



Center for Family Justice, P.O. Box 21996, Albuquerque, NM 87154  
(505) 319-3486; www.family-justice.org

**BY FAX: (505) 841-6785**

February 1, 2007

Hon. William F. Lang  
Chief Judge  
Second Judicial District Court  
P.O. Box 488  
Albuquerque, NM 87103

**Re: Action Needed Regarding Domestic Relations Clerks' Treatment of Pro Se Litigants**

Dear Judge Lang:

I write you to request your immediate intervention in a "policy" being conducted in the Domestic Relations Clerk's office (Second Judicial District) which is highly illegal and generating a growing level of resentment between Bernalillo County citizens and courthouse staff. As the administrative authority responsible for Second Judicial District courthouse activities, this is clearly a problem for you to address.

Some months ago, as President of CFJ, I began receiving multiple complaints from parents attempting to conduct case research in the Domestic Relations Division of your courthouse. Essentially, they were being told by the clerks that they were prohibited from sitting down at the table and using the chairs on the east wall of the public part of the clerk's office to look through legal files while conducting legitimate case research as supported by federal and state law regarding public documents.

Two weeks ago I personally experienced this treatment. While examining files related to Judge Angela Jewell, I was told that I was not allowed to sit down or use the table. However, an attorney was using the table from which I was prohibited. Last Friday (January 26, 2007), one of our members who is on crutches following surgery was at first prohibited from sitting down in the same manner. Finally, after some argument, the clerks allowed him to sit down, but not at the table. He was required (as I was the week before) to attempt to use the narrow counter at the clerk's window (which is not deep enough to even open a legal file and keep it open) and told to move a chair to the middle of the room, directly in front of the line of persons waiting for clerk service -- on public display, where it is very difficult to concentrate and even more difficult to hold a legal file, a pen or pencil, and a notepad in place to do any research. Meanwhile, again, attorneys were allowed to freely use the table and chairs along the east wall set up for that purpose. Upon further investigation, we have learned that the Court Administrator's office claims a "verbal policy" is in place, prohibiting ONLY Pro Se persons from using the table and chairs on the east wall. Our handicapped member was required to pull over his own chair into the middle of the room and prohibited from use of the table at the right height for doing such case research.



As I am sure you are aware from your many years of legal experience, there are a myriad of legal problems with the stance of your Domestic Relations clerk's office regarding the use of the table and chairs. First of all, there is no such thing as a "verbal policy". Therefore, in the absence of any policy, the DR clerks are collectively acting (and have been for some time) against DR Pro Se litigants as a class in a biased manner with no written justification, treating attorneys as a class more privileged than Pro Se litigants. If there is written policy, it violates law and should be immediately revoked.

Secondly, the biased behavior greatly hinders and even prohibits Pro Se litigants' ability to do case research or even review their own files for more than a few minutes. This behavior on the part of courthouse employees prohibits or prevents altogether Pro Se Litigants' ability to prepare their cases and thus succeed in their legal endeavors. It is in violation of the First Amendment to the U.S. Constitution granting the right of a U.S. citizen to self-representation in court, particularly since it is a Pro-Se-only policy and does not affect attorneys.

Thirdly, may I remind you that the Bernalillo County District Courthouse was constructed and is maintained with state tax money. That is, it is the property of the People of New Mexico, NOT courthouse employees. As a public building, operations within are required to conform to the Americans with Disabilities Act, and I am sure there are similar provisions within State law that uphold this responsibility. Even a young, healthy person is incapable of handling a docket file on that narrow shelf under the clerks' window while holding a writing utensil, standing, and writing in a notebook or legal pad for very long, since it requires that the file be turned to a 90-degree angle sideways and part of the file hangs over the edge. The docket files get dropped all the time with this practice, and the Pro Se individual must stoop down several times to pick up the file, a pencil, a notebook, etc, all while on public display in front of the line of persons waiting for a clerk.

Finally, the fact that attorneys can sit down at the "normal" tables with "normal" chairs and do their file review, but Pro Se litigants are required to stand right in the middle of the clerk activity and the line while doing their work, visibly singles out Pro Se litigants in a public place as an underprivileged class, and for no reasonable purpose. Let me put it this way – I felt a lot like members of the Negro race must have felt forty to fifty years ago when told to sit at the back of the bus. As you know, the Civil Division just one floor below does not haze their Pro Se litigants in this manner. Whites justified their behavior in the past by claiming that one or several Negroes were unruly or criminal – perhaps we are being discriminated against as a class because of the actions of one or two Pro Se litigants in their treatment of docket files. It does not justify this discriminatory "policy".

Tomorrow, several of us plan to continue our research project by reviewing Domestic Relations docket files in the clerks' office. Like Rosa Parks, we feel that we should no longer have to comply with this prejudiced, publicly-embarrassing treatment from courthouse employees. Our hard-earned tax money paid for the very table and chairs from which we are prohibited. Let me assure you that we will do nothing more than simply get the docket files we request and go over to the table to sit down. Based on past courthouse incidents, however, I am very concerned that this situation could get out of hand and result in a lawsuit if we are mishandled, threatened, publicly embarrassed or physically harmed by courthouse security in any way. I trust that your employees will be properly briefed regarding the law and their behavior ahead of time, and that this nonsense will be put to bed.



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once and for all. We want to do our case research in peace, according to the privileges to which we are entitled by state and federal law.

We have approached you in the past with our concerns and have been ignored, receiving no response at all whatsoever. I ask you – how would you respond if you received a similar letter from the President of the State Bar Association? I would appreciate it if you would treat us, a Pro Se group, with the same level of respect and dignity.

Sincerely,

A handwritten signature in cursive script that reads "Leslie D. Cumiford".

Leslie D. Cumiford,  
President  
(505) 319-3486

Cc: Juanita Duran, Court Administration, Second Judicial District  
(BY FAX: (505) 841-7446)

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