Rules of the District Court of the First Judicial District

I. Authority, Title and Scope

LR1-101. Authority.

The following rules are hereby adopted and promulgated by the Judges of the First Judicial District of the State of New Mexico, comprised of the Counties of Los Alamos, Rio Arriba and Santa Fe, pursuant to the authority vested in the court by Rule 1-083, Rules of Civil Procedure for the District Courts.

LR1-102. Title.

The following local rules of procedure for the First Judicial District Court shall be known as the "Local Rules of the First Judicial District Court".

[As amended, effective September 1, 1993.]

LR1-103. Scope.

These local rules apply to all cases brought in the First Judicial District Court.

LR1-104. Withdrawn.

ANNOTATIONS

Withdrawals. — Pursuant to a court order dated August 28, 1997, this rule, relating to applicability, is withdrawn effective on and after January 1, 1998.

II. General Powers and Duties of the Court

LR1-201. Terms of Court.

There are hereby established the following terms of court for each year and each county within the First Judicial District:

Santa Fe County:

First Term: January 1 through June 30

Second Term: July 1 through December 31

Rio Arriba County and Los Alamos County:

First Term: January 1 through June 30

Second Term: July 1 through December 31

LR1-202. Failure to comply.

The failure to comply with the requirements of these rules may subject counsel to sanctions.

LR1-203. Assignment of cases; divisions; consolidation.

A. Subject to Rules 1-088 and 1-088.1 of the Rules of Civil Procedure for the District Courts, the chief judge of the district, in consultation with the other judges, shall determine the assignment and re-assignment of cases.

B. Cases assigned to one judge shall not be heard by another judge except by consent of the judge to whom the case is assigned, except in those circumstances described in Paragraph C below.

C. Any judge of the district, or any judge from another district who is present in the county by designation, may hear any default matter, emergency matter, guilty plea or ex parte matter which may arise whenever the assigned judge is not available.

D. The first judicial district is divided into three divisions: civil court, criminal court and family court.

E. Motions to consolidate and cases consolidated for trial shall be heard by the judge assigned to the case bearing the lowest case number (the oldest case). All pleadings will be filed in the case with the lowest case number.

[As amended, effective September 1, 1993; January 1, 1998.]

ANNOTATIONS

The 1997 amendment, effective January 1, 1998, added "divisions" in the rule heading, added Paragraph D, redesignated former Paragraph D as Paragraph E, and substituted "bearing" for "hearing" and added the last sentence in Paragraph E.

LR1-203.1. Principal offices.

Division V of the First Judicial District shall maintain its principal office at the county seat of Rio Arriba County. Divisions I, II, III, IV, VI and VII shall maintain their principal offices at the county seat of Santa Fe County.

[Approved, effective January 1, 2003.]

ANNOTATIONS

Compiler's notes. — This rule, effective January 1, 2003, was approved by the First Judicial District in accordance with 34-6-17 NMSA 1978.

LR1-204. Mode of attire.

All attorneys and all officers of the court must be dressed in a dignified manner at all times in court. No attire or dress so flamboyant, disheveled or revealing as to create a distraction to the orderly conduct of court proceedings will be permitted.

LR1-205. Forum shopping.

A. If a matter or proposition has previously been submitted to another judge, an attorney shall disclose that fact to the judge to whom it is being submitted.

B. A failure to inform the second or subsequent judge of the prior submission or submissions may be deemed contempt of court and punished accordingly.

LR1-206. Interpreters.

A. It shall be the duty of the attorney to promptly inquire into and ascertain the need for an interpreter and to advise the clerk of the court by court order of the need for an interpreter not less than two (2) business days before the hearing.

B. If the failure to comply with this local rule results in postponement of a hearing, the associated costs may be imposed upon the responsible party or attorney.

[As amended, effective January 1, 1998.]

ANNOTATIONS

The 1997 amendment, effective January 1, 1998, in Paragraph A, deleted "and diligently" following "promptly" and substituted "by court order" for "and assigned judge" and "two (2) business days" for "twenty-four (24) hours".

LR1-207. Control of court files.

A. Court files shall not be removed from the office of the clerk of the court except by court personnel.

B. Court files are not to be removed from the judicial complex except with the written approval of a judge.

LR1-208. Sealing of court files.

A. It is the policy of the court to allow free public access to official court files of each case docketed and filed in the First Judicial District.

B. No court file, except those matters required by law to remain confidential, shall be ordered sealed from public inspection, except in extraordinary cases to be determined by the court:

(1) Upon a written and verified application for the sealing of such file;

(2) A showing of good cause; and

(3) A showing that significant and irreparable harm will result unless the file is sealed.

C. Every file sealed in accordance with this rule shall be unsealed after one hundred and eighty (180) days unless the order sealing the file is extended upon a showing of good cause.

LR1-209. Case decision deadlines.

A. All cases shall be decided within sixty (60) days after submission.

B. If a decision is not made within the sixty (60) day period it shall be brought to the attention of the judge.

[As amended, effective September 1, 1993.]

ANNOTATIONS

Cross references. — For judgments and costs in district courts, see Rule 1-054 NMRA.

LR1-210. Appearance and withdrawals; change of address or telephone number; *pro se* appearance and filings; corporations as parties.

A. Whenever counsel undertakes to participate in a case on behalf of a party, counsel shall file a written entry of appearance with the clerk of the court. The filing of any signed pleading in a case will be considered as compliance with this rule.

B. Parties who represent themselves shall enter an appearance, shall sign their pleadings, motions or other papers and include their name, address and telephone number. Parties *pro se* shall inform the court of any change of mailing address or telephone number by filing a notice with the clerk of the court and serving it upon all parties and the court.

C. Corporations must be represented by a licensed attorney at all court hearings, including any settlement conferences ordered by the court. The court may strike any papers filed by an unrepresented corporation.

D. Withdrawal of counsel shall be in accordance with Rule 1-089 of the Rules of Civil Procedure for the District Courts. The application of counsel to withdraw shall state the last known mailing address and telephone number of the client.

E. Counsel shall inform the court of any change of mailing address or telephone number by filing a notice with the clerk of the court and serving it upon all parties and to the court.

[As amended, effective January 1, 1998.]

ANNOTATIONS

The 1997 amendment, effective January 1, 1998, added "number; *pro se* appearance and filings; corporations as parties" in the rule heading, substituted "with the clerk of the court" for "in the cause" in Paragraph A, added Paragraphs B and C and redesignated for Paragraphs B and C as Paragraphs D and E, and inserted "with the clerk of the court" in Paragraph E.

LR1-211. Return check charge.

A twenty-five dollar ($25.00) assessment shall be charged to any person submitting a check that is returned by a bank.

[As amended, effective January 1, 1998.]

ANNOTATIONS

The 1997 amendment, effective January 1, 1998, substituted "Return check charge" for "Payment to the clerk of the court" in the rule heading.

LR1-212. Refunds.

Unless otherwise provided by law, money once deposited with the clerk of the court shall not be refunded.

[Adopted effective January 1, 1998.]

ANNOTATIONS

Withdrawals and adoptions. — Pursuant to a court order dated August 28, 1997, former LR1-212 relating to filings by FAX is withdrawn and the above rule adopted effective on and after January 1, 1998.

III. Pleading and Practice

LR1-301. Form of Pleadings, Motions, or other papers.

A. All pleadings, motions, or other papers shall be: clearly legible; typewritten or printed on good quality white paper eight and one-half by eleven (8-1/2 x 11) inches in size; with a left margin of one and one-half (1-1/2) inches, a right margin of one-half (1/2) inch, and top and bottom margins of one and one-half (1-1/2) inches; and stapled at the upper left hand corner together as one pleading. The contents, except for quotations and footnotes, shall be double spaced. Footnotes and quotations shall be sparingly used, if used at all.

