



Mark Reynolds

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

**IN THE MATTER OF THE COURT
OF APPEALS EXPEDITED BENCH
DECISION PROGRAM,**

No. A-1-AO-2026-00002

ORDER

This matter is before the Court upon the Court's evaluation of the expedited bench decision program initiated by Miscellaneous Order No. 1-19 in March 1993 and expanded and modified by Miscellaneous Order Nos. 1-21, 1-45, 1-46, and 1-57. The Court is of the opinion that the expedited bench decision program should continue with further modification.

IT IS THEREFORE ORDERED THAT:

1. The Court may assign any case on its docket to the expedited bench decision program. Any party may file a motion to assign a case to the expedited bench decision program at any time. The Court will deny or grant the motion in its discretion.
2. Parties may file written objections within 10 days of assignment to the program, specifying in detail their objections to their case being assigned to the expedited bench decision program. However, the decision as to whether the case shall remain in the program will be made by the Court.
3. The following guidelines shall control preparation of cases assigned to the expedited bench decision program and their scheduling for oral argument, to the extent that the guidelines apply given the timing of the assignment of the case to the program.

A. Transcript and exhibit preparation and filing shall be in accordance with the Rules of Appellate Procedure.

B. Briefs shall be filed and served in accordance with Rules 12-210(B) and -213 NMRA, except that, absent permission from the Court, the brief in chief shall be filed and served within 30 days after the transcript is filed, the answer brief shall be filed and served within 30 days after the service of the brief in chief, and the reply brief, if any, shall be filed and served within 15 days after the service of the answer brief. The brief in chief and the answer brief shall be limited to 20 pages or 6,300 words if using proportionally spaced type style or typeface, or 684 lines if using a monospaced type style or typeface. The reply brief, if any, shall be limited to 10 pages or 3,150 words or 342 lines.

C. The case shall be submitted to a panel of three Court of Appeals judges for decision at the Court's next available submission date.

D. Any party may request oral argument pursuant to Rule 12-214 NMRA, in which case the Court shall grant the request, the parties shall be notified immediately, and oral argument shall be held within 30 days of the case being submitted to a panel of judges.

4. The following guidelines shall govern arguments and decisions in cases assigned to the expedited bench decision program.

A. Argument shall be before a panel of three Court of Appeals judges.

B. If oral argument is held, the panel shall strive to decide the case from the bench, either immediately after the argument or after a short recess. A written decision, including any concurrences or dissents, is expected to be filed as soon as practicable and no later than 15 days after argument, unless the time is extended pursuant to Paragraph 4(E) or 6 of this Order. If oral argument is not held, the panel shall decide the case within 45 days of being submitted to the panel, notwithstanding Paragraphs 4(E) and 6 of this Order.

C. In most cases in this program, it is anticipated that the case will be decided by a decision that will not be considered of any precedential value for any other case. However, in appropriate cases, the panel may issue a formal opinion that will be of precedential value.

D. In all cases that are remanded for retrial or further proceedings, the explanation of the Court's decision will be sufficiently detailed for the guidance of the trial court and counsel.

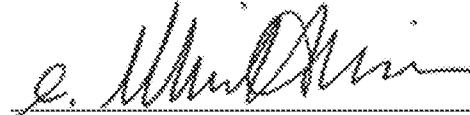
E. If a majority of the panel cannot agree as to the disposition of the case or believes that the case is not appropriate for the expedited bench decision program, the case will be promptly removed from the program.

5. The parties retain their rights to seek rehearing and certiorari.

6. Notwithstanding the requirements of Paragraph 4, if one member of the panel believes additional time is needed, the time constraints set forth above may be expanded, but the case will be given the highest priority and a decision rendered at the earliest possible date.


IT IS SO ORDERED.

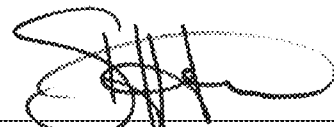

JACQUELINE R. MEDINA, Chief Judge



J. MILES HANISEE, Judge

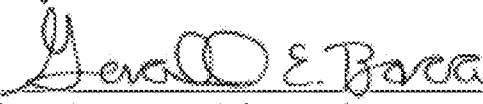

JENNIFER L. ATTREP, Judge

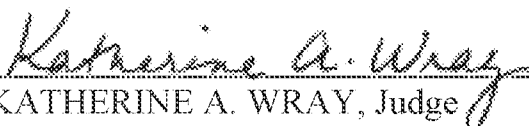

MEGAN P. DUFFY, Judge


ZACHARY A. IVES, Judge


SHAMMARA H. HENDERSON, Judge


JANE B. YOHALEM, Judge


GERALD E. BACA, Judge


KATHERINE A. WRAY, Judge


KRISTOPHER N. HOUGHTON, Judge