

TITLE 1: GOVERNMENT
DIVISION 3: JUDICIAL BRANCH

§ 3403. Rule-Making Authority.

(a) The Chief Justice may propose rules governing appeals from the Superior Court, judicial ethics, admission to practice before the Commonwealth judiciary and governance of the members of the bar of the Commonwealth, fees, and other proper matters of judicial administration of the Commonwealth courts.

(b) The Presiding Judge may propose rules governing civil and criminal procedures and other proper matters of judicial administration of the Superior Court. The Presiding Judge may also propose rules regarding fees to be charged, including jury trial fees, juror service fees, fees for service of process, witness fees and subsistence and travel expenses for witnesses, filing fees, and other similar fees.

(c) All proposed rules shall be submitted promptly by the Chief Justice to the President of the Senate and the Speaker of the House of Representatives, and shall become effective 60 days following submission unless disapproved by a majority of the members of either house of the legislature. However, nothing in this section shall limit the authority of the legislature to enact laws regarding the subjects referred to in this section, and any rule may be annulled or amended by a duly enacted law.

(d) To the extent not expressly contrary to the provisions of this division, the existing rules of the Commonwealth Trial Court shall remain in effect until modified or repealed in accordance with this section.

Source: PL 6-25, § 3, ch. 3 (§ 3403).

Commission Comment: See also N.M.I. Const. art. IV, § 9 which contains the new constitutional provisions concerning rule making and administration enacted by House Legislative Initiative 10-3, HS1, HD1 (1997) (the full text of this House Legislative Initiative can be found on the Law Revision Commission's website at <http://cnmilaw.org>). As of mid-1997, the Judiciary has adopted the following rules: the Code of Judicial Conduct for the Commonwealth Judiciary and Procedure for Filing Grievances Involving Members of the Judiciary, the Commonwealth Rules of Appellate Procedure, the Commonwealth Rules of Civil Procedure, the Commonwealth Rules of Criminal Procedure, Commonwealth Disciplinary Rules and Procedure, the Commonwealth Rules of Evidence, the Commonwealth Rules of Juvenile Delinquency Procedure, the Commonwealth Rules for [the] Legal Intern Program, the Commonwealth Rules of Practice, the Commonwealth Rules of Probate Procedure, Commonwealth Rules Governing Procedure in Traffic Cases, and the Rules of Admission of the Commonwealth Supreme Court.