B. All pleadings, motions or other papers filed shall bear a caption and descriptive title so as to alert the court to the nature and purpose of the document.

C. Other than the original complaint, all pleadings, motions or other papers must bear a certificate of service which shall state the name and address of each attorney or party upon whom the pleading was served.

[As amended, effective January 1, 1998.]

ANNOTATIONS

Cross references. — For form of pleadings, motions, or other papers, see Rule 1-100 NMRA.

For proof of service, see Rule 1-005F NMRA.

The 1997 amendment, effective January 1, 1998, inserted "together as one pleading" at the end of the first sentence in Paragraph A, and made a stylistic change in Paragraph C.

LR1-302. Depositions.

A. **Depositions not to be filed.** Depositions shall not be routinely filed with the court. In lieu of filing the original deposition with the clerk of the court, a certificate shall be filed with the clerk of the court identifying the witness, date of the deposition, and the name and address of the attorney or party retaining the original deposition.

B. **Reasonable notice.** Notice of deposition shall be served not less than five (5) days prior to the date scheduled for the deposition. Upon application and for good cause shown, the time may be shortened. Whenever possible, before setting notice, counsel must confer and attempt to agree upon a date and time for the deposition. If counsel did not confer, this must be stated in the deposition notice with the reason for not conferring.

[Recompiled, effective September 1, 1993.]

LR1-303. Interrogatories, requests for production, and requests for admission.

A. **Filing not required; certificate of service.** Interrogatories, answers to interrogatories, requests for production, responses to requests for production, requests for admissions and responses to requests for admissions shall be served upon the other counsel but shall not be routinely filed with the court. However, a certificate of service shall be filed with the court indicating the date of service.

B. **Interrogatories.** Parties propounding interrogatories shall serve the original upon each party who is required to answer them, and one (1) copy upon all other parties. Interrogatories shall be numbered consecutively. Adequate spacing shall be left under each interrogatory for the answer. The party answering the interrogatory shall serve the original upon the party propounding the interrogatories and one (1) copy upon all other parties.

C. **Prefatory instructions or definitions.** Interrogatories, requests for production and requests for admission shall not contain prefatory instructions or definitions except to say that they are served in accordance with the Rules of Civil Procedure for the District Courts.

D. **Objections.** In objecting to an interrogatory, request for production, or request for admission, the objector shall first set out the complete interrogatory or request followed by the reason for the objection. All objections must cite supporting authority. When a party withholds information by claiming that it is privileged or subject to protection as trial preparation material, the party shall make the claim expressly and shall describe the nature of the documents, communications or things not produced or disclosed in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the applicability of the privilege or protection. The party upon whom objections are served shall proceed under Paragraph D within twenty (20) days of receipt of an objection, or will be deemed to have accepted the objection as valid. The twenty (20) day period may be enlarged or shortened by order of the court.

E. **Motions to compel; motions for protective order.** A motion to compel or for a protective order will not be entertained unless counsel for the moving party has conferred in good faith with opposing counsel concerning the matter in dispute or has made a reasonable effort to confer before the filing of the motion.

F. **Fifty interrogatories.** No party shall serve more than fifty (50) interrogatories in the aggregate, including subparts, without leave of court. Subparts of an interrogatory shall relate directly to the subject matter of the interrogatory.

[Recompiled, effective September 1, 1993; as amended, effective January 1, 1998.]

ANNOTATIONS

Cross references. — For statewide rule governing interrogatories, see Rule 1-033 NMRA.

The 1997 amendment, effective January 1, 1998, added Paragraph C and redesignated former Paragraphs C through E as Paragraphs D through F, and added the third sentence in Paragraph D.

LR1-304. Submission of orders, decrees and judgments.

A. Unless otherwise ordered by the court all orders, judgments and decrees shall be submitted to the judge by the prevailing party not later than ten (10) days following the date of announcement by the judge of the decision, if announced in open court, or twelve (12) days following the date of the letter announcing the decision.

B. Orders, judgments and decrees will not be signed by the judge unless:

(1) the order, judgment or decree bears the signatures or initials or telephonic approval of the attorneys for all parties to the cause;

(2) in matters where a party appears *pro se,* the attorney who has prepared the order, judgment or decree certifies that a copy has been sent to the *pro se* party with a notice that objections must be received by the court in writing within ten (10) days and that no objections were received; or

(3) written notice is provided to all affected parties or their counsel that the proposed order, judgment or decree will be presented to the court at a time and date set by the court, upon request provided that a copy of the proposed order, judgment or decree accompanies the notice and that notice is served not less than five (5) days before the date set for presentment.

C. Where there is objection to an order, judgment or decree, the objecting party shall file the objections and deliver a courtesy copy to the judge, no less than one (1) day before the time set for submission of the proposed order, judgment or decree under Subparagraph B(3) of this rule.

[As amended, effective September 1, 1993; January 1, 1998.]

ANNOTATIONS

The 1997 amendment, effective January 1, 1998, inserted "or telephonic approval" in Subparagraph B(1).

Applicability — The five day notice requirement of Subparagraph B(3) did not apply to a will contestant's petition for a formal testacy proceeding filed pursuant to 45-3-401 NMSA 1978. Vieira v. Estate of Cantu, 1997-NMCA-042, 123 N.M. 342, 940 P.2d 190.

Judgment lacking decretal language not final, appealable order. — Court "order" that made numerous findings of fact and rulings of law, including a finding that mother was entitled to child support payments and costs from father, but which failed to specifically order that judgment be entered for mother, and did not contain the signatures or initials of the parties' attorneys, was not a final, appealable order because of its lack of decretal language. Khalsa v. Levinson, 1998-NMCA-110, 125 N.M. 680, 964 P.2d 844.

LR1-305. Filing of orders and other instruments.

Every order, judgment or other instrument which has been signed by the judge shall be delivered immediately to the clerk of the court for filing. No signed order, judgment or other instrument shall be taken from the building until after it has been docketed, filed and recorded.

[Recompiled, effective September 1, 1993.]

LR1-306. Motion practice.

A. **Concurrence; when required.** No motion shall be filed without a statement that moving counsel has conferred or attempted to confer in good faith with opposing counsel with respect to the relief sought in the motion in order to resolve any differences or to secure concurrence in the motion. The motion shall state, with particularity, the efforts made to comply with this rule. The concurrence requirement shall not apply to those motions, such as motions for dismissal or for summary judgment, which by their very nature can be deemed opposed pursuant to Paragraph C of Rule 1-007.1 of the Rules of Civil Procedure for the District Courts.

B. **Service of motion, response and reply.** Every motion shall include a certificate of counsel setting forth the name and address of the person served and the date and manner of service. Two (2) copies of the response shall be served. No courtesy copy of a motion, response or reply shall be provided to the judge.

C. **Citation of authority.** Every motion, response or reply shall cite authority for the positions advanced, or alternatively, shall be accompanied by a separate brief or memorandum filed and served contemporaneous with the motion, response or reply. A brief or memorandum shall not exceed ten (10) pages of argument, without an order of the court.

D. **Failure to respond.** The failure to file a response to a motion within the time limits set forth in Rule 1-007.1 of the Rules of Civil Procedure for the District Courts shall be deemed as consent to the granting of the motion. In such event, the moving

party may submit a proposed order to the court. A copy of the proposed order shall be served on opposing counsel or a party *pro se.* Failure to object in writing within five (5) days of service of the order shall be deemed consent to the order.

