

**PROPOSED REVISIONS TO THE RULES OF CIVIL PROCEDURE FOR THE
DISTRICT COURTS, THE RULES OF CRIMINAL PROCEDURE FOR THE
DISTRICT COURTS, AND THE RULES GOVERNING THE RECORDING OF
JUDICIAL PROCEEDINGS
PROPOSAL 2026-036**

March 6, 2026

The Rules of Civil Procedure for State Courts Committee and the Rules of Criminal Procedure for State Courts Committee has recommended amendments to Rules 5-111, 5-117, 5-506, 22-101, 22-201, 22-206, 22-301, 22-302, and 22-303 NMRA, and the withdrawal of Rule 1-092 NMRA for the Supreme Court's consideration.

If you would like to comment on the proposed amendments set forth below before the Court takes final action, you may do so by either submitting a comment electronically through the Supreme Court's website at <https://supremecourt.nmcourts.gov/rules-forms-files/rules-forms/open-for-comment/> or sending your written comments by mail, email, or fax to:

Elizabeth A. Garcia, Chief Clerk of Court
New Mexico Supreme Court
P.O. Box 848
Santa Fe, New Mexico 87504-0848
rules.supremecourt@nmcourts.gov
505-827-4837 (fax)

Your comments must be received by the Clerk on or before April 5, 2026, to be considered by the Court. Please note that any submitted comments may be posted on the Supreme Court's website for public viewing.

[WITHDRAWN]

~~[1-092. Nonstenographic recording.~~

~~The district court may, upon its own motion or the motion of a party, order that the record, or any part thereof, of any proceeding before it be made by other than stenographic means, in which event the order shall designate the portion or portions to be so made, and the manner of recording and preserving the same and may include other provisions to assure that the record will be accurate and trustworthy. Such other provisions may, but are not required to, include a provision for utilizing a court reporter to record the proceedings in addition to recording by other means.]~~

~~[Withdrawn by Supreme Court Order No. _____, effective _____.]~~

5-111. Record; definition.

As used in the Rules of Criminal Procedure, "record" shall mean:

~~[A. **Definition.** As used in the Rules of Criminal Procedure, "record" shall mean:]~~

~~[(1)] A. stenographic notes which must be transcribed when a "record" is required to be filed;~~

[(2)] B. a statement of facts and proceedings stipulated to by the parties for purpose of review; or

[(3)] C. [~~any mechanical, electrical or other recording, including a videotape recording of any proceeding, including grand jury proceedings, when such method of mechanical, electrical or other recording has been approved by the court administrator.~~] any recording made by the court's audio recording device.

[~~B. — **Broadcast or reproduction.** Except for the disclosures provided for in Rule 5-506, no broadcast or reproduction of any mechanical, electrical or other recording shall be made for any person other than an official of the court.~~]

[~~Amended by Supreme Court Order No. _____, effective for all cases pending or filed on or after _____.~~]

[~~**Committee commentary.**— The adoption of this rule provided the express authority for use of a tape recorded record. *See e.g., State v. Lard*, 86 N.M. 71, 519 P.2d 307 (Ct. App. 1974). In *State ex rel. Moreno v. Floyd*, 85 N.M. 699, 516 P.2d 670 (1973), the supreme court approved a tape recording as the record of a preliminary hearing for use by the defendant. *See also*, Rule 6-110 NMRA [now withdrawn].~~]

[~~Withdrawn by Supreme Court Order No. _____, effective _____.~~]

5-117. Record; exhibits.

A. **Record of proceedings.** A verbatim record shall be made of all court proceedings, including, but not limited to:

- (1) the trial;
- (2) arraignment;
- (3) release proceedings;
- (4) motion hearings;
- (5) plea agreement proceedings;
- (6) sentencing and habitual offender proceedings;
- (7) habeas corpus proceedings; and
- (8) extradition proceedings.

B. **Receipt.** The certified court reporter or [~~tape monitor~~] certified court monitor shall deliver to the clerk of the court a copy of the record of proceedings, all tendered exhibits and a receipt listing the exhibits. Upon receipt of the record and exhibits, the clerk shall sign the receipt and file a copy in the court file.

C. **Return.** Unless otherwise ordered by the court, after notice to the parties or their attorneys in the manner set forth in this rule, all exhibits delivered to the clerk may be returned to the attorney or party tendering the exhibit as evidence.

D. **Notice of disposition of exhibits.** Prior to returning the exhibits to the attorney or party tendering the exhibit as evidence, the clerk shall give written notice to all parties or their attorneys that, unless otherwise ordered by the court, the exhibits in custody of the clerk will be returned to the attorney or party tendering the exhibit or otherwise disposed of after the expiration of sixty (60) days from the date of mailing of such notice. The clerk shall give the written notice required by this paragraph:

- (1) within ninety (90) days after final disposition of the case, or
- (2) if there is an appeal and a new trial has not been ordered, within thirty (30) days after the filing of the mandate in the district court.

The clerk shall file a notice of the final disposition of the evidence.

E. **Preservation of exhibits.** Upon motion, the court may order any exhibit preserved by the court or disposed of in the manner ordered by the court.

F. **Preservation of biological and physical evidence.** The court shall preserve all evidence that is secured in relation to an investigation or prosecution of a crime and that could be subjected to DNA testing, for not less than the period of time that a person remains subject to incarceration or supervision in connection with the investigation or prosecution.

G. **Disposal of biological and physical evidence.** The court may dispose of evidence before the expiration of the time period set forth in Paragraph F of this rule if:

(1) no other law, regulation or court order requires that the evidence be preserved;

(2) the evidence must be returned to its rightful owner;

(3) preservation of the evidence is impractical due to the size, bulk, or physical characteristics of the evidence; and

(4) the state takes reasonable measures to remove and preserve portions of the evidence sufficient to permit future DNA testing.

H. **Compliance.** The court may comply with the requirements of Paragraphs F and G of this rule, by returning the evidence described in those paragraphs to the appropriate representative of the State.

[Adopted, effective August 1, 1989; as amended, effective November 15, 2000; as amended by Supreme Court Order No. 15-8300-010, effective for all cases pending or filed on or after December 31, 2015; as amended by Supreme Court Order No. _____, effective for all cases pending or filed on or after _____.]

Committee commentary. — See NMSA 1978, Section 31-1A-2.

[Adopted by Supreme Court Order No. 15-8300-010, effective for all cases pending or filed on or after December 31, 2015.]

5-506. Grand jury proceedings.

A. **Indictment.** Grand jury indictments shall be public when they are filed with the court. Upon request, the court may order an indictment sealed until arrest.

B. **[Sound] Audio recording.** ~~[A sound]~~ An audio recording shall be made of the testimony of all witnesses and any explanation or instructions of the prosecutor and any comments made by the prosecutor or other persons in the presence of the grand jury. No record shall be made of the deliberations of the grand jury.

C. **Copy of recording.** At any time after indictment, on request of a party, the district court clerk shall furnish a copy of the ~~[tape]~~ audio recording of:

(1) the defendant's testimony before the grand jury; and

(2) the entire proceedings, unless the state objects to some portions of the ~~[tape]~~ recording, in which case the court shall determine which portions of the proceedings are to be furnished to defendant.

D. **Disclosure.** The district court may prohibit disclosure of that portion of testimony or proceedings which creates substantial risk of harm to some person or which is irrelevant to the defendant.

[As amended, effective August 1, 1989; as amended by Supreme Court Order No. _____, effective for all cases pending or filed on or after _____.]

Committee commentary. — This rule provides that the district court shall order the preparation of a copy of the ~~[tape]~~ audio recording of testimony of a defendant or a witness on the state's witness list before the grand jury.

Prior to the adoption of this rule and the amendment of Rule 5-501, the prosecution was not required to produce the statement of the defendant before the grand jury. Section 31-6-8 NMSA 1978, enacted by the 1979 legislature, provides that a transcript of testimony before the grand jury is to be made only upon order of the district court.

The rule in New Mexico is that:

"(O)nce the witness has testified at the criminal trial about that which he testified before the grand jury, the accused is entitled to an order permitting examination of that portion of the witness' grand jury testimony relating to the crime for which the defendant is charged". *Valles v. State*, 90 N.M. 347, 563 P.2d 610 (Ct. App. 1977), cert. denied, 90 N.M. 637, 567 P.2d 486, quoting from *State v. Sparks*, 85 N.M. 429, 512 P.2d 1265 (Ct. App. 1973), cert. denied, 92 N.M. 353, 588 P.2d 554 (1978); *State v. Felter*, 85 N.M. 619, 515 P.2d 138 (1973); *State v. Tackett*, 78 N.M. 450, 432 P.2d 415 (1967), cert. denied, 390 U.S. 1026, 20 L. Ed. 2d 283, 88 S. Ct. 1414 (1968); and *State v. Morgan*, 67 N.M. 287, 354 P.2d 1002 (1960), holding that the defendant is entitled to a copy of the transcript of testimony of a witness before the grand jury prior to the time that the witness testifies at trial only on a showing of particularized need.

Paragraph D of this rule addresses the problem that can result from the release of certain information such as the addresses of witnesses and the names of confidential informants. The district court may prohibit such disclosures when consistent with the constitutional right to a fair trial.

22-101. Scope; definitions; title.

A. Scope.

(1) The examination, certification, supervision, conduct, and proficiency of court reporters and court monitors engaging in court reporting or monitoring services are matters that are integrally related to the effective, impartial, and prompt operation of the judicial branch of the State of New Mexico and are hereby made subject to regulation by rule of the Supreme Court.

(2) Except as provided by the Rules of Appellate Procedure, Rules of Civil Procedure for the District Courts, Rules of Criminal Procedure for the District Courts, Children's Court Rules, the Rules of Civil Procedure for the Metropolitan Court or the Rules of Criminal Procedure for the Metropolitan Court, these rules govern transcripts and the recording of judicial proceedings by any and all means whatsoever. If a deposition taken under the rules of procedure for a court listed in this subparagraph is to be taken by stenographic means, the person taking the deposition shall be a certified court reporter as provided in these rules.

~~[(3) — These rules shall be reviewed on a periodic basis not to exceed three (3) years.]~~

B. Definitions. As used in these rules:

(1) "board" means the Board Governing the Recording of Judicial Proceedings;

(2) "censure" means to publicly reprimand a certified court reporter or certified court monitor, with or without conditions reasonably related to the grounds for censure for conduct found to be in violation of Rule 22-605 NMRA;

(3) "certified court monitor" ~~[or "court monitor"]~~ means a person holding a certificate issued by the board to engage in the audio recording of judicial proceedings in this state;

(4) “certified court reporter” means a person holding a certificate issued by the board to engage in the reporting of judicial proceedings in this state and includes any firm licensed under Rule 22-202 NMRA;

(5) “certification” means licensing by the board for a court reporter, court monitor, or firm to engage in the reporting or recording of judicial proceedings in this state under the Rules Governing the Recording of Judicial Proceedings;

(6) “court monitor” means a person who records judicial proceedings by audio recording;

(7) “court reporter” means a person who engages in verbatim shorthand reporting using machine shorthand;

(8) “court reporting services” means providing verbatim shorthand recording in judicial proceedings using machine shorthand. “Court reporting services” shall not include services performed in the taking of depositions or statements by audio or audio-visual recording;

(9) “firm” means, but is not limited to, a limited liability company, corporation, association, or other organization engaged in the practice of court reporting services in this state;

(10) “judicial proceedings” includes any court proceedings, depositions, and sworn statements in which a certified court monitor or a certified court reporter acts under their ~~[certified court reporter’s]~~ New Mexico certification, but specifically excludes appellate court, Judicial Standards Commission, Disciplinary Board, magistrate court, municipal court, or probate court proceedings;

(11) “official court reporter” is a certified court reporter who is employed by New Mexico under the judicial personnel plan and entitled to certain benefits as a state employee under the provisions of Section 34-6-20 NMSA 1978 or who performs services for the judicial branch under a standardized contract approved by the Supreme Court;

(12) “person” means, but is not limited to, any individual, firm, partnership, limited liability company, corporation, association, or other organization; and

(13) “record” means

(a) stenographic notes that must be transcribed when a record is required to be made;

(b) a statement of facts stipulated to by the parties for purpose of review;

or

(c) any recording made by ~~[an]~~ the court’s audio recording device.

C. **Title.** These rules may be cited as the “Rules Governing the Recording of Judicial Proceedings”.

[Adopted, effective January 1, 1983; as amended, effective December 1, 1993; February 16, 2004; as amended by Supreme Court Order No. 11-8300-047, effective January 27, 2012; as amended by Supreme Court Order No. 16-8300-027, effective December 31, 2016; as amended by Supreme Court Order No. _____, effective _____.]

22-201. Licensing of court reporters and monitors; power to administer oaths.

A. **Court monitors and court reporters.** ~~[Except as provided in Paragraph C of this rule, no]~~ No person shall engage in court monitoring or court reporting services in this state unless such person is licensed as a ~~[New Mexico]~~ certified court monitor or certified court reporter issued either by the ~~[New Mexico]~~ Supreme Court or by the ~~[Board Governing the Recording of Judicial Proceedings]~~ board.

B. **Waiver of examination.** Any applicant for a license as a certified court reporter may be granted a license by the board without an examination upon a showing that the court reporter is a holder of a valid National Court Reporters Association registered professional reporter certification.

C. **Court monitors.** If a trial or hearing is recorded by an audio recording device, such proceedings shall be recorded by a certified court monitor~~[-who is certified as qualified by the Board Governing the Recording of Judicial Proceedings. In such cases, that recording shall serve as the transcript unless otherwise ordered by the court].~~

D. **Oath.** Certified court reporters may administer oaths to witnesses in judicial proceedings anywhere in this state.

[As amended, effective December 1, 1993; March 15, 1995; February 16, 2004; as amended by Supreme Court Order No. 08-8300-050, effective December 31, 2008; as amended by Supreme Court Order No. _____, effective _____.]

22-206. Official court monitors and court reporters~~[and court monitors]~~; appointment; duties; records; termination of contract.

A. **Appointment.** ~~[Subject to Rule 22-301 NMRA, each]~~Each district court may appoint official court monitors or official court reporters~~[-or court monitors]~~. The Supreme Court or the district court may, by order, approve pooling by court monitors and court reporters~~[-and monitors]~~ within a judicial district under the supervision of a managing court monitor or managing court reporter who shall be responsible for supervision of the court monitors and court reporters~~[-and court monitors]~~ within the district. ~~[A]~~ Neither a contract court monitor nor a contract court reporter shall [not] serve as a managing court monitor or managing court reporter.

B. **Court monitor duties.** Official court reporters may also serve as official court monitors ~~[and record judicial proceedings in those cases in which an audio recording is permitted]~~ and shall comply with all court rules and directions and all board-approved manuals in preparing the ~~[tape or]~~ audio logs.

C. **Office.** The official court monitor or official court reporter~~[-or court monitor]~~ shall be provided with the office space, equipment and supplies necessary for the reporting or recording of judicial proceedings as well as the necessary equipment for transcription of the judicial proceedings. The use of state-owned equipment and supplies and state-employed personnel for free-lance reporting or recording is prohibited.

The provision of necessary office space, equipment and supplies shall be subject to standardized contract approved by the Supreme Court with official court monitors and official court reporters who perform services under contract.

