

Rules of the District Court of the Eighth Judicial District

LR8-101. Authority.

The following rules are hereby adopted and promulgated by the judges of the Eighth Judicial District of the State of New Mexico, comprised of the Counties of Colfax, Taos and Union, pursuant to the authority vested in the court by Rule 1-083 NMRA. These rules are comprehensive, and by their promulgation, all previously existing local rules and administrative orders inconsistent herewith are withdrawn.

[Approved, effective July 1, 2000.]

LR8-102. 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".

[Approved, effective July 1, 2000.]

LR8-103. Scope and applicability.

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

[Approved, effective July 1, 2000.]

LR8-201. Failure to comply.

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

[Approved, effective July 1, 2000.]

LR8-202. Assignment of cases; consolidation.

A. 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 re-assignment of cases.

B. Except for those cases specifically assigned to Division II by random selection set from time to time to equalize caseload discrepancies, all Taos County cases shall be assigned to Division I. All Colfax and Union County cases shall be assigned to Division II.

C. 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* at the time of the reassignment.

D. 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 E of this rule.

E. 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.

F. Motions to consolidate and cases consolidated for trial shall be heard by the judge assigned to the case hearing the lowest case number (the oldest case).

[Approved, effective July 1, 2000.]

LR8-203. Code of conduct.

A. **Manner of dress.** Attorneys and parties *pro se* appearing before the court shall dress in an appropriate manner.

B. **Conduct towards opposing counsel, parties and witnesses.** Attorneys and parties *pro se* shall be civil and courteous to one another in all matters, both inside the courtroom and in the preparation of a case. Counsel shall have sole discretion to determine accommodations to be granted to opposing counsel in all matters not directly affecting the merits of a cause or prejudicing the client's rights. Counsel shall not accede to a client's demand that the lawyer act in a discourteous or uncooperative manner toward opposing counsel.

[Approved, effective July 1, 2000.]

LR8-204. Forum shopping.

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

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

[Approved, effective July 1, 2000.]

LR8-205. Interpreters.

It shall be the duty of the attorney or party *pro se* to promptly and diligently inquire into and ascertain the need for an interpreter and to advise the clerk of the court and assigned judge of the need for an interpreter not less than five (5) days before the hearing.

[Approved, effective July 1, 2000.]

LR8-206. Control of court files.

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

[Approved, effective July 1, 2000.]

LR8-207. Sealing of court files.

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

- (1) upon a written and verified application for the sealing of such file;
- (2) a showing of good cause; and
- (3) a showing that significant and irreparable harm will result unless the file is sealed.

B. Every order sealing a court file shall state the reasons therefor, and shall state the duration of the time within which the file shall be sealed.

[Approved, effective July 1, 2000.]

LR8-208. Filing by FAX.

A. The clerk of the court will accept documents that do not require a filing fee for filing by electronically transmitted image (FAX) pursuant to Rule 1-005.1 NMRA.

B. FAX transmissions which are not covered by Rule 1-005.1 NMRA will be accepted, and the sender shall be charged a FAX fee at a rate set periodically by the district court clerk.

C. No FAX transmission shall exceed twenty-five (25) pages, except with express permission of the chief deputy clerk of the court, or the chief deputy's designee.

[Approved, effective July 1, 2000.]

LR8-301. Appearance and withdrawals; *pro se* representation.

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

B. Withdrawal of counsel shall be in accordance with Rule 1-089 NMRA. The application of counsel to withdraw, and order allowing withdrawal shall state the last known mailing address and telephone number of the client.

C. Any party, who is an individual, desiring to proceed *pro se* in any cause shall include with the first pleadings filed their full name, address and telephone number, if any.

D. Counsel and parties *pro se* shall inform the court of any change of mailing address or telephone number by filing a notice and serving it upon all parties and to the court.

[Approved, effective July 1, 2000.]

LR8-302. Requests for hearing.

Requests for hearing shall be submitted to the trial court administrative assistant (judge's secretary), along with a notice of hearing, in the form set forth in Forms LR8-Form 1 and LR8-Form 2.

[Approved, effective July 1, 2000.]

LR8-303. Submission of orders, decrees and judgments.

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

B. 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) 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.

C. Orders to show cause shall be submitted to the judge assigned to hear the case. If, however, such judge is unavailable, then the proposed order may be signed by any judge, but only after the date for hearing has been obtained from the trial court administrative assistant of the judge who will hear the matter.

[Approved, effective July 1, 2000.]

LR8-304. Exhibits and exhibit lists.

A. 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. 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. Plaintiffs' and petitioners' exhibits shall be designated numerically. Defendants' and respondents' exhibits shall be designated alphabetically.

D. 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.

[Approved, effective July 1, 2000.]

