

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

2 **January 30, 2023**

3 **NO. 23-8500-004**

4 **IN THE MATTER OF THE**
5 **APPROVAL OF A REMOTE VOIR DIRE**
6 **PILOT PROGRAM IN THE EIGHTH JUDICIAL**
7 **DISTRICT COURT AND THE BERNALILLO**
8 **COUNTY METROPOLITAN COURT**

9
10 **ORDER**

11 WHEREAS, on December 9, 2022, this Court issued Order No. 22-8500-
12 037 to, among other things, amend the New Mexico Judiciary’s Emergency Court
13 Protocol No. 2 (A)(1), which states all hearings, including trials...shall be held in a
14 manner that limits the number of individuals in a single room or connected space –
15 which includes judges, court personnel, jurors, attorneys, litigants, the press, and
16 the general public – to allow for appropriate social distancing;

17 WHEREAS, the order also requires in Protocol No. 2 (B)(1) that all criminal
18 and civil jury trials shall proceed in person, and in Protocol No. 2 (B)(9) that
19 except as provided in Subsections (B)(1)-(8) of this Protocol, the presumption is
20 that all other court proceedings shall be conducted remotely through audio-video
21 connection for court appearances by all attorneys, litigants, and witnesses, unless
22 the judge presiding over the proceeding, in consultation with the chief judge of the

1 judicial district, orders otherwise;

2 WHEREAS, in light of the anticipated value of ordering only those jurors
3 who have been selected through voir dire for jury service before entering a
4 courtroom in person to reduce the number of persons in a courtroom, and reduce
5 the cost of travel and time for prospective jurors, conducting voir dire remotely in
6 jury trials will be implemented in two New Mexico courtrooms for purposes of a
7 remote voir dire pilot program; and

8 WHEREAS, in light of the foregoing, and the Court wishing to authorize the
9 implementation of a remote voir dire pilot program in certain courts with certain
10 judges, for a limited time to determine whether the Court will approve the use of
11 remote voir dire on a statewide basis by New Mexico state courts being
12 sufficiently advised; Chief Justice C. Shannon Bacon, Justice Michael E. Vigil,
13 Justice David K. Thomson, Justice Julie J. Vargas, and Justice Brianna H. Zamora
14 concurring;

15 NOW, THEREFORE, IT IS ORDERED that the recommendation to
16 implement pilot programs in the Eighth Judicial District Court, limited to Chief
17 Judge Emilio Chavez's Courtroom, and in the Bernalillo County Metropolitan
18 Court, limited to Judge Asra I. Elliot's Courtroom is APPROVED;

19 IT IS FURTHER ORDERED that the AOC shall provide periodic updates to

1 the Supreme Court with regard to the operation of the Remote Voir Dire Pilot
2 Program and shall submit an interim written report to the Supreme Court on or
3 before December 30, 2023, that includes an assessment of the effectiveness of the
4 Remote Voir Dire Pilot Project and any recommendations for the continued use of
5 remote voir dire in New Mexico state courts;

6 IT IS SO ORDERED.



WITNESS, the Honorable C. Shannon Bacon, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 30th day of January, 2023.

A handwritten signature in black ink that reads "Elizabeth A. Garcia". The signature is written in a cursive style and is positioned above a horizontal line.

Elizabeth A. Garcia, Chief Clerk of the Supreme Court
of the State of New Mexico

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