

Rules of the District Court of the Tenth Judicial District

Table of Corresponding Rules

Local Rules of the Tenth Judicial District Court

The table below lists the former rule number and corresponding new number, and the new rule number and the corresponding former rule number prior to recompilation by Supreme Court Order No. 16-8300-015.

Former Rule No.	Corresponding New Rule No.	New Rule No.	Corresponding Former Rule No.
LR10-001	Withdrawn	LR10-101	LR10-004
LR10-002	Withdrawn	LR10-102	LR10-023
LR10-003	LR10-104	LR10-103	LR10-018
LR10-004	LR10-101	LR10-104	LR10-003
LR10-005	LR10-401	LR10-105	LR10-012
LR10-006	Withdrawn	LR10-106	LR10-014
LR10-007	Withdrawn	LR10-201	LR10-034
LR10-008	Withdrawn	LR10-202	LR10-037
LR10-009	Withdrawn	LR10-401	LR10-005
LR10-010	Withdrawn		
LR10-011	Withdrawn		
LR10-012	LR10-105		
LR10-013	Withdrawn		
LR10-014	LR10-106		
LR10-015	Withdrawn		
LR10-016	Withdrawn		
LR10-017	Withdrawn		
LR10-018	LR10-103		
LR10-019	Withdrawn		
LR10-020	Withdrawn		
LR10-021	Withdrawn		
LR10-022	Withdrawn		
LR10-023	LR10-102		
LR10-024	Withdrawn		
LR10-025	Withdrawn		
LR10-026	Withdrawn		

LR10-027	Withdrawn
LR10-028	Withdrawn
LR10-029	Withdrawn
LR10-030	Withdrawn
LR10-031	Withdrawn
LR10-032	Withdrawn
LR10-034	LR10-201
LR10-035	Withdrawn
LR10-037	LR10-202

I. Rules Applicable to All Cases

LR10-101. Settings.

The trial court administrative assistant shall maintain the calendar of the district judge, and the setting of all matters shall be made by the trial court administrative assistant. When contested motions are involved which may require an extended period of time to be heard, counsel may consult with the trial court administrative assistant and obtain a specific time setting for that matter.

[LR10-004 recompiled and amended as LR10-101 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, removed provisions relating to motions day in Quay county; after “The”, deleted “official court reporter” and added “trial court administrative assistant”, after “shall be made by the”, deleted “court reporter” and added “trial court administrative assistant”; deleted the next two sentences, which related to motions day in Quay County, after “counsel may consult with the”, deleted “court reporter” and added “trial court administrative assistant”, and deleted “Default and uncontested matters may also be heard at other times when set by the court reporter.”.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR10-004 NMRA was recompiled and amended as LR10-101 NMRA, effective December 31, 2016.

LR10-102. Vacating cases; court approval required.

The setting of cases shall not be vacated without the written order of the court. Attorneys desiring to vacate a setting must present a legitimate reason and must notify the court and all attorneys in the case within a reasonable time prior to date of trial of

the intention to vacate the setting. If it becomes necessary for the court of its own motion to vacate a setting, notice of the vacation will be given to all attorneys and parties pro se immediately so that request for an early re-setting may be made by any of the attorneys or parties.

[LR10-023 recompiled and amended as LR10-102 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, after “vacated without the”, deleted “approval” and added “written order”, after “legitimate reason”, deleted “therefor”, after “notice of”, deleted “such” and added “the”, after “to all attorneys”, added “and parties pro se”, and after “immediately”, deleted “upon vacation of the setting being made”.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR10-023 NMRA was recompiled and amended as LR10-102 NMRA, effective December 31, 2016.

LR10-103. Jury instructions.

[Related Statewide Rules 1-051 and 5-608 NMRA]

In all cases to be tried to a jury, counsel for the respective parties shall submit to the court typewritten instructions at least ten (10) days before the date set for the trial of the case. The format of the submitted instruction shall comply with the New Mexico Rules of Procedure.

[LR10-018 recompiled and amended as LR10-103 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, added “[Related Statewide Rules 1-051 and 5-608 NMRA]”; after “typewritten instructions”, deleted “on unlined, legal size bond paper”, after “trial of the case.”, added “The format of the submitted instruction shall comply with the New Mexico Rules of Procedure”, and deleted the remainder of the paragraph, which related to the contents of jury instructions.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR10-018 NMRA was recompiled and amended as LR10-103 NMRA, effective December 31, 2016.