D. **Records.** If stenographic notes~~[-, computer or audio tapes]~~ or ~~[other]~~ audio recordings containing the record of judicial proceedings and evidence taken by an official court monitor or official court reporter~~[-or court monitor]~~ are to be transcribed, a copy of the record, in American Standard Code of Information Interchange ("ASCII") format, shall be filed with the court clerk of the court in which the proceeding is docketed. The audio record shall be stored on~~[a compact disc capable of being read or accessed on a CD-ROM which meets ISO 9660 standards or on other]~~ data storage media used by the courts. Video recordings ~~[tapes]~~ filed with the court shall be in a format used by the courts. The maintenance, storage, distribution and reproduction of such notes, ~~[tapes,]~~ records, ~~[disks, discs]~~ and documents, including all exhibits and other evidence, shall be handled in the manner prescribed by the judicial district~~[-the Administrative~~

~~Office of the Courts~~]. Disposition of such records shall be in accordance with the disposition schedules approved by the records retention and disposition schedule approved by the Supreme Court.

E. **Termination of employment.** Official court reporters leaving employment with the district court are to have all stenographic or electronic notes numerically logged by date and deposited with the court clerk prior to leaving. Official court~~[Court]~~ monitors leaving employment with the district court are to have all audio recordings and logs bound by date and deposited with the court clerk prior to leaving. All district court cases stenographically taken are to be stored on ~~[disks or on other]~~ data storage media used by the courts and filed with the district court clerk before departure. An ASCII backup of the reporter's dictionary shall be stored with the district court clerk.

All ~~[disks,]~~ stenographic notes and ~~[tapes or other]~~ recordings of district court cases are the property of the district court.

Upon termination from district court employment, the court monitor or court reporter~~[or monitor]~~ shall leave a current telephone number and address with the district court clerk and the court administrator. It is the court monitor's or court reporter's~~[or monitor's]~~ responsibility to inform the district court clerk of changes of address or telephone number. Arrangements for transcript production by court reporters no longer employed with district court shall be made through the district court clerk.

When the court monitor or court reporter is unavailable, the court administrator shall make arrangements for production of the transcripts pursuant to the Rules of Appellate Procedure.

Transcripts produced after termination of employment shall be produced at the prevailing compensatory rate set by these rules.

F. **Other duties.** Any time that an official court monitor or official court reporter~~[or court monitor]~~ is not required to take proceedings, or prepare transcripts of official judicial proceedings in indigent cases or for court use, or other specific duties assigned by the chief judge, presiding judge, court administrator or managing reporter, the court monitor or court reporter~~[or court monitor]~~ may be assigned other court duties as required by Section 34-6-20 NMSA 1978, unless the court monitor or court reporter~~[or court monitor]~~ has been granted approved leave. The chief judge, presiding judge, court administrator or managing reporter of the district court shall have the authority to reassign temporarily the official court monitor or official court reporter~~[or court monitor]~~ within the judicial district to act as a court monitor or court reporter~~[or monitor]~~ for another judge or to perform duties required by Subsection B of Section 34-6-20 NMSA 1978.

G. **Outside reporting.** Subject to the licensing requirements of these rules, an official court monitor or official court reporter~~[or court monitor]~~ may engage in outside reporting or recording duties if the following criteria are met:

(1) the chief judge, presiding judge, court administrator,~~[or]~~ managing court monitor, or managing court reporter has given express authorization;

(2) the court monitor's or court reporter's~~[or monitor's]~~ official work is caught up and no transcripts are being prepared in which an extension of time has been granted by any court; and

(3) the court monitor or court reporter~~[or monitor]~~ has been authorized to take annual leave during the time the outside work is scheduled unless:

(a) the outside work is scheduled during hours that the court is not open for business; or

(b) the court monitor or court reporter~~[or monitor]~~ has been granted time off in compensation for overtime previously worked.

[Adopted, effective January 1, 1983; as amended, effective December 1, 1993; February 16, 2004; as amended by Supreme Court Order No. _____, effective _____.]

22-301. Recording of judicial proceedings; transcripts.

~~[A.—~~ **Certification.** ~~Transcripts of all judicial proceedings shall be signed and certified by a New Mexico certified court reporter or court monitor. The certified court reporter or court monitor who physically reports a judicial proceeding shall sign and include the court reporter's or court monitor's certification number on the original transcript of the judicial proceeding. The form of certification required is established by the Board Governing the Recording of Judicial Proceedings.]~~

~~[B.]~~ **A. Transcripts.** The transcript is the audio recording of the judicial proceeding by a certified court monitor, unless a certified court reporter is authorized to stenographically report the record of the judicial proceeding, in which case the certified court reporter's record is the transcript.

~~[Except as provided in these rules, certified court reporters shall stenographically report the record of judicial proceedings. If a transcript is requested or designated, a certified court reporter licensed by the board under Rule 22-202 NMRSA shall transcribe, process, bill for, certify and deliver the record of all judicial proceedings, unless:~~

~~(1) — the district court has insufficient funds in its budget to pay for stenographic transcripts in indigent cases as determined by the chief judge; or~~

~~(2) — a certified court reporter is not available.~~

~~If the district court does not have sufficient funds to pay for transcripts in indigent cases, such cases may be recorded by a recording device used by the courts. In non-indigent criminal cases, the court reporter may stenographically report the proceedings at the request of counsel and district court approval. All other taped or audio recorded judicial proceedings may be stenographically reported at the request of counsel and approval of the district court judge. If the district judge has appointed a court monitor, the record of all judicial proceedings before that judge shall be recorded by a recording device used by the courts.~~

~~Upon appointment of a district judge or upon filling the vacancy of a district judge's court monitor, the judge shall hire a certified court reporter if one is available.]~~

B. Certification. If the certified court reporter's record of the judicial proceeding is the transcript, the transcript shall be signed and certified by the certified court reporter, who shall include the certified court reporter's certification number on the transcript of the judicial proceeding. The form of certification required is established by the board.

C. Record proper. Except depositions, as provided in this paragraph, the record proper (court file), including the cover page and indices thereto, shall be prepared and reproduced by the clerk of the district court. Depositions shall be forwarded to the appellate court in their original form if they have been filed in the record proper or read into open court. If they are read in open court, the certified court monitor or certified court reporter ~~[court reporter or court monitor]~~ shall mark the entire deposition or excerpts as court exhibits and ensure the exhibits are filed with the appellate court regardless of request therefore.

[Adopted, effective November 29, 1978; as amended, effective July 1, 1979; as renumbered and amended effective January 1, 1983; as amended, effective May 1, 1983; January 1, 1987;

December 1, 1993; February 16, 2004; as amended by Supreme Court Order No. _____, effective _____.]

22-302. Transcript; format.

A. **Transcript; format.** All transcripts [~~including compressed transcripts,~~] of judicial proceedings shall be prepared in compliance with the certified court monitors manual or certified court reporters manual.

B. **Forms manual.** The respective forms manual prepared and modified by the board is mandated as the model to be followed by all certified court monitors and all certified court reporters.

[As amended, effective December 1, 1993; February 16, 2004; as amended by Supreme Court Order No. _____, effective _____.]

22-303. Audio recording of judicial proceedings.

A. **[Official record] Procedure for recording, transmitting, and storing.** [~~When an audio recording is authorized to be used for the creation of the official record of any judicial proceeding, the~~] The following procedures shall be followed by the certified court monitors in recording the proceedings, storing the audio recording and making copies of the recording.

(1) A separate [~~master tape or other~~] audio recording may be used for each case. The [~~tape or other~~] recording shall be at all times be kept secure in the court clerk's office. If more than one case is to be included on a master [~~tape or other~~] recording, a cross-reference system shall be developed by the judicial district, which will assure that all proceedings in a case are easily located and available for purposes of an appeal or other judicial proceedings.

(2) On appeal, the [~~master (original)~~] audio recording [~~and two (2) copies of the master recording~~] and log shall be transmitted to the appropriate appellate court in accordance with the Rules of Appellate Procedure. [~~One (1) copy~~] The audio recording and log shall be retained in the court file until final disposition of the case. The log shall be [typewritten] prepared in accordance with the court monitors manual upon the filing of the notice of appeal and shall be filed with the district court clerk within ten (10) days after the filing of the notice of appeal.

[~~(3) — Upon final disposition of the appeal, the appellate court clerk may return the duplicates to the clerk of the district court for erasure and reuse.~~]

B. **Cases not appealed.** If the case is not appealed, the clerk of the district court shall retain the [~~master copy of the tape~~] audio recording in the [~~place and~~] manner approved by the Supreme Court.

[~~C. — **Minimum standards for audio recordings.** When an audio recording is authorized to be used for the creation of the official record of any judicial proceeding, the audio cassette tapes, discs or other media used to store the recording, shall be compatible with equipment used by the courts.~~]

[Adopted, effective January 1, 1983; as amended, effective December 1, 1993; February 16, 2004; as amended by Supreme Court Order No. _____, effective _____.]



New Mexico
Courts

Alyssa Segura <supams@nmcourts.gov>

[rules.supremecourt-grp] Public Comment on Proposal 2026-036 — Official Court Record and For the Record (FTR)

Scott Rapalee <qsgadgets@gmail.com>
Reply-To: qsgadgets@gmail.com
To: rules.supremecourt@nmcourts.gov

Tue, Mar 10, 2026 at 8:29 AM

Elizabeth A. Garcia, Chief Clerk of Court
New Mexico Supreme Court
P.O. Box 848
Santa Fe, New Mexico 87504-0848

RE: Public Comment on Proposal 2026-036 — Official Court Record and For the Record (FTR)

Dear Chief Clerk Garcia,

I write regarding Proposal 2026-036 and respectfully submit this comment for the Court's consideration before the April 5, 2026 deadline.

Court record integrity is central to the administration of justice. I write to inform the Court that in my direct experience, the official court record in the Tyler Technologies Odyssey Case Management System has been manipulated, and evidence submitted to the court has disappeared — facts documented by judicial admissions on the record.

EVIDENCE DISAPPEARING FROM THE COURT RECORD

In Case D-1215-CV-2022-00303, during the May 31, 2023 hearing before Judge Daniel A. Bryant, the court acknowledged that defense evidence existed in a court-managed Google Drive folder. At 1:21:08 PM, Judge Bryant stated on the record that the "COURT HAS FOLDER IN CONNECTION TO THIS CASE WHICH THE COURT HAS NOT OPENED." The court acknowledged possession of our evidence but had never reviewed it.

At the September 6, 2023 hearing, my wife Dolores Rapalee stated on the record at 2:07:37 PM: "DON'T UNDERSTAND WHERE OUR DOCUMENTS HAVE GONE TO; THERE IN VICKIS HANDS; WE'VE SENT POLICE REPORTS; DON'T UNDERSTAND WHY THEY DISAPPEAR; WE PUT IT ALL IN FRONT OF YOU BUT IT KEEPS DISAPPEARING." At 2:09:27 PM she stated: "EVIDENCE KEEPS DISAPPEARING OUT OF YOUR FILES; LOOK AT THE PAPERS WE JUST SENT IN; DON'T UNDERSTAND WHY YOU DON'T HAVE THEM NOW."

The court acknowledged our evidence existed in May 2023. By September 2023, it had vanished. Judge Bryant then denied our motions as if the evidence never existed. These statements are preserved in the official audio log notes for both hearings.

ADMINISTRATIVE MANIPULATION OF THE ODYSSEY SYSTEM

Beyond disappearing evidence, the Odyssey system itself has been used to impose unauthorized administrative restrictions on court records. Event Code 8735, "SUPPLEMENTAL INFORMATION (HABITUAL)," was placed on my party-level record (Party ID 10943274, Person ID 5155924) without any court order, notice, hearing, or legal authority. The AOC confirmed on February 18, 2026 via IPRA response that no legal authority exists for this event code.

Tyler Technologies support confirmed the tag's existence on January 19, 2026 (Ticket #1266541). Tyler's legal department denied the tag existed the following day. Five JID service desk tickets about this restriction were moved to "Legal Hold" by AOC employee Jason Singer without certified authority.

This restriction is not reflected in any court order. It exists only in the administrative layer of the Odyssey system — invisible to the litigant, invisible to reviewing courts, but effective in blocking court access statewide.

RECOMMENDATIONS

Any rule governing the official court record should address:

- (a) The integrity of electronic case management systems, including Tyler Technologies Odyssey, as components of the official court record subject to audit and oversight.
- (b) A prohibition on administrative event codes or party-level restrictions that are not supported by a filed court order with proper notice and due process.
- (c) A mechanism for litigants to challenge discrepancies between the official court record and the administrative metadata attached to their party records in the case management system.
- (d) Preservation requirements for court-managed evidence repositories, including cloud-based folders, to prevent the disappearance of submitted evidence documented in this case.

If the official court record can be manipulated through administrative database entries that no rule governs, then no rule governing the court record has meaning.

This comment is submitted for the public record.

Respectfully,

Scott A. Rapalee
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Referenced: D-1215-CV-2022-00303; Audio Log Notes dated 5/31/2023 and 9/6/2023; Tyler Technologies Ticket #1266541; AOC IPRA Response dated 2/18/2026; JID Incidents #952039, #953276, #953531, #953536, #954012

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**STATE OF NEW MEXICO
SECOND JUDICIAL DISTRICT**

Marie Ward
Chief Judge

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Albuquerque, NM 87102
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April 3, 2026

Elizabeth A. Garcia, Chief Clerk of the Court
New Mexico Supreme Court
P.O. Box 848
Santa Fe NM 87504-0848

Via email only to nmsupremecourtclerk@nmcourts.gov

Re: Proposed Amendments to the Supreme Court Rules

Dear Ms. Garcia,

We wish to submit public comment to the proposed amendments to the Supreme Court Rules as outlined more specifically below.

Rule 23-118 Juror term of service.

A juror's term of service shall not exceed three (3) months. Each judicial district may, in its discretion ~~and in consultation with the Administrative Office of the Courts~~, establish terms of jury service not to exceed three (3) months based on the number of trials held, the availability of jurors, and the administrative and financial impact for that judicial district.

Comment: It is recommended that terms of jury service should be left to the discretion of the individual courts. While the SJDC does not have an issue with the term not exceeding three (3) months, it is aware that the more rural districts may be negatively impacted. Different districts will have different needs and considerations that impact what term makes sense in their district and the districts are in the best position to weigh those considerations.

Rule 5-602.1. Competency

G. Evaluation order.

(2) a provision requiring the evaluator to file a written report with the court in accordance with Paragraph H of this rule within a reasonable time period as ordered by the court. ~~thirty (30) days of the entry of the order, unless the court orders the report to be filed at another time [; and].~~

Comment: It is recommended to allow individual jurisdictions to determine a reasonable time for submission of the report after evaluation is ordered, based on the availability of resources in the jurisdiction.

(a) If ~~the defendant fails to appear for~~ a competency evaluation is cancelled, or the court and/or defense counsel is unable to locate the defendant or an address for the defendant, the evaluator or entity scheduling the evaluations shall notify the court, giving a reason for the cancellation, if known, and the court shall make a record of the reason, if known, for the failure to appear for the cancellation; and

Comment: It is recommended not to use the 'failure to appear' language as reasons for cancellation of an evaluation may include many different circumstances that may be beyond the control of the defendant.

(b) The court may issue a new or amended order for competency evaluation restarting the ~~thirty (30) day~~ time period to file a written report upon notification by the evaluator for the reason for failure to appear for cancellation of the scheduled competency evaluation or cancellation of a bench warrant for the defendant's arrest.

