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**IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

**August 12, 2019**

**No. 19-8500-012**

**IN THE MATTER OF AN AMENDED  
CASE MANAGEMENT ORDER FOR  
THE NEW MEXICO COURT OF APPEALS**

**ORDER**

WHEREAS, this Court issued a case management order on December 21, 2018, as amended and replaced by Supreme Court Administrative Order No. 19-8500-004, for the Court of Appeals to address its persistent and large backlog of undecided cases; and

WHEREAS, in light of the progress made, and on August 2, 2019, the Court of Appeals having submitted its Division Policies and Procedures that the Court of Appeals has adopted and proposed to implement on September 1, 2019, and as a result, this Court wishing to amend the case management order for the Court of Appeals and being otherwise sufficiently advised, Chief Justice Judith K. Nakamura, Justice Barbara J. Vigil, Justice Michael E. Vigil, Justice C. Shannon Bacon, and Justice David K. Thomson concurring;

1           NOW, THEREFORE, IT IS ORDERED that, pursuant to this Court's  
2 power of superintending control under Article VI, Section 3, of the New Mexico  
3 Constitution, the Court of Appeals Case Management Order issued on December  
4 21, 2018, as amended and replaced with the terms of this Court's Administrative  
5 Order No. 19-8500-004 issued on April 9, 2019, shall be amended and replaced  
6 with the terms of this order, effective August 12, 2019; and

7           IT IS FURTHER ORDERED that the Division Policies and Procedures  
8 that the Court of Appeals has adopted and proposed to implement on September  
9 1, 2019, is hereby approved, except as modified herein, as follows:

- 10           1. For the first term, which commences September 1, 2019, and ends  
11           December 31, 2019, cases on the Submitted List, that is, cases that  
12           have not been circulated, shall be assigned to the author judge's  
13           division, as proposed. The Clerk of the Court of Appeals shall  
14           randomly assign to each division additional cases from the Ready  
15           List, so that each division has a total of forty-eight (48) cases.  
16           Absent good cause, all forty-eight (48) cases shall be filed by the  
17           end of the term;
  
- 18           2. This Court encourages each division to be as flexible as it wishes  
19           to accomplish the requirements of this order. This may include, but  
20           is not limited to, using staff attorneys for such periods of time as  
21           the division deems necessary; deciding whether all forty-eight (48)  
22           cases shall be assigned at the beginning of the term or otherwise;  
23           determining the nature and detail required of participation  
24           memoranda for both memorandum and formal opinions;

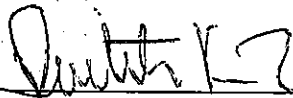
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- determining the detail required for technical reviews of both memorandum and formal opinions; and expanding the use of expedited bench decisions, as appropriate, for simple cases;
3. The tenth judge will be designated as the calendaring judge for the term of the division, and participants on memorandum opinions from the summary calendar shall be assigned in accordance with existing policies. While calendaring, the calendaring judge shall also receive twelve (12) general calendar authorship assignments for the term of the division, and the Clerk of the Court of Appeals shall assign participants as proposed;
  4. On January 1, 2020, three (3) new divisions will be formed, as proposed, and the Clerk of the Court of Appeals shall assign forty-eight (48) new cases to each division, to be filed on or before April 30, 2020, as herein provided;
  5. Thirty (30) days after the end of each division's term the Chief Judge of the Court of Appeals shall submit a report to the Supreme Court setting forth the number of cases filed by each division, how many cases were authored by each judge, and the time to disposition from the date each case was placed on the Ready List to the date of filing. In addition, the report shall set forth the net decrease in the backlog as it relates to the calculated backlog in the Court of Appeals May 2019 report to this Court;
  6. The Chief Judge of the Court of Appeals, in consultation with the judges of the Court of Appeals, shall formulate a plan in the Division Policies and Procedures addressing how divisions will continue to operate in the event of vacancies or retirements of judges from the Court of Appeals. The plan shall be sent to this Court no later than December 1, 2019; and

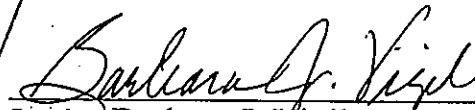
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7. When the Court of Appeals reaches what it considers is an appropriate target inventory, consisting of all cases on the Ready List and all cases on the Submitted List, it shall report that fact to this Court. This Court will consider that report, together with all others submitted pursuant to this Order, to determine if this Order should be rescinded.

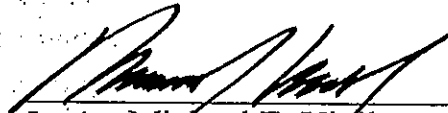
DONE at Santa Fe, New Mexico, this 12th day of August, 2019.



Chief Justice Judith K. Nakamura



Justice Barbara J. Vigil



Justice Michael E. Vigil



Justice C. Shannon Bacon



Justice David K. Thomson