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Appellate Court Forum

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SCHOOL
OF LAW

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BIG VALUE.**



Appellate Court Forum

Justice David Thomson, NM Supreme Court
Judge Shammara Henderson, NM Court of Appeals
Professor Verónica Gonzales-Zamora, UNM School of Law

The Panel

Calendaring
Docketing Statements
Petitions for Cert

Questions and
Comments from
Audience

Introduction

Current
Status

Tips for
Beginners

Improving
Access

Questions

Court Stats
In Progress
New Projects

Ideas from Other States
Ideas for New Mexico
Resources for New Mexico



Introduction



Current Status

The background of the image consists of several large stacks of paper files, likely legal or administrative documents, arranged in a row. The papers are light-colored and appear to be organized into bundles, with some white string or ties visible around the stacks. The overall tone is muted and professional.

How many filings did
NMCA receive last year?

NM Court of Appeals Stats (FY22)

- Criminal Filings: 231
- Civil Filings: 286
- Discretionary: 61
- Domestic: 33
- Admin/WCA: 22
- Children's Court: 6
- Rule 12-204 Detention: 34

NM Court of Appeals Stats (FY22)

- Rule 12-204: 34
- Summary Calendar: 302
- General Calendar: 267
 - 71 formal opinions
- Disposition Rate (FY21): 103%
- Disposition Rate (FY22): 136%

The background of the image consists of several tall, neat stacks of paper files or folders. Each stack is bound with a white string, and the edges of the papers are visible, creating a textured, layered appearance. The lighting is soft and even, highlighting the uniformity of the stacks.

How many filings did
NMSC receive last year?

NM Supreme Court Productivity

- Average number of formal opinions over the last 10 yrs. (FY13-FY22): 44.3
- Average number of formal opinions during the most recent 5 yrs.: 39.8
- Opinions filed in FY22: 40
- Average disposition rate over the last 10 yrs.: 99.26%

NM Supreme Court Productivity

- Cert. petitions (May to July 2022): 107
- Rule 12-502 cert. petitions (2021): 252
 - 57 Civil
 - 185 Criminal
 - 10 JV
- Rule 12-502 cert. petitions (Jan. 1 to Aug. 4, 2022): 168
 - 55 Civil
 - 109 Criminal
 - 4 JV

Tell us about a project you are
working on at the Supreme
Court of NM.

NM Appellate Improvement Working Group



Are you working on any
projects at the Court of
Appeals of NM?

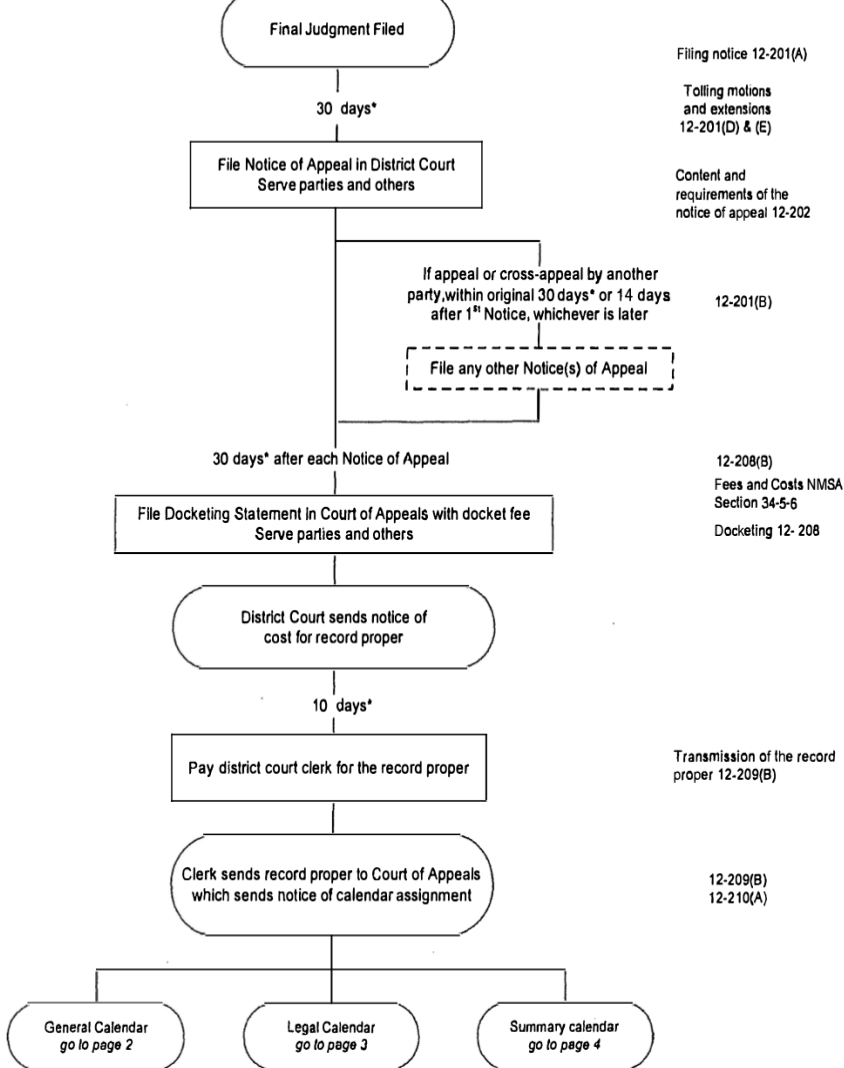
NM Appellate Pilot Project



Tips for Beginners



What is the calendaring
process?