Comment: It is recommended to remove the thirty-day language to be consistent with the time period may have been originally ordered. It is also recommended to replace 'failure to appear' language with cancellation of a scheduled evaluation to include other circumstances for a cancellation beyond failure to appear.

5.602.2. Proceedings after a finding of incompetency.

C. Cases transferred to the district court and restoration to competency. If a defendant is restored to competency in a case that was transferred to the district court under Rules 6-507.1, 7-507.1, or 8-507.1 NMRA, the district court shall remand the case to the originating court within two (2) days of the finding of competency.

Comment: It is recommended to include the metropolitan rule as cases are also transferred to the district court following a finding of incompetency under 7-507.1(C)(5) NMRA.

F. Finding of dangerousness

(4)(a) If the court finds the defendant ~~[competent]~~ is restored to competency, the court shall set the matter for trial or, in a case transferred to the district court under Rules 6-507.1, 7-507.1 or 8-507.1, remand the case within two (2) days to the originating court. The court may order continued care or treatment until the conclusion of the criminal proceedings if the defendant is in need of continued care or treatment and the Department agrees to continue to provide it.

Comment: It is recommended to include the metropolitan rule as cases are also transferred to the district court following a finding of incompetency under 7-507.1(C)(5) NMRA.

H. Criminal commitment; hearing. If the court determines that there is not a substantial probability that a defendant charged with an offense set forth in ~~[Subparagraph (G)(1) of this rule is not likely to attain]~~ NMSA 1978, Sections 32A31-9-1.4(A) (or 32A31-9-1.5(A) will be restored to competency within nine (9) months of the original finding of incompetency, the court shall hold a commitment hearing to determine whether there is clear and convincing evidence ~~[that]~~ of the [defendant] defendant's guilt if the defendant is charged with one of the enumerated charges outlined in Section 31-9-1.5(A) [committed the criminal act charged]. The court shall decide the issue without a jury, and may admit hearsay or affidavit evidence on secondary matters as permitted by law.

Comment: It is recommended to correct the statute citation to conform to the competency statute.

9-210. Warrant for arrest.

9-212. Bench Warrant.

Comment: It is recommended to include extradition language in 9-210 and to retain the extradition language in 9-212, as it needs to be clear, whether extradition is sought and how the extradition is being authorized. The topic of extradition—and ensuring only defendants that the state intends to prosecute be extradited—has come up in the Second as a concern from the Bernalillo County Sherriff's Office on numerous occasions.

Extradition information:

The State will extradite the defendant:

(check and complete)

[] from any contiguous state

[] from anywhere in the continental United States

[] from any other State

[] from anywhere

Prosecuting attorney: _____

By: _____

Date: _____

Originating officer _____

Originating agency _____

Rule 11-515 U Visa, T Visa, VAWA Self-Petition, and Cancellation of Removal Application Privilege.

Comment: It is recommended to make the rule more expansive and explicit consistent with Ramirez v. Marsh, 2025-NMSC-050, to clarify and explain that the fact of an application for U/T Visa and VAWA self-petition is not privileged and to clarify the acceptable parameters for cross examination related to the information obtained regarding U/T Visa and VAWA self-petition, if any.

Rules 5-111, 5-117, 5-506, 22-201, 22-206, 22-301, 22-302 and 22-303 and withdrawal of Rule 1-092.

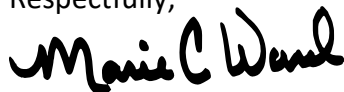
Comment: The Second Judicial District Court supports the recommendations/comments submitted by the Judicial Technology Council concerning proposed amendments pursuant to its letter of March 5, 2026 and recommends consistency as applied to Children and Criminal Rules of Procedure.

Rule 10-312, Filing of petition; amendment of petition; appointment of guardian ad litem or attorney.

Comment: The Second Judicial District supports the proposed changes to Rule 10-312.

The Second Judicial District Court greatly appreciates the work of the Supreme Court and the Committees in drafting the proposed rule amendments. The Second Judicial District Court is grateful for the opportunity to provide public comment. Thank you for your consideration.

Respectfully,



Marie C. Ward

Chief Judge

Second Judicial District Court



New Mexico Courts

Alyssa Segura <supams@nmcourts.gov>

[rules.supremecourt-grp] Open for Comment Form submitted on Supreme Court

1 message

Supreme Court <noreply@nmcourts.gov>

Wed, Apr 1, 2026 at 2:46 PM

Reply-To: noreply@nmcourts.gov

To: rules.supremecourt@nmcourts.gov

Name Board Governing the Recording of Judicial Proceedings

aka CCR Board Chair, Steven P. Archibeque

Phone Number (505) 269-2669


Email ccr@ccrboard.com

Proposal Number RCR S-1-RCE-2025-00139

Comment Please see the following uploaded documents: Letter to NMSC from CCR Board 040126, Chart of Rules & Comments, and Comments-2

File Upload <https://supremecourt.nmcourts.gov/wp-content/uploads/sites/2/formidable/6/Letter-to-NMSC-from-CCR-Board-Chair-040126.pdf>
<https://supremecourt.nmcourts.gov/wp-content/uploads/sites/2/formidable/6/CHART-OF-RULES-COMMENTS-to-Civil-Rules-Committee-RCR-S-1-RCE-2025-00139.docx>
<https://supremecourt.nmcourts.gov/wp-content/uploads/sites/2/formidable/6/COMMENTS-2.docx>

3 attachments

 **Letter-to-NMSC-from-CCR-Board-Chair-040126.pdf**
193K

 **CHART-OF-RULES-COMMENTS-to-Civil-Rules-Committee-RCR-S-1-RCE-2025-00139.docx**
2108K

 **COMMENTS-2.docx**
2088K



THE BOARD GOVERNING THE RECORDING
OF JUDICIAL PROCEEDINGS

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Albuquerque, NM 87193-5157
(505) 269-2669
ccr@ccrboard.com

April 1, 2026

Chief Justice David K. Thomson
% Elizabeth A. Garcia, Chief Clerk
New Mexico Supreme Court
237 Don Gaspar Avenue
Santa Fe, New Mexico 87501

Re: Comments of the Board Governing the Recording of Judicial Proceedings to Rule Change Request [RCR S-1-RCR-2025-00139] Submitted by the Rules of Civil Procedure Committee

Dear Chief Justice Thomson:

The Board Governing the Recording of Judicial Proceedings respectfully submits these comments in response to the Court's request for comment regarding the rule change request submitted by the Rules of Civil Procedure for State Courts Committee concerning the recording of judicial proceedings and the use of speech-to-text technology.

The Board appreciates the opportunity to provide input on this important matter. The creation, preservation, and certification of the official court record are essential components of the administration of justice and are matters directly governed by the Rules Governing the Recording of Judicial Proceedings.

The Board notes that it was not consulted by the Rules of Civil Procedure Committee during the drafting of the committee's proposed rule amendments. Because the Board is the body charged by the Court with regulating the professionals responsible for creating the official court record—including certified court reporters and certified court monitors—the Board believes that any rule amendments affecting the recording or transcription of judicial proceedings should be developed with the Board's expertise and regulatory responsibilities in mind.

After reviewing the committee's proposals and the issues they raise, the Board undertook a comprehensive review of the Rules Governing the Recording of Judicial Proceedings. In doing so, the Board worked to draft amendments that both protect the integrity of the official court record and modernize the rules to conform with changing technology used in today's courts. The full set of the Board's amendments will be submitted to the Supreme Court after our comments are made to the committee's proposed rules changes.

The Board's proposed amendments are guided by two fundamental principles:

- (1) the official court record must remain accurate, reliable, and subject to professional verification; and
- (2) the rules governing the recording of judicial proceedings should reflect modern recording technologies while maintaining appropriate safeguards for the accuracy of transcripts used in appellate review.

The proposed amendments modernize the Rules Governing the Recording of Judicial Proceedings to incorporate digital reporting practices, regulate AI-assisted transcript preparation, clarify certification requirements, standardize record retention procedures, and ensure preservation of the integrity of the official court record. The amendments align administrative practices with current technology while maintaining professional accountability and Supreme Court oversight.

In reviewing the proposal submitted by the Rules of Civil Procedure for the State Courts Committee, the Board also considered the increasing use of speech-to-text and automated transcription technologies in court proceedings. While the Board recognizes that such technologies may assist in transcript preparation, automated transcription systems are not designed to independently produce a reliable verbatim record of complex courtroom proceedings involving multiple speakers, legal terminology, and rapid exchanges between participants. Transcription errors that appear accurate may never be detected and may form the basis of appellate decisions.

For that reason, the Board's proposed amendments clarify that automated transcription technologies may be used as assistive drafting tools but may not independently produce the official transcript without professional review and certification. This approach allows courts to utilize modern technology while preserving the reliability of the appellate record.

The Board agrees with the Committee that maintaining vendor-neutral language ensures that the rules remain flexible and applicable regardless of the specific recording technology implemented by the judiciary in the future and drafted its proposed rules accordingly.

The Board also proposes the creation of a distinct licensure designation for digital reporters. At present, individuals performing digital reporting functions are operating in New Mexico without a specific licensing framework governing their qualifications, training, or professional accountability. Establishing a digital reporter license ensures that all individuals responsible for creating the official court record—regardless of the method used—are subject to uniform standards, oversight, and discipline by the Court. In addition, licensed digital reporters may expand the pool of qualified transcriptionists available for proceedings that are recorded by audio, thereby supporting the timely preparation of transcripts. This license framework protects the integrity of the record, promotes consistency across proceedings, and closes an existing regulatory gap while accommodating the judiciary's increasing reliance on digital recording practices.

For these reasons, the Board respectfully submits its comments to the Rules of Civil Procedure for State Courts Committee's proposed rules changes. The Board appreciates the Court's consideration

of these comments and would welcome the opportunity to provide any additional information that may assist the Court in evaluating the competing proposals.

Respectfully submitted,

Board Governing the Recording of Judicial Proceedings

By: 
Steven P. Archibeque
Chair

BOARD GOVERNING THE RECORDING OF JUDICIAL PROCEEDINGS' COMMENTS TO RULES OF CIVIL PROCEDURE FOR STATE COURTS COMMITTEE'S RULE CHANGE REQUEST [RCR S-1-RCE-2025-00139]

Current Rule	Committee's Proposed	Committee's Comments	Board's Proposed	Board's Comments
<p>22-101. Scope; definitions; title.</p> <p>A. Scope.</p> <p>(1) The examination, certification, supervision, conduct, and proficiency of court reporters and court monitors engaging in court reporting or monitoring services are matters that are integrally related to the effective, impartial, and prompt operation of the judicial branch of the State of New Mexico and are hereby made subject to regulation by rule of the Supreme Court.</p> <p>(2) Except as provided by the Rules of Appellate Procedure, Rules of Civil Procedure for the District Courts, Rules of Criminal Procedure for the District Courts, Rules of Criminal</p>	<p>22-101. Scope; definitions; title.</p> <p>A. Scope.</p> <p>(1) The examination, certification, supervision, conduct, and proficiency of court reporters and court monitors engaging in court reporting or monitoring services are matters that are integrally related to the effective, impartial, and prompt operation of the judicial branch of the State of New Mexico and are hereby made subject to regulation by rule of the Supreme Court.</p> <p>(2) Except as provided by the Rules of Appellate Procedure, Rules of Civil Procedure for the District Courts, Rules of Criminal Procedure for the District Courts, Children's Court Rules, the Rules of</p>	<p>Rule 22-101. The Committee primarily cleaned up Rule 22-101. The Committee recommends removing Subsection (A)(3) that requires review on a periodic basis, not less than three years. The Committee revised the definition of "certified court monitor," to remove "court monitor" from the definition (because court monitor is separately defined and different), and included "audio" in the definition to explain the court monitor's role more precisely.</p>	<p>The Board's proposed revisions to Rule 22-101 (15):</p> <p>(a) Revised to better reflect the technological advances in stenographic court reporter software. Court reporters translate their "notes" through software that converts the stenographic notes to a transcript format.</p> <p>(c) Revised to specify the "record" is made by a certified court monitor or certified digital reporter using a court-approved system.</p> <p>[NEW MATERIAL] (d) Added to include audio recordings that are transcribed by a certified digital reporter;</p> <p>[NEW MATERIAL] (e) Added to ensure that only licensed and certified professionals may create or certify transcripts of judicial proceedings.</p>	<p>Rule 22-101. The Board does not believe The Committee's requested revisions sufficiently address the need to modernize the regulatory framework governing the recording of judicial proceedings in New Mexico. The Board's proposed changes (see below) formally recognize certified digital reporters, [NEW MATERIAL](10), as a regulated professional category subject to Supreme Court authority, alongside certified court reporters and certified court monitors. Adding the certification and definition of "certified digital reporter" will distinguish this type of reporter from a certified court reporter or certified court monitor. Digital reporters are currently reporting judicial proceedings/depositions via audio recording and producing transcripts in the freelance field but are not licensed or regulated</p>

