

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

2 **January 20, 2022**

3 **NO. 22-8500-005**

4 **IN THE MATTER OF THE DUTIES OF**  
5 **THE PRESIDING MAGISTRATE JUDGE**  
6 **IN THE MAGISTRATE COURTS IN**  
7 **NEW MEXICO**

8  
9 **ORDER**

10 WHEREAS, by Supreme Court Administrative Order No. 22-8500-004, this  
11 Court clarified the process for the chief judge in each judicial district for consultation  
12 with the Magistrate Judges Advisory Committee in exercise of the chief judge’s  
13 superintending control over magistrate courts in the judicial district and the chief  
14 judge’s obligation to oversee the conduct of the magistrate judges in the chief judge’s  
15 judicial district; and

16 WHEREAS, the New Mexico Judicial Council has requested and  
17 recommended revisions to clarify presiding magistrate judge duties, and the Court  
18 having considered the recommendation and being sufficiently advised, Chief Justice  
19 Michael E. Vigil, Justice C. Shannon Bacon, Justice David K. Thomson, Justice Julie  
20 J. Vargas, and Justice Briana H. Zamora concurring;

1           NOW, THEREFORE, IT IS ORDERED that a presiding judge, designee, or  
2 the judge in a single-judge magistrate court shall comply with the following  
3 responsibilities:

4           1.     The presiding magistrate judge shall provide leadership for the  
5 magistrate court and serve as the intermediary between the court over which the  
6 judge presides and the chief judge of the judicial district;

7           2.     The presiding magistrate judge shall report any questions or concerns  
8 regarding the management and operation of the court to the chief judge, chief  
9 executive officer (CEO), or deputy CEO of the judicial district;

10          3.     The presiding magistrate judge shall implement and monitor  
11 compliance with all policies, rules, and procedures established by the district court  
12 and the Supreme Court, as directed by the chief judge, CEO, or deputy CEO of the  
13 judicial district;

14          4.     The presiding magistrate judge shall counsel and assist associate judges  
15 in the performance of their responsibilities in the administration of the court, assist  
16 associate judges in their initial orientation to the bench, and encourage participation  
17 in all continuing education and training programs provided for members of the court,  
18 as directed by the chief judge;

1           5.     The presiding magistrate judge may call and preside over meetings of  
2 the court, and attend district court meetings, as required by the chief judge;

3           6.     The presiding magistrate judge shall confer and communicate with  
4 associate judges and court staff to propose new and amended local rules and internal  
5 policies and procedures for the conduct of the court's business, supervise the  
6 enforcement of these rules, and recommend changes to the chief judge;

7           7.     The presiding magistrate judge shall monitor the court manager's  
8 evaluation of subordinate staff, and monitor the court manager's performance and  
9 provide information to the chief judge, or designee, regarding that performance, as  
10 appropriate or when requested by the chief judge or designee;

11          8.     The presiding magistrate judge shall supervise court compliance with  
12 the policies and procedures of the AOC, and act as the primary signatory for checks  
13 issued by the magistrate court and end-of-month financial reports, in accordance  
14 with NMSA 1978, Section 35-7-3;

15          9.     The presiding magistrate judge shall collaborate in the collection of  
16 statistical data and the management of information systems, pursuant to procedures  
17 established by the Judicial Information Division of the AOC;

1           10. The presiding magistrate judge shall collaborate with the court manager  
2 regarding case allocation to judges in the court, and submit the recommendation to  
3 the CEO and/or chief judge for approval;

4           11. The presiding magistrate judge shall, along with the court manager and  
5 chief judge or CEO, respond to AOC internal audit requests and attend to the  
6 delivery of internal audit reports;

7           12. The presiding magistrate judge, in collaboration with the chief judge,  
8 shall establish office hours for associate judges, and the hours during which associate  
9 judges must be on-call to conduct court business after regularly scheduled hours of  
10 court, and submit for approval by the chief judge, all proposed hours, which shall  
11 not become effective until approved by the chief judge;

12           13. The presiding magistrate judge shall coordinate with the CEO or deputy  
13 CEO to determine inclement weather closures and delays;

14           14. The presiding magistrate judge shall, along with associate judges,  
15 coordinate vacation time and time off to ensure the court has appropriate coverage  
16 to continue operations. Vacation time shall be approved by the chief judge;

17           15. The presiding magistrate judge shall oversee juror management, along  
18 with the court manager, as directed by the chief judge or CEO;

1           16. The presiding magistrate judge shall coordinate the use of space,  
2 equipment, and facilities of the court with the AOC, the chief judge, the CEO, and  
3 the court manager;

4           17. The presiding magistrate judge shall report to the chief judge any  
5 scheduling, procedural, or administrative difficulties arising among the judges; and

6           18. The presiding magistrate judge shall comply with any other duties and  
7 responsibilities assigned by the chief judge.

8           IT IS SO ORDERED.



WITNESS, the Honorable Michael E. Vigil, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 20th day of January, 2022.

A handwritten signature in cursive script, reading "Jennifer L. Scott", written over a horizontal line.

Jennifer L. Scott, Chief Clerk of the Supreme Court  
of the State of New Mexico

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