Rules of the District Court of the First Judicial District

Table of Corresponding Rules

Local Rules of the First 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.
LR1-101	Withdrawn
LR1-102	Recomp. as LR1-101
LR1-103	Withdrawn
LR1-104	Withdrawn
LR1-201	Withdrawn
LR1-202	Recomp. as LR1-303
LR1-203	Recomp. as LR1-107
LR1-203.1	Recomp. as LR1-102
LR1-204	Recomp. as LR1-106
LR1-205	Withdrawn
LR1-206	Withdrawn
LR1-207	Recomp. as LR1-105
LR1-208	Withdrawn
LR1-209	Withdrawn
LR1-210	Recomp. as LR1-111
LR1-211	Recomp. as LR1-104
LR1-212	Withdrawn
LR1-301	Recomp. as LR1-109
LR1-302	Withdrawn
LR1-303	Recomp. as LR1-202
LR1-304	Recomp. as LR1-114
LR1-305	Recomp. as LR1-115
LR1-306	Recomp. as LR1-201
LR1-307	Withdrawn
LR1-308	Withdrawn
LR1-309	Recomp. as LR1-203
LR1-310	Recomp. as LR1-113

New Rule No.	Corresponding Former Rule No.
LR1-101	LR1-102
LR1-102	LR1-203.1
LR1-103	LR1-202
LR1-104	LR1-211
LR1-105	LR1-207
LR1-106	LR1-204
LR1-107	LR1-203
LR1-108	New
LR1-109	LR1-301
LR1-110	New
LR1-111	LR1-210
LR1-112	New
LR1-113	LR1-310
LR1-114	LR1-304
LR1-115	LR1-305
LR1-201	LR1-306
LR1-202	LR1-303
LR1-203	LR1-309
LR1-204	New
LR1-205	LR1-312
LR1-301	LR1-605
LR1-302	LR1-600
LR1-303	LR1-602
LR1-304	LR1-601
LR1-305	New
LR1-306	New
LR1-401	LR1-706

LR1-311	Withdrawn
LR1-312	Recomp. as LR1-205
LR1-401	Withdrawn
LR1-402	Withdrawn
LR1-403	Withdrawn
LR1-404	Withdrawn
LR1-405	Withdrawn
LR1-501	Withdrawn
LR1-502	Withdrawn
LR1-600	Recomp. as LR1-302
LR1-601	Recomp. as LR1-304
LR1-602	Recomp. as LR1-303
LR1-603	Withdrawn
LR1-604	Withdrawn
LR1-605	Recomp. as LR1-301
LR1-606	Withdrawn
LR1-700	Withdrawn
LR1-701	Deleted
LR1-702	Deleted
LR1-703	Deleted
LR1-704	Withdrawn
LR1-705	Deleted
LR1-706	Recomp. as LR1-401
LR1-707	Withdrawn
LR1-708	Deleted
LR1-709	Recomp. as LR1-403
LR1-710	Recomp. as LR1-402
LR1-711	Deleted
LR1-712	Deleted
LR1-Form A	Withdrawn
LR1-Form B	Withdrawn
LR1-Form C	Withdrawn
LR1-Form D(1)	Withdrawn
LR1-Form D(2)	Withdrawn
LR1-Form H	Withdrawn
LR1-Form J1	Withdrawn
LR1-Form J2	Withdrawn

LR1-402	LR1-710
LR1-403	LR1-709
LR1-601	New

I. Rules Applicable to All Cases

LR1-101. Title and citation.

[Related Statewide Rule 1-001(D) NMRA]

A. **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."

B. **Citation.** These rules shall be cited by set and rule number of the New Mexico Rules Annotated, “NMRA,” as in “Rule LR1-_____, NMRA.”

[As amended, effective September 1, 1993; LR1-102 recompiled and amended as LR1-101 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, provided the proper citation form for the local rules of the First Judicial District Court; in the heading, after “Title”, added “and citation”; after the heading, added new paragraph designation “A.” and new paragraph heading “Title”; and added new Paragraph B.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR1-102 NMRA was recompiled and amended as LR1-101 NMRA, effective December 31, 2016.

LR1-102. Locations of principal offices.

A. **Composition of the court.** The First Judicial District shall consist of ten separate divisions.

B. **Santa Fe County.** Nine of the ten divisions of the First Judicial District shall maintain their principal offices at the county seat of Santa Fe County.

C. **Rio Arriba County.** One of the ten divisions of the First Judicial District shall maintain its principal office at the county seat of Rio Arriba County.

D. **Division designation.** Whenever a judicial vacancy occurs in any of the nine divisions which maintain their principal offices at the county seat of Santa Fe County, the chief judge may designate the division with the judicial vacancy to be reassigned as the division that maintains its principal office at the county seat of Rio Arriba County, provided that the judge of the division sitting in Rio Arriba County at the time of said judicial vacancy has served for at least six (6) years as judge of the division sitting in

Rio Arriba County. The qualifying Rio Arriba County judge shall be reassigned to Santa Fe County.

E. **Chief judge assignment of cases.** This local rule shall not interfere with the ability of the chief judge to assign cases among divisions.

[Approved, effective January 1, 2003; LR1-203.1 recompiled and amended as LR1-102 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016; as amended by Supreme Court Order No. 22-8300-021, effective for all cases pending or filed on or after December 31, 2022.]

ANNOTATIONS

The 2022 amendment, approved by Supreme Court Order No. 22-8300-021, effective December 31, 2022, added a tenth division to the First Judicial District Court, removed provisions specifying which divisions must reside in which county, and provided that nine of the ten divisions shall maintain their principal offices in Santa Fe County and one division shall maintain its principal office in Rio Arriba County, authorized the chief judge to reassign a qualifying Rio Arriba County judge to Santa Fe County if a vacancy occurs in any of the nine divisions in Santa Fe County, and provided that this rule shall not interfere with the ability of the chief judge to assign cases among divisions; added a new Paragraph A and redesignated former Paragraphs A and B as Paragraph B and C, respectively; in Paragraph B, deleted “Divisions I, II, III, IV, VI, VII, and VIII” and added “Nine of the ten divisions”; in Paragraph C, deleted “Division V” and added “One of the ten divisions”; and added Paragraphs D and E.

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, in the heading, added “Locations of”; deleted “Division V of the First Judicial District shall maintain its principal office at the county seat of Rio Arriba County.”; added “A. Santa Fe County” and in Paragraph A added “and VIII”; and added Paragraph B.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR1-203.1 NMRA was recompiled and amended as LR1-102 NMRA, effective December 31, 2016.

LR1-103. Failure to comply.

[Related Statewide Rule 5-112 NMRA]

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

[LR1-202 recompiled and amended as LR1-103 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 subjected parties to sanctions for failure to comply with the local rules; added "[Related Statewide Rule 5-112 NMRA]"; and after "counsel", added "and parties".

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR1-202 NMRA was recompiled and amended as LR1-103 NMRA, effective December 31, 2016.

LR1-104. Tendering money to and disbursing money from the court; insufficient funds checks; refunds; daily jury receipt.

[Related to Rule 1-102 NMRA and Section 34-6-36 NMSA 1978]

A. **Court order or statute required.** The clerk shall not accept or disburse money unless under court order, rule, or statute.

B. **Form of tender.** Any tender of any type of bond, litigant funds, or eminent domain funds shall be in the form of cash, money order, cashier's check, certified check, or government agency warrant. Any tender for fees and other payments may be in the form of cash, money order, cashier's check, certified check, credit card, debit card, government agency warrant, attorney trust or operating account check, or law firm check. Personal checks shall not be accepted.

C. **Insufficient funds checks.** The court shall refuse checks from attorneys, law firms, or agencies who have previously presented insufficient funds checks. On written request, the chief judge may waive this requirement. The clerk shall assess a service charge consistent with what the financial institution charges the court on checks which are returned for any reason. This requirement shall not be waived.

D. **Fee refunds.** Filing fees will not be refunded unless ordered by the court for good cause shown. Court clinic assessment fees in domestic relations court cases will not be refunded unless ordered by the court for good cause shown.

E. **Daily jury fee receipt.** The party or parties requesting a jury trial must present their receipt for payment of the daily jury fee to the assigned judge before the trial will continue as a jury trial each day.

[As amended, effective January 1, 1998; LR1-211 recompiled and amended as LR1-104 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016; as amended by Supreme Court Order No. 22-8300-021, effective for all cases pending or filed on or after December 31, 2022.]

ANNOTATIONS

The 2022 amendment, approved by Supreme Court Order No. 22-8300-021, effective December 31, 2022, completely rewrote the rule; deleted “Return check charge.” and added the new rule heading and bracketed citations; deleted “Any person submitting a check that is returned by a financial institution for insufficient funds shall be required to reimburse the court for all service charges.” and added new Paragraphs A through E.

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, removed the twenty-five dollar ($25.00) fee for insufficient funds and required any person who submits a check that is returned for insufficient funds to reimburse the court for all service charges; and deleted “A twenty-five dollar ($25.00) assessment shall be charged to any” and added “Any”, and after “returned by a”, deleted “bank” and added “financial institution for insufficient funds shall be required to reimburse the court for all service charges”.