E. **Separate cross-motions required.** The practice of filing cross-motions to operate as both a motion and as a response to the original motion is prohibited.

F. **Exhibits to motion, response or reply.** Only relevant excerpts from depositions or other papers shall be attached as exhibits. Pertinent portions shall be highlighted, underlined or otherwise emphasized for the court's attention and on all copies. Documents already in the court file shall not be attached as exhibits, but shall be referred to by name and date of filing and may be furnished to the court.

G. **"Package" procedure.** At the expiration of all responsive times, under Rule 1-007.1 of the Rules of Civil Procedure for the District Courts, the movant shall submit to the court a copy of the motion, response, any reply and a request for hearing (in accordance with Paragraph I of this rule) in a "package". The submission of the "package" alerts the court that the motion is ripe for decision.

H. **Hearing.** After the filing of the motion, response and reply or the expiration of the applicable time limit in the absence of filing, the movant shall request a hearing or by filing a request for hearing (LR1-Form A) with the clerk and providing a courtesy copy to the judge. The court may grant or deny a request for hearing and if the request is denied, the court shall make a decision based on the papers filed.

I. **Expedited matters.** If the motion requests a decision before the expiration of the time limits set forth in Rule 1-007.1 of the Rules of Civil Procedure for the District Courts, the movant shall:

(1) so indicate in the title of the motion;

(2) state in the motion the reason for requesting an expedited decision;

(3) provide a courtesy copy of the motion to the judge; and

(4) file with the motion a request for expedited hearing.

J. **Copies of Cases.** Copies of cases relied upon in the memorandum in support of the motion shall not be filed with the clerk of the court; however, courtesy copies may be furnished to the judge hearing the motion. Copies shall also be served on all parties.

[Adopted effective September 1, 1993; as amended, effective January 1, 1998.]

ANNOTATIONS

The 1997 amendment, effective January 1, 1998, substituted "an order" for "express permission" near the end of Paragraph C, substituted "the moving party may submit a proposed order to the court" for "moving counsel may obtain a time and date to formally present an appropriate order to the court for signature and entry, upon not less than five (5) days notice to opposing counsel" and added the last two sentences in Paragraph D, substituted "Separate cross-motions required" for "No cross-motions permitted" in the paragraph heading of Paragraph E, rewrote Paragraph F, and added Paragraph J.

Applicability — The five day notice requirement of Paragraph D did not apply to a will contestant's petition for a formal testacy proceeding filed pursuant to 45-3-401 NMSA 1978. Vieira v. Estate of Cantu, 1997-NMCA-042, 123 N.M. 342, 940 P.2d 190.

LR1-307. Costs bill.

Within twenty (20) days after filing of final judgment, the party recovering costs shall file with the clerk of the court an itemized and verified cost bill, with proof of service of a copy on opposing counsel. Any party failing to file a cost bill within the said twenty (20) days shall be deemed to have waived costs. If no objections are filed within ten (10) days after service of the cost bill, the clerk of the court shall tax the claimed costs which are allowable by law. The judge shall settle any objections filed.

[Recompiled, effective September 1, 1993.]

LR1-308. Findings and conclusions.

Unless otherwise ordered by the court, requested findings of fact and conclusions of law shall be filed five (5) days prior to the trial. Any additional requested findings of fact and conclusions of law shall be submitted within ten (10) days after the trial or hearing. The original of all requested findings of fact and conclusions of law shall be filed with the clerk of the court and a copy thereof shall be delivered to the judge.

[Recompiled, effective September 1, 1993; as amended, effective January 1, 1998.]

ANNOTATIONS

The 1997 amendment, effective January 1, 1998, added the first sentence, and inserted "additional" and substituted "the trial or hearing" for "such submission is ordered by the court, unless a different time is ordered" in the second sentence.

LR1-309. Judgments based on written instruments.

A final judgment, based upon a written instrument, shall be accompanied by said instrument, which shall be filed as an exhibit in the case at the time the judgment is entered and shall be appropriately marked as having been merged into the judgment and returned to the party filing the same as in the case of other exhibits.

[Recompiled, effective September 1, 1993.]

LR1-310. Exhibits.

Exhibits admitted in a hearing or at trial may be returned to the party submitting them. Each exhibit shall contain an identification sticker which shall contain:

A. Party tendering the exhibit,

B. Exhibit number or letter,

C. Case number,

D. Date of hearing.

[Recompiled, effective September 1, 1993; as amended, effective January 1, 1998.]

ANNOTATIONS

The 1997 amendment, effective January 1, 1998, deleted "only upon the written request therefor and upon order of the court" following "them" at the end of the first sentence.

LR1-311. Judgments on mandate.

Within thirty (30) days after an appellate court has sent its mandate to this district court, the prevailing party on appeal shall either (1) present to the court a proposed judgment on the mandate containing the specific directions of the appellate court, or (2) request a hearing (LR1-Form A).

[Adopted, effective January 1, 1998.]

IV. Case Control

LR1-401. Settings.

The judge of each division shall determine his or her general itinerary and schedule and shall inform the clerk of the court.

A. The judge of each division shall make trial and other settings for the division and furnish counsel and the clerk of the court with a calendar of settings as far in advance as possible. As a general rule, notice of settings shall be given counsel at least four (4) weeks prior to the trial or hearing date but shorter notice may be given upon the consent and agreement of counsel or where, in the discretion of the judge, less notice is required.

B. If a hearing is scheduled as a "back-up" to another matter, or on a trailing docket, the court shall so advise counsel. Counsel shall be responsible for advising the court of any scheduling difficulties, such as arrangements with witnesses, which may make the matter difficult or inappropriate for hearing on a "back-up" or trailing docket basis.

C. All settings made by or with the approval of the court shall be binding upon all parties and attorneys properly notified. No trial setting shall be vacated except upon written motion and upon the signature of the party approving the continuance, unless this requirement is waived by the court.

D. Failure to give timely notice to the court of an inability to meet a trial setting, where such failure is willful or the result of negligence, may subject the offending party or attorney to appropriate sanctions, including, but not limited to:

(1) dismissal of the case;

(2) payment of jury and other costs;

(3) payment of attorneys fees; or

(4) sanctions as available under the inherent powers of the court.

[As amended, effective January 1, 1998.]

ANNOTATIONS

The 1997 amendment, effective January 1, 1998, deleted "of the county affected thereby" following "court" at the end of the first sentence, and inserted "trial" in the second sentence in Paragraph C.

LR1-402. Notice of settings.

A. Contested matters, preliminary and final, shall not be called up for hearing except upon prior approval by the court. Notice of any hearing, unless given by the court, shall state it is given at the court's direction.

B. It shall be the obligation of counsel to make the necessary arrangements and give the necessary notices to have the represented party present in court for all hearings and trials, whether or not the party is in custody. Unless good cause is shown for the absence of any party at any trial or hearing, it may be presumed by the court that such party has waived the right to be present.

LR1-403. Status of docket.

The court may require of attorneys, in a particular case, a status report setting forth information about the case in order that the court may arrange its docket to expedite the disposition of cases.

LR1-404. Pretrial orders and conferences.

Pretrial orders shall be utilized in all civil cases to facilitate the setting of cases for trial. (LR1-Form C). The court may conduct a pretrial conference either on its own initiative or at the request of any counsel of record. At the pretrial conference, the items listed on the form may be covered. The court may also dispense with both requirements in appropriate cases.

