

# SUPREME COURT GENERAL RULES

## 23-101. Terms, sessions and hearings.

A. **Term of court.** The Supreme Court shall hold one term each year, commencing on the second Wednesday in January, and shall be at all times in session at the seat of government; provided that the Court may, from time to time, take such recess as in its judgment may be proper. (N.M. Const., art. 6, § 7) If any cause shall not be decided during the term at or during which it was argued or submitted, it shall stand and be deemed continued from term to term until disposed of.

B. **Motions and petitions.** Except as otherwise specifically ordered, a session may be held on each Wednesday for hearing motions and petitions. A motion or petition as to which the time for filing pleadings has expired may be set for hearing on a Wednesday or be deemed submitted on the pleadings.

C. **Criminal cases and cases of general public interest.** Criminal cases and cases involving matters of general public interest or policy may be advanced for oral argument or decision by leave of the court and upon the motion of either party.

D. **Participation of justices.** Whenever the panel of justices before whom a law question has been heard desire, other justices may be called in to take part in the decision, upon a perusal of the record and briefs, without a formal reargument, unless one of the parties makes objection.

[As amended, effective January 1, 1987; August 17, 1999.]

## ANNOTATIONS

**Cross references.** - For continuation of case from term to term, see 39-3-6 NMSA 1978 and Rule 12-402 NMRA.

For oral argument, see Rule 12-214 NMRA.

**The 1999 amendment,** effective August 17, 1999, in Paragraph B, in the first sentence, substituted "may" for "will", "each Wednesday for hearing motions and petitions" for "the Wednesday after the first Monday of each month"; in the second sentence, substituted "A motion or petition as to which the time for filing pleadings has expired may be set for hearing on a Wednesday or be deemed submitted on the pleadings" for "All motions as to which the time for filing briefs has expired will be heard on such motion days or be deemed submitted on briefs"; in Paragraph D, inserted "panel of" preceding "justices", substituted "desires, other" for "shall be desire, other of the"; and deleted "at the argument" from the end of the paragraph.

**Am. Jur. 2d, A.L.R. and C.J.S. references.** - 20 Am. Jur. 2d Courts §§ 4, 21 et seq.

21 C.J.S. Courts §§ 111 to 123.

### **23-102. Clerk of the Court.**

A. **Residence.** The clerk of this Court shall reside in Santa Fe. The office of the clerk shall be located in the Supreme Court building. The clerk shall not practice law in any of the courts of the state.

B. **Original papers and records.** Original papers or records may not be taken from the clerk's office, or from the courtroom, without permission from the clerk.

C. **Return of borrowed items.** Any transcript, brief or other document filed in the Supreme Court and supplied to counsel for use must be returned to the court file in the clerk's office on or before the date of submission of the cause. The clerk shall so require in all cases. A failure of counsel to comply with this rule shall constitute contempt.

D. **Oral argument.** The clerk will make up the calendars for oral arguments of cases giving attorneys at least five (5) days' notice of the setting of cases in which they appear as record counsel.

E. **Decision of court.** Unless otherwise requested by counsel, the clerk will notify one attorney of record on each side of a case of the decision of the Court in the case.

F. **Copies of opinion.** Immediately after an opinion is filed, the clerk will transmit one (1) copy to one counsel of record on each side of the case, without charge.

G. **Docket entry.** The clerk will enter cases on the docket in the order in which opening documents are filed in the clerk's office. The date of the allowance of the appeal or the issuance of the writ of error, together with the name of the judge who tried the case, will also be entered on the docket by the clerk.

H. **Documents not complying with rules.** It shall be the duty of the clerk to enforce the requirements of these rules and the Rules of Appellate Procedure by refusing to file documents not complying therewith.

[As amended, effective August 17, 1999.]

### **ANNOTATIONS**

**Cross references.** - For duties of clerks, see Rule 12-310 NMRA.

**The 1999 amendment,** effective August 17, 1999, in Paragraph A, changed the seat of residence of the clerk from the seat of state government to Santa Fe and the clerk's office will be located in the Supreme Court building; in Paragraph B, documents taken from the courtroom or clerk's office can only be taken with permission from the clerk, not a court order; in Paragraph C, substituted "court file in the clerk's office" for "files"; in

Paragraph E, substituted "requested" for "directed" near the beginning of the first sentence, and deleted "result of the" and substituted "in the case" for "therein" near the end; in Paragraph F, substituted "filed" for "rendered in a case" and deleted "thereof"; in Paragraph G, substituted "opening documents" for "the transcripts on appeal and the order granting writs in cases of error"; in Paragraph H, deleted "several" near the beginning and inserted "and the Rules of Appellate Procedure" near the end.

**Am. Jur. 2d, A.L.R. and C.J.S. references.** - 15A Am. Jur. 2d Clerks of Court § 1 et seq.

21 C.J.S. Court § 236 et seq.

### **23-103. Seal and process.**

A. **Seal.** The seal shall contain the words "Supreme Court" on the upper part of the outer edge, and the words "State of New Mexico" on the lower part of the outer edge, running from left to right; and there shall be in the center the figure of a woman holding in her left hand the scales of justice, in her right a sword with the point resting level with her feet.  
(Specifications as follows):

[DOUBLE CLICK TO VIEW THE FOLLOWING SEAL The seal above has not been amended or altered in any way.](#)



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**B. Process.** Process of this court shall be in the name of the chief justice of the Supreme Court of New Mexico and shall be in such form as shall be prescribed by the court, and shall be attested by the signature of the clerk and the seal of this court.

