

1 **3-205. 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;

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 metropolitan 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 metropolitan 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 3-112 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 C. **Service by electronic transmission.** Any document required to be served by Rule
2 3-203(A) NMRA may be served on a party or attorney by electronic transmission of the document
3 if the party or attorney has agreed to be served with pleadings or papers by electronic mail or if
4 the attorney for the party to be served has registered with the court’s EFS. Documents filed by
5 electronic transmission under Paragraph A of this rule may be served by an attorney through the
6 court’s EFS, or an attorney may elect to serve documents through other methods authorized by
7 this rule, Rule 3-203 NMRA, or Rule 3-204 NMRA. Electronic service is accomplished when the
8 transmission of the pleading or paper is completed. If within two (2) days after service by
9 electronic transmission, a party served by electronic transmission notifies the sender of the
10 electronic transmission that the pleading or paper cannot be read, the pleading or paper shall be
11 served by any other method authorized by Rule 3-203 or 3-204 NMRA designated by the party to
12 be served. The court may serve any document by electronic transmission to an attorney who has
13 registered with the EFS under this rule and to any other person who has agreed to receive
14 documents by electronic transmission.

15 D. **Format of documents; protected personal identifier information.** All
16 documents filed by electronic transmission shall be formatted in accordance with the Rules of Civil
17 Procedure for the Metropolitan Courts and shall comply with all procedures for protected personal
18 identifier information under Rule 3-112 NMRA.

19 E. **Electronic services fee.**

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

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

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

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

9 F. **Single transmission.** Whenever a rule requires multiple copies of a document to
10 be filed only a single electronic transmission of the document is necessary. If an attorney files or
11 serves multiple documents in a case by a single electronic transmission, the applicable electronic
12 services fee under Paragraph E of this rule shall be charged only once regardless of the number of
13 documents filed or parties served.

14 G. **Time of filing.** For purposes of filing by electronic transmission, a “day” begins at
15 12:01 a.m. and ends at midnight. If electronic transmission of a document is received before
16 midnight on the day preceding the next business day of the court it will be considered filed on the
17 immediately preceding business day of the court. For any questions of timeliness, the time and
18 date registered by the court’s computer will be determinative. For purposes of electronic filing
19 only, the date and time that the filer submits the electronic filing envelope will serve as the filing
20 date and time for purposes of meeting statute of limitations or any other filing deadlines,
21 notwithstanding rejection of the attempted filing or its placement into an error queue for additional
22 processing.

23 H. **Signatures.**

1 (1) All electronically filed documents shall be deemed to contain the filing
2 attorney’s signature under Rule 3-301(H) NMRA. Attorneys filing electronically thereby certify
3 that required signatures or approvals have been obtained before filing the document. The full,
4 printed name of each person signing a paper document shall appear in the electronic version of the
5 document.

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

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

10 (b) by typing in the signature line the notation “/s/” followed by the
11 name of the person who signed the original document.

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

14 **I. Demand for original; electronic conversion of paper documents.**

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

21 (2) For cases in which electronic filing is mandatory, if an attorney who is
22 exempt under Paragraph M of this rule or a self-represented party files a paper document with the
23 court, the clerk shall convert the paper document into electronic format for filing. The filing date

1 shall be the date on which the paper document was filed even if the document is electronically
2 converted and filed at a later date. The clerk shall retain the paper documents as long as required
3 by applicable statutes, rules, and regulations.

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

- 9 (1) the case name and docket number;
- 10 (2) the date and time of filing as defined under Paragraph G of this rule;
- 11 (3) the document title;
- 12 (4) the name of the EFS service provider;
- 13 (5) the email address of the person or entity filing the document; and
- 14 (6) the page count of the filed document.

15 **K. Conformed copies.** Upon request of a party, the clerk shall stamp additional paper
16 copies provided by the party of any pleading filed by electronic transmission. A file-stamped copy
17 of a document filed by electronic transmission can be obtained through the court's EFS. Certified
18 copies of a document may be obtained from the clerk's office.

19 **L. Proposed documents submitted to the court.** Unless a rule approved by the
20 Supreme Court provides otherwise, this paragraph governs the submission of proposed documents
21 to the court.

