

# Rules of the District Court of the Eighth Judicial District

## Table of Corresponding Rules

### Local Rules of the Eighth Judicial District Court

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

Former Rule No.	Corresponding New Rule No.	New Rule No.	Corresponding Former Rule No.
LR8-101	Withdrawn	LR8-101	LR8-102
LR8-102	LR8-101	LR8-102	LR8-202
LR8-103	Withdrawn	LR8-103	New
LR8-201	LR8-109	LR8-104	LR8-204
LR8-202	LR8-102	LR8-105	LR8-206
LR8-203	Withdrawn	LR8-106	LR8-302
LR8-204	LR8-104	LR8-107	LR8-303
LR8-205	Withdrawn	LR8-108	LR8-304
LR8-206	LR8-105	LR8-109	LR8-201
LR8-207	Withdrawn	LR8-201	LR8-406
LR8-208	Withdrawn	LR8-601	New
LR8-301	Withdrawn		
LR8-302	LR8-106		
LR8-303	LR8-107		
LR8-304	LR8-108		
LR8-401	Withdrawn		
LR8-402	Withdrawn		
LR8-403	Withdrawn		
LR8-404	Withdrawn		
LR8-405	Withdrawn		
LR8-406	LR8-201		
LR8-501	Withdrawn		
LR8-Form 1	Withdrawn		
LR8-Form 2	Withdrawn		
LR8-Form 3	Withdrawn		
LR8-Form 4	Withdrawn		

LR8-Form 5 Withdrawn  
LR8-Form 6 Withdrawn  
LR8-Form 7 Withdrawn  
LR8-Form 8 Withdrawn  
LR8-Form 9 Withdrawn  
LR8-Form 10 Withdrawn

## I. Rules Applicable to All Cases

### LR8-101. Title.

The following local rules of procedure for the Eighth Judicial District shall be known as the “Local Rules of the Eighth Judicial District Court”.

[Adopted, effective July 1, 2000; LR8-102 recompiled as LR8-101 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

### ANNOTATIONS

**Recompilations.** — Pursuant to Supreme Court Order No. 16-8300-015, former LR8-102 NMRA was recompiled as LR8-101 NMRA, effective December 31, 2016.

### LR8-102. Assignment of cases; consolidation.

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

**A. Primary responsibility of each division; recusal or excusal in Division I.** The judges of Divisions II and III are primarily responsible for all cases in Taos County. The judge of Division I is primarily responsible for all cases in Colfax and Union Counties. In the event of recusal or excusal of the judge in Division I, the case will be assigned to either Division II or Division III by random selection. In the event of recusal or excusal of the subsequently assigned judge, the case will be reassigned to the remaining judge in the district.

**B. Recusal or excusal in Divisions II, III.** In the event of the recusal or excusal of the judge of Division II or Division III, the other judge in the Taos County docket shall be automatically assigned to the case unless that judge has been either recused or excused, in which event the case will be reassigned to the judge of Division I.

**C. Assigned judge to hear case.** 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 Paragraphs D and E of this rule.

**D. Exception; when assigned judge is unavailable.** Whenever the assigned judge is not available, any judge of the district, or any judge from another district who is present in the county by designation, may hear any default matter, emergency matter, guilty plea, or ex parte matter, and may sign orders presented with signatures of all counsel and parties pro se, which may arise.

**E. Consolidated cases.** Motions to consolidate and cases consolidated for trial shall be heard by the judge assigned to the case bearing the lowest case number (the oldest case).

**F. Reassignment of cases.** The chief judge shall have the authority, in consultation with the other judges, to reassign cases amongst the judges when justified due to case load, judicial economy, or the interest of justice.

[As amended, approved by Supreme Court Order No. 05-8300-026, effective December 20, 2005; LR8-202 recompiled and amended as LR8-102 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

## **ANNOTATIONS**

**The 2016 amendment,** approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, provided for the assignment of cases, including reassignment of cases in the event of recusal or excusal of judges, and clarified the authority of the chief judge to reassign cases; added “[Related Statewide Rules 1-088, 5-105, and 10-161 NMRA]”; in Paragraph A, added the heading, deleted “Subject to Rules 1-088 and 1-088.1 NMRA, the chief judge of the district, in consultation with the other judge, shall determine the assignment and reassignment of cases.” and added all new language; in Paragraph B, added the heading, deleted “In any case in which Division I is disqualified pursuant to Rule 1-088.1 NMRA, Division II shall be automatically assigned. In any case in which Division II is disqualified pursuant to Rule 1-088.1 NMRA, Division I shall be automatically assigned. Reassignment shall be noted by mailing of notice of reassignment to counsel of record or parties pro se or by publishing notice in the Bar Bulletin, at the time of the reassignment.” and added all new language; in Paragraph C, added the heading, and after “described in”, deleted “Paragraph” and added “Paragraphs D and”; in Paragraph D, added the heading; in Paragraph E, added the heading, and after “assigned to the case”, deleted “hearing” and added “bearing”; and added Paragraph F.

**Recompilations.** — Pursuant to Supreme Court Order No. 16-8300-015, former LR8-202 NMRA was recompiled and amended as LR8-102 NMRA, effective December 31, 2016.