LR10-104. Orders; judgments; court signature; filing; date.

[Related Statewide Rules 1-058, 5-121, and 5-701 NMRA]

All orders, judgments, and other papers or documents signed by the judge must immediately be delivered to the clerk of the court who shall file them forthwith. Signatures on orders and judgments should be dated.

[LR10-003 recompiled and amended as LR10-104 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, added “[Related Statewide Rules 1-058, 5-121, and 5-701 NMRA]”; after “forthwith.”, deleted “It is not necessary that orders” and added “Signatures on orders”, after “judgments”, added “should”, and after “dated”, deleted “; however, a date may be shown if desired by the author of the order or judgment”.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR10-003 NMRA was recompiled and amended as LR10-104 NMRA, effective December 31, 2016.

LR10-105. Removal of court files for use in county.

Court files shall not be removed from the office of the clerk. Registration forms are available at the clerk’s office for attorneys and title companies, who may have the file for twenty-four (24) hours.

[LR10-012 recompiled and amended as LR10-105 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, removed provisions relating to removal of court files from the courthouse and the cost of making copies of court documents; after “office of the clerk”, deleted the remainder of the paragraph, and added the last sentence of the paragraph.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR10-012 NMRA was recompiled and amended as LR10-105 NMRA, effective December 31, 2016.

LR10-106. Library volumes.

Library books shall not be removed from the library.

[LR10-014 recompiled and amended as LR10-106 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, after “library”, deleted “without leaving a receipt with the clerk of the court and must be returned within a period of ten (10) days after the removal, or the receipt must be renewed”.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR10-014 NMRA was recompiled and amended as LR10-106 NMRA, effective December 31, 2016.

II. Rules Applicable to Civil Cases

LR10-201. Dismissals; civil cases.

[Related Statewide Rule 1-041 NMRA]

In all cases in which no action appears to have been taken on examination of the court file for the past one (1) year, the court may in its discretion dismiss the case without prejudice without prior notice or hearing.

[Adopted February 12, 1969; LR10-034 recompiled and amended as LR10-201 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, added “[Related Statewide Rule 1-041 NMRA]”; after “In all”, deleted “civil”, after “been taken”, deleted “upon” and added “on”, and after “dismiss the”, deleted “same” and added “case”.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR10-034 NMRA was recompiled and amended as LR10-201 NMRA, effective December 31, 2016.

LR10-202. Electronic filing authorized.

[Related Statewide Rule 1-005.2 NMRA]

In accordance with Rule 1-005.2 NMRA, electronic filing is implemented for all civil and probate actions in the Tenth Judicial District Court. The electronic filing of

documents is mandatory for parties represented by attorneys in accordance with Rule 1-005.2 NMRA, which includes attorneys who represent themselves. Guidelines for using the electronic filing system are set forth in the court's user guide that is available in the clerk's office and on the court's website.

[Adopted by Supreme Court Order No. 12-8300-LR1, effective for all cases filed or pending on or after March 12, 2012; LR10-037 recompiled and amended as LR10-202 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, added “[Related Statewide Rule 1-005.2 NMRA]”.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR10-037 NMRA was recompiled and amended as LR10-202 NMRA, effective December 31, 2016.

III. Rules Applicable to Criminal Cases [Reserved]

IV. Rules Applicable to Domestic Relations Cases

LR10-401. Divorce actions.

No final judgment will be granted or filed in any uncontested divorce case or action for separate maintenance until the expiration of ten (10) days after the filing of waiver of appearance or waiver of service of process by the adverse party except in cases where the parties have permanently separated for a period of at least six (6) months next preceding the filing of the complaint.

[LR10-005 recompiled and amended as LR10-401 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, authorized the court to withhold entry of a final decree in certain instances in divorce or separate maintenance cases; after “the filing of the complaint.”, deleted “In all divorce or separate maintenance cases where answer has been filed by the defendant or issue has been joined in any manner, besides by the filing of waiver of appearance or waiver of service of process, the court reserves the right to withhold the entry of final decree for any reasonable time after hearing the evidence in the case.”.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR10-005 NMRA was recompiled and amended as LR10-401 NMRA, effective December 31, 2016.

**V. Rules Applicable to Children’s Court Cases
[Reserved]**

**VI. Rules Applicable to Court Alternative Dispute
Resolution Programs
[Reserved]**

**VII. Forms
[Reserved]**