

Rules of the District Court of the Thirteenth Judicial District

Table of Corresponding Rules

Local Rules of the Thirteenth 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.

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I. Rules Applicable to All Cases

LR13-101. Authority.

The following rules are hereby adopted and promulgated by the judges of the Thirteenth Judicial District of the State of New Mexico, comprised of the counties of Valencia, Sandoval, and Cibola, under the authority vested in the court by Rule 1-083 NMRA.

[Adopted, effective January 1, 1998; as amended by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, after “Cibola,” deleted “pursuant to” and added “under”, and after “Rule 1-083”, deleted “of the Rules of Civil Procedure for the District Courts” and added “NMRA”.

LR13-102. Title.

[Related Statewide Rule 1-001 NMRA]

These rules shall be cited as the “Local Rules of the Thirteenth Judicial District Court”.

[Adopted, effective January 1, 1998; as amended by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, added “[Related Statewide Rule 1-001 NMRA]”.

LR13-103. Supreme Court rules control.

If any local rule directly conflicts in letter or application with a rule of civil or criminal procedure adopted by the Supreme Court of New Mexico, the latter shall control.

[Adopted, effective January 1, 1998; as amended by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, in the rule heading changed “court” to “Court”.

LR13-104. Severability.

If any local rule is invalidated either by court action or otherwise, the remainder of these rules shall continue in force unless otherwise modified or changed by further order of the court.

[Adopted, effective January 1, 1998.]

LR13-105. Conflicts and priorities.

A. **Priorities.** Unless otherwise ordered by the court, the following priorities shall govern:

- (1) criminal and juvenile matters;
- (2) all matters given preference by statute;
- (3) civil jury trials;
- (4) civil nonjury trials;
- (5) domestic relations matters; and
- (6) all other matters.

B. **Precedence.** The case or matter first set for hearing shall take precedence in each of the above categories.

[Adopted, effective January 1, 1998; LR13-202 recompiled as LR13-105 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-202 NMRA was recompiled as LR13-105 NMRA, effective December 31, 2016.

LR13-106. Forum shopping.

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

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

[Adopted, effective January 1, 1998; LR13-203 recompiled as LR13-106 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-203 was recompiled as LR13-106, effective December 31, 2016.

LR13-107. Americans with Disabilities Act compliance.

A. Civil cases.

(1) It shall be the duty of the attorney to promptly and diligently inquire into and ascertain the need for any assistance or modification of court facilities to serve special needs of parties with disabilities and to advise the clerk of the court and assigned judge of the need for the modifications or assistance not less than one (1) week before the hearing.

(2) If the failure to comply with this local rule results in the postponement of a hearing, the associated costs may be imposed on the responsible party or attorney.

B. Criminal cases.

(1) If any modification or assistance is needed in a criminal case involving a defendant, defense counsel shall notify the district court clerk and the assigned judge at least one (1) week prior to hearing.

(2) The court, in its discretion, may waive the one (1) week notice requirement where the facts and circumstances merit waiver.

[Adopted, effective January 1, 1998; LR13-205 recompiled and amended as LR13-107 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, in Subparagraph B(2), after “may be imposed”, deleted “upon” and added “on”.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-205 NMRA was recompiled and amended as LR13-107 NMRA, effective December 31, 2016.

LR13-108. Payment to the clerk of the court.

A service charge consistent with what the financial institution charged the district court shall be charged to any person submitting a check that is returned by a financial institution.

[Adopted, effective January 1, 1998; LR13-206 recompiled and amended as LR13-108 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, in Subparagraph B(2), after “may be imposed”, deleted “upon” and added “on”.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-206 NMRA was recompiled and amended as LR13-108 NMRA, effective December 31, 2016.

LR13-109. Control of court files.

[Related Statute NMSA 1978, § 34-6-28]

A. **Removal of court files from the clerk’s office.** Court files shall not be removed from the vault in the office of the clerk of the court except by court personnel.

B. **Removal of court files from the courthouse.** Court files are not to be removed from the courthouse except with written approval of a judge.

[Adopted, effective January 1, 1998; LR13-207 recompiled and amended as LR13-109 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, added “[Related Statute NMSA 1978, § 34-6-28]”, and added paragraph headings for each paragraph.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-207 NMRA was recompiled and amended as LR13-109 NMRA, effective December 31, 2016.

LR13-110. Copying court file contents.

If copies of court file contents are needed, a clerk shall make copies and charge at the copying rate listed in Rule 1-099 NMRA. Title companies shall be billed for copies

on a monthly basis. The clerk making copies should make a notation of the number of copies made on the tablet provided for that purpose. A separate sheet shall be used for each title company.

[Adopted, effective January 1, 1998; LR13-208 recompiled and amended as LR13-110 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, after “copies and charge”, deleted “at the rate of thirty-five cents (\$0.35) per page” and added “at the copying rate listed in Rule 1-099 NMRA”, and after “provided for”, deleted “such” and added “that”.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-208 NMRA was recompiled and amended as LR13-110 NMRA, effective December 31, 2016.

Cross references. — For fees relating to district court services, see 34-6-43 NMSA 1978.

LR13-111. Change of venue.

When a change of venue has been granted, the district court shall forward the court file in that case to the district court clerk of the county to which venue has been changed. Any additional pleadings or other matters shall be filed with the district court clerk of the county to which venue has been changed.

[Adopted, effective January 1, 1998; LR13-209 recompiled as LR13-111 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-209 NMRA was recompiled as LR13-111 NMRA, effective December 31, 2016.

LR13-112. Courthouse security.

[Related Statewide Rules 1-093 and 5-112 NMRA]

A. **Deadly weapons prohibited.** Any weapon as described in Section 30-1-12(B) NMSA 1978 is prohibited in any courthouse or judicial complex in the Thirteenth Judicial District. No law enforcement officer shall be allowed to carry firearms into any

courthouse or judicial complex in the district, unless authorized to do so by a district judge.

B. Search. All persons entering any courthouse in the district shall be subject to search of their person and search of any items brought into a courthouse, to ensure that no deadly weapons are carried into a courthouse or judicial complex.

C. Contempt of court. All violators of this local rule are subject to punishment by contempt of court.

[Adopted, effective January 1, 1998; LR13-210 recompiled and amended as LR13-112 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016; as amended by Supreme Court Order No. 17-8300-022, effective for all cases pending or filed on or after December 31, 2017.]

ANNOTATIONS

The 2017 amendment, approved by Supreme Court Order No. 17-8300-022, effective December 31, 2017, in Paragraph A, changed “Section 31-1-12(B) NMSA 1978” to “Section 30-1-12(B) NMSA 1978”.

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, added “[Related Statewide Rules 1-093 and 5-112 NMRA]”; and in Paragraph A, deleted “All deadly weapons, such as guns or knives, are” and added “Any weapon as described in Section 31-1-12(B) NMSA 1978 is”.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-210 NMRA was recompiled and amended as LR13-112 NMRA, effective December 31, 2016.

LR13-113. Disciplinary action.

Any infraction of these rules shall, in addition to other appropriate remedies, subject the attorney or non-complying party to any disciplinary action as the judges of the district deem appropriate.

[Adopted, effective January 1, 1998; LR13-211 recompiled and amended as LR13-113 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, after “party to”, deleted “such” and added “any”.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-211 NMRA was recompiled and amended as LR13-113 NMRA, effective December 31, 2016.

LR13-114. Courthouse closures; inclement weather.

Court closures due to inclement weather conditions in Cibola County shall be tied to the closure of the local school district in which the court is located. In Sandoval County and Valencia County, court closures due to inclement weather are not tied to any local school district. Instead, during times of inclement weather when court closure is necessary, the Sandoval and Valencia County courts will broadcast a closure through local radio and television stations.

[Adopted, effective January 1, 1998; LR13-213 recompiled and amended as LR13-114 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, completely rewrote the rule.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-213 NMRA was recompiled and amended as LR13-114 NMRA, effective December 31, 2016.

LR13-115. Arrival prior to time of hearing.

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

[Adopted, effective January 1, 1998; LR13-301 recompiled as LR13-115 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-301 NMRA was recompiled as LR13-115 NMRA, effective December 31, 2016.

LR13-116. Mode of attire.

[Related Statewide Rules 1-090 and 5-115 NMRA]

All attorneys, their employees, probation officers, law clerks, law students, and officers of the court shall be dressed in a dignified manner at all times in court. No attire

or dress so flamboyant, disheveled, or revealing as to create a distraction to the orderly conduct of court proceedings shall be permitted.

[Adopted, effective January 1, 1998; LR13-302 recompiled and amended as LR13-116 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, added “[Related Statewide Rules 1-090 and 5-116 NMRA]”.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-302 NMRA was recompiled and amended as LR13-116 NMRA, effective December 31, 2016.