#### **ANNOTATIONS**

**Cross references.** - For process of supreme court and court of appeals, see Rule 12-311 NMRA.

**Am. Jur. 2d, A.L.R. and C.J.S. references.** - 20 Am. Jur. 2d Courts § 8.

#### **23-104. Conduct of court proceedings.**

**A. Judicial proceedings.** The purpose of judicial proceedings is to ascertain the truth. Judicial proceedings should be conducted with fitting dignity and decorum, in a manner conducive to undisturbed deliberation, indicative of their importance to the people and to

the litigants, and in an atmosphere that reflects the responsibilities of those who are charged with the administration of justice. The broadcasting, televising, photographing and recording of court proceedings in the appellate, district and metropolitan courts of the State of New Mexico is authorized in accordance with the provisions of Rule 23-107 of these rules.

**B. Nonjudicial proceedings.** Proceedings, other than judicial proceedings, designed and carried out primarily as ceremonies, and conducted with dignity by judges in open court, may properly be photographed in or broadcast from the courtroom with the permission and under the supervision of the court.

[As amended, effective September 1, 1989; August 17, 1999.]

### ANNOTATIONS

**The 1999 amendment**, effective August 17, 1999, in Paragraph A, substituted "Judicial" for "Such" at the beginning of the second sentence, substituted "reflects" for "bespeaks" near the middle of the second sentence, and substituted "Rule 23-107 of these rules" for "revised Canon 21-300 of the Code of Judicial Conduct" at the end of the third sentence.

### 23-105. Withdrawn.

### ANNOTATIONS

**Withdrawals.** - Pursuant to a court order dated September 28, 1994, this rule, relating to determination of incapacity and the Judicial Retirement Act, is withdrawn effective September 28, 1994.

### 23-106. Supreme Court committees.

**A. Authority to appoint.** The Supreme Court may appoint standing committees and special or temporary committees to make recommendations to the Court and to assist the Court in drafting and revising rules and instructions of the Supreme Court.

**B. Composition of committees.** Most standing committees will be comprised of nine members who will be appointed by the Court to reflect geographical balance and to represent the various factions of the bar, *i.e.*, prosecutors, defense attorneys, private attorneys and government attorneys. The following committees will be comprised of more than nine members: Code of Professional Conduct Committee will be comprised of fifteen members; Appellate Rules Committee will be comprised of ten members; Board of Bar Examiners will be comprised of twelve members; Legal Advertising Committee will be comprised of ten members; and Disciplinary Board shall be comprised of eleven members. Special or temporary committees will be comprised of as many members as the Court deems necessary with the same considerations of balance as for standing committees.

C. **Chairperson.** The Court may appoint a chair and vice-chair for each standing and special or temporary committee. The chair shall have the authority to call meetings of the committee on whatever basis deemed necessary to ensure that the work of the committee is accomplished. The chair will preside at all meetings. In the absence of the chair, the vice-chair or the chair's designee shall assume the authority of the chair.

D. **Terms of appointment.** Standing committee members, including the chair and vice-chair, shall be appointed for a term of three (3) years. No member shall serve for more than two terms unless ordered by the Court. Members of special or temporary committees shall be appointed for a term decided by the Court; however, said term shall not exceed three (3) years. If any committee member, including the chair or vice-chair, shall be absent from three consecutive committee meetings, that person is deemed to have resigned from the committee. Said resignation shall be reported to the Court by the chair or vice-chair in writing. Any member, including the chair or vice-chair, may resign at any time during the member's term by informing the Court in writing.

E. **State bar representative.** The Board of Bar Commissioners may appoint a liaison to each standing, special or temporary committee.

F. **Supreme Court liaison.** The chief justice may appoint a liaison justice to a committee.

G. **Committee staff.** The Court may appoint or contract for such staff as may be needed for each committee. If appointed, the staff attorney will be responsible for notifying the members and the liaison of meetings, taking notes of the committee's actions, drafting and revising rules and instructions and any other duties requested by the Court or the chair or vice-chair. It shall not be necessary for committees to keep minutes or make any record of their proceedings.

H. **Quorum and voting.** All appointed members, including the chair and vice-chair, shall have one vote. Staff attorneys, guests and liaisons may participate in meetings, but may not vote. A quorum of the committee, five voting members, must be present and voting before any committee business may be adopted and recommended to the Court. Committees may, however, meet and discuss matters without a quorum present.

I. **Rule-making procedure.** Committees may make recommendations to the Court on their own motion or upon the request of the Court or the bar.

(1) When a majority of the voting quorum so votes, rules or instructions shall be submitted to the staff attorney appointed by the Court for proper formatting prior to submission to the Court.

(2) Upon submission to the Court, it may publish for comment the proposed amendments or new rules;

(3) If the proposed amendments or new rules are published for comment, after the comment deadline, the Court may request the committee to respond to any comments received by the Court;

(4) Upon receipt of the committee's responses to the comments, and after its review of the recommended rules or instructions, any comments received by the Court and the committee's remarks to the comments, the Court shall:

(a) adopt;

(b) reject;

(c) meet with committee representatives to discuss the recommendations;

(d) modify on their own motion; or

(e) send back to the committee for further drafting or revising.

(5) If new rules or amendments are recommended to the Rules of Professional Conduct, Rules Governing Discipline, Rules Governing the New Mexico Bar, Rules Governing Admission to the Bar, or the Code of Judicial Conduct, said recommendations may be submitted to the president of the New Mexico State Bar prior to the Court's final action on such proposal in order to provide for input from the bar. Upon final enactment by the Court on such rules or amendments, they may be submitted for publication by the state bar at least forty-five (45) days prior to the effective date. If the Supreme Court determines that it is necessary to have a different effective date than that provided for in this subparagraph, it shall so provide in its order of adoption.