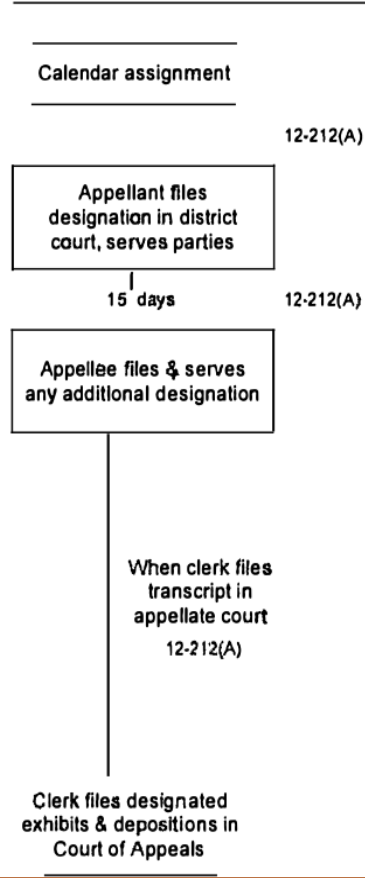
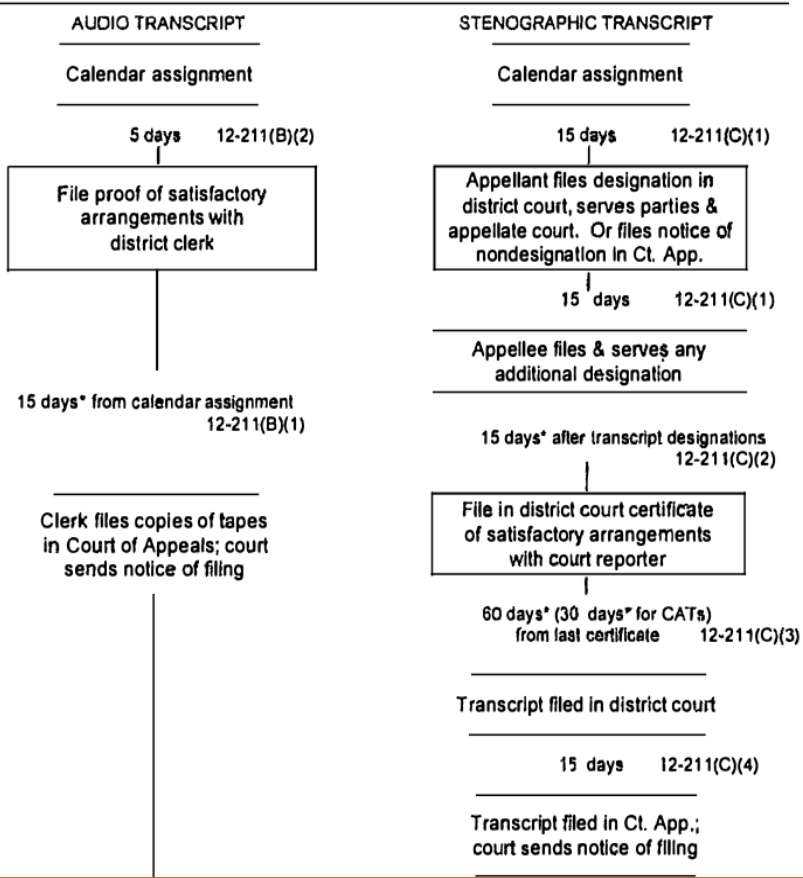


NMCA Calendaring Process

GENERAL CALENDAR

TRANSCRIPT OF PROCEEDINGS

EXHIBITS & DEPOSITIONS



General Calendar

For briefing sequence and schedule in cases involving cross-appeals. See Rule 12-318(1)

45 days* after transcript is filed in Court of Appeals or 45 days* after notice of nondesignation

Briefing Schedule 12-210(B)(2)

Brief in Chief 12-318(A)

45 days 12-210(C)(2)

