

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and by their promulgation, all previously existing local rules and administrative orders inconsistent herewith are withdrawn.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.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated April 4, 2000, this rule is 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.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated April 4, 2000, this rule is 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.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated April 4, 2000, this rule is 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.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated April 4, 2000, this rule is 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.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated April 4, 2000, this rule is 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.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated April 4, 2000, this rule is 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.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated April 4, 2000, this rule is 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.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated April 4, 2000, this rule is 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.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated April 4, 2000, this rule is 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.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated April 4, 2000, this rule is 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.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated April 4, 2000, this rule is effective July 1, 2000.

LR8-301. Appearance and withdrawals;

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.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated April 4, 2000, this rule is 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.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated April 4, 2000, this rule is 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.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated April 4, 2000, this rule is 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.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated April 4, 2000, this rule is effective July 1, 2000.

LR8-401. Differential case management. (Effective May 3, 1999 to May 3, 2002.)

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 pre-trial 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 May 3, 2002.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated March 15, 1999, this rule is effective May 3, 1999 until May 3, 2002.

LR8-402. Civil cover sheet; pretrial scheduling form. (Effective May 3, 1999 to May 3, 2002.)

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 May 3, 2002.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated March 15, 1999, this rule is effective May 3, 1999 until May 3, 2002.

LR8-403. Evaluation and track assignment of cases. (Effective May 3, 1999 to May 3, 2002.)

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 May 3, 2002.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated March 15, 1999, this rule is effective May 3, 1999 until May 3, 2002.

LR8-404. Notice of track assignment. (Effective May 3, 1999 to May 3, 2002.)

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 [5], LR8-Form 3 [6] and LR8-Form 4 [7]. Those same notices shall set the case for a scheduling conference.

[Approved effective, May 3, 1999 until May 3, 2002.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated March 15, 1999, this rule is effective May 3, 1999 until May 3, 2002.

LR8-405. Scheduling report. (Effective May 3, 1999 to May 3, 2002.)

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 [8].

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 [9]. 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 [10].

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 May 3, 2002.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated March 15, 1999, this rule is effective May 3, 1999 until May 3, 2002.

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.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated April 4, 2000, this rule is effective July 1, 2000.

LR8-502. Mediation in domestic relations and civil cases.

In any domestic relations or civil action, the court may in its discretion, upon the request of any party or upon the court's own motion, direct the attorneys for the parties and any parties *pro se* to appear before it for a conference or conferences prior to trial for the purposes of determining whether referral of the case to a mediator would advance disposition of the action. The court may, after consulting with the attorneys or parties *pro se*, enter an order that addresses the following matters relative to mediation: identity of the mediator; location of mediation; scope of mediation; compensation of the mediator; timing of mediation; attendance at mediation; authority of the mediator; sanctions for failure to appear; impact of mediation upon continuation of discovery or other progress of the case; confidentiality of the process; and such other matters as may aid in the resolution of the case by mediation.

[Provisionally approved, effective July 1, 2000 until statewide domestic rules and forms are adopted by the Supreme Court.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated April 4, 2000, this rule is effective July 1, 2000.

LR8-503. Mandatory child custody and visitation mediation.

All domestic relations actions filed in the Eighth Judicial District Court, which involve a dispute over custody or visitation of minor children shall be subject to mediation of the contested custody and visitation issues.

[Provisionally approved, effective July 1, 2000 until statewide domestic rules and forms are adopted by the Supreme Court.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated April 4, 2000, this rule is effective July 1, 2000.

LR8-504. Domestic relations temporary domestic orders, forms and interim sharing of income and assets.

In actions for dissolution of marriage, or proceedings under Section 40-4-3 NMSA 1978, the following order shall control the proceedings during the pendency of the action, unless otherwise ordered by the court:

A. coincident with the filing of a petition, the clerk shall issue, along with the summons, a temporary domestic order (TDO), which shall be effective upon issuance and filing. The petitioner shall complete petitioner's portion of the standard form of the TDO affidavit related to income and expenses (Form B, LR8-Form 12 NMRA), which shall be served with the TDO upon the respondent, along with the summons and petition. Counsel for petitioner shall provide a copy of the TDO and TDO affidavit to the petitioner at the time the petition is filed;

B. Every petition filed with the court under this rule shall contain the following paragraph: "Petitioner understands pursuant to local rule LR8-504 NMRA that petitioner is bound by the TDO at the time the petition is filed, and petitioner has read and understands the contents of the TDO."