(6) After any rule or instruction has been approved by the Court, arrangements shall be made for publication by the state bar, if necessary, and the compilation commission in New Mexico Rules Annotated. Rules and instructions shall be published by the state bar if they will become effective prior to the next publication date of the NMSA Advanced Annotation Service or yearly supplement or if required by Subparagraph (5) of this paragraph.

**J. Standing committees.** The following is a list of Supreme Court standing committees:

(1) Courts of Limited Jurisdiction Committee which is responsible for Rules of Civil Procedure for the Magistrate Courts, Rules of Criminal Procedure for the Magistrate Courts, Rules of Procedure for the Metropolitan Courts, Rules of Civil Procedure for the Municipal Courts, and civil and criminal forms for the courts of limited jurisdiction;

(2) Rules of Civil Procedure for the District Courts Committee which is responsible for Rules of Civil Procedure for the District Courts, and Civil Forms for the District Courts;

- (3) Appellate Rules Committee which is responsible for Rules of Appellate Procedure;
- (4) Rules of Evidence Committee;
- (5) Uniform Jury Instructions-Civil Committee;
- (6) Uniform Jury Instruction-Criminal Committee;
- (7) Rules of Criminal Procedure for the District Courts Committee which is responsible for Rules of Criminal Procedure for the District Courts, and the criminal forms for the district courts;
- (8) Children's Court Rules Committee;
- (9) Minimum Continuing Legal Education Committee which is responsible for administering the Minimum Continuing Legal Education program pursuant to Supreme Court rules;
- (10) Specialization Board which is responsible for implementing and administering the Supreme Court specialization program;
- (11) Board Governing Reporting of Judicial Proceedings;
- (12) Board of Bar Examiners;
- (13) Disciplinary Board;
- (14) Legal Advertising Committee;
- (15) Code of Professional Conduct Committee; and
- (16) Code of Judicial Conduct Committee.

**K. Failure to comply.** Failure to comply with any or all of the provisions of this rule by the Supreme Court shall not affect the validity of any rules adopted by the Supreme Court.

[As amended, effective August 15, 1986; August 1, 1992; August 17, 1999; January 11, 2002.]

### **ANNOTATIONS**

**The 1992 amendment**, effective August 1, 1992, substituted "The Court" for "The courts" at the beginning of Paragraph C; and, in Paragraph I, redesignated former Subparagraphs (7) and (8) as present Paragraphs (8) and (9), respectively and added the present Subparagraph (7) designation to provisions formerly in Subparagraph (6),



inserting in Subparagraph (7) the first sentence and deleting "Uniform Jury Instructions-Criminal" following "Responsible for".

**The 1999 amendment**, effective August 17, 1999, in Paragraph A, substituted "and" for "and/or" preceding "to assist the Court"; in Paragraph B, added the second sentence pertaining to the number of committee members for a certain committees; in Paragraph C, substituted "may" for "shall" in the first sentence, in the last sentence, inserted "or the chair's designee" following "vice-chair"; redesignated Paragraphs F through J and Paragraphs G through K; added a Paragraph F pertaining to a Supreme Court liaison; in Paragraph G, inserted "If appointed" at the beginning of the second sentence, and substituted "taking notes of the committee's actions" for "taking attendance, recording votes"; in Paragraph I(1), inserted "attorney" preceding "staff", in Paragraph I(2), substituted "it may publish for comment the proposed amendments or new rules" for "and"; added a new Paragraph I(3), rewrote Paragraph I(2) as present Paragraphs I(2) and I(4), and rewrote the beginning of Paragraph I(4), redesignated Paragraph I(3) as Paragraph I(5), and redesignated Paragraph I(4) as Paragraph I(6), and substituted "New Mexico Rules Annotated" for "the judicial volumes of the NMSA" at the end of the first sentence, and substituted "(5) of this Paragraph" for "(3) of Paragraph H"; in Paragraph J(2) and (3) inserted "which is" following "Committee"; in Paragraph J(7) inserted "which is" following "Committee" and deleted "Rules of Procedure for the Children's Court" preceding "Rules of Criminal Procedure"; renumbered Paragraphs J(8) and (9) as J(9) and (10) and added Paragraphs J(8) and J(11) through J(16).

**The 2002 amendment**, effective January 11, 2002, deleted "Rules of Civil Procedure for the District Court Committee shall be comprised of twelve members" near the middle of the first sentence in Paragraph B.

**Law reviews.** - For article, "Separation of Powers and the Judicial Rule-Making Power in New Mexico: The Need for Prudential Restraints," see 15 N.M.L. Rev. 407 (1985).

## **23-107. Broadcasting, televising, photographing and recording of court proceedings; guidelines.**

The broadcasting, televising, photographing and recording of court proceedings in the Supreme Court, Court of Appeals, district and metropolitan courts of the State of New Mexico are hereby authorized in accordance with the guidelines promulgated herewith which contain safeguards to ensure that this type of media coverage shall not detract from the dignity of the court proceedings or otherwise interfere with the achievement of a fair and impartial hearing.

### **GUIDELINES:**

**A. Discretion of judges.** Live coverage of proceedings shall not be limited by the objection of counsel or parties, except that the court reserves to the individual courts the right to limit or deny coverage for good cause.

(1) Media coverage in the courts is subject at all times to the authority of the judge or judges to: (a) control the conduct of the proceedings before the court; (b) ensure decorum and prevent distractions; and (c) ensure fair administration of justice in the pending cause.

(2) The presiding district judge has sole and plenary discretion to exclude coverage of certain witnesses, including but not limited to the victims of sex crimes and their families, police informants, undercover agents, relocated witnesses and juveniles.

(3) Neither the jury nor any member of the jury may be filmed in or near the courtroom, nor shall the jury selection process be filmed.

(4) The judge has discretionary power to forbid coverage whenever the judge is satisfied that coverage may have a deleterious effect on the paramount right of the defendant to a fair trial.