### **LR8-103. Page limitations.**

A motion, response, or other brief shall not exceed ten (10) type-written pages, exclusive of exhibits. A reply shall not exceed five (5) pages, exclusive of exhibits. A

party seeking to submit any document exceeding these page limits shall seek leave of the court prior to doing so.

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

### **LR8-104. Forum shopping.**

A. **Previous submission; disclosure required.** If a matter or proposition has previously been submitted to another district judge within the state or in any other state or territory, an attorney shall disclose that fact to the judge to whom it is being submitted.

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

[Adopted, effective July 1, 2000; LR8-204 recompiled and amended as LR8-104 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

#### **ANNOTATIONS**

**The 2016 amendment,** approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, in Paragraph A, added the heading, and after “within the state”, added “or in any other state or territory”; and in Paragraph B, added the heading.

**Recompilations.** — Pursuant to Supreme Court Order No. 16-8300-015, former LR8-204 NMRA was recompiled and amended as LR8-104 NMRA, effective December 31, 2016.

### **LR8-105. Control of court files.**

Court files shall not be removed from the courthouse except with the written approval of the judge.

[Adopted, effective July 1, 2000; LR8-206 recompiled as LR8-105 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

#### **ANNOTATIONS**

**Recompilations.** — Pursuant to Supreme Court Order No. 16-8300-015, former LR8-206 NMRA was recompiled as LR8-105 NMRA, effective December 31, 2016.

### **LR8-106. Requests for hearing; telephonic appearances.**

A. **Requests for hearing.** Requests for hearing shall be submitted to the assigned judge's trial court administrative assistant (judge's secretary), along with a notice of hearing, in the forms approved by the district court for that purpose. Filing requests for hearing with the clerk's office does not ensure that the judge's office has received the request. It is the requesting party's responsibility to ensure that the judge has received the request.

B. **Telephonic appearance by attorney.** Any attorney may appear at any hearing by telephone through a court-approved call-in system. Permission of the court is not required to appear at hearings by a court-approved call-in system. Payment of the costs and adequate notice to appear must be worked out between the attorney appearing by telephone and the provider of the court-approved call-in system according to the provider's fee schedule and notice requirements.

C. **Telephonic appearance by party or witness.** Other telephonic appearances by parties (represented or pro se) or witnesses are permitted only with permission of the court and must be arranged with the assigned judge's trial court administrator as early as possible, but no later than one (1) business day before any hearing.

[Adopted, effective July 1, 2000; LR8-302 recompiled and amended as LR8-106 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

## ANNOTATIONS

**The 2016 amendment,** approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, and rewrote the rule to provide for telephonic appearances by attorneys and parties; in the rule heading, "telephonic appearances"; in Paragraph A, added the heading, after "submitted to the", added "assigned judge's", after "hearing, in the", deleted "form set forth in Forms LR8-Form 1 and LR8-Form 2" and added "forms approved by the district court for that purpose" and added the last sentence; and added Paragraphs B and C.

**Recompilations.** — Pursuant to Supreme Court Order No. 16-8300-015, former LR8-302 NMRA was recompiled and amended as LR8-106 NMRA, effective December 31, 2016.

### **LR8-107. Submission of orders, decrees, and judgments.**

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

**B. Prevailing party responsible for submission; timing; objections..** The prevailing party shall be responsible for submission of orders. If approval of opposing counsel cannot be obtained by the tenth (10th) or twelfth (12th) day, request for hearing on notice of presentment, with proposed order attached, shall be made immediately.

(1) In matters decided by the court after a hearing or trial, the prevailing party or the party designated by the court shall prepare orders or judgments and shall submit them to opposing counsel or parties pro se within five (5) days from the date the order or judgment was made by the court, unless otherwise directed by the court at time of hearing.

(2) If the proposed order or judgment is approved by all counsel or parties pro se, the order or judgment shall so indicate and may be signed by the court immediately, if appropriate. Orders may be approved telephonically and so indicated.

(3) Any order which the parties have agreed and stipulated to shall be approved without reservation by counsel or parties pro se, and not "Approved as to Form" or in any other way limiting approval.

(4) If opposing counsel or parties pro se do not agree as to the form of order or judgment, such person shall send written objection, if any, to the drafter of the order within five (5) days of receipt of the order. At a presentment hearing, the court shall consider the order attached to the notice of presentment and objector's proposed form of order.

(5) On request for a presentment hearing, the party requesting the hearing must attach the requesting party's proposed form of order and the objecting party's proposed form of order.

(6) The court may prepare a proper order or judgment, if different from the one initially submitted, in accordance with the court's decision on the objections.

[Adopted, effective July 1, 2000; LR8-303 recompiled and amended as LR8-107 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, removed the provision relating to orders to show cause; in Paragraph A, added the heading; in Paragraph B, added the heading, added Subparagraph B(5) and redesignated former Subparagraph B(5) as Subparagraph B(6); and deleted Paragraph C, which related to orders to show cause.

**Recompilations.** — Pursuant to Supreme Court Order No. 16-8300-015, former LR8-303 NMRA was recompiled and amended as LR8-107 NMRA, effective December 31, 2016.