C. The TDO shall be in effect upon petitioner at the time it is filed and upon the respondent when the TDO is served upon the respondent or respondent's counsel;

D. The requirement of a TDO may be waived by both counsel for parties to the lawsuit, or both parties *pro se*, upon approval of the court;

E. Either party may apply to the court by motion and notice to the opposing party to modify or supplement the TDO. The TDO will be in effect while such motion is pending;

F. Within twenty (20) days of the filing of the answer by respondent, respondent shall complete the respondent's portion to the TDO affidavit, file it and mail it to petitioner or petitioner's attorney. Within twenty (20) days of the filing of the answer by respondent, the parties will also exchange documents reflecting recent income and expenses including among other items the most recent federal and state tax returns;

G. Rule 1-011 NMRA shall apply to the signing of the affidavit by each party.

(Form A Temporary Domestic Order)

See LR8-Form 11

(Form B Temporary Domestic Order Affidavit)

See LR8-Form 12

[LR8-108A NMRA, recompiled and provisionally approved, effective July 1, 2000 until statewide domestic rules and forms are adopted by the Supreme Court.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated April 4, 2000, this rule is effective July 1, 2000.

LR8-Form 1. Request for hearing.

STATE OF NEW MEXICO
EIGHTH JUDICIAL DISTRICT COURT
COUNTY OF _____

Plaintiff

v.

Defendant

No.

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 May 3, 1999 to May 3, 2002.)**

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 _____ Non Jury _____

3. Parties:

A. Plaintiff(s) Plaintiff's attorney
Address Address

Telephone number Telephone number

B. Defendant(s) Defendant's attorney
Address Address

Telephone number Telephone number

C. Other Parties

Other parties attorney

Address

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 until May 3, 2002; as recompiled, effective July 1, 2000.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated March 15, 1999, this form is effective May 3, 1999 until May 3, 2002.

LR8-Form 5. Notice of expedited track assignment notice of scheduling conference order limiting discovery. (Effective May 3, 1999 to May 3, 2002.)

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 until May 3, 2002; as recompiled, effective July 1, 2000.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated March 15, 1999, this form is effective May 3, 1999 until May 3, 2002.

LR8-Form 6. Notice of standard track assignment notice of scheduling conference. (Effective May 3, 1999 to May 3, 2002.)

STATE OF NEW MEXICO
EIGHTH JUDICIAL DISTRICT COURT
COUNTY OF _____

Petitioner,

v.

Respondent.

No.

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 until May 3, 2002; as recompiled, effective July 1, 2000.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated March 15, 1999, this form is effective May 3, 1999 until May 3, 2002.

LR8-Form 7. Notice of complex track assignment notice of scheduling conference. (Effective May 3, 1999 to May 3, 2002.)

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 until May 3, 2002; as recompiled, effective July 1, 2000.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated March 15, 1999, this form is effective May 3, 1999 until May 3, 2002.

LR8-Form 8. Scheduling report. (Effective May 3, 1999 to May 3, 2002.)

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) Non Jury _____ 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 until May 3, 2002; as recompiled, effective July 1, 2000.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated March 15, 1999, this form is effective May 3, 1999 until May 3, 2002.

LR8-Form 9. Delay in putting the case at issue. (Effective May 3, 1999 to May 3, 2002.)

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 until May 3, 2002; as recompiled effective July 1, 2000.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated March 15, 1999, this form is effective May 3, 1999 until May 3, 2002.

LR8-Form 10. Certificate of readiness for trial. (Effective May 3, 1999 to May 3, 2002.)

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 pre-trial conference.

_____ The parties do not request a pre-trial 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 until May 3, 2002; as recompiled, effective March 15, 2000.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated March 15, 1999, this form is effective May 3, 1999 until May 3, 2002.

LR8-Form 11. Temporary domestic order.

STATE OF NEW MEXICO
EIGHTH JUDICIAL DISTRICT COURT
COUNTY OF _____

Petitioner,
v.

No.

Respondent.

