LR2-400. Case management pilot program for criminal cases.

A. **Scope; application.** This is a special pilot rule governing time limits for criminal proceedings in the Second Judicial District Court. This rule applies in all criminal proceedings in the Second Judicial District Court but does not apply to probation violations, which are heard as expedited matters separately from cases awaiting a determination of guilt, nor to any other special proceedings in Article 8 of the Rules of Criminal Procedure for the District Court. The Rules of Criminal Procedure for the District Courts and existing case law on criminal procedure continue to apply to cases filed in the Second Judicial District Court, but only to the extent they do not conflict with this pilot rule. The Second Judicial District Court may adopt forms to facilitate compliance with this rule, including the data tracking requirements in Paragraph M.

B. **Assignment of cases to case management calendars; special calendar; new calendar.**

(1) *Special calendar and new calendar judges.* Criminal cases filed before July 1, 2014, shall be assigned and scheduled as provided for "special calendar" judges as provided in Paragraph L of this rule. Criminal cases filed on or after July 1, 2014, shall be assigned or reassigned to one of seven (7) "new calendar" judges. The seven (7) district court judges assigned as new calendar judges shall be determined by separate order of the chief judge, who is authorized to reassign any district judge to be a new calendar judge. Time limits and rules for disposition of cases assigned or reassigned to new calendar judges shall be governed by this rule.

(2) *Assignment of cases to new calendar judges.* For cases filed between July 1, 2014, and the effective date of this rule, a new calendar judge will continue to be assigned to any case previously assigned to that judge. Cases filed on or after July 1, 2014, that were previously assigned to a special calendar judge, shall be reassigned to a new calendar judge. Cases that require reassignment shall be reassigned by order of the chief judge of the district court in the manner best designed to foster expeditious resolution of the cases. Notwithstanding the reassignments provided in this rule, the chief judge of the district court may continue the assignment of a case to the original judge in the interest of expeditious resolution of the case.

(3) *Deadline for initial scheduling hearing by new calendar judges in pending cases*. Beginning on the effective date of this rule, new calendar judges assigned to cases filed before the effective date of the rule shall hold a scheduling hearing within sixty (60) days of the effective date of this rule. The scheduling hearing for pending cases shall comply with Paragraph G of this rule and shall result in assignment of all pending cases to the appropriate track. Thereafter the provisions of this rule shall apply, except that the time limits for disclosures and the commencement of trial in Paragraph G shall start from the effective date of this rule.

(4) *Reassignment to new calendar judges; peremptory excusals.* Upon reassignment of a pending case to a new calendar judge, any party who has not previously exercised a peremptory excusal of a district judge under Rule 5-106 NMRA may exercise a peremptory excusal within ten (10) days in the manner provided in Paragraph F of this rule.

(5) *Rule governs case administration*. For cases assigned to a new calendar judge after the effective date of this rule, the provisions of this rule govern case administration until this rule is withdrawn or amended.

C. **Arraignment.**

(1) *Deadline for arraignment*. The defendant shall be arraigned on the information or indictment within ten (10) days after the date of the filing of the information or indictment or the date of the arrest, whichever is later, if the defendant is not in custody and not later than seven (7) days if the defendant is in custody.

(2) *Certification by prosecution required; matters certified*. At or before arraignment or wavier of arraignment, or upon the filing of an information, the state shall certify that before obtaining an indictment or filing an information the case has been investigated sufficiently to be reasonably certain that

(a) the case will reach a timely disposition by plea or trial within the case processing time limits set forth in this rule;

(b) the court will have sufficient information upon which to rely in assigning a case to an appropriate track at the status hearing provided for in Paragraph G;

(c) all discovery produced or relied upon in the investigation leading to the indictment or information has been provided to the defendant; and

(d) the state understands that, absent extraordinary circumstances, the state's failure to comply with the case processing time lines set forth in this rule will result in dismissal of the case.

(3) *Certification form.* The court may adopt a form and require use of the form to fulfill the certification and acknowledgment required by this paragraph.