LR13-117. Courtroom comportment.

Attorneys shall stand when examining witnesses or when addressing the court, unless otherwise permitted by the court.

[Adopted, effective January 1, 1998; LR13-303 recompiled as LR13-117 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-303 NMRA was recompiled as LR13-117 NMRA, effective December 31, 2016.

LR13-118. Motion practice; package procedure.

[Related Statewide Rules 1-007.1 and 5-120 NMRA]

A. **Package procedure.** At the expiration of all responsive times under Rules 1-007.1 and 5-120 NMRA, the movant shall submit to the judge a copy of the motion, response, any reply, and the request for hearing in a package. The submission of the package alerts the court that the motion is ripe for decision.

B. **Page limitation.** A motion, response, or brief shall not exceed ten (10) typewritten pages, exclusive of exhibits. A reply shall not exceed five (5) pages, exclusive of exhibits. A party seeking to file a motion in excess of the page limitation must obtain leave of the court.

C. **Motion for leave.** Motions requesting leave to file another motion after the close of motion practice shall have a copy of the proposed motion attached.

[Adopted, January 1, 1998; as amended by Supreme Court Order No. 08-8300-009, effective April 15, 2008; LR13-404 recompiled and amended as LR13-118 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, added “[Related Statewide Rules 1-007.1 and 5-120 NMRA]”, and in Paragraph A, after “times under”, deleted “Rule” and added “Rules”, and after “1-007.1”, added “and 5-120”.

The 2008 amendment, approved by Supreme Court Order No. 08-8300-09, effective April 15, 2008, removed the previous local rule sections regarding concurrence sought for motions, briefs, responses and replies to motions, service of motions and oral argument, and added the section regarding package procedure. The page limitation and motion for leave sections were not amended except for the relettering of the section.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-404 NMRA was recompiled and amended as LR13-118 NMRA, effective December 31, 2016.

Cross references. — For form of motions and how presented, see Rules 1-007 and 1-007.1 NMRA.

LR13-119. Settings.

The judge of each division shall determine the judge’s general itinerary and schedule and shall inform the clerk of the court of the county affected by the itinerary and schedule.

A. **Notice of settings.** The judge of each division shall make trial and other settings for the division and furnish counsel and the clerk of the court with a calendar of settings as far in advance as possible. As a general rule, notices of settings shall be given to counsel at least four (4) weeks prior to the trial or hearing date but shorter notice may be given on the consent and agreement of counsel or where, in the discretion of the judge, less notice is required.

B. **Trailing docket settings.** If a hearing is scheduled as a “back-up” to another matter, or on a trailing docket, the court shall so advise counsel. Counsel shall be responsible for advising the court of any scheduling difficulties, such as arrangements with witnesses, which may make the matter difficult or inappropriate for hearing on a “back-up” or trailing docket basis.

C. **Setting is binding on all parties; vacating a setting.** All settings made by or with the approval of the court shall be binding on all parties and attorneys properly

notified. No setting shall be vacated except on written motion and on the signature of the party approving the continuance, unless this requirement is waived by the court.

D. Failure to meet a trial setting. Failure to give timely notice to the court of an inability to meet a trial setting, where the failure is willful or the result of negligence, may subject the offending party or attorney to appropriate sanctions, including, but not limited to

- (1) dismissal of the case;
- (2) payment of jury and other costs;
- (3) payment of attorneys fees; or
- (4) sanctions as available under the inherent powers of the court.

E. Requests for setting. All requests for setting shall be in the approved form, be completed except for the date and time, and, if the matter is time sensitive, include a statement as to the last calendar date the matter can be heard by the court before the time runs with a citation to the statute or rule regarding the time in which the matter must be heard. Counsel requesting a setting shall provide pre-addressed, stamped envelopes for any counsel or party entitled to notice who does not have a box at the courthouse. The assigned judge's secretary will file the original of the request for setting form.

[Adopted, effective January 1, 1998; LR13-501 recompiled and amended as LR13-119 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, provided for time sensitive requests for settings and added the paragraph headings; in the introductory paragraph, after "affected", deleted "thereby" and added "by the itinerary and schedule"; in Paragraph A, after "general rule", changed "notice" to "notices", and after "may be given", deleted "upon" and added "on"; in Paragraph C, changed "upon" to "on" throughout the paragraph; in Paragraph D, after "where", deleted "such" and added "the"; in Paragraph E, after "approved form", deleted "and" and added "be", after "date and time", deleted "for the setting. (LR13-Form A)." and added "and, if the matter is time sensitive, include a statement as to the last calendar date the matter can be heard by the court before the time runs with a citation to the statute or rule regarding the time in which the matter must be heard".

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-501 NMRA was recompiled and amended as LR13-119 NMRA, effective December 31, 2016.

LR13-120. Vacating trials or settings.

A. **Judge shall approve the vacating of a hearing.** No setting involving a hearing on the merits will be vacated without prior approval of the judge assigned to the case.

B. **Procedure to vacate a hearing.** Before counsel contacts the assigned judge to vacate a setting, counsel shall contact all parties or attorneys entitled to notice in order to inform the court of each party's position as regards the vacation. The court shall either vacate the case, refuse to vacate, or schedule a hearing on the request. Requests to vacate settings of hearings on the merits shall be by motion or stipulated order.

C. **Reason for vacating a hearing.** An order entered under this rule shall contain the reason for the vacation.

[Adopted, effective January 1, 1998; LR13-502 recompiled and amended as LR13-120 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, added the paragraph headings; and in Paragraph C, after "entered", deleted "pursuant to" and added "under".

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-502 NMRA was recompiled and amended as LR13-120 NMRA, effective December 31, 2016.

LR13-121. Pretrial conferences.

Pretrial conferences will be held on request of counsel or in cases in which it appears to the court that pretrial conferences would be desirable.

[Adopted, effective January 1, 1998; LR13-503 recompiled and amended as LR13-121 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, after "held", deleted "upon" and added "on", and after "appears to the court that", deleted "such" and added "pretrial".

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-503 NMRA was recompiled and amended as LR13-121 NMRA, effective December 31, 2016.

LR13-122. No change in matters filed.

No alterations, deletions, additions, or corrections will be made to any document filed unless by approval of the court.

[Adopted, effective January 1, 1998; LR13-504 recompiled as LR13-122 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-504 NMRA was recompiled as LR13-122 NMRA, effective December 31, 2016.

LR13-123. Party's failure to appear.

If a moving party does not appear on the date set for hearing, the motion shall be denied. If a plaintiff does not appear on the date set for trial, the cause shall be dismissed. If a defendant does not appear on the date set for trial, a default judgment shall be entered against that defendant.

[Adopted, effective January 1, 1998; LR13-506 recompiled and amended LR13-123 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, after “entered against”, deleted “such” and added “that”.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-506 NMRA was recompiled and amended as LR13-123 NMRA, effective December 31, 2016.

LR13-124. Fees non-refundable.

Any fee paid to the district court clerk will not be refunded, except on order of the court.

[Adopted, effective January 1, 1998; LR13-601 recompiled and amended LR13-124 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or

after December 31, 2016; as amended by Supreme Court Order No. 18-8300-006, effective for all cases pending or filed on or after September 1, 2018.]

ANNOTATIONS

The 2018 amendment, approved by Supreme Court Order No. 18-8300-006, effective September 1, 2018, provided an exception that any fee paid to the district court is non-refundable; in the heading, changed “Filing fees” to “Fees non-refundable”; after the heading, deleted “Filing fees” and added “Any fee paid to the district court clerk”, and after “refunded”, added “except on order of the court”.

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, in the rule heading, deleted “Jury” and added “Filing”; after the rule heading, deleted “Jury and filing” and added “Filing”.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-601 NMRA was recompiled and amended as LR13-124 NMRA, effective December 31, 2016.

LR13-125. Jury instructions.

A. **Stipulated jury instructions.** Prior to commencement of the trial, plaintiff’s and defendant’s attorneys or any unrepresented parties shall confer between or among themselves and agree on those jury instructions that are necessary and common to both plaintiff’s and defendant’s case. Instructions necessary and common to both plaintiff’s and defendant’s case shall be prepared by plaintiff’s counsel and approved by defendant’s counsel. The stipulated instructions shall be submitted to the court at least one (1) week prior to the commencement of the trial.

B. **Contested jury instructions.** All other instructions to which the parties are unable to agree shall be submitted to the court for its consideration. Each party shall submit its contested jury instructions separately at least one (1) week prior to commencement of the trial.