(5) Audio pickup, broadcast or recording of a tender of evidence offered by a party for the purpose of determining admissibility made before the judge out of the hearing of the jury is not permitted.

(6) Audio pickup, broadcast, photography, televising or recording of a conference in the courtroom between members of the court, court and counsel, co-counsel or counsel and client is not permitted.

**B. Notice.** The broadcasters, photographers and recorders shall notify the clerk of the particular court at least twenty-four (24) hours in advance of coverage of their desire to cover the trial. Each trial judge may, in the judge's discretion, lengthen or shorten the time for advance notice for coverage of a particular trial.

**C. Decorum.** The decorum and dignity of the court, the courtroom and the proceedings must be maintained at all times. Court customs must be followed, including appropriate attire. Movement in the courtroom shall be limited, except during breaks or recess. The changing of tapes, film magazines, film and similar actions during the proceedings shall be avoided.

**D. Standards.** The media shall maintain high journalistic standards regarding the fairness, objectivity and quality of the coverage allowed under these guidelines.

**E. Equipment and personnel.** Unless otherwise agreed upon by the court, equipment and personnel within the courtroom or hearing room shall be limited as follows:

(1) All equipment shall be operated behind the rail.

(2) Not more than one portable television camera operated by not more than one camera person shall be permitted. Only natural lighting shall be used. Cameras shall be quiet and shall be placed and operated as unobtrusively as possible within the

courtroom at a location approved by the court. The cameras shall be in place at least fifteen (15) minutes before the proceedings begin.

(3) Not more than two audio systems shall be permitted. All running wires shall be securely taped to the floor. Multiple radio feeds shall be provided by a junction box.

(4) Not more than two still photographers, utilizing not more than one still camera each, shall be permitted. The cameras must not produce any distracting sounds. Only natural lighting shall be used. Still photographers shall remain in one place during the proceedings, but they may shift positions during breaks or recess.

(5) Tape recorders may be used by members of the media, so long as they do not constitute a distraction during the proceedings.

(6) Any pooling arrangements necessary shall be the sole responsibility of the media and must be concluded prior to coverage without calling upon the court to mediate any dispute regarding appropriate media and personnel.

**F. Inapplicability to individuals.** The privileges granted by these rules may be exercised only by persons or organizations that are part of the news media.

**G. Objections limited.**

(1) An appellate court shall not exercise its appellate or supervisory jurisdiction to review at the request of any news media persons or organization seeking to exercise a privilege conferred upon them by these rules, any order or ruling of any judge under these rules.

(2) Any party may request, or object to, cameras in the courtroom by written motion, which may be supported by affidavits, which motion shall be filed not later than fifteen (15) days prior to trial. No other evidence shall be presented.

The trial court shall consider the motion and grant or deny the same. The trial judge shall state the judge's reasons for the judge's ruling on the record.

**H. Impermissible use of media material.** None of the film, videotape, still photographs or audio reproductions developed during or by virtue of coverage of a judicial proceeding shall be admissible as evidence in the proceeding out of which it arose, any proceeding subsequent or collateral thereto, or upon any retrial or appeal of such proceeding.

**I. Other courts.** The broadcasting, televising, photographing and recording of court proceedings in courts other than the appellate, district and metropolitan courts of New Mexico is prohibited.

[As amended, effective September 1, 1989; August 17, 1999.]

## ANNOTATIONS

**The 1999 amendment**, effective August 17, 1999, made gender neutral changes throughout the rule.

**The news media had standing** in the supreme court to intervene in a criminal case to question the validity of a lower court order impairing its ability to report the news. The proper approach lies in a separate action for declaratory judgment, mandamus or prohibition. *State ex rel. New Mexico Press Ass'n v. Kaufman*, 98 N.M. 261, 648 P.2d 300 (1982).

**Showing of prejudice required to bar media coverage.** - The tendency of television cameras in the courtroom to make a defendant nervous or rattled is certainly a likely effect to be considered, but if defendant has failed to present any evidence in support of his assertion that televising portions of the proceedings would prejudice the presentation of his testimony, he will be overruled on this challenge. *State v. Hovey*, 106 N.M. 300, 742 P.2d 512 (1987).

If the defendant objects to media coverage he must make a prima facie showing that he will be prejudiced by the media coverage. A general assertion that the coverage will make the defendant nervous, unsupported by affidavits which address the discretionary standard articulated in *State ex rel. New Mexico Press Ass'n v. Kaufman*, 98 N.M. 261, 648 P.2d 300 (1982), is not sufficient. *State v. Clark*, 108 N.M. 288, 772 P.2d 322, cert. denied, 493 U.S. 923, 110 S. Ct. 291, 107 L. Ed. 2d 271 (1989), overruled on other grounds, *State v. Henderson*, 1996-NMCA-089, 109 N.M. 655, 789 P.2d 603.

**Defendant abandoned his conditional pretrial request** to bar television coverage of his allocution by failing to pursue the issue and by later failing to mention any potential problem with media coverage in his motion to allocute. *State v. Clark*, 108 N.M. 288, 772 P.2d 322, cert. denied, 493 U.S. 923, 110 S. Ct. 291, 107 L. Ed. 2d 271 (1989), overruled on other grounds, *State v. Henderson*, 1996-NMCA-089, 109 N.M. 655, 789 P.2d 603.

**Law reviews.** - For comment, "Procedural and Substantive Rights to the Media Govern Requests to Restrict News Coverage of Criminal Cases: *State ex rel. New Mexico Press Ass'n v. Kaufman*," see 14 N.M.L. Rev. 401 (1984).

### **23-108. Court library use.**

The supreme court and the district court libraries of the State of New Mexico shall be open to the public on regular court business days. Individual courts may by rule limit public access to their libraries, provided such rules adequately ensure that the public is not denied access to the law.

