



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

2 **February 2, 2024**

3 **NO. S-1-AO-2024-00004**

4 **IN THE MATTER OF THE**
5 **CONSOLIDATION OF ADMINISTRATIVE**
6 **FUNCTIONS OF THE DISTRICT AND**
7 **MAGISTRATE COURTS**

8 **ORDER**

9 WHEREAS, the New Mexico Judiciary is comprised of thirteen judicial
10 districts, with all but the Second Judicial District having one or more district and
11 magistrate courts as set forth by law;

12 WHEREAS, this Court is vested with the power of superintending control of
13 all state courts in New Mexico in accordance with Article VI, Section 3 of the New
14 Mexico Constitution, including the district and magistrate courts in each judicial
15 district;

16 WHEREAS, the chief judge of the district court in each judicial district is
17 responsible for the oversight of all inferior courts within the judicial district;

18 WHEREAS, the Administrative Office of the Courts is also responsible for
19 assisting with the statewide administration and fiscal oversight of the magistrate
20 courts as provided by law;

1 WHEREAS, the Supreme Court issued Supreme Court Order No. 19-8500-
2 001, *In the Matter of the Consolidation of Administrative Functions of the District*
3 *and Magistrate Courts*, Supreme Court Order No. 19-8500-002, *In the Matter of*
4 *Revisions to Magistrate Court Policy Directives*, and Supreme Court Order No. 19-
5 8500-003, *In the Matter of the Effective Administration of the Magistrate Court*
6 *System in New Mexico*, on April 12, 2019; and

7 WHEREAS, the Chief Judges Council and Court Executive Officers Council
8 having collaborated to present this Court with a set of recommendations to rescind
9 Supreme Court Order Nos. 19-8500-001, 19-8500-002, and 19-8500-003, and issue
10 new orders to address the statewide administrative consolidation of the district and
11 magistrate courts in each judicial district, and the Court having considered said
12 recommendations and being sufficiently advised, Chief Justice C. Shannon Bacon,
13 Justice Michael E. Vigil, Justice David K. Thomson, Justice Julie J. Vargas, and
14 Justice Briana H. Zamora concurring;

15 NOW, THEREFORE, IT IS ORDERED that Supreme Court Order No. 19-
16 8500-001, *In the Matter of the Consolidation of Administrative Functions of the*
17 *District and Magistrate Courts*, issued on April 12, 2019 in RESCINDED;

18 IT IS FURTHER ORDERED that the administrative functions of all district and
19 magistrate courts shall remain consolidated statewide, by judicial district, in
20 accordance with the following schedule:

- 1 1. The consolidation of the district and magistrate courts in the Twelfth, Ninth,
2 Sixth, Third, and Eleventh Judicial Districts shall continue in accordance with
3 the terms of this order; and
4
5 2. The consolidation of the district and magistrate courts in the First, Fourth,
6 Fifth, Seventh, Eighth, Tenth, and Thirteenth Judicial Districts shall
7 commence no later than July 1, 2019;
8

9 IT IS FURTHER ORDERED that the chief judges of the district courts shall
10 exercise administrative authority over the district and magistrate courts in their
11 respective judicial districts as required by this order;

12 IT IS FURTHER ORDERED that the budget requests and operating budgets
13 for each judicial district shall continue include appropriations for magistrate court
14 salaries and operating expenses to support the consolidated administration required
15 by this order;

16 IT IS FURTHER ORDERED that the Administrative Office of the Courts
17 shall continue to provide administrative assistance and fiscal oversight as directed
18 by this Court in support of the consolidated administration required by this order and
19 shall continue to request appropriations in its annual budget request for those
20 services that it will continue to provide in support of the consolidated operation of
21 the district and magistrate courts;

1 IT IS FURTHER ORDERED that, when the director of the Administrative
2 Office of the Courts is required to designate a presiding magistrate under NMSA
3 1978, Section 35-1-15, the director shall prescribe duties for any designated
4 presiding magistrate in consultation with the chief judge of the district court in that
5 judicial district, and the duties, if any, of a presiding magistrate shall be established
6 in writing by the chief judge of the district court for the judicial district in which the
7 magistrate court is located;

8 IT IS FURTHER ORDERED that the selection of the chief judge and court
9 executive officer for the district court in each judicial district shall proceed in
10 accordance with the preexisting procedures, rules, and laws governing those
11 selections, provided that consultation with magistrate judges is encouraged;

12 IT IS FURTHER ORDERED that any complaints or other concerns regarding
13 operations in a judicial district, whether arising in the district or magistrate court,
14 shall be brought to the attention of the chief judge of district court for the judicial
15 district in accordance with any process required by the chief judge;

16 IT IS FURTHER ORDERED that all participation by magistrate judges and
17 staff at a legislative session shall be coordinated with the chief judge of the judicial
18 district in which the magistrate judges and staff are located and each district court
19 shall be responsible for the payment of expenses for travel to the session by
20 magistrate judges or staff and shall be responsible for ensuring coverage in the

1 magistrate courts in the judicial district while magistrate judges and staff are absent
2 to participate in a legislative session;

3 IT IS FURTHER ORDERED that any request to adopt, amend, or withdraw
4 a local rule for a magistrate court shall be forwarded to the chief judge of the district
5 court for the judicial district in which the magistrate court is located, and the chief
6 judge shall submit a recommendation to the Supreme Court Clerk's Office
7 discussing the district's desire to adopt, amend, or withdraw local rules of the district
8 court for the judicial district in which the local magistrate court rule request would
9 apply;

10 IT IS FURTHER ORDERED that Supreme Court Order No. 19-8500-002, *In*
11 *the Matter of Revisions to Magistrate Court Policy Directives*, filed on April 12,
12 2019, which approved the Magistrate Court Policy Directives, as revised by this
13 Court on that date, shall be rescinded and replaced with a new set of policy directives
14 approved by concurrently issued Supreme Court Administrative Order No. S-1-AO-
15 2024-00005; and

16 IT IS FURTHER ORDERED that Supreme Court Order No. 19-8500-003, *In*
17 *the Matter of the Effective Administration of the Magistrate Court System in New*
18 *Mexico*, filed on April 12, 2019, shall be rescinded and replaced by concurrently

1 issued Supreme Court Order No. S-1-AO-2024-00006;

2 IT IS SO ORDERED.

3 WITNESS, the Honorable C. Shannon Bacon, Chief
4 Justice of the Supreme Court of the State of New Mexico,
5 and the seal of said Court this 2nd day of February, 2024.



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

I CERTIFY AND ATTEST:

A true copy was served on all parties
or their counsel of record on date filed.

Elizabeth A. Garcia

Chief Clerk of the Supreme Court
of the State of New Mexico