<p>Procedure for the District Courts, Children's Court Rules, the Rules of Civil Procedure for the Metropolitan Court or the Rules of Criminal Procedure for the Metropolitan Court, these rules govern transcripts and the recording of judicial proceedings by any and all means whatsoever. If a deposition taken under the rules of procedure for a court listed in this subparagraph is to be taken by stenographic means, the person taking the deposition shall be a certified court reporter as provided in these rules.</p> <p>(3) These rules shall be reviewed on a periodic basis not to exceed three (3) years.</p> <p>B. Definitions. As used in these rules:</p> <p>(1) "board" means the Board Governing the Recording of Judicial Proceedings;</p> <p>(2) "censure" means to publicly reprimand a certified court reporter or certified court monitor, with or without conditions reasonably related to the grounds for censure for</p>	<p>Civil Procedure for the Metropolitan Court or the Rules of Criminal Procedure for the Metropolitan Court, these rules govern transcripts and the recording of judicial proceedings by any and all means whatsoever. If a deposition taken under the rules of procedure for a court listed in this subparagraph is to be taken by stenographic means, the person taking the deposition shall be a certified court reporter as provided in these rules.</p> <p>[(3) These rules shall be reviewed on a periodic basis not to exceed three (3) years.]</p> <p>B. Definitions. As used in these rules:</p> <p>(1) "board" means the Board Governing the Recording of Judicial Proceedings;</p> <p>(2) "censure" means to publicly reprimand a certified court reporter or certified court monitor, with or without conditions reasonably related to the grounds for censure for conduct found to be in violation of</p>		<p>[NEW MATERIAL] (16) Added to clarify definition of "Transcript," which is to be created by certified court reporters, certified court monitors, or certified digital reporters.</p> <p>[NEW MATERIAL](17) Adding the definition of "Remote Judicial Proceedings" recognizes remote judicial proceedings and updates terminology to reflect current digital recording practices.</p> <p>Since adding new rules and definitions, the numbering is also edited accordingly.</p> <p>Collectively, these changes enhance accuracy, accountability, and the integrity of the official court record while aligning the rule with modern reporting technology.</p> <p>Board's Proposed Rule 22-101. Scope; definitions; title.</p> <p>A. Scope.</p> <p>(1) The examination, certification, supervision, conduct and proficiency of court reporters, court monitors, <u>and digital reporters</u> engaging in court reporting, or monitoring services are matters that are integrally related to the effective, impartial and prompt operation of the</p>	<p>by the Board. Regulation of all court reporters, court monitors, and digital reporters is necessary to protect the safety and integrity of the record.</p> <p>The Board's proposed amendments to Rule 22-101(15) also clarify the definition of the official court record and ensure that only licensed and certified professionals may create or certify transcripts of judicial proceedings. These proposed amendments distinguish certified transcripts from automated or AI-generated transcription, which may be used as drafting tools but may not constitute the official record unless certified pursuant to the rule.</p> <p>The Board's proposed revisions to Rule 22-101 (15):</p> <p>(a) Revised to better reflect the technological advances in stenographic court reporter software. Court reporters translate their "notes" through software that converts the stenographic notes to a transcript format.</p> <p>(c) Revised to specify the "record" is made by a certified court monitor or certified digital</p>
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<p>conduct found to be in violation of Rule 22-605 NMRA;</p> <p>(3) “certified court monitor” or “court monitor” means a person holding a certificate issued by the board to engage in the recording of judicial proceedings in this state;</p> <p>(4) “certified court reporter” means a person holding a certificate issued by the board to engage in the reporting of judicial proceedings in this state and includes any firm licensed under Rule 22-202 NMRA;</p> <p>(5) “certification” means licensing by the board for a court reporter, court monitor, or firm to engage in the reporting or recording of judicial proceedings in this state under the Rules Governing the Recording of Judicial Proceedings;</p> <p>(6) “court monitor” means a person who records judicial proceedings by audio recording;</p> <p>(7) “court reporter”</p>	<p>Rule 22-605 NMRA;</p> <p>(3) “certified court monitor” [or “court monitor”] means a person holding a certificate issued by the board to engage in the audio recording of judicial proceedings in this state;</p> <p>4(4) “certified court reporter” means a person holding a certificate issued by the board to engage in the reporting of judicial proceedings in this state and includes any firm licensed under Rule 22-202 NMRA;</p> <p>(5) “certification” means licensing by the board for a court reporter, court monitor, or firm to engage in the reporting or recording of judicial proceedings in this state under the Rules Governing the Recording of Judicial Proceedings;</p> <p>(6) “court monitor” means a person who records judicial proceedings by audio recording;</p> <p>(7) “court reporter” means a person who engages in verbatim shorthand reporting using machine shorthand;</p> <p>(8) “court reporting</p>		<p>judicial branch of the State of New Mexico and are hereby made subject to regulation by rule of the Supreme Court.</p> <p>(2) Except as provided by the Rules of Appellate Procedure, Rules of Civil Procedure for the District Courts, Rules of Criminal Procedure for the District Courts, Children’s Court Rules, the Rules of Civil Procedure for the Metropolitan Court or the Rules of Criminal Procedure for the Metropolitan Court, these rules govern transcripts and the recording of judicial proceedings by any and all means whatsoever. If a deposition taken under the rules of procedure for a court listed in this subparagraph is to be taken by stenographic means, the person taking the deposition shall be a certified court reporter as provided in these rules.</p> <p>(3) These rules shall be reviewed on a periodic basis [not to exceed three (3) years].</p> <p>B. Definitions. As used in these rules:</p> <p>(1) “board” means the Board Governing the Recording of Judicial Proceedings;</p>	<p>reporter using a court-approved system.</p> <p>[NEW MATERIAL] (d) Added to include audio recordings that are transcribed by a certified digital reporter;</p> <p>[NEW MATERIAL] (e) Added to ensure that only licensed and certified professionals may create or certify transcripts of judicial proceedings.</p> <p>[NEW MATERIAL] (16) Added to clarify definition of “Transcript,” which is to be created by certified court reporters, certified court monitors, or certified digital reporters.</p> <p>[NEW MATERIAL](17) Adding the definition of “Remote Judicial Proceedings” recognizes remote judicial proceedings and updates terminology to reflect current digital recording practices.</p> <p>Since adding new rules and definitions, the numbering is also edited accordingly.</p> <p>Collectively, these changes enhance accuracy, accountability, and the integrity of the official court record</p>
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<p>means a person who engages in verbatim shorthand reporting using machine shorthand;</p> <p>(8) “court reporting services” means providing verbatim shorthand recording in judicial proceedings using machine shorthand. “Court reporting services” shall not include services performed in the taking of depositions or statements by audio or audio-visual recording;</p> <p>(9) “firm” means, but is not limited to, a limited liability company, corporation, association, or other organization engaged in the practice of court reporting services in this state;</p> <p>(10) “judicial proceedings” includes any court proceedings, depositions, and sworn statements in which a certified court reporter acts under the certified court reporter’s New Mexico certification, but specifically excludes appellate court, Judicial Standards Commission, Disciplinary Board, magistrate court, municipal court, or probate</p>	<p>services” means providing verbatim shorthand recording in judicial proceedings using machine shorthand. “Court reporting services” shall not include services performed in the taking of depositions or statements by audio or audio-visual recording;</p> <p>(9) “firm” means, but is not limited to, a limited liability company, corporation, association, or other organization engaged in the practice of court reporting services in this state;</p> <p>(10) “judicial proceedings” includes any court proceedings, depositions, and sworn statements in which a certified court monitor or a certified court reporter acts under their [certified court reporter’s] New Mexico certification, but specifically excludes appellate court, Judicial Standards Commission, Disciplinary Board, magistrate court, municipal court, or probate court proceedings;</p> <p>(11) “official court reporter” is a certified court reporter</p>		<p>(2) “censure” means to publicly reprimand a certified court reporter [or], certified court monitor, <u>or certified digital reporter</u>, with or without conditions reasonably related to the grounds for censure for conduct found to be in violation of Rule 22-605 NMRA;</p> <p>(3) “certified court monitor” [or “court monitor”] means a person holding a certificate issued by the board to engage in the <u>audio</u> recording of judicial proceedings in this state;</p> <p>(4) “certified court reporter” means a person holding a certificate issued by the board to engage in the <u>verbatim shorthand</u> reporting of judicial proceedings in this state and includes any firm licensed under Rule 22-202 NMRA;</p> <p><u>[NEW MATERIAL] (5)</u> <u>“certified digital reporter” means a person holding a certificate issued by the board to engage in the audio recording and/or transcription of judicial proceedings in this state;</u></p> <p>[(5)] (6) “certification” means licensing by the board for a court reporter, court monitor, <u>digital reporter</u>, or firm to engage in the reporting or recording of judicial proceedings in this state</p>	<p>while aligning the rule with modern reporting technology.</p>
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<p>court proceedings;</p> <p>(11) “official court reporter” is a certified court reporter who is employed by New Mexico under the judicial personnel plan and entitled to certain benefits as a state employee under the provisions of Section 34-6-20 NMSA 1978 or who performs services for the judicial branch under a standardized contract approved by the Supreme Court;</p> <p>(12) “person” means, but is not limited to, any individual, firm, partnership, limited liability company, corporation, association, or other organization; and</p> <p>(13) “record” means</p> <p>(a) stenographic notes that must be transcribed when a record is required to be made;</p> <p>(b) a statement of facts stipulated to by the parties for purpose of review; or</p> <p>(c) any recording made by an audio recording device.</p> <p>C. Title. These rules may be</p>	<p>who is employed by New Mexico under the judicial personnel plan and entitled to certain benefits as a state employee under the provisions of Section 34-6-20 NMSA 1978 or who performs services for the judicial branch under a standardized contract approved by the Supreme Court;</p> <p>(12) “person” means, but is not limited to, any individual, firm, partnership, limited liability company, corporation, association, or other organization; and</p> <p>(13) “record” means</p> <p>(a) stenographic notes that must be transcribed when a record is required to be made;</p> <p>(b) a statement of facts stipulated to by the parties for purpose of review; or</p> <p>(c) any recording made by [an] the court’s audio recording device.</p> <p>Title. These rules may be cited as the “Rules Governing the Recording of Judicial C. Proceedings”.</p> <p>[Adopted, effective January 1, 1983; as amended, effective December 1, 1993;</p>		<p>pursuant to the Rules Governing the Recording of Judicial Proceedings;</p> <p>[(6)] (7) “court monitor” means a person who records judicial proceedings by audio recording;</p> <p>[(7)] (8) “court reporter” means a person who engages in verbatim shorthand reporting using machine shorthand;</p> <p>[(8)] (9) “court reporting services” means providing verbatim shorthand recording in judicial proceedings using machine shorthand or digital audio recording. “Court reporting services” shall not include services performed in the taking of depositions or statements by audio or audio-visual recording;</p> <p><u>[NEW MATERIAL] (10)</u></p> <p><u>“digital reporter” means a person who engages in the audio recording and/or transcription of judicial proceedings</u></p> <p>[(9)] (11) “firm” means, but is not limited to, a limited liability company, corporation, association, or other organization engaged in the practice of court reporting services in this state;</p>	
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<p>cited as the “Rules Governing the Recording of Judicial Proceedings”.</p> <p>[Adopted, effective January 1, 1983; as amended, effective December 1, 1993; February 16, 2004; as amended by Supreme Court Order No. 11-8300-047, effective January 27, 2012; as amended by Supreme Court Order No. 16-8300-027, effective December 31, 2016.]</p>	<p>February 16, 2004; as amended by Supreme Court Order No. 11-8300-047, effective January 27, 2012; as amended by Supreme Court Order No. 16-8300-027, effective December 31, 2016; as amended by Supreme Court Order No. _____, effective _____.]</p>		<p>[(10)] <u>(12)</u> “judicial proceedings” includes any court proceedings, depositions, and sworn statements in which a certified court reporter, <u>certified court monitor, or certified digital reporter</u> acts under [the certified court reporter’s] <u>their</u> New Mexico certification, but specifically excludes appellate court, Judicial Standards Commission, Disciplinary Board, magistrate court, municipal court, or probate court proceedings;</p> <p>[(11)] <u>(13)</u> “official court reporter” is a certified court reporter who is employed by New Mexico under the judicial personnel plan and entitled to certain benefits as a state employee under the provisions of Section 34-6-20 NMSA 1978 or who performs services for the judicial branch under a standardized contract approved by the Supreme Court;</p> <p>[(12)] <u>(14)</u> “person” means, but is not limited to, any individual, firm, partnership, limited liability company, corporation, association, or other organization; and</p> <p>[(13)] <u>(15)</u> “record” means:</p> <p>(a) [stenographic notes that must be transcribed when a record is required to be made;]</p>	
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			<p><u>Stenographically reported transcript of proceedings;</u></p> <p>(b) a statement of facts stipulated to by the parties for purpose of review; or</p> <p>(c) any recording made by [an audio recording device.] <u>a certified court monitor or certified digital reporter utilizing a court-approved audio recording system;</u></p> <p><u>[NEW MATERIAL] (d) any audio recording transcribed by a certified digital reporter;</u></p> <p><u>[NEW MATERIAL] (e) the official court record must be recorded by a certified court reporter, certified court monitor, or certified digital reporter.</u></p> <p><u>[NEW MATERIAL] (16)</u> <u>Transcript: A transcript is an official, word-for-word, verbatim, written record of every word spoken during a judicial proceeding, including trials, hearings, and depositions. Transcripts are created by a certified court reporter, certified digital reporter, or a certified court monitor.</u></p> <p><u>[NEW MATERIAL] (17)</u> <u>Remote Judicial Proceedings: A judicial proceeding conducted in whole or in part using telephonic or audio-visual</u></p>	
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			<p><u>communication technology approved by the court.</u></p> <p>C. Title. These rules may be cited as the “Rules Governing the Recording of Judicial Proceedings.” [Adopted, effective January 1, 1983; as amended, effective December 1, 1993; February 16, 2004; as amended by Supreme Court Order No. 11-8300-047, effective January 27, 2012; as amended by Supreme Court Order No. 16-8300-027, effective December 31, 2016; as amended by Supreme Court Order No. _____, effective _____.]</p>	
<p>22-201. Licensing of court reporters and monitors; power to administer oaths.</p> <p>A. Court reporters. Except as provided in Paragraph C of this rule, no person shall engage in court reporting services in this state unless such person is licensed as a New Mexico certified court reporter issued either by the New Mexico Supreme Court or by the Board Governing the Recording of Judicial Proceedings.</p> <p>B. Waiver of examination. Any applicant for a license as a</p>	<p>22-201. Licensing of court reporters and monitors; power to administer oaths.</p> <p>A. Court monitors and court reporters. [Except as provided in Paragraph C of this rule, no] No person shall engage in court monitoring or court reporting services in this state unless such person is licensed as a [New Mexico] certified court monitor or certified court reporter issued either by the [New Mexico] Supreme Court or by the [</p>	<p>Rule 22-201. The Committee's revision to Paragraph A reflects a stylistic change proposed throughout the rules included in this RCR: Because the default transcript (record) is the audio recording, the Committee placed "court monitors or" before court reporters. The changes to Paragraph A are more stylistic, other than removing the introduction referencing Paragraph C-since the default is now different. The change to Subparagraph C is to remove the third sentence regarding an audio recording</p>	<p>Board's Proposed Rule 22-201. Licensing of court reporters, court monitors, and digital reporters; power to administer oaths.</p> <p>A. Court reporters, court monitors, and digital reporters. [Except as provided in Paragraph C of this rule, no] No person shall engage in court reporting, <u>court monitoring, or digital</u> reporting services in this state unless such person is licensed as a New Mexico certified court reporter, <u>certified court monitor, or certified digital reporter</u> issued [either by the New Mexico Supreme Court or] by the</p>	<p>Rule 22-201. The Board does not believe The Committee's request to place “court monitors before “court reporters” is necessary. The Committee was incorrect in stating court reporters are only employed by one court in New Mexico. There are actually three courts in New Mexico that employ court reporters. These court reporters also serve and are licensed as court monitors.</p> <p>The Board's proposed amendments to Rule 22-201 (see below) clarify and modernize the licensing framework governing</p>