C. **Rule 1-051 and Rule 5-608 compliance.** All jury instructions submitted to the court, whether stipulated or contested, shall conform with the requirements of Rule 1-051(G) NMRA and Rule 5-608 NMRA. In addition

(1) all jury instructions shall contain the following language at the top center of the page: “INSTRUCTION NO. _____.” Attorneys shall write the number of the requested instruction in pencil on the lower right hand corner of the original page. The original shall not be bound together;

(2) attorneys shall prepare sufficient copies of their requested instructions for opposing counsel and the court to be furnished with one (1) copy of each;

(3) a cover sheet preceding the requested instructions shall contain the style of the case and the label of “Plaintiff’s or Defendant’s Requested Instructions No. _____ through _____”, and a praecipe. An original shall be filed and copies are to be provided to each party and to the court;

(4) each instruction shall bear the heading “(Party’s) Requested Instruction No. _____”, and counsel will insert consecutive numbers;

(5) at the bottom of each instruction, counsel shall list the UJI number or other citations supporting the instruction as a correct statement of the applicable law and the following:

Given _____

Denied _____

Modified _____

Withdrawn _____

(6) for each instruction submitted the party shall provide the court with a clean copy that bears the text of the instruction and the heading “Instruction No. _____”, with no numbers inserted. This set is given to the court and is not filed.

D. Settling instructions. In settling instructions, the court’s action shall be noted on the praecipe and on the filed copy of each instruction.

[Adopted, effective January 1, 1998; LR13-602 recompiled and amended as LR13-125 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, in Paragraph A, after “agree”, deleted “upon” and added “on”, and after “counsel.”, deleted “Such” and added “The”; in Paragraph B, after “commencement of the”, deleted “case” and added “trial”; in Paragraph C, in the heading, added “and Rule 5-608”, and in the introductory sentence, after “requirements of”, deleted “Paragraph G of Rule 1-051 of the Rules of Civil Procedure for the District Courts” and added “Rule 1-051(G) NMRA and Rule 5-608 NMRA”; in Subparagraph C(1), after “all”, deleted “such”; in Subparagraph C(3), after “praecipe”, deleted “(LR13-Form D)”; and in Subparagraph C(4), after “(Party’s)”, changed “Request” to “Requested”.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-602 NMRA was recompiled and amended as LR13-125 NMRA, effective December 31, 2016.

II. Rules Applicable to Civil Cases

LR13-201. Submission of orders, decrees, and judgments.

[Related Statewide Rule 1-058 NMRA]

A. **Prevailing party drafts proposed order; time period.** 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, whether in open court or by dated letter announcing the decision.

B. **Procedures for submitting proposed order.** Orders, judgments, and decrees shall not be signed by the judge unless

(1) the order, judgment, or decree bears the signatures or initials of the attorneys for all parties or parties pro se to the cause or telephonic approval of the same is indicated on the order and the order is accompanied by stamped, self-addressed envelopes, sufficient in size and number, for the purposes of returning court orders to all parties. Orders shall not be held for future pick-up by attorneys or their staff; or

(2) written notice is provided to all parties or their counsel that the proposed order, judgment, or decree will be presented to the court not less than five (5) days before the date set for presentment.

C. **Objecting to an order.** Where there is objection to an order, judgment, or decree, the objecting party shall file the objections and deliver a courtesy copy to the judge, no less than one (1) day before the time set for submission of the proposed order, judgment, or decree.

[Adopted, January 1, 1998; LR13-402 recompiled and amended as LR13-201 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, added “[Related Statewide Rule 1-058 NMRA]”; and added paragraph headings for each paragraph.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-402 NMRA was recompiled and amended as LR13-201 NMRA, effective December 31, 2016.

LR13-202. Filing orders and other instruments.

Every order, judgment, or other instrument which has been signed by the judge shall be delivered immediately to the clerk of the court for filing. No signed order, judgment, or other instrument shall be taken from the building until after it has been docketed, filed, and recorded.

[Adopted, January 1, 1998; LR13-403 recompiled as LR13-202 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-403 NMRA was recompiled as LR13-202 NMRA, effective December 31, 2016.

LR13-203. Consolidated cases.

Motions to consolidate and the cases consolidated for trial shall be heard by the judge assigned to the case bearing the lowest case number. Pleadings filed after consolidation shall contain in the caption the case numbers of each case consolidated.

[Adopted, January 1, 1998; LR13-405 recompiled as LR13-203 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-405 NMRA was recompiled as LR13-203 NMRA, effective December 31, 2016.

LR13-204. Findings and conclusions.

Any requested findings of fact and conclusions of law shall be submitted within ten (10) days after the submission is ordered by the court, unless a different time is ordered. The original of all requested findings of fact and conclusions of law shall be filed with the clerk of the court and a copy shall be delivered to the judge.

[Adopted, January 1, 1998; LR13-407 recompiled and amended as LR13-204 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, after “days after”, deleted “such” and added “the”, and after “a copy”, deleted “thereof”.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-407 NMRA was recompiled and amended as LR13-204 NMRA, effective December 31, 2016.

LR13-205. Judgments based on written instruments.

A final judgment, based on a written instrument, shall be accompanied by the instrument, which shall be filed as an exhibit in the case at the time the judgment is entered and shall be appropriately marked as having been merged into the judgment and returned to the party filing the instrument as in the case of other exhibits.

[Adopted, January 1, 1998; LR13-408 recompiled and amended as LR13-205 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, after “based”, deleted “upon” and added “on”, after “accompanied by”, deleted “said” and added “the”, and after “filing the”, deleted “same” and added “instrument”.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-408 NMRA was recompiled and amended as LR13-205 NMRA, effective December 31, 2016.

LR13-206. Audio or audio-video conferences and hearings.

A. **Audio or audio-video appearances permitted.** The court may hear any matter by audio or audio-video conference when to do so would legitimately serve justice, the economic needs of the parties and attorneys, or the logistics of travel.

B. **Responsibility and cost.** When an audio or audio-video conference is conducted at the request of a party, it shall be set up by either the movant or the attorney seeking an audio or audio-video conference, at the movant’s or attorney’s expense, and not at the expense of the court. The costs of the audio or audio-video conferences may be taxed in accordance with the law.

C. **Record.** The record, if any, on any audio or audio-video conference will be by electronic recording device or any other method approved by the court.

[Adopted, effective January 1, 1998; LR13-409 recompiled and amended as LR13-206 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, provided for audio-video conferences and changed “telephone” to “audio or audio-video” throughout the rule; in Paragraph B, after “conference, at”, deleted “their” and added “the movant’s or attorney’s”; and in Paragraph C, after “device or”, deleted “such” and added “any”.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-409 NMRA was recompiled and amended as LR13-206 NMRA, effective December 31, 2016.

LR13-207. Pro se appearance and filings; corporations as parties.

[Related Statewide Rule 1-089 NMRA]

A. **Entry of appearance by parties pro se.** Parties who represent themselves shall enter an appearance and shall do so by filing an initial pleading, responsive motion, or other paper that includes their name, address, telephone number, and any fax number. Parties pro se shall promptly file notice of any change of address or telephone number and serve the notice on all parties.

B. **Corporations as parties.** Except as otherwise provided by rule, corporations must be represented by counsel. The court may strike, by court order on its own motion, any papers filed in violation of this paragraph.

[Adopted, effective January 1, 1998; LR13-410 recompiled and amended as LR13-207 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, added “[Related Statewide Rule 1-089 NMRA]”, and in Paragraph A, after “and serve”, deleted “such” and added “the notice”.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-410 NMRA was recompiled and amended as LR13-207 NMRA, effective December 31, 2016.

LR13-208. 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 actions in the Thirteenth Judicial District Court as defined in Rule 1-005.2(B)(1) NMRA, as well as domestic relations actions involving the New Mexico Child Support Enforcement Division. 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.

[Provisionally approved by Supreme Court Orders No. 10-8300-003 and No. 10-8300-021, for one year, for all cases pending or filed on or after July 1, 2010; as amended by Supreme Court Order No. 11-8300-029, provisional period extended until further order of the court with amendments effective for all cases pending or filed on or after June 13, 2011; as amended by Supreme Court Order No. 11-8300-038, effective for all cases filed or pending on or after September 30, 2011; LR13-411 recompiled and amended as LR13-208 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016; as amended by Supreme Court Order No. 19-8300-002, effective for all cases pending or filed on or after September 1, 2019.]

ANNOTATIONS

The 2019 amendment, approved by Supreme Court Order No. 19-8300-002, effective for all cases pending or filed on or after September 1, 2019, removed probate actions from the application of this rule, and implemented electronic filing in domestic relations actions involving the New Mexico Child Support Enforcement Division; in the first sentence, after "civil", deleted "and probate", and after "Thirteenth Judicial District Court", added "as defined in Rule 1-005.2(B)(1) NMRA, as well as domestic relations actions involving the New Mexico Child Support Enforcement Division".

