

Opinion No. 57-307

November 26, 1957

BY: OPINION OF FRED M. STANDLEY, Attorney General Robert F. Pyatt, Assistant Attorney General

TO: Honorable James M. Scarborough, District Judge, First Judicial District, Division II, Santa Fe, New Mexico

QUESTION

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Does the above designated judicial officer have authority to direct payment of compensation to court appointed counsel out of the court fund?

CONCLUSION

No.

OPINION

ANALYSIS

Section 16-3-3.3 N.M.S.A., 1953 Compilation, 1957 Supp., governs the issue. It provides:

"The process of the court in the first judicial district shall be under the teste of the presiding judge of said court as herein provided. **Each judge shall have equal authority to incur expenditures, but all of which expenditures shall be approved by the presiding judge from the public funds of the court**". (Emphasis ours)

Clearly, the only officer authorized to direct payment out of the court fund would be the presiding judge of the First Judicial District. While each judge of said district has equal authority in incurring expenditures, this is not commensurate with authority to direct payment thereof.