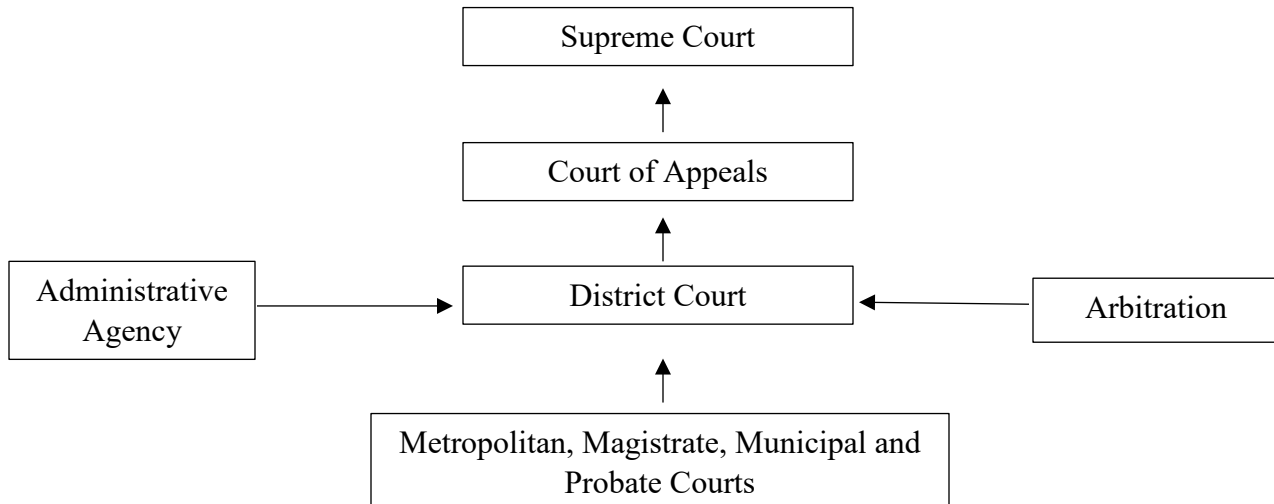


RESOURCE GUIDE - APPEALS

The appeal process can arise in various contexts. The appeal process involves requesting the review of an administrative agency action or lower court decision by a higher court. The following chart provides a simplified example of the appeal hierarchy:



The appeal process may commence from a lower court such as the Magistrate ([Rule 1-072 NMRA](#)) Metropolitan ([Rule 1-073 NMRA](#)), Municipal ([Rule 8-703 NMRA](#)) or Probate Court ([Rules 1B-101](#) and [1B-701 NMRA](#)) to the District Court. Appeals to a District Court must occur in the same county as the original lower court. New Mexico Statutes provide for the appeals in the arbitration process under [Section 44-7A-29 NMSA 1978](#). Actions of administrative agencies are also subject to appeal ([Rule 1-074 NMRA](#) & [Rule 1-075 NMRA](#)), and certain agencies have their own appeal rules (Human Rights Commission ([Rule 1-076 NMRA](#)) and the Unemployment Compensation Bureau ([Rule 1-077 NMRA](#))).

The Rules of Appellate Procedure are set forth under [Rule Set 12 NMRA](#). These rules govern procedure and pleadings before both the Court of Appeals and the Supreme Court. Supreme Court General Rule [Rule 23-101 NMRA](#) sets forth the basic contours of a Supreme Court hearing.

New Mexico has several official forms for use in the appellate process. These include:

[Form 4-707. Notice of appeal.](#)

[Form 4-830. Writ of certiorari.](#)

[Form 4-831. Petition for writ of certiorari in appeal pursuant to Unemployment Compensation Law.](#)

[Form 4-832. Writ of certiorari in appeal pursuant to Unemployment Compensation Law.](#)

[Form 9-607. Notice of appeal.](#)

[Form 9-702. Petition for writ of certiorari to the district court from denial of habeas corpus.](#)

The Law Library also has numerous titles in our print collection that can assist you in the appeal process. Here is sampling of materials:

[18th Appellate practice institute](#) / State Bar of New Mexico, Center for Legal Education, New Mexico State Bar Foundation

[How to process an appeal in the New Mexico Court of Appeals](#): a project of the New Mexico Court of Appeals and Appellate Courts Pro Se Committee.

[Appellate practice compendium](#)