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

The second 2011 amendment, approved by Supreme Court Order No. 11-8300-038, effective September 30, 2011, changed the rule to the extent that a detailed comparison would be impracticable.

The first 2011 amendment, approved by Supreme Court Order No. 11-8300-029, effective June 13, 2011, in Paragraph A, required that documents filed in probate actions after the initial filing of the action be filed electronically.

The 2010 amendment, approved by Supreme Court Order No. 10-8300-021, effective for all cases pending or filed on or after July 1, 2010, in Paragraph A, in the first sentence after "domestic relations actions" added "probate actions, and actions sealed under Rule 1-079 NMRA", and in Subparagraphs (1), (2), and (3) of Paragraph C, at the end of each sentence, added "in any single case".

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-411 NMRA was recompiled and amended as LR13-208 NMRA, effective December 31, 2016.

III. Rules Applicable to Criminal Cases

LR13-301. Technical violation program for adult probationers.

[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 program.** The court in its discretion, and with the approval of the probationer, shall order placement of a probationer into the TVP at any time during the probationer's period of supervised probation. A probationer in the TVP shall waive the probationer's right to any probation violation procedures and hearings, under Rule 5-805 NMRA, if found to have committed a technical violation.

C. **Technical violations defined.** Technical violations of a probation agreement consist of the probationer

- (1) having a positive urine test for drugs or alcohol;
- (2) possessing alcohol;
- (3) missing a counseling appointment;
- (4) missing a community service appointment;
- (5) an educational appointment; or
- (6) failing to inform the probation officer of a traffic citation received.

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

- (1) first violation - up to three (3) days in jail;
- (2) second violation - up to seven (7) days in jail;
- (3) third violation - up to fourteen (14) days in jail; and
- (4) fourth violation - up to twenty-one (21) days in jail.

E. **Removal from the program.** After a fourth technical violation a probationer may be subject to removal from the TVP and subsequent violations may be prosecuted under Rule 5-805 NMRA.

F. **Other sanctions for technical violations precluded.** Sanctions imposed under the TVP preclude further sanctions for the probation violation.

[Adopted by Supreme Court Order No. 08-8300-020, effective August 4, 2008; LR13-508 recompiled and amended as LR13-301 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, added “[Related Statewide Rule 5-805 NMRA]”; in Paragraph B, after “shall waive”, deleted “his” and added “the probationer’s”, and after “hearings”, deleted “pursuant to” and added “under”; in Subparagraph D(4), after “twenty-one”, added “(21)”; and in Paragraph E, after “prosecuted”, deleted “pursuant to” and added “under”.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-508 NMRA was recompiled and amended as LR13-301 NMRA, effective December 31, 2016.

IV. Rules Applicable to Domestic Relations Cases

LR13-401. Domestic relations alternative dispute resolution (ADR); advisory consultation.

[Related Statewide Rule 1-125 NMRA]

A. **Application.** Any domestic relations case is subject to this rule and may be referred to ADR or advisory consultation.

B. **Referrals.** Any party at any time may file a motion requesting referral to ADR or advisory consultation. At the discretion of the court, the court may order the parties to participate in ADR or an advisory consultation.

C. **Referral order.** The court shall complete and file an order referring the parties to ADR or advisory consultation, appointing the mediator, settlement facilitator, or advisory consultant, and setting the time period in which the ADR or advisory consultation shall take place, and mail or deliver endorsed copies of the order to all parties entitled to notice and the mediator, settlement facilitator, or advisory consultant. The order shall not indicate whether the referral was made on a party's request or by the court's own motion. The order may be modified only on subsequent written court order.

D. **Appointment of mediator, settlement facilitator, or advisory consultant.** The court or the parties may choose the mediator, settlement facilitator, or advisory consultant from a list maintained by the court. The parties may present to the court a

stipulated motion requesting that any qualified person act as the mediator, settlement facilitator, or advisory consultant.

E. **Fees.** Parties unable to afford the full cost of ADR or of an advisory consultant may request the court assign a mediator, settlement facilitator, or advisory consultant willing to accept reimbursement at an amount set by the court. Parties who receive a mediator, settlement facilitator, or advisory consultant paid out of court funds shall each pay a fee according to the sliding fee scale adopted under these local rules and approved by the Supreme Court. The sliding fee scale shall be posted on the court's website and inside the courthouse. The ADR or advisory consultation shall not commence until the fee owed by each party is paid in full to the clerk of the court. The parties shall be responsible for providing a copy of the receipt of the required court fee to the mediator, settlement facilitator, or advisory consultant before the ADR or the advisory consultation begins. The fee may be waived at the discretion of the court.

F. **Compensation.** The court domestic relations mediation fund may pay up to four (4) hours of ADR or advisory consultation at a court approved hourly rate. If the parties cannot address all matters within four (4) hours of mediation, or the parties need or desire additional consultation beyond four (4) hours, they may petition the court to make further payment to the mediator, settlement facilitator, or advisory consultant or make their own arrangements with the mediator, settlement facilitator, or advisory consultant. The court may require payment of an additional fee in accordance with the sliding fee scale referenced in Paragraph E of this rule.

G. **Time, place, and attendance.** The time and place of the ADR or advisory consultation shall be set by the mediator, settlement facilitator, or advisory consultant. Any party, mediator, or advisory consultant may request an extension of time from the date set for ADR or advisory consultation on motion to the court. ADR or advisory consultation may be cancelled by the parties only on motion and written court order. ADR or advisory consultation may be cancelled by the mediator or advisory consultant by letter to the court.

H. **ADR results.** On partially or fully successful ADR, the mediator or settlement facilitator shall prepare an agreement including a child custody plan when applicable and provide copies to the parties and their attorneys. After every ADR, the mediator or settlement facilitator shall submit a final ADR disposition report and file a certificate of compliance with the court within ten (10) days after the ADR is completed. The ADR disposition report shall state whether any agreement was reached; what issues were addressed; what issues remain unresolved; and suggestions for resolution, provided the mediator meets the confidentiality requirements of the Mediation Procedures Act, Sections 44-7B-1 to -6 NMSA 1978. Copies of the mediation disposition report and certificate of compliance shall be sent to the parties and their attorneys.

I. **Advisory consultation results.** On completion of an advisory consultation, the advisory consultant shall submit to the judge written recommendations and file a certificate of completion within ten (10) days after the consultation is completed. The

written recommendations shall contain a brief assessment summarizing the information, including the situations and relationships of family members and suggestions regarding specific plans, general issues, or requested actions. The advisory consultant shall submit a written report which shall contain the basis for the recommendations together with copies of the recommendations and certificate of completion to the parties and their attorneys.

J. Payment of mediators, settlement facilitators, and advisory consultants.

When presenting an invoice for ADR or advisory consultation services, the invoice must have the following documents attached:

- (1) a copy of the receipt evidencing the initial total payment of the parties to the clerk of the court;
- (2) a copy of the order of referral to ADR or advisory consultation;
- (3) a copy of the final mediation disposition report and a certificate of completion; and
- (4) an itemized statement of the charges submitted for payment.

K. 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 programs under the Domestic Relations Mediation Act, 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. 08-8300-009, effective April 15, 2008; LR13-804 recompiled and amended as LR13-401 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016; as amended by Supreme Court Order No. 18-8300-006, effective for all cases pending or filed on or after September 1, 2018.]

ANNOTATIONS

The 2018 amendment, approved by Supreme Court Order No. 18-8300-006, effective September 1, 2018, authorized the court to assign a mediator, settlement facilitator, or advisory consultant willing to accept reimbursement at an amount set by the court for parties unable to afford the full cost of ADR or of an advisory consultant, authorized the court, in its discretion, to require payment of an additional consultation fee if the parties require additional consultation, lowered the cap on payments from the domestic relations mediation fund, removed the provision related to replacement of the mediator or advisory consultant, provided immunity from liability for attorneys and other persons appointed by the court to serve as mediators for conduct within the scope of the Domestic Relations Mediation Act, and made technical changes and conforming changes; in the heading, deleted "mediation" and added "alternative dispute resolution (ADR)"; in Paragraph A, after "domestic relations case", deleted "involving child

custody”, and after “subject to this rule”, deleted “to assist the court, parents, and other interested parties in determining the best interests of the child. Other related issues involved in a domestic relations case also may be subject to this rule” and added “and may be referred to ADR or advisory consultation”; in Paragraph B, after “ADR or”, added “advisory consultation”; in Paragraph C, substituted each occurrence of “mediation” with “ADR”, and after each occurrence of “mediator,” added “settlement facilitator”; in Paragraph D, after each occurrence of “mediator,”, added “settlement facilitator”; rewrote Paragraph E; in Paragraph F, after “domestic relations mediation fund”, deleted “or advisory consultation fund”, substituted each occurrence of “eight (8) hours” with “four (4) hours”, after each occurrence of “mediator”, added “settlement facilitator”, and added the last sentence of the paragraph; in Paragraph G, substituted each occurrence of “mediation” with “ADR”, and after the first occurrence of “mediator”, added “settlement facilitator”; deleted Paragraph H and redesignated former Paragraph I as Paragraph H; in Paragraph H, in the heading, deleted “Mediation” and added “ADR”, and after “results”, deleted “advisory consultation results”, after the paragraph heading, substituted each occurrence of “mediation” with “ADR”, and after each occurrence of “mediator”, added “or settlement facilitator”; added Paragraph I, added heading “Advisory consultation results”, deleted “report” and added “recommendations”, after “requested actions”, deleted “Copies of the recommendations and certificate of completion shall be sent to the parties and their attorneys” and added the last sentence of the paragraph; in Paragraph J, in the heading, added “settlement facilitators”, and substituted each occurrence of “mediation” with “ADR”; and added Paragraph K.

