what was the basis for the discrimination that you experienced? Was it because of your: [Select all that apply]

<table>
<thead>
<tr>
<th>Basis</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Race or ethnicity</td>
<td>37%</td>
</tr>
<tr>
<td>Disability</td>
<td>29%</td>
</tr>
<tr>
<td>Sex or Gender</td>
<td>21%</td>
</tr>
<tr>
<td>Age</td>
<td>17%</td>
</tr>
<tr>
<td>My sexual orientation</td>
<td>15%</td>
</tr>
<tr>
<td>Immigration status</td>
<td>11%</td>
</tr>
<tr>
<td>Language I speak or accent</td>
<td>11%</td>
</tr>
<tr>
<td>Something else, specify</td>
<td>10%</td>
</tr>
</tbody>
</table>

Given the inequalities facing Native Americans with discrimination in the state, we looked for additional research in this area to provide some context to the findings from the NM Legal Aid survey. A recent state-wide survey of New Mexicans with a large Native American oversample found that nearly half (47%) of Native Americans in New Mexico believe that Native Americans in the state have faced discrimination from the healthcare system specifically. Furthermore, 8% of Native Americans in New Mexico believe that “discrimination from medical professionals makes it hard to trust that the COVID-19 vaccines are safe and effective for [them] and others from [their] community.” Lastly, Native Americans are more likely (+10%) than the state average to report that they believe they have not been referred to see a specialist when they needed one, and 21% of Native Americans report that they have been denied or delayed access to any needed healthcare services - 9% higher than the overall state’s average.

The survey asked Native American respondents about experiences with tribal courts in New Mexico. Overall, 14% of Native Americans in New Mexico have been taken to tribal court for a non-criminal issue, and 10% have been taken to tribal criminal court over the past two years. If engagement in tribal courts is feasible for NM Legal Aid, thinking more deeply about how to provide legal representation within those courts is worth considering.

Prioritization of Legal Needs

Given the need to utilize this research to help with strategic planning, we have attempted to provide a prioritization of the legal needs of the low-income community in New Mexico. We have provided a table that draws from the survey data to identify the most pressing legal challenges facing state residents at this time based on the percentage of respondents who reported challenges in each individual substantive area discussed in this section of our report.

---

11 The survey includes 38 interviews with Native Americans in San Juan County. A full discussion of the methodology for the survey is available here: https://covidvaccinelpoll.com/app/aarc/covid-19-vaccine-messaging/#?nm=true
Given that we have provided some prioritization of specific issues within the broad categories of substantive challenges when possible, the survey data provides valuable context for your deliberations.

As reflected in the table below, housing challenges is the most important substantive area to consider in strategic planning, as 17% of survey respondents reported having housing challenges, and housing was the most major concern discussed among experts during interviews and focus groups. Secondly, gaining and keeping public assistance is vital, especially as the COVID-19 pandemic has expanded the assistance available to state residents, but also identified significant obstacles that have impacted access and uptake of those resources. The remaining priorities are ranked in the table from highest to lowest, with family issues, healthcare/medical difficulties, employment and economic issues, and civil rights rounding out the top six.

<table>
<thead>
<tr>
<th></th>
<th>Housing challenges</th>
<th>Housing issues such as utility bill difficulties, foreclosure, tenant or landlord disputes</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Gaining access to assistance/Keeping assistance</td>
<td>Issues getting or keeping public assistance programs, such as government programs for food, cash assistance, healthcare of disability</td>
</tr>
<tr>
<td>3</td>
<td>Family Issues / Custody / Guardianship/domestic violence</td>
<td>This includes challenges with children in school, childcare, and help with a will or trust.</td>
</tr>
<tr>
<td>4</td>
<td>Health-related issues such as difficulties with health insurance or medical provider</td>
<td>This includes medical/hospital bills being higher than expected, and disputes with a doctor, provider, or insurance carrier</td>
</tr>
<tr>
<td>5</td>
<td>Employment/Economic Issues</td>
<td>This includes work-related issues such as unpaid wages, poor working conditions, or unfair labor practices and issues with consumer services such as unfair debt collection or predatory loan</td>
</tr>
<tr>
<td>6</td>
<td>Civil Rights</td>
<td>Civil rights violations, such as police misconduct or discrimination due to your race, gender, sexual orientation, or immigration status</td>
</tr>
</tbody>
</table>