## **LR8-108. Exhibits and exhibit lists.**

A. **Label requirements.** Prior to the beginning of any court proceeding, all exhibits shall have affixed to them the court's standard exhibit stickers, bearing the case number and date of hearing. The exhibit number or letter shall be added by the court reporter at the time the exhibit is displayed to a witness or tendered to the court, whichever event occurs first.

B. **More than five exhibits; list required.** When more than five (5) exhibits are to be tendered, a list identifying the exhibits is to be provided to the court reporter and the judge in advance of the hearing.

C. **Numeric and alphabetic designation.** Plaintiffs' and petitioners' exhibits shall be designated numerically. Defendants' and respondents' exhibits shall be designated alphabetically.

D. **Copies to opposing counsel.** Copies of all exhibits shall be provided to opposing counsel at the time of displaying them to a witness or at time of tender, unless otherwise controlled by NMRA rules of procedure or court order.

E. **Use of court's technology resources.** Counsel and parties pro se shall familiarize themselves with the court's technology resources prior to the hearing or trial if counsel or party pro se intends to use these resources during the hearing or trial.

[Adopted, effective July 1, 2000; LR8-304 recompiled and amended as LR8-108 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 instructions to counsel and parties when using the court's technology resources; in Paragraphs A, B, C, and D, added the headings; and added Paragraph E.

**Recompilations.** — Pursuant to Supreme Court Order No. 16-8300-015, former LR8-304 NMRA was recompiled and amended as LR8-108 NMRA, effective December 31, 2016.

## **LR8-109. Failure to comply.**

[Related Statewide Rule 5-112 NMRA]

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

[Approved, effective July 1, 2000; LR8-201 recompiled and amended as LR8-109 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, added “[Related Statewide Rule 5-112 NMRA]”.

**Recompilations.** — Pursuant to Supreme Court Order No. 16-8300-015, former LR8-201 NMRA was recompiled and amended as LR8-109 NMRA, effective December 31, 2016.

## II. Rules Applicable to Civil Cases

### LR8-201. Electronic filing authorized.

[Related Statewide Rule 1-005.2 NMRA]

In accordance with Rule 1-005.2 NMRA, electronic filing is implemented for all civil and probate actions in the Eighth 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. 13-8300-LR1, effective for all cases filed or pending on or after February 4, 2013; LR8-406 recompiled and amended as LR8-201 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

## ANNOTATIONS

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

**Recompilations.** — Pursuant to Supreme Court Order No. 16-8300-015, former LR8-406 NMRA was recompiled and amended as LR8-201 NMRA, effective December 31, 2016.

## III. Rules Applicable to Criminal Cases

**[Reserved]**

## IV. Rules Applicable to Domestic Relations Cases

### LR8-401. Safe exchange and supervised visitation; domestic relations mediation.

[Related Statewide Rule 1-125 NMRA and related Statutes NMSA 1978, §§ 40-12-1 to -6]

A. **Programs established.** The district court operates a "safe exchange and supervised visitation program" and "domestic relations mediation program" in accordance with the Domestic Relations Mediation Act.

B. **Domestic relations mediation fund; deposit and disbursement of fees.** The district court maintains a domestic relations mediation fund for the deposit of all fees collected under the Domestic Relations Mediation Act, which are used to offset the costs of operating the court's safe exchange and supervised visitation program and domestic relations mediation program. Deposits into the domestic relations mediation fund shall include the following:

(1) the surcharge authorized under Section 40-12-6 NMSA 1978 on all new and reopened domestic relations cases; and

(2) fees paid by the parties for mediation and safe exchange and supervised visitation services provided under the Domestic Relations Mediation Act.

C. **Sliding fee scales.** Mediation and safe exchange and supervised visitation services provided under the Domestic Relations Mediation Act shall be paid by the parties in accordance with a sliding fee scale submitted to and approved by the Supreme Court. The current sliding fee scales approved by the Supreme Court shall be posted on the district court's website and inside the courthouse. Any fees collected from a party under the sliding fee scale shall be paid to the district court clerk, who shall deposit the fees into the domestic relations mediation fund.

D. **Initiating services; cooperation required.** The court may, on request of any party or on the court's own motion, order the parties to participate in the safe exchange and supervised visitation program or domestic relations mediation program in accordance with the requirements in Rule 1-125 NMRA. Any party ordered to participate in one or both programs shall cooperate with all court staff and outside service providers designated by the court to operate the program, and any party who fails to do so may be sanctioned or held in contempt of court.

E. **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 domestic relations mediation program, 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.]

## **V. Rules Applicable to Children’s Court Cases**

**[Reserved]**

## **VI. Rules Applicable to Court Alternative Dispute Resolution Programs**

### **LR8-601. Alternative dispute resolution.**

It is the policy of the Eighth Judicial District to encourage early and fair resolutions of disputes among parties. The court shall have the ability to order and refer a case to an alternative dispute resolution format, including but not limited to mediation, settlement facilitation, and settlement conference at any stage in its progress towards resolution.

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

## **VII. Forms**

**[Reserved]**