

215 – Court of Appeals File Plan

This file plan was developed to be a guide for Court of Appeals employees. This guidance document was created to ensure consistent records classification and to provide agencies with other relevant record information. The final disposition authority resides in the Functional Records Retention and Disposition Schedule (FRRDS), 1.21.2 NMAC.

This file plan only list records series of program's specific to the Court of Appeals. For records series of a general administrative nature, refer to the General Administrative Records File Plan. For records of a financial nature, refer to the General Financial Records File Plan. For records of a personnel or medical nature, refer to the General Personnel/Medical Records File Plan.

215-001 COURT OF APPEALS CASE FILES:

Division/unit: Court of appeals

Maintenance system: Numerical by case number

Record series content: Record of appealed court and administrative agency hearing cases. File may contain appellate pleadings, motions, affidavits, requests for extensions, docket sheets, orders, opinion and decision, transcripts, mandate, etc.

Classification: 1.21.2.615 NMAC, Case Files - Court of Record

File closure: Date case closed

Confidentiality: Portions of record may be confidential per Protection of Records, Section 31-21-6 NMSA 1978 (i.e., social records, pre-sentencing reports, etc.), Confidential Communications; Information; Privileged, and Waiver, Sections 31-25-3 and 31-25-4 NMSA 1978 (i.e., safe house, abuse shelter, other shelter facility, etc.), Appeals, Section 32A-1-17 NMSA 1978 (i.e., children's files, records and transcripts, etc.), Confidentiality; Records, Section 32A-2-32 NMSA 1978 (i.e., children's social records, diagnostic evaluations, medical records, supervision histories, etc.), Confidentiality; Record, Penalty, Section 32A-4-33 NMSA 1978 (i.e., child neglect or abuse records), etc.

[New - 03/31/2021]

215-002 MEDIATION FILES:

Division/unit: Court of appeals

Maintenance system: Numerical by case number

Record series content: Record of mediation attempts to resolve court or agency administrative hearing cases that have been appealed. File may contain *mediation conference notices; notice of follow up telephonic mediation conference, re-scheduling notice*, hand written mediation notes, copies of *mandates* of dismissal, etc.

Classification: 1.21.2.632 NMAC, Hearings and Appeals

File closure: Date issuance of mandate of disposition from the court of appeals

Confidentiality: Portions of records are confidential per *in the matter of the court of appeals settlement conference procedures*, Court of Appeal Order 1-24 (i.e., "statements made during mediation..."), Volume 38, Number 31, August 5, 1999 Bar Bulletin.

[New - 03/31/2021]

215-003 COURT OF APPEALS ORAL ARGUMENT TAPES:

Division/unit: Court of appeals

Maintenance system: Numerical by case number

Record series content: Verbatim tape recordings of oral court of appeal arguments or motion hearings.

Classification: 1.21.2.615 NMAC, Case Files - Court of Record

File closure: Date issuance of mandate of disposition from the court of appeals

Confidentiality: Portions of record may be confidential per Protection of Records, Section 31-21-6 NMSA 1978 (i.e., social records, pre-sentencing reports, etc.), Confidential Communications; Information; Privileged, and Waiver, Sections 31-25-3 and 31-25-4 NMSA 1978 (i.e., safe house, abuse shelter, other shelter facility, etc.), Appeals, Section 32A-1-17 NMSA 1978 (i.e., children's files, records and transcripts, etc.), Confidentiality; Records, Section 32A-2-32 NMSA 1978 (i.e., children's social records, diagnostic evaluations, medical records, supervision histories, etc.), Confidentiality, Record, Penalty, 32A-4-33 NMSA 1978 (i.e., child neglect or abuse records).
[New - 03/31/2021]

215-004 LOWER COURT RECORDS OF PROCEEDINGS:

Division/unit: Court of appeals

Maintenance system: Numerical by case number

Record series content: Record of civil actions and criminal proceedings that have been appealed from district courts or administrative agencies. This record series is comprised of transcribed proceedings on audio tapes, compact disks, paper and any other recording medium.

Classification:

(A) **Criminal cases:** 1.21.2.613 NMAC, Case Files - Lower Courts (Criminal)

(B) **Civil cases:** 1.21.2.612 NMAC, Case Files - Lower Courts (Civil)

File closure:

(A) **Criminal cases:** Date of final resolution

(B) **Civil cases:** Date of issuance of mandate of disposition from the court of appeals

Confidentiality: Portions of record may be confidential per Protection of Records, Section 31-21-6 NMSA 1978 (i.e., social records, pre-sentencing reports, etc.), Confidential Communications; Information; Privileged, and Waiver, Sections 31-25-3 and 31-25-4 NMSA 1978 (i.e., safe house, abuse shelter, other shelter facility, etc.), Appeals, Section 32A-1-17 NMSA 1978 (i.e., children's files, records and transcripts, etc.), Confidentiality; Records, Section 32A-2-32 NMSA 1978 (i.e., children's social records, diagnostic evaluations, medical records, supervision histories, etc.), Children's Code Confidentiality; Record, Penalty, Section 32A-4-33 NMSA 1978 (i.e., child neglect or abuse records), etc.
[New - 03/31/2021]