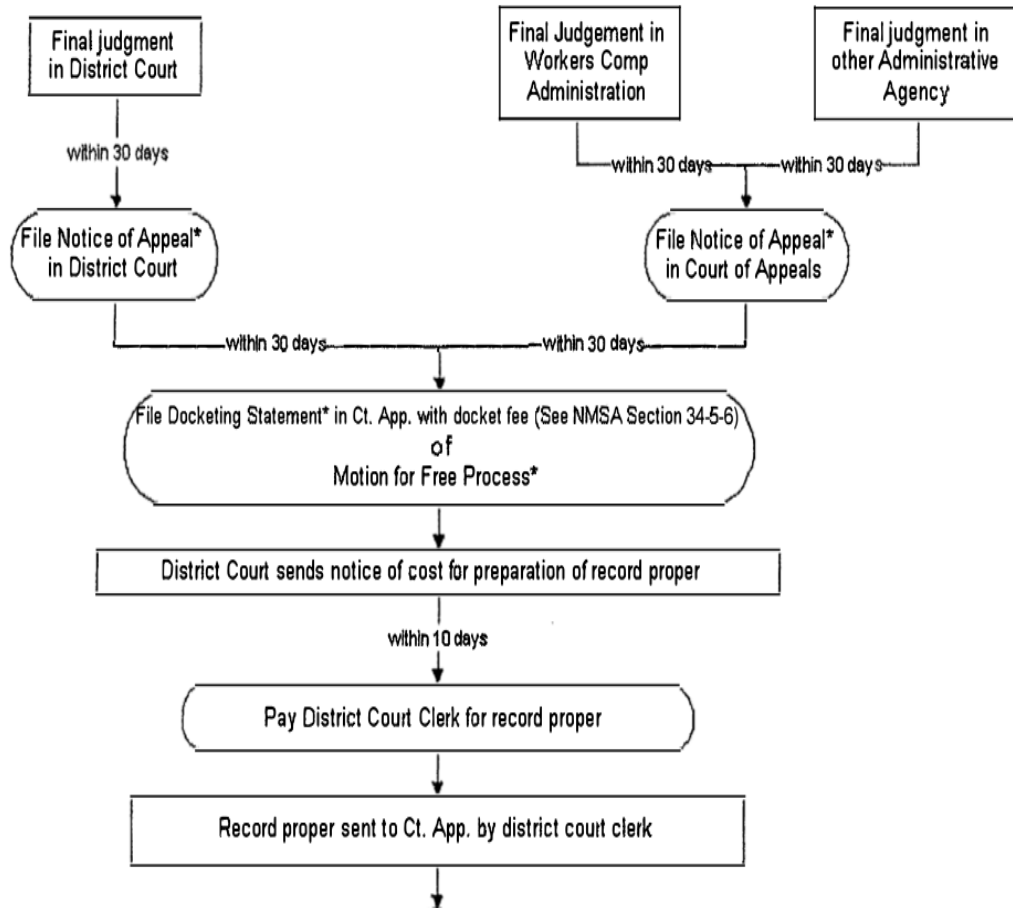
Answer Brief 12-318(B)

20 days 12-210(C)(2)

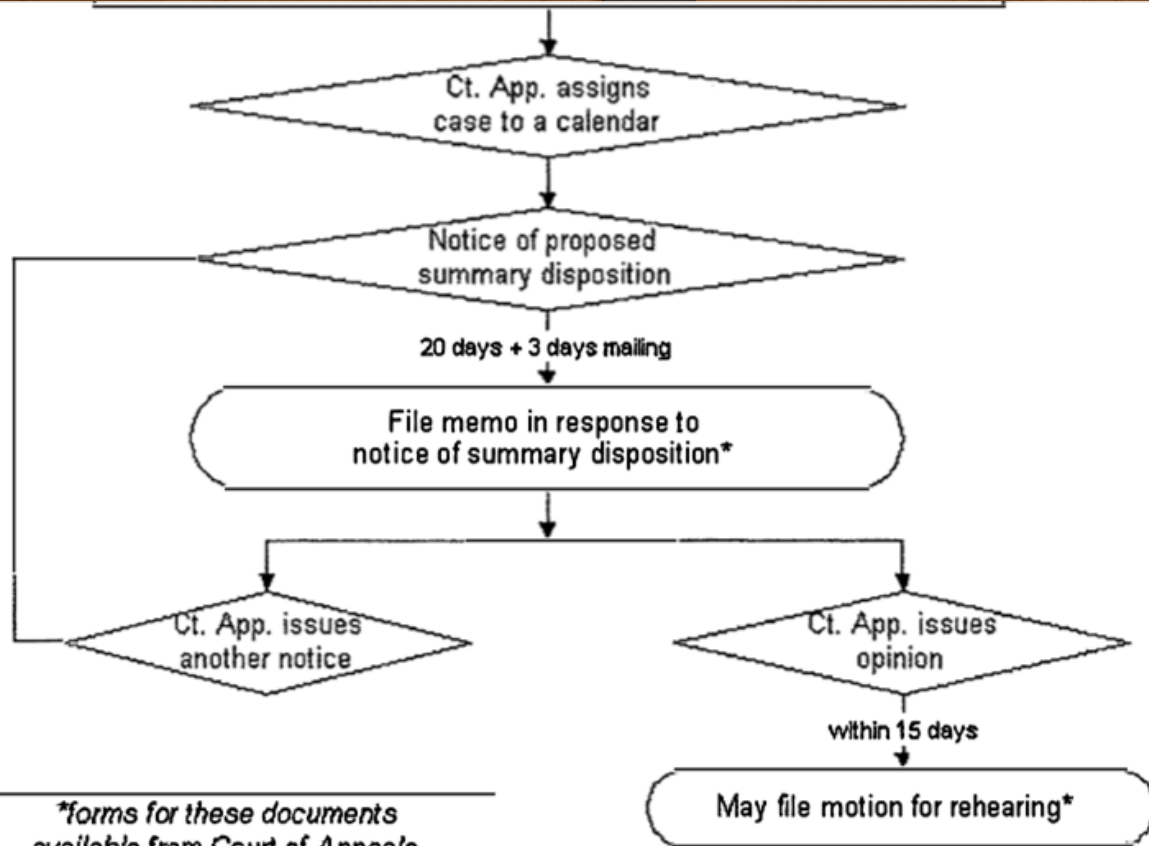
Reply Brief 12-210(C)(2)

Request for Oral Argument 12-319(B)