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

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR1-211 NMRA was recompiled and amended as LR1-104 NMRA, effective December 31, 2016.

LR1-105. Control of court files.

[Related Statewide Statute NMSA 1978, § 34-6-28]

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

B. **Removal of files from courthouse.** Court files are not to be removed from the courthouse except by a judge or with the written approval of a judge.

[LR1-207 recompiled and amended as LR1-105 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, authorized judges to remove court files from the courthouse without written approval; added “A. Removal of files from clerk’s office.” and “B. Removal of files from courthouse.”; and in Paragraph B, after “removed from the”, deleted “judicial complex” and added “courthouse”, and after “except”, added “by a judge or”.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR1-207 NMRA was recompiled and amended as LR1-105 NMRA, effective December 31, 2016.

LR1-106. Mode of attire and decorum.

[Related to Statewide Rules 1-090 and 5-115 NMRA]

All attorneys, officers of the court, and other persons present in 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. A person is deemed to be present in court when the person appears for hearings conducted by remote means. Cellular phones, laptops, and other portable electronic devices shall be set to silent mode and not used in any manner that disrupts a court proceeding.

[LR1-204 recompiled and amended as LR1-106 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016; as amended by Supreme Court Order No. 22-8300-021, effective for all cases pending or filed on or after December 31, 2022.]

ANNOTATIONS

The 2022 amendment, approved by Supreme Court Order No. 22-8300-021, effective December 31, 2022, added certain rules of court decorum; in the rule heading, after "Mode of attire", added "and decorum", and added "A person is deemed to be present in court when the person appears for hearings conducted by remote means. Cellular phones, laptops, and other portable electronic devices shall be set to silent mode and not used in any manner that disrupts a court proceeding."

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, applied the dress code to any person present in the courtroom; and after "All attorneys", deleted "and all", and after "the court", added "and other persons present in court".

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR1-204 NMRA was recompiled and amended as LR1-106 NMRA, effective December 31, 2016.

LR1-107. Assigned judge.

[Related Statewide Rules 1-088, 5-105, and 10-161 NMRA]

A. **Exclusivity.** 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 B below.

B. **Unavailability of assigned judge.** Any judge of the district who has not been excused, or any judge from another district who is present in the county by designation,

may hear any default matter, stipulated matter, emergency matter, guilty plea, or ex parte matter which may arise whenever the assigned judge is not available.

C. **Forum shopping prohibited.** If a matter or proposition has previously been submitted to another judge, an attorney or party shall disclose that fact to the judge to whom it is being submitted. A failure to inform the second or subsequent judge of the prior submission or submissions may be deemed contempt of court and punished accordingly.

[As amended, effective September 1, 1993; January 1, 1998; LR1-203 recompiled and amended as LR1-107 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, rewrote the rule to provide titles for each topic paragraph, and prohibited forum shopping; in the rule heading, deleted “Assignment of cases; divisions; consolidation” and added “Assigned judge.”; in Paragraph A, added the new paragraph title “Exclusivity.” and deleted “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.”, added the language in former Paragraph B to Paragraph A, and changed “Paragraph C” to “Paragraph B”; redesignated former Paragraph C as Paragraph B; in Paragraph B, added “Unavailability of assigned judge.”, after “of the district”, added “who has not been excused”, and after “default matter”, added “stipulated matter”; deleted former Paragraphs D and E, which provided for the separate divisions within the court and consolidation of cases; and added new Paragraph C.

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.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR1-203 NMRA was recompiled and amended as LR1-107 NMRA, effective December 31, 2016.

LR1-108. Consolidated cases.

A. **Judge.** Motions to consolidate and consolidated cases shall be heard by the judge assigned to the oldest case (the case bearing the lowest case number in which the judge has not been excused, challenged, or recused).

B. **Filings.** The motion to consolidate and the court’s order to consolidate shall be filed in the oldest case (the case bearing the lowest case number); copies of the motion and order shall be filed in all the consolidated cases. Following consolidation, all

pleadings, motions, and other papers shall be filed only in the oldest case. No papers, including copies, shall be filed in the remaining cases, except in criminal court cases, copies shall be filed in all the remaining cases.

C. **Captions; titles.** The case number of each case consolidated shall appear in the caption of all pleadings, motions, and other papers filed after consolidation. In addition, if the pleading, motion, or other paper does not apply to all the consolidated cases, its title shall include the case number(s) to which it pertains, e.g., “Motion for Summary Judgment on Count II of D-101-CV-2021-00000.”

D. **Pretrial detention cases.** This rule shall not apply to pretrial detention cases consolidated into the corresponding criminal cause number.

[Adopted by Supreme Court Order No. 16-8300-015, effective December 31, 2016; as amended by Supreme Court Order No. 22-8300-021, effective for all cases pending or filed on or after December 31, 2022.]

ANNOTATIONS

The 2022 amendment, approved by Supreme Court Order No. 22-8300-021, effective December 31, 2022, clarified that motions to consolidate shall be heard by the judge assigned to the oldest case in which the judge has not been excused, challenged, or recused, provided new filing rules for consolidated cases, specifying that copies of motions to consolidate and related orders shall be filed in all the consolidated cases, that following consolidation, all pleadings shall be filed in the oldest case and no copies shall be filed in the remaining cases, except in criminal court cases, where copies shall be filed in all the remaining cases, provided that, after consolidation, the case number of each consolidated case shall appear in the caption of all filings and that if a filing only applies to certain cases, the title of the pleading, motion or other paper shall indicate to which case or cases the filing applies, and provided that this rule does not apply to pretrial detention cases consolidated into the corresponding criminal cause number; in the rule heading, deleted “Assignment of”; added new paragraph designation “A.”; in Paragraph A, added the paragraph heading “Judge”, after “Heard by the judge assigned to the”, added “oldest”, after “lowest case number”, deleted “(the oldest case). All pleadings will be filed in the case with the lowest case number.” and added “in which the judge has not been excused, challenged or recused)”; and added new Paragraphs B through D.

LR1-109. Certificates of service.

[Related Statewide Rules 1-005, 5-103, and 10-104 NMRA]

Other than the original complaint, all pleadings, motions, or other papers must bear a certificate of service which shall state the name, e-mail address, and address of each attorney or party on whom the pleading was served. If a pro se party does not have an email address, the party shall so indicate on the certificate of service.

[As amended, effective January 1, 1998; LR1-301 recompiled and amended as LR1-109 by Supreme Court Order No. 16-8300-015, effective December 31, 2016.]

ANNOTATIONS

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, revised the requirements for a certificate of service, and removed provisions relating to the form of pleadings; in the heading, deleted “Form of Pleadings, Motions, or other papers” and added “Certificates of service.”; deleted former Paragraphs A and B and the paragraph designation “C”; and in the remaining undesignated paragraph, after “state the name” added “e-mail address”, after “party”, deleted “upon” and added “on”, and added the last sentence.

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.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR1-301 NMRA was recompiled and amended as LR1-109 NMRA, effective December 31, 2016.

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

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

LR1-110. Informing the court of contact information.

[Related Statewide Rules 1-011, 1-089, 5-107, 5-206, 10-115, and 10-165 NMRA]

A. **Contact information for client in applications to withdraw.** All applications of counsel to withdraw from representation made under Rule 1-089 NMRA or Rule 5-107 NMRA shall state the last known mailing address, e-mail address, and telephone number of the client.

B. **Change of counsel’s address or telephone number.** Counsel shall inform the court of any change of mailing address, e-mail address, or telephone number by filing a notice with the clerk of the court, serving it on all parties, and submitting a copy to the judge assigned to the case.

[Adopted by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

LR1-111. Appearances and withdrawals by self-represented parties (pro se parties).

[Related to Statewide Rules 1-089, 5-107, and 10-165 NMRA]

A. **Appearances by pro se parties.** Parties who represent themselves shall enter an appearance, shall sign their pleadings, motions, or other papers, and shall include their name, address, e-mail address, if any, and telephone number on all pleadings.

B. **Pro se parties' changes of address.** Parties who represent themselves shall inform the court of any change of mailing address, e-mail address, if any, or telephone number by filing a notice with the clerk of the court and serving it on all parties and the judge assigned to the case.

C. **Pleadings and other documents.** If a pleading, motion, response, or any other document (other than an exhibit) submitted by a pro se party has been prepared in whole or in part by a person other than the pro se party, then that person shall be identified as the drafter and the drafter's name, address, telephone number, and e-mail address shall be noted on the document. If a pro se party fails to identify the drafter, then the court may strike the document from the record and disregard its contents.

D. **Rules of procedure and evidence applicable.** Pro se parties must adhere to all applicable rules of procedure and evidence to the same extent as a party represented by an attorney.

[As amended, effective January 1, 1998; LR1-210 recompiled and amended as LR1-111 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016; as amended by Supreme Court Order No. 22-8300-021, effective for all cases pending or filed on or after December 31, 2022.]

