

# LOCAL RULES OF THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT

## **LR6-001. Disqualification of judges.**

When the attorney or party to an action files an affidavit of disqualification of the district judge, such filing shall be made in duplicate, and the second copy shall be sent immediately by the clerk of the court to the district judge being disqualified.

## **LR6-002. Final judgments; submission to opposing counsel.**

All final judgments, except default judgments, will be submitted to opposing counsel, if any, prior to being signed by the judge.

## **LR6-003. Filing with clerk.**

Any order, judgment or other paper signed by a district judge must be delivered immediately to the clerk of the court for filing.

## **LR6-004. Motions and hearings.**

A. **Pre-trial motions.** All pre-trial motions, hearings on the merits and post-trial motions shall be set and heard by the judge to whom the case is assigned.

B. **Unopposed motions.** Movant shall determine whether or not a contemplated motion will be opposed. If the motion will not be opposed, the movant shall accompany the motion with proposed order legibly signed by counsel for the opposing parties. Otherwise, the motion shall state affirmatively that concurrence of opposing counsel was requested, but denied or shall state why no request for concurrence was made.

C. **Opposed motions.** An opposed motion shall contain a short, concise statement of the grounds in support of the motion. Where allegations of fact are relied upon, affidavits in support thereof may be attached.

D. **Hearings.** Hearings on the merits or motions for temporary spousal support, child support, modifications, etc., in domestic relations proceedings:

(1) Counsel for the parties shall meet and confer before proceeding with a hearing. "Meet and confer" generally means that the two lawyers and their clients should have met together, in person, to discuss the issues.

There may be, however, cases in which it may not be appropriate for the parties to meet with the lawyers. Lawyers, however, shall not fail to meet and confer.

(2) When lawyers meet and confer, at a minimum, they should be able to develop a set of stipulated facts that are relevant to the issues. The stipulated facts shall be those specified in the form LR6-Form A plus any other relevant undisputed facts. LR6-Form A may from time to time be modified by the court. A list of stipulated facts that are relevant and not disputed will allow counsel to use the hearing time to develop the areas of contention.

(3) In addition to the stipulated relevant facts, counsel shall provide a concise statement of the dispute and what exactly each party would propose as relief to resolve it.

(4) Failure of counsel, if not the parties and counsel, to meet and confer or the failure to submit the stipulated relevant facts may result in the court refusing to hear the motion.

[As amended, September 10, 1987.]

### **LR6-005. Jury fee deposits.**

[Withdrawn February 15, 1990.]

### **LR6-006. District judge offices.**

The principal offices of the District Judge shall be located in the following county seats:

Grant County:	Courthouse, Silver City, New Mexico
Hidalgo County:	Courthouse, Lordsburg, New Mexico
Luna County:	Courthouse, Deming, New Mexico

### **LR6-007. Terms of court.**

This court shall always be in session. Two regular terms of district court shall be held each year in each county, commencing as follows:

Grant County:	A. On the first Monday of March; and
	B. On the first Tuesday of September
Luna County:	A. On the third Monday of April; and
	B. On the third Monday of October
Hidalgo County:	A. On the third Monday of May; and
	B. On the third Monday of November

### **LR6-008. Juvenile probation services.**

There is hereby established Juvenile Probation Services for the Sixth Judicial District, State of New Mexico. There shall be a juvenile probation office in Silver City, Deming and Lordsburg, New Mexico, located at the county courthouse in each of the said municipalities. There shall be a chief juvenile probation officer, an assistant juvenile probation officer, a Luna county juvenile probation officer, a Hidalgo county juvenile probation officer, a juvenile probation office secretary and such other personnel as from time to time the court deems necessary. Section 13-14-7 N.M.S.A. 1953 [32A-2-5 NMSA 1978].

### **ANNOTATIONS**

**Compiler's note.** - Laws 1988, Chapter 101, § 47 transferred the juvenile probation office of each judicial district to the Youth Authority. Laws 1992, Chapter 57, § 52 transferred all Youth Authority personnel to the Children, Youth and Families Department. See 32A-2-5 NMSA 1978 for juvenile probation and parole services.