TEMPORARY DOMESTIC ORDER

This matter comes before the court upon the filing of a petition for dissolution of marriage or upon the filing of an action pursuant to Section 40-4-3 NMSA 1978. The court finds it is in the best interests of the parties and of the public in this action to issue this order,

IT IS THEREFORE ORDERED:

1. Neither party shall molest, intimidate, threaten, harass, injure or physically or mentally abuse the other party or any children of either party.
2. Neither party shall remove, cause to be removed, or permit the removal of any minor children of the parties from the State of New Mexico without the written consent of the other party.
3. Neither party shall incur unreasonable or unnecessary debts hereafter. An unreasonable debt is one which is incurred during separation that does not contribute to the benefit of both parties or their dependents. Any unreasonable or unnecessary debt incurred after the date of the filing of the petition shall presumptively be assessed against the party incurring any such debt. The court specifically reserves the right to allocate the expenses and fees of this action.
4. Neither party shall cause the other party or the children of the parties to be removed from existing insurance coverage, including but not limited to medical, hospital, dental, automobile or disability insurance, and each party shall maintain all such insurance coverage in full force and effect.
5. Neither party shall change the beneficiaries of any existing life insurance policies, and each party shall maintain the existing life insurance policies in full force and effect.
6. No party shall conceal or damage any property, real or personal, community or separate. Neither party shall dissipate, sell, remove, assign, transfer, dispose of, lend, mortgage, or encumber any property, real or personal, community or separate, except in the ordinary course of business or for the necessities of life. In the case of transactions made in the ordinary course of business, an itemized written accounting shall be made at

least quarterly to the other party. In the case of dispositions made for the necessities of life, an itemized written accounting shall be made to the other party within thirty (30) days of said disposition.

7. In the event the parties are living in the same residence at the time of the service of this order, the parties shall attempt to decide between themselves which party shall move from the family residence. The party moving out of the residence is not prejudiced by reason of the move in any way with respect to custody of any minor children, with respect to a claim of any interest in the family residence, or the personal property in or on the premises.

8. If the parties do not determine which party will move from the residence, the court will decide the issue at a hearing on interim relief, considering among others the following facts:

(a) Minor children should continue to reside in the family residence during the pendency of this case.

(b) The parent who is and has been primarily caring personally for the children's basic daily needs should remain in the family residence during the pendency of this case.

(c) The spouse who maintains his or her principal place of business within the family residence should continue to reside in the family residence during the pendency of this case.

9. If there are minor children, the person moving from the family residence shall be entitled to continue to have frequent contact and communication with the children, in person and by telephone. If the parties cannot agree on a time-sharing arrangement during the pendency of this case, a mediation order will be entered immediately. If the issue is not resolved by agreement through mediation, the court will establish a time-sharing arrangement at a hearing on a motion for interim relief.

10. The person moving from the family residence may return to pick up personal belongings and effects at a reasonable time to be agreed upon. Personal belongings and effects do not include furniture unless the parties agree or the court decides the issue at a hearing on interim relief.

11. Any party receiving personal mail or packages addressed only to the other party shall not open them, but shall forward or arrange to have such mail or packages delivered promptly to

the other party. Personal mail addressed to both parties or concerning the children and mail related to the parties' income, debts or property, may be opened by the person who receives it, but any party receiving such mail shall promptly send a copy to the other party.

12. Unless the parties agree in writing, neither party shall cancel any credit cards during pendency of this action or cause the other party to be removed from any credit card account. All charges on credit cards are subject to the limitations of Paragraph 3 of this order.

13. Each party is advised that all earned income is community property, and that income from all sources acquired during the marriage is generally community property. Likewise, each party is advised that all debt obligations, existing and recurring, are generally community obligations. Each party has a one-half interest in all community income and property and is obligated to pay one-half of all existing and recurring community debts. During the pendency of the case, the income and debts are generally equally divided; provided, however, that the party who has the principal care of any children will be allocated a greater proportion of the income during the pendency of the action. If the parties agree upon the interim division of income and payment of debts, a stipulated order on the court form of order regarding the interim division of income and expenses shall be submitted to the court for signature and filing. If the parties cannot agree, the court will determine the division at a hearing on a motion for interim relief.

14. Within twenty (20) days of the filing of an answer by respondent, respondent shall complete respondent's portion of the TDO affidavit, file it and mail a copy to petitioner.