ANNOTATIONS

The 2022 amendment, approved by Supreme Court Order No. 22-8300-021, effective December 31, 2022, provided that if a pleading, motion, response, or any other document submitted by a pro se party has been prepared by a person other than the pro se party, then that person shall be identified as the drafter, and authorized the court to strike the document from the record and disregard its contents if the pro se party fails to identify the drafter, and provided that pro se parties must adhere to all applicable rules of procedure and evidence to the same extent as a party represented by an attorney; and added Paragraphs C and D.

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, rewrote the rule to provide titles for each topic paragraph, and limited the rule to self-represented parties; in the heading, after "withdrawals", deleted "change of address or telephone number; pro se appearance and filings; corporations as parties" and added "by self-represented parties (pro se parties)"; deleted Paragraph A and redesignated former Paragraphs B and C as Paragraph A and B; in Paragraph A, added "Appearances by pro se parties.", after "and", added "shall", after "address", added "e-mail address, if any", and after "number", added "on all pleadings"; in

Paragraph B, added “Pro se parties’ changes of address”, after “Parties”, deleted “pro se” and added “who represent themselves”, after “address”, added “e-mail address, if any”, after “serving it”, deleted “upon” and added “on”, and after “parties and the”, deleted “court” and added “judge assigned to the case”; and deleted former Paragraphs C through E, which related to corporations, withdrawal of counsel and changes in contact information.

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.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR1-210 NMRA was recompiled and amended as LR1-111 NMRA, effective December 31, 2016.

LR1-112. Corporations and other business entities as parties.

[Related to Statewide Rule 1-089 NMRA]

A. **Representation of corporations and other business entities required.** Corporations, limited liability companies, partnerships, trusts, and any other business entities must be represented by a licensed attorney at all court hearings, including any settlement conferences ordered by the court.

B. **Failure of corporations and other business entities to obtain representation.** The court may strike any papers filed by an unrepresented corporation, limited liability company, partnership, trust, or any other business entity.

[Adopted by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016; as amended by Supreme Court Order No. 22-8300-021, effective for all cases pending or filed on or after December 31, 2022.]

ANNOTATIONS

The 2022 amendment, approved by Supreme Court Order No. 22-8300-021, effective December 31, 2022, amended an existing provision requiring certain business entities to be represented by a licensed attorney at all court hearings to include trusts, and authorized the court to strike any papers filed by an unrepresented trust; in Paragraph A, after “partnerships”, added “trusts”; and in Paragraph B, after “partnership”, added “trust”.

LR1-113. Exhibits.

A. **Purpose.** The purpose of this policy is to establish guidelines for maintaining exhibits in the court's custody.

B. **Identification.** Each exhibit shall contain an identification sticker or label containing:

(1) the party tendering the exhibit; and

(2) the assigned exhibit number or letter.

C. **Procedures.**

(1) Court reporters and court monitors shall follow the procedures set out in the Court Reporter Manual and Court Monitor Manual for the proper handling of exhibits during judicial proceedings.

(2) During a hearing, the court reporter or monitor shall ensure that all exhibits are appropriately marked and submitted to the clerk of the court.

(3) During any trial, monitors or reporters are responsible for the custody and safe-keeping of all exhibits and physical/documentary evidence.

(4) Except as provided by Subparagraph (C)(6) of this rule, at the conclusion of a trial or hearing in a civil, criminal, or domestic relations matter, all admitted exhibits and physical/documentary evidence shall be turned over to the court reporter or court monitor. The reporter or monitor is to prepare an exhibit receipt and, in turn, submit the exhibits and evidence to the clerk of the court within five (5) working days of the conclusion of the proceedings.

(5) In criminal cases, in the instance of an acquittal, all exhibits and evidence shall be returned to the parties at the conclusion of trial.

(6) Under Rule 5-117 NMRA, biological and physical evidence shall be returned to the appropriate representative of the state (i.e., law enforcement).

(7) Exhibits which exceed fifteen (15) by seventeen (17) inches, or which cannot be folded to fit within that size envelope, may be admitted if the proponent of such exhibits provides the court a copy of the exhibit reduced to fifteen (15) by seventeen (17) inches. After the hearing or trial at which the exhibit was admitted, the reduced copy shall be substituted for the larger exhibit and made part of the permanent court record.

D. **Copies of originals attached to filed pleadings.** Except as otherwise required by law, including these rules, only copies of original writings shall be attached as exhibits to pleadings filed with the court. Original writings not otherwise required to be

submitted to the court shall be made available for inspection on order of the court or on a party's request.

E. **Disposition of exhibits.**

(1) Exhibits and evidence are kept for one (1) year after the final disposition date for the case, which normally will be one (1) year from the conclusion of any direct appeal from trial, or if no appeal is made, the conclusion of the time for filing an appeal.

(2) Criminal cases are an exception to the one (1)-year limit on retention due to the possibility of the defendant filing a petition for writ of habeas corpus, or even post-sentence relief. In criminal cases, the exhibits and evidence are kept for the length of time of the defendant's sentence.

(3) The actual disposal of exhibits shall be made according to the state retention guidelines.

[Recompiled, effective September 1, 1993; as amended, effective January 1, 1998; LR1-310 recompiled and amended as LR1-113 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016; as amended by Supreme Court Order No. 22-8300-021, effective for all cases pending or filed on or after December 31, 2022.]

ANNOTATIONS

The 2022 amendment, approved by Supreme Court Order No. 22-8300-021, effective December 31, 2022, provided procedures for maintaining exhibits in the court's custody, and provided for the disposition and retention of certain exhibits; added a new Paragraph A and redesignated former Paragraph A as Paragraph B; added new Paragraph C and redesignated former Paragraph B as Paragraph D; and added Paragraph E.

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, rewrote the rule to provide titles for each topic paragraph, and required that only copies of original writings shall be attached to pleadings submitted to the court; deleted "Exhibits admitted in a hearing or at trial may be returned to the party submitting them."; designated the first sentence as Paragraph A and added "Identification."; in Paragraph A, after "sticker", deleted "which shall contain:" and added "containing"; redesignated former Paragraphs A and B as Subparagraphs (1) and (2); in Subparagraph (1), added "the" before "party", and after "exhibit", added "; and"; in Subparagraph (2), deleted "Exhibit" and added "the assigned exhibit"; and deleted former Paragraphs C and D and added new Paragraph B.

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.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR1-310 NMRA was recompiled and amended as LR1-113 NMRA, effective December 31, 2016.

LR1-114. Submission of orders, decrees, and judgments.

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

A. **Time for submissions after court's decision.** Unless otherwise ordered by the court, all orders, judgments, and decrees shall be submitted to the judge by the prevailing party not later than fourteen (14) days after the date of oral announcement of the decision or of the letter announcing the decision.

B. **Indication of opportunity to examine required.** The party proposing the order, judgment, or decree shall indicate on the document that all parties were given an opportunity to examine the proposed document and make suggestions or objections using the following procedures:

(1) Orders, judgments, and decrees that have been approved by all parties shall bear the signatures or initials, or indication of telephonic or electronic approval, of the attorneys for all parties to the cause. Orders approved by the parties shall be submitted for the judge's signature without a request for hearing.

(2) If the attorney proposing the order, judgment, or decree certifies on the proposed document that a copy has been served on attorneys for all parties and that the attorneys have failed to respond or indicate objections to the proposing party within five (5) days of service, regardless of the means of service, the document may be submitted to the judge for signature without a request for hearing. These time periods may be enlarged or shortened by order of the court.

(3) In matters where a party appears pro se, if the attorney who has prepared the order, judgment, or decree certifies on the proposed document that a copy has been sent to the pro se party with a notice that objections must be received by the court and opposing counsel in writing within seven (7) days and that no objections were received, the document may be submitted to the judge for signature without a request for hearing. These time periods may be enlarged or shortened by order of the court.

(4) Orders, judgments, and decrees to which objections have been indicated to the proposing party may be signed by the court after submission in accordance with Paragraph C of this rule.

C. **Presentment hearings.** If objections to an order, judgment, or decree have been indicated to the proposing party, the party proposing the document shall submit it to the judge with a request for a hearing to present the document to the court. Copies must be served on all parties. Within seven (7) days of the date of the request, any party who has not approved the document shall file the objections with the clerk of the court and

deliver a courtesy copy to the judge. Further, within seven (7) days of the date of the request, any objecting party who has not approved the document must submit the party's alternate proposed order to the court, together with a redline to show changes to the initial proposed order. Copies of the alternate proposed order and redline must be served on all parties. Unless otherwise ordered, the court will not accept an alternate proposed order in lieu of objections. The court may resolve the objections and sign the document or the alternate document without a presentment hearing. The court may also, sua sponte, set a matter for presentment.

D. **Court-issued order.** This local rule shall not limit the court's authority to enter its own form of order, judgment, or decree.

E. **Electronic file format of proposed order.** All proposed orders, judgments, and decrees sent electronically shall be submitted to the judge in both Microsoft Word and portable documents format ("PDF") file formats.

[As amended, effective September 1, 1993; January 1, 1998; LR1-304 recompiled and amended as LR1-114 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016; as amended by Supreme Court Order No. 22-8300-021, effective for all cases pending or filed on or after December 31, 2022.]

