

1 **2-205. Electronic service and filing of pleadings and other papers.**

2 A. **Definitions.** As used in these rules[=]

3 (1) “electronic transmission” means the transfer of data from computer to  
4 computer other than by facsimile transmission; [~~and~~]

5 (2) “document” includes the electronic representation of pleadings and other  
6 papers; and

7 (3) “EFS” means the electronic filing system approved by the Supreme Court  
8 for use by the magistrate courts to file and serve documents by electronic transmission in civil  
9 actions.

10 **B. Electronic filing authorized; registration by attorneys required.**

11 (1) A magistrate court shall implement the mandatory filing of documents by  
12 electronic transmission in accordance with this rule through the EFS by parties represented by  
13 attorneys. Self-represented parties are prohibited from electronically filing documents and shall  
14 continue to file documents through traditional methods. Parties represented by attorneys shall file  
15 documents by electronic transmission even if another party to the action is self-represented or is  
16 exempt from electronic filing under Paragraph M of this rule. For purposes of this rule, “civil  
17 actions” does not include actions sealed under Rule 2-112 NMRA.

18 (2) Unless exempted under Paragraph M of this rule, attorneys required to file  
19 documents by electronic transmission shall register with the EFS through the New Mexico  
20 Judiciary’s web site. Every registered attorney shall provide a valid, working, and regularly  
21 checked email address for the EFS. The court shall not be responsible for inoperable email  
22 addresses or unread email sent from the EFS.

1            ~~[B]~~C. **Service by electronic transmission.** Any document required to be served by  
2 ~~[Paragraph A of]~~ Rule 2-203(A) NMRA may be served on a party or attorney by electronic  
3 transmission of the document if the party or attorney has agreed to be served with pleadings or  
4 papers by electronic mail or if the attorney for the party to be served has registered with the court's  
5 EFS. Documents filed by electronic transmission under Paragraph A of this rule may be served by  
6 an attorney through the court's EFS, or an attorney may elect to serve documents through other  
7 methods authorized by this rule, Rule 2-203 NMRA, or Rule 2-204 NMRA. Electronic service is  
8 accomplished when the transmission of the pleading or paper is completed. If within two (2) days  
9 after service by electronic ~~[mail]~~ transmission, a party served by electronic ~~[mail]~~ transmission  
10 notifies the sender of the electronic ~~[mail]~~ transmission that the pleading or paper cannot be read,  
11 the pleading or paper shall be served by any other method authorized by Rule 2-203 or 2-204  
12 NMRA designated by the party to be served. The court may serve any document by electronic  
13 transmission to an attorney who has registered with the EFS under this rule and to any other person  
14 who has agreed to receive documents by electronic transmission.

15            ~~[C. — Service by electronic transmission by the court. The court may serve any~~  
16 ~~document by electronic service to an attorney or party pursuant to Paragraph B of this rule and to~~  
17 ~~any other person who has agreed to receive documents by electronic transmission.~~

18            ~~D. — Filing by electronic transmission. Documents may be filed with the court by~~  
19 ~~electronic transmission in accordance with this rule and any technical specifications for electronic~~  
20 ~~transmission:~~

21            ~~—— (1) —— in any court that has adopted technical specifications for electronic~~  
22 ~~transmission;~~

23            ~~—— (2) —— if a fee is not required or if payment is made at the time of filing.]~~

1            D.    Format of documents; protected personal identifier information. All  
2            documents filed by electronic transmission shall be formatted in accordance with the Rules of Civil  
3            Procedure for the Magistrate Courts and shall comply with all procedures for protected personal  
4            identifier information under Rule 2-112 NMRA.

5            E.    Electronic services fee.

6                  (1)    In addition to any other filing fees required by law, parties required to file  
7            electronically shall pay an electronic services fee of eight dollars (\$8.00) per electronic  
8            transmission of one or more documents filed in any single case.

9                  (2)    Parties electing to serve a document previously filed through the EFS may  
10           do so without charge.

11                 (3)    Parties electing to both file and serve documents through the EFS shall pay  
12           an electronic services fee of twelve dollars (\$12.00) per electronic transmission of one or more  
13           documents simultaneously filed and served on one or more persons or entities in any single case.

14                 (4)    The provisions of this paragraph shall not apply to actions brought by the  
15           New Mexico Department of Workforce Solutions on behalf of employees to collect unpaid or  
16           underpaid wages under Section 50-4-26 NMSA 1978.

17           [E]F.    **Single transmission.** Whenever a rule requires multiple copies of a document to  
18           be filed only a single electronic transmission of the document is necessary. If an attorney files or  
19           serves multiple documents in a case by a single electronic transmission, the applicable electronic  
20           services fee under Paragraph E of this rule shall be charged only once regardless of the number of  
21           documents filed or parties served.

22           [F]G.    **Time of filing.** For purposes of filing by electronic transmission, a “day” begins at  
23           12:01 a.m. and ends at midnight. If electronic transmission of a document is received before

1 midnight on the day preceding the next business day of the court it will be considered filed on the  
2 immediately preceding business day of the court. For any questions of timeliness, the time and  
3 date registered by the court's computer will be determinative. For purposes of electronic filing  
4 only, the date and time that the filer submits the electronic filing envelope will serve as the filing  
5 date and time for purposes of meeting statute of limitations or any other filing deadlines,  
6 notwithstanding rejection of the attempted filing or its placement into an error queue for additional  
7 processing.