LR8-401. Differential case management. (Effective until June 30, 2004.)

A. **Assignment of cases to a track.** Differential case management provides case management to civil cases according to degrees of complexity. All cases, after being put at issue, will be assigned to one of three tracks: expedited, standard or complex. Track assignments by the judge presiding over the case shall be based upon the civil case cover sheet and scheduling report, both of which are described below. Track assignments may be changed at any time on the judge's own motion or upon good cause shown by a party.

B. **Intent of system.** The intent in this management system is to guide and control the progress of cases, from filing to final disposition. Upon completion of discovery and all required attempts at settlement, and after declaration by counsel and self-represented parties that the case is ready to be tried, the case will be scheduled for pretrial conference and trial.

C. **Three year pilot project.** The Eighth Judicial District is implementing this differentiated case management system for civil cases as a pilot project. The pilot project shall continue for a period of three years. Thereafter, the case processing goals and objectives of the pilot project will be evaluated by the Administrative Office of the Courts.

[Effective, May 3, 1999 until June 30, 2004.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated March 15, 1999, this rule was effective May 3, 1999 until May 3, 2002. Subsequently, by a court order dated June 3, 2002, this rule was extended nunc pro tunc from May 3, 2002 until June 30, 2003. Subsequently, by a court order dated July 16, 2003, this rule was extended nunc pro tunc from June 30, 2003 until June 30, 2004.

LR8-402. Civil cover sheet; pretrial scheduling form. (Effective until June 30, 2004.)

A. The attorney for the plaintiff or petitioner or a self-represented plaintiff or petitioner shall file a civil case cover sheet in the form set forth in LR8-Form 1 [4] with the pleading initiating a civil action. A copy shall be delivered to the assigned judge by the attorney or self-represented party.

B. The attorney for the defendant or respondent or a self-represented defendant or respondent shall file a civil cover page with the party's responsive pleading. A copy of the cover sheet shall be delivered to the assigned judge by the attorney or self-represented party.

C. **Legal effect.** Information appearing on the civil cover sheet will have no legal effect in the action.

D. **Failure to file cover sheet.** The clerk will file the initiating pleading, and answer, even if it is submitted without the completed cover sheet. If a party fails to file a cover sheet, the clerk will give written notice to the party of the deficiency. If a party fails to cure the deficiency within thirty (30) days, the court may enter an order which provides for dismissal of the action without prejudice.

E. **Supreme Court approved cover sheet.** Upon adoption of one or more civil cover sheets by the New Mexico Supreme Court, the appropriate Supreme Court civil cover sheet shall be filed as a supplement to the Eighth Judicial District civil cover sheet.

[Effective, May 3, 1999 until June 30, 2004.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated March 15, 1999, this rule is effective May 3, 1999 until May 3, 2002. Subsequently, by a court order dated June 3, 2002, this rule was extended nunc pro tunc from May 3, 2002 until June 30, 2003. Subsequently, by a court order dated July 16, 2003, this rule was extended nunc pro tunc from June 30, 2003 until June 30, 2004.

LR8-403. Evaluation and track assignment of cases. (Effective until June 30, 2004.)

A. When the case is at issue, the judge assigned to an individual case may consider the following factors in assigning cases to a particular track.

Expedited:

- (1) Legal issues: few and clear;
- (2) Required discovery: limited;
- (3) Number of witnesses: five or fewer fact witnesses; including parties. No expert witness;
- (4) Likely trial days: one (1) or less;
- (5) Character and nature of damage claim: fixed amount or capable of determination with limited evidence;
- (6) Parties can be ready for trial within six (6) months of filing of complaint.

Standard:

- (1) Some legal issues;
- (2) Required discovery: routine;
- (3) Number of fact and expert witnesses proportionate to nature of case;
- (4) Likely trial days: five (5) or less;
- (5) Character and nature of damage claim: routine;
- (6) Readiness for trial within twelve (12) months of filing of complaint.

Complex:

- (1) Legal issues: numerous, complicated or unique;
- (2) Required discovery: extensive;
- (3) Large number of fact and expert witnesses;
- (4) Likely trial days: more than five (5);
- (5) Character and nature of damage claims: usually requiring expert testimony or extensive factual testimony;
- (6) Time to prepare trial: more than twelve (12) months.

Note: These factors are guidelines only. A case need not meet each criterion to be assigned to a particular track.

[Effective, May 3, 1999 until June 30, 2004.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated March 15, 1999, this rule was effective May 3, 1999 until May 3, 2002. Subsequently, by a court order dated June 3, 2002, this rule was extended nunc pro tunc from May 3, 2002 until June 30, 2003. Subsequently, by a court order dated July 16, 2003, this rule was extended nunc pro tunc from June 30, 2003 until June 30, 2004.

