

1 **23-113. Providing court information to self-represented litigants.**

2 A. **Self-represented litigant, court staff; defined.** For purposes of this rule, a self-  
3 represented litigant is any person who appears, or is contemplating an appearance, in any court in  
4 this state without attorney representation and court staff includes all judicial branch employees  
5 except judges, settlement facilitators, and mediators.

6 B. **Permitted information.** When communicating with a self-represented litigant,  
7 court staff are permitted to:

8 (1) encourage the self-represented litigant to obtain legal advice from a licensed  
9 New Mexico attorney without recommending a specific attorney;

10 (2) provide information about available pro bono, free or low-cost civil legal  
11 services, legal aid programs and lawyer referral services without endorsing a specific service;

12 (3) provide information about available statutory or court-approved forms,  
13 pleadings and instructions without providing advice or recommendations ~~[as to]~~ for any specific  
14 course of action;

15 (4) answer questions about what information is being requested on forms  
16 without providing the self-represented litigant with the specific words to put in a form;

17 (5) fill out forms using the self-represented litigant's own words;

18 ~~[(5)]~~ (6) provide, orally or in writing, definitions of legal terminology from  
19 widely accepted legal dictionaries or other dictionaries, if available, and without advising whether  
20 a particular definition ~~[is applicable]~~ applies to the self-represented litigant's situation;

21 ~~[(6)]~~ (7) provide, orally or in writing, citations to constitutions, statutes,  
22 administrative rules or regulations, court rules and case law, but are not required to search for the  
23 citation and are not permitted to perform legal research as defined in Subparagraph (C)(4) ~~[(4)] of~~

1 ~~Paragraph C~~ of this rule or advise whether a particular provision [~~is applicable~~] applies to the self-  
2 represented litigant's situation;

3           ~~(7)~~ (8) provide [~~publically~~] publicly available, non-sequestered information  
4 on docketed cases;

5           ~~(8)~~ (9) provide general information about court processes, procedures and  
6 practices, including court schedules and how to get matters scheduled;

7           ~~(9)~~ (10) provide information about mediation, parenting courses, courses for  
8 children of divorcing parents and any other appropriate information approved by the court for self-  
9 represented litigants;

10           ~~(10)~~ (11) provide, orally or in writing, information on local court rules and  
11 administrative orders;

12           ~~(11)~~ (12) provide information [~~regarding~~] about proper courtroom conduct and  
13 decorum; and

14           ~~(12)~~ (13) provide general information about community resources without  
15 endorsing a specific resource.

16           C.     **Prohibited information.** When communicating with a self-represented litigant,  
17 court staff are prohibited from:

18           (1)     providing, orally or in writing, any interpretation or application of legal  
19 terminology, constitutional provisions, statutory provisions, administrative rules or regulations,  
20 court rules and case law based on specific facts or the self-represented litigant's particular  
21 circumstances;

22           (2)     providing, orally or in writing, information that must be kept confidential  
23 by statute, administrative rule or regulation, court rule, court order or case law;

1           (3)     creating documents or [~~filling in the blanks on forms on behalf of self-~~  
2 ~~represented litigants~~] providing the self-represented litigant with the specific information to put  
3 into a form;

4           (4)     performing direct legal research by applying the law to specific facts or  
5 expressing an opinion [~~regarding~~] about the applicability of any constitutional provisions, statutes,  
6 administrative rules or regulations, court rules, court orders or case law to the self-represented  
7 litigant's particular circumstances;

8           (5)     explaining court orders or decisions except as permitted by Subparagraph  
9 (B)(9) [~~(8) of Paragraph B~~] of this rule;

10          (6)     telling the self-represented litigant what to say in court;

11          (7)     assisting or participating in any unauthorized or inappropriate  
12 communications with a judge on behalf of the self-represented litigant outside the presence of the  
13 other party;

14          (8)     indicating, orally or in writing, whether the self-represented litigant should  
15 file a case in court; and

16          (9)     predicting the outcome of a case filed in court[~~; and~~].

17                 [~~(10) — indicating, orally or in writing, what the self-represented litigant should do~~  
18 ~~or needs to do.~~]

19          D.     **Immunity.** Despite any information provided to self-represented litigants  
20 [~~pursuant to~~] under this rule, self-represented litigants remain responsible for conducting  
21 themselves in an appropriate manner before the court and representing themselves in compliance  
22 with all applicable constitutional and statutory provisions, administrative rules or regulations, court

**SUPREME COURT GENERAL RULES**  
**RULE 23-113**

**Supreme Court Approved**  
**February 27, 2024**

- 1 rules, court orders and case law. Court staff shall be immune from suit, as provided by statute or
- 2 common law, for any information provided to a self-represented litigant.
- 3 [Approved by Supreme Court Order No. 08-8300-003, effective January 22, 2008; as amended by
- 4 Supreme Court Order No. S-1-RCR-2024-00064, effective June 1, 2024.]