Oral Argument, if requested and granted 12-319

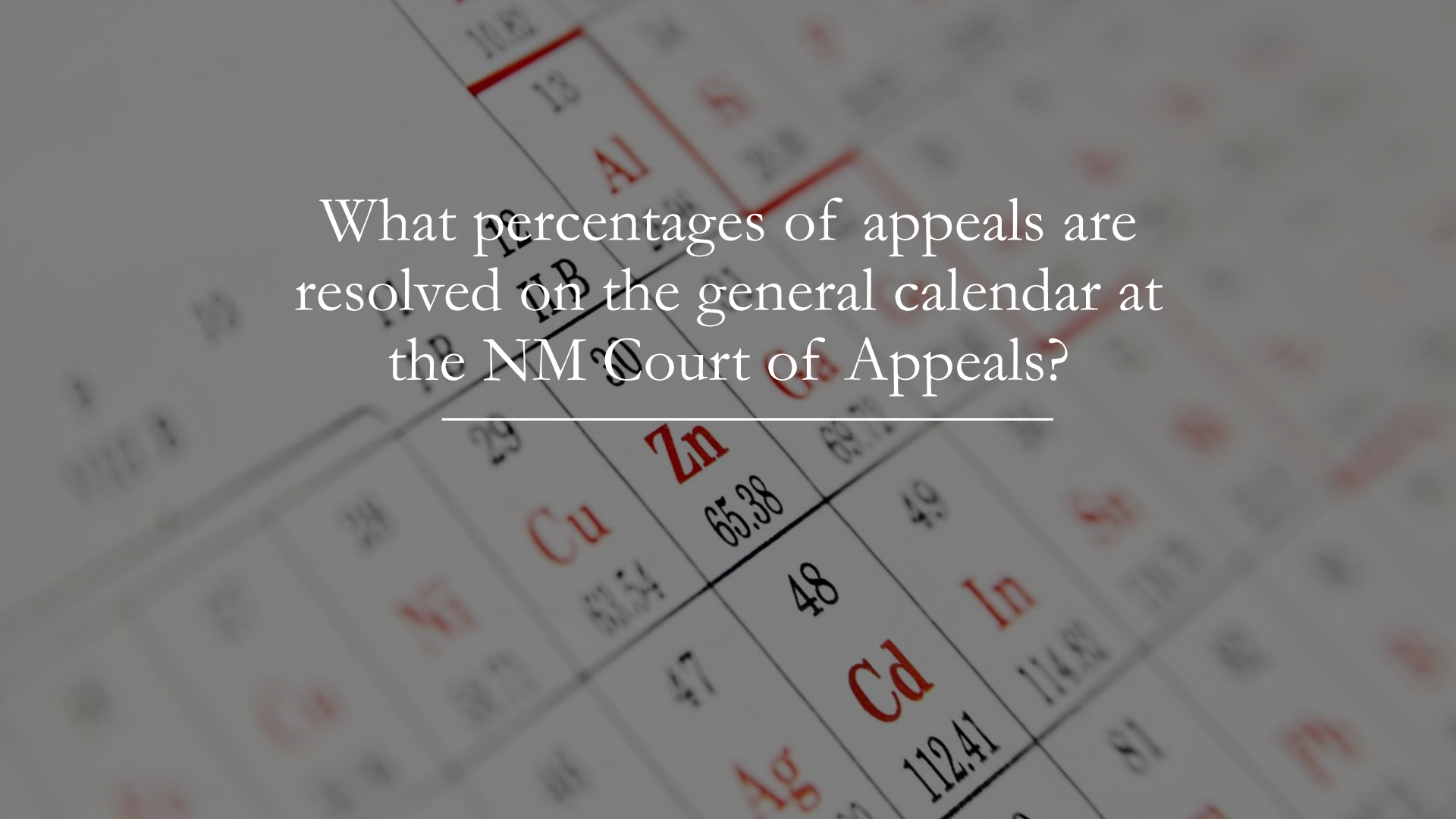


Summary Calendar



**forms for these documents available from Court of Appeals*

What percentages of appeals are resolved on the general calendar at the NM Court of Appeals?