LR8-404. Notice of track assignment. (Effective until June 30, 2004.)

Attorneys and self-represented parties shall be notified of the track assignment upon receipt of a "Notice" in the form found in Forms LR8-Form 2, LR8-Form 3 and LR8-Form 4. Those same notices shall set the case for a scheduling conference.

[Approved effective, May 3, 1999 until June 30, 2004.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated March 15, 1999, this rule was effective May 3, 1999 until May 3, 2002. Subsequently, by a court order dated June 3, 2002, this rule was extended nunc pro tunc from May 3, 2002 until June 30, 2003. Subsequently, by a court order dated July 16, 2003, this rule was extended nunc pro tunc from June 30, 2003 until June 30, 2004.

LR8-405. Scheduling report. (Effective until June 30, 2004.)

A. Each attorney and self-represented party shall confer and jointly submit and file a completed scheduling report at least five (5) days in advance of the scheduling conference. The form of scheduling report is attached to these rules as Form LR8-Form 5.

B. If all parties are not of record sixty (60) days after the complaint is filed, self-represented plaintiffs or plaintiff's counsel then of record shall immediately file a written explanation with a copy to the court and estimate when the matter will be completely at issue. The form to be used in explaining the delay in putting the case at issue is set forth in LR8-Form 6. This same form shall be used by third party plaintiffs, cross claimants and others who are required to serve an opposing party.

C. Any party who appears in the action after the scheduling conference shall file a scheduling report within ten (10) days after entry into the case.

D. The court will set deadlines controlling the progress of the case, and file a scheduling order based upon the parties' answers to the scheduling report and discussion at a scheduling conference. The scheduling order shall control the progress of the case.

E. Upon completion and compliance with the deadlines set forth in the court's scheduling order, the parties shall confer and jointly submit a certification of readiness for trial. A copy of that certification shall be provided to the judge assigned to the case. The certification of readiness for trial is contained in LR8-Form 7.

F. Upon receipt of the certification of readiness for trial, the court shall schedule a pretrial or trial management conference, and shall set the case for trial. The goal will be to set trial within sixty (60) days of the receipt of certification of readiness for trial.

[Effective, May 3, 1999 until June 30, 2004.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated March 15, 1999, this rule was effective May 3, 1999 until May 3, 2002. Subsequently, by a court order dated June 3, 2002, this rule was extended nunc pro tunc from May 3, 2002 until June 30, 2003. Subsequently, by a court order dated July 16, 2003, this rule was extended nunc pro tunc from June 30, 2003 until June 30, 2004.

LR8-501. Settlement conferences.

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 settlement conference at any stage in its progress toward resolution.

[Approved, effective July 1, 2000.]

LR8-502. Deleted.

Deleted.

ANNOTATIONS

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

LR8-503. Deleted.

Deleted.

ANNOTATIONS

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

LR8-504. Deleted.

Deleted.

ANNOTATIONS

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

LR8-Form 1. Request for hearing.

STATE OF NEW MEXICO

EIGHTH JUDICIAL DISTRICT COURT

COUNTY OF _____

_____,
Plaintiff

v. No.

_____,
Defendant

REQUEST FOR HEARING

1. Type of Case

Non-Jury: _____ Jury: 6 _____ 12 _____

2. Judge to whom assigned:

3. Judges Disqualified:

4. Hearings presently set and dates of settings:

5. Specific matters to be heard:

6. Readiness date for hearing:

7. Proposed time required for hearing all parties and witnesses:

8. Concurrence of counsel as to need for hearing:

YES:_____ NO:_____ (specify why not)

9. Availability dates (at least 5) of all counsel:

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

11. Setting Requested by:

NOTE: THE COURT RESERVES THE RIGHT TO NOT SCHEDULE REQUESTED HEARINGS ON PROPOSED DATES.

[Approved, effective July 1, 2000.]

LR8-Form 2. Notice of hearing.

STATE OF NEW MEXICO

EIGHTH JUDICIAL DISTRICT COURT

COUNTY OF _____

_____,
Plaintiff

v. No.

_____,
Defendant

NOTICE OF HEARING

Notice is hereby given that this matter has been called for hearing before the court, for the time, place, date and purpose indicated.

Date:

Time:
Place:
Purpose of hearing:
Time allocated:
Judge assigned:

Secretary
NOTICE SENT TO COUNSEL:

[Approved, effective July 1, 2000.]

LR8-Form 3. Request for expedited hearing.

