IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

March 23, 2020

NO. 20-8500-006

IN THE MATTER OF
ADDITIONAL PRECAUTIONARY MEASURES
FOR COURT OPERATIONS IN THE
NEW MEXICO JUDICIARY DURING THE
COVID-19 PUBLIC HEALTH EMERGENCY

ORDER

WHEREAS, the New Mexico Judiciary performs a vital function in our community for the public's safety and to uphold the rule of law and provide essential justice services to the public guaranteed by the Constitution and laws of the United States and State of New Mexico, which must be provided at all times and especially during times of crisis;

WHEREAS, the need for protective health measures in New Mexico courthouses remains a top priority for the New Mexico Judiciary to ensure that courts can remain open to provide essential public safety services and maintain the rule of law in a safe environment for all New Mexicans; and

WHEREAS, in light of the evolving public health emergency, and the Court wishing to provide additional guidance and direction to the New Mexico Judiciary for limiting in-person appearances and gatherings of individuals in courthouse and being sufficiently advised, Chief Justice Judith K. Nakamura, Justice Barbara J.

Vigil, Justice Michael E. Vigil, Justice C. Shannon Bacon, and Justice David K. Thomson concurring:

NOW, THEREFORE, IT IS ORDERED that this Court's March 17, 2020, Order No. 20-8500-002, at page 4, lines 16 through 23, which granted judges expanded discretion to authorize telephonic and audio-visual attendance for court appearances is AMENDED, effective immediately, as set forth in this order to authorize court appearances by remote methods to fullest extent possible. All judges are now required to use telephonic or audio-visual attendance for court appearances by attorneys, litigants, witnesses, and the press, unless there is an emergency need for an in-person appearance. The parties may, by motion, request in-person appearances where necessary. If a judge identifies a need for an in-person appearance on the judge's own initiative, prior to proceeding with the in-person appearance, the judge shall confer with the parties and the chief judge of the district. Judges may continue to take other protective measures, including the granting of continuances upon motion of any party or the judge's own motion, in appropriate cases when remote appearances are not feasible under the circumstances. Any criminal procedure rules requiring the presence of the defendant may continue to be accomplished through remote, audio-visual appearance, provided that confidential communication between the defendant and defense counsel is made available;

IT IS FURTHER ORDERED that Order No. 20-8500-002, at page 4, lines 8 through 14, which limited the gathering of individuals in locations within the courthouse to no more that twenty-five (25) people is AMENDED, effective immediately, as set forth in this order to further restrict the size of gatherings in courthouses. All gatherings of individuals in a single, connected location within a courthouse or other building are now further limited to no more than fifteen (15) people - which includes judges, court personnel, jurors, attorneys, litigants, the general public, and the press - to facilitate appropriate social distancing as recommended by public health authorities. The chief judge of the district may extend a gathering of individuals in a courthouse to a maximum of twenty-five (25) if there is an emergency need to do so; and

IT IS FURTHER ODRDERED that this order shall remain in effect until amended or withdrawn by future order of the Court.

WITNESS, the Honorable Judith K. Nakamura, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 23rd day of March, 2020.

Joey D. Moya, Chief Clerk of the Supreme Court
of the State of New Mexico