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, substituted “on” for “upon” throughout the rule; added “[Related Statewide Rule 1-125 NMRA]”; in Paragraph C, after “consultant”, deleted “set” and added “and setting”; in Paragraph D, after “person”, added “act”; in Paragraph E, after “party is paid”, added “in”; deleted former Paragraph H, which stated “All parties shall attend the mediation or the advisory consultation and engage in meaningful negotiations in good faith.” and redesignated former Paragraphs I, J, and K as Paragraphs H, I, and J, respectively; and in Paragraph I, after “Mediation Procedures Act”, added “Sections 44-7B-1 to -6 NMSA 1978”.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-804 NMRA was recompiled and amended as LR13-401 NMRA, effective December 31, 2016.

LR13-402. Domestic Relations Mediation Act; safe exchange and supervised visitation.

[Related Statewide Rule 1-125 NMRA]

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

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

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

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

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

D. Initiating services; cooperation required. The court may, on request of any party or on the court's own motion, order the parties to participate in the safe exchange and supervised visitation program or domestic relations mediation program in accordance with the requirements in Rule 1-125 NMRA. Any party ordered to participate in one or both programs shall cooperate with all court staff and outside service providers designated by the court to operate the programs, 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 programs under the Domestic Relations Mediation Act, are arms of the court and are immune from liability for conduct within the scope of their duties as provided by law.

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

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

VI. Rules Applicable to Court Alternative Dispute Resolution Programs

LR13-601. Alternative dispute resolution programs; generally.

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

A. **Administration.** These programs shall be administered by an ADR program director, applying the local rules and the Mediation Procedures Act, Sections 44-7B-1 to -6 NMSA 1978.

B. **Order required.** All referrals to these programs require the filing of a written court order.

C. **Compromise negotiations.** The ADR process will be considered to be “compromise negotiations” under Rule 11-408 NMRA for purposes of admissibility as evidence in potential future hearings.

D. **Forms.** The applicable court forms included in the local rules for ADR or similar forms that serve the same purpose may be used.

E. **Appointment.** The court shall appoint ADR professionals as stipulated to by the parties or, absent agreement among the parties, as ordered by the court.

F. **Good faith participation in ADR process.** Parties shall participate in good faith during ADR. Good faith participation includes, but is not limited to, sufficiently preparing for ADR and engaging in meaningful negotiations during the ADR process.

G. **Definitions.** When used in these rules, unless the context otherwise provides

(1) “ADR” means all alternative dispute resolution by means of this district's (court-annexed) alternative dispute resolution programs, including mediation and settlement facilitation;

(2) “mediation” means a confidential process by which a neutral third party helps parties to resolve differences through negotiation and collaborative problem solving;

(3) “settlement facilitation” means a process where a neutral third party meets with parties and their attorneys in a settlement conference seeking a negotiated settlement agreement on all or some of the issues of the cases;

(4) “advisory consultation” means a brief assessment about the situation and a written report summarizing the information for the attorneys and the court, as well as suggestions regarding specific plans, general issues, or requested actions.

[Adopted by Supreme Court Order No. 08-8300-009, effective April 15, 2008; LR13-801 recompiled and amended as LR13-601 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016; amended by Supreme Court Order No. 19-8300-010, effective July 1, 2019.]

ANNOTATIONS

The 2019 amendment, approved by Supreme Court Order No. 19-8300-010, effective July 1, 2019, added a provision requiring parties to participate in good faith during alternative dispute resolution, and made certain technical changes; substituted “alternative dispute resolution” with “ADR” throughout the rule; and added a new Paragraph F and redesignated the succeeding paragraph accordingly.

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, in Paragraph A, after “Mediation Procedures Act”, added “Sections 44-7B-1 to -6 NMSA 1978”.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-801 NMRA was recompiled and amended as LR13-601 NMRA, effective December 31, 2016.

LR13-602. ADR in civil matters.

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

A. **Scope.** The court may, under Rule 1-016 NMRA, refer cases to ADR conducted by court-appointed mediators or settlement facilitators throughout the year and during periodic "settlement weeks" as scheduled by the court.

B. **Application.** This rule applies to civil cases as determined by the court.

C. **Referrals.** Any party at any time may file a motion requesting referral to ADR. At the discretion of the court, the court may order the parties to participate in ADR.

D. **Referral order.** The court shall complete and file an order referring the parties to ADR, appointing a mediator or settlement facilitator, setting the time period in which the ADR shall take place, and mail or deliver endorsed copies of the order to all parties entitled to notice and the settlement facilitator or mediator. The order shall not indicate whether the referral was made on a party's request or by the court's own motion. The order may be modified only on subsequent written court order.

E. **Assignment of mediator or settlement facilitator.** The court or the parties may choose the mediator or settlement facilitator from a list of mediators and settlement facilitators maintained by the court. The parties may present to the court a stipulated motion requesting that any qualified person act as the mediator or settlement facilitator.

F. **Time, place, and deadline for mediation or settlement facilitation.** The time and place of ADR shall be set by the mediator or settlement facilitator within the timeline ordered by the court. Any party or the mediator or settlement facilitator may request an extension of the deadline on motion to the court.

G. Attendance. Each counsel of record shall attend in person and shall ensure the attendance of all persons who have full and final settlement authority at the entire settlement conference. Other persons not of record may attend on agreement of all parties of record. On motion of any party or on its own motion, the court may impose sanctions for failure to attend the settlement conference or have present all necessary persons, except on a showing of good cause. On motion of any party or on its own motion, the court may impose sanctions for failure to participate in good faith.

H. ADR case information. At least ten (10) days prior to ADR, all parties shall provide the mediator or settlement facilitator with the information listed below. This information shall not be filed with the court or in any way be made part of the court record, nor shall the mediator or settlement facilitator reveal any of the information submitted to the opposing party. On motion of any party or on its own motion, the court may impose sanctions for failure to provide the required information to the mediator or settlement facilitator. The required information that shall be submitted to the mediator or settlement facilitator is

- (1) the case caption, number, and assigned judge;
- (2) the status of the party submitting the information, such as plaintiff, defendant, third party defendant, etc.;
- (3) a brief description of the case (in domestic relations matters include the date of marriage, whether a final decree was issued, occupations, current annual income of the parties, and the names and ages of children);
- (4) a description of the relief sought;
- (5) a list of pending factual issues;
- (6) a list of pending legal issues;
- (7) a list of all remaining discovery;
- (8) a list of any pending dispositive motions;
- (9) an estimate of costs and attorney fees through trial;
- (10) the trial date and other important dates; and
- (11) any other information requested by the mediator or settlement facilitator.

I. Cancelling ADR. ADR may be cancelled by the parties only on motion and written court order. ADR may be cancelled by the mediator or settlement facilitator by letter to the court.

J. Compensation to mediators and settlement facilitators. The court may order the parties to pay reasonable compensation to the mediator or settlement facilitator. Mediators and settlement facilitators may be compensated in one of the following ways:

(1) Parties unable to afford the full cost of ADR may request the court assign a mediator or settlement facilitator willing to accept reimbursement at an amount set by the court. Parties who receive a mediator or settlement facilitator paid out of court funds shall each pay a fee according to the sliding fee scale adopted under these local rules, and approved by the Supreme Court. ADR shall not commence until the fee owed by each party is paid in full to the clerk of the court. The parties shall be responsible for providing a copy of the receipt of the required court fee to the mediator or settlement facilitator before ADR begins. The fee may be waived at the discretion of the court.

(2) The parties may select a mediator or settlement facilitator and negotiate a fee that shall be shared among the parties.

K. ADR reporting. On partially or fully successful mediation or settlement facilitation, the mediator or settlement facilitator shall assist the parties with preparation of any agreement, if requested, and provide copies to the parties and their attorneys. After every mediation and settlement facilitation, the mediator or settlement facilitator shall file a certificate of compliance with the ADR order with the court within ten (10) days after ADR is completed. Copies of the certificate shall be sent to the parties and their attorneys.