STATE OF NEW MEXICO

EIGHTH JUDICIAL DISTRICT COURT

COUNTY OF _____

_____,
Plaintiff
v. No. _____
_____,
Defendant

REQUEST FOR EXPEDITED HEARING

1. Type of case:
Non-Jury: _____ Jury: 6 _____ 12 _____
2. Judge to whom assigned:
3. Judges disqualified:
4. Hearings presently set and dates of settings:
5. Specific matters to be heard:

6. Readiness date for hearing:

7. Proposed time required for hearing all parties and witnesses:

8. Concurrence of counsel as to need for hearing:

Yes: _____ No: _____ (specify why not)

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

10. Setting requested by:

NOTE: THE COURT RESERVES THE RIGHT TO NOT SCHEDULE REQUESTED HEARINGS ON PROPOSED DATES.

[Approved, effective July 1, 2000.]

**LR8-Form 4. Plaintiff - Defendant's civil case information sheet.
(Effective until June 30, 2004.)**

STATE OF NEW MEXICO

EIGHTH JUDICIAL DISTRICT COURT

COUNTY OF _____

_____,
Plaintiff

v. No.

_____,
Defendant

PLAINTIFF — DEFENDANT'S

CIVIL CASE INFORMATION SHEET

- 1. Judge assigned:
- 2. Jury 6 _____ Jury 12 _____ Nonjury _____

3. Parties:

A. Plaintiff(s)
address

Plaintiff's attorney
address

Telephone number

Telephone number

B. Defendant(s)
address

Defendant's attorney
address

Telephone number

Telephone number

C. Other parties'
address

Other parties' attorney
address

Telephone number

Telephone number

- 4. Date the complaint was filed: _____ .
Estimated date by which all parties will be served: _____ .
Estimated date by which all parties will be of record: _____ .

5. Cause of Action (P)/ Defense (D) — Give a brief explanation of the cause of action or defense:

- 6. Estimated number of witnesses:
Estimated number of expert witnesses:

7. Estimated period of time needed for discovery:

8. Estimate when this case will be ready for trial:

9. Estimate the number of days needed for trial:

10. Track requested: (*Expedited, Standard or Complex*) (*Refer to definitions of tracks contained in LR8-403*)

Briefly state the reason for the requested track:

Attorney for Plaintiff/Defendant
or Self-represented Plaintiff or Defendant

Address

Telephone number

THE ATTORNEY OR SELF-REPRESENTED PARTY IS HEREBY GIVEN NOTICE THAT A COPY OF THIS CIVIL CASE INFORMATION STATEMENT MUST BE DELIVERED TO THE ASSIGNED JUDGE.

[LR8-Form 1, approved, effective May 3, 1999; as recompiled, effective July 1, 2000.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated March 15, 1999, this form was effective May 3, 1999 until May 3, 2002. Subsequently, by a court order dated June 3, 2002, this form was extended nunc pro tunc from May 3, 2002 until June 30, 2003. Subsequently, by a court order dated July 16, 2003, this rule was extended nunc pro tunc from June 30, 2003 until June 30, 2004.

LR8-Form 5. Notice of expedited track assignment notice of scheduling conference order limiting discovery. (Effective until June 30, 2004.)

STATE OF NEW MEXICO

EIGHTH JUDICIAL DISTRICT COURT

COUNTY OF _____

_____,
Petitioner
v. No.

_____,
Respondent.

NOTICE OF EXPEDITED TRACK ASSIGNMENT

NOTICE OF SCHEDULING CONFERENCE

ORDER LIMITING DISCOVERY

This matter came before the court on the filing of complaint and answer in this cause, and filing of civil case information statements. Based on a review thereof,

NOTICE IS HEREBY GIVEN that this case has been assigned to the expedited track of the court's differential case management system. The case processing goal for this case, from beginning to final disposition is no more than six (6) months.

NOTICE IS FURTHER GIVEN that a scheduling conference will be held in this case, to be by telephone conference, with the self-represented plaintiff or plaintiff's counsel initiating the phone call. Judge _____ shall be reached at _____ . The date set for this conference is _____ at _____ (a.m.) (p.m.).

IT IS FURTHER ORDERED that counsel and self-represented parties shall confer and jointly submit and file a completed scheduling report at least five (5) days in advance of the scheduling conference.

IT IS FURTHER ORDERED that no more than two (2) depositions for each side of this suit will be allowed, with the exception of depositions for the purpose of perpetuating evidence. Additionally, a limit of fifty (50) single part paper discovery request items will be allowed, whether involving interrogatories, requests for production or requests for admissions. Discovery shall commence immediately, and shall be completed within one hundred twenty (120) days, unless otherwise ordered by the court.

District Judge

[LR8-Form 2, approved, effective May 3, 1999; as recompiled, effective July 1, 2000.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated March 15, 1999, this form was effective May 3, 1999 until May 3, 2002. Subsequently, by a court order dated June 3, 2002, this form was extended nunc pro tunc from May 3, 2002 until June 30, 2003. Subsequently, by a court order dated July 16, 2003, this rule was extended nunc pro tunc from June 30, 2003 until June 30, 2004.