#### **LR6-009. Juvenile probation officer.**

The chief juvenile probation officer and each other juvenile probation officer are hereby authorized to sign any petition, at the judge's election, for filing in the Children's Court Division of the Sixth Judicial District, State of New Mexico. Section 13-14-16, N.M.S.A. 1953 Comp.

### **ANNOTATIONS**

**Compiler's note.** - Laws 1988, Chapter 101, § 47 transferred the juvenile probation office of each judicial district to the Youth Authority. Laws 1992, Chapter 57, § 52 transferred all Youth Authority personnel to the Children, Youth and Families Department. See 32A-2-8 NMSA 1978 for the filing of a petition in a delinquency proceeding.

#### **LR6-010. Assignment of cases to judges; chief judge.**

A. The judge of division I is initially responsible for all cases in Grant county. The judge of division II is initially responsible for all cases in Luna and Hidalgo counties. In the event of recusal or disqualification of one judge, the case is automatically assigned to the other judge.

B. Process shall be issued under witness of the judge who has initial responsibility for a particular county. Section 34-6-27 NMSA 1978.

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

been assigned to another judge, whenever the assigned judge is not available to handle the matter.

D. The chief judge of this district shall be the judge who has served the longest period of time as judge of this district. The chief judge is responsible for all administration and shall exercise all powers conferred by Subsection C of Section 34-6-18 NMSA 1978, and all appropriate rules of the New Mexico judicial system, provided however:

(1) each judge shall select a court reporter and secretary.

(2) the chief judge may delegate any or all of the judge's administrative powers to any other district judge of the district.

E. The chief judge, in the judge's discretion, may assign cases to the judge other than the one having initial responsibility.

[Effective March 3, 1986.]

### **LR6-011. Attorney's attire.**

All attorneys, their employees, law clerks and law students appearing in court shall be properly attired befitting the dignity of the court. Men shall wear full length trousers, coat and tie; women shall wear suitable dresses or pantsuits.

[Dated October 25, 1978.]

### **LR6-012. Removal of court files.**

Court files shall not be removed from the office of the clerk without leaving a receipt for such file, and such file must be returned within five (5) days after removal. No receipt is required for the sixth judicial district judges. The files shall be returned to the clerk not less than one (1) day before the date of a trial or hearing. No person, other than attorneys, shall withdraw files from the office of the clerk, except abstracters may view files for the purpose of compiling abstracts. If copies of pleadings are necessary, a photocopy machine is available in the office of the court clerks in their respective counties for a reproduction charge.

[Dated November 11, 1981.]

### **LR6-013. Library.**

No books shall be removed from the library without first being checked out with the clerk. Members of the bar, after properly checking out books with the clerk, may remove them from the library. Books shall be returned to the clerk and the return noted on the checkout card. Books checked out shall be returned within five (5) days.

[Dated November 11, 1981.]

#### **LR6-014. Magistrate tapes or cassettes.**

Tapes or cassettes shall not be removed from the office of the clerk of the court without an attorney leaving a receipt of such removal with the clerk.

[Dated November 11, 1981.]

#### **LR6-015. Tendering money out of or into court registry.**

Except as provided by statute, the clerk shall not make any disbursement of property or money unless pursuant to court order.

[Dated November 11, 1981.]

#### **LR6-016. Interrogatories.**

A. Parties submitting interrogatories in accordance with Rule 1-033 of the Rules of Civil Procedure for the District Courts shall serve two (2) copies thereof on each party. Each interrogatory shall be numbered consecutively, allowing adequate space under each interrogatory for the answer to be written. Interrogatories and the answers thereto shall be served upon other counsel or parties, and shall be filed when complete with answers. Both counsel propounding interrogatories and counsel answering interrogatories shall file a certificate with the court indicating the date of their service.

B. Parties upon whom interrogatories are served shall answer each interrogatory in the space so provided.

C. The number of interrogatories shall be limited to twenty-six (26), including all sub-parts. The first interrogatory may inquire as to biographical information of the person, corporation or other entity that is a party to the law suit, and may include names, addresses, place of doing business, social security number, age, marriage, children, occupation and other pertinent biographical data. The court may grant leave for additional interrogatories upon petition from the questioning party.

[Dated October 14, 1982.]

#### **LR6-016.1. Depositions.**

The Sixth Judicial District Court, pursuant to Rule 1-030(F)(1) NMRA, orders:

A. This rule shall apply to all cases (including domestic relations cases) and shall apply to all depositions, whether stenographically or by other means, with the exception of depositions taken at the instance of a person not represented by counsel.