A. The following procedure will be followed in making use of the pretrial order:

(1) the party initiating the form shall complete the applicable portions and forward the form to the opposing party;

(2) the second party shall complete the applicable portions of the form and return it to the first party within twenty (20) days. If there are more than two parties in the case, counsel shall forward the report along in the order the parties entered the case;

(3) the parties shall hold a discovery conference and list all remaining discovery in the appropriate sections of the form along with each party's estimate of a completion date for its discovery;

(4) the completed report shall be forwarded to the court which will supply discovery, motion and witness disclosure deadlines and sign the report, adopting it as the pretrial order;

(5) the case shall be set for trial upon the merits, either upon:

(a) receipt by the court of a certificate of readiness signed by all counsel of record to the effect that all discovery is complete and there are no pending pretrial motions;

(b) filing a request for trial; or

(c) in accordance with the pretrial scheduling order.

B. The pleadings will be considered merged into the final pretrial order.

[As amended, effective January 1, 1998.]

ANNOTATIONS

The 1997 amendment, effective January 1, 1998, deleted "in lieu of requiring a pretrial order" following "may" in the second sentence and substituted "may be covered" for "will be covered" in the third sentence.

LR1-405. Settlement conferences.

A. Settlement conferences may be utilized in civil cases to facilitate settlement of cases. Civil cases in which a settlement conference is requested shall be referred by the court to an attorney trained as a settlement referee. The procedure shall be:

(1) Either party may submit a request for referral to settlement conference using the form attached to these rules as LR1-Form J2.

(2) The request shall be submitted at any time after the filing of a summons and complaint, but in no event later than ninety (90) days prior to the docket call or pretrial conference, whichever is earlier, or as otherwise directed by the judge to whom the case is assigned.

B. Upon receipt of the request, the court shall assign the case to a settlement referee by entry of an order in the form attached as LR1-Form J2 to these rules. A settlement referee shall be disqualified only for reasons contained in Rule 21-400 of the Code of Judicial Conduct, and only upon order of the judge making the assignment.

C. A district court judge may sit as a settlement referee only upon request of the judge to whom the case is assigned.

D. A request for settlement conference may be withdrawn only with permission of the court, after the filing of a motion for good cause.

E. The attorney who will try the case, and each party or representative of a party having actual authority to compromise or settle the claims, shall attend the settlement conference in person.

[As amended, effective September 1, 1993; January 1, 1998.]

ANNOTATIONS

The 1997 amendment, effective January 1, 1998, substituted "reasons" for "conflicts of interest, using the standards" in the second sentence of Paragraph B.

V. Jury Matters

LR1-501. Jury fees.

Jury fees are not refundable.

[As amended, effective January 1, 1998.]

ANNOTATIONS

The 1997 amendment, effective January 1, 1998, substituted "are not refundable" for "once deposited, shall not be returned".

LR1-502. Jury instructions.

Requested jury instructions will be prepared by counsel for each of the parties and submitted to the court at least five (5) days prior to trial in accordance with the following guidelines:

A. Each instruction shall be typed on a separate page of unlined, unmargined paper, "8½ by 11" in dimension.

B. Instructions shall be submitted firmly clipped or stapled together with a cover sheet bearing the caption, the title of the pleading (*i.e.* "Plaintiff's Requested Instructions"), and a signature line. An original is to be filed and copies are to be provided to each party and to the court

C. Each instruction shall bear the heading "(Party's) Requested Instruction No._____." and counsel is to insert consecutive numbers.

D. At the bottom of each instruction counsel shall list the UJI number or other citations supporting the instruction as a correct statement of the applicable law and the following information:

Given _____

Denied _____

Modified _____

Withdrawn _____

E. For each instruction submitted the party is to provide the court with a "clean" copy that bears the text of the instruction and the heading "Instruction No._____," with no numbers inserted. This set is given to the court and is not filed.

F. The attorneys for the parties shall confer in good faith prior to the settling of instructions by the court and shall file a single set of those instructions upon which all parties agree. Requested instructions that are objected to shall be filed with the clerk of the court by the party requesting the instruction. The court shall file all instructions read to the jury.

[As amended, effective January 1, 1998.]

ANNOTATIONS

The 1997 amendment, effective January 1, 1998, deleted "including a statement of the case" following "instructions" and inserted "and submitted to the court at least five (5) days prior to trial" in the introductory language, deleted "bond" preceding "paper" in Paragraph A, deleted "and a Praecipe (LR1-Form D)" following "signature line" in Paragraph B, and rewrote Paragraph F.

VI. Criminal Cases

LR1-600. Transport of persons in custody.

A. The application for a transport order shall be made no later than five (5) working days before the proceeding for which transport is sought unless a shorter time is allowed by the court.

B. The application and proposed transport order shall address the following matters.

(1) the name of the person to be transported and, if known, that person's date of birth and social security number;

(2) the agency designated to transport the person in custody to and from the proceeding, usually the Sheriff of the appropriate county;

(3) the place where the person is in custody;

(4) the nature of the district court proceeding for which transport is sought;

(5) the place, date and time of the district court proceeding and, if known, the length of the proceeding.

(6) the requirement, if any, for civilian clothing; and

(7) a certified copy of the transport order shall be served upon the transporting agency and upon the custodian of the person sought to be transported no later than three (3) working days before the proceeding unless a shorter time is allowed by the court. Where circumstances require, a district court judge may modify the time requirements of this local rule or may require transport upon verbal order, provided that a written transport order is served upon the transporting agency and the custodian as soon as practicable thereafter. In addition, if the transporting agency determines that a written transport order is not required then it may waive the requirements of this rule.

LR1-601. Indictment and summons.

Upon the filing of an indictment, criminal complaint or criminal information, a summons shall be issued unless, upon the request of the district attorney or attorney general, the court determines a warrant is appropriate.

[As amended, effective September 1, 1993.]

LR1-602. Grand jury.

A. Grand jury proceedings, including but not limited to subpoenas for witnesses, docket records or subpoenas issued or returned or filed, are confidential. A separate docket of grand jury subpoenas shall be maintained by the clerk of the court to insure their confidentially [confidentiality].

B. Upon the filing of a written request by a party, the clerk of the court shall provide the requesting party with a copy of the grand jury proceedings. No grand jury records or proceedings shall be transcribed, made public or released by the clerk to any person, except upon written order of the court where law or the interests of justice so require. The following, however, constitute information which may be made available to the public:

(1) final reports and reports of grand juries, after they have been accepted and received by the court and filed; and

(2) the drawing and selection of grand juries and indictments, after the defendant has been served with an arrest warrant incident to such indictment, except that the fact of true bill may be disclosed, prior to the service of a summons or arrest warrant, where a target letter has been issued, the target is represented by counsel and there is no risk of flight.

C. No narrative report shall be received by the court from any grand jury except upon those matters set out by statute and relating to the conditions of jails, penal institutions and persons incarcerated therein within the county where the grand jury is sitting. It is not the function of the grand jury - an arm of the judiciary - to criticize or regulate other branches or agencies of government or private persons or institutions. The judicial power is loaned to the grand jury so that it may determine probable cause in criminal cases and return indictments where it finds probable cause but for no other purpose not required by statute.

D. The shorthand notes or audio tapes of the court reporter attending any grand jury shall be deposited with the clerk of the court no later than fifteen (15) days after attendance. Such notes or tapes shall be in the custody of the clerk and subject to rules relating to records in the custody of the clerk.

[As amended, effective September 1, 1993.]

LR1-603. Appearance and withdrawals.

A. At arraignment or within seven (7) days thereafter, the district attorney or assistant district attorney who shall actually try the case shall enter a written appearance as trial attorney in each criminal case coming before the court. A signed criminal information or indictment shall constitute an entry of appearance for the purposes of this local rule. Additional counsel may enter an appearance at any stage of the proceedings.

