

Kathleen J. Gibson
Clerk of the Supreme Court
of the State of New Mexico

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IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

NO. 10-8500

STATEMENT OF NEW MEXICO
FALBD

IN THE MATTER OF FULL TIME
CERTIFIED COURT REPORTERS IN
THE STATE COURTS OF NEW MEXICO

JUL - 1 2010

Kathleen J. Gibson

ORDER

WHEREAS, the orders issued on October 30, 2001 and March 27, 2008, by this Court encouraged the use of certified court reporters in all district court trials;

WHEREAS, although stenographic records by court reporters have produced and continue to produce high quality trial records, the availability of court reporters is increasingly limited to a degree that renders statewide use of court reporters impossible;

WHEREAS, reductions in appropriations have greatly hindered the ability of district courts to employ court reporters;

WHEREAS, reductions in appropriations have undermined the ability of appellate courts to pay for transcriptions of stenographic records into written transcripts to the point that the processing of appellate cases is being impaired;

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WHEREAS, with properly trained staff, courts have enjoyed success in use of digital audio recording technology to record judicial proceedings, resulting in high quality court records at reasonable cost; and

WHEREAS, having considered all of these facts and circumstances and being sufficiently advised, Chief Justice Charles W. Daniels, Justice Patricio M. Serna, Justice Petra Jimenez Maes, Justice Richard C. Bosson, and Justice Edward L. Chavez concurring;

NOW, THEREFORE, IT IS ORDERED that in all district courts, the use of pooled, certified court reporters shall be continued where practical and fiscally feasible. In the event of a vacancy in a position previously occupied either by a certified court reporter or a court monitor, the court must first recruit for a certified court reporter. In the event the court is unable to hire a certified court reporter, the Administrative Authority in that court may request reclassification of the vacant position to be filled by an at-will or classified certified court monitor. All certified court monitors shall be trained in use of digital audio recording technology and shall meet such qualifications as may be required by the Judicial Branch Personnel Rules. All courts using digital audio recording technology shall

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2 equip courts with and use only such technology as complies with any
3 directives or requirements adopted by the Judicial Information Systems
4 Council (JIFFY);
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6 IT IS FURTHER ORDERED that district courts shall continue to
7 make all reasonable efforts to employ certified court reporters to take a
8 stenographic record of all first degree murder trials but, where practical
9 or fiscal restraints frustrate those efforts, courts shall use digital audio
10 recording technology to create the trial record. In addition, courts shall
11 make all reasonable efforts to employ certified court reporters for all cases
12 that are likely to require a trial lasting more than five days;
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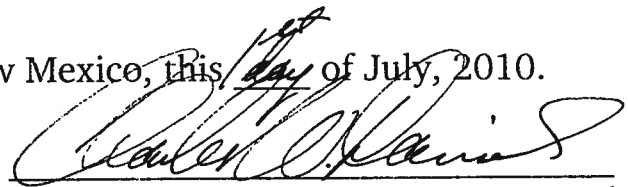
16 IT IS FURTHER ORDERED that, when a certified court reporter is
17 available but on a limited basis, a court shall employ the certified court
18 reporter for the trial portions of judicial proceedings, which includes the
19 trial from jury selection through verdict and specifically includes any
20 conference addressing jury instructions, and shall use digital audio
21 recording technology for other phases of judicial proceedings;
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24 IT IS FURTHER ORDERED that current employees occupying a
25 temporary court monitor position (T-180 or regular temp), or current
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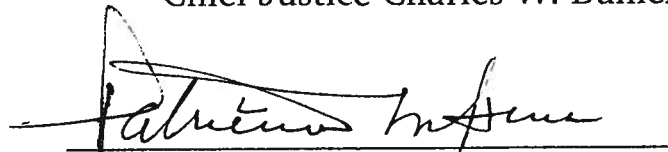
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2 employees officially or unofficially under-filling a certified court reporter
3 or court reporter job classification who do not meet the requirements of
4 a certified court reporter or court reporter job classification shall be
5 reclassified as either at-will or classified certified court monitors and paid
6 within their assigned pay range in accordance with Judicial Branch
7 Personnel Rules effective with the pay period beginning July 10, 2010;
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9 and
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11 IT IS FURTHER ORDERED that the appellate courts shall continue
12 to request sufficient legislative appropriations to pay for transcription of
13 stenographic records, for conversion to written transcripts of records
14 made using digital audio recording technology, and to support courts that
15 seek a certified court reporter for a first degree murder trial or a trial
16 expected to last more than five days.
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20 DONE in Santa Fe, New Mexico, this 14 day of July, 2010.

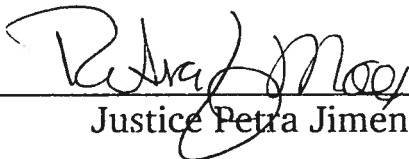
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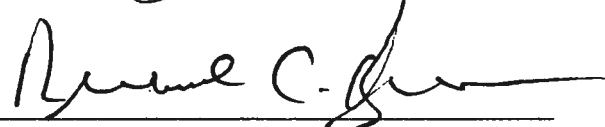
22 Chief Justice Charles W. Daniels

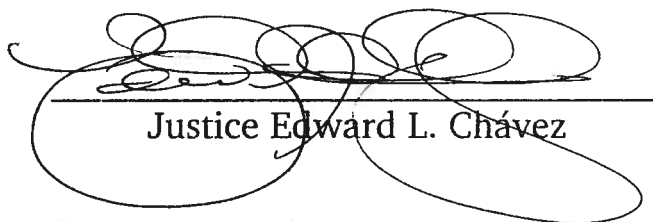
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24 Justice Patricio M. Serna
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Justice Petra Jiménez Maes


Justice Richard C. Bosson


Justice Edward L. Chávez