15. Within twenty (20) days of the filing and service of respondent's answer, each party shall mail or deliver to the other party documents reflecting current income from all sources, including but not limited to wage statements for the last four pay periods and interest, dividends or other income statements showing the current total gross income, deductions and net income received by that party. Within the same period each party shall also mail or deliver to the other party copies of the most recent personal state and federal tax returns with all schedules and attachments.

16. Within twenty (20) days of the filing and service of respondent's answer, each party shall deliver or mail to the

other party copies of all current unpaid bills, statements and due notices from all creditors.

17. This order is effective on the petitioner as of the date and time of filing and is effective on the respondent when it is served on the respondent or respondent's counsel.

18. This order shall continue in effect except as specifically or necessarily modified by written agreement of the parties or order of the court.

DISOBEDIENCE OF THIS ORDER CAN CONSTITUTE CONTEMPT OF COURT, AND SUBJECT THE VIOLATOR TO FINE, IMPRISONMENT OR OTHER SANCTIONS, PLUS PAYMENT OF ATTORNEY'S FEES AND COSTS TO THE OTHER PARTY.

USE NOTE

A TDO shall be effective upon filing, and shall not require a judge's signature.

The parties to a domestic relations cause shall be bound by any TDO filed.

[Rule 13, approved, effective January 1, 1991; LR8-108A NMRA; as amended, provisionally and recompiled, effective July 1, 2000 until statewide domestic rules and forms are adopted by the Supreme Court.]

LR8-Form 12. Temporary domestic order affidavit.

STATE OF NEW MEXICO
EIGHTH JUDICIAL DISTRICT COURT
COUNTY OF _____

Petitioner,
v.

No.

Respondent.

TEMPORARY DOMESTIC ORDER AFFIDAVIT

STATE OF NEW MEXICO)
) ss.

COUNTY OF _____)

Petitioner's Statement of Monthly Income

(To be filled in by Petitioner)

1. GROSS monthly salary or wages of Petitioner
(hourly wage x average hours worked per week x 52
divided by 12; weekly wage x 52 divided by 12;
biweekly wage x 26 divided by 12; semi-monthly x
2, etc.; for varying wages, average last six
months'
income) \$

2. Other Income (Identify)

rental: \$ _____
self-employment: \$ _____
other \$ _____
\$ _____

3. Deductions per month:

Federal
withholding: \$ _____
Number of exemptions claimed
(Form W4) _____
Marital status (Form W4) _____
single _____
married _____
State _____
withholding: \$ _____
FICA: _____
\$ _____
Health insurance premium for
children or
family: \$ _____
Union

Dues: _____ \$ _____
 Other (identify): _____ \$ _____
 _____ \$ _____

4. NET Monthly Income \$ _____

Petitioner's Statement of Fixed Monthly Debts of Both Parties

(State who is paying which debt at the time of the Affidavit)

(To be filled in by Petitioner)

5. House, apartment or other residence monthly payment: _____ \$ _____

6. Vehicle payment: _____ \$ _____

	Make	Creditor	Payment
a)	_____	_____	\$ _____
b)	_____	_____	\$ _____
c)	_____	_____	\$ _____

7. Minimum monthly payments on credit cards:

	Make	Creditor	Payment
a)	_____	_____	\$ _____
b)	_____	_____	\$ _____
c)	_____	_____	\$ _____
d)	_____	_____	\$ _____

e) _____ \$

 f) _____ \$

8. Monthly payment on other loans:

	Make	Creditor	Payment
a)	_____	_____	\$
b)	_____	_____	\$
c)	_____	_____	\$

9. Vehicle insurance on monthly basis:

10. Child support to another family: _____

11. Day care for this family: _____

12. Other (identify): _____

13. TOTAL _____ \$

_____ \$ _____

Respondent's Statement of Monthly Income

(To be filled in by Respondent)

14. GROSS monthly salary or wages of Respondent (*hourly wage x average hours worked per week x 52 divided by 12; weekly wage x 52 divided by 12; bi-weekly wage x 26 divided by 12; semi-monthly x 2, etc.; for varying wages, average last six months'*

income) \$ _____

15. Other Income (identify)

Make	Creditor	Payment
rental:		\$ _____
self-employment:		\$ _____
other		\$ _____
_____	\$ _____	