It shall be the responsibility of the district attorney to see that strict compliance with this local rule shall be made.

B. At arraignment or within seven (7) days thereafter, the public defender or assistant public defender or the attorney under contract with the public defender's office to actually try the case shall be designated and shall enter a written appearance as trial attorney in each criminal case coming before the court when the defendant is indigent. Additional counsel may enter an appearance at any stage of the proceedings.

(1) In cases where the representation of an indigent defendant would result in a conflict of interest in the public defender's office and no contract attorney to represent such defendant is available to the public defender's office, such fact shall be made known to the trial judge at arraignment or within seven (7) days thereafter.

(2) In the event a conflict develops after the expiration of seven (7) days after arraignment, such fact shall be made known to the trial judge within seven (7) days after the conflict is apparent to the public defender's office, but in no event shall such information be given to the trial judge any later than thirty (30) days before trial or at any date more than thirty (30) days before trial where such delay would result in a delay in final disposition of the case.

It shall be the duty of the public defender, in all indigent cases, to see that strict compliance with this local rule shall be made.

C. Counsel retained by a defendant shall enter a written appearance as trial counsel within seven (7) days after retention. The retaining of counsel in a case or substitution of a retained attorney for another attorney for defendant shall be accomplished sufficiently in advance of any proceeding scheduled or to be scheduled in the case so as to prevent undue delay.

D. The trial attorneys of record shall have the responsibility for full compliance with all pretrial obligations and for trial of the case unless it shall be disposed of without trial.

E. Extensions of time for compliance with Paragraphs A and B of this rule or waiver of the requirement thereof shall be granted of record only for good cause shown and only upon application in writing personally called to the attention of the trial judge within the seven (7) day period provided.

F. The trial attorney shall not be permitted to withdraw from the case, except upon entry of appearance in writing of another trial attorney in replacement, sufficiently in advance of trial or other hearing or obligation to avoid any continuances and to avoid undue delay. For good cause shown brought to the attention of the trial judge in ample time to avoid delay, the trial judge may grant appropriate relief from the obligations imposed by this paragraph.

[As amended, effective January 1, 1998.]

ANNOTATIONS

The 1997 amendment, effective January 1, 1998, deleted former Paragraph G, which read: "Willful or negligent failure to comply with this local rule may subject the attorney to contempt of court or other sanctions".

LR1-604. Waiver of arraignments.

A. Before presentment of any written waiver of arraignment to a district court judge the waiver of arraignment must carry the signature of the defendant, his or her attorney and a certificate of service indicating the district attorney has been served.

B. The original and two (2) copies of the written waiver of arraignment must be presented to the district court judge along with a self-addressed stamped envelope for defense counsel. One (1) copy shall be delivered by the court to the district attorney.

C. Before the waiver of the arraignment is presented or immediately after presentment of the waiver of arraignment, the defendant must present himself at the appropriate law enforcement agency for formal booking and processing on the warrant, if one has been issued.

LR1-605. Search warrants.

A. All search warrants issued by a district court judge and the accompanying affidavit when filed in the district court clerk's office shall be sealed form [from] public view until a return and inventory has been filed in that case. Upon filing with a return and inventory, said file shall no longer be sealed.

B. Return and inventory shall be filed with the clerk of the court within five (5) working days of the search.

[As amended, effective September 1, 1993.]

ANNOTATIONS

Cross references. — For rule of procedure in district courts on search warrants, see Rule 5-211 NMRA.

LR1-606. Withdrawn.

ANNOTATIONS

Withdrawals. — Pursuant to a court order dated August 28, 1997, this rule, relating to negotiated pleas, is withdrawn effective on and after January 1, 1998.

VII. Domestic Relations Rules

LR1-700. Scope of rules in this section.

The rules contained in this section govern the procedures in all actions involving dissolution of marriage, separation, custody, spousal or child support, or community property division.

LR1-701. Deleted.

ANNOTATIONS

Compiler's notes. — The New Mexico Supreme Court entered an order effective November 1, 2000 provisionally approving statewide domestic relations rules and forms. That order provided that the "statewide rules and forms supersede all local domestic rules and forms". See 1-120 to 1-127 NMRA and 4A-111 to 4A-132 NMRA for the Supreme Court statewide domestic relations rules and forms.

LR1-702. Deleted.

ANNOTATIONS

Compiler's notes. — The New Mexico Supreme Court entered an order effective November 1, 2000 provisionally approving statewide domestic relations rules and forms. That order provided that the "statewide rules and forms supersede all local domestic rules and forms". See 1-120 to 1-127 NMRA and 4A-111 to 4A-132 NMRA for the Supreme Court statewide domestic relations rules and forms.

LR1-703. Deleted.

ANNOTATIONS

Compiler's notes. — The New Mexico Supreme Court entered an order effective November 1, 2000 provisionally approving statewide domestic relations rules and forms. That order provided that the "statewide rules and forms supersede all local domestic rules and forms". See 1-120 to 1-127 NMRA and 4A-111 to 4A-132 NMRA for the Supreme Court statewide domestic relations rules and forms.

LR1-704. Summary hearing.

A. Upon notice to all parties, or pursuant to a calendar as set from time to time by the court, all interim motions and other matters that can be disposed of by summary hearing shall first be heard by the court at summary hearings.

B. The following matters should first be heard at a summary hearing.

(1) Motions for interim relief, including support, custody and visitation, interim attorneys fees, prohibition on disposal of assets, and for payment of debts;

(2) Discovery motions;

(3) Motions to enforce interim orders of the court;

(4) Motions to enforce compliance with the Rules of Civil Procedure for the District Courts or these local rules; and

(5) Motions to modify the temporary domestic order.

C. The procedure for summary hearing shall be as follows:

(1) The proponent of the motion shall deliver a copy of the motion and any supporting memoranda and affidavits to the court and shall request that the matter be set on the summary hearing docket.

(2) The proponent of the motion shall provide a notice of summary hearing, with sufficient copies for all counsel or parties of record.

(3) The motion shall be set for summary hearing not less than ten (10) days from the date the motion is filed.

D. After reviewing the motion, supporting pleadings and the record, and, if necessary, receiving argument of counsel and additional tender of proof, the court shall determine if it is able to rule on the matter. If the court is able to rule on the matter, in whole or in part, the court shall state its ruling, the factual allegations relied upon for the ruling, and any specific concerns the court would have if the matters were not decided by summary hearing. If the court is not able to rule upon the motion, the court shall set the matter for hearing on the next available motion day and may enter a temporary order, if the circumstances require. The proponent of the motion shall be responsible for notice to all counsel or pro se parties of record of the setting on the motion.

LR1-705. Deleted.

ANNOTATIONS

Compiler's notes. — The New Mexico Supreme Court entered an order effective November 1, 2000 provisionally approving statewide domestic relations rules and forms. That order provided that the "statewide rules and forms supersede all local domestic rules and forms". See 1-120 to 1-127 NMRA and 4A-111 to 4A-132 NMRA for the Supreme Court statewide domestic relations rules and forms.

LR1-706. Modification of Rule 1-016 scheduling dates.

A. In all domestic relations actions the following modifications shall apply to the scheduling dates set forth in Rule 1-016 of the Rules of Civil Procedure for the District Courts.

B. The pretrial scheduling order set forth in Rule 1-016(B) shall be filed within sixty (60) days after the petition is filed.

C. The trial date shall be not later than nine (9) months after the date the scheduling order is filed.

D. If a pretrial scheduling order is not entered the court shall set the case for trial in a timely manner, but no later than nine (9) months after the filing of the petition.