[Effective, April 1, 1988.]

## **23-109. Chief judges.**

A. **Selection; term.** Each judicial district and each metropolitan court shall have a chief judge. The chief judge of a judicial district or metropolitan court shall be selected in the manner provided by the constitution for a three (3) year term. A chief judge may be re-elected to serve successive terms. In the event of a tie vote, the senior judge shall be the chief judge.

B. **Duties and Responsibilities.** The chief judge of each judicial district and each metropolitan court district shall have the administrative responsibility for that judicial district or metropolitan court and shall:

- (1) administer established policy concerning the court's internal operations;
- (2) call and preside over regular and special meetings of the judges;
- (3) appoint standing and special committees as may be advisable to assist in the proper performance of the duties and functions of the court;
- (4) designate one of the judges to act in the chief judge's absence or inability to act;
- (5) exercise responsibility as the administrative authority in accordance with the provisions of law and the New Mexico Judicial Branch Personnel Rules and ensure the enforcement of those rules;
- (6) exercise general supervision, coordination and direction of business of the court;
- (7) supervise performance of the court's administrative office;
- (8) supervise court finances, including financial planning and preparation and presentation of court budgets;
- (9) coordinate the use of space, equipment and facilities of the court;
- (10) assign, reassign or consolidate cases among the several judges as equitably as possible. Except with respect to specialty courts consisting of a single judge, cases shall be assigned by random selection designed so that each judge will receive substantially the same number and type of cases. If a judge is unable to administer the cases assigned to such judge within a reasonable time, or if there are other justifiable reasons, the chief judge, in consultation with the other judges, may reassign cases to other judges within the district;
- (11) have published for general distribution copies of a current calendar setting forth the judicial assignments of the judges, the times and places assigned for hearing court matters, and any special calendaring requirement deemed necessary by the chief judge;

(12) prepare an orderly plan of vacations for all court personnel, and for attendance at schools, conferences and workshops for judges and other court personnel;

(13) provide an orientation program for new judges as soon as possible after their election or appointment;

(14) provide for liaison between the court and other governmental or civic agencies;

(15) when appropriate, meet with or designate a judge or judges to meet with committees of the bench, bar, news media or community to review problems and to promote understanding of the administration of justice;

(16) oversee juror management;

(17) implement and monitor compliance with all policies, rules and regulations issued by the supreme court;

(18) perform such other administrative and substantive functions as are necessary for the efficient operations of the court on a day-to-day basis.

**C. Reporting.** The chief judge shall advise the supreme court of the failure or refusal of any judge of such court to comply with the Code of Judicial Conduct or an established policy, rule or regulation of such court or the supreme court.

[Effective, June 1, 1988; as amended, effective, July 1, 1990.]

### **23-110. Commission on professionalism.**

**A. Purpose.** The purpose of the Commission on Professionalism is to:

(1) support the concept and principles of professionalism;

(2) promote competence, civility, integrity, attitude, and respect for the rule of law, for other lawyers and the courts, for clients and the public, and fidelity to lawyers' roles as officers of the court and as problem solvers;

(3) create and promote an awareness of professionalism by all members of the New Mexico bench and bar and reinforce the values of professionalism;

(4) serve as the statewide clearinghouse for professionalism;

(5) serve as the oversight and advisory commission for professionalism training, education and resources to support a catalyst for positive change;

(6) uphold and support the definition of professionalism and educational minimum continuing legal education requirements adopted by the New Mexico Supreme Court; and

(7) serve as a forum for communication, support and collaboration among legal constituencies in New Mexico.

**B. Commission established; composition.** There is established a Commission on Professionalism to be composed of twenty-three members from the profession and the public as follows: four judges; fourteen lawyers; the Dean of the University of New Mexico School of Law; one member representing the Legal Assistants Division; and three public members.

**C. Appointment and terms.** The voting members of the Commission on Professionalism shall be as follows:

(1) Chief Justice of New Mexico Supreme Court, or designee;

(2) Chief judge of the United States District Court for the District of New Mexico, or designee;

(3) Two (2) state district court judges appointed by the district judges association for one (1) year terms;

(4) President of the Board of Bar Commissioners, or designee;

(5) President of the New Mexico criminal defense lawyers association, or designee;

(6) President of the New Mexico trial lawyers association or designee;

(7) President of the New Mexico defense lawyers association, or designee;

(8) President of the New Mexico district attorneys association, or designee;

(9) Chair-elect of the young lawyers division of the State Bar of New Mexico;

(10) President, or designee, of each of the following voluntary bar associations: Hispanic bar association; Indian bar association; black lawyers association; women's bar association;

(11) Chair of the minimum continuing legal education board, or designee;

(12) Chair of the disciplinary board, or designee;

(13) One active status member of the state bar appointed by the president of the board of bar commissioners for a two (2) year term;

(14) One active status member of the state bar appointed by the president of the board of bar commissioners for a three (3) year term;

(15) Chair-elect of the legal assistants division of the State Bar of New Mexico, or designee;

(16) Dean of the University of New Mexico School of Law, or designee;

(17) One public member appointed by the chief justice for a two (2) year term;

(18) Two public members appointed by the president of the Board of Bar Commissioners, or an entity designated by the president, for two (2) year terms.

**D. Ex-officio non-voting members.** The director of the Administrative Office of the Courts and the executive director of the State Bar of New Mexico shall serve as ex-officio members of the commission.

**E. Co-chairs.** The chief justice of the New Mexico Supreme Court and the president of the Board of Bar Commissioners shall serve as co-chairs of the commission.