44⁰%



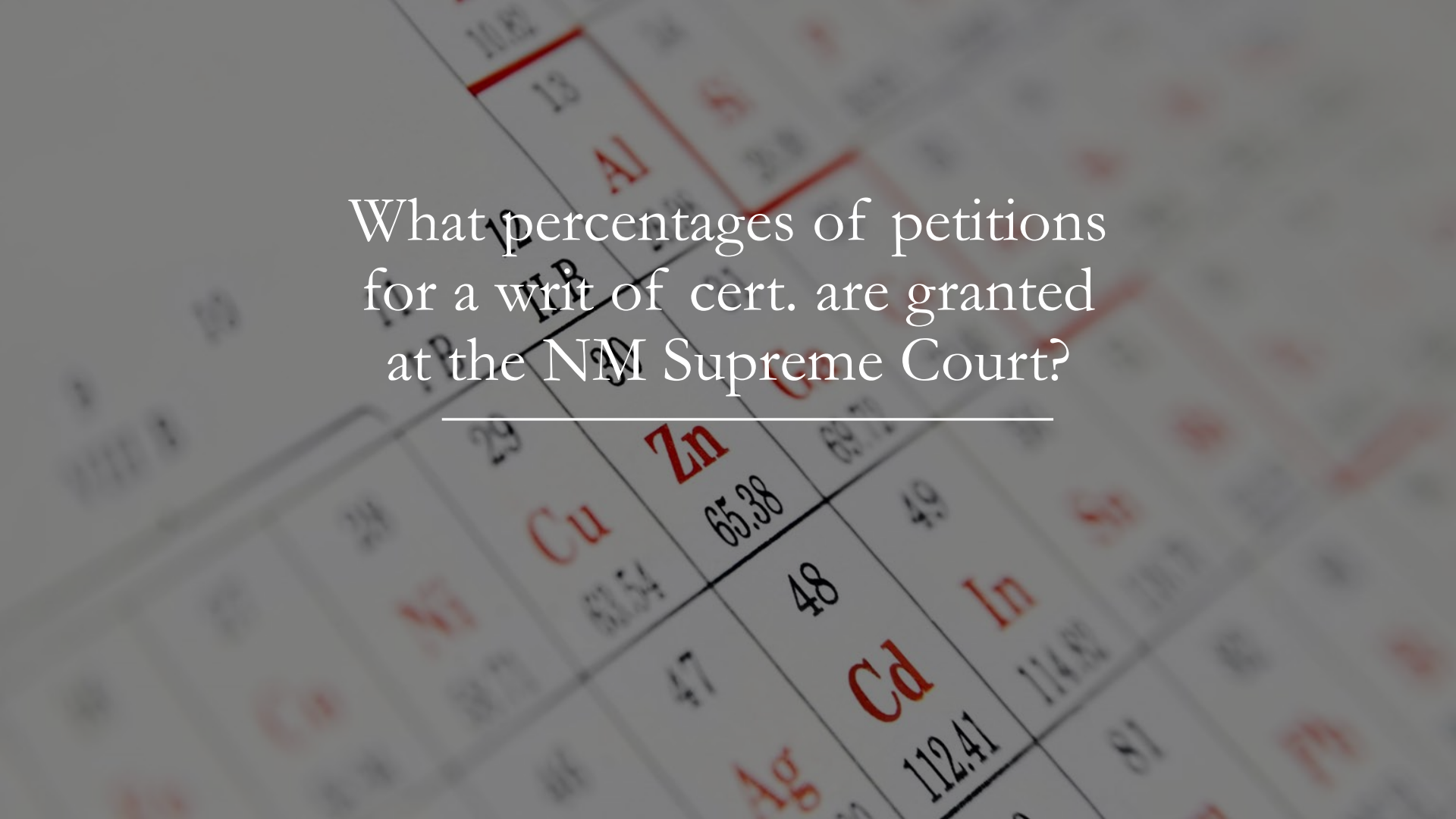
of appeals are resolved on the general calendar at Court of Appeals.

50%



of appeals are resolved on the summary calendar at Court of Appeals.

What percentages of petitions
for a writ of cert. are granted
at the NM Supreme Court?