ANNOTATIONS

The 2022 amendment, approved by Supreme Court Order No. 22-8300-021, effective for all cases pending or filed on or after December 31, 2022, authorized the court to enlarge or shorten certain time periods, shortened the time period in which a pro se party must submit objections to a proposed order, judgment, or decree, required parties that have objections to a proposed order, judgment, or decree to submit an alternate proposed document to the court and serve copies of the alternate proposed document on all parties, provided that this rule does not limit the court's authority to enter its own form of order, judgment, or decree, and required that all proposed orders, judgments, and decrees sent electronically be submitted to the judge in both Microsoft Word and PDF file formats; in Paragraph B, Subparagraph B(2), after "request for hearing", deleted "and may be signed if no objection is received by the judge within seven (7) days of the date the proposed order was submitted to the judge." and added "These time periods may be enlarged or shortened by order of the court.", and in Subparagraph B(3), after "received by the court", added "and opposing counsel", after "in writing within", deleted "fourteen (14)" and added "seven (7)", and added "These time periods may be enlarged or shortened by order of the court."; in Paragraph C, added "Further, within seven (7) days of the date of the request, any objecting party who has not approved the document must submit the party's alternate proposed order to the court, together with a redline to show changes to the initial proposed order. Copies of the alternate proposed order and redline must be served on all parties."; and added Paragraphs D and E.

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, rewrote the rule to increase the time within which to submit orders, judgments and decrees to the judge after oral announcement of a decision, added provisions regarding certification that all parties have had the opportunity to examine the order, judgment or decree, and added provisions regarding presentment hearings.

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

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR1-304 NMRA was recompiled and amended as LR1-114 NMRA, effective December 31, 2016.

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.

LR1-115. Filing of orders, judgments, and other instruments.

Every original hard-copy order, judgment, or other instrument bearing a judge’s original signature shall be delivered immediately to the clerk of the court for filing, docketing, and recording. No original hard-copy order, judgment, or other instrument bearing a judge’s original signature may be removed from the courthouse unless otherwise allowed by these rules. Copies of signed orders may be disseminated after the signed original, hard-copy order has been docketed, filed, and recorded. Orders that are filed electronically are subject to rules governing that process.

[Recompiled, effective September 1, 1993; LR1-305 recompiled and amended as LR1-115 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, rewrote the rule to clarify that the rule applies to “original hard-copy” orders and also applies to electronically filed orders.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR1-305 NMRA was recompiled and amended as LR1-115 NMRA, effective December 31, 2016.

LR1-116. Electronic filing authorized.

[Related to Statewide Rule 1-005.2 NMRA]

In accordance with Rule 1-005.2 NMRA, electronic filing is implemented for all civil, probate, criminal, child abuse and neglect, and domestic relations actions (including domestic relations actions in which the New Mexico Child Support Enforcement Division is a party or participant, but excluding domestic violence actions) in the First 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. 11-8300-039, effective for all cases filed or pending on or after October 3, 2011; LR1-312 recompiled as LR1-205 by Supreme Court Order No. 16-8300-015, effective for all cases pending on or after December 31, 2016; LR1-205 recompiled and amended as LR1-116 by Supreme Court Order No. 22-8300-021, effective for all cases pending or filed on or after December 31, 2022.]

ANNOTATIONS

Recompilations. — Pursuant to Supreme Court Order No. 22-8300-021, former LR1-205 NMRA was recompiled and amended as LR1-116 NMRA, effective December 31, 2022.

Pursuant to Supreme Court Order No. 16-8300-015, former LR1-312 NMRA was recompiled and amended as LR1-205 NMRA, effective December 31, 2016.

The 2022 amendment, approved by Supreme Court Order No. 22-8300-021, effective December 31, 2022, amended an existing provision that implemented electronic filing for civil and probate cases to include criminal, child abuse and neglect, and certain domestic relations actions; and after "probate", deleted "actions" and added "criminal, child abuse and neglect, and domestic relations actions (including domestic relations actions in which the New Mexico Child Support Enforcement Division is a party or participant, but excluding domestic violence actions)".

LR1-117. Remote hearings.

A. **Remote hearings authorized.** Within the discretion of the court, persons may remotely appear for hearings through video conferencing when the court expressly designates a hearing as a remote hearing through the applicable notice of hearing. Absent express court approval by order, telephonic appearances are not otherwise

permitted. All attorneys arguing or presenting evidence shall appear by video. All witnesses shall appear by video unless excused by the court before the hearing. Unless otherwise ordered by the court, all witnesses, including parties who are testifying, shall be alone and physically separated from attorneys and other persons in a separate room. All witnesses, including parties who are testifying, shall not be coached during their testimony by any person using any means of communication including but not limited to electronic communication. Persons appearing remotely must have sufficient internet connectivity and speed to ensure that he or she is heard and seen when presenting to the court. If a remote hearing is disrupted by audio or video issues, the court may delay or reset the hearing or require the parties to appear before the court in person. If a litigant or attorney is unable to appear via video conferencing at a hearing designated as remote by the applicable notice of hearing, then the party shall inform the court and the opposing parties (or their attorneys) of the need for an in-person hearing.

B. **Recordings of remote hearings.** The court, or its designated court personnel, are the only persons authorized to record the remote court hearing. All other persons must obtain permission from the court before recording, photographing, live streaming, or broadcasting remote court hearings.

C. **Conduct of remote hearings.** All persons appearing before the court via remote means shall conduct themselves in the same dignified manner as if those persons appeared before the court in person in the courtroom. Persons appearing remotely shall follow all requirements set forth in LR1-106 NMRA and all other pertinent rules requiring court decorum. Unless necessary to announce timely verbal objections, persons shall place their microphone on mute when not presenting to the court to ensure that background noise does not disrupt court hearings. Persons shall maintain their video during the course of the hearing so that the court may verify that the persons are present throughout the hearing.

D. **Exhibits.** If a party intends to introduce any exhibit during a remote court hearing, the party shall provide a copy of the exhibit to the opposing party (or the opposing party's attorney) and two (2) physical copies to the court, delivered to the judge's box at the clerk's office, no later than forty-eight (48) hours in advance of the scheduled remote court hearing.

E. **Failure to comply.** If a person fails to comply with this local rule, the court may impose sanctions on the person or the party he or she represents, including but not limited to monetary fines and denial of the motion or relief requested at the hearing.

[Adopted by Supreme Court Order No. 22-8300-021, effective for all cases filed or pending on or after December 31, 2022.]

II. Rules Applicable to Civil Cases

LR1-201. Motion practice.

[Related to Statewide Rules 1-007.1 and 1-100 NMRA]

A. **Maximum page length.** A brief or memorandum shall not exceed ten (10) pages, not including the cover page, conclusion, certificate of service, and exhibits, without an order of the court.

B. **Form of motions.** Motions and other pleadings filed by electronic transmission under Rule 1-005.2 NMRA shall be electronically formatted in conformity with the requirements for physically filed pleadings and papers set forth in Rule 1-100 NMRA.

C. **Failure to respond.** If a party fails to respond to a motion under Rule 1-007.1(D) NMRA, the moving party may submit a proposed order to the court so long as the moving party has served a copy of the proposed order on opposing counsel or a party pro se, and opposing counsel or the pro se party has not filed an objection within five (5) days of service.

D. **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. All relevant exhibits, appendices, and other attachments (hereinafter "attachments") shall be attached to the motion, response, or reply at the time the pleading is submitted; except that no attachment shall be attached to a reply unless the attachment refers to a new matter raised in a response. Attachments filed in violation of this rule may be stricken by court order on the court's own motion.

E. **Sur-replies not permitted.** Sur-replies, or an additional reply to a motion after the motion has been fully briefed by the parties, shall not be permitted unless a party first obtains leave of the court to file a sur-reply.

F. **"Package" procedure.** At the expiration of all responsive times, under Rule 1-007.1 NMRA, the movant shall submit to the judge assigned to the case a copy of the motion, any response, any reply, and a copy of a request for hearing (after filing the request with the clerk of the court) and notice of hearing form, if a party is seeking a hearing, in a package. The submission of the package alerts the court that the motion is ripe for decision. The package shall be submitted either in electronic form to the judge's e-mail address or in hard copy form, or both, depending on the presiding judge's preference. Each judge's preference for the form of the package will be listed on the court's website. The notice of hearing must be submitted in Microsoft Word when the package is submitted electronically. Copies of the package submission must be served on all parties and the service must be indicated on the transmittal.

G. **Hearing.** 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.

H. **Expedited matters.** If the motion requests a decision before the expiration of the time limits set forth in Rule 1-007.1 NMRA, 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 and notice of hearing form.

I. **Copies of cases.** Copies of cases relied on 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 of cases provided to the judge assigned to the case shall also be provided to all parties.

[Adopted effective September 1, 1993; as amended, effective January 1, 1998; LR1-306 recompiled and amended as LR1-201 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016; as amended by Supreme Court Order No. 22-8300-021, effective for all cases pending or filed on or after December 31, 2022.]