D. **Discovery; disclosure by the state; requirement to provide contact information; continuing duty; failure to comply.**

(1) *Initial disclosures; deadline*. The state shall disclose or make available to the defendant all information described in Rule 5-501(A)(1)-(6) NMRA at the arraignment or within five (5) days of when a written waiver of arraignment is filed under Rule 5-303(J) NMRA. In addition to the disclosures required in Rule 5-501(A) NMRA, at the same time the state shall provide phone numbers and e-mail addresses of witnesses if available, copies of documentary evidence, and audio, video, and audio-video recordings made by law enforcement officers or otherwise in possession of the state, and a "speed letter" authorizing the defendant to examine physical evidence in the possession of the state.

(2) *Motion to withhold contact information for safety reasons*. A party may seek relief from the court by motion, for good cause shown, to withhold specific contact information if necessary to protect a victim or a witness. If the address of a witness is not disclosed pursuant to court order, the party seeking the order shall arrange for a witness interview or accept at its business offices a subpoena for purposes of deposition under Rule 5-503 NMRA.

(3) *Continuing duty; evidence possessed by state, law enforcement, and other government agencies*. The state shall have a continuing duty to disclose additional information to the defendant within five (5) days of receipt of such information. Evidence

in the possession of a law enforcement agency or other government agency is deemed to be in possession of the state for purposes of this rule.

(4) *Failure to comply; sanctions.* If the state fails to comply with any of the provisions of this rule, the court may enter such order as it deems appropriate under the circumstances, including but not limited to prohibiting the state from calling a witness or introducing evidence, holding the prosecuting attorney in contempt with a fine imposed against the attorney or the employing government office, and dismissal of the case with or without prejudice. If the case has been re-filed following an earlier dismissal, dismissal with prejudice is the presumptive outcome for a repeated failure to comply with this rule.

(5) *Providing copies; electronic or paper; e-mail addresses for district attorney and public defender required.* Notwithstanding Rule 5-501(B) NMRA or other rule, a party shall provide to every other party electronic or printed copies of electronic or printed information subject to disclosure under these rules. The Second Judicial District Attorney's Office and the Law Offices of the Public Defender shall provide to each other a single e-mail address for delivery of discovery electronically. In addition to delivering discovery to the given general address, the party shall copy such delivery to any attorney for the Second Judicial District Attorney's Office or Law Offices of the Public Defender who has entered an appearance in the case at the time discovery is sent electronically.

E. **Disclosure by defendant; notice of alibi; entrapment defense; failure to comply.**

(1) *Initial disclosures; deadline.* Not less than five (5) days before the

scheduled date of the status hearing described in Paragraph G, the defendant shall disclose or make available to the state all information described in Rule 5-502(A)(1)-(3) NMRA.

(2) *Witness contact information*. In addition to the disclosures required in Rule 5-502(A) NMRA, the defendant shall provide the phone numbers and e-mail addresses of witnesses, if available.

(3) *Deadline for notice of alibi and entrapment defense*. Notwithstanding Rule 5-508 NMRA or any other rule, not less than ninety (90) days before the date scheduled for commencement of trial as provided in Paragraph G, the defendant shall serve upon the state a notice in writing of the defendant's intention to offer evidence of an alibi or entrapment as a defense.

(4) *Continuing duty*. The defendant shall have a continuing duty to disclose additional information to the state within five (5) days of receipt of such information.

(5) *Failure to comply; sanctions*. If the defendant fails to comply with any of the provisions of this rule, the court may enter any order it deems appropriate under the circumstances, including but not limited to prohibiting the defendant from calling a witness or introducing evidence, holding the defense attorney in contempt with a fine imposed against the attorney or the employing government office, or taking other disciplinary action.

(6) *Providing copies required; electronic or paper*. Notwithstanding Rule 5-502(B) NMRA or any other rule, the defendant shall provide to the state electronic or

printed copies of electronic or printed information subject to disclosure by the defendant.