**F. Removal.** Any appointed voting member of the commission may be removed as a member by majority vote of the members of the commission, for cause, including but not limited to, failure to attend to the duties and responsibilities of the commission or for non-attendance at three consecutive meetings of the commission.

**G. Terms.** Terms of voting members shall commence on January 1 and expire on December 31. Initial terms of appointed voting members shall commence on May 1, 2000 and shall expire on December 31, 2000.

**H. Committees.** The commission may conduct its work through committees, either standing or *ad hoc*. One standing committee shall be composed of the current members of the state bar's standing committee called the commission on professionalism. A new standing committee of the Commission on Professionalism shall be assigned tasks delegated to it by the co-chairs of the commission. Other standing or *ad hoc* committees shall be appointed as deemed necessary by the commission.

**I. Administration and staffing.** The State Bar of New Mexico shall:

(1) administer to the commission and shall develop and approve the goals, duties, programs, budget, operation and staffing of the commission; and

(2) provide an annual status and progress report to the New Mexico Supreme Court on the goals, programs, accomplishments and operation of the Commission on Professionalism.



**J. Review of policies.** The Board of Bar Commissioners shall review and approve all policies relating to the Commission on Professionalism.

**K. Duties of the commission.** The Commission on Professionalism shall develop the mission statement, goals, objectives, responsibilities, programs and activities of the commission, which shall be subject to approval and adoption by the Board of Bar Commissioners.

[Approved, effective May 2, 2000.]

### ANNOTATIONS

**Effective dates.** - This rule is effective May 2, 2000.

### Table of Corresponding Rules.

The first table below reflects the disposition of the former Supreme Court Miscellaneous Rules. The left-hand column contains the former rule number, and the right-hand column contains the corresponding present Supreme Court General Rule.

The second table below reflects the antecedent provisions in the former Supreme Court Miscellaneous Rules (right-hand column) of the present Supreme Court General Rules (left-hand columns).

Former Rule	NMRA
1	23-101
2	23-102
3	23-103
4	23-104
5	23-105
6, 7	Withdrawn
8	23-106
9	23-107

NMRA	Former Rule
23-101	1
23-102	2
23-103	3

23-104	4
23-105	5
23-106	8
23-107	9

## COURT ORDERS

IN THE SUPREME COURT OF THE  
STATE OF NEW MEXICO

IN THE MATTER OF THE ADOPTION OF :  
RULE 23-108 OF THE SUPREME COURT : 8000 Misc.

GENERAL RULES :

This matter coming on for consideration by the court and the court being sufficiently advised, Chief Justice Scarborough, Senior Justice Sosa, Justice Stowers, Justice Walters and Justice Ransom concurring:

NOW, THEREFORE, IT IS ORDERED that Rule 23-108 of the Supreme Court General Rules be and the same is hereby approved;

IT IS FURTHER ORDERED that the above adoption of Rule 23-108 of the Supreme Court General Rules shall be effective April 1, 1988;

IT IS FURTHER ORDERED that the clerk of the court is hereby authorized and directed to give notice of the adoption of Rule 23-108 of the Supreme Court General Rules by publishing the same in the Bar Bulletin and the SCRA 1986.

DONE at Santa Fe, New Mexico this 3rd day of February, 1988.

/s/ TONY SCARBOROUGH

Chief Justice

/s/ DAN SOSA, JR.

Senior Justice

/s/ HARRY E. STOWERS, JR.

Justice

/s/ MARY C. WALTERS

Justice

/s/ RICHARD E. RANSOM

Justice

IN THE SUPREME COURT OF THE  
STATE OF NEW MEXICO

IN THE MATTER OF THE ADOPTION OF :  
RULE 23-109 OF THE SUPREME

COURT : 8000 Misc.

GENERAL RULES :

This matter coming on for consideration by the court and the court being sufficiently advised, Chief Justice Scarborough, Senior Justice Sosa, Justice Stowers, Justice Walters and Justice Ransom concurring:

NOW, THEREFORE, IT IS ORDERED that Rule 23-109 of the

Supreme Court General Rules be and the same is hereby approved;  
IT IS FURTHER ORDERED that the adoption of Rule 23-109 of  
the Supreme Court General Rules shall be effective June 1, 1988;  
IT IS FURTHER ORDERED that the clerk of the court is hereby  
authorized and directed to give notice of the adoption of Rule  
23-109 of the Supreme Court General Rules by publishing the same  
in the Bar Bulletin and the SCRA 1986.

DONE at Santa Fe, New Mexico this 24th day of May, 1988.

/s/ TONY SCARBOROUGH  
Chief Justice  
/s/ DAN SOSA, JR.  
Senior Justice  
/s/ HARRY E. STOWERS, JR.  
Justice  
/s/ MARY C. WALTERS  
Justice  
/s/ RICHARD E. RANSOM  
Justice

IN THE SUPREME COURT OF THE  
STATE OF NEW MEXICO

IN THE MATTER OF THE AMENDMENT :  
OF THE SUPREME COURT  
RULES : 8000 Misc.

This matter coming on for consideration by the court and the  
court being sufficiently advised, Chief Justice Sosa, Justice  
Scarborough, Justice Ransom and Justice Baca concurring:

NOW, THEREFORE, IT IS ORDERED that the amendment of Rules  
23-104 and 23-107 of the Supreme Court General Rules be and the  
same is hereby approved;

IT IS FURTHER ORDERED that the above amendment of Rules 23-  
104 and 23-107 shall be effective September 1, 1989;

IT IS FURTHER ORDERED that the clerk of the court is hereby  
authorized and directed to give notice of the amendment of Rules  
23-104 and 23-107 of the Supreme Court General Rules by  
publishing the same in the Bar Bulletin and the SCRA 1986.

DONE at Santa Fe, New Mexico this 31st day of May, 1989.