ANNOTATIONS

The 2022 amendment, approved by Supreme Court Order No. 22-8300-021, effective December 31, 2022, provided that motions and pleadings filed by electronic transmission shall be electronically formatted in conformity with the requirements for physically filed pleadings and papers, provided that all relevant exhibits, appendices, and other attachments shall be attached to pleadings at the time the pleading is submitted, provided that attachments shall not be attached to a reply unless the attachment refers to a new matter raised in the response, authorized the court to strike any attachment filed in violation of this rule, prohibited the filing of sur-replies or replies to motions after the motion has been fully briefed by the parties, unless a party first obtains permission from the court, and required that the notice of hearing be submitted in Microsoft Word when the motions package is submitted electronically; added a new Paragraph B and redesignated former Paragraphs B and C as Paragraphs C and D, respectively; in Paragraph D, added “All relevant exhibits, appendices, and other attachments (hereinafter “attachments”) shall be attached to the motion, response, or reply at the time the pleading is submitted; except that no attachment shall be attached to a reply unless the attachment refers to a new matter raised in a response. Attachments filed in violation of this rule may be stricken by court’s order on the court’s own motion.”; added new Paragraph E and redesignated former Paragraphs D through G as Paragraphs F through I, respectively; and in Paragraph F, after “submitted in”, added “Microsoft”, and after “Word”, deleted “or WordPerfect”.

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, rewrote the rule regarding motion practice and provided requirements for electronic filing.

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.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR1-306 NMRA was recompiled and amended as LR1-201 NMRA, effective December 31, 2016.

LR1-202. Interrogatories, requests for production, and requests for admission.

[Related to Statewide Rules 1-033, 1-034, 1-036, and 1-037 NMRA]

A. **Interrogatories.** Interrogatories shall be numbered consecutively. Adequate spacing shall be left under each interrogatory for the answer.

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

C. **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.

D. **Motions to compel.** A party shall file a motion to compel not later than sixty (60) days after either of the following two triggering events: (1) the date of service of an objection to the requesting party's discovery request; or (2) if a party fails to receive a timely answer or response to a discovery request, the date the discovery request was due to the requesting party. If a party fails to file a motion to compel within sixty (60) days of the preceding two events, then the opposing party's objection or failure to respond shall be deemed valid and accepted by the requesting party. This sixty (60)-day period may be enlarged or shortened by order of the court.

E. **Subparts of interrogatories.** 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; LR1-303 recompiled and amended as LR1-202 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016; as amended by Supreme Court Order No. 22-8300-021, effective for all cases pending or filed on or after December 31, 2022.]

ANNOTATIONS

The 2022 amendment, approved by Supreme Court Order No. 22-8300-021, effective December 31, 2022, added a provision related to motions to compel, provided that motions to compel shall not be filed later than sixty days after certain triggering events, and authorized the court to shorten or enlarge the time period for filing motions to compel; and added a new Paragraph D and redesignated former Paragraph D as Paragraph E.

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, rewrote the rule and deleted certain provisions relating to filing and service of interrogatories and motions to compel or for protective order; deleted Paragraph A, which related to filing and serving interrogatories, and redesignated former Paragraphs B, C and D as Paragraphs A, B, and C, respectively; in Paragraph A, deleted "Parties propounding interrogatories shall serve the original upon each party who is required to answer them, and one (1) copy upon all other parties.", and after "for the answer", deleted "The party answering the interrogatory shall serve the original upon the party propounding the interrogatories and one (1) copy upon all other parties."; in Paragraph B, after "prefatory instructions", deleted "or definitions"; in Paragraph C, after "supporting authority", deleted the remainder of the paragraph, which related to privileged information; deleted Paragraph E and redesignated former Paragraph F as Paragraph D; and in Paragraph D, in the heading, deleted "Fifty" and added "Subparts", and after the heading, deleted "No party shall serve more than fifty (50) interrogatories in the aggregate, including subparts, without leave of court."

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.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR1-303 NMRA was recompiled and amended as LR1-202 NMRA, effective December 31, 2016.

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

LR1-203. Judgments based on written instruments.

A. **Written instrument merges into judgment.** A final judgment, based on a written instrument, shall be accompanied by the original instrument, which shall merge into the judgment at the time judgment is entered.

B. **Original instrument preserved.** The original instrument shall be secured in the vault of the clerk of the court and a copy of the instrument shall be placed in the court file. The copy shall cross-reference the location of the original instrument.

C. **Acquiring original instrument.** A party may seek to obtain the original instrument by submitting a proper motion to the court. If the court orders the release of the original instrument, the court may place conditions on the release, including instructions for the return of the original instrument to the court.

[Recompiled, effective September 1, 1993; LR1-309 recompiled and amended as LR1-203 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, in Paragraph A, added "Written instrument merges into judgment.", changed "based upon" to "based on", changed "said instrument" to "the original instrument", deleted "be filed as an exhibit in the case at the time the judgment is entered and shall be appropriately marked as having been", deleted "and returned to the party filing the same as in the case of other exhibits", and added "at the time judgment is entered"; and added Paragraphs B and C.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR1-309 NMRA was recompiled and amended as LR1-203 NMRA, effective December 31, 2016.

LR1-204. Review of administrative decisions and orders.

[Related Statewide Rules 1-005, 1-074, 1-075, and 1-077 NMRA]

A. **Scope.** These procedures apply when any administrative decision or order has been submitted for review under Rule 1-074, Rule 1-075, or Rule 1-077 NMRA. The procedures set forth in this rule are in addition to, and do not replace, any Rule of Civil Procedure.

B. **Notice to the court of filing administrative record.** The agency or department from which the administrative decision is being appealed, or to whom a writ of certiorari has been directed, shall, on filing the record on review, submit to the judge designated to hear the matter a copy of the notice to all parties of the filing of the record on review.

C. **Package procedure.** At the expiration of all responsive deadlines under the applicable rule, or at the expiration of deadlines indicated in a court-ordered briefing schedule, the agency or department from which the administrative decision is being appealed, or to whom a writ of certiorari has been directed, shall submit to the judge designated to hear the matter, in a package, a copy of the statement of appellate issues or statement of review issues, any response, and any reply. Notice of the package submission must be served on all parties and the service must be indicated on the transmittal to the judge.

D. **Form of submission.** Both the copy of the notice of filing of the record and the package shall be submitted either in electronic form to the judge's e-mail address or in hard copy form, or both, depending on the presiding judge's preference. Each judge's preference for the form of the notice and package will be listed on the court's website.

[Adopted by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

LR1-205. Recompiled.

ANNOTATIONS

Recompilations. — Pursuant to Supreme Court Order No. 22-8300-021, former LR1-205 NMRA was recompiled and amended as LR1-116 NMRA, effective December 31, 2022.

III. Rules Applicable to Criminal Cases

LR1-301. Search warrants.

[Related Statewide Rule 5-211 NMRA]

All returns and inventories shall be filed with the clerk of the court no later than five (5) working days after the search is conducted.

[As amended, effective September 1, 1993; LR1-605 recompiled and amended as LR1-301 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, rewrote the rule deleting provisions related to sealing search warrants; deleted Paragraph A and the paragraph designation "B"; changed "Returns" to "All returns", changed "inventory" to "inventories", after "clerk of the court", deleted "within" and added "no later than", after "days", deleted "of" and added "after", and after "search", added "is conducted".

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR1-605 NMRA was recompiled as LR1-301 NMRA, effective December 31, 2016.

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

LR1-302. Transport of persons in custody.

[Related to Statewide Rule 5-502 NMRA]

A. **Request for transport order.** The prosecution shall request a transport order no later than five (5) business days before the proceeding for which transport is sought unless a shorter time is allowed by the court. For inmates at out-of-county detention centers or jail facilities, the prosecution shall transmit an endorsed copy of the transport order to the transporting agency no later than two (2) business days before the proceeding for which transport is sought. For prisoners at New Mexico Corrections Department prisons, the prosecution shall transmit an endorsed copy of the transport order to the transporting agency no later than three (3) business days before the proceeding for which transport is sought.

B. **Contents of request for transport order.** The request for a transport order 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) where circumstances require, a district court judge may modify the time requirements of this local rule or may require transport on verbal order, provided that a written transport order is served on 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. Copies of transport orders need not be certified unless certification is required by the transporting agency or the custodian of the person to be transported.

[LR1-600 recompiled and amended as LR1-302 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016; as amended by Supreme Court Order No. 22-8300-021, effective for all cases pending or filed on or after December 31, 2022.]

ANNOTATIONS

The 2022 amendment, approved by Supreme Court Order No. 22-8300-021, effective December 31, 2022, provided that transport orders shall be requested by the prosecution, and set new time limits for the prosecution to transmit copies of transport orders to transporting agencies; in Paragraph A, after "The", added "prosecution shall", and added "For inmates at out-of-court detention centers or jail facilities, the prosecution shall transmit an endorsed copy of the transport order to the transporting agency no later than two (2) business days before the proceeding for which transport is sought. For prisoners at New Mexico Corrections Department prisons, the prosecution shall transmit an endorsed copy of the transport order to the transporting agency no later than three (3) business days before the proceeding for which transport is sought."; and in Paragraph B, Subparagraph B(7), deleted "a copy of the transport order shall be served on the transporting agency no later than three (3) working days before the proceeding unless a shorter time is allowed by the court."