F. **Peremptory excusal of a district judge; limits on excusals; time limits; reassignment.** A party on either side may file one (1) peremptory excusal of any judge in the Second Judicial District Court, regardless of which judge is currently assigned to the case, within ten (10) days of the arraignment or the filing of a waiver of arraignment. If necessary, the case may later be reassigned by the chief judge to any judge in the Second Judicial District Court not excused within ten (10) days of the arraignment or the filing of a waiver of arraignment of the defendant. The chief judge may also reassign the case to a judge pro tempore previously approved to preside over such matters by order of the Chief Justice, who shall not be subject to peremptory excusal.

G. **Status hearing; witness disclosure; case track determination; scheduling order.**

(1) *Witness list disclosure requirements.* Within twenty-five (25) days after arraignment or wavier of arraignment each party shall, subject to Rule 5-501(F) NMRA and Rule 5-502(C) NMRA, file a list of names and contact information for known witnesses the party intends to call at trial, including a brief statement of the expected testimony for each witness, to assist the court in assigning the case to a track as provided in this rule. The continuing duty to make such disclosure to the other party continues at all times prior to trial, requiring such disclosure within five (5) days of when a party determines or should reasonably have determined the witness will be expected to testify at trial.

(2) *Status hearing; factors for case track assignment.* A status hearing,

at which the defendant shall be present, shall be commenced within thirty (30) days of arraignment or the filing of a waiver of arraignment.

(3) *Case track assignment required; factors.* At the status hearing, the court shall determine the appropriate assignment of the case to one of three tracks after considering the following factors:

(a) the complexity of the case, starting with the assumption that most cases will qualify for assignment to track 1;

(b) the number of witnesses, time needed reasonably to address any evidence issues, and other factors the court finds appropriate to distinguish track 1 and track 2 cases; and

(c) written findings are required to place a case on track 3 and such findings shall be entered by the court within five (5) days of assignment to track 3.

(4) *Scheduling order required.* After hearing argument and weighing the above factors, the court shall, before the conclusion of the status hearing, issue a scheduling order that assigns the case to one of three tracks and identifies the dates when events required by that track shall be scheduled, which are as follows for tracks 1, 2, and 3:

(a) ***Track 1; deadlines for commencement of trial and other events.*** For track 1 cases, the scheduling order shall have trial commence within one hundred eighty (180) days of arraignment, the filing of a waiver of arraignment, or other applicable triggering event identified in Paragraph H, whichever is the latest to occur. The scheduling order shall also set dates for other events according to the following requirements for track

1 cases:

(i) *Track 1 - deadline for plea agreement*. A plea agreement entered into between the defendant and the state shall be submitted to the court substantially in the form approved by the Supreme Court not later than ten (10) days before the trial date. A request for the court to approve a plea agreement less than ten (10) days before the trial date shall not be accepted by the court except upon a written finding by the assigned district judge of extraordinary circumstances. A defendant may plead guilty, the state may dismiss charges, and the parties may recommend a sentence but the court shall not agree to comply with a plea agreement in this circumstance absent a written finding of extraordinary circumstances;

(ii) *Track 1 - deadline for pretrial conference.* The final pretrial conference, including any hearing on any remaining pretrial motions if needed, shall be scheduled fifteen (15) days before the trial date. Each party shall file their final trial witness list on or before this date. The defendant shall be present for the final pretrial conference;

(iii) *Track 1 - deadline for notice of need for court interpreter*. All parties shall identify by filing notice with the court any requirement for language access services at trial by a party or witness fifteen (15) days before the trial date;

(iv) *Track 1 - deadline for pretrial motions hearing.* A hearing for resolution of pretrial motions shall be set not less than thirty-five (35) days before the trial date;

(v) *Track 1 - deadline for responses to pretrial motions*. Written responses to any pretrial motions shall be filed within ten (10) days of the filing of any pretrial motions and in any case not less than forty (40) days before the trial date. Failure to file a written response shall be deemed, for purposes of deciding the motion, an admission of the facts stated in the motion;

(vi) *Track 1 - deadline for pretrial motions*. Pretrial motions shall be filed not less than fifty (50) days before the trial date;

(vii) *Track 1 - deadline for witness interviews.* Witness interviews will be completed sixty (60) days before the trial date; and