11.9%

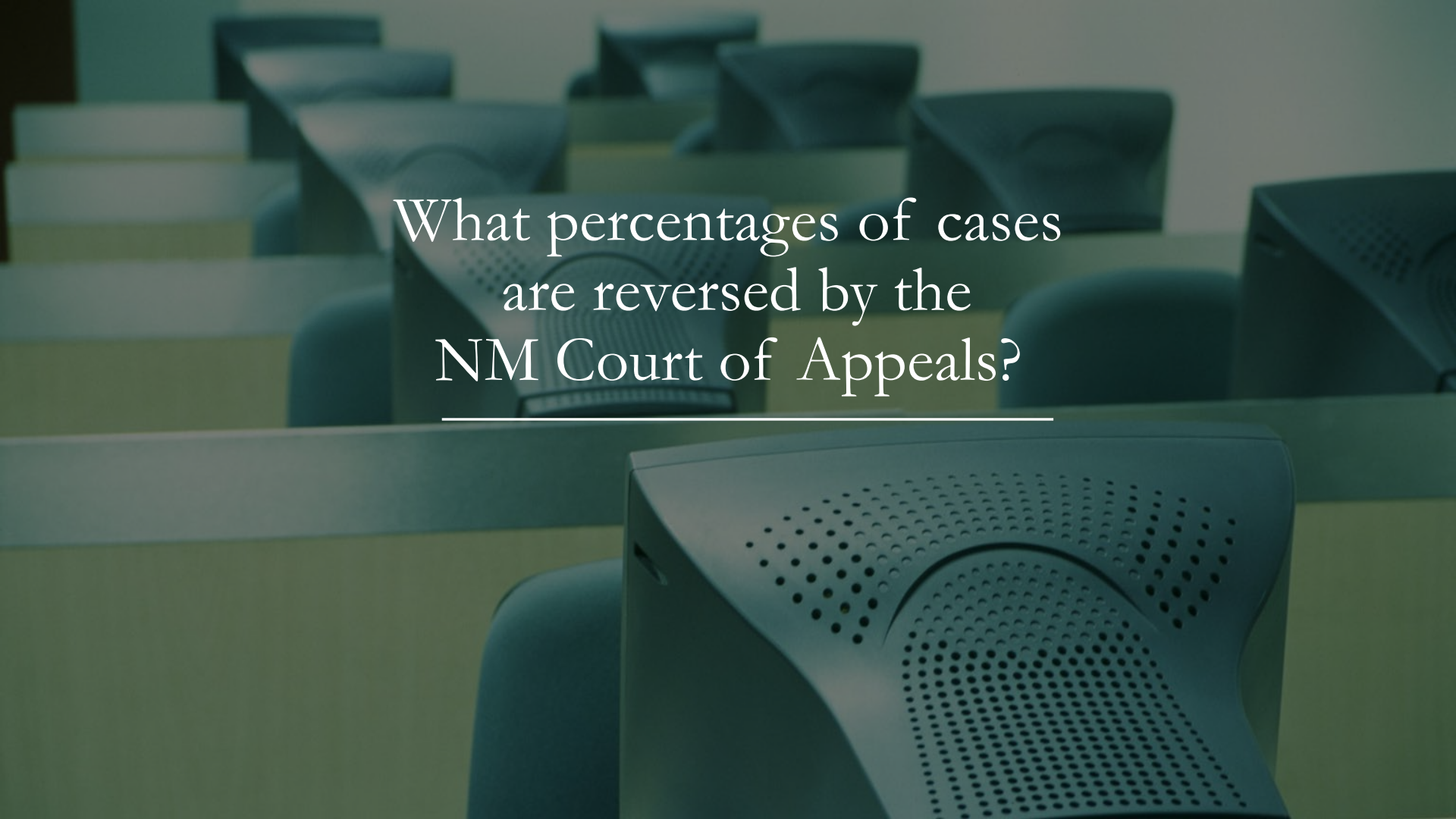


of Rule 12-502 cert. petitions were granted at the NM Supreme Court in 2021.

23.8%



of Rule 12-502 cert. petitions were granted at the NM
Supreme Court from January 1 to August 4, 2022.

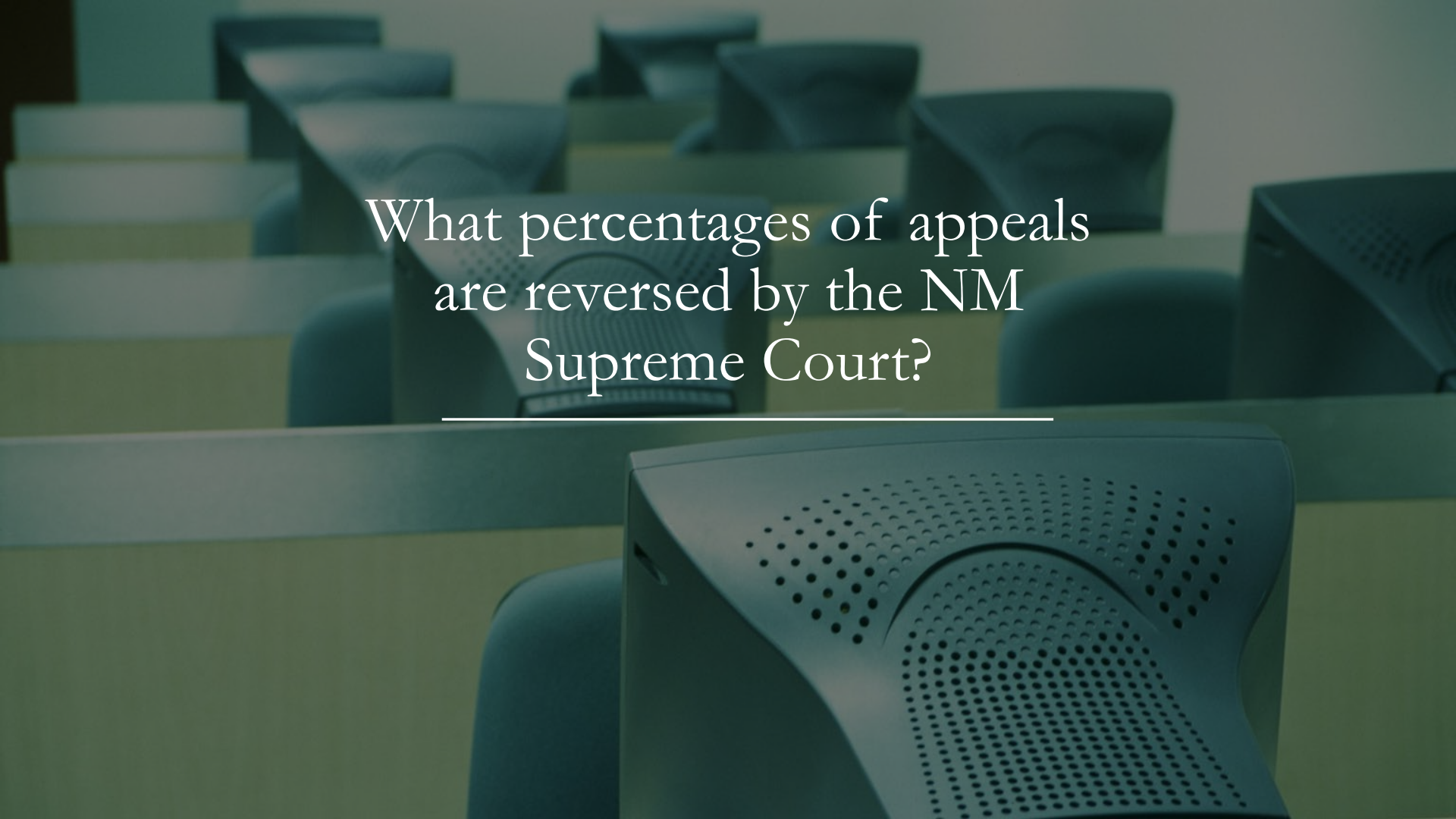
A row of computer workstations in a classroom or office setting, with a teal overlay. The text is centered over the image.