LR8-Form 6. Notice of standard track assignment notice of scheduling conference. (Effective until June 30, 2004.)

STATE OF NEW MEXICO

EIGHTH JUDICIAL DISTRICT COURT

COUNTY OF _____

_____,
Petitioner
v. No. _____
_____,
Respondent.

NOTICE OF STANDARD TRACK ASSIGNMENT

NOTICE OF SCHEDULING CONFERENCE

This case came before the court on filing of the complaint and answer and submission of the civil case information statements. Based on a review of the file,

NOTICE IS HEREBY GIVEN that this case has been assigned to the standard track of the court's differential case management system. The case processing goal for this case, from beginning to final disposition is twelve (12) months.

NOTICE IS FURTHER GIVEN that a scheduling conference will be held in this case, to be by telephone conference, with the self-represented plaintiff or plaintiff's counsel initiating the phone call. Judge _____ shall be reached at _____ . The date set for this conference call is _____ at _____ (a.m.) (p.m.).

IT IS FURTHER ORDERED that counsel and self-represented parties shall confer and jointly submit and file a completed scheduling report at least five (5) days in advance of the scheduling conference.

District Judge

[LR8-Form 3; approved, effective May 3, 1999; as recompiled, effective July 1, 2000.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated March 15, 1999, this form was effective May 3, 1999 until May 3, 2002. Subsequently, by a court order dated June 3, 2002, this form was extended nunc pro tunc from May 3, 2002 until June 30, 2003. Subsequently, by a court order dated July 16, 2003, this rule was extended nunc pro tunc from June 30, 2003 until June 30, 2004.

LR8-Form 7. Notice of complex track assignment notice of scheduling conference. (Effective until June 30, 2004.)

STATE OF NEW MEXICO

EIGHTH JUDICIAL DISTRICT COURT

COUNTY OF _____

Petitioner

v. No.

Respondent.

NOTICE OF COMPLEX TRACK ASSIGNMENT

NOTICE OF SCHEDULING CONFERENCE

This matter came before the court on filing of the complaint and answer, and on submission of required civil case information statements. Based on the foregoing:

NOTICE IS HEREBY GIVEN that this case has been assigned to the complex track of the court's differential case management system. The processing goal for this case, from beginning to final disposition is eighteen (18) to thirty (30) months.

NOTICE IS FURTHER GIVEN that a scheduling or status conference will be held on the _____ day of _____, _____ at _____ (a.m.) (p.m.) in _____ at the County Courthouse. At that time, a case scheduling plan will be discussed, which will be reduced to a case scheduling order. Attorneys must be prepared to discuss the nature of the case, discovery needs and schedules, anticipated motions and legal issues, and any other information pertinent to a case scheduling plan.

The case scheduling order, which will reflect the discussion held and decisions made at the scheduling or status conference, will control the course and conduct of this case, in preparation for trial.

IT IS FURTHER ORDERED that counsel and self-represented parties shall confer and jointly submit and file a completed scheduling report at least five (5) days in advance of the scheduling conference.

District Judge

[LR8-Form 4, approved, effective May 3, 1999; as recompiled, effective July 1, 2000.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated March 15, 1999, this form was effective May 3, 1999 until May 3, 2002. Subsequently, by a court order dated June 3, 2002, this form was extended nunc pro tunc from May 3, 2002 until June 30, 2003. Subsequently, by a court order dated July 16, 2003, this rule was extended nunc pro tunc from June 30, 2003 until June 30, 2004.

LR8-Form 8. Scheduling report. (Effective until June 30, 2004.)

STATE OF NEW MEXICO

EIGHTH JUDICIAL DISTRICT COURT

COUNTY OF _____

_____,
Petitioner
v. No.

_____,
Respondent.

SCHEDULING REPORT

Counsel and self-represented parties have conferred and submit their consolidated scheduling report (to be placed in final form by plaintiff) prior to the scheduling conference.

APPEARANCES:

_____ for the plaintiff

_____ for the defendant

_____ for other parties

NATURE OF THE CASE:

AMENDMENTS TO PLEADINGS:

Plaintiff intends to file:

Defendant intends to file:

STIPULATIONS:

The parties stipulate that the court has jurisdiction over the parties and the subject matter, and that venue is proper.

The parties further stipulate:

PLAINTIFF'S CONTENTIONS:

DEFENDANT'S CONTENTIONS:

DISCOVERY:

Plaintiff intends to obtain the following discovery:

Defendant intends to obtain the following discovery:

The parties estimate it will take _____ months to complete discovery.

TRIAL:

The parties estimate that trial (Jury 6) (Jury 12) Nonjury _____ will take _____ court days to try.