Perceived Legal Needs and General Awareness of Legal Aid Resources Available

The survey asked respondents who have faced at least one of these challenges whether they felt they needed legal assistance for this challenge or issue. As reflected in the figure below, 54% of New Mexicans who have faced a significant challenge over the past two years believed they needed legal assistance. However, only 43% of New Mexicans who felt they needed legal assistance looked for legal help by either looking for legal aid online or talking to someone about

---

19 Prioritization was based upon survey findings as well as common expert testimonies during focus groups and interviews.
getting the help they needed. Many focus group experts agreed that while many people in the community recognize their need for legal help, the vast majority have no idea where to begin.

Despite the challenges many lower-income New Mexicans have faced recently, relatively few state residents have basic knowledge of legal resources available to them. The survey is intended to collect information from New Mexicans and educate them on legal aid available to state residents. This included passing on information about New Mexico Legal Aid, an organization in New Mexico that provides legal services to those who cannot afford it. Across the complete sample, 7% of survey respondents reported that they were “very familiar with New Mexico Legal Aid and what they offer” compared to 42% who have heard of the organization but are not that familiar, and 51% who had not yet heard of the organization at the time of the interview. Familiarity with this organization is particularly low among Hispanics, with 64% reporting that they had never heard of New Mexico Legal Aid before the survey interview.
The survey found that 26% of New Mexicans have utilized New Mexico Legal Aid’s services. Across the sample, New Mexico Legal Aid utilization is particularly high for agricultural workers and Native Americans. Another positive finding from the survey was that a significant amount (63%) of those who looked for legal help online came across information about New Mexico Legal Aid.

Obstacles or Challenges to Legal Aid for Low-Income New Mexicans

The survey helps identify obstacles or challenges that prevent low-income New Mexicans from gaining access to the legal support they need. This included asking respondents who attempted to get legal help about their experiences. Nearly half (45%) were not able to get the help they were looking for, a strong indicator of the presence of barriers impacting access to legal support. There are, however, many New Mexicans who have been supported by the legal resources available to state residents. For example, many of those who looked for legal support did not have to pay for the legal support they received (22%), or paid a discounted rate (16%). Another 13% reported receiving some financial aid to help pay for some of their lawyer fees. These are positive findings that could be utilized for outreach efforts aimed to inform state residents who are eligible for support about these services.

The survey also identified obstacles to aid by asking respondents why they did not look for legal aid or support. Many New Mexicans (45%) reported that one of the main reasons they did not look for legal support was due to not being able to afford a lawyer. This is followed by 34% who were unsure if they qualified for aid/support, followed by the uncertainty of whether having a lawyer would help with their problem. This finding from the survey suggests a need for information to be disseminated to low-income residents of the state that lets the community know that there is legal aid available to those who qualify to reduce the cost of a lawyer.

The qualitative data was consistent with survey findings regarding obstacles. In addition to the costs of legal support more generally, we heard from multiple interview respondents that lack of clarity on qualification baselines for community members is a significant problem.

"Your survey was spot on that the cost of a lawyer is the biggest issue getting in the way of legal support. Most new Mexicans cannot afford an attorney, so no poor or unemployed New Mexicans can. People give up hope. The legal world is so specialized that you need a specialized lawyer or you are going to be in trouble, and that is going to be expensive."

"Many people in the oil jobs in my community think they would not qualify for legal assistance because they do not qualify for income assistance. Given that many people have lost jobs or wages, it is hard to know if they qualify due to those challenges or if this is based on last year’s taxes?"
Many focus group participants referenced the need for more resources invested in helping members of the community navigate the complex systems that provide access to support. It was positive to hear that many service providers we spoke with were willing and interested in becoming more helpful points of contact for the people they serve. However, they expressed the need to be trained and better equipped to help answer questions about the process. This can include the need for translation or bilingual support being available from New Mexico Legal Aid or other service providers given the impact of language barriers.