[Adopted by Supreme Court Order No. 08-8300-009, effective April 15, 2008; LRI3-802 recompiled and amended as LR13-602 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016; amended by Supreme Court Order No. 19-8300-010, effective July 1, 2019.]

ANNOTATIONS

The 2019 amendment, approved by Supreme Court Order No. 19-8300-010, effective July 1, 2019, provided for alternative dispute resolution in settlement facilitation, and provided for payment of fees for mediators and settlement facilitators; in the rule heading, deleted “Settlement facilitation” and added “ADR in civil matters”; in Paragraph A, after “refer cases to”, deleted “settlement facilitation” and added “ADR”, and after “court-appointed”, added “mediators or”; in Paragraph C, after “ADR.”, deleted “The court shall determine whether to grant the motion.” and added “At the discretion of the court, the court may order the parties to participate in ADR.”; in Paragraph D, after “appointing a”, added “mediator”, and after “entitled to notice and the”, added “settlement”; in Paragraph E, in the paragraph heading added “mediator or settlement”, after “choose the”, added “mediator or”, after “list of”, added “mediators and settlement”, after “requesting that any”, deleted “licensed attorney or”, and after “act as the”, added “mediator or settlement”; in Paragraph F, in the paragraph heading, added “mediator or”, after “place of”, deleted “the settlement conference” and added “ADR”, after “set by the”, added “mediator or”, and after “Any party or”, added “the mediator or settlement”;

in Paragraph H, in the paragraph heading, deleted “Settlement facilitation” and added “ADR”, after “prior to”, deleted “the facilitation conference” and added “ADR”, and added “mediator or settlement” prior to “facilitator” throughout the paragraph; deleted former Paragraph I and redesignated former Paragraph J as Paragraph I; in Paragraph I, in the paragraph heading, deleted “settlement conference” and added “ADR”, substituted “Settlement facilitation” with “ADR” throughout the paragraph, and after “cancelled by the”, added “mediator or settlement”; deleted former Paragraph K and redesignated former Paragraphs L and M as Paragraphs J and K, respectively; in Paragraph J, in the paragraph heading, added “mediators and settlement” preceding “facilitators”, in the introductory clause, added “mediator and settlement” preceding “facilitator”, and after the first occurrence of “facilitator”, deleted “of a settlement conference not conducted as part of settlement week. During settlement week the parties are not responsible for compensating a facilitator conducting a settlement facilitation as part of settlement week. Settlement facilitators” and added “Mediators and settlement facilitators”, completely rewrote Subparagraph (1), and in Subparagraph (2), added “mediator or settlement” preceding “facilitator”, and after “shared”, deleted “equally”; and in Paragraph K, after “successful”, added “mediation or”, added “mediator or settlement” preceding each occurrence of “facilitator”, after “preparation of”, deleted “a settlement” and added “any”, and after “days after”, deleted “the settlement facilitation” and added “ADR”.

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, substituted “on” for “upon” throughout the rule; in Paragraph A, after “may”, deleted “pursuant to” and added “under”; and in Paragraph D, after “ADR”, deleted “appoint” and added “appointing”, and after “facilitator”, deleted “set” and added “and setting”.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-802 NMRA was recompiled and amended as LR13-602 NMRA, effective December 31, 2016.

LR13-603. Withdrawn.

ANNOTATIONS

Withdrawals. — Pursuant to Supreme Court Order No. 19-8300-010, LR13-603 NMRA, relating to civil mediation, was withdrawn effective July 1, 2019. For provisions of former rule, see the 2018 NMRA on *NMOneSource.com*.

VII. Forms

LR13-Form 701. Order of dismissal.

THIRTEENTH JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO

COUNTY OF _____

Petitioner,

v.

No. _____ -DR

Respondent.

ORDER OF DISMISSAL

This matter having come on for hearing on the motion of the _____, _____ and good cause appearing.

It is therefore ordered, adjudged and decreed that the petition for order prohibiting domestic violence be, and the same hereby is dismissed.

Adopted as an order of this court on _____, _____ at _____ .m.

District Judge

[Adopted, effective January 1, 1998; LR13-Form E-7 recompiled as LR13-Form 701 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-Form E-7 NMRA was recompiled as LR13-Form 701 NMRA, effective December 31, 2016.

LR13-Form 702. Release order.

THIRTEENTH JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO

COUNTY OF _____

Petitioner,
v.

No. _____ -DR

Respondent.

RELEASE ORDER

This matter having come on before the court and the court being fully advised in the premises finds:

1. The respondent was arrested for violations of a domestic violence order filed herein.
2. A contempt hearing was held on _____, _____ at _____m.
3. Respondent [] was [] was not found to be in violation of the court.
4. Respondent was purged of contempt and should be released from incarceration.

It is therefore ordered that the respondent be immediately released from the _____.

Adopted as an order of this court on _____, _____ at _____m.

District court judge

[Adopted, effective January 1, 1998; LR13-Form E-8 recompiled as LR13-Form 702 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-Form E-8 NMRA was recompiled as LR13-Form 702 NMRA, effective December 31, 2016.

LR13-Form 703. Order regarding parenting instructions.

THIRTEENTH JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO

COUNTY OF _____

Petitioner,

v.

No. _____ -DR

Respondent.

ORDER REGARDING PARENTING INSTRUCTIONS

THE PARTIES SHALL FOLLOW, OBEY AND CAREFULLY ABIDE BY EACH AND ALL OF THE PROVISIONS INITIALED BELOW:

- _____ 1. Neither parent will threaten, harass, intimidate, unlawfully assault or batter or physically or mentally abuse the other parent, or a minor child. Law enforcement officers are authorized and required to enforce this provision by preparing a report of the incident, and submitting a copy of it to this court's mailing address, which is _____ or to this court's chambers at _____, New Mexico. The law enforcement officers are also authorized and encouraged to arrest any person they have probable cause to believe has committed unlawful assault (See Section 30-3-1 NMSA 1978) or battery (see Section 30-3-4 NMSA 1978) upon another. See Section 30-3-6 NMSA 1978 for authorization regarding warrantless arrests of assailants when there is probable cause to believe such person assaulted or battered another. This provision remains in full force and effect unless and until it is modified or revoked by subsequent written order of this court.
- _____ 2. Neither parent nor any stepparent, fiancée, or grandparent will criticize, disparage, demean, insult or otherwise "bad-mouth" the other parent, step-parent, fiancée or grandparent to a child or in the presence of a child, nor allow or encourage anyone else, including relatives and friends, to do so. This prohibition applies even to information that is truthful and accurate.
- _____ 3. Neither parent will argue or fight, verbally or physically, in the presence or hearing of a child.
- _____ 4. Neither parent will align or attempt to align a child against a parent, or other relative, nor allow or encourage anyone else, including relatives and friends, to do so. This especially means that neither parent will directly or indirectly ask a child to choose between the parents, or choose to reside with one parent instead of the other, or choose one household over the other household.
- _____ 5. Both parents must encourage a positive parent-child relationship between a child and both parents, and not say or do anything,

including "grimace" or put on a "long face", against the child's love for the other parent when a child is about to visit the other parent or asks or talks about the other parent.

- _____ 6. Neither parent will interfere with the parent-child relationship with the other parent, and neither parent will conceal a child from the other parent during the other parent's period of responsibility (time-sharing).
- _____ 7. Neither parent will make plans for a child that conflicts with the other parent's period of responsibility with a child, or discuss such plans with a child or make promises about such plans with a child, unless and until both parents agree in advance to the plans. Doing so creates a serious risk that a child will count on and look forward to a planned or promised activity, only to be disappointed with and distrustful of the parent who made or promised a plan with a child and then could not carry it out.
- _____ 8. If a parent asks the other parent for additional time with a child, or for an activity or plan that would conflict with the other parent's scheduled time or plans with the child, the other parent has an absolute right to say "no" and the requesting parent must accept that answer without bringing such request or negative answer of the other parent to the attention of any of the minor children.
- _____ 9. Neither parent will ask a child to pass orders or instructions or uncomplimentary messages to the other parent through a child, verbally or in writing. Complimentary messages are allowed and encouraged.
- _____ 10. Neither parent will ask a child to keep secrets from the other parent or ask or encourage a child to lie to the other parent about events or persons the child experienced during a visit with a parent, grandparent or relative.
- _____ 11. Neither parent will ask a child to spy on the other parent or the other parent's lifestyle or household; nor ask any detailed, probing questions about the other parent or lifestyle or household of the other parent. This only puts the child in the middle, angering a parent if the question is not answered, or getting the other parent in trouble if it is answered.
- _____ 12. Children have a right to receive unlimited letters, postcards, cassette tape letters and gifts from each parent; and to write unlimited letters and postcards, including tape-recorded messages and letters, and send gifts to each parent. Homemade video tapes by parents to children (and vice-versa) are allowed and encouraged. All such letters, gifts and tapes shall be provided, read or played forthwith to the children. These letters, cards and tapes must not violate other provisions of this order (*see especially Paragraphs 1 through 11 above*). This provision shall not be justification or excuse not to provide, read or play the message to any of the children, but the

improper words or sentence can be deleted during reading or playing the message to the children. If a parent deletes words, sentences, etc., the parent should keep the original letter and deletions. Children age ten (10) or over should receive the letter, card, or recording unopened and uncensored, and may allow either parent to read or see or hear the message, even if the writing or sending parent does not want the child to do so or asks the child not to do so.