Dates counsel will not be available for trial due to conflicting court settings
(beginning six (6) months from the date of filing of the complaint).

Attorney for

Attorney for

NOTICE IS GIVEN TO ATTORNEYS AND SELF-REPRESENTED PARTIES THAT A COPY OF THIS REPORT IS TO BE DELIVERED TO THE ASSIGNED JUDGE IMMEDIATELY.

[LR8-Form 5; approved, effective May 3, 1999; as recompiled, effective July 1, 2000.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated March 15, 1999, this form was effective May 3, 1999 until May 3, 2002. Subsequently, by a court order dated June 3, 2002, this form was extended nunc pro tunc from May 3, 2002 until June 30, 2003. Subsequently, by a court order dated July 16, 2003, this rule was extended nunc pro tunc from June 30, 2003 until June 30, 2004.

LR8-Form 9. Delay in putting the case at issue. (Effective until June 30, 2004.)

STATE OF NEW MEXICO

EIGHTH JUDICIAL DISTRICT COURT

COUNTY OF _____

_____,
Plaintiff
v. No. _____

_____,
Respondent.

DELAY IN PUTTING THE CASE AT ISSUE

Comes now _____, and advises the court that the following parties against whom the plaintiff is seeking relief have not filed a responsive pleading in this case:

The reasons are as follows:

1. Failed to serve because:

_____ cannot locate, despite making the following diligent efforts: _____ .

_____ have located but cannot serve for the following reasons: _____ .

_____ other (*specify problem and efforts to solve*): _____ .

2. (*Defendant*) (*Third-party defendant*) (_____) (*other*) was served

on _____, _____ but no responsive pleading filed because:

[I] [We] expect a responsive pleading to be filed by _____, _____.

Name: _____

Name: _____

Attorney for:

Address:

Address:

Telephone No.

Telephone No.

Certificate of mailing

I hereby certify that I mailed, delivered or faxed a copy to the assigned judge and [opposing counsel] [self-represented parties] on the _____ day of _____, .

[LR8-Form 6, approved effective May 3, 1999; as recompiled effective July 1, 2000.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated March 15, 1999, this form was effective May 3, 1999 until May 3, 2002. Subsequently, by a court order dated June 3, 2002, this form was extended nunc pro tunc from May 3, 2002 until June 30, 2003. Subsequently, by a court order dated July 16, 2003, this rule was extended nunc pro tunc from June 30, 2003 until June 30, 2004.

LR8-Form 10. Certificate of readiness for trial. (Effective until June 30, 2004.)

STATE OF NEW MEXICO

EIGHTH JUDICIAL DISTRICT COURT

COUNTY OF _____

Plaintiff

v. No.

Defendant.

CERTIFICATE OF READINESS FOR TRIAL

Come now all counsel of record and self-represented parties and certify to the court that all discovery is completed; that the parties have engaged in good faith settlement negotiations, and that the parties have otherwise fulfilled all of the requirements of the

court's scheduling order entered in this case. At this time, the parties have not resolved their differences, and the case is ready to be tried.

_____ The parties, or one of them, requests a pretrial conference.

_____ The parties do not request a pretrial conference.

_____ Name	_____ Name
_____ Address	_____ Address
_____ Telephone No.	_____ Telephone No.

NOTICE: A copy of this certificate of readiness must be given to the assigned judge when it is filed.

[LR8-Form 7, approved, effective May 3, 1999; as recompiled, effective July 1, 2000.]

ANNOTATIONS

Compiler's notes. — Pursuant to a court order dated March 15, 1999, this form was effective May 3, 1999 until May 3, 2002. Subsequently, by a court order dated June 3, 2002, this form was extended nunc pro tunc from May 3, 2002 until June 30, 2003. Subsequently, by a court order dated July 16, 2003, this rule was extended nunc pro tunc from June 30, 2003 until June 30, 2004.

LR8-Form 11. Deleted.

Deleted.

ANNOTATIONS

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

LR8-Form 12. Deleted.

Deleted.

ANNOTATIONS

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

LR8-Form 13. Deleted.

Deleted.

ANNOTATIONS

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

LR8-Form 14. Deleted.

Deleted.

ANNOTATIONS

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

Court Orders

EIGHTH JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO

ADMINISTRATIVE ORDER NO. 92-1 MISC.

The court, being advised that changes are required in the local rules because:

1. The prior rescission of rules 1, 2, and 4 require renumbering for better continuity and clarity;
2. Rule 6 should now be rescinded;

3. There is now a caseload disparity which requires that both district judges would, from time to time, be designated trial judge in any county; and

4. Rules 13 and 14 are better understood consolidated as one rule with subsections, and there were typographical errors in those rules, requiring changes as follows:

(a) The form accompanying Rule 14 captioned "Interim Monthly Income and Expenses" should be captioned "Worksheet A - Interim Monthly Income and Expenses", and

(b) Paragraph (D)(2) of the instructions for completing Worksheet A of Rule 14 requires that the numeral "7" be substituted for the numeral "10".