"Complexity of the legal world is also overwhelming. The avenues for legal support are like a mystery and it feels sometimes like that is intentional. Having more pre-trial legal support could save people a lot of time and money."

"I do not know myself how to do get legal help so that is a place to start. I am definitely willing to be more helpful in connecting people with resources, but that requires that I get some training or up to date information. Make sure service providers are informed."

<table>
<thead>
<tr>
<th>Reason</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>I cannot afford a lawyer</td>
<td>45</td>
</tr>
<tr>
<td>I did not think I would qualify</td>
<td>34</td>
</tr>
<tr>
<td>Did not think a lawyer could help with my problem</td>
<td>31</td>
</tr>
<tr>
<td>I do not know if I qualify for free or low-cost legal help</td>
<td>29</td>
</tr>
<tr>
<td>I prefer to work it out myself without asking for outside help</td>
<td>19</td>
</tr>
<tr>
<td>I could not find information about the program</td>
<td>16</td>
</tr>
<tr>
<td>Something else, specify</td>
<td>10</td>
</tr>
<tr>
<td>The application process was too complicated</td>
<td>10</td>
</tr>
<tr>
<td>I think I do not qualify for legal aid because of my immigration status</td>
<td>2</td>
</tr>
</tbody>
</table>

Similarly, the survey also asked all respondents to identify any obstacles or challenges that would concern them if they were to attempt to secure legal aid or assistance for a legal problem they may have. The figure below shows an overlap across both questions, with the cost of legal support and concerns about eligibility for aid the most commonly identified issues across both items. However, on this item, concerns about navigating the complex legal system to find help
was among the top three issues. Among other challenges, it is essential to note that 15% of respondents also expressed worry regarding language barriers for legal representation due to English not being their first language. This challenge is more salient among Hispanic New Mexicans and the immigrant community. This sentiment was backed up by focus group experts, who cited the need for translation in both forms and legal interactions.

Below are some additional quotes from interviews our team conducted that speak to challenges or obstacles that impact access to legal expertise in New Mexico. As you will see, variation in access to forms based on the district in New Mexico where residents reside was a salient topic for the focus group participants.

"People had such a difficulty with even reading the forms or figuring out which forms they needed. It’s really hard because it’s a large packet, and to even go to the court to purchase the packet is expensive for people."

"The courts are almost no help with the forms, it all depends on who the clerk is. They are not allowed to refer anybody to any attorneys and they may not even help you with the forms... you have to go in there knowing exactly what you want"

"If I was not doing this, I don’t know what these folks would do because they end up going to the courthouse and they’re told they can buy a packet and that’s it. And they don’t refer them to attorneys or offer any information... It also depends on the clerk."

"The site is not user friendly, does not tell you even which court to go to, it doesn’t have a map breaking down which courts are in the state, it doesn’t give any idea to an individual on where to go. And this is before even seeking out legal advice. It needs to be revamped."

"It’s hard to refer to clients to phone numbers when even I cannot get through."
"The virtual world was very different, especially for people in rural communities who did not have the access to be able to access the resources."

The results from this question on the survey depicted in the figure below also identify other challenges New Mexicans face that impact their motivation to look for support. This includes 16% of respondents noting that they are concerned that transportation would be a challenge for them, either because they do not have access to a car or do not drive. There is also a sizable segment of the low-income community in New Mexico who would prefer to speak with a lawyer over the phone to find support rather than apply for aid through the internet. Furthermore, the legal aid community must consider having legal support available in the evenings and on weekends, and potentially offering childcare support during meetings with lawyers to accommodate parents’ work and childcare schedules.
Reaching Eligible Residents With Information About Legal Aid

The final section of this report focuses on content from the survey intended to inform potential strategies to provide low-income New Mexicans with information about legal aid resources available to eligible residents. When asked how they would like to receive information from New Mexico Legal Aid about their services, the most common response was to have a letter mailed to their home (42%). This was followed by an email at 37%. We believe that this finding is a result of New Mexicans wanting to be able to read information about legal information closely due to the complexity of this type of information. Being able to read a letter or an Email on their own time is a desire for many respondents and should help inform how information is provided to the community.