LR1-707. Pretrial conference and order.

In addition to the matters set forth in Rule 1-016 of the Rules of Civil Procedure for the District Courts, the pretrial conference and pretrial order shall address:

A. The names, dates of birth, and the addresses of any minor children for the past three (3) years;

B. A statement as to whether arbitration, mediation or evaluation has already been conducted, and the results thereof; and

C. A designation of those areas where expert testimony is required or expected.

LR1-708. Deleted.

ANNOTATIONS

Compiler's notes. — The New Mexico Supreme Court entered an order effective November 1, 2000 provisionally approving statewide domestic relations rules and forms. That order provided that the "statewide rules and forms supersede all local domestic rules and forms". See 1-120 to 1-127 NMRA and 4A-111 to 4A-132 NMRA for the Supreme Court statewide domestic relations rules and forms.

LR1-709. Contempt.

No order to show cause for contempt shall issue except upon verified motion and affidavit specifying with particularly [particularity] the manner in which the court's order or orders have been violated.

LR1-710. Tolling of procedural deadlines.

Notwithstanding the provisions of these rules providing for schedules and deadlines for filings in domestic relations matters, the parties may extend the deadlines or toll the running of time, in accordance with the following procedure:

A. Where the parties are making significant progress towards settlement or are attempting reconciliation, the deadlines provided for in these rules may be abated by the filing of a certificate of abatement containing the following:

(1) A statement that the parties are making significant progress towards settlement or are attempting reconciliation and wish to toll the running of the time periods provided in these rules;

(2) A statement of the present status of the case, including a list of all documents which have been filed as required by these rules; and

(3) The signatures of counsel for both parties and of both parties themselves. Any certificate filed which does not include all required signatures shall be of no effect.

B. The period of abatement or tolling may be terminated by either party upon the filing of a withdrawal of consent to abatement signed by counsel or the party pro se, stating that the parties are no longer making significant progress towards settlement or that withdrawal of consent shall be served upon the other party in the same manner as generally provided for service of pleadings.

C. Immediately upon the filing of the withdrawal of consent to abatement, the time periods provided for in these rules shall again begin to run, excluding the time from the filing of the original certificate or abatement until the filing of the withdrawal of consent; provided, however, that the parties shall have no less than fifteen (15) days from the filing of the withdrawal of consent in which to file any pleading or document required by these rules.

D. The purpose of this local rule is to allow the parties to reach a reasonable settlement or to attempt reconciliation, not to delay the court proceedings. This local rule shall not affect any limits otherwise provided by statute or the Rules of Civil Procedure for the District Courts.

LR1-711. Deleted.

ANNOTATIONS

Compiler's notes. — The New Mexico Supreme Court entered an order effective November 1, 2000 provisionally approving statewide domestic relations rules and forms. That order provided that the "statewide rules and forms supersede all local domestic rules and forms". See 1-120 to 1-127 NMRA and 4A-111 to 4A-132 NMRA for the Supreme Court statewide domestic relations rules and forms.

LR1-712. Deleted.

ANNOTATIONS

Compiler's notes. — The New Mexico Supreme Court entered an order effective November 1, 2000 provisionally approving statewide domestic relations rules and forms. That order provided that the "statewide rules and forms supersede all local domestic rules and forms". See 1-120 to 1-127 NMRA and 4A-111 to 4A-132 NMRA for the Supreme Court statewide domestic relations rules and forms.

LR1-Form A. Request for Hearing.

FIRST JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO
COUNTY OF _____
NO. _____
Plaintiff,
vs.
Defendant.

REQUEST FOR HEARING

1. Jury: _____ Non-Jury _____

2. Judge to whom assigned:

3. Disqualified Judges:

4. Specific matter(s) to be heard:

5. Estimated time for hearing all parties and witnesses:

6. Date pretrial order was filed or date of pretrial conference:

7. There (are/are not) any hearings presently set; and if so when: _____

8. Names, addresses and telephone numbers of all counsel or parties pro se, entitled to notice.

Submitted by:

_____

LR1-Form B. Notice of Hearing.

FIRST JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO
COUNTY OF _____
NO. _____
Plaintiff,
vs.
Defendant.

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that this matter has been called for hearing before the Court, for the time, place, date and purpose indicated:
DATE:
TIME:
PLACE:
PURPOSE OF HEARING:
TIME ALLOCATED:
JUDGE ASSIGNED:

_____
Secretary

I hereby certify that a true copy of the foregoing Notice was mailed to the following parties/ counsel of record at the following addresses this _____ day of _____, _____.

_____

LR1-Form C. Pretrial Order.

FIRST JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO
COUNTY OF _____
NO. _____
Plaintiff,

vs.
Defendant.

PRETRIAL ORDER

This matter having come before the Court on _____, _____, at pretrial conference held before _____, District Judge, Division _____, pursuant to Rule 1-016 E of the Rules of Civil Procedure for the District Courts, and LR1-404 of the Local Rules of the First Judicial District Court, and _____ having appeared as counsel for Plaintiff and _____ having appeared as counsel for Defendant and _____ having appeared as counsel for _____; the following action was taken.

1. JURISDICTION AND PARTIES: the jurisdiction of the Court is not disputed and is hereby determined to be present. *(Or, if disputed).* The question of jurisdiction was decided as follows: *(Appropriate recitation of preliminary hearing and findings).* There is no remaining question as to propriety of the parties. *(Or, if there is, state the nature of dispute).*

2. GENERAL NATURE OF THE CLAIMS OF THE PARTIES:

A. Plaintiff claims: *(Set out brief summary without detail).*

B. Defendant claims: *(Set out brief summary without detail).*

C. All other parties claim: *(Same type of statement where third parties are involved).*

3. UNCONTROVERTED FACTS: The following facts are establish [established] by admissions in the pleadings or by stipulations of counsel at the pretrial conference: *(Set out uncontroverted facts, including admitted jurisdictional facts and all other significant facts, concerning which there is no genuine issue).*

4. CONTESTED ISSUES OF FACTS: The contested issues of fact remaining for decision are: *(Set out)*

5. CONTESTED ISSUES OF LAW: The contested issues of law in addition to those implicit in the foregoing issues of fact are: *(Set out). (Or)* There are no special issues of law reserved other than those implicit in the foregoing issues of fact.

6. EXHIBITS: There are received in evidence *(or identified and offered)* the following:

A. Plaintiff's Exhibits: *(List).*

B. Defendant's Exhibits: *(List).*

C. Exhibits of other parties: *(If involved, list).*

D. If other Exhibits are to be offered, the offering party will mark his own Exhibits and make a list thereof. Lists of such Exhibits will be furnished to all opposing counsel and the Court as [at] least 10 days prior to trial. At that time all such Exhibits will be made available for examination by opposing counsel. This rule does not apply to rebuttal Exhibits, which cannot be anticipated.

E. Any counsel requiring authentication of an Exhibit must so notify in writing the offering counsel within 5 days after the Exhibit is made available to opposing counsel for examination. Failure to do so is an admission of authenticity.

F. Any other objections to admissibility of Exhibits must, where possible, be made at least three days before trial, and the Court notified of such objections. Where possible, admissibility will be ruled on before trial, and objections reserved for the record.

G. At any time of trial, each counsel will furnish to the Court two copies *(and one copy of each opposing counsel)* of the list of all Exhibits to be offered.

