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Court of Appeals Celebrates 50th Anniversary

By Judges Michael D. Bustamante and M. Monica Zamora, New Mexico Court of Appeals

Today is the 50th anniversary of the creation of the New Mexico Court of Appeals. In 1965, the State Legislature approved a proposed constitutional amendment to create an intermediate court of appeals. The Legislature acted because the State Supreme Court's burgeoning case load was resulting in unacceptable delays in the disposition of appeals. Voters overwhelmingly approved the amendment in a special election on September 28, 1965.

The Legislature funded the new court in 1966, specifying that the new judges would take office on April 1, 1966. The first judges selected by Governor Jack M. Campbell were LaFel E. Oman (Las Cruces); E. G. Hensley, Jr. (Portales); Waldo Spiess (Albuquerque); and Joe W. Wood (Farmington). Increasing caseloads required periodic enlargement of the Court. A fifth position was authorized in 1972 and two more seats were created in 1978. The last expansion occurred in 1991, resulting in the Court's current ten members. The Court conducted its first oral argument in December 1966, and its first opinion was filed on December 12, 1966.

Fifty years after the first appeal was filed with the court, appeal number 35,450 was just docketed. Since 1966, 42 judges have served on the Court. Of those 42, ten have been women. On January 1, 1979, Judges Mary C. Walters and Leila Andrews were sworn in as the first female judges on the Court, and the first female appellate court judges in New Mexico. Both judges were graduates of the University of New Mexico School of Law.

The jurisdiction of the Court was initially limited to tort cases, workers' compensation matters, non-capital criminal actions, violations of municipal or county ordinances involving fines, and appeals from a few administrative agencies. The range of cases heard by the Court has steadily increased. For example, twenty

years ago, the Supreme Court transferred jurisdiction over cases involving contract claims to the Court. The Court is now the appellate court of first resort for all direct appeals from district courts and most administrative agencies, except for matters reserved to the Supreme Court by the New Mexico Constitution. The Court processes more than 900 cases per year.

Normal caseload growth, combined with the Court's broadening jurisdiction, soon created a backlog similar to that which prompted the Court's creation. The Court responded with several innovative experiments designed to make the appellate process more efficient and less costly—for the Court and for litigants. For example, the Court pioneered the use of recorded trial proceedings in lieu of typed transcripts. The Court was given permission to issue unpublished, non-precedential opinions in selected cases in place of more elaborate formal, published opinions. The Court was instrumental in drafting new comprehensive rules of appellate procedure standardizing how appeals were perfected from all district courts and agencies. These innovations continue in place today.

Also in place − and a large part of the Court's effort to meet its workload − is its summary calendar system. The system is a kind of legal triage designed to identify those cases that can be resolved without full briefing. A nationally recognized approach to prompt case management, the summary calendar program accounts for almost sixty percent of the Court's decisions.

A significant percentage of the Court's cases are also resolved through its in-house mediation program. Started in the late 90's, and based on the federal 10th Circuit Court of Appeals model, the mediation program results in settlements in an average of 40 cases per year. Settlements, of course, reduce the number of opinions the Court must write and provide certainty to the parties.

Looking outside the confines of its courtrooms in Santa Fe and Albuquerque, the Court is actively engaged in holding oral arguments in high schools throughout the State. Starting in Roswell some 25 years ago, the Court has held arguments in Hobbs, Grants, Las Vegas, Farmington, Belen, Los Lunas, Laguna and Acoma Pueblos, Espanola, Santa Fe, and a number of schools in the Albuquerque metro area. With the help of local attorneys, these events bring the judicial branch to life for students as part of the curricula in their schools. The Court also enjoys a collaborative relationship with UNM School of Law. The judges and legal staff speak to various classes, serve as professors and adjunct professors, judge practice moot court sessions, and provide externships for the

students. Two judges also teach an appellate law class with the curriculum specifically focused on the appellate process.

The Court looks forward to continuing these efforts in its ongoing service to the public of New Mexico.

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