B. Unless otherwise ordered by the court, depositions shall not be filed. The officer before whom the deposition was taken shall, after sealing the deposition as required by Rule 1-030(F)(1), promptly file with the clerk of the district court a certificate in substantially the same form as set forth in LR6-Form B, attached hereto and by reference made a part hereof.

C. For a period of thirty (30) days after filing the certificate with the clerk, the officer before whom the deposition was taken shall retain the deposition. After expiration of the thirty-day period, the officer, unless otherwise ordered by the court, shall promptly mail or deliver the sealed envelope containing the deposition to the attorney at whose instance the deposition was taken. Pending further order of the court, the attorney shall retain the deposition and the sealed envelope shall not be opened.

D. The court may on its own motion or motion of any party order that the deposition be filed with the clerk. The motion shall set out the specific reasons why filing is sought and may be acted on ex parte by the court.

E. The obligation of the attorney retaining the deposition shall cease upon order of the court entered upon a finding that the case is concluded.

F. This rule may be applied retroactively upon order of the court.

[Effective November 13, 1987.]

### **LR6-017. Motion; summary judgment.**

A. **Time for filing.** Motions for summary judgment will not be considered unless filed within a reasonable time before the date of trial to allow sufficient time for the opposing party to file counter-affidavits and response thereto, and to permit the court reasonable time to consider the merits.

B. **Statement of material facts.** The motion shall contain a short, concise statement of the grounds in support thereof and may include a list of the authorities relied upon. The statement shall set forth the material facts as to which movant contends no genuine issue exists. The facts shall be numbered and shall refer with particularity to those portions of the record upon which movant relies.

A party opposing the motion shall, within ten (10) days after service of the motion, file a short, concise response as to why the motion should not be granted. The statement shall set forth the material facts as to which the party contends a genuine issue does exist.

[Dated, October 14, 1982.]

**LR6-Form A.**

[LR6-004]

IN THE DISTRICT COURT  
COUNTY OF \_\_\_\_\_  
STATE OF NEW MEXICO

NO. DR-

\_\_\_\_\_  
\_\_\_\_\_  
Petitioner,  
vs.  
\_\_\_\_\_  
Respondent.

STIPULATED RELEVANT FACTS

The parties, through counsel, stipulate as follows:  
1. Date of marriage:

\_\_\_\_\_  
2. Date of separation:

\_\_\_\_\_  
3. Date of divorce:

\_\_\_\_\_  
4. Names and ages of parties:  
Wife/mother: \_\_\_\_\_  
Husband/father: \_\_\_\_\_

4. Names and ages of children of this marriage:  
**Name** **Age**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Names and ages of other children to whom either party has obligation:

**Name** **Age**  
Wife/mother:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**Name** **Age**

Husband/father:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Current employment status of parties:

Wife/mother:

\_\_\_\_\_  
\_\_\_\_\_

Husband/father:

\_\_\_\_\_  
\_\_\_\_\_

7. Relevant past employment information:

Wife/mother:

\_\_\_\_\_  
\_\_\_\_\_

Husband/father:

\_\_\_\_\_  
\_\_\_\_\_

8. Relevant wage information from date of divorce to present:

Mother

-----

Annual gross

salary:

\$ \_\_\_\_\_

Father

-----

\$ \_\_\_\_\_

Year to date

gross

\$ \_\_\_\_\_

\$ \_\_\_\_\_

Last calendar year

gross

\$ \_\_\_\_\_

\$ \_\_\_\_\_

Prior years

gross

\$ \_\_\_\_\_

\$ \_\_\_\_\_

19 \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

NET Salary (specify:

weekly/bi-

weekly/monthly)

\$ \_\_\_\_\_

\$ \_\_\_\_\_

Payroll deductions other than taxes  
(e.g., retirement, voluntary savings  
plans,  
etc.)