- 22 (1) ~~[Except for documents listed in Subparagraph (4) of this paragraph, a~~
23 ~~document that a party proposes for issuance by the court shall be transmitted by electronic mail to~~

1 ~~an email address designated by the court for that purpose. A judge may direct the party to submit~~
2 ~~a hard copy of the proposed document in addition to, or in lieu of, the electronic copy. Guidelines~~
3 ~~for submitting proposed documents to the court shall be posted on the court's web site, which will~~
4 ~~include the email addresses to be used for purposes of this paragraph. The information on the web~~
5 ~~site also may set forth the text to be included in the subject line and body of the email.] Proposed~~
6 ~~documents shall be identified by a party's attorney as "proposed" and filed by the party's attorney~~
7 ~~in the EFS. Any proposed document adopted, or modified, and signed by a judge under this rule~~
8 ~~will be electronically filed by the court in the EFS and served on the parties as required by these~~
9 ~~rules.~~

10 ~~[(2) Except for documents listed in Subparagraph (4) of this paragraph,~~
11 ~~proposed documents shall not be electronically filed by the party's attorney in the EFS. Any party~~
12 ~~who submits proposed documents by email under this paragraph shall not engage in ex parte~~
13 ~~communications in the email and shall serve a copy of the email and attached proposed documents~~
14 ~~on all other parties to the action.]~~

15 ~~[(3)](2) Documents issued by the clerk under this rule shall be sent to the~~
16 ~~requesting party [by email or] through the EFS, [as appropriate,] and the requesting party is~~
17 ~~responsible for electronically filing the document in the EFS if necessary under these rules and~~
18 ~~serving it on the parties as appropriate under these rules. [Any document issued by a judge under~~
19 ~~this rule will be electronically filed by the court in the EFS and served on the parties as required~~
20 ~~by these rules.]~~

21 ~~[(4) The following proposed documents that a party submits for issuance by the~~
22 ~~court, known as "issuance documents," shall be submitted through the court's EFS:~~

23 ~~_____ (a) certificate as to the state of the record;~~

- 1 ~~_____ (b) _____ issuance of summons;~~
- 2 ~~_____ (c) _____ issuance of summons and notice of trial in actions for forcible entry~~
- 3 ~~or unlawful detainer and cases brought under the Uniform Owner Resident Relations Act and the~~
- 4 ~~Mobile Home Park Act;~~
- 5 ~~_____ (d) _____ notice of pendency;~~
- 6 ~~_____ (e) _____ notice of suit;~~
- 7 ~~_____ (f) _____ subpoena;~~
- 8 ~~_____ (g) _____ transcript of judgment;~~
- 9 ~~_____ (h) _____ writ of replevin or assistance;~~
- 10 ~~_____ (i) _____ writ of restitution;~~
- 11 ~~_____ (j) _____ writ of execution; and~~
- 12 ~~_____ (k) _____ writ of garnishment.]~~

13 **M. Requests for exemptions from rules establishing mandatory electronic filing**
14 **systems.**

15 (1) An attorney may file a petition with the Supreme Court requesting an
16 exemption, for good cause shown, from any mandatory electronic filing system that may be
17 established by this rule and any other metropolitan court rules pertaining to the electronic filing
18 system. The petition shall set forth the specific facts offered to establish good cause for an
19 exemption. No docket fee shall be charged for filing a petition with the Supreme Court under this
20 subparagraph.

21 (2) Upon a showing of good cause, the Supreme Court may issue an order
22 granting an exemption from the mandatory electronic filing requirements of this rule and any other
23 metropolitan court rules pertaining to the electronic filing system. An exemption granted under

1 this subparagraph remains in effect statewide for one (1) year from the date of the order and may
2 be renewed by filing another petition in accordance with Subparagraph (1) of this paragraph.

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

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

18 N. **Technical difficulties.** Substantive rights of the parties shall not be affected when
19 the EFS is not operating through no fault of the filing attorney.

20 [As amended, effective March 21, 2005; as amended by Supreme Court Order No. 16-8300-030,
21 effective for all cases pending or filed on or after December 31, 2016; as amended by Supreme
22 Court Order No. 20-8300-002, effective October 15, 2020; as amended by Supreme Court Order
23 No. 21-8300-002, effective March 5, 2021.]