(viii) *Track 1 - deadline for disclosure of scientific evidence*. All parties shall produce the results of any scientific evidence, if different from Rule 5-501(A) NMRA and Rule 5-502(A) NMRA, not less than one hundred twenty (120) days before the trial date. In a case where justified by good cause, the court may but is not required to provide for production of scientific evidence less than one hundred twenty (120) days before the trial date. In no case shall the order provide for production of scientific evidence less than ninety (90) days before the trial date;

(b) ***Track 2; deadlines for commencement of trial and other events.*** For track 2 cases, the scheduling order shall have trial commence within two hundred seventy (270) days of arraignment, the filing of a waiver of arraignment, or other applicable triggering event identified in Paragraph H, whichever is the latest to occur. The scheduling order shall also set dates for other events according to the following requirements for track

2 cases:

(i) *Track 2 - deadline for plea agreement*. A plea agreement entered into between the defendant and the state shall be submitted to the court substantially in the form approved by the Supreme Court not later than ten (10) days before the trial date. A request for the court to approve a plea agreement less than ten (10) days before the trial date shall not be accepted by the court except upon a written finding by the assigned district judge of extraordinary circumstances. A defendant may plead guilty, the state may dismiss charges, and the parties may recommend a sentence but the court shall not agree to comply with a plea agreement in this circumstance absent a written finding of extraordinary circumstances;

(ii) *Track 2 - deadline for pretrial conference.* The final pretrial conference, including any hearing on any remaining pretrial motions if needed, shall be scheduled fifteen (15) days before the trial date. Each party shall file their final trial witness list on or before this date. The defendant shall be present for the final pretrial conference;

(iii) *Track 2 - deadline for notice of need for court interpreter*. All parties shall identify by filing notice with the court any requirement for language access services at trial by a party or witness fifteen (15) days before the trial date;

(iv) *Track 2 - deadline for pretrial motions hearing.* A hearing for resolution of pretrial motions shall be set not less than thirty-five (35) days before the trial date;

(v) *Track 2 - deadline for responses to pretrial motions*. Written responses to any pretrial motions shall be filed within ten (10) days of the filing of any pretrial motions and in any case not less than forty-five (45) days before the trial date. Failure to file a written response shall be deemed, for purposes of deciding the motion, an admission of the facts stated in the motion;

(vi) *Track 2 - deadline for pretrial motions*. Pretrial motions shall be filed not less than sixty (60) days before the trial date;

(vii) *Track 2 - deadline for witness interviews.* Witness interviews will be completed seventy-five (75) days before the trial date; and

(viii) *Track 2 - deadline for disclosure of scientific evidence*. All parties shall produce the results of any scientific evidence, if different from Rule 5-501(A) NMRA and Rule 5-502(A) NMRA, not less than one hundred twenty (120) days before the trial date. In a case where justified by good cause, the court may but is not required to provide for production of scientific evidence less than one hundred twenty (120) days before the trial date. In no case shall the order provide for production of scientific evidence less than ninety (90) days before the trial date; and

(c) ***Track 3; deadlines for commencement of trial and other events.*** For track 3 cases, the scheduling order shall have trial commence within three hundred sixty-five (365) days of arraignment, the filing of a waiver of arraignment, or other applicable triggering event identified in Paragraph H, whichever is the latest to occur. The scheduling order shall also set dates for other events according to the following requirements

for track 3 cases:

(i) *Track 3 - deadline for plea agreement*. A plea agreement entered into between the defendant and the state shall be submitted to the court substantially in the form approved by the Supreme Court not later than ten (10) days before the trial date. A request for the court to approve a plea agreement less than ten (10) days before the trial date shall not be accepted by the court except upon a written finding by the assigned district judge of extraordinary circumstances. A defendant may plead guilty, the state may dismiss charges, and the parties may recommend a sentence but the court shall not agree to comply with a plea agreement in this circumstance absent a written finding of extraordinary circumstances;

(ii) *Track 3 - deadline for pretrial conference.* The final pretrial conference, including any hearing on any remaining pretrial motions if needed, shall be scheduled twenty (20) days before the trial date. Each party shall file their final trial witness list on or before this date. The defendant shall be present for the final pretrial conference;