<p>certified court reporter may be granted a license by the board without an examination upon a showing that the court reporter is a holder of a valid National Court Reporters Association registered professional reporter certification.</p> <p>C. Court monitors. If a trial or hearing is recorded by an audio recording device, such proceedings shall be recorded by a court monitor who is certified as qualified by the Board Governing the Recording of Judicial Proceedings. In such cases, that recording shall serve as the transcript unless otherwise ordered by the court.</p> <p>D. Oath. Certified court reporters may administer oaths to witnesses in judicial proceedings anywhere in this state.</p> <p>[As amended, effective December 1, 1993; March 15, 1995; February 16, 2004; as amended by Supreme Court Order No. 08-8300-050, effective December 31, 2008.]</p>	<p>Board Governing the Recording of Judicial Proceedings] board.</p> <p>5B. Waiver of examination. Any applicant for a license as a certified court reporter may be granted a license by the board without an examination upon a showing that the court reporter is a holder of a valid National Court Reporters Association registered professional reporter certification.</p> <p>C. Court monitors. If a trial or hearing is recorded by an audio recording device, such proceedings shall be recorded by a certified court monitor[who is certified as qualified by the Board Governing the Recording of Judicial Proceedings. In such cases, that recording shall serve as the transcript unless otherwise ordered by the court].</p> <p>D. Oath. Certified court reporters may administer oaths to witnesses in judicial proceedings anywhere in this state.</p> <p>[As amended, effective December 1, 1993; March 15, 1995; February 16, 2004;</p>	<p>serving as the transcript, which is now captured in the revisions to Rule 22-301.</p>	<p>[Board Governing the Recording of Judicial Proceedings] the Board.</p> <p>B. Waiver of Examination Court Reporter. Any applicant for a license as a certified court reporter may be granted a license by the board without an examination upon [a] showing that the court reporter is a holder of a valid National Court Reporters Association registered professional reporter certification.</p> <p>C. Court monitors/digital reporters. If a trial or hearing is recorded by an audio recording device, such proceedings shall be recorded by a court monitor <u>or digital reporter</u> who is certified as qualified by the Board Governing the Recording of Judicial Proceedings. In such cases, that recording shall serve as the [transcript] <u>official record</u> unless otherwise ordered by the court.</p> <p>[NEW MATERIAL] D. Waiver of Examination Digital Reporter. Any applicant for a license as a certified digital reporter may be granted licensure without examination upon showing that the digital reporter is a holder of a valid American Association of Electronic Reporters and Transcribers Certified Electronic Reporter (CER) or Certified Electronic Transcriber (CET) certification.</p>	<p>individuals who create or record the official court record in New Mexico. The rule expressly requires New Mexico certification for any person engaging in court reporting, court monitoring, or digital reporting services, ensuring uniform regulatory authority under the Board Governing the Recording of Judicial Proceedings.</p> <p>The amendments formally recognize certified digital reporters as a regulated professional category and establish nationally recognized examination-waiver pathways for stenographic reporters (NCRA RPR) and digital reporters (AAERT CER/CET). This approach promotes professional competency while avoiding duplicative testing.</p> <p>The rule further clarifies that audio-recorded proceedings must be recorded by a certified court monitor or certified digital reporter and extends oath-administration authority to all certified reporting professionals.</p> <p>The Board's Proposed Rule 22-201 [NEW MATERIAL] (D) Allowing waiver of examination by way of the National AAERT certification allows New Mexico to regulate digital reporters and utilize their services for</p>
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	<p>as amended by Supreme Court Order No. 08-8300-050, effective December 31, 2008; as amended by Supreme Court Order No. _____, effective _____.]</p>		<p>[D.] <u>E. Certified court reporters, certified court monitors, and certified digital reporters</u> may administer oaths to witnesses in judicial proceedings anywhere in this state.</p> <p>[As amended, effective December 1, 1993; March 15, 1995; February 16, 2004; as amended by Supreme Court Order No. 08-8300-050, effective December 31, 2008; as amended by Supreme Court Order No. _____, effective _____.]</p>	<p>recording/transcription of judicial proceedings. Digital reporters are currently working in New Mexico unlicensed. At this time, the Board has no regulatory authority over digital reporters when complaints arise about the quality of transcripts produced by uncertified digital reporters. Allowing for a certified digital reporter license would help improve the quality of the transcripts and services. Also, digital reporters would be a valuable asset for transcribing audio from court proceedings. UNM has a digital reporter program which includes training on recording and transcription.</p> <p>Collectively, these amendments promote regulatory consistency, professional accountability, and protection of the integrity of the official court record.</p>
<p>22-206. Official court reporters and court monitors; appointment; duties; records; termination of contract.</p> <p>A. Appointment. Subject to Rule 22-301 NMRA, each district court may appoint official court reporters or court monitors. The Supreme Court</p>	<p>22-206. Official court monitors and court reporters[and court monitors]; appointment; duties; records; termination of contract.</p> <p>A. Appointment. [Subject to Rule 22-301 NMRA, each]Each district court may appoint official court monitors or official court</p>	<p>Rule 22-206. The Committee recommends revising Rule 22-206 consistent with the approach of this RCR - to reflect the current dominant practice in judicial districts that court monitors and their audio recordings are the default transcription method for judicial proceedings. To accomplish this,</p>	<p>The Board's Proposed Rule 22-206. Official court reporters [and], court monitors and digital reporters; appointment; duties; records; termination of contract.</p> <p>A. Appointment. Subject to Rule 22-301 NMRA, each district court may appoint official court reporters</p>	<p>The Board's Proposed Rule 22-206 formally incorporates digital reporters into district court operations, clarifies supervision structures, modernizes electronic record retention requirements, and aligns record management with current digital practices.</p>

<p>or the district court may, by order, approve pooling by reporters and monitors within a judicial district under the supervision of a managing reporter who shall be responsible for supervision of the court reporters and court monitors within the district. A contract reporter shall not serve as a managing reporter.</p> <p>B. Court monitor duties. Official court reporters may also serve as court monitors and record judicial proceedings in those cases in which an audio recording is permitted and shall comply with all court rules and directions and all board-approved manuals in preparing the tape or audio logs.</p> <p>C. Office. The official court reporter or court monitor shall be provided with the office space, equipment and supplies necessary for the reporting or recording of judicial proceedings as well as the necessary equipment for transcription of the judicial proceedings. The use of state-owned equipment and supplies and state-employed personnel for free-lance reporting or recording is prohibited.</p> <p>The provision of necessary office space, equipment and</p>	<p>reporters[or court monitors]. The Supreme Court</p> <p>or the district court may, by order, approve pooling by court monitors and court reporters[and monitors] within a judicial district under the supervision of a managing court monitor or managing court reporter who shall be responsible for supervision of the court monitors and court reporters[and court monitors] within the district. [A] Neither a contract court monitor nor a contract court reporter shall [not] serve as a managing court monitor or managing court reporter.</p> <p>B. Court monitor duties. Official court reporters may also serve as official court monitors [and record judicial proceedings in those cases in which an audio recording is permitted] and shall comply with all court rules and directions and all board-approved manuals in preparing the [tape or] audio logs.</p> <p>C. Office. The official court monitor or official court reporter[or court monitor]</p>	<p>the Committee recommends revisions to Rule 22-206 that remove the qualifiers for court monitor recordings and use court monitor as the first default throughout the rule. The Committee also recommends revising Paragraphs D and E to reflect current storage practices and media (removing references to tapes and CDs. Finally, at the end of Paragraph D, the Committee proposes revising the rule so that the maintenance and, in particular, the destruction of the records are handled in the manner prescribed by the judicial district, rather than the Administrative Office of the Courts.</p>	<p>[or], court monitors, <u>and digital reporters</u>. The Supreme Court or the district court may, by order, approve pooling [by] <u>of court reporters, court monitors, or digital reporters</u> within a judicial district under the supervision of a [managing reporter] <u>manager</u> who shall be responsible for supervision of the court reporters [and], <u>court monitors, and digital reporters</u> within the district. [A contract reporter shall not serve as a managing reporter.]</p> <p>B. Court monitor duties. Official court reporters may also serve as court monitors and record judicial proceedings in those cases in which an audio recording is permitted and shall comply with all court rules and board-approved manuals [in preparing the tape or audio logs].</p> <p>C. Office. The official court reporter [or] <u>court monitor, or digital reporter</u> shall be provided with office space, equipment and supplies necessary for reporting or recording of judicial proceedings as well as the necessary equipment for transcription of the judicial proceedings. The use of state-owned equipment and supplies and state-employed personnel for [free-lance] <u>freelance</u> reporting is prohibited.</p> <p>The provision of necessary office space, equipment and supplies shall be subject to <u>a</u> standardized</p>	
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<p>supplies shall be subject to standardized contract approved by the Supreme Court with official court reporters who perform services under contract.</p> <p>D. Records. If stenographic notes, computer or audio tapes or other audio recordings containing the record of judicial proceedings and evidence taken by an official court reporter or court monitor are to be transcribed, a copy of the record, in American Standard Code of Information Interchange ("ASCII") format, shall be filed with the court clerk of the court in which the proceeding is docketed. The record shall be stored on a compact disc capable of being read or accessed on a CD-ROM which meets ISO 9660 standards or on other data storage media used by the courts. Video tapes filed with the court shall be in a format used by the courts. The maintenance, storage, distribution and reproduction of such notes, tapes, records, disks, discs and documents, including all exhibits and other evidence, shall be handled in the manner prescribed by the Administrative Office of the Courts. Disposition of such records shall be in accordance with the disposition schedules approved by the records retention and disposition</p>	<p>shall be provided with the office space, equipment and supplies necessary for the reporting or recording of judicial proceedings as well as the necessary equipment for transcription of the judicial proceedings. The use of state-owned equipment and supplies and state-employed personnel for free-lance reporting or recording is prohibited. The provision of necessary office space, equipment and supplies shall be subject to standardized contract approved by the Supreme Court with official court monitors and official court reporters who perform services under contract.</p> <p>D. Records. If stenographic notes[, computer or audio tapes] or [other] audio recordings containing the record of judicial proceedings and evidence taken by an official court monitor or official court reporter[or court monitor] are to be transcribed, a copy of the record, in American Standard Code of</p>		<p>contract approved by the Supreme Court with official court reporters, <u>court monitors, or digital reporters</u> who perform services under contract.</p> <p>E. Termination of employment. Official reporters leaving employment with the district court are to have all stenographic or electronic [notes] <u>files</u> [numerically logged] <u>electronically stored</u> by date and deposited with the court clerk on the server prior to leaving. [Court monitors leaving employment with the district court are to have all audio recordings and logs bound by date and deposited with the court clerk prior to leaving. All district court cases stenographically taken are to be stored on disks or on other data storage media used by the courts and filed with the district court clerk before departure. An ASCII backup of the reporter's dictionary shall be electronically stored with the district court clerk.]</p> <p>All [disks,] electronic stenographic [notes] <u>files</u> and [tapes or other] recordings of district court cases are the property of the district court.</p> <p>Upon termination from district court employment, the <u>court reporter</u> [or monitor] shall leave a current telephone number [and], address, <u>and email address</u> with the</p>	
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<p>schedule approved by the Supreme Court.</p> <p>E. Termination of employment. Official reporters leaving employment with the district court are to have all stenographic or electronic notes numerically logged by date and deposited with the court clerk prior to leaving. Court monitors leaving employment with the district court are to have all audio recordings and logs bound by date and deposited with the court clerk prior to leaving. All district court cases stenographically taken are to be stored on disks or on other data storage media used by the courts and filed with the district court clerk before departure. An ASCII backup of the reporter's dictionary shall be stored with the district court clerk.</p> <p>All disks, stenographic notes and tapes or other recordings of district court cases are the property of the district court.</p> <p>Upon termination from district court employment, the reporter or monitor shall leave a current telephone number and address with the district court clerk and the court administrator. It is the reporter's or monitor's responsibility to inform the</p>	<p>("ASCII") format, shall be filed with the court clerk of the court in which the proceeding is docketed. The audio record shall be stored on[a compact disc capable of being read or accessed on a CD-ROM which meets ISO 9660 standards or on other] data storage media used by the courts. Video recordings [tapes] filed with the court shall be in a format used by the courts. The maintenance, storage, distribution and reproduction of such notes, [tapes,] records, [disks, discs] and documents, including all exhibits and other evidence, shall be handled in the manner prescribed by the judicial district[the Administrative Office of the Courts]. Disposition of such records shall be in accordance with the disposition schedules approved by the records retention and disposition schedule approved by the Supreme Court.</p> <p>E. Termination of employment. Official court</p>		<p>district court clerk and the court administrator. It is the <u>court</u> reporter's [or monitor's] responsibility to inform the district court clerk of changes [of address or telephone number] <u>to contact information</u>. Arrangements for transcript production by reporters no longer employed with district court shall be made through the district court clerk.</p> <p>When the <u>court</u> reporter is unavailable, the court administrator shall make arrangements for production of the transcripts pursuant to the Rules of Appellate Procedure.</p> <p>Transcripts produced after termination of employment shall be produced at the prevailing compensatory rate set by these rules.</p> <p>F. Other duties. Any time that an official court reporter [or], court monitor, <u>or digital reporter</u> is not required to take proceedings, or prepare transcripts of official judicial proceedings in indigent cases or for court use, or other specific duties assigned by the chief judge, presiding judge, court administrator or [managing reporter] <u>manager</u>, the court reporter [or], court monitor, <u>or digital reporter</u> may be assigned other court duties as required by Section 34-6-20 NMSA 1978, unless the <u>court</u> reporter [or], court monitor, <u>or digital</u></p>	
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<p>district court clerk of changes of address or telephone number. Arrangements for transcript production by reporters no longer employed with district court shall be made through the district court clerk.</p> <p>When the reporter is unavailable, the court administrator shall make arrangements for production of the transcripts pursuant to the Rules of Appellate Procedure.</p> <p>Transcripts produced after termination of employment shall be produced at the prevailing compensatory rate set by these rules.</p> <p>F. Other duties. Any time that an official court reporter or court monitor is not required to take proceedings, or prepare transcripts of official judicial proceedings in indigent cases or for court use, or other specific duties assigned by the chief judge, presiding judge, court administrator or managing reporter, the court reporter or court monitor may be assigned other court duties as required by Section 34-6-20 NMSA 1978, unless the reporter or court monitor has been granted approved leave. The chief judge, presiding judge, court administrator or</p>	<p>reporters leaving employment with the district court are to have all stenographic or electronic notes numerically logged by date and deposited with the court clerk prior to leaving. Official court[Court] monitors leaving employment with the district court are to have all audio recordings and logs bound by date and deposited with the court clerk prior to leaving. All district court cases stenographically taken are to be stored on [disks or on other] data storage media used by the courts and filed with the district court clerk before departure. An ASCII backup of the reporter's dictionary shall be stored with the district court clerk. All [disks,] stenographic notes and [tapes or other] recordings of district court cases are the property of the district court. Upon termination from district court employment, the court monitor or court reporter[or monitor] shall leave a</p>		<p>reporter has been granted approved leave. The chief judge, presiding judge, court administrator or [managing reporter] <u>manager</u> of the district court shall have the authority to reassign temporarily the official court reporter [or], court monitor, <u>or digital reporter</u> within the judicial district to act as <u>court reporter</u> [or], court monitor, <u>or digital reporter</u> for another judge or to perform duties required by Subsection B of Section 34-6-20 NMSA 1978.</p> <p>G. Outside reporting. Subject to the licensing requirements of these rules, an official court reporter [or], court monitor, <u>or digital reporter</u> may engage in outside reporting or recording duties if the following criteria are met:</p> <p>(1) the chief judge, presiding judge, court administrator or [managing reporter] <u>manager</u> has given express authorization;</p> <p>(2) the court reporter's [or], court [monitor] <u>monitor's</u> <u>or digital reporter's</u> official work is caught up and no transcripts are being prepared in which an extension of time has been granted by any court; and</p>	
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<p>managing reporter of the district court shall have the authority to reassign temporarily the official court reporter or court monitor within the judicial district to act as reporter or monitor for another judge or to perform duties required by Subsection B of Section 34-6-20 NMSA 1978.</p> <p>G. Outside reporting. Subject to the licensing requirements of these rules, an official court reporter or court monitor may engage in outside reporting or recording duties if the following criteria are met:</p> <p>(1) the chief judge, presiding judge, court administrator or managing reporter has given express authorization;</p> <p>(2) the reporter's or monitor's official work is caught up and no transcripts are being prepared in which an extension of time has been granted by any court; and</p> <p>(3) the reporter or monitor has been authorized to take annual leave during the time the outside work is scheduled unless:</p> <p>(a) the outside work is scheduled during hours that the court is not open for</p>	<p>current telephone number and address with the district court clerk and the court administrator. It is the court monitor's or court reporter's[or monitor's] responsibility to inform the district court clerk of changes of address or telephone number. Arrangements for transcript production by court reporters no longer employed with district court shall be made through the district court clerk.</p> <p>When the court monitor or court reporter is unavailable, the court administrator shall make arrangements for production of the transcripts pursuant to the Rules of Appellate Procedure.</p> <p>Transcripts produced after termination of employment shall be produced at the prevailing compensatory rate set by these rules.</p> <p>F. Other duties. Any time that an official court monitor or official court reporter[or court monitor] is not required to take proceedings, or prepare</p>		<p>(3) the <u>court reporter</u> [or], court monitor, <u>or digital reporter</u> has been authorized to take annual leave during the time the outside work is scheduled unless:</p> <p>(a) the outside work is scheduled during hours that the court is not open for business; or</p> <p>(b) the <u>court reporter</u> [or], court monitor, <u>or digital reporter</u> has been granted time off in compensation for overtime previously worked.</p> <p>[Adopted, effective January 1, 1983; as amended, effective December 1, 1993; February 16, 2004; as amended by Supreme Court Order No. _____, effective _____.]</p>	
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<p>business; or</p> <p>(b) the reporter or monitor has been granted time off in compensation for overtime previously worked.</p> <p>[Adopted, effective January 1, 1983; as amended, effective December 1, 1993; February 16, 2004.]</p>	<p>transcripts of official judicial proceedings in indigent cases or for court use, or other specific duties assigned by the chief judge, presiding judge, court administrator or managing reporter, the court monitor or court reporter[or court monitor] may be assigned other court duties as required by Section 34-6-20 NMSA 1978, unless the court monitor or court reporter[or court monitor] has been granted approved leave. The chief judge, presiding judge, court administrator or managing reporter of the district court shall have the authority to reassign temporarily the official court monitor or official court reporter[or court monitor] within the judicial district to act as a court monitor or court reporter[or monitor] for another judge or to perform duties required by Subsection B of Section 34-6-20 NMSA 1978.</p> <p>G. Outside reporting. Subject to the licensing requirements of these rules, an official</p>			
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	<p>court monitor or official court reporter[or court monitor] may engage in outside reporting or recording duties if the following criteria are met:</p> <p>(1) the chief judge, presiding judge, court administrator,[or] managing court monitor, or managing court reporter has given express authorization;</p> <p>(2) the court monitor's or court reporter's[or monitor's] official work is caught up and no transcripts are being prepared in which an extension of time has been granted by any court; and</p> <p>(3) the court monitor or court reporter[or monitor] has been authorized to take annual leave during the time the outside work is scheduled unless:</p> <p>(a) the outside work is scheduled during hours that the court is not open for business; or</p> <p>7(b) the court monitor or court reporter[or monitor] has been granted time off in compensation for overtime previously worked.</p> <p>[Adopted, effective January</p>			
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	<p>1, 1983; as amended, effective December 1, 1993; February 16, 2004; as amended by Supreme Court Order No. _____, effective _____.]</p>			
<p>22-301. Recording of judicial proceedings; transcripts.</p> <p>A. Certification. Transcripts of all judicial proceedings shall be signed and certified by a New Mexico certified court reporter or court monitor. The certified court reporter or court monitor who physically reports a judicial proceeding shall sign and include the court reporter's or court monitor's certification number on the original transcript of the judicial proceeding. The form of certification required is established by the Board Governing the Recording of Judicial Proceedings.</p> <p>B. Transcripts. Except as provided in these rules, certified court reporters shall stenographically report the record of judicial proceedings. If a transcript is requested or designated, a certified court reporter licensed by the board under Rule 22-202 NMRA shall transcribe, process, bill for, certify and deliver the record</p>	<p>22-301. Recording of judicial proceedings; transcripts.</p> <p>[A. Certification. Transcripts of all judicial proceedings shall be signed and certified by a New Mexico certified court reporter or court monitor. The certified court reporter or court monitor who physically reports a judicial proceeding shall sign and include the court reporter's or court monitor's certification number on the original transcript of the judicial proceeding. The form of certification required is established by the Board Governing the Recording of Judicial Proceedings.]</p> <p>[B.] A. Transcripts. The transcript is the audio recording of the judicial proceeding by a certified court monitor, unless a certified court</p>	<p>The Committee's Rule 22-301. As suggested above, this Rule is where the major change in this RCR is found. It changes the default transcript from stenographic reporting by certified court reporters to audio recording by certified court monitors. Because the primary goal of this RCR is to make clear that the court monitors' audio recordings are the transcripts, the Committee also switched Subsections A and B to place the certification after the transcript designation.</p>	<p>The Board's Proposed 22-301. Recording of Judicial Proceedings; transcripts.</p> <p>A. Certification. Transcripts of all judicial proceedings shall be signed and certified by a New Mexico certified court reporter or, court monitor, <u>or digital reporter</u>. The certified court reporter or, court monitor, <u>or digital reporter</u> who physically reports a judicial proceeding shall sign and include the court reporter's or, court monitor's, <u>or digital reporter's</u> certification number on the original transcript of the judicial proceeding. The form of certification required is established by the Board Governing the Recording of Judicial Proceedings.</p> <p>B. Transcripts. Except as provided in these rules, certified court reporters shall stenographically report the record of judicial proceedings. If a transcript is requested or designated, a certified court reporter licensed by the board under Rule 22-202 NMRA shall transcribe, process,</p>	<p>The Board believes Rule 22-301(A) Certification should not be deleted, as The Committee requests, taking into consideration the fact that judicial proceedings include any court proceeding, as well as depositions and sworn statements, which must be reported and/or transcribed by a certified court reporter or a certified court monitor. Distinction should be made between what constitutes the "official record" vs. an "official transcript." A recording is not a transcript.</p> <p>The Board's proposed amendments clarify transcript certification requirements and recognize digital recording systems operating under the supervision of certified professionals.</p> <p>The Board's proposed rule expressly distinguishes certified transcripts from AI-generated or speech-to-text drafts, which may not constitute the official record unless properly certified.</p>