\$ \_\_\_\_\_ \$ \_\_\_\_\_

9. Date(s) of remarriage, if any:

Wife/mother: \_\_\_\_\_

Husband/father: \_\_\_\_\_

10. Employment status and wage information of present spouse  
(if applicable) if there has been a remarriage modification  
e.g., child support modification):

Mother's Spouse

Father's Spouse

-----

-----

Employer

\_\_\_\_\_

\_\_\_\_\_

Annual gross  
salary:

\$ \_\_\_\_\_

\$ \_\_\_\_\_

Year to date  
gross

\$ \_\_\_\_\_

\$ \_\_\_\_\_

Last calendar year  
gross

\$ \_\_\_\_\_

\$ \_\_\_\_\_

Prior years  
gross

\$ \_\_\_\_\_

\$ \_\_\_\_\_

19 \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

19 \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

19 \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

19 \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

11. Custody arrangement history:

Date of divorce: \_\_\_\_\_

Subsequent modifications: (give date(s) and details)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

12. Child support history:

- a. \_\_\_\_\_ pays \_\_\_\_\_  
b. Amount set in divorce: \_\_\_\_\_  
c. Subsequent modifications:

Date	Amount	Court Ordered or	Voluntary
----	-----	-----	-----
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____

- d. Payment History:  
Year: 19 \_\_\_\_\_ Year: 19 \_\_\_\_\_

13. Alimony:

- a. \_\_\_\_\_ pays \_\_\_\_\_  
b. Amount set in divorce: \_\_\_\_\_  
c. Subsequent modifications:

Date	Amount	Court Ordered or	Voluntary
----	-----	-----	-----
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____

- d. Payment History:  
Year: 19 \_\_\_\_\_ Year: 19 \_\_\_\_\_

14. Current budgets (monthly):

Food

Other:

_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____



17. Debts: The parties regarding debts

a) Community debts:

Creditor Paid	Date of Sep. Amt. Now Owing	Monthly Payt.	Who
-----	-----	-----	-----
-----	-----	\$ _____	_____
-----	-----	\$ _____	_____
-----	-----	\$ _____	_____
-----	-----	\$ _____	_____
-----	-----	\$ _____	_____

b) Separate debts:

Creditor Paid	Date of Sep. Amt. Now Owing	Monthly Payt.	Who
-----	-----	-----	-----
-----	-----	\$ _____	_____
-----	-----	\$ _____	_____
-----	-----	\$ _____	_____
-----	-----	\$ _____	_____
-----	-----	\$ _____	_____

18. Apportionment: The following properties have both community and separate property components, and the following financial data is stipulated to:

Item: \_\_\_\_\_  
 Purchase price: \$ \_\_\_\_\_  
 Method of payt.: \_\_\_\_\_  
 Cash down \$ \_\_\_\_\_  
 Mortgage assumed  
 (original amt.) \$ \_\_\_\_\_

Other indebtedness assumed

Current fair market value:

\$ \_\_\_\_\_

Current mortgage balance

\$ \_\_\_\_\_

Improvements made during marriage:

**Improvement**

**Cost**

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

19. Other relevant undisputed facts:

\_\_\_\_\_

\_\_\_\_\_  
Attorney for Petitioner

\_\_\_\_\_  
Attorney for Respondent

[Approved September 10, 1987 as exhibit A to Local Rule 4]

**LR6-Form B.**

[LR6-016.1]

IN THE DISTRICT COURT OF  
GRANT, LUNA & HIDALGO COUNTIES  
STATE OF NEW MEXICO

No.

\_\_\_\_\_  
\_\_\_\_\_  
vs.  
\_\_\_\_\_

CERTIFICATE OF DEPOSITION

I, \_\_\_\_\_, certify that on  
\_\_\_\_\_ the deposition of  
\_\_\_\_\_ was taken before me at the  
request of:

\_\_\_\_\_ (name of attorney)  
\_\_\_\_\_ (attorney for (list party,  
e.g., Plaintiff Jane Doe))  
\_\_\_\_\_ (attorney's address and  
telephone number)

I further certify that copies of this certificate have been

mailed or delivered to the following counsel and parties not represented by counsel appearing at the taking of the deposition.

*(list name of each attorney and party appearing for, and list each party not represented by counsel)*

I further certify that the cost of the deposition to \_\_\_\_\_ was \$\_\_\_\_\_ .

\_\_\_\_\_  
*(Signature)*

\_\_\_\_\_  
*(address and telephone number)*

[Approved November 13, 1987 as exhibit A to Local Rule 16.1]