

UNANNOTATED

Rules of the District Court of the Seventh Judicial District

Table of Corresponding Rules

Local Rules of the Seventh Judicial District Court

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

Former Rule No.	Corresponding New Rule No.	New Rule No.	Corresponding Former Rule No.
LR7-001	LR7-101	LR7-101	LR7-001
LR7-003	LR7-102	LR7-102	LR7-003
LR7-004	LR7-103	LR7-103	LR7-004
LR7-005	LR7-104	LR7-104	LR7-005
LR7-006	LR7-201	LR7-105	LR7-008
LR7-007	LR7-202	LR7-106	LR7-012
LR7-008	LR7-105	LR7-107	LR7-014
LR7-009	Withdrawn	LR7-108	LR7-015
LR7-010	Withdrawn	LR7-201	LR7-006
LR7-011	Withdrawn	LR7-202	LR7-007
LR7-012	LR7-106	LR7-203	LR7-019
LR7-013	Withdrawn	LR7-301	New
LR7-014	LR7-107		
LR7-015	LR7-108		
LR7-016	Withdrawn		
LR7-017	Withdrawn		
LR7-018	Withdrawn		
LR7-019	LR7-203		

I. Rules Applicable to All Cases

LR7-101. Notice of hearing or trial.

Notice of hearing or trial will ordinarily be given by the judge or the clerk in writing. Counsel shall promptly acknowledge receipt in writing of the notice and also either

confirm the setting or advise the court of any reason why the matter cannot, or should not, be heard or tried on the day designated in the notice. All requests for hearing shall be served on opposing counsel on or before submission to the court.

[Adopted, effective August 15, 1990; LR7-001 recompiled and amended as LR7-101 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

LR7-102. Delivery of papers to judge.

All orders, judgments, and decrees to be signed by the court, all requests for settings, and copies of briefs and memoranda of authorities shall be delivered to the judge.

[Adopted, effective August 15, 1990; LR7-003 recompiled as LR7-102 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

LR7-103. Orders, judgments, and decrees; attorney signature.

[Related Statewide Rules 1-058, 5-121, and 5-701 NMRA]

No order, judgment, or decree submitted by counsel or party pro se, other than transport orders, will be signed by the judge in any case in which opposing counsel appears unless the order is entered in open court or approved as to form by all counsel appearing of record; provided, however, if opposing counsel refuses to sign an order or is unable to do so, that fact may be set forth in an affidavit of the attorney presenting the order, judgment, or decree for signature, together with any written objections as to form by opposing counsel or parties pro se, and the signature may be waived by the judge. In all events, before the judge signs any order or judgment, counsel shall be afforded a reasonable opportunity to examine the order or judgment and make suggestions or objections, under Rule 1-058(C) NMRA and Rule 5-121(D) NMRA.

[Adopted, effective August 15, 1990; LR7-004 recompiled and amended as LR7-103 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

LR7-104. Orders, judgments, and decrees; no date.

Orders, judgments, and decrees shall not be dated, except temporary restraining orders granted without notice under Rule 1-066(B)(2) NMRA and filings with the court under Rule 1-005(E) NMRA.

[Adopted, effective August 15, 1990; LR7-005 recompiled and amended as LR7-104 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

LR7-105. Orders, judgments, and decrees; immediate filing.

Orders, judgments, and decrees shall be delivered immediately on signing to the clerk for filing.

[Adopted, effective August 15, 1990; LR7-008 recompiled and amended as LR7-105 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

LR7-106. Library.

No books shall be removed from the library except for courtroom use. Books removed shall be returned to the library immediately after the court appearance. Books shall be returned to the shelves immediately after they are used.

[Adopted, effective August 15, 1990; LR7-012 recompiled and amended as LR7-106 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

LR7-107. Arrival prior to trial or hearing time.

Attorneys shall be in their place at the counsel table at least five (5) minutes before the time set for the commencement of any trial or hearing.

[Adopted, effective August 15, 1990; LR7-014 recompiled as LR7-107 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

LR7-108. Attire.

All persons appearing in court shall be properly attired befitting the dignity of the court.

[Adopted, effective August 15, 1990; LR7-015 recompiled as LR7-108 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

II. Rules Applicable to Civil Cases

LR7-201. Findings of fact, conclusions of law.

[Related Statewide Rule 1-052 NMRA]

A copy of all requested findings of fact and conclusions of law shall be delivered to the judge.

[Adopted, effective August 15, 1990; LR7-006 recompiled and amended as LR7-201 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

LR7-202. Filing fees.

Filing fees will not be refunded.

[Adopted, effective August 15, 1990; LR7-007 recompiled and amended as LR7-202 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

LR7-203. Electronic filing authorized.

[Related Statewide Rule 1-005.2 NMRA]

In accordance with Rule 1-005.2 NMRA, electronic filing is implemented for all civil and probate actions in the Seventh Judicial District Court. The electronic filing of documents is mandatory for parties represented by attorneys in accordance with Rule 1-005.2 NMRA, which includes attorneys who represent themselves. Guidelines for using the electronic filing system are set forth in the court's user guide that is available in the clerk's office and on the court's website.