8 **H. Signatures.**

9 (1) All electronically filed documents shall be deemed to contain the filing  
10 attorney's signature under Rule 2-301(H) NMRA. Attorneys filing electronically thereby certify  
11 that required signatures or approvals have been obtained before filing the document. The full,  
12 printed name of each person signing a paper document shall appear in the electronic version of the  
13 document.

14 (2) If a document filed by electronic transmission contains a signature block  
15 from an original paper document containing a signature, the signature in the electronic document  
16 may represent the original signature in the following ways:

17 (a) by scanning or other electronic reproduction of the signature; or

18 (b) by typing in the signature line the notation "/s/" followed by the  
19 name of the person who signed the original document.

20 (3) All electronically filed documents signed by the court shall be scanned or  
21 otherwise electronically produced so that the judge's original signature is shown.

22 **[G]I. Demand for original; electronic conversion of paper documents.** [A party shall  
23 ~~have the right to inspect and copy any document that has been filed or served by electronic~~

1 ~~transmission if the document has a statement signed under oath or affirmation or penalty of~~  
2 ~~perjury.]~~

3 (1) Original paper documents filed or served electronically, including original  
4 signatures, shall be maintained by the attorney filing the document and shall be made available,  
5 upon reasonable notice, for inspection by other parties or the court. If an original paper document  
6 is filed by electronic transmission, the electronic version of the document shall conform to the  
7 original paper document. Attorneys shall retain original paper documents until final disposition of  
8 the case and the conclusion of all appeals.

9 (2) For cases in which electronic filing is mandatory, if an attorney who is  
10 exempt under Paragraph M of this rule or a self-represented party files a paper document with the  
11 court, the clerk shall convert the paper document into electronic format for filing. The filing date  
12 shall be the date on which the paper document was filed even if the document is electronically  
13 converted and filed at a later date. The clerk shall retain the paper documents as long as required  
14 by applicable statutes, rules, and regulations.

15 **J. Electronic file stamp and confirmation receipt; effect.** The clerk of the court's  
16 endorsement of an electronically filed document shall have the same force and effect as a manually  
17 affixed file stamp. When a document is filed through the EFS, it shall have the same force and  
18 effect as a paper document and a confirmation receipt shall be issued by the system that includes  
19 the following information:

20 (1) the case name and docket number;

21 (2) the date and time of filing as defined under Paragraph G of this rule;

22 (3) the document title;

23 (4) the name of the EFS service provider;

1                     (5)       the email address of the person or entity filing the document; and

2                     (6)       the page count of the filed document.

3           [H]K. **Conformed copies.** Upon request of a party, the clerk shall stamp additional paper  
4 copies provided by the party of any pleading filed by electronic transmission. A file-stamped copy  
5 of a document filed by electronic transmission can be obtained through the court’s EFS. Certified  
6 copies of a document may be obtained from the clerk’s office.

7           L. **Proposed documents submitted to the court.** Unless a Supreme Court approved  
8 rule provides otherwise, this paragraph governs the submission of proposed documents to the  
9 court.

10                    (1)       Proposed documents shall be identified by a party’s attorney as “proposed”  
11 and filed by the party’s attorney in the EFS. Any proposed document adopted, or modified, and  
12 signed by a judge under this rule will be electronically filed by the court in the EFS and served on  
13 the parties as required by these rules.

14                    (2)       Documents issued by the clerk under this rule shall be sent to the requesting  
15 party through the EFS, and the requesting party is responsible for electronically filing the  
16 document in the EFS if necessary under these rules and serving it on the parties as appropriate  
17 under these rules.

18          M. **Requests for exemptions from rules establishing mandatory electronic filing**  
19 **systems.**

20                    (1)       An attorney may file a petition with the Supreme Court requesting an  
21 exemption, for good cause shown, from any mandatory electronic filing system that may be  
22 established by this rule. The petition shall set forth the specific facts offered to establish good cause

1 for an exemption. No docket fee shall be charged for filing a petition with the Supreme Court  
2 under this subparagraph.

3 (2) Upon a showing of good cause, the Supreme Court may issue an order  
4 granting an exemption from the mandatory electronic filing requirements of this rule. An  
5 exemption granted under this subparagraph remains in effect statewide for one (1) year from the  
6 date of the order and may be renewed by filing another petition in accordance with Subparagraph  
7 (1) of this paragraph.

8 (3) An attorney granted an exemption from a mandatory electronic filing  
9 system under this paragraph may file documents in paper format with the magistrate court and  
10 shall not be charged an electronic filing fee under this rule or local rule for doing so. When filing  
11 paper documents under an exemption granted under this paragraph, the attorney shall attach to the  
12 document a copy of the Supreme Court exemption order. The magistrate court clerk shall scan the  
13 attorney's paper document into the electronic filing system including the attached Supreme Court  
14 exemption order. No fee shall be charged for scanning the document. The attorney remains  
15 responsible for serving the document in accordance with these rules and shall include a copy of  
16 the Supreme Court exemption order with the document that is served.

17 (4) An attorney who receives an exemption under this paragraph may  
18 nevertheless file documents electronically in any magistrate court that accepts electronic filings  
19 without seeking leave of the Supreme Court provided that the attorney complies with all  
20 requirements under this rule, complies with all applicable rules for the magistrate court's EFS, and  
21 pays any applicable electronic filing fees. By doing so, the attorney does not waive the right to  
22 exercise any exemption granted under this paragraph for future filings.

- 1            N. **Technical difficulties.** Substantive rights of the parties shall not be affected when  
2 the EFS is not operating through no fault of the filing attorney.  
3 [As amended, effective March 21, 2005; as amended by Supreme Court Order No. 21-8300-002,  
4 effective September 9, 2021.]