<p>of all judicial proceedings, unless:</p> <p>(1) the district court has insufficient funds in its budget to pay for stenographic transcripts in indigent cases as determined by the chief judge; or</p> <p>(2) a certified court reporter is not available.</p> <p>If the district court does not have sufficient funds to pay for transcripts in indigent cases, such cases may be recorded by a recording device used by the courts. In non-indigent criminal cases, the court reporter may stenographically report the proceedings at the request of counsel and district court approval. All other taped or audio recorded judicial proceedings may be stenographically reported at the request of counsel and approval of the district court judge. If the district judge has appointed a court monitor, the record of all judicial proceedings before that judge shall be recorded by a recording device used by the courts.</p> <p>Upon appointment of a district judge or upon filling the vacancy of a district judge's court monitor, the judge shall hire a certified court reporter</p>	<p>reporter is authorized to stenographically report the record of the judicial proceeding, in which case the certified court reporter's record is the transcript.</p> <p>[Except as provided in these rules, certified court reporters shall stenographically report the record of judicial proceedings. If a transcript is requested or designated, a certified court reporter licensed by the board under Rule 22-202 NMRA shall transcribe, process, bill for, certify and deliver the record of all judicial proceedings, unless:</p> <p>(1) the district court has insufficient funds in its budget to pay for stenographic transcripts in indigent cases as determined by the chief judge; or</p> <p>(2) a certified court reporter is not available.</p> <p>If the district court does not have sufficient funds to pay for transcripts in indigent cases, such cases may be recorded by a recording device used by the courts. In non-</p>		<p>bill for, certify and deliver the record of all judicial proceedings, unless:</p> <p>(1) the district court has insufficient funds in its budget to pay for stenographic transcripts in indigent cases as determined by the chief judge; or</p> <p>(2) a certified court reporter is not available.</p> <p>If the district court does not have sufficient funds to pay for transcripts in indigent cases, such cases may be recorded by a recording device used by the courts. In non-indigent criminal cases, the <u>certified</u> court reporter may stenographically report the proceedings at the request of counsel and district court approval. All other taped or audio recorded judicial proceedings may be stenographically reported at the request of counsel and approval of the district court judge. If the district judge has appointed a <u>certified</u> court monitor or <u>certified digital reporter</u>, the record of all judicial proceedings before that judge shall be recorded by a recording device used by the courts. <u>Such recordings shall be considered the official record of the judicial proceeding.</u></p> <p><u>If a written transcript of an audio recording is requested or</u></p>	<p>These revisions safeguard the appellate record and address emerging technologies in transcript preparation.</p>
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<p>if one is available.</p> <p>C. Record proper. Except depositions, as provided in this paragraph, the record proper (court file), including the cover page and indices thereto, shall be prepared and reproduced by the clerk of the district court. Depositions shall be forwarded to the appellate court in their original form if they have been filed in the record proper or read into open court. If they are read in open court, the court reporter or court monitor shall mark the entire deposition or excerpts as court exhibits and ensure the exhibits are filed with the appellate court regardless of request therefore.</p> <p>[Adopted, effective November 29, 1978; as amended, effective July 1, 1979; as renumbered and amended effective January 1, 1983; as amended, effective May 1, 1983; January 1, 1987; December 1, 1993; February 16, 2004.]</p>	<p>indigent criminal cases, the court reporter may stenographically report the proceedings at the request of counsel and district court approval. All other taped or audio recorded judicial proceedings may be stenographically reported at the request of counsel and approval of the district court judge. If the district judge has appointed a court monitor, the record of all judicial proceedings before that judge shall be recorded by a recording device used by the courts.</p> <p>Upon appointment of a district judge or upon filling the vacancy of a district judge's court monitor, the judge shall hire a certified court reporter if one is available.]</p> <p>B. Certification. If the certified court reporter's record of the judicial proceeding is the transcript, the transcript shall be signed and certified by the certified court reporter, who shall include the certified court reporter's certification</p>		<p><u>designated, it shall be transcribed and certified by a court reporter, court monitor, or digital reporter who is licensed by the board under Rule 22-202 NMRA. The certified court reporter, certified court monitor, or certified digital reporter shall transcribe, process, bill for, certify, and deliver the written transcript of judicial proceedings, as requested.</u></p> <p>Upon appointment of a district judge or upon filling the vacancy of a district judge's court monitor, the judge shall hire a certified court reporter if one is available.</p> <p><u>[NEW MATERIAL] C.</u> <u>AI-Assisted Transcripts.</u> <u>AI-generated or speech-to-text transcripts may be used as a drafting or reference tool only. An AI-generated transcript shall not be filed, distributed, or relied upon as an official transcript unless reviewed and certified by a certified court reporter, certified court monitor, or certified digital reporter. Uncertified vendor-generated transcripts shall not constitute part of the appellate record. The audio recording shall constitute the official record unless a certified transcript is prepared pursuant to Rule 22-301 NMRA.</u></p> <p><u>[NEW MATERIAL] D.</u> <u>Digital Recordings.</u> <u>Judicial proceedings may be recorded using</u></p>	
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	<p>number on the transcript of the judicial proceeding. The form of certification required is established by the board.</p> <p>C. Record proper. Except depositions, as provided in this paragraph, the record proper (court file), including the cover page and indices thereto, shall be prepared and reproduced by the clerk of the district court. Depositions shall be forwarded to the appellate court in their original form if they have been filed in the record proper or read into open court. If they are read in open court, the certified court monitor or certified court reporter [court reporter or court monitor] shall mark the entire deposition or excerpts as court exhibits and ensure the exhibits are filed with the appellate court regardless of request therefore.</p> <p>[Adopted, effective November 29, 1978; as amended, effective July 1, 1979; as renumbered and amended effective January 1, 1983; as amended, effective</p>		<p><u>secure court-approved digital recording systems under the supervision of a certified court reporter, certified court monitor, or certified digital reporter.</u></p> <p>[C.] E. Record proper.</p> <p>Except depositions, as provided in this paragraph, the record proper (court file), including the cover page and indices thereto, shall be prepared and reproduced by the clerk of the district court. Depositions <u>Filed original depositions</u> shall be forwarded to the appellate court in their original form if they have been filed in the record proper or read in to open court. If they are read in open court, the <u>certified court reporter or, certified court monitor, or certified digital reporter</u> shall mark the entire deposition or excerpts as court exhibits and [ensure the] file the exhibits [are filed with the appellate court regardless of request therefore] <u>with the district court clerk.</u></p> <p>[Adopted, effective November 29, 1978; as amended, effective July 1, 1979; as renumbered and amended effective January 1, 1983; as amended, effective May 1, 1983; January 1, 1987; December 1, 1993; February 16, 2004.]</p>	
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	<p>May 1, 1983; January 1, 1987; December 1, 1993; February 16, 2004; as amended by Supreme Court Order No. _____, effective _____.]</p>		<p>Rule 22-302. The Committee's proposed revisions to this rule to accommodate the use of court monitors in addition to court reporters. (The Committee also believed that the dependent clause "including compressed transcripts," was unnecessary.)</p> <p>The Board's amendments (see below) ensure that transcript formatting and forms requirements apply equally to certified court reporters, certified court monitors, and certified digital reporters.</p> <p>By updating terminology and referencing the appropriate manuals, the rule promotes uniform standards in transcript preparation and maintains consistency across reporting roles.</p>	
<p>22-302. Transcript; format.</p> <p>A. Transcript; format. All transcripts, including compressed transcripts, of judicial proceedings shall be prepared in compliance with the certified court reporters manual.</p> <p>B. Forms manual. The forms manual prepared and modified by the board is mandated as the model to be followed by all</p>	<p>22-302. Transcript; format.</p> <p>A. Transcript; format. All transcripts[, including compressed transcripts,] of judicial proceedings shall be prepared in compliance with the certified court monitors manual or certified court reporters manual.</p> <p>B. Forms manual. The respective forms manual</p>	<p>Rule 22-302. The Committee's proposed revisions to this rule to accommodate the use of court monitors in addition to court reporters. (The Committee also believed that the dependent clause "including compressed transcripts," was unnecessary.)</p>	<p>The Board's Proposed 22-302. Transcript; format.</p> <p>A. Transcript; format. All transcripts[, including compressed transcripts,] of judicial proceedings shall be prepared in compliance with the certified court reporter manual, <u>certified court monitor manual, or certified digital reporter manual.</u></p> <p>B. Forms manual. The <u>respective</u> forms manual prepared and</p>	<p>The Board's amendments (see below) ensure that transcript formatting and forms requirements apply equally to certified court reporters, certified court monitors, and certified digital reporters.</p> <p>By updating terminology and referencing the appropriate manuals, the rule promotes uniform standards in transcript</p>