/s/ DAN SOSA, JR.  
Chief Justice  
/s/ TONY SCARBOROUGH

Justice  
/s/ RICHARD E. RANSOM  
Justice  
/s/ JOSEPH F. BACA  
Justice

IN THE SUPREME COURT OF THE  
STATE OF NEW MEXICO

IN THE MATTER OF THE AMENDMENT :  
OF THE SUPREME COURT  
RULES : 8000 Misc.  
This matter coming on for consideration by the court and the court being sufficiently advised, Chief Justice Sosa, Justice Ransom, Justice Baca, Justice Montgomery and Justice Wilson concurring:

NOW, THEREFORE, IT IS ORDERED that the amendment of Rule 23-109 of the Supreme Court General Rules be and the same is hereby approved;

IT IS FURTHER ORDERED that the above amendment of Rule 23-109 shall be effective July 1, 1990;

IT IS FURTHER ORDERED that the clerk of the court is hereby authorized and directed to give notice of the amendment of Rule 23-109 of the Supreme Court General Rules by publishing the same in the SCRA 1986.

DONE at Santa Fe, New Mexico this 10th day of April, 1990.

/s/ DAN SOSA, JR.  
Chief Justice  
/s/ RICHARD E. RANSOM  
Justice  
/s/ JOSEPH F. BACA  
Justice  
/s/ SETH D. MONTGOMERY  
Justice  
/s/ KENNETH B. WILSON  
Justice

IN THE SUPREME COURT OF THE  
STATE OF NEW MEXICO

IN THE MATTER OF THE AMENDMENT OF :  
SUPREME COURT GENERAL RULE 23-  
106 : 8000 Misc.

This matter coming on for consideration by the court and the court being sufficiently advised, Chief Justice Ransom, Justice Baca, Justice Montgomery, Justice Franchini and Justice Frost concurring:

NOW, THEREFORE, IT IS ORDERED that the amendment of Rule 23-106 of the Supreme Court General Rules be and the same is hereby approved;

IT IS FURTHER ORDERED that the amendment of the Supreme Court General Rules shall be effective on or after August 1, 1992;

IT IS FURTHER ORDERED that the clerk of the court is hereby authorized and directed to give notice of the amendment of the above rule by publishing the same in the Bar Bulletin and SCRA 1986.

DONE at Santa Fe, New Mexico this 27th day of August, 1992.

/s/ RICHARD E. RANSOM

Chief Justice

/s/ JOSEPH F. BACA

Justice

/s/ SETH D. MONTGOMERY

Justice

/s/ GENE E. FRANCHINI

Justice

/s/ STANLEY F. FROST

Justice

IN THE SUPREME COURT OF THE  
STATE OF NEW MEXICO

NO. 94-8300  
IN THE MATTER OF THE WITHDRAWAL  
OF RULE 23-105 OF THE SUPREME COURT  
GENERAL RULES

This matter coming on for consideration by the Court upon

the Court's own motion, and

It appearing that the provisions of SCRA 1986, 23-105, have been superseded by NMSA 1978, Section 10-12B-13 (Repl. Pamp. 1992), enacted by N.M. Laws 1992, Ch. 111, Sec. 13; and

The Court being sufficiently advised, Justice Richard E. Ransom, Justice Joseph F. Baca, Justice Gene E. Franchini and Justice Stanley F. Frost concurring; Chief Justice Seth D. Montgomery, not participating;

NOW, THEREFORE, IT IS ORDERED SCRA 1986, 23-105 be and the same hereby is withdrawn, effective immediately; and

IT IS FURTHER ORDERED that the Clerk of the Court hereby is authorized and directed to give notice of the amendment of the above rule by publishing the amendment in the SCRA 1986.

DONE at Santa Fe, New Mexico this 28th day of September, 1994.

/s/ RICHARD E. RANSOM  
Justice  
/s/ JOSEPH F. BACA  
Justice  
/s/ GENE E. FRANCHINI  
Justice  
/s/ STANLEY F. FROST  
Justice

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

NO. 99-8300  
IN THE MATTER OF THE AMENDMENT  
OF THE SUPREME COURT GENERAL  
RULES 23-101, 23-102, 23-104,  
23-106, 23-107 NMRA

ORDER

WHEREAS, this matter came on for consideration by the Court upon its own motion to amend the Supreme Court General Rules 23-101, 23-102, 23-104, 23-106, 23-107 NMRA, and the Court having considered the amendments and being sufficiently advised, Chief Justice Pamela B. Minzner, Senior Justice Joseph F. Baca, Justice Gene E. Franchini, Justice Patricio M. Serna, and Justice Petra Jimenez Maes concurring;

NOW, THEREFORE, IT IS ORDERED that the amendments of the Supreme Court General Rules 23-101, 23-102, 23-104, 23-106, 23-107 NMRA hereby are approved and shall be effective immediately;

IT IS FURTHER ORDERED that the Clerk of the Court hereby is authorized and directed to give notice of the amendments of the above-referenced rules by publishing the same in the Bar Bulletin and NMRA.

DONE at Santa Fe, New Mexico, this 17th day of August, 1999.

