

Attorney eFiling in the Supreme Court of New Mexico

New to File and Serve?

Before going any further, please visit the Supreme Court's website at:

<https://www.nmcourts.gov/Supreme-Court/-electronic-filing-.aspx>

and follow the instructions in the *Getting Started* section to:

1. Get your CAID Number
2. Create a File and Serve Firm Account, User Accounts, and Supreme Court Waiver Account
3. Sign up for Webex Training

This document provides useful tips for using the File and Serve system in Supreme Court. This document is not a comprehensive guide for using the File and Serve system. The complete set 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 Supreme Court at no charge.
2. Payment of the \$125 docket fee to initiate a case, however, cannot be accepted through the File and Serve system at this time. Accordingly, for those cases initiated in the Supreme Court 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 Supreme Court and received by the Supreme Court 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. The new electronic filing and service rules become mandatory for all cases pending or filed on or after July 1, 2017. Until then, voluntary electronic filing and service in any new or pending case is available beginning on May 1, 2017. All attorneys should add themselves as service contacts within 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.

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

- a. **Location:** Supreme Court
- b. **Category:** Appellate
- c. **Case Type** – Choose the applicable case type from the dropdown list. Please note the Clerk’s Office may revise the case type to a more appropriate selection when accepting your case for filing.
- d. **Filing Type:** EFile
- e. **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. Please note that any OPN codes with a prefix of BBE, DSC, or JSC may only be selected by attorneys filing a case arising out of a Board of Bar Examiners, Disciplinary Board, or Judicial Standards Commission proceeding.
- f. **Filing Description:** Please Leave Blank. Any text typed into this field will be deleted before the document is accepted for filing.
- g. **Reference Number:** This is a required field in the File and Serve software, but the Supreme Court does not require any specific information to be provided in this field. The filer’s initials or some other internal tracking information that would be useful for the filer’s purposes will suffice.
- h. **Lead Document and Attachments:** The Supreme Court generally prefers that any attachments to a pleading be included as part of the lead document submitted for filing rather than as an attachment to the lead document.

5. Subsequent Filing Code Selections for Filing into Existing Cases

- a. **Filing Type:** EFile, or EFileandServe, or Serve
- b. **Filing Code:** Please select the most specific event code appropriate to your filing 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. Please note that any codes with a prefix of BBE, DSC, or JSC may only be selected by attorneys filing documents in a Supreme Court case arising out of a Board of Bar Examiners, Disciplinary Board, or Judicial Standards Commission proceeding.
- c. **Payment Account:** Select Supreme Court Waiver Account
- d. **Filing Description:** Please Leave Blank. Any text typed into this field will be deleted before the document is accepted for filing.
- e. **Reference Number:** This is a required field in the File and Serve software, but the Supreme Court does not require any specific information to be provided in this field. The filer's initials or some other internal tracking information that would be useful for the filer's purposes will suffice.
- f. **Lead Document and Attachments:** The Supreme Court generally prefers that any attachments to a pleading be included as part of the lead document submitted for filing rather than as an attachment to the lead document.

6. **Service Contact:** Add others within the Firm Account as service contacts in each case.

All attorneys should add themselves as service contacts within 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.

7. **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.

8. Parties: Add only the parties that the filing attorney is representing.

9. Document Format: 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.

10. Accepted or Rejected Filings

- a. Upon review, the Supreme Court will accept or reject the filing.
- b. If accepted, a “Filing Accepted” notice will be emailed to the filer and service contacts.
 - i. Some filers, after receiving the “Filing Accepted” notice, may receive a follow-up “Notice of Non-Conforming Pleading” if the pleading does not comply with formatting and other requirements under the Rules of Appellate Procedure. The notice will provide the filing attorney with directions for filing a Conformed Pleading with any required corrections.
- c. If rejected, a “Filing Rejected” notice will be emailed to the filer and service contacts with notes indicating the rejection reason.
- d. The Clerk’s Office may only reject a document submitted for filing for a limited number of reasons such as:
 - i. No signature on pleading
 - ii. Unreadable scans
 - iii. Document filed into wrong case or court
 - iv. Document filed without a caption or, for subsequent filings, without a case number

11. Paying Fees in the Supreme Court

- a. Although no electronic convenience fees are charged for electronic filing and service in Supreme Court cases, the filing attorney will need to establish the Supreme Court Waiver Account for use as the Payment Account in the File and Serve system.
- b. **Payment Account:** The filing attorney must choose the Supreme Court Waiver Account for filings to the Supreme Court, which will indicate a \$0.00 filing fee in all the documentation

- c. New cases are assessed a \$125.00 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>
- d. Docket fee payments must be made by check payable to the Supreme Court of New Mexico and mailed to the Supreme Court Clerk's Office at P.O. Box 848, Santa Fe, NM 87504.
- e. 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 "S-1-SC-".
- f. 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

12. Dismissal without Prejudice for Nonpayment of Docket Fee

- a. 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.
- b. 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 Supreme Court on or before the date the motion for reinstatement is filed with the Supreme Court
 - iii. The check for the \$125 docket fee must be made payable to the Supreme Court of New Mexico and the Supreme Court 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 Supreme Court case number using the following reopening filing code: "RPN: Motion to Reinstate"

- 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.

13. The Record Proper, Transcript, and Exhibits

- a. Electronic filing does not 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.
- b. Notices related to the designation and filing of the record proper, transcript, and exhibits may be electronically filed and served.
- c. For access to the record proper, transcript, or exhibits, please contact the Supreme Court Clerk's Office.
- d. The Supreme Court will be implementing a new electronic record proper process soon. At that time, more information will be provided about ways to obtain electronic access to the record proper.

14. Training Opportunities: In addition to the online training opportunities and resources made available through File and Serve and the Supreme Court website, the Supreme Court will also be providing in-person training sessions during the voluntary filing period leading up to the July 1 mandatory implementation of the electronic filing system. In-person session will be offered on the following dates and times:

- a. Friday, May 12, 2017 – 10:00 to 11:00 a.m.
- b. Friday, May 26, 2017 – 10:00 to 11:00 a.m.
- c. Monday, June 12, 2017 – 10:00 to 11:00 a.m. and 3:00 to 4:00 pm
- d. Thursday, June 29, 2017 – 10:00 to 11:00 a.m. and 3:00 to 4:00 pm

Anyone wanting to attend an in-person session, should sign up by contacting the Supreme Court Clerk's Office at least 48 hours before the desired session. The Supreme Court Clerk's Office can be reached by telephone at 505-827-4860 or by email at nmsupremecourtclerk@nmcourts.gov