What percentages of cases
are reversed by the
NM Court of Appeals?

22%



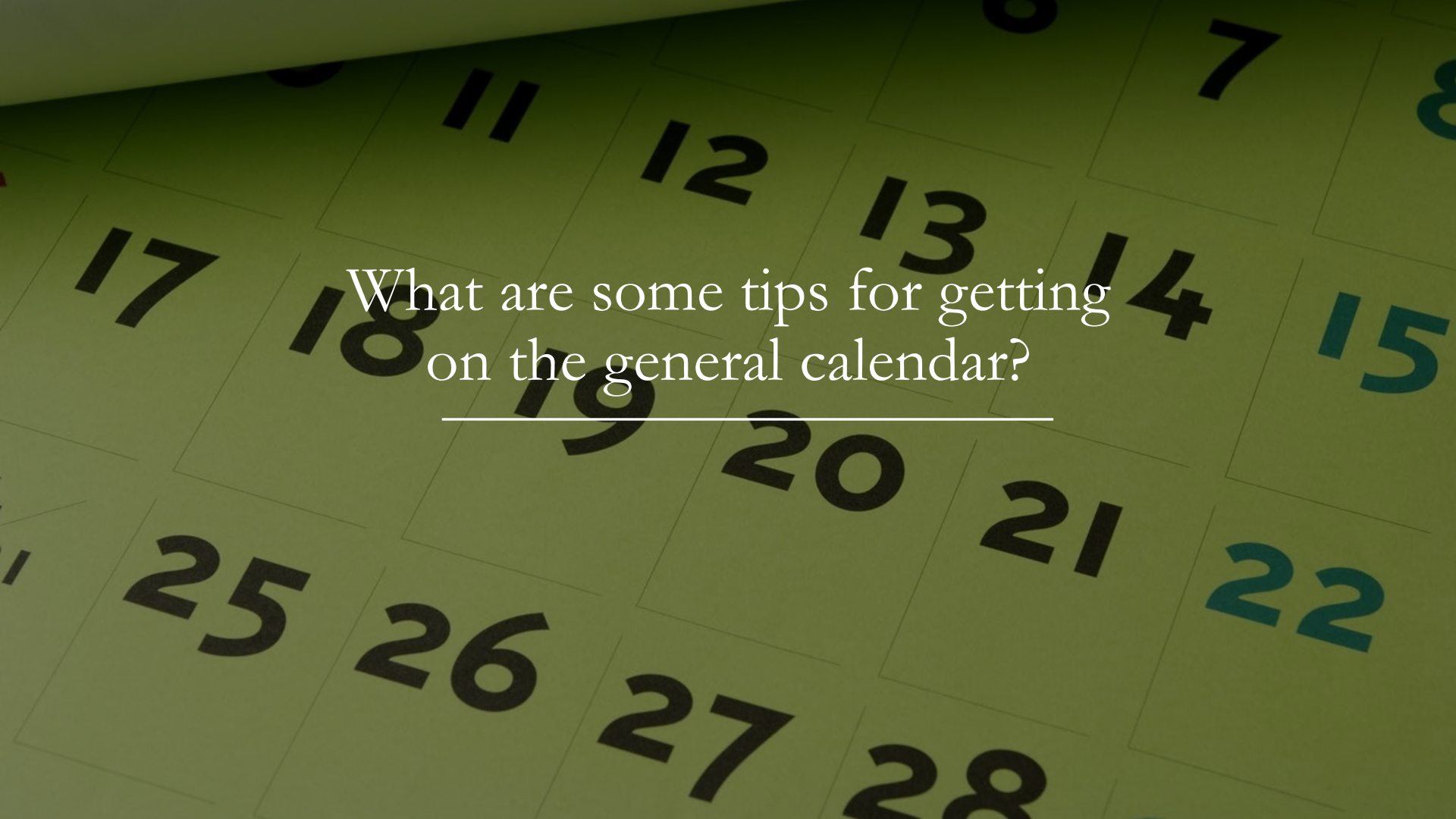
of appeals were reversed at the NM Court of Appeals (FY2021).



What percentages of appeals
are reversed by the NM
Supreme Court?



[The Supreme Court reviews two courts,
so this question cannot be easily answered.]



What are some tips for getting
on the general calendar?

General Calendar

Tips for getting on
the general calendar



Facts



Issues



Rules

What are some tips for getting
a writ of cert granted?

Name _____

Signature _____

Date _____

Writ of Cert.

Tips for getting a grant of writ.



Oral argument



Opposition



Statement of
Issues

The pilot project is focusing on docketing statements, why?

THIS HELICOPTER MUST BE OPERATED
IN COMPLIANCE WITH THE OPERATING
INSTRUCTIONS SPECIFIED IN THE
APPROVED HELICOPTER FLIGHT MANUAL.
MINIMUM COCKPIT WEIGHT 170 LBS.
SELECTIVE PASSENGER LOADING
WHEN BOTH CREW SEATS ARE OCCUPIED
ONLY ONE (1) PASSENGER IS
PERMITTED UNLESS THERE ARE TWO (2)
PILOTS.
WHEN ONLY ONE (1) CREW SEAT IS OCCUPIED
NO MORE THAN TWO (2) PASSENGERS
ARE PERMITTED UNLESS THERE IS ONE (1)
PILOT.
ABOUT 4 TO 16 SW ALLOWANCE
PASSENGER LOADING FROM ONE TO SEED
REFER TO SW WEIGHT AND BALANCE FOR
ADDITIONAL LOADING INFORMATION.