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, provided paragraph headings, removed the requirement for certifying transport orders and changed "upon" to "on" throughout the rule; in Paragraph A, added "Request for transport order.", and after "The", deleted "application" and added "request"; in Paragraph B, added "Contents of request for transport order.", and in the introductory sentence, after "The", deleted "application" and added "request for a transport order"; in Subparagraph B(7), deleted "certified", after "transporting agency", deleted "and upon the custodian of the person sought to be transported", and after "this rule.", deleted "Copies of transport orders need not be certified unless certification is required by the transporting agency or the custodian of the person to be transported."

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR1-600 NMRA was recompiled and amended as LR1-302 NMRA, effective December 31, 2016.

LR1-303. Grand jury.

[Related Statewide Rule 5-302A NMRA]

A. **Confidentiality.** Grand jury proceedings, including but not limited to subpoenas for witnesses, docket records, and returns of service, are confidential until an indictment is filed with the court or, if the court orders that an indictment be sealed until arrest, until the indictment is unsealed on arrest. A separate docket of grand jury subpoenas shall be maintained by the clerk of the court to ensure their confidentiality.

B. **Narrative reports limited.** No narrative report shall be received by the court from any grand jury except on 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.

C. **Recordings.** The audio recording of any grand jury proceedings shall be deposited with the clerk of the court no later than fifteen (15) days after the grand jury

proceedings. The recordings shall be placed 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; LR1-602 recompiled and amended as LR1-303 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, rewrote the rule by adding paragraph headings and removing certain provisions relating to confidentiality of grand jury proceedings; in Paragraph A, added “Confidentiality.”, after “docket records”, deleted “or subpoenas issued or returned or filed” and added “and returns of service”, after “are confidential”, added “until an indictment is filed with the court or, if the court orders that an indictment be sealed until arrest, until the indictment is unsealed on arrest”, changed “insure” to “ensure”, and changed “confidentially” to “confidentiality”; deleted former Paragraph B and redesignated former Paragraphs C and D as Paragraphs B and C, respectively; in Paragraph B, added “Narrative reports limited.”, changed “upon” to “on”, and after “grand jury is sitting.”, deleted the last two sentences, which related to the limited power of the grand jury; in Paragraph C, added “Recordings.”, after “The”, deleted “shorthand notes or”, after “audio”, deleted “tapes” and added “recording”, after “of”, deleted “the court reporter attending”, after “grand jury”, added “proceedings”, after “(15) days after”, deleted “attendance. Such notes or tapes” and added “the grand jury proceedings. The recordings”, and after “shall be”, added “placed”.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR1-602 NMRA was recompiled and amended as LR1-303 NMRA, effective December 31, 2016.

LR1-304. Indictment and summons.

[Related Statewide Rule 5-208 NMRA]

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

[As amended, effective September 1, 1993; LR1-601 recompiled and amended as LR1-304 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, changed “upon” to “on” in two places.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR1-601 NMRA was recompiled and amended as LR1-304 NMRA, effective December 31, 2016.

LR1-305. Motion practice.

[Related Statewide Rule 5-120 NMRA]

A. **Maximum page length.** A brief or memorandum shall not exceed ten (10) pages, not including the cover page, conclusion, certificate of service, and exhibits, without an order of the court.

B. **Exhibits to motion, response, or reply.** Only relevant excerpts from affidavits or other documentary evidence shall be attached as exhibits. Pertinent portions shall be highlighted, underlined, or otherwise emphasized for the court's attention and on all copies.

C. **"Package" procedure.** At the expiration of all responsive times, under Rule 5-120 NMRA, the movant shall submit to the court a copy of the motion, any response, any reply, and a copy of a request for hearing (after filing the request with the clerk of the court) and notice of hearing form, if a party is seeking a hearing, in a package. The submission of the package alerts the court that the motion is ripe for decision. The package shall be submitted either in electronic form to the judge's e-mail address or in hard copy form, or both, depending on the presiding judge's preference. Each judge's preference for the form of the package will be listed on the court's website. The notice of hearing form must be submitted in Word or WordPerfect when the package is submitted electronically. Copies of the package submission must be served on all parties and such service must be indicated on the transmittal.

D. **Hearing.** The judge assigned to the case may grant or deny a request for hearing and if the request is denied, the judge assigned to the case shall make a decision based on the pleadings filed.

E. **Expedited matters.** If the motion requests a decision before the expiration of the time limits set forth in Rule 5-120 NMRA, 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 and notice of hearing form.

F. **Copies of cases.** Copies of cases relied on 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 of cases provided to the court shall also be provided to all parties.

[Adopted by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

LR1-306. Technical violation program.

[Related Statewide Rule 5-805 NMRA]

A. **Program established.** This judicial district establishes a technical violation program (TVP) for adult probationers on supervised probation allowing automatic sanctions to occur for technical violations of orders of probation. Sex offenders (individuals on probation under Section 31-20-5.2 NMSA 1978, or individuals required to register as sex offenders under Section 29-11A-1 NMSA 1978) are not eligible for the TVP.

B. **Assignment to program.** The court, in its discretion, with the knowing and voluntary consent of the probationer, may order placement of a probationer into the TVP at any time during that person's period of supervised probation. A probationer in the TVP shall be advised prior to being placed in the TVP that the probationer is waiving the right to any probation violation procedures and hearings under Rule 5-805 NMRA if the probationer is found to have committed a technical violation.

C. **Technical violations defined.** Technical violations of an order of probation consist of the probationer

(1) having a positive urine or breath test or other scientific means of detection for drugs or alcohol; a positive urine or breath test or other scientific means of detection for drugs or alcohol means an initial test confirmed by further testing or confirmed by an admission to drug or alcohol use by the probationer;

(2) possessing alcohol;

(3) missing a counseling appointment;

(4) missing a community service appointment; or

(5) missing an educational appointment.

D. **Sanctions.** Sanctions for technical violations are as follows:

(1) first violation: up to three (3) days in jail;

(2) second violation: up to seven (7) days in jail;

(3) third violation: up to fourteen (14) days in jail; and

(4) fourth violation: up to twenty-one (21) days in jail.

E. **Removal from the program.** On a fourth technical violation, a probationer shall be removed from the TVP, and subsequent violations that would constitute technical violations under this rule may be prosecuted under Rule 5-805 NMRA. The court may also remove a probationer from the TVP at any time on a probation violation that is not defined as a technical violation by this rule.

F. **Discretionary reinstatement.** The court, in its discretion, may reinstate a probationer into the TVP.

G. **Other sanctions for technical violations precluded.** Sanctions imposed under the TVP preclude further sanctions for the technical violation.

[Adopted by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

IV. Rules Applicable to Domestic Relations Cases

LR1-401. Modification of Rule 1-016 scheduling dates.

[Related to Statewide Rule 1-016 NMRA]

In all domestic relations actions the following modifications shall apply to the scheduling dates set forth in Rule 1-016 NMRA.

A. **Pretrial scheduling order.** The pretrial scheduling order set forth in Rule 1-016(B) NMRA shall be filed within ninety (90) days after the petition is filed.

B. **Trial date; scheduling order filed.** The trial date shall be no later than nine (9) months after the date the scheduling order is filed.

C. **Trial date; no scheduling order.** 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 petition is filed.

[LR1-706 recompiled and amended as LR1-401 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016; as amended by Supreme Court Order No. 22-8300-021, effective for all cases pending or filed on or after December 31, 2022.]

ANNOTATIONS

The 2022 amendment, approved by Supreme Court Order No. 22-8300-021, effective December 31, 2022, enlarged the time within which the pretrial scheduling order shall be filed; and in Paragraph A, after “shall be filed within”, deleted “sixty (60)” and added “ninety (90)”.

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, provided paragraph headings, and made certain stylistic changes; deleted paragraph designation “A” prior to the first sentence and redesignated former Paragraphs B, C, and D as Paragraphs A, B, and C, respectively; in the undesignated paragraph, after “Rule 1-016”, deleted “of the Rules of Civil Procedure for the District Courts” and added “NMRA”; in Paragraph A, after “Rule 1-016”, added “NMRA”; in Paragraph B, after “shall be”, deleted “not” and added “no”; and in Paragraph C, after “months after the”, deleted “filing of the”, and after “petition”, added “is filed”.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR1-706 NMRA was recompiled and amended as LR1-401 NMRA, effective December 31, 2016.

LR1-402. Tolling of procedural deadlines.

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

B. **Extending deadlines and tolling time.** Notwithstanding the provisions of rules providing for schedules and deadlines for filings in domestic relations matters, the parties may extend the deadlines or toll the running of time under this rule.

C. **Motion required.** 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 motion for 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 applicable time periods; and

(2) a statement of the present status of the case.

D. **Termination of abatement.** The period of abatement or tolling may be terminated by either party on 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. The withdrawal of consent shall be served on the other party in accordance with rules on service.