<p>certified court reporters.</p> <p>[As amended, effective December 1, 1993; February 16, 2004.]</p>	<p>prepared and modified by the board is mandated as the model to be followed by all certified court monitors and all certified court reporters.</p> <p>[As amended, effective December 1, 1993; February 16, 2004; as amended by Supreme Court Order No. _____, effective _____.]</p>		<p>modified by the board is mandated as the model to be followed by all certified court reporters, <u>certified court monitors, and certified digital reporters.</u></p> <p>[As amended, effective December 1, 1993; February 16, 2004; as amended by Supreme Court Order No. _____, effective _____.]</p>	<p>preparation and maintains consistency across reporting roles.</p>
<p>22-303. Audio recording of judicial proceedings.</p> <p>A. Official record. When an audio recording is authorized to be used for the creation of the official record of any judicial proceeding, the following procedures shall be followed by the certified court monitors in recording the proceedings, storing the recording and making copies of the recording.</p> <p>(1) A separate master tape or other recording may be used for each case. The tape or other recording shall at all times be kept secure in the court clerk's office. If more than one case is to be included on a master tape or other</p>	<p>22-303. Audio recording of judicial proceedings.</p> <p>A. [Official record] Procedure for recording, transmitting, and storing. [When an audio recording is authorized to be used for the creation of the official record of any judicial proceeding, the] The following procedures shall be followed by the certified court monitors in recording the proceedings, storing the audio recording and making copies of the recording.</p> <p>(1) A separate [master tape or other] audio recording may be used for each case.</p>	<p>Rule 22-303. The Committee proposed revising this rule along the same lines as Rule 22-206: to update the rule to reflect audio recordings as the primary transcript method, but also to reflect the contemporary practice of electronic storage of digital media.</p>	<p>22-303. Audio recording of [judicial] court proceedings.</p> <p>A. [Official record.] Procedure for recording, transmitting, and storing. [When an audio recording is authorized to be used for the creation of the official record of any judicial proceeding, the] The following procedures shall be followed by the certified court monitors and certified digital reporters in recording the proceedings, <u>storing the recording, and making copies of the recording.</u></p> <p>(1) A separate [master tape or other] audio recording may be used for each case. [The tape or other recording shall at all times be kept secure in the court clerk's office. If</p>	<p>The Board believes a distinction should be made between what constitutes the "official record" vs. an "official transcript." A recording may be considered the official record, just as an official transcript may be considered the official record. A recording should not be considered a transcript.</p> <p>The Board's proposed amendments (see below) modernize procedures for digital audio recording, eliminate obsolete tape and log requirements, and authorize electronic transfer consistent with current technology. Since the audio is automatically uploaded to the court server and logs are no longer required, the</p>

<p>recording, a cross-reference system shall be developed by the judicial district, which will assure that all proceedings in a case are easily located and available for purposes of an appeal or other judicial proceedings.</p> <p>(2) On appeal, the master (original) recording and two (2) copies of the master recording and log shall be transmitted to the appropriate appellate court in accordance with the Rules of Appellate Procedure. One (1) copy shall be retained in the court file until final disposition of the case. The log shall be typewritten in accordance with the court monitors manual upon the filing of the notice of appeal and shall be filed with the district court clerk within ten (10) days after the filing of the notice of appeal.</p> <p>(3) Upon final disposition of the appeal, the appellate court clerk may return the duplicates to the clerk of the district court for erasure and reuse.</p> <p>B. Cases not appealed. If the case is not appealed, the clerk of the district court shall retain the master copy of the tape in a place and manner approved by the Supreme Court.</p>	<p>The [tape or other] recording shall be at all times be kept secure in the court clerk's office. If more than one case is to be included on a master [tape or other] recording, a cross-reference system shall be developed by the judicial district, which will assure that all proceedings in a case are easily located and available for purposes of an appeal or other judicial proceedings.</p> <p>(2) On appeal, the [master (original)] audio recording [and two (2) copies of the master recording] and log shall be transmitted to the appropriate appellate court in accordance with the Rules of Appellate Procedure. [One (1) copy]The audio recording and log shall be retained in the court file until final disposition of the case. The log shall be [typewritten] prepared in accordance with the court monitors manual upon the filing of the notice of appeal and shall be filed with the district court clerk within ten (10) days after the filing of the notice</p>		<p>more than one case is to be included on a master tape or other recording, a cross-reference system shall be developed by the judicial district, which will assure that all proceedings in a case are easily located and available for purposes of an appeal or other judicial proceedings.]</p> <p>(2) On appeal, the [master (original)] audio recording [and two (2) copies of the master recording and log] shall be transmitted to the appropriate appellate court in accordance with the Rules of Appellate Procedure. [One (1) copy] The audio recording shall be retained in the court file until final disposition of the case. The log shall be typewritten in accordance with the court monitors manual upon the filing of the notice of appeal and shall be filed with the district court clerk within ten (10) days after the filing of the notice of appeal.</p> <p>[(3) — Upon final disposition of the appeal, the appellate court clerk may return the duplicates to the clerk of the district court for erasure and reuse.]</p> <p>B. Cases not appealed. If the case is not appealed, the clerk of the district court shall retain the [master copy of the tape]-<u>securely stored audio recording</u> in a</p>	<p>obsolete language in 22-303 (A)(1) was deleted.</p>
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<p>C. Minimum standards for audio recordings. When an audio recording is authorized to be used for the creation of the official record of any judicial proceeding, the audio cassette tapes, discs or other media used to store the recording, shall be compatible with equipment used by the courts.</p> <p>[Adopted, effective January 1, 1983; as amended, effective December 1, 1993; February 16, 2004.]</p>	<p>of appeal.</p> <p>[(3) Upon final disposition of the appeal, the appellate court clerk may return the duplicates to the clerk of the district court for erasure and reuse.]</p> <p>B. Cases not appealed. If the case is not appealed, the clerk of the district court shall retain the [master copy of the tape] audio recording in the [place and] manner approved by the Supreme Court.</p> <p>[C. Minimum standards for audio recordings. When an audio recording is authorized to be used for the creation of the official record of any judicial proceeding, the audio cassette tapes, discs or other media used to store the recording, shall be compatible with equipment used by the courts.]</p> <p>[Adopted, effective January 1, 1983; as amended, effective December 1, 1993; February 16, 2004; as amended by Supreme Court Order No. _____, effective _____.]</p>		<p>[place and] manner approved by the Supreme Court.</p> <p>C. Minimum standards for audio recordings. When an audio recording is authorized to be used for the creation of the official record of any judicial proceeding, the audio [cassette tapes, discs or other media] recording used to store the recording, shall be compatible with equipment used by the courts.</p> <p>[Adopted, effective January 1, 1983; as amended, effective December 1, 1993; February 16, 2004; as amended by Supreme Court Order No. _____, effective _____.]</p>	
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**BOARD GOVERNING THE RECORDING OF JUDICIAL PROCEEDINGS' COMMENTS TO
RULES OF CIVIL PROCEDURE FOR STATE COURTS COMMITTEE'S RULE CHANGE REQUEST
[RCR S-1-RCE-2025-00139]**

Rule 22-101. The Committee primarily cleaned up Rule 22-101. **The Committee** recommends removing Subsection **(A)(3)** that requires review on a periodic basis, not **less** than three years. **The Committee** revised the definition of "certified court monitor," **to** remove "court monitor" from the definition (because court monitor is **separately** defined and different), and included "audio" **in** the definition to explain the court monitor's role more precisely.

Rule 22-101. The Board does not believe **The Committee's** requested revisions sufficiently address the need to modernize the regulatory framework governing the recording of judicial proceedings in New Mexico. **The Board's** proposed changes (see below) formally recognize certified digital reporters, [NEW MATERIAL] (10), as a regulated professional category subject to Supreme Court authority, alongside certified court reporters and certified court monitors. Adding the certification and definition of "certified digital reporter" will distinguish this type of reporter from a certified court reporter or certified court monitor. Digital reporters are currently reporting judicial proceedings/depositions via audio recording and producing transcripts in the freelance field but are not licensed or regulated by the **Board**. Regulation of all court reporters, court monitors, and digital reporters is necessary to protect the safety and integrity of the record.

The Board's proposed amendments to **Rule 22-101(15)** also clarify the definition of the official court record and ensure that only licensed and certified professionals may create or certify transcripts of judicial proceedings. These proposed amendments distinguish certified transcripts from automated or AI-generated transcription, which may be used as drafting tools but may not constitute the official record unless certified pursuant to the rule.

The Board's proposed revisions to Rule 22-101 (15):

(a) Revised to better reflect the technological advances in stenographic court reporter software. Court reporters translate their "notes" through software that converts the stenographic notes to a transcript format.

(c) Revised to specify the "record" is made by a certified court monitor or certified digital reporter using a court-approved system.

[NEW MATERIAL] **(d)** Added to include audio recordings that are transcribed by a certified digital reporter;

[NEW MATERIAL] **(e)** Added to ensure that only licensed and certified professionals may create or certify transcripts of judicial proceedings.

[NEW MATERIAL] (16) Added to clarify definition of “Transcript,” which is to be created by certified court reporters, certified court monitors, or certified digital reporters.

[NEW MATERIAL] (17) Adding the definition of “Remote Judicial Proceedings” recognizes remote judicial proceedings and updates terminology to reflect current digital recording practices.

Since adding new rules and definitions, the numbering is also edited accordingly.

Collectively, these changes enhance accuracy, accountability, and the integrity of the official court record while aligning the rule with modern reporting technology.

Board’s Proposed Rule 22-101. Scope; definitions; title.

A. Scope.

(1) The examination, certification, supervision, conduct and proficiency of court reporters, court monitors, and digital reporters engaging in court reporting, or monitoring services are matters that are integrally related to the effective, impartial and prompt operation of the judicial branch of the State of New Mexico and are hereby made subject to regulation by rule of the Supreme Court.

(2) Except as provided by the Rules of Appellate Procedure, Rules of Civil Procedure for the District Courts, Rules of Criminal Procedure for the District Courts, Children's Court Rules, the Rules of Civil Procedure for the Metropolitan Court or the Rules of Criminal Procedure for the Metropolitan Court, these rules govern transcripts and the recording of judicial proceedings by any and all means whatsoever. If a deposition taken under the rules of procedure for a court listed in this subparagraph is to be taken by stenographic means, the person taking the deposition shall be a certified court reporter as provided in these rules.

(3) These rules shall be reviewed on a periodic basis [~~not to exceed three (3) years~~].

B. Definitions. As used in these rules:

(1) “board” means the Board Governing the Recording of Judicial Proceedings;

(2) “censure” means to publicly reprimand a certified court reporter [~~or~~], certified court monitor, or certified digital reporter, with or without conditions reasonably related to the grounds for censure for conduct found to be in violation of Rule 22-605 NMRA;

(3) “certified court monitor” [~~or “court monitor”~~] means a person holding a certificate issued by the board to engage in the audio recording of judicial proceedings in this state;

(4) “certified court reporter” means a person holding a certificate issued by the board to engage in the verbatim shorthand reporting of judicial proceedings in this state and includes any firm licensed under Rule 22-202 NMRA;

[NEW MATERIAL] (5) “certified digital reporter” means a person holding a certificate issued by the board to engage in the audio recording and/or transcription of judicial proceedings in this state;

~~[(5)]~~ (6) “certification” means licensing by the board for a court reporter, court monitor, digital reporter, or firm to engage in the reporting or recording of judicial proceedings in this state pursuant to the Rules Governing the Recording of Judicial Proceedings;

~~[(6)]~~ (7) “court monitor” means a person who records judicial proceedings by audio recording;

~~[(7)]~~ (8) “court reporter” means a person who engages in verbatim shorthand reporting using machine shorthand;

~~[(8)]~~ (9) “court reporting services” means providing verbatim shorthand recording in judicial proceedings using machine shorthand or digital audio recording. “Court reporting services” shall not include services performed in the taking of depositions or statements by ~~audio or~~ audio-visual recording;

[NEW MATERIAL] (10) “digital reporter” means a person who engages in the audio recording and/or transcription of judicial proceedings

~~[(9)]~~ (11) “firm” means, but is not limited to, a limited liability company, corporation, association, or other organization engaged in the practice of court reporting services in this state;

~~[(10)]~~ (12) “judicial proceedings” includes any court proceedings, depositions, and sworn statements in which a certified court reporter, certified court monitor, or certified digital reporter acts under ~~[the certified court reporter’s]~~ their New Mexico certification, but specifically excludes appellate court, Judicial Standards Commission, Disciplinary Board, magistrate court, municipal court, or probate court proceedings;

~~[(11)]~~ (13) “official court reporter” is a certified court reporter who is employed by New Mexico under the judicial personnel plan and entitled to certain benefits as a state employee under the provisions of Section 34-6-20 NMSA 1978 or who performs services for the judicial branch under a standardized contract approved by the Supreme Court;

~~[(12)]~~ (14) “person” means, but is not limited to, any individual, firm, partnership, limited liability company, corporation, association, or other organization; and

~~[(13)]~~ (15) “record” means:

(a) ~~[stenographic notes that must be transcribed when a record is required to be made;]~~
Stenographically reported transcript of proceedings;

(b) a statement of facts stipulated to by the parties for purpose of review; or

(c) any recording made by ~~[an audio recording device.]~~ a certified court monitor or certified digital reporter utilizing a court-approved audio recording system;

[NEW MATERIAL] (d) any audio recording transcribed by a certified digital reporter;

[NEW MATERIAL] (e) the official court record must be recorded by a certified court reporter, certified court monitor, or certified digital reporter.

[NEW MATERIAL] (16) Transcript: A transcript is an official, word-for-word, verbatim, written record of every word spoken during a judicial proceeding, including trials, hearings, and depositions. Transcripts are created by a certified court reporter, certified digital reporter, or a certified court monitor.

[NEW MATERIAL] (17) Remote Judicial Proceedings: A judicial proceeding conducted in whole or in part using telephonic or audio-visual communication technology approved by the court.

C. Title. These rules may be cited as the “Rules Governing the Recording of Judicial Proceedings.”

[Adopted, effective January 1, 1983; as amended, effective December 1, 1993; February 16, 2004; as amended by Supreme Court Order No. 11-8300-047, effective January 27, 2012; as amended by Supreme Court Order No. 16-8300-027, effective December 31, 2016; as amended by Supreme Court Order No. _____, effective _____.]

Rule 22-201. The Committee's revision to Paragraph A reflects a stylistic change proposed throughout the rules included in this RCR: **Because the default transcript (record) is the** audio recording, **the Committee** placed "court monitors **or**" before court reporters. The changes to **Paragraph A** are **more stylistic**, other than **removing the** introduction **referencing** Paragraph C- since the default is now different. The change to Subparagraph **C** is to remove the third sentence regarding an audio recording serving as the transcript, which is now captured in the revisions to Rule **22-301**.

Rule 22-201. The Board does not believe **The Committee's** request to place "court monitors before "court reporters" is necessary. The Committee was incorrect in stating court reporters are only employed by one court in New Mexico. There are actually three courts in New Mexico that employ court reporters. These court reporters also serve and are licensed as court monitors.

The Board's proposed amendments to Rule 22-201 (see below) clarify and modernize the licensing framework governing individuals who create or record the official court record in New Mexico. The rule expressly requires New Mexico certification for any person engaging in court reporting, court monitoring, or digital reporting services, ensuring uniform regulatory authority under the Board Governing the Recording of Judicial Proceedings.

The amendments formally recognize certified digital reporters as a regulated professional category and establish nationally recognized examination-waiver pathways for stenographic reporters (NCRA RPR) and digital reporters (AAERT CER/CET/CDR). This approach promotes professional competency while avoiding duplicative testing.

The rule further clarifies that audio-recorded proceedings must be recorded by a certified court monitor or certified digital reporter and extends oath-administration authority to all certified reporting professionals.

The Board's Proposed Rule 22-201 [NEW MATERIAL] (D) Allowing waiver of examination by way of the National AAERT certification allows New Mexico to regulate digital reporters and utilize their services for recording/transcription of judicial proceedings. Digital reporters are currently working in New Mexico unlicensed. At this time, the Board has no regulatory authority over digital reporters when complaints arise about the quality of transcripts produced by uncertified digital reporters. Allowing for a certified digital reporter license would help improve the quality of the transcripts and services. Also, digital reporters would be a valuable asset for transcribing audio from court proceedings. UNM has a digital reporter program which includes training on recording and transcription.