H. All Exhibits will be offered and received in evidence as the first item of business at the trial.

7. Any party proposing to offer all or any portion of a deposition shall notify opposing counsel at least 10 days before trial of the offers to be made *(unless the necessity for using the deposition develops unavoidably thereafter).* If objection is to be made, or if additional portions of a deposition are to be requested, opposing counsel will notify offering counsel as [at] least 5 days before trial of such objections or requests. If any differences cannot be resolved, the Court must be notified in writing of such differences at least 3 days before trial.

8. DISCOVERY: Discovery has been completed. *(Or)* Discovery is to be completed by _____. *(Or)* Further discovery is limited to _____. *(Or)* The following provisions were made for discovery: *(Specify).*

9. WITNESSES:

A. In the absence of reasonable notice to opposing counsel to the contrary, Plaintiff will call, or will have available at the trial: *(List).*Plaintiff may call: *(List).*

B. In the absence of reasonable notice to opposing counsel to the contrary, Defendant will call, or will have available at the trial: *(List).* Defendant may call: *(List).*

C. In the absence of reasonable notice to opposing [counsel] to the contrary, _____ will call, or will have available at the trial: *(List).* _____ may call: *(List) (Use of third parties, if any).*

D. In the event there are other witnesses to be called at the trial a statement of their names and addresses and the general subject matter of their testimony will be served upon opposing counsel and filed with the Court at least _____ days prior to trial. This restriction shall not apply to rebuttal witnesses, the necessity of whose testimony reasonably cannot be anticipated before the time of trial.

10. REQUESTS FOR INSTRUCTIONS: *(If the case is to be tried to a jury, include the following. Otherwise omit).* It is directed that requests for instructions be submitted to the Court _____ days before trial, subject to the right of counsel to supplement such request during the course of the trial on matters that cannot be reasonably anticipated.

11. AMENDMENTS TO PLEADINGS: There were no requests to amend pleadings *(Or)* The following order was made with regard to amendments to the pleadings: *(Set out).*

12. OTHER MATTERS: The following additional matters to aid in the disposition of the action were determined: *(Set out to the extent determined with reference to schedule for briefs, requests for questions on voir dire examination of jury, advance proposals for findings of fact; also trial schedule, further pretrial conferences, preliminary rulings on questions of law, exchange of medical reports, indexing or abstracting of exhibits, specification of objections, etc.).*

13. MODIFICATIONS - INTERPRETATION: This pretrial order has been formulated after conference at which counsel for the respective parties have appeared. Reasonable opportunity has been afforded counsel for corrections or additions prior to signing by the Court. Hereafter, this order will control the course of the trial and may not be amended except by consent of the parties and the Court, or by order of the Court to prevent manifest injustice. The pleadings will be deemed merged herein. In the event of ambiguity in any provision of this order, reference may be made to the record of this conference to the extent reported by stenographic notes, and to the pleadings.

14. TRIAL SETTING: The case was set for trial *(with) (without)* a jury on _____, _____ at _____ o'clock _____m. *(Or)* No definite setting was made, but it was estimated that the case will be reached for trial _____.

15. MEMORANDUM: Estimated length of trial is _____ days. Possibility of settlement of this case is considered (good) (fair) (poor).

DATED: _____

_____
DISTRICT JUDGE

The foregoing proposed pretrial order (prior to execution by the Court) is hereby approved this _____ day of _____, _____.

Address:

Attorney for Plaintiff

Address:

Attorney for Defendant

Address:

Attorney for Other Parties *(if any)*

LR1-Form D(1). Praecipe.

FIRST JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO
COUNTY OF _____
NO. _____
Plaintiff,
vs.
Defendant.

PRAECIPE

Plaintiff _____, requests that this Court give the following jury instructions in this case:

NO. REQ.	NO. UJI	TITLE	GIVEN	REF.	MOD.	W.D.
1.	13–201	Recess instruction	_____	_____	_____	_____
2.	13–202	Discussion of exhibits prohibited	_____	_____	_____	_____
3.	13–203	Deposition testimony	_____	_____	_____	_____
4.	13–205	Patient's history as told to a doctor	_____	_____	_____	_____
5.	13–209	Hypothetical question	_____	_____	_____	_____

Submitted by:

_____

LR1-Form D(2). Praecipe.

FIRST JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO
COUNTY OF _____
NO. _____
Plaintiff,
vs.
Defendant.

PRAECIPE

COMES NOW, _____ by and through his attorney of record, _____ and hereby submits the following Jury Instructions in the above-referenced matter.

Instruction NO.	U.J.I. NO.	Given	Refused	Modified	Withdrawn
1.	13–107	_____	_____	_____	_____
2.	13–203	_____	_____	_____	_____
3.	13–202	_____	_____	_____	_____
4.	13–207	_____	_____	_____	_____
5.	13–205	_____	_____	_____	_____

Submitted by:

_____

LR1-Form E. Deleted.

ANNOTATIONS

Compiler's notes. — The New Mexico Supreme Court entered an order effective November 1, 2000 provisionally approving statewide domestic relations rules and forms. That order provided that the "statewide rules and forms supersede all local domestic rules and forms". See 1-120 to 1-127 NMRA and 4A-111 to 4A-132 NMRA for the Supreme Court statewide domestic relations rules and forms.

LR1-Form F. Deleted.

ANNOTATIONS

Compiler's notes. — The New Mexico Supreme Court entered an order effective November 1, 2000 provisionally approving statewide domestic relations rules and forms. That order provided that the "statewide rules and forms supersede all local domestic

rules and forms". See 1-120 to 1-127 NMRA and 4A-111 to 4A-132 NMRA for the Supreme Court statewide domestic relations rules and forms.

LR1-Form F1. Deleted.

ANNOTATIONS

Compiler's notes. — The New Mexico Supreme Court entered an order effective November 1, 2000 provisionally approving statewide domestic relations rules and forms. That order provided that the "statewide rules and forms supersede all local domestic rules and forms". See 1-120 to 1-127 NMRA and 4A-111 to 4A-132 NMRA for the Supreme Court statewide domestic relations rules and forms.

LR1-Form F2. Deleted.

ANNOTATIONS

Compiler's notes. — The New Mexico Supreme Court entered an order effective November 1, 2000 provisionally approving statewide domestic relations rules and forms. That order provided that the "statewide rules and forms supersede all local domestic rules and forms". See 1-120 to 1-127 NMRA and 4A-111 to 4A-132 NMRA for the Supreme Court statewide domestic relations rules and forms.

LR1-Form F3. Deleted.

ANNOTATIONS

Compiler's notes. — The New Mexico Supreme Court entered an order effective November 1, 2000 provisionally approving statewide domestic relations rules and forms. That order provided that the "statewide rules and forms supersede all local domestic rules and forms". See 1-120 to 1-127 NMRA and 4A-111 to 4A-132 NMRA for the Supreme Court statewide domestic relations rules and forms.

LR1-Form F4. Deleted.

ANNOTATIONS

Compiler's notes. — The New Mexico Supreme Court entered an order effective November 1, 2000 provisionally approving statewide domestic relations rules and forms. That order provided that the "statewide rules and forms supersede all local domestic rules and forms". See 1-120 to 1-127 NMRA and 4A-111 to 4A-132 NMRA for the Supreme Court statewide domestic relations rules and forms.

LR1-Form F5. Deleted.

ANNOTATIONS

Compiler's notes. — The New Mexico Supreme Court entered an order effective November 1, 2000 provisionally approving statewide domestic relations rules and forms. That order provided that the "statewide rules and forms supersede all local domestic rules and forms". See 1-120 to 1-127 NMRA and 4A-111 to 4A-132 NMRA for the Supreme Court statewide domestic relations rules and forms.

LR1-Form G. Deleted.

