

## ■ THE NEXT STEP HAS COME

*New Mexico designates electronic form as official version of appellate opinions.*

*By Edward Ricco*

In 1996, New Mexico took a step away from vendor-neutrality in its appellate case law by adopting a vendor-neutral citation form for appellate opinions. The next step has come. As of March 1, New Mexico no longer relies upon bound volumes of case reports produced by a commercial vendor as the official version of the state's decisional law. That role is now filled by a digital archive maintained electronically by the New Mexico Compilation Commission, to be collectively known as the *New Mexico Appellate Reports*.

This move makes the New Mexico Compilation Commission the single official source of all New Mexico law—statutes, rules, regulations and now, appellate decisional law. With it, New Mexico becomes the third state (after Arkansas and Illinois) to designate judicial opinions in electronic form as official opinions.

What will change for the practitioner in the daily work of legal research and writing? Actually very little, given the overwhelming extent to which legal materials are accessed and legal research is conducted electronically nowadays rather than through the use of print media. Volume 150 of the *New Mexico Reports*, expected this summer, will be the final volume of case reports produced under a commercial contract. For those wishing to maintain the body of New Mexico case law in printed and bound volumes, the Compilation Commission will begin serial publication of hardbound volumes of an unofficial print version of the *New Mexico Appellate Reports* containing the published decisions of the Supreme Court and Court of Appeals. Each case will include a topic list prepared by the court, and each volume will include a table of contents, certiorari tables, and a topical index, though not the editorial content added by the previous publisher. Recent appellate decisions will continue to appear in the *Bar Bulletin*.

Westlaw, Lexis, and other electronic legal content providers will continue to have access to New Mexico appellate decisions as they are published by the Compilation Commission. Users of those services should anticipate no change in the provider's editorial content or the availability of New Mexico cases.

The Compilation Commission's product, New Mexico One Source of Law (One Source), will continue to provide a complete word-searchable database of New Mexico appellate law from 1852. By May of this year, the Commission will release a new online version of One Source to provide subscribers with extensive new features and word-searchable access to New Mexico case law including the very latest

appellate opinions, unpublished decisions, the exclusive *New Mexico Statutes Annotated 1978* and *New Mexico Rules Annotated* from 1989-2012, the New Mexico Administrative Code, federal case law, and resources for other state and circuit case law.

The New Mexico Supreme Court has announced that, for now, the official format for case citations will continue to include the vendor-neutral citation, if available, followed by parallel citations to the print reporters. The state's pre-1996 appellate decisions are currently being assigned vendor-neutral citations, and paragraph numbering is being added to the decisions, allowing for uniform, vendor-neutral citations to all the state's decisional law in the near future.

When an appellate decision is issued by the Supreme Court or the Court of Appeals, it will be made available, usually within hours, on the Compilation Commission's website as a slip opinion, accompanied by a reminder that the slip opinion remains subject to change until released for publication by the Supreme Court. Until the release date, the slip opinion should be cited in accordance with the applicable slip opinion citation form in the Appendix to Rule 23-112 NMRA. On the release date, the Supreme Court clerk assigns a vendor-neutral citation to the opinion, and it becomes available in final official form, authenticated by a digital signature, on the public access part of the Commission's website and to online subscribers of One Source. The opinion also is made available at that time to other legal content providers and to the State Bar for inclusion in the *Bar Bulletin*.

What might the future hold? One might predict that at some future time the requirement of parallel citations to print sources may be dropped from our official case citation format. With the adoption of digital media as the official format for appellate decisions, the courts, freed from the cost and space constraints associated with printed volumes, may now be closer to eliminating any distinction between "published" and "unpublished" decisions. And, as the longer term goals of the conversion to official digital media are achieved, New Mexico practitioners and the public at large should benefit from more efficient and economical access to the whole body of New Mexico law.



### *About the Author*

*Edward Ricco, an appellate specialist with the Rodey Law Firm, is a member of the board of directors of the Appellate Practice Section.*