There is a significant gap between those two options and a phone call or text message at 19% respectively. Utilizing the local TV news or local newspaper, including through their websites or social media, to reach New Mexicans is not as effective, but is preferred among 19% and 14% of respondents.
When we look at differences in desired information sources, we find that agricultural workers and Native Americans are less likely to want a letter sent to their homes than the overall average. Instead, agricultural workers are more likely to want a text message with information, and Native Americans are more likely to use pamphlets posted across the community or rely on local news outlets.

If New Mexico Legal Aid were to send information about the services they provide to the public, how would you like to receive that information?

<table>
<thead>
<tr>
<th>Method of Communication</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Letter mailed to my home</td>
<td>42%</td>
</tr>
<tr>
<td>Email</td>
<td>37%</td>
</tr>
<tr>
<td>Phone call</td>
<td>20%</td>
</tr>
<tr>
<td>Text message</td>
<td>19%</td>
</tr>
<tr>
<td>Local TV news, including their website or social media</td>
<td>19%</td>
</tr>
<tr>
<td>Not interested in receiving information</td>
<td>16%</td>
</tr>
<tr>
<td>Pamphlets posted at different places around town</td>
<td>16%</td>
</tr>
<tr>
<td>Social media (Facebook, Instagram, TikTok)</td>
<td>15%</td>
</tr>
<tr>
<td>Local newspaper, including their website or social media</td>
<td>13%</td>
</tr>
<tr>
<td>Radio, including their website or social media</td>
<td>11%</td>
</tr>
</tbody>
</table>

Information should be made available to New Mexicans in multiple languages to ensure full access. Roughly one-in-four (26%) of low-income New Mexicans report speaking only Spanish in their home, and 17% reported that they speak English and another language. It is also important to note that 27% of low-income New Mexicans either have limited access to the internet at their home (14%) or lack access to the internet altogether (13%). In fact, New Mexico has one of the lowest broadband access rates in the nation, as the state of New Mexico is ranked 48th in the nation in broadband subscriptions. The challenges with broadband access and language barriers were referenced in our qualitative interviews, with respondents noting that these challenges tend to be more systemic among rural residents of the state and immigrants.

“Forms required for courts is not consistent across all districts. Not all forms are available in Spanish or other languages. These should be done in standardized and available in multiple languages. Finding forms required for things like restraining orders are very hard to find even for an educated person. Courts do not provide much help referring people to attorneys.”

“It seemed positive that during the pandemic we moved most of this to the internet. However, a lot of the people we work with do not have computers at home and the only

---

way they get access to the net is from their phones. Trying to navigate the system and submit forms over a smart phone is not doable. We need to make sure that there are multiple paths to get aid.”

There is a tendency to assume that language barriers in New Mexico are specific to Spanish dominant speakers. However, this is obviously an issue that extends to other segments of the state’s population. Our landscape analysis, for example, identified that language barriers are a major challenge for the Native American population. For instance, there are findings that show 14% of Native Americans in New Mexico report that they have not been able to receive medical care in their preferred language.21 Though this question was healthcare specific, it suggests the overall need for more language availability for this population.

Additionally, in the state, Native Americans are the racial group least likely to have access to broadband internet. While 95.8% of non-Hispanic whites have a computer in their home in New Mexico, only 76.9% of Native Americans have one. Similarly, while 89.7% of non-Hispanic whites in New Mexico have a computer with a subscription to broadband internet, only 52.2% of Native Americans do.22 This results in an inequality in access to broadband internet between the two racial groups of 37.5% across the state. Thus, having other avenues available to New Mexicans beyond the internet would increase access to resources in both the general population and in the Native American community specifically.

