

Attorney eFiling in the New Mexico Court of Appeals

New to File and Serve?

Before going any further, please visit the Court of Appeals' eFiling web page at: <https://coa.nmcourts.gov/e-filing.aspx>. Follow the instructions in the *Getting Started in File and Serve* section:

1. Get your CAID Number (court appointed ID)
2. Sign up for Webex Training
3. Create a File and Serve Firm Account for your office, User Accounts for your firm, Service Contacts for your firm, Firm Attorneys, and a Court of Appeals Waiver Account

This document provides useful tips for using the File and Serve system in Court of Appeals, which differs from filing at the District Court or the Supreme Court. This document is not a comprehensive guide for using the File and Serve system. The complete set of File and Serve User Guides and other training resources can be found in Self-Service Support section of the Tyler Technologies website at <https://tylertech.egain.cloud/kb/nmh5/home>.

Important Information and Helpful Tips for eFiling

1. Electronic filing and service will be available in the Court of Appeals with no convenience fee.
2. Payment of the docket fee to initiate a case cannot be accepted through the File and Serve system at this time. Accordingly, for those cases initiated in the Court of Appeals through the File and Serve system for which a docket fee is due, payment must be made by check made payable to the New Mexico Court of Appeals and received by the Court of Appeals Clerk's Office no later than 5 days after the case is accepted for filing. For more information, please see Rule 12-307.2(C) NMRA.
3. Beginning August 21, 2017, the new electronic filing and service rules become mandatory for all pending and new cases.
4. All attorneys should add themselves as service contacts through the File and Serve system for any pending cases in which they are an attorney of record as soon as possible. See Rule 12-307.2 NMRA. Also see the "How to Add Yourself as a Service Contact" document at <https://coa.nmcourts.gov/e-filing.aspx>.

5. Attorneys are not to eFile the Notice of Appeal to the Court of Appeals, but should eFile the Notice of Appeal to the appealed District Court Case.

NOTE: Prior to filing a case through File and Serve, the following must have been completed in your File and Serve Firm Account:

- **Add Firm Service Contacts,**
- **Add Firm Attorneys, and**
- **Add the Court of Appeals Waiver Account**

The following Court of Appeals guidelines are described in order of appearance while completing a filing on the File and Serve software application when logged in at

<https://newmexico.tylerhost.net/ofswb>.

1. **Initial Filing Code Selections When Filing a New Case:**

Case Information

- **Location:** Select Court of Appeals.
- **Category:** Select Appellate.
- **Case Type:** Although there are a variety of filing codes displayed, please choose **1 - Pending Classification**. The Clerk's Office will revise the case type to the appropriate selection when accepting your case for filing.

Party Information

- **Party Details:** Enter information only for the party you are representing.
- **Lead Attorney:** All attorneys in your firm or agency should have been added as attorneys in the File and Serve account to select the attorney for this case from a drop down list.

Filings

- **Filing Type:** Select EFile
- **Filing Code:** Please select the most specific opening (OPN) event code appropriate to your case from the drop-down list. Please note the Clerk's Office may revise the event code to a more appropriate selection when accepting your document for filing.
- **Filing Description:** Please Leave Blank. Any text typed into this field will be deleted before the document is accepted for filing.
- **Filing Comments:** Only use this field to provide guidance to the Clerks' Office (e.g. "this is a sealed case").
- **Courtesy Copies and Preliminary Copies:** Do not use these fields as they are not retained as part of the record and should never be used for Service.
- **Reference Number:** This is a required field in the File and Serve software, and the Court of Appeals requests that the lower court case number be entered here.

- **Lead Document:** The Court of Appeals requests that the Lead Document be filed as a separate pdf document (without any attachments). Attachments should be separate pdf documents added in the attachments section. The formatting of an electronically filed document must adhere to applicable requirements in Rule 12-305 NMRA. All electronically filed documents must be in PDF format and follow the restrictions outlined in the PDF Restrictions document found at <https://coa.nmcourts.gov/e-filing.aspx>.
- **Document Security:** Select Court of Appeals Document.
- **Attachments:** If the appellate rules allow for attachments to your filing, The Court of Appeals requests that each attachment be its own separate pdf document. The formatting of an electronically filed document must adhere to applicable requirements in Rule 12-305 NMRA. All electronically filed documents must be in PDF format and follow the restrictions outlined in the PDF Restrictions document found at <https://coa.nmcourts.gov/e-filing.aspx>.
- **Document Security:** Select Court of Appeals Document.
- **Certificate of Service:** The certificate of service may be included as part of the document submitted for filing or may be included as a separate document submitted for filing provided it is included in the same envelope as the document to which it pertains.

