



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

2 **August 23, 2024**

3 **NO. S-1-AO-2024-00012**

4 **IN THE MATTER OF RECORDING**
5 **PROCEEDINGS IN THE MAGISTRATE**
6 **COURTS AND THE METROPOLITAN**
7 **COURT**

8 **AMENDED ORDER**

9 WHEREAS, this matter came before the Court on its own motion to ensure
10 that proceedings in Magistrate Courts and Metropolitan Court are recorded for use
11 in limited circumstances consistent with this order and rules of practice and
12 procedure governing attorney and judicial ethics and discipline;

13 WHEREAS, this Court is vested with the authority to exercise superintending
14 control over all inferior courts, N.M. Const. Art. VI, Sec. 3;

15 WHEREAS the Magistrate Courts are not courts of record for the purpose of
16 appellate review of their decisions, NMSA 1978, § 35-1-1 (2021), but currently
17 audio-record limited proceedings;

18 WHEREAS the Metropolitan Court is a court of record for appellate review
19 of its decisions in only limited cases, NMSA 1978, § 34-8A-6 (2019), and in all civil
20 proceedings for which that court is a court of record, Supreme Court Order No. 23-
21 8500-003; and

1 WHEREAS, in light of the foregoing, and the Court being sufficiently
2 advised, Chief Justice David K. Thomson, Justice Michael E. Vigil, Justice C.
3 Shannon Bacon, Justice Julie J. Vargas, and Justice Briana H. Zamora concurring;

4 NOW, THEREFORE, IT IS ORDERED that all proceedings filed or pending
5 on or after October 1, 2024, in the Magistrate Courts shall be recorded;

6 IT IS FURTHER ORDERED that all proceedings filed or pending on or after
7 October 1, 2024, in the Metropolitan Court for which the Metropolitan Court is not
8 already a court of record shall be recorded;

9 IT IS FURTHER ORDERED that the Administrative Office of the Courts
10 shall issue instructions to the Magistrate Courts and the Metropolitan Court that
11 govern the process for recording all proceedings in these courts, which shall be
12 similar to the process for recording proceedings in other trial courts, and which may
13 be amended from time to time at the discretion of the Supreme Court;

14 IT IS FURTHER ORDERED that any recording of a proceeding made
15 pursuant to this order may not be used for the purpose of an on-record appeal, but
16 may be used for ethical or other legal proceedings involving any judge, attorney,
17 party, or other person recorded, provided that this order has no effect on any legal
18 immunity enjoyed by any judge, attorney, party, or other person recorded;

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1 IT IS FURTHER ORDERED that the recording or broadcasting of Magistrate
2 and Metropolitan Court judicial proceedings by any person shall continue to be
3 governed by Rule 23-107 NMRA;

4 IT IS FURTHER ORDERED that all New Mexico Magistrate and
5 Metropolitan Judges have a duty to ensure that all proceedings before them are
6 properly recorded pursuant to the instructions issued by the Administrative Office
7 of the Courts and this order; and

8 IT IS FURTHER ORDERED that all recordings of New Mexico Magistrate
9 and Metropolitan Court judicial proceedings shall be retained for five (5) years after
10 a final order is filed in a recorded case.

11 IT IS SO ORDERED.



12 WITNESS, the Honorable David K. Thomson, Chief
13 Justice of the Supreme Court of the State of New Mexico,
14 and the seal of said Court this 23rd day of August, 2024.

15 
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