ANNOTATIONS

Compiler's notes. — The New Mexico Supreme Court entered an order effective November 1, 2000 provisionally approving statewide domestic relations rules and forms. That order provided that the "statewide rules and forms supersede all local domestic rules and forms". See 1-120 to 1-127 NMRA and 4A-111 to 4A-132 NMRA for the Supreme Court statewide domestic relations rules and forms.

LR1-Form H. Order for mediation.

FIRST JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO

COUNTY OF _____
No. _____ *(case number)*
Petitioner,
vs.
Respondent

ORDER FOR MEDIATION

A parenting plan concerning custody and visitation rights of the parties has not been filed with the court and good cause has not been shown why the parties should not be required to participate in mediation for the purpose of agreeing to a parenting plan.

It is, therefore, approved and ordered by the court that:

1. This controversy regarding custody and visitation shall be referred to the Family Court Services, for the purpose of mediation, and for advisory or priority consultation if mediation has been unsuccessfully attempted by order of the court.

2. The clerk's office shall be paid by the parties prior to each session in accordance with the sliding scale fee determined by the Supreme Court.

3. The parties shall attend a general information session and mediation sessions with the family court services as scheduled through that office. A general information session has been scheduled for _____ *(date)* at _____ (a.m.) (p.m.) at the Santa Fe County Judicial Complex, corner of Grant and Catron, Santa Fe, New Mexico, grand jury assembly room, second floor.

4. The mediator shall encourage and assist the parties to resolve the contested child custody and visitation matters in a way that is mutually satisfactory to the parties and beneficial to the best interests of the child or children.

5. Mediation proceedings shall be held in private and shall be confidential. All communications, verbal or written, from the parties to the mediator made pursuant to the order, shall be inadmissible in any court hearing.

6. No report of the content of mediation shall be made to the court, to the advisory or priority consultant, or the counsel for either party. The mediator shall inform the court by written report the result of the mediation session. If the mediation process is successful, the agreement shall be reduced to writing on a form to be signed by the parties.

7. The parties shall make themselves available for consultation with the mediator, priority and advisory consultant, and shall participate and cooperate fully with the program. They shall also make their children available if so requested.

8. If a mediation agreement cannot be reached, the case will proceed for a priority consultation or an advisory consultation, or both. Psychological evaluations and drug and alcohol assessments may be included as requested by the advisory consultant or the court.

9. The priority consultant shall make recommendations to the court.

10. The report of the advisory consultation shall be made to counsel for each party. In the event of a hearing, the report shall be made available to the court.

11. Parties shall not disclose or show the contents of the report to any other persons without the permission of both parties or permission of the court. Nothing in this provision shall prevent the disclosure of the report to the parties' own experts, consultants, counselors or therapists where applicable.

_____
District judge

CERTIFICATE OF MAILING

I _____, certify that I caused a copy of this report and recommendations to be served on the following persons by (delivery) (mail) on this _____ day of _____, _____:

(1) _____
(Name of party)

(2) _____
(Name of party)

Attorney

[As amended, effective January 1, 1998.]

ANNOTATIONS

Cross references. — For domestic relations mediation program, see 40-12-5 NMSA 1978.

The 1997 amendment, effective January 1, 1998, rewrote the form.

LR1-Form J1. Request for referral to settlement conference.

FIRST JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO

COUNTY OF _____
No. _____
Plaintiff,
vs.
Defendant.

REQUEST FOR REFERRAL TO SETTLEMENT CONFERENCE

Pursuant to Rule LR1-405, the undersigned respectfully requests that this cause be referred to a settlement conference, that a settlement referee be promptly appointed and that the parties be directed to comply with the provisions of LR1-405.

The names, addresses and telephone numbers of all counsel or parties *pro se* entitled to participate are:

_____ _____
_____
_____ _____

_____
_____ _____
_____

Submitted by:

_____

[Approved, effective September 1, 1993.]

LR1-Form J2. Order of referral to settlement conference.

FIRST JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO

COUNTY OF _____
No. _____
Plaintiff,
vs
Defendant.

ORDER OF REFERRAL TO SETTLEMENT CONFERENCE

This matter came before the court upon the request of a party for referral to settlement conference pursuant to Rule LR1-405. Having carefully considered the request, the court finds it is to be well-taken.

IT IS THEREFORE ORDERED that this matter be and hereby is referred to settlement conference and that the parties be and hereby are directed to comply with the provisions of LR1-405.

IT IS FURTHER ORDERED that _____ attorney at law, be and hereby is appointed to serve as settlement referee for this matter and, for the purpose of discharging the duties of settlement referee.

_____

District Judge

[Approved, effective September 1, 1993.]

LR1 Appendix A.
Sliding Fee Scale for Mediation

SLIDING FEE SCALE FOR MEDIATION*

# of Children	1	2	3	4	4+
$70,000	$95	$95	$95	$95	$95
$65,000	$95	$95	$95	$95	$90
$60,000	$95	$95	$95	$90	$85
$55,000	$95	$95	$90	$85	$80
$50,000	$90	$85	$80	$75	$75
$45,000	$85	$80	$75	$70	$65
$40,000	$80	$75	$70	$65	$60
$35,000	$75	$70	$65	$60	$55
$30,000	$70	$65	$60	$55	$50
$28,000	$65	$60	$55	$50	$45
$26,000	$60	$55	$50	$45	$40
$24,000	$55	$50	$45	$40	$35
$22,000	$50	$45	$40	$35	$30
$20,000	$45	$40	$35	$30	$25
$18,500	$40	$35	$30	$25	$20
$17,000	$35	$30	$25	$20	$15
$15,500	$30	$25	$20	$15	$10
$14,000	$25	$20	$15	$10	$5
$12,500	$20	$15	$10	$5	$5
$11,000	$15	$10	$5	$5	$5
$10,000	$10	$5	$5	$5	$5
Less than $10,000	$5	$5	$5	$5	$5
Number of Children	1	2	3	4	5+

***Highest combined fee $120.00**

[Effective January 1, 1998.]

LR1 Appendix B.
Sliding Fee Scale for Advisory Consultation

SLIDING FEE SCALE FOR ADVISORY CONSULTATION*					
# of Children	1	2	3	4	4+
$60,000	$765	$765	$765	$765	$765
$55,000	$730	$730	$730	$730	$730
$50,000	$700	$700	$695	$695	$690
$45,000	$665	$665	$660	$655	$650
$40,000	$625	$620	$615	$610	$605

$37,000	$600	$595	$590	$585	$580
$35,000	$565	$560	$555	$505	$500
$32,500	$530	$525	$515	$505	$495
$30,000	$500	$490	$480	$470	$460
$28,000	$465	$455	$455	$435	$425
$26,000	$430	$420	$410	$400	$390
$24,000	$400	$390	$380	$370	$360
$22,000	$365	$355	$345	$335	$325
$21,000	$330	$315	$300	$285	$270
$20,000	$300	$285	$270	$255	$240
$19,000	$270	$255	$240	$225	$205
$18,000	$245	$230	$215	$200	$185
$17,000	$220	$205	$185	$170	$155
$16,000	$190	$170	$150	$130	$110
$15,000	$165	$145	$125	$105	$85
$14,000	$140	$120	$105	$90	$70
$13,000	$115	$105	$95	$75	$55
$12,000	$85	$75	$65	$55	$45
$11,000	$60	$50	$40	$35	$35
$10,000	$45	$40	$35	$35	$35
Less than $10,000	$35	$35	$35	$35	$35
# of Children	1	2	3	4	5+

***Highest combined fee $960.00**

[Effective January 1, 1998.]