

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

2 **April 18, 2023**

3 **NO. 23-8500-016**

4 **IN THE MATTER OF THE**
5 **MODIFICATION OF THE POLICY**
6 **EXPEDITING THE PROCESS FOR**
7 **SPECIFIC CATEGORIES OF CASES**
8 **UPON THE ISSUANCE OF A WRIT OF**
9 **CERTIORARI**

10 **ORDER**

11 WHEREAS, on June 5, 2013, this Court promulgated a policy, on its own
12 motion, to expedite the process for briefing and oral argument in specific categories
13 of time-sensitive cases;

14 WHEREAS, the Court recognizes the continued need for an expedited process
15 in certain categories of time-sensitive cases with some modifications to account for
16 the Court's current case management practices; and

17 WHEREAS, in light of the foregoing and the Court being otherwise
18 sufficiently advised, Chief Justice C. Shannon Bacon, Justice Michael E. Vigil,
19 Justice David K. Thomson, Justice Julie J. Vargas, and Justice Briana H. Zamora
20 concurring.

21 NOW, THEREFORE, IT IS ORDERED that the Court's June 15, 2013 order,
22 described above, is WITHDRAWN;

1 IT IS FURTHER ORDERED that the modified process set forth in this order
2 shall apply to cases in which the Court grants petitions for writ of certiorari filed
3 under Rule 12-502 NMRA, effective immediately, in the following categories of
4 cases unless otherwise ordered by the Court:

- 5 1. abuse and neglect proceedings initiated under the Children's Court
6 Rules;
- 7 2. termination of parental rights proceedings initiated under the Children's
8 Court Rules;
- 9 3. delinquency proceedings initiated under the Children's Court Rules;
10 and
- 11 4. applications for interlocutory appeal filed in the Court of Appeals under
12 Rule 12-203 NMRA;

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14 IT IS FURTHER ORDERED that the New Mexico Court of Appeals shall
15 transmit the record proper and any transcripts and exhibits within five (5) days of
16 the issuance of a writ of certiorari;

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18 IT IS FURTHER ORDERED that in cases that have not been fully briefed in
19 the New Mexico Court of Appeals, Petitioner shall arrange for preparation of the
20 district court transcript of proceedings or shall file a notice of non-designation, in
21 accordance with Rule 12-211 NMRA, within fifteen (15) days of the issuance of the
22 writ;

1 IT IS FURTHER ORDERED that in cases that have not been fully briefed in
2 the New Mexico Court of Appeals, Petitioner shall arrange for any exhibits or other
3 materials to be sent to this Court or shall file a notice of non-designation within
4 fifteen (15) days of the issuance of the writ in accordance with Rule 12-212 NMRA;

5 IT IS FURTHER ORDERED that upon receipt of the record from the New
6 Mexico Court of Appeals and any designated transcripts, the Supreme Court Clerk
7 shall issue an order establishing a briefing schedule in accordance with the following
8 deadlines:

- 9 1. brief(s) in chief shall be filed within twenty (20) days of the order setting
10 forth the briefing schedule;
- 11 2. the answer brief(s) shall be due twenty (20) days after service of the
12 brief(s) in chief; and
- 13 3. the reply brief(s), if any, shall be due ten (10) days after service of the
14 answer brief(s);
- 15 16 17

18 IT IS FURTHER ORDERED that the briefs shall, without incorporation by
19 reference, consolidate and update any briefs filed in the New Mexico Court of
20 Appeals with respect to the question(s) upon which the Court granted certiorari and
21 shall comment on the final order or opinion of the New Mexico Court of Appeals;

22 IT IS FURTHER ORDERED that oral argument may be requested pursuant
23 to Rule 12-319(B) NMRA, and if the Court grants a request, oral argument shall be

1 set as soon as practicable and no later than one hundred twenty (120) days after
2 briefing has begun pursuant to this order; and

3 IT IS FURTHER ORDERED that the Clerk of Court shall publish a copy of
4 this order in the *Bar Bulletin*, shall distribute this order via the Court’s email list
5 serve, and shall also distribute a copy of this order to the New Mexico Court of
6 Appeals, the Appellate Division of the Attorney General’s Office, the Appellate
7 Division of Law Offices of the Public Defender, the Administrative Office of the
8 Courts, and the Children, Youth, and Families Department.

9 IT IS SO ORDERED.

10 WITNESS, the Honorable C. Shannon Bacon, Chief
11 Justice of the Supreme Court of the State of New Mexico,
12 and the seal of said Court this 18th day of April, 2023.



A handwritten signature in cursive script that reads "Elizabeth A. Garcia".

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