16. Deductions per month:

Federal withholding:	_____
Number of exemptions claimed (Form W4)	_____
Marital status (Form W4)	
single	_____
married	_____
State withholding:	\$ _____
FICA:	
\$ _____	
Health insurance premium for children or family:	\$ _____
Union Dues:	\$ _____
Other (identify):	\$ _____
_____	\$ _____

17. NET Monthly Income \$ _____

Respondent's Statement of Fixed Monthly Debts of Both Parties

(State who is paying which debt at the time of the Affidavit)

(To be filled in by Respondent)

18. House, apartment or other residence monthly payment: \$
_____ \$ _____

19. Vehicle payment:

	Make	Creditor	Payment
a)	_____	_____	\$
b)	_____	_____	\$
c)	_____	_____	\$

20. Minimum monthly payments on credit cards:

	Make	Creditor	Payment
a)	_____	_____	\$
b)	_____	_____	\$
c)	_____	_____	\$
d)	_____	_____	\$
e)	_____	_____	\$
f)	_____	_____	\$

21. Monthly payment on other loans:

	Make	Creditor	Payment
a)	_____	_____	\$
b)	_____	_____	\$

A TDO shall be effective upon filing, and shall not require a judge's signature.

The parties to a domestic relations cause shall be bound by any TDO filed.

[Rule 13, approved, effective January 1, 1991; LR8-108A NMRA; as amended, provisionally and recompiled, effective July 1, 2000 until statewide domestic rules and forms are adopted by the Supreme Court.]

LR8-Form 13. Attachment A. Interim order allocating income and expenses.

STATE OF NEW MEXICO
EIGHTH JUDICIAL DISTRICT COURT
COUNTY OF _____

_____,
Petitioner,

v.

No.

_____,
Respondent.

ATTACHMENT A

INTERIM ORDER ALLOCATING INCOME AND EXPENSES

This matter coming before the Honorable _____ on the _____ day of _____, _____, petitioner being represented by _____ respondent being represented by _____, and the court having been sufficiently advised, FINDS AND ORDERS:

1. The court has jurisdiction over the subject matter and the parties.

2. The parties shall receive the income and pay the expenses as listed on Worksheet A.

3. Each party shall presumptively be responsible for any debts the party incurs during the pendency of this action.

4. Any assets obtained by either party after the entry of

this order from that party's share of divided income are presumptively the separate property of the obtaining party.

5. Each party shall use the party's share of the income provided by this order to pay the party's expenses for food, clothing, telephone, utilities, gasoline, car maintenance, entertainment, meals out, haircuts, attorney fees, ordinary medical and dental expenses and other personal expenses.

6. The parent with whom the child(ren) primarily resides shall receive the following percentage from the other parent's share of divided income:

One child	-10%
Two children	-15%
Three children	-19%
Four children	-22%
Five children	-25%
Six children	-28%

(Add three percent (3%) of income for each child after six children.)

7. **PAYMENT SCHEDULE:** IT IS ORDERED that _____ shall pay to _____, a total of \$_____ per month, each month which consists of \$_____ to equalize the income (plus) (less) \$_____ as child support, by check or money order, delivered or postmarked on or before the _____ day of each month during the pendency of this matter.

8. The medical and dental expenses of the child(ren) not covered by insurance shall be paid one-half by each party.

9. Notwithstanding entry of this order, all claims and defenses are preserved.

10. This order shall remain in effect during the pendency of this action, unless modified by mutual written agreement of both parties, or court order.

11. Disobedience of this order can constitute contempt of court, and subject the violator(s) to fine, imprisonment, and/or other sanctions, plus payment of attorney fees and costs to the

other party.

Judge of the District Court

Attorney for Petitioner
(OR Petitioner, *pro se*)

Attorney for Respondent
(OR Respondent, *pro se*)

ATTACHMENT A

INTERIM MONTHLY INCOME AND EXPENSES

	Wife	Combined	Husband
1. Average gross monthly income:			
a. Wages		\$ _____	\$ _____
b. Rental income	_____	_____	_____
c. Self-employment	_____	_____	_____
d. Other	_____	_____	_____
2. Deductions:			
a. Fed W/H	_____	_____	_____
b. State W/H	_____	_____	_____
c. FICA	_____	_____	_____
d. Health insurance	_____	_____	_____
e. Union dues	_____	_____	_____
f. Estimated tax payments	_____	_____	_____

g.
Other

3. Total
deductions

\$ _____ \$ _____ \$ _____

4. Net monthly income (*Lines*
1-

3)

\$ _____ \$ _____

\$ _____

5. Monthly fixed expenses:

a.