/s/ PAMELA B. MINZNER

Chief Justice

/s/ JOSEPH F. BACA

Justice

/s/ GENE E. FRANCHINI

Justice

/s/ PATRICIO M. SERNA

Justice

/s/ PETRA JIMENEZ MAES

Justice

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

NO. 00-8500

IN THE MATTER OF THE AMENDMENT OF THE  
ORDER ADOPTING VENDOR NEUTRAL CITATIONS  
FOR APPELLATE OPINIONS, NEW MEXICO STATUTES,  
COURT RULES, AND UNIFORM JURY INSTRUCTIONS  
FOR PLEADINGS AND OTHER PAPERS FILED IN THE  
COURTS OF THE STATE OF NEW MEXICO

ORDER

WHEREAS, the matter came on for consideration upon the Court's own motion to amend the order adopting vendor neutral citations for appellate opinions, New Mexico Statutes Annotated, Court Rules, and Uniform Jury Instructions for all pleadings and other papers filed in the courts of the state of New Mexico, Chief Justice Pamela B. Minzner, Justice Joseph F. Baca, Justice Gene E. Franchini, Justice Patricio M. Serna, and Justice Petra Jimenez Maes, concurring;

NOW, THEREFORE, IT IS ORDERED that the order adopting vendor neutral citations for appellate opinions, New Mexico Statutes

Annotated, Court Rules, and Uniform Jury Instructions as the official citations for all pleadings and other papers filed in the courts of the state of New Mexico first issued on January 12, 1998 hereby is AMENDED to reference the 17th edition (2000) of *The Bluebook: A Uniform System of Citation*;

IT IS FURTHER ORDERED that the Supreme Court clerk, the official reporter of appellate opinions, shall cause to be published in the opinion header of all appellate opinions the vendor neutral citation (opinion number), which serves as the official citation for appellate opinions issued by the New Mexico appellate courts. Opinion numbers have been assigned to cases filed on and after January 1, 1996;

IT IS FURTHER ORDERED that the vendor neutral citation shall be cited with the state reporter or with the regional reporter for as long as those reporters are published, e.g., *State v. Ray*, 1998-NMSC-001, 122 N.M. 23 or *State v. Ray*, 1998-NMSC-001, 976 P.2d 54. Use of the vendor neutral citation with citation to both reporters is permitted, but is not required. For opinions not yet published in the reporter system, the vendor neutral citation may be followed by the *Bar Bulletin* citation, e.g., *State v. Ray*, 1998-NMSC-001, Vol. 26, No. 53, SBB 23. **For citation to cases prior to January 1, 1996, follow citation rules in *The Bluebook: A Uniform System of Citation* (17th Ed. 2000);**

IT IS FURTHER ORDERED that when citing to subsequent history for New Mexico opinions, the Supreme Court docket number shall be substituted for a vendor neutral citation, e.g., *State v. Ray*, 1997-NMCA-001, { reporter citation}, *cert. granted*, No. 24,321 (1998). Opinion numbers are not assigned to petitions for writ of certiorari; however, in the instance where the Supreme Court issues an opinion in a case on certiorari, an opinion number will be assigned and shall be used in citing subsequent history, e.g., *State v. Ray*, 1996-NMCA-032, { reporter citation}, *rev'd*, 1997-NMSC-056, { reporter citation};

IT IS FURTHER ORDERED that for pinpoint citations, a paragraph number shall be used after the vendor neutral citation, e.g., *State v. Ray*, 1998-NMSC-001, Para. 2, { reporter citation}. When paragraph numbering is unavailable, pinpoint page citations may be used. A short citation form may be used if it clearly identifies a case that has been cited within the same general textual discussion, e.g., *Ray*, 1998-NMSC-001, Para. 2;

IT IS FURTHER ORDERED that the vendor neutral citation for New Mexico Statutes Annotated shall be "NMSA 1978, § \_\_\_\_\_ (19\_\_\_\_)" or "NMSA 1978, Section \_\_\_\_\_ (19\_\_\_\_)", i.e., it is unnecessary to refer to "Cum. Supp." or "Repl. Pamp.", rather reference shall be made to the applicable date of enactment (not compilation) as set forth in the "History Note"



following each statute;

IT IS FURTHER ORDERED that the official vendor neutral citation for all Rules and Uniform Jury Instructions promulgated by this Court shall be "Rule \_\_\_\_\_ NMRA 19 \_\_\_\_\_" and "UJI \_\_\_\_\_ NMRA 19 \_\_\_\_\_" respectively;

IT IS FURTHER ORDERED that *The Bluebook: A Uniform System of Citation (17th ed. 2000)* hereby is adopted as the official citation reference for all pleadings and other papers filed in all courts in the State of New Mexico except as it may be inconsistent with this Order; and

IT IS FURTHER ORDERED that this order shall be effective January 1, 2001.

WITNESS, The Hon. Pamela B. Minzner, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 3rd day of November, 2000.

( S E A L )

/s/ Kathleen Jo Gibson  
Chief Clerk of the Supreme Court of the State of  
New Mexico

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

NO. 02-8300  
IN THE MATTER OF THE AMENDMENT OF  
RULE 23-106 NMRA OF THE SUPREME  
COURT GENERAL RULES

ORDER

WHEREAS, this matter came on for consideration by the Court upon the Court's own recommendation to amend Rule 23-106 of the Supreme Court General Rules, and the Court being sufficiently advised, Chief Justice Patricio M. Serna, Justice Joseph F. Baca, Justice Gene E. Franchini, Justice Pamela B. Minzner, and Justice Petra Jimenez Maes concurring;

NOW, THEREFORE, IT IS ORDERED that the amendment of Rule 23-106 of the Supreme Court General Rules hereby is APPROVED;

IT IS FURTHER ORDERED that the amendment to Rule 23-106 of the Supreme Court General Rules shall be effective immediately;

IT IS FURTHER ORDERED that the Clerk of the Court hereby is authorized and directed to give notice of the amendment of Rule

23-106 by publishing the same in the Bar Bulletin and NMRA.  
DONE at Santa Fe, New Mexico, this 11th day of January,  
2002.

/s/ Patricio M. Serna  
Chief Justice

/s/ Joseph F. Baca  
Justice

/s/ Gene E. Franchini  
Justice

/s/ Pamela B. Minzner  
Justice

/s/ Petra Jimenez Maes  
Justice