5. A rule providing for mediation in domestic relations and civil cases should be added, and made a part of a broader rule on alternative dispute resolution.

NOW, THEREFORE, these redesignations and amendments in the court's local rules are hereby ordered:

1. Present Rule is designated as local rule LR8-101.

2. New local rule LR8-101 is amended by adding this subsection:

(d) The above notwithstanding, the presiding judge may, from time to time, designate either district judge as the judge of record in any case in any county, within the district, in order to best utilize both divisions in the event a disparity in caseload should arise. The designations under this subsection shall be done under a random system adopted by the presiding judge proportionate to the caseload disparity.

3. Local Rule 6 is rescinded.

4. Present Rule 5 is now local rule LR8-102.

5. Present Rule 7 is now local rule LR8-103.

6. Present Rule 8 is now local rule LR8-104.

7. Present Rule 9 is now local rule LR8-107A.

8. Present Rule 10 is now local rule LR8-105.

9. Present Rule 11 is now local rule LR8-106.

10. Present Rule 12 is now local rule LR8-107C.

11. Present Rules 13 and 14 are now "LR8-108. Automatic Temporary Domestic Orders", and contains the text designations as follows:

(a) Present Rule 13 is now local rule LR8-108A.

(b) Present Rule 14 and accompanying documents, up to but not including the language "Statement of Financial Condition" is now designated as local rule LR8-108B, Interim Allocation of Income and Expenses. LR8-108B is also amended by adding the phrase "Attachment A" before the caption of the document "Interim Monthly Income and Expenses", and by changing the numeral "10" to the numeral "7" in Paragraph (D)(2) of the Instructions for Worksheet A; and

(c) Present Rule 14 from the language "Statement of Financial Condition" is now designated as local rule LR8-108C.

12. Local Rule LR8-107B is added to provide for referral of civil cases to mediation, where appropriate.

DONE BY THE COURT this 5th day of November, 1992.

Presiding Judge

District Judge

EIGHTH JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO

IN THE MATTER OF THE RULES

OF THE EIGHTH JUDICIAL DISTRICT COURT

ORDER

This matter having come before the Court on its own motion after having submitted local rule LR8-101 and new local rule LR8-107B to the Supreme Court District Court Civil Rules Committee on August 20, 1993 and revised local Rule LR8-101 to the District Court Criminal Rules Committee on August 27, 1993;

The Court has been advised that on August 20, 1993 the District Court Civil Rules Committee found no conflict between the amendment of LR8-101 and new rule LR8-107B and the Rules of Civil Procedure for the District Courts;

The Court has been further advised that on August 26, 1993 the District Court Criminal Rules Committee found no conflict between the amendment of LR8-101 and the Rules of Criminal Procedure for the District Courts;

The Court orders that local rule LR8-101 be and the same is hereby amended;

The Court further orders that the adoption of local rule LR8-107B be and the same is hereby approved;

It is further ordered that the above revisions to the local rules be effective for cases filed in the Eighth Judicial District Court on and after December 1, 1993;

It is further ordered that the amended local rules be transmitted to the Clerk of the Supreme Court for filing and to the New Mexico Compilation Commission for publication in accordance with Supreme Court rules.

DONE by the court this 11th day of September, 1993.

/s/ Joseph E. Caldwell
Chief Judge
/s/ Peggy J. Nelson
District Judge

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

NO. 99-8200
IN THE MATTER OF THE APPROVAL
OF LOCAL RULES FOR THE EIGHTH
JUDICIAL DISTRICT

ORDER

WHEREAS, this matter came on for consideration by the Court upon the recommendation of the Rules of Civil Procedure for the District Courts Committee, and the Court having considered said recommendation and being sufficiently advised, Chief Justice Pamela B. Minzner, Senior Justice Joseph F. Baca, Justice Gene E. Franchini, Justice Patricio M. Serna, and Justice Petra Jimenez Maes concurring;

NOW, THEREFORE, IT IS ORDERED that the recommendation hereby is approved and the local rules of the Eighth Judicial District hereby are approved and shall be effective May 3, 1999; and

IT IS FURTHER ORDERED that local rules LR8-401 to LR5-405 and LR8-Forms 1 to 7 are hereby **APPROVED with a three-year termination date, at which time they shall be removed from publication without further order of this Court.**

DONE at Santa Fe, New Mexico, this 15th day of March, 1999.