Residence

\$ _____ \$ _____ \$ _____

b. Car
payment

c. Insurance premiums:

1)

car

2)

life

3)

other

d. Day

care

e. Attorney

fees

f. Credit

cards

g.

Loans

h.

Other

6. Total fixed
expenses

\$ _____ \$ _____ \$ _____

7. Net spendable income
(*Lines 4-*

6)

\$ _____ \$ _____ \$ _____

8. One-half of combined

column,	\$ _____
— \$ _____	
Line 7	
9. Amount	
transferred/received	
(Subtract Line 8 from Line 7)	
— \$ _____	\$ _____

(Person with positive amount pays that amount to other person. See instructions if combined amount in Line 7 is negative.)

WORKSHEET A

(Instructions for Completing Worksheet A)

A. "Gross monthly income" is income from all sources except child support received from a prior spouse. For self-employed individuals, gross monthly income means gross receipts less reasonable and ordinary business expenses. Self-employed individuals should attach a separate sheet to Worksheet A itemizing the business income and expenses.

B. "Deductions" are payroll deductions for taxes, social security, health insurance, union dues, retirement and other employer-related deductions. Regular and customary savings deductions may be included.

C. "Fixed expense" includes periodic, generally invariable expenses even though paid quarterly, semi-annually or yearly, e.g., car payments, insurance and loan payments:

- (1) residence fixed expenses is mortgage or rent actually paid. If a party receives free rent, e.g., by living with parents, that party's rent is imputed at zero;
- (2) credit card fixed expense is listed as a fixed expense and includes only the minimum monthly payment at the time of entry of the interim order;
- (3) health insurance includes medical and dental insurance which, if not deducted by a payroll deduction, may be included as a fixed expense;
- (4) any regular monthly payment ordered by a prior order of child support or alimony which is actually paid is a fixed expense;
- (5) day care fixed expense is work-related day care and does not include baby-sitting or occasional child care;
- (6) an equal sum will generally be allocated each month to pay toward the attorney fees of each party;

(7) generally utilities are not fixed expenses (telephone and cable TV are never fixed expenses). However, if the utility costs are greatly disproportionate, they may be considered fixed expenses by agreement or court order.

D. (1) **If the combined amount in Line 7 is a positive number** : To complete Lines 8 and 9, compute one-half of the value shown on the "combined" column on Line 7 "net spendable income", and enter the result for each party on Line 8. To compute the amount transferred/received, subtract Line 8 from Line 7 for each party. The party who has a positive value on Line 9 pays that amount to the other party, and the same amount is entered in Paragraph 10 of the Interim Order Allocating Income and Expense.

(2) **If the combined amount in Line 7 is a negative number** : To complete Line 7, adjust the allocations of income or expenses or transfer an amount from one party to another so that the amounts under "Husband" and "Wife" in line 7 are equal. Enter any transferred amount in Paragraph 7 of the Interim Order Allocating Income and Expenses. Do not complete Lines 8 and 9.

[LR8-108B NMRA; as amended, provisionally and recompiled, effective July 1, 2000 until statewide domestic rules and forms are adopted by the Supreme Court.]

LR8-Form 14. Statement of financial condition.

STATE OF NEW MEXICO
EIGHTH JUDICIAL DISTRICT COURT
COUNTY OF _____

Petitioner,

v.

No.

Respondent.

'S STATEMENT OF FINANCIAL
CONDITION

_____, by _____,
respectfully submits:

- | | | |
|--------------------|---|----------------------------------|
| 1. Schedule A | - | Personal and Financial Summary; |
| 2. Schedule B | - | Community Property and |
| Liabilities; | | |
| 3. Schedule C | - | Separate Property and |
| Liabilities; | | |
| 4. Schedule D | - | Monthly Income and Expenses; and |
| 5. Schedule E or F | - | Child Support Obligation. |

Attorney for

(505) - _____ - _____

SCHEDULE A

'S PERSONAL SUMMARY

Date of marriage: _____
Date of separation: _____
Children of this marriage: _____

Name Birth	Age	Date of
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

	Wife	Husband
1. Age/date of birth:	_____	_____
2. Education:	_____	_____
3. Employment:	_____	_____
4. Gross annual employment income:	_____	_____
	_____	_____
	_____	_____
	_____	_____

5. Other: _____

STATE OF NEW MEXICO)
) ss.
COUNTY OF _____)

_____, being first duly sworn upon oath, deposes and states: That [he] [she] has read, knows and understands the contents of this pleading, and the statements herein are true of [his] [her] own knowledge and belief.