Collectively, these amendments promote regulatory consistency, professional accountability, and protection of the integrity of the official court record.

Board's Proposed Rule 22-201. Licensing of court reporters, court monitors, and digital reporters; power to administer oaths.

A. **Court reporters, court monitors, and digital reporters.** ~~[Except as provided in Paragraph C of this rule, no]~~ No person shall engage in court reporting, ~~court monitoring, or digital reporting services~~ in this state unless such person is licensed as a New Mexico certified court reporter, certified court monitor, or certified digital reporter issued ~~[either by the New Mexico Supreme Court or]~~ by the ~~[Board Governing the Recording of Judicial Proceedings]~~ the Board.

B. **Waiver of Examination Court Reporter.** Any applicant for a license as a certified court reporter may be granted a license by the board without an examination upon [a] showing that the court reporter is a holder of a valid National Court Reporters Association registered professional reporter certification.

C. **Court monitors/digital reporters.** If a trial or hearing is recorded by an audio recording device, such proceedings shall be recorded by a court monitor or digital reporter who is certified as qualified by the Board Governing the Recording of Judicial Proceedings. In such cases, that recording shall serve as the ~~[transcript]~~ official record unless otherwise ordered by the court.

[NEW MATERIAL] D. Waiver of Examination Digital Reporter. Any applicant for a license as a certified digital reporter may be granted licensure without examination upon showing that the digital reporter is a holder of a valid American Association of Electronic Reporters and Transcribers Certified Electronic Reporter (CER) or Certified Electronic Transcriber (CET) certification.

[D.] **E. Certified court reporters, certified court monitors, and certified digital reporters** may administer oaths to witnesses in judicial proceedings anywhere in this state.

[As amended, effective December 1, 1993; March 15, 1995; February 16, 2004; as amended by Supreme Court Order No. 08-8300-050, effective December 31, 2008; as amended by Supreme Court Order No. _____, effective _____.]

Rule 22-206. The Committee recommends revising Rule 22-206 consistent **with the** approach of this RCR - to reflect the current dominant practice in **judicial districts** that court monitors and **their audio** recordings are the default transcription method for judicial proceedings. **To** accomplish **this, the** Committee recommends revisions to **Rule 22-206** that remove the qualifiers for court monitor recordings and use court monitor as the **first** default throughout the rule. **The Committee** also recommends revising **Paragraphs D and E** to reflect current storage practices **and** media (removing references to tapes and CDs. Finally, at the end of Paragraph D, **the** Committee proposes revising the rule so **that the** maintenance and, in particular, the destruction of the records are handled in the manner prescribed **by** the judicial district, rather **than** the **Administrative Office of the Courts**.

The Board's Proposed Rule 22-206 formally incorporates digital reporters into district court operations, clarifies supervision structures, modernizes electronic record retention requirements, and aligns record management with current digital practices.

The Board's Proposed Rule 22-206. Official court reporters [and], court monitors and digital reporters; appointment; duties; records; termination of contract.

A. **Appointment.** Subject to Rule 22-301 NMRA, each district court may appoint official court reporters [~~or~~], court monitors, and digital reporters. The Supreme Court or the district court may, by order, approve pooling [~~by~~] of court reporters, court monitors, or digital reporters within a judicial district under the supervision of a [~~managing reporter~~] manager who shall be responsible for supervision of the court reporters [and], court monitors, and digital reporters within the district. [~~A contract reporter shall not serve as a managing reporter.~~]

B. **Court monitor duties.** Official court reporters may also serve as court monitors and record judicial proceedings in those cases in which an audio recording is permitted and shall comply with all court rules and board-approved manuals [~~in preparing the tape or audio logs~~].

C. **Office.** The official court reporter [~~or~~], court monitor, or digital reporter shall be provided with office space, equipment and supplies necessary for reporting or recording of judicial proceedings as well as the necessary equipment for transcription of the judicial proceedings. The use of state-owned equipment and supplies and state-employed personnel for [~~free-lance~~] freelance reporting is prohibited.

The provision of necessary office space, equipment and supplies shall be subject to a standardized contract approved by the Supreme Court with official court reporters, court monitors, or digital reporters who perform services under contract.

E. **Termination of employment.** Official reporters leaving employment with the district court are to have all stenographic or electronic [~~notes~~] files [~~numerically logged~~]

~~electronically stored by date and deposited with the court clerk on the server prior to leaving. [Court monitors leaving employment with the district court are to have all audio recordings and logs bound by date and deposited with the court clerk prior to leaving. All district court cases stenographically taken are to be stored on disks or on other data storage media used by the courts and filed with the district court clerk before departure. An ASCII backup of the reporter's dictionary shall be electronically stored with the district court clerk.]~~

All ~~[disks,]~~ electronic stenographic ~~[notes]~~ files and ~~[tapes or other]~~ recordings of district court cases are the property of the district court.

Upon termination from district court employment, the court reporter ~~[or monitor]~~ shall leave a current telephone number ~~[and]~~, address, and email address with the district court clerk and the court administrator. It is the court reporter's ~~[or monitor's]~~ responsibility to inform the district court clerk of changes ~~[of address or telephone number]~~ to contact information. Arrangements for transcript production by reporters no longer employed with district court shall be made through the district court clerk.

When the court reporter is unavailable, the court administrator shall make arrangements for production of the transcripts pursuant to the Rules of Appellate Procedure.

Transcripts produced after termination of employment shall be produced at the prevailing compensatory rate set by these rules.

F. **Other duties.** Any time that an official court reporter ~~[or]~~, court monitor, or digital reporter is not required to take proceedings, or prepare transcripts of official judicial proceedings in indigent cases or for court use, or other specific duties assigned by the chief judge, presiding judge, court administrator or ~~[managing reporter]~~ manager, the court reporter ~~[or]~~, court monitor, or digital reporter may be assigned other court duties as required by Section 34-6-20 NMSA 1978, unless the court reporter ~~[or]~~, court monitor, or digital reporter has been granted approved leave. The chief judge, presiding judge, court administrator or ~~[managing reporter]~~ manager of the district court shall have the authority to reassign temporarily the official court reporter ~~[or]~~, court monitor, or digital reporter within the judicial district to act as court reporter ~~[or]~~, court monitor, or digital reporter for another judge or to perform duties required by Subsection B of Section 34-6-20 NMSA 1978.

G. **Outside reporting.** Subject to the licensing requirements of these rules, an official court reporter ~~[or]~~, court monitor, or digital reporter may engage in outside reporting or recording duties if the following criteria are met:

(1) the chief judge, presiding judge, court administrator or ~~[managing reporter]~~ manager has given express authorization;

(2) the court reporter's ~~[or]~~, court [monitor] monitor's, or digital reporter's official work is caught up and no transcripts are being prepared in which an extension of time has been granted by any court; and

(3) the court reporter [~~or~~], court monitor, or digital reporter has been authorized to take annual leave during the time the outside work is scheduled unless:

(a) the outside work is scheduled during hours that the court is not open for business; or

(b) the court reporter [~~or~~], court monitor, or digital reporter has been granted time off in compensation for overtime previously worked.

[Adopted, effective January 1, 1983; as amended, effective December 1, 1993; February 16, 2004; as amended by Supreme Court Order No. _____, effective _____.]

The Committee's Rule 22-301. As suggested above, **this Rule is** where the major change in this RCR is found. It **changes the** default **transcript** from stenographic reporting by certified court reporters to audio recording by certified court monitors. Because the primary goal **of** this RCR is to make clear that the court monitors' **audio** recordings are the transcripts, the Committee **also** switched Subsections A and B to place the certification **after** the transcript **designation**.

The Board believes Rule 22-301(A) Certification should not be deleted, as **The Committee** requests, taking into consideration the fact that judicial proceedings include any court proceeding, as well as depositions and sworn statements, which must be reported and/or transcribed by a certified court reporter or a certified court monitor. Distinction should be made between what constitutes the "official record" vs. an "official transcript." A recording is not a transcript.

The Board's proposed amendments clarify transcript certification requirements and recognize digital recording systems operating under the supervision of certified professionals.

The Board's proposed rule expressly distinguishes certified transcripts from AI-generated or speech-to-text drafts, which may not constitute the official record unless properly certified.

These revisions safeguard the appellate record and address emerging technologies in transcript preparation.

The Board's Proposed 22-301. Recording of Judicial Proceedings; transcripts.

A. **Certification.** Transcripts of all judicial proceedings shall be signed and certified by a New Mexico certified court reporter ~~or~~, court monitor, or digital reporter. The certified court reporter ~~or~~, court monitor, or digital reporter who physically reports a judicial proceeding shall sign and include the court reporter's ~~or~~, court monitor's, or digital reporter's certification number on the original transcript of the judicial proceeding. The form of certification required is established by the Board Governing the Recording of Judicial Proceedings.

B. **Transcripts.** Except as provided in these rules, certified court reporters shall stenographically report the record of judicial proceedings. If a transcript is requested or designated, a certified court reporter licensed by the board under Rule 22-202 NMRA shall transcribe, process, bill for, certify and deliver the record of all judicial proceedings, unless:

- (1) the district court has insufficient funds in its budget to pay for stenographic transcripts in indigent cases as determined by the chief judge; or
- (2) a certified court reporter is not available.

If the district court does not have sufficient funds to pay for transcripts in indigent cases, such cases may be recorded by a recording device used by the courts. In non-indigent criminal cases, the certified court reporter may stenographically report the proceedings at the request of counsel and district court approval. All other ~~[taped or]~~ audio recorded judicial proceedings may be stenographically reported at the request of counsel and approval of the district court judge. If the district judge has appointed a certified court monitor or certified digital reporter, the record of all judicial proceedings before that judge shall be recorded by a recording device used by the courts. Such recordings shall be considered the official record of the judicial proceeding.

If a written transcript of an audio recording is requested or designated, it shall be transcribed and certified by a court reporter, court monitor, or digital reporter who is licensed by the board under Rule 22-202 NMRA. The certified court reporter, certified court monitor, or certified digital reporter shall transcribe, process, bill for, certify, and deliver the written transcript of judicial proceedings, as requested.

Upon appointment of a district judge or upon filling the vacancy of a district judge's court monitor, the judge shall hire a certified court reporter if one is available.

[NEW MATERIAL] C. AI-Assisted Transcripts. AI-generated or speech-to-text transcripts may be used as a drafting or reference tool only. An AI-generated transcript shall not be filed, distributed, or relied upon as an official transcript unless reviewed and certified by a certified court reporter, certified court monitor, or certified digital reporter. Uncertified vendor-generated transcripts shall not constitute part of the appellate record. The audio recording shall constitute the official record unless a certified transcript is prepared pursuant to Rule 22-301 NMRA.

[NEW MATERIAL] D. Digital Recordings. Judicial proceedings may be recorded using secure court-approved digital recording systems under the supervision of a certified court reporter, certified court monitor, or certified digital reporter.

[G.] **E. Record proper.** Except depositions, as provided in this paragraph, the record proper (court file), including the cover page and indices thereto, shall be prepared and reproduced by the clerk of the district court. ~~[Depositions]~~ Filed original depositions shall be forwarded to the appellate court in their original form if they have been filed in the record proper or read in ~~[to]~~ open court. If they are read in open court, the certified court reporter ~~[or]~~, certified court monitor, or certified digital reporter shall mark the entire deposition or excerpts as court exhibits and ~~[ensure the]~~ file the exhibits ~~[are filed with the appellate court regardless of request therefore]~~ with the district court clerk.

[Adopted, effective November 29, 1978; as amended, effective July 1, 1979; as renumbered and amended effective January 1, 1983; as amended, effective May 1, 1983; January 1, 1987; December 1, 1993; February 16, 2004.]

Rule 22-302. The Committee's proposed revisions **to this** rule to accommodate the use of court monitors **in** addition to court reporters. (The Committee also **believed** that the **dependent** clause "**including compressed transcripts,**" was unnecessary.)

The Board's amendments (see below) ensure that transcript formatting and forms requirements apply equally to certified court reporters, certified court monitors, and certified digital reporters.

By updating terminology and referencing the appropriate manuals, the rule promotes uniform standards in transcript preparation and maintains consistency across reporting roles.

The Board's Proposed 22-302. Transcript; format.

A. **Transcript; format.** All transcripts [~~including compressed transcripts,~~] of judicial proceedings shall be prepared in compliance with the certified court reporter manual, certified court monitor manual, or certified digital reporter manual.

B. **Forms manual.** The respective forms manual prepared and modified by the board is mandated as the model to be followed by all certified court reporters, certified court monitors, and certified digital reporters. [As amended, effective December 1, 1993; February 16, 2004.]

[As amended, effective December 1, 1993; February 16, 2004; as amended by Supreme Court Order No. _____, effective _____.]

Rule **22-303**. The Committee proposed revising **this** rule along the same lines as Rule 22- **206**: to update the rule to **reflect** audio recordings **as** the primary transcript method, but also **to** reflect the contemporary practice **of** electronic storage **of digital** media.

The Board believes a distinction should be made between what constitutes the “official record” vs. an “official transcript.” A recording may be considered the official record, just as an official transcript may be considered the official record. A recording should not be considered a transcript.

The Board’s proposed amendments (see below) modernize procedures for digital audio recording, eliminate obsolete tape and log requirements, and authorize electronic transfer consistent with current technology. Since the audio is automatically uploaded to the court server and logs are no longer required, the obsolete language in 22-303 (A)(1) was deleted.

22-303. Audio recording of [~~judicial~~] court proceedings.

A. [~~Official record.~~] **Procedure for recording, transmitting, and storing.** [~~When an audio recording is authorized to be used for the creation of the official record of any judicial proceeding, the~~] The following procedures shall be followed by the certified court monitors and certified digital reporters in recording the proceedings, storing the recording, and making copies of the recording.

(1) A separate [~~master tape or other~~] audio recording may be used for each case. [~~The tape or other recording shall at all times be kept secure in the court clerk's office. If more than one case is to be included on a master tape or other recording, a cross-reference system shall be developed by the judicial district, which will assure that all proceedings in a case are easily located and available for purposes of an appeal or other judicial proceedings.~~]

(2) On appeal, the [~~master (original)]~~] audio recording [~~and two (2) copies of the master recording and log~~] shall be transmitted to the appropriate appellate court in accordance with the Rules of Appellate Procedure. [~~One (1) copy~~] The audio recording shall be retained in the court file until final disposition of the case. [~~The log shall be typewritten in accordance with the court monitors manual upon the filing of the notice of appeal and shall be filed with the district court clerk within ten (10) days after the filing of the notice of appeal.~~]

[~~(3) — Upon final disposition of the appeal, the appellate court clerk may return the duplicates to the clerk of the district court for erasure and reuse.~~]

B. **Cases not appealed.** If the case is not appealed, the clerk of the district court shall retain the ~~[master copy of the tape]~~ securely stored audio recording in a ~~[place and]~~ manner approved by the Supreme Court.

C. **Minimum standards for audio recordings.** When an audio recording is authorized to be used for the creation of the official record of any judicial proceeding, the audio ~~[cassette tapes, discs or other media]~~ recording used to store the recording, shall be compatible with equipment used by the courts.