NOTE: PDF Restrictions for File and Serve are very specific. Not following the PDF Restriction guidelines may result in your filing not being transmitted properly and delaying the processing of your case. See the “PDF Restrictions” document found at <https://coa.nmcourts.gov/e-filing.aspx>.

Service Contacts

- **Add Service Contact: IMPORTANT** - Use the Actions down arrow next to the represented party to select Add From Firm Service Contacts to add the attorney on this case as a service contact.

Fees

The filing fee for the Court of Appeals will display \$0.00 for electronic filings, and the docketing fee is due to the Court of Appeals within 5 days of submittal.

- **Payment Account:** select the Court of Appeals Waiver Account from the drop down list.
- **Filing Attorney:** select the filing attorney from the dropdown list.

2. Subsequent Filing Code Selections for Filing into Existing Cases

All relevant fields follow the same guidelines as above, except

- a. **Filing Type:** Select EFile, or EFileandServe, or Serve.

3. Accepted or Rejected Filings

- Upon review, the Court of Appeals will accept or reject the filing.
- If accepted, a “Filing Accepted” notice will be emailed to the filer and service contacts.
- If rejected, a “Filing Rejected” notice will be emailed to the filer and service contacts with notes indicating the rejection reason.
- The Clerk’s Office may reject a document submitted for filing for a limited number of reasons such as:
 - No signature on pleading
 - Unreadable scans
 - Document filed into wrong case or court
 - Document filed without a caption or, for subsequent filings, without a case number

4. Paying Fees in the Court of Appeals

- Although no electronic convenience fees are charged for electronic filing and service in Court of Appeals cases, the filing attorney will need to establish the Court of Appeals Waiver Account for use as the Payment Account in the File and Serve system.
- New cases are assessed the docket fee, unless the filing party is granted free process under Rule 23-114 NMRA or is exempt from paying the docketing fee under Rule 12-304 NMRA. The Free Process Waiver Account Guide can be found at <https://nmcourts.gov/e-filing.aspx>.
- Docket fee payments must be made by check payable to the New Mexico Court of Appeals and mailed to the Court of Appeals Clerk’s Office at P.O. Box 2008, Santa Fe, NM 87504.
- Checks must include the case number in the notation field, which can be found on the “Filing Accepted” email notice. The case number will have a prefix of “A-1-CA-”.
- If the docket fee is not received by the Clerk’s Office within the 5-day deadline, your case may be dismissed under Rule 12-307.2(C)(5) NMRA.

5. Dismissal without Prejudice for Nonpayment of Docket Fee

- If the docket fee is not received by the Clerk’s Office within 5 days after the case is accepted for filing, the case may be dismissed without prejudice under Rule 12-307.2(C)(5) NMRA.
- To seek reinstatement of a case that was dismissed without prejudice for failure to pay the docket fee, a motion for reinstatement must be filed in accordance with Rule 12-307.2(C)(6) NMRA
 - i. The motion for reinstatement must be filed within 15 days after the date of the dismissal order.

- ii. The docketing fee must be received by the Court of Appeals on or before the date the motion for reinstatement is filed with the Court of Appeals.
- iii. The check for the docket fee must be made payable to the New Mexico Court of Appeals and the Court of Appeals case number must be written on the check.
- iv. The motion for reinstatement must be submitted as a subsequent filing into the case using the original Court of Appeals case number and using the following reopening filing code: "RPN: Motion to Reinstate Appeal".
- v. If the motion is granted, the Court will issue an order reinstating the case and the case will be deemed initiated on the date that the proceeding was originally filed.

6. The Record Proper, Transcript, and Exhibits

- Electronic filing does not necessarily apply to a record proper filed under Rule 12-209 NMRA, a transcript filed under Rule 12-211, and exhibits filed under Rule 12-212 NMRA.
- Notices related to the designation and filing of the record proper, transcript, and exhibits may be electronically filed and served.
- For access to the record proper and electronically filed transcripts and exhibits, attorneys of record must have a Secure Online Public Access (SOPA) account. If not already a registered Secure Online Public Access (SOPA) user, apply for an account by submitting an application. Registered attorneys will have access to the cases in Odyssey for which they are the attorney of record. This account will allow the Attorney of Record to access the record proper and sealed documents in their cases. The SOPA registration applications can be found at: <https://nmcourts.gov/public-access-help.aspx>.

7. Training:

- File and Serve training is provided by Tyler Technologies by going to <https://newmexico.tylerhost.net/ofswab> and clicking on **Web Training Sessions**
- A video walking through the same processes described in this document will be posted at <https://coa.nmcourts.gov/e-filing.aspx>.