Subscribed and sworn to before me this _____ day of _____, _____.

Notary Public
My commission expires: _____
We certify we have mailed a copy of the foregoing to opposing counsel/ party of record this _____ day of _____, _____.

SCHEDULE B

_____'S COMMUNITY PROPERTY AND LIABILITIES
SCHEDULE

Neither party is required to submit a proposed distribution. Any stipulation regarding value or distribution should be indicated by an asterisk.

ASSETS:

	Value	Proposed
Distribution		Husband
Wife		
1.		

Cash \$ _____ \$ _____
\$ _____

2. Checking/savings accounts:

a) # _____
Ck. _____
b) # _____
Ck. _____
c) # _____
Sav. _____
d) # _____
CD's _____
e) # _____ Cr. _____
Un. _____

3. Stocks/bonds:

a) _____ Sh. _____
_____ _____
b) _____ Sh. _____
_____ _____

4. Insurance:

(Face Amount)	(Cash Value)	
a) \$ _____	\$ _____	
Loan-		\$ _____
\$ _____		
b) \$ _____	\$ _____	
Loan-		\$ _____
\$ _____		

5. Real estate:

a) _____ \$ _____
Mortgage (\$ _____ /mo) _____
REC (\$ _____ /mo) _____
Cost/sale (\$ _____
/%) _____
b) _____ \$ _____
Mortgage (\$ _____ /mo) _____
REC (\$ _____ /mo) _____
Cost/sale (\$ _____
/%) _____

6. Vehicles:

a) _____ \$ _____
Lien (\$ _____ /mo) _____
b) _____ \$ _____
Lien (\$ _____
/mo) _____

7. Business assets:

_____ _____
8. Household
furniture/goods _____

9. Tax
refunds

10.
IRA/Keogh/Annuity

11.
Retirement

12.
Retirement

13. Other Total

Assets

TOTAL ASSETS

_____ \$ _____ \$

_____ \$ _____

LIABILITIES

(Mo/Pmt)

Value:

Husband

: Wife:

a. _____ (\$ _____)

b. _____ (\$ _____)

c. _____ (\$ _____)

d. _____ (\$ _____)

e. _____ (\$ _____)

f. _____ (\$ _____)

g. _____ (\$ _____)

h. _____ (\$ _____)

i. _____ (\$ _____)

j. _____ (\$ _____)

k. _____ (\$ _____)

l. _____ (\$ _____)

m. Tax Liability (\$ _____)

TOTAL LIABILITIES \$ _____	\$ _____	\$ _____
ESTIMATED NET ASSETS \$ _____	\$ _____	\$ _____
Equalization of Assets \$ _____		\$ _____
EQUAL ASSETS \$ _____		\$ _____

SCHEDULE C

_____ 'S SEPARATE PROPERTY AND LIABILITIES
SCHEDULE

	Husband
Wife	
1. Checking and Savings Accounts:	
a) _____ Bk Check # _____	\$ _____
_____ \$ _____	
b) _____ Bk Check # _____	

c) _____ CD. # _____	

d) _____ Cr.Un. # _____	

2. Stocks/Bonds:	
a) _____ Sh.	

b) _____ Sh.	

3. Insurance:	
(Face Amount) (Cash Value)	
a) _____ # _____	
\$ _____ \$ _____	
Loan Balance	

_____ b) _____ # _____
\$ _____ \$ _____
Loan Balance

_____ 4. Household
Furniture/Goods: _____

_____ 5. Real Estate: (Pres.Val.)
a) _____ \$ _____
Mortgage (\$ _____ /mo) _____
REC (\$ _____
/mo) _____

_____ b) _____ \$ _____
Mortgage (\$ _____ /mo) _____
REC (\$ _____
/mo) _____

_____ 6. Vehicles:
a) _____

_____ b) _____

_____ 7. Other:
a) _____

_____ b) _____

_____ c) _____

_____ Total Separate Assets \$ _____
\$ _____

LIABILITIES:

_____ a) _____ \$ _____
\$ _____

_____ b) _____

_____ c) _____

_____ Total Separate Liabilities \$ _____
\$ _____

**NEW SEPARATE
PROPERTY**

\$ _____ \$ _____

SCHEDULE D

_____ 'S MONTHLY INCOME AND EXPENSES

INCOME:

1. Gross monthly employment
income

\$ _____

Deductions:

Federal withholding,

Single/married: _____ exemption(s)

\$

_____ State
withholding

FICA

— Medical insurance for
child/children

Total

deductions

— Net monthly employment
income

\$ _____

2. Other income

\$

_____ a) child
support

b)

alimony

c) other

(specify)

d) other

(specify)

Total other

income

**TOTAL MONTHLY
INCOME**

\$ _____

EXPENSES:

a. Child support/alimony		\$
<hr/>		
b. Residence: rent/mortgage		\$
<hr/>		
Taxes		<hr/>
— Insurance		<hr/>
— Maintenance/repairs		<hr/>
— Utilities:		
gas	<hr/>	
water/refuse		<hr/>
— electricity		<hr/>
— telephone		<hr/>
— other		<hr/>
<hr/>		
c. Vehicle: Payment		\$
<hr/>		
Gasoline		<hr/>
— Maintenance/repairs		
Insurance/license (per year)	<hr/>	
d. Food: Groceries/household supplies		\$
<hr/>		
Meals out	<hr/>	
School lunches	<hr/>	<hr/>
e. Clothing: Yours		\$
<hr/>		
Child/children		<hr/>
— Cleaning		<hr/>
<hr/>		
f. Medical: Insurance premiums-yours		\$
<hr/>		
Not covered by insurance/deductible	<hr/>	
Dental		<hr/>

-	Prescriptions	_____
-	Counseling/therapy	_____
-	g. <u>Life Ins.: Yours</u>	\$ _____
	<u>child/children</u>	_____
-	h. <u>Child care: babysitting/nursery</u>	\$ _____
	<u>Allowances</u>	_____
-	Tuition	_____
-	School activities	_____
	Camps	_____
-	i. <u>Entertainment/vacations:</u>	
	<u>Retirement/IRA:</u>	
-	k. <u>Incidentals:</u>	
	Church donations	\$ _____
	<u>Dues</u>	_____
-	Gifts	_____
-	Newspapers/magazines/books	_____
-	Personal groom (barbers, etc.)	_____
-	l. <u>Debt Reduction/other:</u>	
	a) reserve for income tax	_____
	b)	_____
-	c)	_____
-	d)	_____
-	TOTAL MONTHLY	

EXPENSES

\$ _____

SCHEDULE E

_____ 'S BASIC VISITATION MONTHLY
CHILD SUPPORT SCHEDULE

(Per Worksheet and Table A of Child Support Guidelines)

1. Gross monthly income	\$ _____	\$ _____
_____ \$ _____		
2. Percentage of combined income	_____ %	_____
% 100%		
3. Number of children: _____		
4. Basic support from Table		
A	\$ _____	
5. Children's health/dental insurance premium	_____	_____
6. Work-related child care	_____	_____
7. Total support		\$ _____
8. Each parent's obligation	_____	_____
9. Total of Lines 5 and 6	_____	_____
10. Each parent's obligation	_____	_____
11. _____ pays _____		\$ _____
_____ per month.		
12. Extraordinary expense allocation:		
a. Medical, therapy, orthodontic dental and eyecare	_____ %	_____ %
b. Private schooling	_____ %	_____ %
c. Other	_____ %	_____ %
%		

PART III - NET AMOUNT TRANSFERRED:

15. Line
9 \$

16. Line
14 \$

17. _____ pays _____ each
month \$ _____

**PART IV - ALLOCATION OF
EXTRAORDINARY EXPENSES:**

18. Medical, therapy, orthodontic dental
and eyecare _____ % _____ %

19. Private schooling _____ % _____ %

20. Other _____ % _____ %

%

[Rule 14, approved, effective January 1, 1991; LR8-108C NMRA; as amended,
provisionally and recompiled, effective July 1, 2000 until statewide domestic rules and
forms are adopted by the Supreme Court.]

LR8-001

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

LR8-002

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

LR8-003

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

LR8-004

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