

3-205. Electronic service and filing of pleadings and other papers.

A. Definitions. As used in these rules

- (1) “electronic transmission” means the transfer of data from computer to computer other than by facsimile transmission;
- (2) “document” includes the electronic representation of pleadings and other papers; and
- (3) “EFS” means the electronic filing system approved by the Supreme Court for use by the metropolitan courts to file and serve documents by electronic transmission in civil actions.

B. Electronic filing authorized; registration by attorneys required.

(1) A metropolitan court shall implement the mandatory filing of documents by electronic transmission in accordance with this rule through the EFS by parties represented by attorneys. Self-represented parties are prohibited from electronically filing documents and shall continue to file documents through traditional methods. Parties represented by attorneys shall file documents by electronic transmission even if another party to the action is self-represented or is exempt from electronic filing under Paragraph M of this rule. For purposes of this rule, “civil actions” does not include actions sealed under Rule [3-112](#) NMRA.

(2) Unless exempted under Paragraph M of this rule, attorneys required to file documents by electronic transmission shall register with the EFS through the New Mexico Judiciary’s web site. Every registered attorney shall provide a valid, working, and regularly checked email address for the EFS. The court shall not be responsible for inoperable email addresses or unread email sent from the EFS.

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

D. Format of documents; protected personal identifier information. All documents filed by electronic transmission shall be formatted in accordance with the Rules of Civil Procedure for the Metropolitan Courts and shall comply with all procedures for protected personal identifier information under Rule [3-112](#) NMRA.

E. Electronic services fee.

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

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

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

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

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

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

H. Signatures.

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

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

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

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

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

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

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

(2) For cases in which electronic filing is mandatory, if an attorney who is exempt under Paragraph M of this rule or a self-represented party files a paper document with the court, the clerk shall convert the paper document into electronic format for filing. The filing date shall be the date on which the paper document was filed even if the document is electronically converted and filed at a later date. The clerk shall retain the paper documents as long as required by applicable statutes, rules, and regulations.

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

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

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

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

(1) Proposed documents shall be identified by a party's attorney as "proposed" and filed by the party's attorney in the EFS. Any proposed document adopted, or modified, and signed by a judge under this rule will be electronically filed by the court in the EFS and served on the parties as required by these rules.

(2) Documents issued by the clerk under this rule shall be sent to the requesting party through the EFS, and the requesting party is responsible for electronically filing the document in the EFS if necessary under these rules and serving it on the parties as appropriate under these rules.

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

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

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

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

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

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

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

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

ANNOTATIONS

The 2021 amendment, approved by Supreme Court Order No. 21-8300-002, effective March 5, 2021, provided new procedures for submitting proposed documents to the metropolitan court in civil actions, removed language that required proposed documents to be transmitted by electronic mail to an email address designated by the court for that purpose, and removed language prohibiting the filing of proposed documents through the court's EFS, and removed language allowing certain issuance documents to be filed through the court's EFS; in Paragraph L, completely rewrote Subparagraph L(1), deleted Subparagraph L(2) and redesignated former Subparagraph L(3) as Subparagraph L(2), in Subparagraph L(2), after "requesting party", deleted "by email or", after "through the EFS", deleted "as appropriate", after "EFS if necessary", added "under these rules", after "parties as appropriate", added "under these rules", and deleted the last sentence of the subparagraph, which provided "Any document issued by a judge under this rule will be electronically filed by the court in the EFS and served on the parties as required by these rules.", and deleted former Subparagraph L(4).

The 2020 amendment, approved by Supreme Court Order No. 20-8300-002, effective October 15, 2020, required the metropolitan court to implement the mandatory filing of documents by electronic transmission in civil actions through the electronic filing system (EFS) approved by the New Mexico Supreme Court, prohibited self-represented parties from electronically filing documents, provided that documents required to be served by this rule may be served through the court's EFS and that documents required to be served by Rule [3-203\(A\)](#) NMRA may be served through the court's EFS if the party to be served has registered with the court's EFS, provided the acceptable format, number of

copies, and time of filing for documents filed by electronic transmission, provided fees for electronic filing and electronic service of documents, required attorneys to retain, for inspection by other parties or the court, original paper documents filed or served electronically until the conclusion of the case, provided that certified copies of electronically filed documents may be obtained from the metropolitan court clerk's office, provided procedures for electronically filing documents that a party proposes for issuance by the court, and provided for requests for exemptions from the mandatory electronic filing requirements; in Paragraph A, added Subparagraph (3); added a new Paragraph B and redesignated former Paragraph B as Paragraph C; in Paragraph C, after "pleadings or papers by electronic mail", added "or if the attorney for the party to be served has registered with the court's EFS. Documents filed by electronic transmission under Paragraph A of this rule may be served by an attorney through the court's EFS, or an attorney may elect to serve documents through other methods authorized by this rule, Rule [3-203](#) NMRA, or Rule [3-204](#) NMRA.", changed each occurrence of "electronic mail" to "electronic transmission", and added the last sentence of the paragraph; deleted former Paragraphs C and D, added new Paragraphs D and E, and redesignated former Paragraphs E and F as Paragraphs F and G, respectively; in Paragraph F, after "single", added "electronic", after the first occurrence of "transmission", added "of the document", and added the last sentence of the paragraph; in Paragraph G, added the last sentence of the paragraph; added a new Paragraph H and redesignated former Paragraph G as Paragraph I; in Paragraph I, in the heading, added "electronic conversion of paper documents", deleted "A party shall have the right to inspect and copy any document that has been filed or served by electronic transmission if the document has a statement signed under oath or affirmation or penalty of perjury", and added the remainder of the paragraph; added a new Paragraph J and redesignated former Paragraph H as Paragraph K; in Paragraph K, after "additional", added "paper", and added the last sentence of the paragraph; and added Paragraphs L through N.

The 2016 amendment, approved by Supreme Court Order No. 16-8300-030, effective December 31, 2016, in Paragraph B, after "to be served by", deleted "Paragraph A of Rule 2-203" and added "Rule 3-203(A), and after "authorized by Rule", deleted "2-203" and added "3-203"; and in Paragraph H, after the heading, deleted "Upon" and added "On".

The 2005 amendment, effective March 21, 2005, conformed this rule with District Court Civil Rule [1-005.2](#) NMRA as amended by the Supreme Court, effective January 3, 2005.

Cross references. — For definition of "signature", see Rule [3-301](#) NMRA.

For general rule on service and filing of pleadings and papers, see Rule [3-203](#) NMRA.

For service and filing of pleadings and papers by fax, see Rule [3-204](#) NMRA.