(iii) *Track 3 - deadline for notice of need for court interpreter*. All parties shall identify by filing notice with the court any requirement for language access services at trial by a party or witness fifteen (15) days before the trial date;

(iv) *Track 3 - deadline for pretrial motions hearing.* A hearing for resolution of pretrial motions shall be set not less than forty-five (45) days before the trial date;

(v) *Track 3 - deadline for responses to pretrial motions*. Written responses to any pretrial motions shall be filed within ten (10) days of the filing of any pretrial motions and in any case not less than fifty-five (55) days before the trial date. Failure to file a written response shall be deemed, for purposes of deciding the motion, an admission of the facts stated in the motion;

(vi) *Track 3 - deadline for pretrial motions*. Pretrial motions shall be filed not less than seventy (70) days before the trial date;

(vii) *Track 3 - deadline for witness interviews.* Witness interviews will be completed one hundred (100) days before the trial date; and

(viii) *Track 3 - deadline for disclosure of scientific evidence*. All parties shall produce the results of any scientific evidence, if different from Rule 5-501(A) NMRA and Rule 5-502(A) NMRA, not less than one hundred fifty (150) days before the trial date. In a case where justified by good cause, the court may but is not required to provide for production of scientific evidence less than one hundred fifty (150) days before the trial date. In no case shall the order provide for production of scientific evidence less than one hundred twenty (120) days before the trial date.

(5) *Form of scheduling order; additional requirements and shorter deadlines allowed*. The court may adopt upon order of the chief judge of the district court a form to be used to implement the time requirements of this rule. Additional requirements, and shorter time periods, may be imposed in the court's order in any particular case where appropriate.

(6) *Extensions of time; cumulative limit.* The court may, for good cause, grant any party an extension of the time requirements imposed by an order entered in compliance with this rule. In no case shall a party be given time extensions that in total exceed fifteen (15) days. Unless required by good cause, extensions of time for up to a total of fifteen (15) days to any party shall not result in delay of the date scheduled for commencement of trial. It shall not be assumed that substitution of counsel alone constitutes good cause for an extension of time.

H. **Time limits for commencement of trial.** The time limits for commencement of trial in Paragraph G shall be calculated from whichever of the following events occurs latest:

(1) the date of arraignment or the filing of a waiver of arraignment of the defendant;

(2) if an evaluation of competency has been ordered, the date an order is filed in the court finding the defendant competent to stand trial;

(3) if a mistrial is declared by the trial court, the date such order is filed in the court;

(4) in the event of a remand from an appeal, the date the mandate or order is filed in the court disposing of the appeal;

(5) if the defendant is arrested for failure to appear or surrenders in this state for failure to appear, the date of the arrest or surrender of the defendant;

(6) if the defendant is arrested for failure to appear or surrenders in

another state or country for failure to appear, the date the defendant is returned to this state;

(7) if the defendant has been referred to a preprosecution or court diversion program, the date a notice is filed in the court that the defendant has been deemed not eligible for, is terminated from, or is otherwise removed from the preprosecution or court diversion program; or

(8) if the defendant's case is severed from a case to which it was previously joined, the date from which the cases are severed, except that the non-moving defendant or defendants shall continue on the same basis as previously established under these rules for track assignment and otherwise.

I. **Failure to comply with scheduling order.** If a party fails to comply with any provision of this rule, including the time limits imposed by the scheduling order, the court shall impose sanctions as the court may deem appropriate in the circumstances, including but not limited to reprimand by the judge, dismissal with or without prejudice, suppression or exclusion of evidence, and a monetary fine imposed upon a party's attorney or that attorney's employing office with appropriate notice to the office and opportunity to be heard. In considering the sanction to be applied the court shall not accept negligence or the usual press of business as sufficient excuse for failure to comply. If the case has been re-filed following an earlier dismissal, dismissal with prejudice is the presumptive outcome for a repeated failure to comply with this rule.

