

RULES OF THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT

Rule

LR7-001. Notice of hearing or trial.

Notice of hearing or trial will ordinarily be given by the judge or the clerk in writing. Counsel shall promptly acknowledge receipt in writing of such notice and also either confirm the setting or advise the court of any reason why the matter cannot, or should not, be heard or tried on the day designated in the notice. All requests for hearing shall be served upon opposing counsel on or before submission to the court.

[Adopted, effective August 15, 1990.]

ANNOTATIONS

Compiler's note. - The local rules of the Seventh Judicial District Court were originally filed with the Supreme Court pursuant to Rule 1-083 SCRA 1986 on August 15, 1990.

LR7-002. Domestic relations cases.

A. Except for motions for temporary relief, domestic violence cases, and in cases where the court has otherwise ordered, counsel, if any, shall make a good faith effort to confer concerning settlement and make a good faith effort to settle prior to requesting any hearing.

B. Any party to a domestic relations case may request a settlement conference with the court at any time after compliance with Paragraph A of this rule. The parties shall submit to the court the following information prior to settlement conference:

- (1) all stipulated matters, if any;
- (2) income information for both parties;
- (3) cost to the party for children's health insurance;
- (4) child care costs for each party;
- (5) unusual expenses related to the children;
- (6) list of property belonging to each party and the community, its good faith estimated value, and the amount of any lien owing thereon. The parties shall show the nature of ownership claimed: community, separate, joint tenancy, etc.;

(7) every indebtedness of the parties by original amount, creditor, balance remaining, payment, and whether the debt is community, separate or mixed;

(8) all pension plans, whether or not such plans are vested, and present value.

C. When a request for support pendente lite is made, the requesting party shall furnish the following financial information as to both parties: income; balances of cash or cash equivalents; current expenses and obligations; existing insurance coverage; name of employer.

D. Unless otherwise ordered by the court, the court will decide issues of attorney fees at the conclusion of the trial based upon duly certified memoranda of the attorneys, including reference to time spent and such other matters as may be germane to the determination of attorney fees. *See, Fryar v. Johnsen*, 93 N.M. 485, 601 P.2d 718 (1979).

E. Domestic relations trials may be conducted on an issue by issue basis, first upon offer of proof, and, if necessary, with testimony, in an order agreed upon by counsel with approval of the court, or, if counsel cannot agree, as directed by the court.

F. No hearings are necessary in uncontested divorce matters.

[Adopted, effective August 15, 1990.]

LR7-003. Delivery of papers to judge.

All orders, judgments and decrees to be signed by the court, all requests for settings, and copies of briefs and memoranda of authorities shall be delivered to the judge.

[Adopted, effective August 15, 1990.]

LR7-004. Orders, judgments and decrees; attorney signature.

No order, judgment or decree will be signed by the court in any case in which opposing counsel appears unless the order is signed by all counsel appearing of record; provided, however, if opposing counsel refuses to sign an order or is unable to do so, such fact may be set forth in an affidavit of the attorney presenting the order, judgment or decree for signature, and the signature may be waived by the court.

[Adopted, effective August 15, 1990.]

LR7-005. Orders, judgments and decrees; no date.

Orders, judgments and decrees shall not be dated, except temporary restraining orders granted without notice pursuant to SCRA 1986, Rule 1-066(B)(2) and filings with the court pursuant to SCRA 1986, Rule 1-005(E).

[Adopted, effective August 15, 1990.]

LR7-006. Findings of fact, conclusions of law.

An original copy of all requested findings of fact and conclusions of law shall be filed with the clerk, and a copy thereof shall be delivered to the judge.

[Adopted, effective August 15, 1990.]

LR7-007. Jury and filing fees.

Jury and filing fees will not be refunded.

[Adopted, effective August 15, 1990.]

LR7-008. Orders, judgments and decrees; immediate filing.

Orders, judgments and decrees shall be delivered immediately upon signing to the clerk for filing. [Adopted, effective August 15, 1990.]

LR7-009. Checking out court files.

Attorneys and abstracters may check out court files from the clerk's office for not more than three (3) days. Should any person lose a court file, it will be the person's responsibility to immediately reconstruct the file. Any such loss shall subject the person to a fine of not less than one hundred dollars (\$100.00). Any abuses of these conditions will be grounds for revocation of the privilege of checking out court files.

[Adopted, effective August 15, 1990.]

LR7-010. Interpreters.

If an interpreter is needed, counsel for the party requiring an interpreter shall notify the clerk of such fact at least fourteen (14) days before the hearing. Counsel shall make satisfactory arrangements for payment of interpreter's fees prior to the hearing.

[Adopted, effective August 15, 1990.]

LR7-011. Jury instructions.

Jury instructions are to be submitted upon the court's direction pursuant to the requirements set forth in Rule 1-051 of the Rules of Civil Procedure for the District Courts or in Rule 5-608 of the Rules of Criminal Procedure for the District Courts.

[Adopted, effective August 15, 1990.]

LR7-012. Library.

No books shall be removed from the library except for courtroom use. Books so removed shall be returned to the library immediately after the court appearance. Books shall be returned to the shelves immediately after they are used.

[Adopted, effective August 15, 1990.]

LR7-013. Original pleadings; filing with clerk.

Original pleadings must be filed with the clerk and not with the judge unless authorized under SCRA 1986, Rule 1-005(E).

[Adopted, effective August 15, 1990.]

LR7-014. Arrival prior to trial or hearing time.

Attorneys shall be in their place at the counsel table at least five (5) minutes before the time set for the commencement of any trial or hearing.

[Adopted, effective August 15, 1990.]

LR7-015. Attire.

All persons appearing in court shall be properly attired befitting the dignity of the court.

[Adopted, effective August 15, 1990.]

LR7-016. Assignment of cases.

A. All cases will be assigned at random, except that routine, uncontested cases will be assigned to the first available judge.

B. Process shall be issued under witness of the judge to whom the case has been assigned.

C. Cases assigned to a particular judge will not be heard by another judge except by consent of the judge to whom the case is assigned, or in any emergency situation; provided, however, that any judge from the district or any judge from another district present by designation in the county can hear any default matter, emergency matter, guilty plea or ex parte matter which may arise, without regard to the fact that the case may have been assigned to another judge, whenever the judge to whom it has been assigned is not available to handle the matter.

[Adopted, effective August 15, 1990.]

LR7-017. Terms of court.

The court shall always be in session.

The regular terms of the court shall be held and commenced as follows:

Catron County: Commencing on the third Tuesday of April
and on the third Tuesday of October;

Sierra County: Commencing on the third Tuesday of March
and on the third Tuesday of September;

Socorro County: Commencing on the first Tuesday of March
and on the first Tuesday of September; and

Torrance County: Commencing on the first Tuesday of April
and on the first Tuesday of October.

[Adopted, effective August 15, 1990.]

LR7-018. Scheduling orders.

Those cases exempted from the scheduling order provisions of Rule 1-016 of the New Mexico Rules of Civil Procedure for the District Courts are:

A. those types of cases described in Paragraph F of Rule 1-041 of the Rules of Civil Procedure for the District Courts;

B. routine quiet title actions;

C. routine foreclosure actions; and

D. other matters deemed appropriate by the court.

[Adopted, effective August 15, 1990.]