E. **Time periods following abatement.** Immediately on 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.

[LR1-710 recompiled and amended as LR1-402 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, rewrote the rule and provided paragraph headings.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR1-710 NMRA was recompiled and amended as LR1-402 NMRA, effective December 31, 2016.

LR1-403. Contempt.

For alleged violations of orders, decrees, or judgments in domestic relations cases, no order to show cause for contempt shall issue except on verified motion or affidavit specifying with particularity the manner in which the court's order or orders have been violated. Any motion for an order to show cause must state with particularity the relief requested. Any order to show cause must be personally served on the alleged contemnor.

[LR1-709 recompiled and amended as LR1-403 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016; as amended by Supreme Court Order No. 22-8300-021, effective for all cases pending or filed on or after December 31, 2022.]

ANNOTATIONS

The 2022 amendment, approved by Supreme Court Order No. 22-8300-021, effective December 31, 2022, specified that the rule applies to alleged violations of orders, decrees, or judgments in domestic relations cases, changed existing language to allow orders to show cause for contempt to issue on a verified motion or affidavit, required that any motion for an order show cause state the relief requested, and required that any order to show cause be personally served on the alleged contemnor; added "For alleged violations of orders, decrees, or judgments in domestic relations cases, no", after "except on verified motion", deleted "and" and added "or", and added "Any motion for an order to show case must state with particularity the relief requested. Any order to show cause must be personally served on the alleged contemnor."

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, changed “upon” to “on”, and changed “particularly” to “particularity”.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR1-709 NMRA was recompiled and amended as LR1-403 NMRA, effective December 31, 2016.

LR1-404. Family Court Services and other services for child-related disputes.

[Related to Statewide Rule 1-125 NMRA and Section 40-12-4 NMSA 1978]

A. **Mediation program established.** Under Sections 40-12-1 to -6 NMSA 1978, the First Judicial District Court elected to establish, and will continue to maintain, a domestic relations mediation program in accordance with the Domestic Relations Mediation Act to assist the court, parents, and other interested parties to determine the best interests of children involved in domestic relations cases. The program shall be administered and services provided by Family Court Services in First Judicial District Court.

B. **Mandatory referral.** Unless otherwise ordered by the court on stipulation of the parties or for good cause shown, in every case involving a dispute over any child-related issue except child support, the court shall enter an order referring the parties to Family Court Services for confidential mediation. In the alternative, or in addition to an order for mediation, the court may order that the parties submit to other services conducted by Family Court Services including but not limited to advisory consultation, priority consultation, or mediation in adjudicated abuse and neglect cases. The court will not order advisory consultations simply on stipulation of the parties, but rather, shall require a showing of good cause.

C. **Fees.** The parties shall be assessed a fee based on the sliding fee scale approved by the Supreme Court and posted on the court’s website and inside the courthouse. Unless payment arrangements are approved by Family Court Services or the court prior to scheduled appointments, fees are payable on the day of the appointment for all mediations and priority consultations and ten (10) days in advance of any scheduled advisory consultation. If fees for advisory consultations are not paid a minimum of ten (10) days in advance of the scheduled appointment, Family Court Services will present an order to vacate the advisory consultation to the assigned judge due to non-compliance with this rule. Fees for all procedures in Family Court Services are payable to the First Judicial District Court and payment must be by attorney firm check, cash, money order, or certified check. No personal checks are accepted. The First Judicial District Court will maintain a domestic relations mediation fund. Fees collected from Family Court Services will be deposited into the domestic relations mediation fund and used to offset the cost of operating the mediation program and the supervised visitation program.

D. **Scheduling services.** After the referral order is filed, Family Court Services will contact the parties to schedule all services.

E. **Clinic services and requested hearings.**

(1) ***Request for hearing.*** In any case in which a Family Court Services order has been filed, the clinic may request a hearing or status conference by filing a request for hearing in the manner set forth in LR1-201 NMRA. The clinic shall mail or deliver a copy of the request to all parties entitled to notice.

(2) ***Noncompliance.*** The court clinic shall notify the court when a party fails to show for a scheduled appointment.

(3) ***Priority consultations.*** The court may order assessment results in the form of oral testimony rather than a written report. Priority consultations with recommendations provided in oral testimony are called “scheduled consultations” and assessments with recommendations provided in written reports are called “priority consultations.” Both assessments are conducted the same.

F. **Referral to other providers.** On agreement of the parties or for good cause shown, the court may order that the parties be referred for mediation and other services to a qualified service provider other than Family Court Services.

G. **Out-of-district referrals.** Parties in out-of-district cases may receive services from Family Court Services provided the referral order is signed by both the assigned out-of-district judge and a First Judicial District domestic relations district court judge. As a condition of services provided to out-of-district cases, the parties shall pay a thirty dollar ($30.00) fee, in addition to the regular fee for each service. All fees are payable to the First Judicial District Court, as set forth above, in advance of the procedure or the procedure will not be conducted.

H. **Immunity.** Attorneys and other persons appointed by the court to serve as mediators, or in other roles under the rules governing this district’s programs under the Domestic Relations Mediation Act, are arms of the court and are immune from liability for conduct within the scope of their duties as provided by law.

I. **Subpoenas.** Subpoenas directed to Family Court Services clinicians must be served no later than five (5) days before the applicable hearing.

[Adopted by Supreme Court Order No. 18-8300-006, effective for all cases pending or filed on or after September 1, 2018; as amended by Supreme Court Order No. 22-8300-021, effective for all cases pending or filed on or after December 31, 2022.]

ANNOTATIONS

The 2022 amendment, approved by Supreme Court Order No. 22-8300-021, effective December 31, 2022, required that subpoenas directed to Family Court Services clinicians be served no later than five days before the applicable hearing, and made certain technical amendments; substituted “Family Court Services” for “family court services” throughout the rule; and added Paragraph I.

LR1-405. Safe exchange and supervised visitation program.

[Statewide Rule 1-125 NMRA and
Related Statute NMSA 1978, § 40-12-5.1]

A. **Establishment of program.** The First Judicial District Court has established a safe exchange and supervised visitation program by local court rule approved by the Supreme Court. The safe exchange and supervised visitation program shall be used when, in the opinion of the court, the best interests of the child are served if confrontation or contact between the parents is to be avoided during exchanges of custody or if contact between a parent and a child should be supervised. In the safe exchange and supervised visitation program, the district court may employ or contract with a person or agency

(1) with whom a child may be left by one parent for a short period while waiting to be picked up by the other parent; or

(2) to supervise visits among one or both parents and the child.

B. **Determination of services.** The safe exchange and supervised visitation program may be utilized by determination of the court when services provided through the program are deemed by the court to be in the child’s best interests.

C. **Responsibility of parties regarding fees of the program.** Parents shall pay the cost of the safe exchange and supervised visitation program based on each parent’s gross income, reported for purposes of the child support worksheet if available, under a sliding fee scale approved by the Supreme Court. The sliding fee scale shall be based on ability to pay for services. Any fees collected shall be paid to the district court to be credited to the domestic relations mediation fund, which is used to offset the costs of the program.

Any funds in excess of the program budget at the end of the fiscal year shall be remitted by the contractor to the district court clerk to be credited to the domestic relations mediation fund.

D. **Immunity.** Attorneys and other persons appointed by the court to serve as mediators, or in other such roles under the rules governing this district’s programs under the Domestic Relations Mediation Act, are arms of the court and are immune from liability for conduct within the scope of their duties as provided by law.

[Adopted by Supreme Court Order No. 18-8300-006, effective for all cases pending or filed on or after September 1, 2018.]

LR1-406. Preliminary orders required before issuance of summons.

A. **Preliminary orders required.** With respect to the types of domestic relations cases set forth below, a party shall submit the following orders to the court for approval and filing before the party requests the issuance of a summons:

(1) For contested divorces where parties have a minor child or children, (a) Temporary Domestic Order, (b) Scheduling Order (Contested Divorce, With Minor Children), and (c) Notice of Hearing for Interim Order Dividing Income and Expenses and Order for Production (hearing with domestic relations hearing officer);

(2) For contested divorces where parties do not have a minor child or children, (a) Temporary Domestic Order, (b) Scheduling Order (Contested Divorce, No Minor Children), and (c) Notice of Hearing for Interim Order Dividing Income and Expenses and Order for Production (hearing with assigned judge);

(3) For contested parentage cases, (a) Temporary Domestic Order, (b) Scheduling Order (Parentage), and (c) Notice of Hearing and Order to Produce Discovery for Child Support Hearing (hearing with domestic relations hearing officer); and

(4) For kinship guardianship cases, (a) Order for Mediation, and (b) Ex Parte Order Appointing Temporary Kinship Guardian(s) (if temporary guardianship is requested).

B. **Availability of forms.** Forms of the above orders are available on the First Judicial District Court's website and at the Self-Help Center in the Steve Herrera Judicial Complex, 225 Montezuma Ave, Santa Fe, New Mexico.

[Adopted by Supreme Court Order No. 22-8300-021, effective for all cases pending or filed on or after December 31, 2022.]

LR1-407. Consolidating domestic relations cases.