J. **Extension of time for trial; reassignment; dismissal with prejudice; sanctions.**

(1) *Extending date for trial; good cause or exceptional circumstances; reassignment to available judge for trial permitted; sanctions.* The court may extend the trial date for up to thirty (30) days, upon showing of good cause which is beyond the control of the parties or the court. To grant an extension of up to thirty (30) days the court shall enter written findings of good cause. If on the date the case is set or re-set for trial the court is unable to hear a case for any reason, including a trailing docket, the case may be reassigned for immediate trial to any available judge or judge pro tempore, in the manner provided in Paragraph K of this rule. If the court is unable to proceed to trial and must grant an extension for up to thirty (30) days for reasons the court does not find meet the requirement of good cause, the court shall impose sanctions as provided in Paragraph I of this rule, which may include dismissal of the case with prejudice. Without regard to which party requests any extension of the trial date, the court shall not extend the trial date more than thirty (30) days beyond the original date scheduled for commencement of trial without a written finding of exceptional circumstances approved in writing by the chief judge or a judge, including a judge pro tempore previously approved to preside over such matters by order of the Chief Justice, that the chief judge designates.

(2) *Requirements for extension of trial date for exceptional circumstances.* When the chief judge or the chief judge's designee accepts the finding by the trial judge of exceptional circumstances, the chief judge shall approve rescheduling of the trial to a date certain. The order granting an extension to a date certain for extraordinary circumstances may reassign the case to a different judge for trial or include any other relief

necessary to bring the case to prompt resolution.

(3) *Requirements for multiple requests*. Any extension sought beyond the date certain in a previously granted extension will again require a finding by the trial judge of exceptional circumstances approved in writing by the chief judge or designee with an extension to a date certain.

(4) *Rejecting extension request for exceptional circumstances; dismissal required*. In the event the chief judge or designee rejects the trial judge's request for an extension based on exceptional circumstances, the case shall be tried within the previously ordered time limit or shall be dismissed with prejudice if it is not.

K. **Assignment calendar for new calendar cases; assignments and reassignments to new calendar judges.**

(1) *Scheduling by event categories; trailing docket; functional overlap among new calendar judges*. The presiding judge of the criminal division shall establish an assignment calendar for all new calendar judges. The assignment calendar shall identify the weeks or other time periods when each new calendar judge will schedule events in the following categories: trials; motions and sentencing; arraignments, pleas and miscellaneous matters. Each new calendar judge may schedule an event in the week or other time period set aside for that event category, on a trailing docket. The assignment calendar shall include functional overlap so that more than one judge is always scheduled to hear matters in each event category on any given day. In the scheduled weeks or other time periods, the new calendar judges shall schedule events within the time requirements of Paragraph G of this

rule. The presiding judge of the criminal division may organize the seven (7) new calendar judges into teams of three (3) and four (4) judges or other appropriate groups to most efficiently accomplish case disposition within the requirements of this rule.

(2) *Reassignments permitted*. If on or before the date of a scheduled event the assigned new calendar judge is or will be unable to preside over the scheduled event for any reason, including a trailing docket, vacation, or illness, the case may be reassigned by order of the presiding judge of the criminal division to another judge on the assignment calendar who is scheduled that day to hear that category of scheduled event and who is not subject to a previously exercised peremptory excusal, except that a judge who presided at trial shall conduct the sentencing. The court may adopt a form of order to expedite such reassignments.

(3) *Reassignment for scheduled event; case returns to original judge.* If another judge scheduled on the assignment calendar for the type of scheduled event is not available to immediately preside over the scheduled event, the assigned judge may designate any other new calendar judge, or a judge pro tempore previously approved by order of the Chief Justice and designated by the chief judge for this purpose, to preside over the scheduled hearing, trial, or other scheduled event. Upon conclusion of the hearing, trial, or other scheduled event, the case shall again be assigned to the original new calendar judge without requirement of further order, except when the reassignment was for trial in which case the judge who presided over the trial shall also preside over sentencing.

