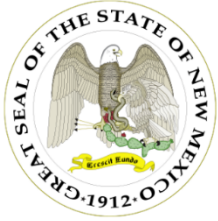


**Correction:** A previous version of this release erroneously omitted the word "not" in the sentence: "In his decision, Judge Robbenhaar concluded that the state has **not** only remedied the original violations but has gone above and beyond in its commitment to persons with intellectual and developmental disabilities and their families." This has been corrected and highlighted below.



Office of the Governor

**MICHELLE LUJAN GRISHAM**

**FOR IMMEDIATE RELEASE**

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## **Lujan Grisham administration announces end of 35-year 'Jackson' lawsuit**

SANTA FE – Gov. Michelle Lujan Grisham and the State of New Mexico announced on Thursday the historic culmination of Jackson, et al., vs. the Los Lunas Center for Persons with Developmental Disabilities, et al., one of the longest-running institutional reform lawsuits in the country. U.S. Magistrate Judge John F. Robbenhaar granted the state's motion to dismiss on Wednesday, recognizing the extensive and effective measures the state has employed to not only remedy the original violations, but to establish and maintain a successful community-based system that protects the health and safety and safeguards the rights of intellectually and developmentally disabled New Mexicans.

Filed in 1987, the Jackson litigation centered on significant deficiencies at a pair of since-closed state-run institutions for intellectually and developmentally disabled New Mexicans. Plaintiffs alleged ongoing violations of the constitutional rights of adults with developmental and intellectual disabilities, as well as violations of health and safety. In 1990, the state was ordered to remedy those deficiencies through, among other actions, the development of individual treatment programs; abuse prevention and reduction; and improved training and staff supervision. The facilities at Fort Stanton and Los Lunas were closed in 1995 and 1997, respectively; in their place, the state created community-based programs for individuals with developmental disabilities. In the interim, the court order evolved into a labyrinthian set of requirements that went unresolved by successive state administrations, compelling millions in expenditures annually on experts and attorneys. Attorney fees and associated costs for the state have topped \$80 million over the course of the litigation.

Under the Lujan Grisham administration, the state and plaintiffs reached a settlement agreement in 2019, under which the state continued to operate under its vastly improved policies and rules without the need for continued outside oversight or direction while demonstrating full compliance with the provisions of the agreement. Since 2019, the state has fully demonstrated the important and measurable progress made in the decades since the litigation began, showing sustained commitment to providing for the health and safety needs of

individuals with intellectual and developmental disabilities and ensuring that none of the statutory and constitutional violations recognized in the initial 1987 lawsuit are still occurring.

In his decision, Judge Robbenhaar concluded that the state has **not only** remedied the original violations but has gone above and beyond in its commitment to persons with intellectual and developmental disabilities and their families, writing: “Plaintiffs have not asserted, and the Court cannot find, any lingering effects from the original violations. In fact, Defendants remedied the violations occurring at the institutions, and then ventured beyond that initial commitment and applied themselves to these new goals.”

Gov. Lujan Grisham has made reaching a final and productive conclusion to the case a point of emphasis since she came into office.

“While it is remarkably gratifying to finally reach closure in such long-running litigation, the true winners in this case are the vulnerable New Mexicans and their families who are finally receiving the support they deserve,” said **Gov. Lujan Grisham**. “This issue is one that’s close to my heart. No family should be without the support they need, which is why my administration has focused on fixing the system, including delivering funding to eliminate the waitlist for the Developmental Disabilities Waiver and expanding services. This decision is an affirmation of the importance and success of that work.”

“Judge Robbenhaar’s order makes clear that the system of care in New Mexico is sound, sustainable, and durable,” said **Jason Cornwell**, New Mexico Department of Health Developmental Disabilities and Supports Division Director. “We challenge ourselves to ensure that individuals with disabilities can live the lives that they prefer in the communities of their choice – consistent with our mission.”

Most importantly, the conclusion of the Jackson litigation does not end the state’s commitment to the intellectually and developmentally disabled community of New Mexico – in addition to \$18 million secured in the 2022 legislative session, resources previously dedicated to court costs can now support the elimination of the developmental disabilities waiver waitlist and strengthening of the provider network. Above all, the state will continue to work to ensure that vulnerable New Mexicans and their families receive the resources they need to live healthy, happy, productive and meaningful lives.

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