/s/ PAMELA B. MINZNER

Chief Justice

/s/ JOSEPH F. BACA

Justice

/s/ GENE E. FRANCHINI

Justice

/s/ PATRICIO M. SERNA

Justice

/s/ PETRA JIMENEZ MAES

Justice

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

NO. 00-8300

IN THE MATTER OF THE APPROVAL
OF LOCAL RULES FOR THE EIGHTH
JUDICIAL DISTRICT COURTS

ORDER

WHEREAS, this matter came on for consideration by the Court upon the recommendation of the Rules of Civil Procedure for the District Courts Committee to adopt new rules and approve proposed amendments to the Eighth Judicial District Courts local rules, and the Court having considered said recommendation and being sufficiently advised, Chief Justice Pamela B. Minzner, Justice Joseph F. Baca, Justice Gene E. Franchini, Justice Patricio M. Serna, and Justice Petra Jimenez Maes concurring;

NOW, THEREFORE, IT IS ORDERED that the recommendation hereby is approved and the new local rules hereby are ADOPTED and the proposed amendments to the Eighth Judicial District local rules hereby are APPROVED; and

IT IS FURTHER ORDERED that local rules LR8-502 to LR8-504 and Forms LR8-Form 11 to LR8-Form 14 are hereby **provisionally approved** until statewide domestic relations rules and forms have been adopted by this Court, which rules and forms will supercede all local domestic relations rules and forms.

DONE at Santa Fe, New Mexico, this 4th day of April, 2000.

/s/ PAMELA B. MINZNER

Chief Justice

/s/ JOSEPH F. BACA

Justice

/s/ GENE E. FRANCHINI

Justice

/s/ PATRICIO M. SERNA

Justice

/s/ PETRA JIMENEZ MAES

Justice

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

NO. 02-8200

IN THE MATTER OF THE APPROVAL
OF LOCAL RULES FOR THE EIGHTH
JUDICIAL DISTRICT

ORDER

WHEREAS, on March 15, 1999, LR8-401 to LR8-405 and LR8-Forms 4 to 10 were approved by this Court with a three-year termination date, at which time they were to be removed from publication; and

WHEREAS, this matter came on for consideration by the Court upon the recommendation of the Chief Judge of the Eighth Judicial District Court to extend LR8-401 to LR8-405 and LR8-Forms 4 to 10 to June 30, 2003, and the Court having considered said recommendation and being sufficiently advised, Chief Justice Patricio M. Serna, Justice Joseph F. Baca, Justice Gene E. Franchini, Justice Pamela B. Minzner, and Justice Petra Jimenez Maes concurring.

NOW, THEREFORE, IT IS ORDERED that the recommendation hereby is approved and LR8-401 to LR8-405 and LR8-Forms 4 to 10 of the Eighth Judicial District Court hereby are EXTENDED nunc pro tunc from May 3, 2002 until June 30, 2003.

IT IS SO ORDERED.

WITNESS, Honorable Patricio M. Serna, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 3rd day of June, 2002.

(SEAL) /s/ Kathleen Jo Gibson
Chief Clerk of the Supreme Court
of the State of New Mexico

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

NO. 03-8200
IN THE MATTER OF THE APPROVAL
OF LOCAL RULES FOR THE EIGHTH
JUDICIAL DISTRICT

ORDER

WHEREAS, on March 15, 1999, LR8-401 to LR8-405 and LR8-Forms 4 to 10 were approved by this Court with a three-year termination date, at which time they were to be removed from publication;

WHEREAS, on June 3, 2002, this Court extended use of LR8-401 to LR8-405 and LR8-Forms 4 to 10 until June 30, 2003: and

WHEREAS, this matter came on for consideration by the Court upon the recommendation of the Chief Judge of the Eighth Judicial District Court to extend use of LR8-401 to LR8-405 and LR8-Forms 4 to 10 to June 30, 2004, and the Court having considered said recommendation and being sufficiently advised, Chief Justice Petra Jimenez Maes, Justice Pamela B. Minzner, Justice Patricio M. Serna, Justice Richard C. Bosson, and Justice Edward L. Chavez concurring.

NOW, THEREFORE, IT IS ORDERED that the recommendation hereby is approved and LR8-401 to LR8-405 and LR8-Forms 4 to 10 of the Eighth Judicial District Court hereby are EXTENDED nunc pro tunc from June 30, 2003 until June 30, 2004.

IT IS FURTHER ORDERED that the issue of making the above-referenced rules and forms permanent shall be referred to the Rules of Civil Procdeure for the District Courts Committee for review and recommendation.

IT IS SO ORDERED.

WITNESS, Honorable Petra J. Maes, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 16th day of July, 2003.

(SEAL) /s/ Kathleen Jo Gibson

Chief Clerk of the Supreme Court
of the State of New Mexico