L. **Special calendar; assignments and procedures; master calendar judge.**

All criminal cases filed on or before June 30, 2014, shall by order of the chief judge be assigned or reassigned to a special calendar. Three (3) district court judges shall be assigned as special calendar judges by separate order of the chief judge, who is authorized to reassign any district judge to be a special calendar judge. Among the special calendar judges, the chief judge shall designate a "master calendar" special calendar judge. Time limits and rules for disposition of cases assigned or reassigned to special calendar judges shall be governed by the following:

(1) The master calendar judge shall request that the Second Judicial District Attorney's Office and Law Offices of the Public Defender assign attorneys to only special calendar cases until the special calendar is concluded and any remaining special calendar cases are absorbed into the new calendar. The master calendar judge shall request that attorneys assigned by the Second Judicial District Attorney's Office and Law Offices of the Public Defender to the special calendar have authority to negotiate binding resolution of the special calendar cases assigned to them;

(2) In consultation with the special calendar judges, the master calendar judge shall assign all cases filed on or before June 30, 2014, among the special calendar judges as follows:

(a) After assignment of a case to a special calendar judge, the judge shall hold a status hearing as provided in Paragraph G of this rule. Before conclusion of the status hearing, the special calendar judge shall enter an order establishing dates by which events shall occur leading to resolution of the case. This order may, but is not

required to, assign the case to track 1, 2, or 3 as provided in Paragraph G of this rule; and

(b) No party shall acquire any right of peremptory excusal for cases assigned to a special calendar judge. Unless a special calendar judge was excused prior to the effective date of this rule, any special calendar judge may act in any case on the special calendar; and

(3) The master calendar judge may establish, upon written approval of the chief judge, any process for case assignment or reassignment that will result in the efficient administration of cases on the special calendar. This may follow the process or a modification of the process provided for in Paragraph G of this rule, may be a process similar to that proposed to the Bernalillo County Criminal Justice Review Commission by the Law Offices of the Public Defender, or may be otherwise. The process shall be established in writing and approved by the chief judge as follows:

(a) The court shall provide reasonable notice of at least thirty (30) days to special calendar case parties of assignment of the parties' case to the special calendar and of the process to be applied to special calendar cases; and

(b) The chief judge shall monitor progress of special calendar cases to resolution. When in the determination of the chief judge there has been sufficient progress toward disposition of a sufficient number of cases assigned to the special calendar, the chief judge shall notify the Supreme Court and request modification of this rule. Modification shall include reassignment of special calendar judges to the new calendar schedule, and may include any changes to the new calendar process deemed appropriate

based on the outcome of case processing under the new calendar and special calendar processes.

M. **Data reporting to the Supreme Court required.** Until this paragraph is amended or withdrawn, the chief judge shall cause a report to be provided to the Supreme Court at least every month that includes at least the following data:

(1) *Special Calendar Data*

(a) number of cases assigned to the special calendar and number disposed of to date, by judge; and

(b) number of cases assigned to track 1, 2, and 3 by each special calendar judge if the master calendar judge adopts for special calendar cases an assignment process similar to that in Paragraph G of this rule and, if not, comparable measures designed to quantify progress in disposition of cases assigned to the special calendar; and

(2) *New Calendar Data*

(a) number of cases assigned initially to new calendar judges, by judge, and age breakdown starting from date of arraignment or wavier of arraignment of those cases originally assigned by cases (i) less than ninety (90) days from arraignment date, (ii) at least ninety (90) but less than one hundred eighty (180) days from arraignment date, (iii) at least one hundred eighty (180) but less than three hundred sixty-five (365) days from arraignment date, and (iv) three hundred sixty-five (365) or more days from arraignment date;

(b) number of cases assigned to new calendar judges (by judge)

and age breakdown of those cases as stated in Subparagraph (M)(2)(a) above;

(c) number of cases, both those assigned on the effective date of this rule and thereafter, assigned by each judge to track 1, 2, and 3;

(d) identify each case in which an order is entered extending time beyond that applicable to the case's track and for such orders provide the assigned judge and the nature of the order entered; and

(e) identify for each case the number of continuances granted, the party requesting the continuance, and all reasons given for the continuance.

[Adopted by Supreme Court Order No. 14-8300-025, effective for all cases pending or filed on or after February 2, 2015.]