In closing, there is high demand for more information about New Mexico legal aid and their services across the state’s low-income population. When asked if they would like to get more information about legal resource, only 16% of respondents said they were not interested in receiving information from the organization. This is a positive finding, as it suggests that if New Mexico Legal Aid were to increase their outreach efforts and capacity to meet this high level of demand, there could be a significant increase in the number of New Mexicans who get the legal help they need. The final section of our report focuses on some suggestions to consider to help accomplish these two outcomes.

Recommendations for New Mexico Legal Aid Strategic Planning

All respondents to focus groups and interviews were asked directly for any solutions, interventions, or ideas to inform New Mexico Legal Aid’s strategic planning process. This generated some interesting suggestions for consideration that we open this final section of our report with.

21 The survey includes 38 interviews with Native Americans in San Juan County. A full discussion of the methodology for the survey is available here: https://covidvaccinepoll.com/app/aarc/covid-19-vaccine-messaging/#/?nm=true
22 U.S. Census Bureau ACS 2019 1-Year Estimates
Identify and Train Service Providers to be First Points of Contact

We lead with the suggestion to explore training service providers and peer-navigators to be more useful points of first contact for low-income members of our community in need of legal support. Focus group participants pointed out that the reaching out to lawyers directly is very intimidating to members of the community which leads many to avoid looking for help. In fact, an interview respondent reflected on a situation where he helped connect a client with NM Legal Aid and himself felt challenged by the process. Not being able to drop in and get immediate assistance will always be challenging for lower-income residents.

They suggested that a mixture of service providers and members of the community who have successfully acquired and utilized legal support could be ideal partners who provide limited help to community members before eventually passing them off to NM Legal Aid for more specialized support. We have consistently found that peers and community organizations are highly trusted messengers in New Mexico so this idea has a lot of potential, if there is capacity to provide training and support to these folks.

Build and Update a Database of Legal Forms and Legal Support Resources

According to many focus group experts, the legal forms in New Mexico are very difficult to read, navigate, and understand. It was brought to our attention that between congressional districts, there is little to no standardization, which makes the process confusing to both service providers and clients. Standardization of forms could potentially make a significant difference in the ability of service providers to help their clients, as well as making it easier for clients themselves to understand the series needed to get legal help.

Furthermore, while standardizing forms, it was mentioned by multiple participants that a change in verbiage is required. First, the forms should be at a low reading level to compensate for clients who are unfamiliar with legal terms. Second, the forms should be accessible in several languages, instead of requiring other languages to acquire translation. By expecting clients to gain their own sources for translation on virtually the first step of their legal process, many clients are struck down before they can even begin.

Aside from form standardization, other legal resources should be listed and maintained in an easy-to-access place, for instance, court or district websites. Some examples of necessary resources to include are pro bono lawyers, community organizations, forms, and sources for informational help. Many focus group attendees suggested that part of the problem is that there are no resources for informational help, and many lawyers charge fees for any and all time given to clients, even if they are only inquiring about information rather than legal advice. Finally, as reflected in the second quote below, the database should also include any legal insurance services that may be valuable to state residents.
“A list of lawyers who offer pro-bono legal support ideally organized by county or court district. To be most effective this list would need to be updated annually and should include a designation for lawyers and/or organizations who have translation or lawyers with language skills beyond English.”

“I have used legal insurance through Legal Shield and have very good experiences. If we start to think about legal insurance in the same way we do car insurance we may be able to make significant impact on the huge debt created by legal problems that ruins many families in the state.”

Identify System or Structural Level Solutions or Interventions

We heard from multiple interview respondents that New Mexico Legal Aid should explore more long-term solutions in your strategic planning process if possible. The respondents recognize that the challenges New Mexicans are facing with the legal system are not easily solved, but that if there is not investment in these longer-term solutions we may not see a significant decrease in the demand for legal aid. Although exploration of systems level solutions may beyond the scope of your strategic planning, we wanted to bring attention to this suggestion given that it was referenced often.