[Adopted by Supreme Court Order No. 12-8300-LR2, effective for all cases filed or pending on or after August 20, 2012; LR7-019 recompiled as LR7-203 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

III. Rules Applicable to Criminal Cases

LR7-301. Technical violation program.

[Related Statewide Rule 5-805 NMRA]

A. **Program established.** This judicial district establishes a technical violation program (TVP) for adult probationers on supervised probation allowing automatic sanctions to occur for technical violations of a probation agreement.

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

C. **Technical violation defined.** Under Rule 5-805(C) NMRA, a technical violation of a probation agreement means any violation that does not involve new criminal charges.

D. **Sanctions.** Sanctions for violations in the TVP are as follows:

1. first violation: up to three (3) days in jail and up to ten (10) hours of community service;
2. second violation: up to seven (7) days in jail and up to twenty (20) hours of community service; and
3. third violation: up to fourteen (14) days in jail and up to thirty (30) hours of community service.

E. **Additional services allowed.** The TVP does not limit the APPO from referring the probationer to counseling or any other services.

F. **Removal from the program.** A probationer shall be removed from the TVP after a hearing for the following reasons:

1. committing a fourth technical violation;
2. incurring new criminal charges;
3. absconding from supervision; or
4. on motion, for good cause shown.

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

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

IV. Rules Applicable to Domestic Relations Cases

LR7-401. Domestic relations; mediation.

[Related Statewide Rule 1-125 NMRA]

A. **Purpose.** Under Sections 40-12-1 to -6 NMSA 1978, the court has elected to establish and will continue to maintain a domestic relations mediation program. The purpose of this district's domestic relations mediation program is to assist the court, parents, and other interested parties with the early, efficient and cost effective resolution

of child custody matters in the best interests of the children involved in domestic relations cases.

B. Administration. These programs shall be administered by a court program director appointed by the court. The court may appoint standing committees of judges, lawyers, and others to provide guidance and assistance.

C. Written order required. All referrals to the court's domestic relations mediation program require the filing of a written court order.

D. Immunity. Attorneys and other persons appointed by the court to serve as mediators, or in other such roles under the rules governing this district's domestic relations mediation program, are arms of the court and are immune from liability for conduct within the scope of their duties as provided by law.

E. Forms. When available, applicable court forms shall be used. Forms shall be available through the court program director.

F. Mediation surcharge.

(1) The court executive officer or designee shall collect the statutory mandated surcharge for all new and reopened domestic relations cases in addition to the filing fee, which shall be deposited in the domestic relations mediation fund.

(2) The statutory mandated surcharge must be paid when the petition or motion is filed, to be included with the filing fee. A separate check is not required.

(3) If a required filing fee or surcharge is not paid, the case will be closed without disposition of the pending matter until payment is made.

(4) Costs of the domestic relations mediation program shall be paid by the parties to the action on a sliding fee scale in effect at the time. The current sliding fee scale shall be posted on the court's website and inside the courthouse. All fees shall be paid to the court executive officer or designee to be credited to the domestic relations mediation fund. The court executive officer or designee shall forward a notice of assessment of costs to the parties on payment of the mediator from the fund. Mediation assessments are to be paid to the court executive officer or designee by attorney firm check, cash, money order, or certified check. No personal checks are to be accepted.

(5) The court reserves jurisdiction to reallocate the surcharge and the mediation fees between the parties at the time the matter is resolved by the court.

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

V. Rules Applicable to Children's Court Cases [Reserved]

VI. Rules Applicable to Court Alternative Dispute Resolution Programs

LR7-601. Civil mediation.

[Related Statutes NMSA 1978, §§ 34-6-44 and -45]

A. **Programs established.** The district court operates a civil mediation and settlement facilitation program in accordance with Sections 34-6-44 and -45 NMSA 1978.

B. **Civil mediation fund; deposit and disbursement of fees.** The district court maintains a civil mediation fund for the deposit of all fees collected under the program, which are used to offset the costs of operations. Deposits into the civil mediation fund shall include the following:

(1) the surcharge authorized under Section 34-6-45(A) NMSA 1978 on all new and reopened civil cases; and

(2) fees paid by the parties for mediation and settlement facilitation services provided under the program.

C. **Sliding fee scales.** Mediation and settlement facilitation services provided under the program shall be paid by the parties in accordance with a sliding fee scale. The current sliding fee scales approved by the Supreme Court shall be posted on the district court's website and inside the courthouse. Any fees collected from a party under the sliding fee scale shall be paid to the district court clerk, which shall be deposited into the civil mediation fund.

D. **Initiating services; cooperation required.** The court may, upon request of any party or on the court's own motion, order the parties to participate in the program. Any party ordered to participate in the program shall cooperate with all court staff and outside service providers designated by the court to operate the program, and any party who fails to do so may be sanctioned or held in contempt of court.

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

[Adopted by Supreme Court Order No. 19-8300-010, effective July 1, 2019.]

VII. Forms [Reserved]