Domestic relations cases may only be consolidated if the parties are identical, the issues are substantially related (*i.e.*, same case type), and consolidation will serve judicial economy.

[Adopted by Supreme Court Order No. 22-8300-021, effective for all cases pending or filed on or after December 31, 2022.]

LR1-408. Applications to withdraw.

In addition to the requirements set forth in LR1-110 NMRA (Informing the court of contact information), applications by counsel to withdraw in domestic relations cases shall set forth the dates and times of any hearings set and the dates of any relevant deadlines in the case.

[Adopted by Supreme Court Order No. 22-8300-021, effective for all cases pending or filed on or after December 31, 2022.]

LR1-409. Exhibits, appendices, and other attachments to pleadings.

In addition to the requirements set forth in LR1-201 NMRA (Motion practice), all relevant exhibits, appendices, and other attachments (hereinafter “attachments”) shall be filed only once with the applicable pleading, motion, or other paper. Subsequent use of the attachments in a filed pleading, motion, or other paper shall be by reference to the attachment name and original filing date.

[Adopted by Supreme Court Order No. 22-8300-021, effective for all cases pending or filed on or after December 31, 2022.]

LR1-410. Administrative closures.

If there is no activity in a domestic relations matter for a period in excess of one hundred eighty (180) days, the court may, on its own motion, enter an order of administrative closure in the matter. A party may file a motion to reopen the matter within thirty (30) days after service of the order of administrative closure. A party must make a showing of good cause in the motion to reopen the matter.

[Adopted by Supreme Court Order No. 22-8300-021, effective for all cases pending or filed on or after December 31, 2022.]

LR1-411. Applicability of local rules for civil cases.

Unless specifically contradicted by these local rules set forth in Part IV, all local rules applicable to civil cases in Part II shall also apply to domestic relations cases.

[Adopted by Supreme Court Order No. 22-8300-021, effective for all cases pending or filed on or after December 31, 2022.]

V. Rules Applicable to Children’s Court Cases

[Reserved]

VI. Rules Applicable to Court Alternative Dispute Resolution Programs

LR1-601. Alternative dispute resolution.

[Related Statewide Rule 1-125 NMRA]

A. **Purpose and processes.** A court-annexed alternative dispute resolution ("ADR") program may be established to achieve the early, fair, efficient, cost-effective, and informal resolution of lawsuits filed in the district. The court ADR program may provide a variety of processes, including but not limited to mediation, settlement conferences, and arbitration. Nothing in this rule shall be construed to discourage or prohibit parties from stipulating to private alternative dispute resolution or to prohibit the right to a trial by jury. The failure of ADR to produce a settlement will not adversely affect the parties' treatment by the court.

B. **Written order required.** All referrals to ADR require the filing of a written court order.

C. **Forms.** Where available, applicable court forms shall be used. Forms shall be made available to the public on the court's website and in the office of the clerk of the court.

D. **Referrals and objections.** The court, in its sole discretion, may refer any case to ADR at any time, whether or not the parties agree. In addition, any party may file a request for referral to ADR at any time prior to sixty (60) days before a scheduled trial. A request for referral will be granted automatically. Parties who object to the referral may file a "Motion for Excusal from ADR" no later than fifteen (15) business days after entry of the order of referral.

[Adopted by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

VII. Forms

LR1-Form 701. Request for hearing.

FIRST JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF
No. _____

_____, Plaintiff/Petitioner

v.

_____, Defendant/Respondent.

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:

_____

[Adopted by Supreme Court Order No. 22-8300-021, effective for all cases pending or filed on or after December 31, 2022.]

LR1-Form 702. Notice of hearing.

FIRST JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF
No. _____

_____, Plaintiff/Petitioner

v.

_____, Defendant/Respondent.

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: _____

I hereby certify that a true copy of the foregoing Notice was electronically served on the date of acceptance for electronic filing to counsel registered for electronic service and mailed to pro se parties, if any, to:

_____
Trial Court Administrative Assistant

[Adopted by Supreme Court Order No. 22-8300-021, effective for all cases pending or filed on or after December 31, 2022.]

LR1-Form 703. Pretrial Order.

FIRST JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF _____
No. _____

_____, Plaintiff/Petitioner

v.

_____, Defendant/Respondent

PRETRIAL ORDER

This matter having come before the court on _____, _____, at pretrial conference held before _____, District Judge, Division _____, under Rule 1-016(E) NMRA of the Rules of Civil Procedure for the District Courts, and _____ having appeared as counsel for Plaintiff/Petitioner and _____ having appeared as counsel for Defendant/Respondent and _____ having appeared as counsel for _____; the following action was taken.

1. JURISDICTION: (*check and complete applicable alternative*)

[ ] The jurisdiction of the court is not disputed and is hereby determined to be

present.
[ ] The question of jurisdiction was in dispute and decided as follows: _____
_____
(*appropriate recitation of preliminary hearing and findings*).

2. PARTIES. (*check and complete applicable alternative*)

[ ] There is no remaining question as to propriety of the parties.
[ ] The propriety of the parties is disputed as follows: _____
_____
(*state the nature or the dispute*).

3. GENERAL NATURE OF THE CLAIMS OF THE PARTIES:

A. Plaintiff/Petitioner claims: _____
(*set out brief summary without detail*).

B. Defendant/Respondent claims: _____
(*set out brief summary without detail*).

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

4. UNCONTROVERTED FACTS: The following facts are 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*).

5. CONTESTED ISSUES OF FACTS: The contested issues of fact remaining for decision are: _____ (*set out*).

6. CONTESTED ISSUES OF LAW: (*check and complete the applicable alternative*)

[ ] The contested issues of law in addition to those implicit in the foregoing issues of fact are: _____ (*set out*).
[ ] There are no special issues of law reserved other than those implicit in the foregoing issues of fact.

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

A. Plaintiff/Petitioner's exhibits: _____ (*list*).

B. Defendant/Respondent's exhibits: _____ (*list*).

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

D. If other exhibits are to be offered, the offering party will mark the party's own exhibits and make a list of them. Lists of these exhibits will be furnished to all opposing counsel and the court at least ten (10) days prior to trial. At that time all of those exhibits will be made available for examination by opposing counsel. This order does not apply to rebuttal exhibits, which cannot be anticipated.

E. Any counsel requiring authentication of an exhibit must so notify the offering counsel in writing within five (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 (3) days before trial, and the court notified of the 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 (2) copies (and one (1) copy to 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.

8. Any party proposing to offer all or any portion of a deposition shall notify opposing counsel at least ten (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 at least five (5) days before trial of any objections or requests. If any differences cannot be resolved, the court must be notified in writing of those differences at least three (3) days before trial. In the party's notice to the court, an objecting party shall provide a redline, or electronically marked pdf document, to show the portions of a deposition to which objections are made.

9. DISCOVERY. (*check and complete applicable options, can check more than one*)

[ ] Discovery has been completed.
[ ] Discovery is to be completed by _____.
[ ] Further discovery is limited to _____.
[ ] The following provisions were made for discovery:_____ (*specify*).

10. WITNESSES:

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

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

C. (*Use for third parties, if any*). 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*)

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 on 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.

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

12. AMENDMENTS TO PLEADINGS: (*check and complete applicable alternative*)

[ ] There were no requests to amend pleadings.
[ ] The following order was made with regard to amendments to the pleadings: _____ (*set out*).

13. 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.*).

14. 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.

15. TRIAL SETTING: (*check and complete applicable alternative*)

[ ] The case was set for trial (with) (without) a jury on _____, _____ at _____ o'clock __m.

[ ] No definite setting was made, but it was estimated that the case will be reached for trial _____.

16. MEMORANDUM: Estimated length of trial is _____ days. Possibility of settlement of this case is considered: (*check applicable alternative*)

[ ] Good
[ ] Fair
[ ] Poor.

IT IS SO ORDERED.

_____ _____
Dated District Judge

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

Address: _____
Attorney for Plaintiff/Petitioner

Address: _____
Attorney for Defendant/Respondent

Address: _____
Attorney for Other Parties (*if any*)

[Adopted by Supreme Court Order No. 22-8300-021, effective for all cases pending or filed on or after December 31, 2022.]

LR1-Form 704A. Praecipe.

FIRST JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF _____
No. _____

_____, Plaintiff

v.
_____, Defendant

PRAECIPE

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

No. Req.	UJI	Title	Given	Refused	Modified	Withdrawn
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:

_____

[Adopted by Supreme Court Order No. 22-8300-021, effective for all cases pending or filed on or after December 31, 2022.]

LR1-Form 704B. Praecipe.

FIRST JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF _____
No. _____

_____, Plaintiff

v.
_____, Defendant

PRAECIPE

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

Instruction No.	UJI	Given	Refused	Modified	Withdrawn.

1.	13-201	____	____	____	____
2.	13-202	____	____	____	____
3.	13-203	____	____	____	____
4.	13-205	____	____	____	____
5.	13-209	____	____	____	____

Submitted by:

_____

[Adopted by Supreme Court Order No. 22-8300-021, effective for all cases pending or filed on or after December 31, 2022.]