Other Possible Strategies Motivated by the Findings of the Research

In addition to suggestions raised by respondents, we have a few additional suggestions based on the overall research findings. The two most common challenges New Mexico’s low-income population face most often are challenges with housing and challenges gaining access or keeping public assistance programs. As we note in the report, the rising cost of housing (both for renters and home-owners) across New Mexico has been a significant challenge for a growing number of families in New Mexico. The survey conducted for this report indicate that housing challenges are greater for Native Americans and agricultural workers, but a common challenge for all low-income residents of the state.

To the extent possible, adding more legal expertise in these high challenge areas would be valuable. This must include family law, as the state’s consistently poor ratings on child well-being and many inequalities associated with children creates huge needs for low-income residents. Custody issues as well as domestic violence are common across the state so looking at approaches to meet the rise in demand for services in this area should be part of your strategic planning process.

Civil rights challenges, including those with law enforcement, are also far too common in New Mexico. Unless this is an area you would like to expand more service provision in, partnering with other organizations in the state who focus on civil rights, such as the ACLU of New Mexico
or the Center for Law and Poverty may be a wise approach to addressing these issues. Collaboration may help you expand the scale of your work without having to significantly increase the number of lawyers on your team. This may also allow you to begin working toward more structural level issues, as was suggested by multiple focus group participants.

Finally, the external research summarized in this report as well as the results from the survey make clear that the experiences and associated legal needs of the Native American community are distinct from those of other low-income New Mexicans. The large sample of Native Americans across the state in the survey allowed for some important insights:

There remains a need however to identify potential gaps in services available to tribal members that may be able to be addressed by expanded capacity from New Mexico Legal Aid. We therefore suggest that you consider conducting a more in-depth study specific to the state’s Native American community. This work should focus on collecting information directly from tribes, through tribal leadership and/or experts in the legal needs of their communities that they may designate. To conduct this research appropriately our team will need to take appropriate steps needed to ensure we have permission from each tribe, pueblo or nation before we begin collecting data. This could require up to a year to complete given the time required to acquire permission from tribes.
Appendix A

Survey Methodology Statement

BSP Research conducted a statewide survey of New Mexico's low-income population to better understand their legal needs and experiences with the legal system in the state. The survey had a total of 651 respondents with an oversample of Native Americans and agricultural workers. The survey was fielded from November 11, 2021 – November 21, 2021, through a combination of web-based and telephone interviews (both cell and landline). The study is focused on low-income residents of the state, so respondents were screened based on their income and the size of their household. The survey was available in English and Spanish based on the respondent's preference, with 222 interviews conducted in Spanish. Regarding income, 44% of respondents have a household income lower than $22,000, with another 27% between $22,000 to $33,000. Conversely, only 11% make $46,000 or more. The survey had a median length of 20 minutes, and post-stratification weights were implemented using a raking algorithm to balance the sample to the 2019 Census ACS estimates for gender, age, education, nativity, and geography. The survey has an overall MOE of +/- 4%.

Appendix B

Focus Group/Interview Participants

<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manuel Garcia</td>
<td>Commission on Equity and Justice</td>
</tr>
<tr>
<td>Candy Allen</td>
<td>Las Cumbres Community Services</td>
</tr>
<tr>
<td>Wes Smith</td>
<td>Mesilla Valley Community of Hope</td>
</tr>
<tr>
<td>Blanca Perez</td>
<td>The Phoenix House</td>
</tr>
<tr>
<td>Kathryn McCarroll</td>
<td>ACLU/Retired Attorney</td>
</tr>
<tr>
<td>Melissa Ames</td>
<td>NM Victims' Rights Project</td>
</tr>
<tr>
<td>Isabel Dominguez</td>
<td>Community Action Agency of Southern NM</td>
</tr>
<tr>
<td>Llajaira Jimenez</td>
<td>Community Action Agency of Southern NM</td>
</tr>
<tr>
<td>Preston Sanchez</td>
<td>ACLU of New Mexico</td>
</tr>
</tbody>
</table>