



## Administrative Office of the Courts

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### **More NM court proceedings to be conducted in-person under Supreme Court order**

SANTA FE – State courts are expanding the proceedings that will be conducted in-person as the New Mexico judicial branch of government continues to operate with public health precautions to protect the well-being of the public.

Except for jury trials, courts have conducted most proceedings since last year using audio-visual conferencing to eliminate the need for attorneys and litigants to enter a courthouse.

"State courts safely remained open throughout the COVID-19 pandemic to ensure critical justice services were available to New Mexicans," said Chief Justice Michael E. Vigil. "Now, as more people across the state are fully vaccinated, including judges and staff, and public health officials revise COVID guidelines, our courts can conduct additional proceedings in-person. We are continuing to assess our emergency court protocols and remain committed to assuring that all of our facilities are safe places within which to summon jurors and conduct court business."

Seventy-six percent (76.1%) of judges and employees in state courts are fully vaccinated, as of the end of June.

[Under a new Supreme Court order and the Judiciary's Public Health Emergency Protocols](#), certain types of civil and criminal court proceedings will be conducted with the parties physically in the courtroom beginning no later than July 19. Exceptions are permitted by presiding judges in consultation with the chief judge of the judicial district. Civil and criminal jury trials will continue to be held in-person.

### **District, magistrate and metropolitan courts**

Among the criminal proceedings to be held in-person:

- Bench trials, which are held by a judge without a jury.
- Plea and sentencing hearings.
- Hearings to determine whether a defendant is competent to stand trial.

- Preliminary hearings, which determine whether there is probable cause for a criminal prosecution to move forward.
- Pretrial detention hearings, which determine whether a felony defendant will be held in jail pending trial.
- Probation revocation hearings for defendants who are not in custody but when jail time is requested.

Civil bench trials may be held in person at the discretion of the chief judge of the judicial district.

Among the civil or domestic proceedings that will be presumptively conducted in-person:

- Order of protection hearings, such as those for domestic violence victims.
- Termination of parental rights hearings.
- Hearings in protected (PQ) and sequestered cases, including adult conservatorships.
- Kinship guardianship hearings.

All other criminal and civil proceedings will be remotely conducted, unless a presiding judge orders otherwise in consultation with the district's chief judge.

State courts will continue to operate with public health precautions. Health screening questions and masks are required for anyone to enter a courthouse, regardless of a person's vaccination status. Physical distancing of people also is enforced in court buildings.

### **Appellate Courts**

Oral arguments before the Supreme Court and the Court of Appeals will be held in-person when all of the parties are fully vaccinated.

### **Municipal Courts**

Hearings in municipal courts may be held in-person if the Supreme Court has approved a plan by the local court for conducting the proceeding with appropriate public health protections.

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