Docketing Statements

Understanding how it can
be useful or slow down
the appellate process.



Purpose



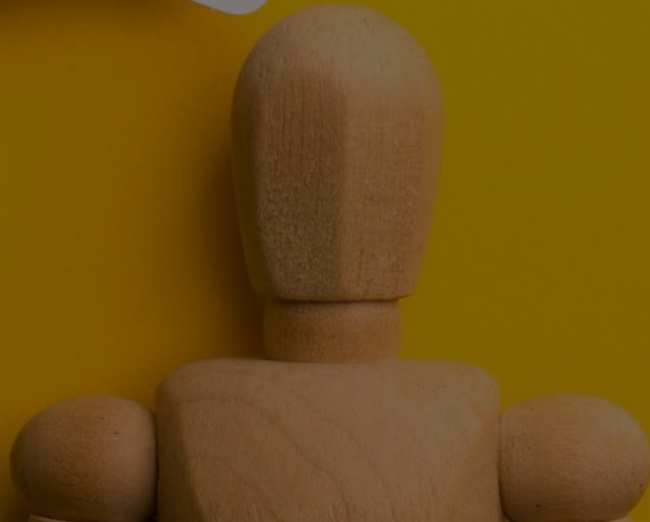
Who
Authors



Benefits/
Drawbacks



What advice do you have
for lawyers wanting more
appellate experience?



Appellate Experience

Gaining expertise in appellate processes as a new lawyer.

Civil

Criminal

Pro
Bono



Improving Access



Ideas for NM

Adapting the CJA Panel Process



Ideas for NM

Reform our Appellate Practice

Future
Reforms
to Our
Appellate
Practice

1. Appellate Practice Improvement Working Group

2. Summary Calendar and Pilot Project

3. More transparency in Cert Petition status

4. Appellate advocacy training and development

Future
Reforms
to Our
Appellate
Practice

5. Diversity Clerkship Program

6. Better means of tracking
appellate process

7. What trends should you be
looking for?

8. What changes do you want to
see?



Resources

Appellate Judges Education Institute
Appellate Decision-Making Course at UNM



Appellate Practice Institute

September 9, 2022
Appellate Practice Section
of the State Bar

2022 AJEI SUMMIT

November 10 – 13, 2022
Scottsdale, Arizona
DoubleTree Resort Paradise Valley



Join us for the 2022 AJEI Summit, the nation's premier appellate educational event! Typically attended by almost 400 appellate judges and practitioners, the Summit will feature 20+ panel discussions on emerging trends, challenges, and legal issues affecting appellate practitioners and the judiciary. Confirmed Speakers to date and session topics are noted below.

Speakers include:

- Keynote Address by Hon. J. Michelle Childs (D.C. Cir.)
- Dean Erwin Chemerinsky, U.C. Berkeley
- Hon. Esther Salas (D.N.J.)
- Hon. Robert Bachrach (10th Cir.)
- Ret. Four Star Admiral Harry Harris (former US Ambassador to South Korea)
- Deepak Gupta, Esq., Gupta Wessler
- Prof. Stephen Vladeck, Charles Alan Wright Professor, U. Texas Law School
- Prof. Robert Miller, Sandra Day O'Connor College of Law
- Former Arizona Chief Justice Scott Bales
- Hon. James Wynn (4th Cir.)
- Prof. Nathaniel Persily, Stanford Law School
- Ret. General John S. Coake, Director, Federal Judicial Center
- Hon. George C. ("Buck") James, Supreme Court of South Carolina
- Hon. Thomas R. Lee (Ret.), Assoc. Chief Justice, Utah Supreme Court
- Hon. Mary Murguia (Chief Judge, 9th Cir.)
- Former Arizona Chief Justice Ruth McGregor

Sample topics:

- Supreme Court Preview – October 2022 Term
- Qualified Immunity
- Legislative Redistricting After *Rucho v. Common Cause*
- Law and Linguistics
- The Legacy of Justice Sandra Day O'Connor
- A Comparison of Military & Civilian Justice Procedures
- Perspectives on *Stare Decisis*
- Threats to Judicial Security and the Dark Web
- Legal Writing: Striving for Clarity
- Public Confidence and the Courts
- 1984, Big Brother, & Facial Recognition
- The Reign of Three Sovereigns: Jurisdictional Puzzles in Indian Country
- Key U.S. Supreme Court Decisions of the October 2021 Term
- Appellate Court Pro Bono Program
- Diversity, Equity, and Inclusion
- Dissent & Concurrence
- Emojis and the Law: The New Digital Language In a Courtroom Near You
- Insights on Amicus Brief Writing

Visit the [2022 AJEI Summit page](#) for the latest list of speakers and topics, hotel accommodations, CLE/CJE credit hours, tours, and how to become a summit sponsor.



Early bird rates (\$100 discount) are valid through September 30, 2022.

A limited number of need-based scholarships are available. Scholarship applications must be received by August 13, 2022. Visit our webpage to learn more: www.judges.org/ajei/2022summit

For more information and to register
judges.org/ajei2022

Appellate Judges Education Institute

November 2022

For more information
and to register, visit

www.judges.org/aje2022



Appellate Decision- Making course at UNM

Spring 2023
Community Members
may enroll for a fee.



Questions?



Thank you!
