

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

2 **June 26, 2023**

3 **NO. 23-8500-DS**

4
5 **IN THE MATTER OF THE DESIGNATION**
6 **OF A DISTRICT COURT JUDGE WHEN A**
7 **THIRD JUDICIAL DISTRICT COURT**
8 **JUDGE OR EMPLOYEE, OR MINOR CHILD**
9 **THEREOF, IS A PARTY TO A CASE FILED**
10 **IN THE THIRD JUDICIAL DISTRICT COURT**

11 **STANDING DESIGNATION ORDER**

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14 WHEREAS, in the best interests of judicial economy and the expeditious
15 disposition of cases, the Chief Justice has previously determined that standing orders
16 were necessary to designate out-of-district judges in non-Family Violence Protection
17 Act cases that are filed in the Third Judicial District Court when automatic recusal
18 is required under Rule 1-088(C) NMRA, Rule 5-105(C) NMRA, or Rule 10-161(C)
19 NMRA because a judge or employee of said judicial district is a party to the case;

20 WHEREAS, the last standing order designating out-of-district judges for
21 cases involving judicial employees in non-Family Violence Protection Act cases in
22 the Third Judicial District Court was issued by the Chief Justice on January 24, 2014,
23 which was to remain in full force and effect until such time as modified or withdrawn
24 by the Chief Justice; and

1 WHEREAS, the Chief Justice having determined that the need for a standing
2 designation order continues to exist and that it would be in the best interests of
3 judicial economy to amend the January 24, 2014, order to include the designation of
4 out-of-district judges when the minor child of an employee of the Third Judicial
5 District Court is a party to case proceeding in the Third Judicial District Court, and
6 to provide an updated standing order for out-of-district designations for cases filed
7 in the Third Judicial District;

8 NOW, THEREFORE, IT IS ORDERED that the January 24, 2014, order
9 designating out-of-district judges for cases wherein judicial employees of the Third
10 Judicial District Court are parties is superseded by this order;

11 IT IS FURTHER ORDERED that, pursuant to the authority of the Chief
12 Justice under Article VI, Sections 3 and 15, of the Constitution of the State of New
13 Mexico, the Chief Judge of the Sixth Judicial District Court shall have the authority
14 to designate a sitting district judge from the Chief Judge's judicial district, in any
15 order of priority, to preside over any district court case filed in the Third Judicial
16 District Court when automatic recusal is required under Rule 1-088(C) NMRA, Rule
17 5-105(C) NMRA, or Rule 10-161(C) NMRA because a judge or employee of the
18 Third Judicial District Court is a party to the case; or, when the minor child of a
19 judge or employee is a party to the case;

1 IT IS FURTHER ORDERED that the Clerk of the Third Judicial District
2 Court shall notify the Chief Judge of the Sixth Judicial District Court of the need for
3 the designation of a judge to preside over a case under the terms of this order if the
4 parties to said case do not stipulate to a replacement judge within the 10-day
5 stipulation period in Rule 1-088(C), 5-105(C), or 10-161(C) NMRA, as applicable;

6 IT IS FURTHER ORDERED that any judge designated under the terms of
7 this order may be reimbursed for mileage and per diem, provided that such costs are
8 paid directly by the Third Judicial District Court;

9 IT IS FURTHER ORDERED that, if a case remains pending on the docket of
10 the Third Judicial District Court after the designated judge is no longer a sitting
11 district judge, the case shall be referred to the Chief Judge of the Sixth Judicial
12 District Court for a new designation under the terms of this order;

13 IT IS FURTHER ORDERED that this order does not affect or supersede the
14 standing designation order in effect for Third Judicial District Court cases involving
15 judicial employees seeking relief under the Family Violence Protection Act; and

16 IT IS FURTHER ORDERED that this order shall remain in full force and
17 effect until such time as it is modified or withdrawn by the Chief Justice of the
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1 Supreme Court.

2 DONE at Santa Fe, New Mexico, this 26th day of June, 2023.

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A handwritten signature in black ink, appearing to read "C. Shannon Bacon". The signature is written in a cursive style with a large initial "C" and a long, sweeping underline.

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C. Shannon Bacon, Chief Justice

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