- _____ 13. If the parents are not in locations requiring long-distance calls to contact the children, the children will have a right to make unlimited phone calls to the absent parent during the absent parent's normal waking hours. Also, the absent parent may make up to two 15-minute calls per week (Monday to Monday week) with the minor children, but should never force them to remain on the phone longer than the children want to. This will only cause the children to not want to receive phone calls from the absent parent. The parent having time-sharing with a child at the time of a phone call between a child and the absent parent must not listen in on both sides of the phone call, nor in any way cause a child to believe the custodial parent is intentionally listening in on the child's words or taking note of what the child said during the conversation. Also, the parent having time-sharing shall never ask, order or encourage a child not to be available to receive a phone call or not to answer the phone, or to refuse to speak with the calling parent or to hang up or terminate the call sooner than the child wants to on the child's own initiative.
- _____ 14. If the parents are in locations requiring long-distance phone calls to contact a minor child of the parties, then:
- A. the absent parent will have a right to make up to two 15-minute calls each week (Monday to Monday week) with each child, at the expense of the calling parent. These calls ordinarily should be made in the evening or on weekends to enable the children to be at home to receive the call, and to reduce the costs of phone calls themselves;
- B. each child shall have the right to make up to two 15-minute calls per week (Monday to Monday week) to the absent parent. The first call during that week will be at the expense of the custodial parent. Unless both parents agree otherwise before the second call, the second call will be at the expense of the parent receiving the call (i.e. collect to the receiving parent with request that the receiving parent call back station-to-station to the phone number where the child will receive the call).
- _____ 15. Unless there is a court order or written parenting plan providing for out-of-state time-sharing with children for more than fifteen (15) days, neither parent will remove a child from this state for more than fifteen (15) days without notifying the other parent in writing at least

thirty (30) days before such removal, and must specify the purpose and destination of the trip and expected date of return. Any visitation period of the other parent that is reduced or overridden by such vacation period shall be made up in full to the other parent.

- _____ 16. Each parent must notify the other parent in writing of any change of home address, mailing address, if different from home address, and all home telephone numbers no later than seven (7) calendar days from any such change, and preferably even before a change occurs. This insures that written and telephone communications between the children and absent parent can continue, and that child support payments and other written communications can be completed. This court recommends, but does not order or require, that each parent provide the parent's work telephone number to the other parent and children for use on urgent or emergency matters. Neither parent shall telephone the other parent or employer or supervisor of a parent and threaten, harass, intimidate, or mentally abuse the parent or employer or supervisor nor allow or encourage or cause anyone else, including the children or relative or friend, to do so.
- _____ 17. If both parents reside within 60 miles of one another, neither parent may relocate out of state or more than 100 miles from the other parent without giving the other parent at least sixty (60) days advance written notice, and specifying therein where the planned new permanent residence will be.
- _____ 18. In the event of a move or planned move as described in Paragraph 17 the parents should quickly begin discussions before the move occurs about child time-sharing or visitation. If they cannot agree on a new time-sharing plan at least thirty (30) days before the date of the move, they must engage in mediation pursuant to these rules. It is highly recommended that a new written parenting plan be agreed upon and signed by both parents and a district judge before the move occurs or is completed, so that the moving parent will not have to return and complete the mediation and new parenting plan.
- _____ 19. Unless both parents agree otherwise in advance, the clothing, books and toys a child takes to the other parent shall be returned with the child at the conclusion of that parent's responsibility or visitation with the child - even if the original clothes, books, and toys are returned in a bag carried by the child. Preferably, the clothes should be washed before their return with the child.
- _____ 20. Each child shall have a right to have a photograph of each parent and grandparent in the child's room or child's private area; such photographs shall be clearly visible to the child and not hidden in drawers or turned toward a wall.
- _____ 21. Child support shall not be reduced, delayed, or cut off because of disagreements between the parents or because visitation had been reduced or cut off. (The court can handle wrongful reduction or

cutting off of visitation by contempt of court or other remedy, without penalizing a child's right to be both supported emotionally and financially by both parents.)

- _____ 22. Time sharing or visitation shall not be reduced or cut off because of disagreements between the parents, or because child support is not being paid in full or on time. (The court can handle wrongful reduction or cutting off of visitation by contempt of court or other remedy, without penalizing a child's right to visitation and good relationship with the other parent.)
- _____ 23. Both parents and all others driving a child in a motor vehicle shall have the children securely fastened in child restraint devices, for younger children, and seatbelts and shoulder harnesses, for older children, whenever the engine of the vehicle is running, or the motor vehicle is moving. If the vehicle is a bicycle, motorscooter, motorcycle or three-wheel or four-wheel motorized all-terrain vehicle (ATV), parents and drivers of such vehicle shall have the child-passenger wear a securely fastened helmet approved by the federal Department of Transportation (DOT) or Snell Memorial Foundation whenever the engine of the vehicle is running or the bicycle or vehicle is moving.
- _____ 24. Neither parent, nor their spouse, fiancée or girlfriend or boyfriend may possess, use or be under the influence of any alcoholic beverages, including hang-overs, or illegal drugs in the presence of a child.

District Court Judge

[Adopted, effective January 1, 1998; LR13-Form F-2 recompiled and amended as LR13-Form 703 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, in item 18 of the parenting instructions, deleted “LR13-703” and added “these rules”.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-Form F-2 NMRA was recompiled and amended as LR13-Form 703 NMRA, effective December 31, 2016.

LR13-Form 704. Pre-trial order.

STATE OF NEW MEXICO

COUNTY OF _____

THIRTEENTH JUDICIAL DISTRICT COURT

Plaintiff,

v.

No. _____

Defendant.

PRE-TRIAL ORDER

THIS MATTER having come before the court on _____, 2____, at a pre-trial conference held before Judge _____, pursuant to Rule 1-016 NMRA, it is hereby ordered:

1. **JURISDICTION AND PARTIES.** The jurisdiction of the court is not disputed. There is no remaining question regarding the propriety of the parties.
2. **GENERAL NATURE OF THE CLAIMS.**
 - a. Plaintiff claims: *(set out each legal theory to be argued and the elements necessary to prove the theory)*
 - b. Defendant claims: *(set out each legal theory to be argued and the elements necessary to prove the theory)*
 - c. All other parties claim: *(set out each legal theory to be argued and the elements necessary to prove the theory)*
3. **UNCONTROVERTED FACTS.** The following facts are established by admission in the pleadings or by stipulation of counsel or self-represented parties at the pre-trial conference:
4. **CONTESTED LEGAL THEORIES.** As to each legal theory provided in No. 2 of this order, the contested elements are:
5. **CONTESTED ISSUES OF FACT.** The contested issues of fact remaining for decision are:
6. **CONTESTED ISSUES OF LAW.** The contested issues of law, in addition to those implicit in Nos. 4 and 5 above, are: [OR]
There are no contested issues of law reserved other than those implicit in Nos. 4 and 5 above.
7. **LIST OF EXHIBITS.** Each party will mark its own exhibits and make a descriptive list thereof which shall be furnished to all opposing counsel and two (2) copies to the court at least [] **days prior to trial.** At that time, all such exhibits will be made available for examination by opposing counsel. *(Note: this rule does not apply to rebuttal exhibits that cannot be anticipated.)*
 - a. Plaintiff's list of exhibits:
 - b. Defendant's list of exhibits:

- c. Other parties' list of exhibits:
8. **EXHIBIT AUTHENTICATION, OBJECTIONS, USE AT TRIAL.** Any counsel requiring authentication of an exhibit must notify in writing the offering counsel within **days after the exhibit is made available for examination.** Failure to do so is an admission of an exhibit's authenticity. Any other objection to the admissibility of an exhibit must, where possible, be made at least **days before trial**, and the court shall be notified of the objections.
9. **DISCOVERY.**
 Discovery has been completed.
 Discovery is to be completed by _____.
 The following provisions are made for discovery:

_____.
10. **WITNESSES.** A list of the names, addresses and general subject matter of the testimony of each party's witnesses must be filed with the court and must be served upon the opposing party and the court at least **days prior to trial.** After this deadline, additional witnesses will not be allowed without a showing of good cause why their disclosure did not take place in conformance with this order. (*Note: this does not apply to rebuttal witnesses who cannot be anticipated.*)
a. Plaintiff may call the following witnesses:
b. Plaintiff will call or have available at trial the following witnesses:
c. Plaintiff will present the following testimony by deposition:
d. Defendant may call the following witnesses:
e. Defendant will call or have available at trial the following witnesses:
f. Defendant will present the following testimony by deposition:
g. Other parties may call the following witnesses:
h. Other parties will call or have available at trial the following witnesses:
i. Other parties will present the following testimony by deposition:
11. **AMENDMENTS TO PLEADINGS.**
 There are no amendments.
 This order was made with regard to the following amendments to the pleadings:

_____.
12. **ALTERNATIVE DISPUTE RESOLUTION.**
 The parties agree to submit to alternative dispute resolution.
 The parties agree that alternative dispute resolution is inappropriate.
13. **MOTIONS IN LIMINE.**
All motions in limine must be filed with the court and submitted to the judge's office no later than five (5) days before trial.
14. **JURY INSTRUCTIONS.** Each party shall submit proposed jury instructions by _____, 2_____.
15. **LENGTH OF TRIAL.** The estimated length of trial is _____ days.
16. **TRIAL SETTING.** This matter is set for trial on _____

2_____, at _____ o'clock.

17. **THIS IS A**
[] jury trial
[] bench trial.

18. **OTHER:**

-
19. **AMENDMENTS.** This order will control the course of the trial. It may be amended by consent of the parties and the court, or by order of the court to prevent manifest injustice. The pleadings are deemed merged herein.

Date

Attorney for Plaintiff

Date

Attorney for Defendant

DISTRICT COURT JUDGE

[Adopted by Supreme Court Order No. 08-8300-009, effective April 15, 2008; LR13-Form M recompiled as LR13-Form 704 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-Form M NMRA was recompiled as LR13-Form 704 NMRA, effective December 31, 2016.

LR13-Form 705. Motion to withdraw as counsel.

STATE OF NEW MEXICO

COUNTY OF _____

THIRTEENTH JUDICIAL DISTRICT COURT

Plaintiff,

v.

No. _____

Defendant.

MOTION TO WITHDRAW

COMES NOW _____, and moves this Court for its order allowing movant to withdraw as counsel of record for _____, the plaintiff/defendant.

As grounds for this motion, movant states:

Hearings currently set in this case are:

Supreme Court deadlines relevant to this case are:

This motion is being filed along with an entry of appearance by _____, as a self-represented party.

I acknowledge that _____ has twenty (20) days to obtain counsel or to be deemed appearing as a self-represented party. The last known address and telephone number for _____, the plaintiff/defendant are as follows:

(movant's signature)

(certificate of service)

[Adopted by Supreme Court Order No. 08-8300-009, effective April 15, 2008; LR13-Form N-1 recompiled as LR13-Form 705 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-Form N-1 NMRA was recompiled as LR13-Form 705 NMRA, effective December 31, 2016.

LR13-Form 706. Order to withdraw as counsel.

STATE OF NEW MEXICO

COUNTY OF _____

THIRTEENTH JUDICIAL DISTRICT COURT

Plaintiff,

v.

No. _____

Defendant.

ORDER TO WITHDRAW

THIS MATTER having come before the court on _____ motion to withdraw as counsel for the plaintiff/defendant, and the plaintiff/defendant understands that the plaintiff/defendant has twenty (20) days in which to obtain counsel or be deemed appearing as a self-represented party, and the court being otherwise advised in the premises, hereby orders that the motion is granted.

DISTRICT COURT JUDGE

Movant's name

Plaintiff's/Defendant's name

Address

Address

Telephone

Telephone

Opposing Counsel

[Adopted by Supreme Court Order No. 08-8300-009, effective April 15, 2008; LR13-Form N-2 recompiled as LR13-Form 706 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-Form N-2 NMRA was recompiled as LR13-Form 706 NMRA, effective December 31, 2016.

LR13-Form 707. Rule 1-099 NMRA certificate.

STATE OF NEW MEXICO

COUNTY OF _____

THIRTEENTH JUDICIAL DISTRICT COURT

Petitioner/Plaintiff,

v.

No. _____

Respondent/Defendant.

RULE 1-099 NMRA CERTIFICATE

COMES NOW _____, and hereby certifies pursuant to Rule 1-099 NMRA, that no Rule 1-099 docket fee is required because:

this case is pending.

the attached pleading, motion or other paper is filed within ninety (90) days after the last disposition; the last action taken in this case was _____;

a judgment or decrees was filed on _____, 2_____.

the attached pleading, motion or other paper is requesting action that may be performed by the clerk pursuant to these rules, [OR] the attached pleading, motion or other paper is seeking to correct a mistake in the judgment, decree or record filed on _____, 2_____, [OR] the attached motion accompanied by a signed stipulated order disposes of the issues raised by motion.

the attached pleading, motion or other paper is seeking only enforcement of a child support order filed on _____, 2_____.

signature

Name: _____ (print)

Address: _____

Telephone: _____

I state that a copy of this certificate was mailed to the other party, _____, on _____.

[Adopted by Supreme Court Order No. 08-8300-009, effective April 15, 2008; LR13-Form O recompiled as LR13-Form 707 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-Form O NMRA was recompiled as LR13-Form 707 NMRA, effective December 31, 2016.

LR13-Form 708. Motion requesting ADR.

STATE OF NEW MEXICO

COUNTY OF _____

THIRTEENTH JUDICIAL DISTRICT COURT

Petitioner/Plaintiff,

v.

No. _____

Respondent/Defendant.

MOTION REQUESTING REFERRAL TO ADR

All parties respectfully request that this cause be referred to mediation/settlement facilitation and that a mediator/settlement facilitator be appointed.

This case is assigned to Judge _____.

The parties have agreed to (NAME, ADDRESS, PHONE NUMBER) as their mediator/settlement facilitator and will provide this information to the ADR program director within seven (7) days.

The parties cannot agree on a mediator/settlement facilitator and request that the judge shall make an appointment.

Compensation to the mediator/settlement facilitator is as follows:

\$ _____ for up to four (4) hours, to be assessed equally among the parties.

\$ _____ for up to four (4) hours, to be paid by the court.

An amount as is mutually agreeable to be assessed equally among the parties.

PARTIES ENTITLED TO NOTICE:

1. Mediator, address, phone and fax
2. Petitioner, address, phone and fax
3. Respondent, address, phone and fax

4. Director of ADR Programs

P.O. Box 600, 1500 Idalia Road, Bldg. A

Bernalillo, NM 87004

I hereby certify that a copy of the foregoing document was mailed to the parties listed above on the date of filing this motion.

[Adopted by Supreme Court Order No. 08-8300-009, effective April 15, 2008; LR13-Form P recompiled as LR13-Form 708 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-Form P NMRA was recompiled as LR13-Form 708 NMRA, effective December 31, 2016.

LR13-Form 709. Order of referral to ADR.

STATE OF NEW MEXICO

COUNTY OF _____

THIRTEENTH JUDICIAL DISTRICT COURT

Plaintiff/Petitioner,

v.

No. _____

Defendant/Respondent.

**ORDER OF REFERRAL TO ADR
SETTLEMENT FACILITATION/MEDIATION**

THIS MATTER having come before this court upon a request for ADR, and the court being fully advised in the premises states the following:

IT IS THEREFORE ORDERED that the above captioned case is hereby referred to settlement facilitation/mediation. The assigned settlement facilitator/mediator is: (NAME, ADDRESS, PHONE NUMBER) _____.

Each party shall contact the above settlement facilitator/mediator no later than ten (10) business days after the date of entry of this order and, if ordered to settlement facilitation, shall submit the information requested on the attached Settlement Facilitation Information Sheet.

IT IS FURTHER ORDERED that the ADR conference shall be scheduled at the earliest possible date, but in no event later than ninety (90) days from entry of this order. All parties shall make good faith efforts to timely schedule and attend ADR.

IT IS FURTHER ORDERED that the mediator/facilitator shall be paid:

- \$_____ for up to four (4) hours to be assessed equally to the parties. If the matter has not been resolved within four (4) hours, the parties may negotiate with the mediator/facilitator to provide further services for a fee as is mutually agreeable.
- \$_____ for up to four (4) hours to be paid by the court. If the matter has not been resolved within four (4) hours, the parties may negotiate with the mediator/facilitator to provide further services for a fee as is mutually agreeable.
- An amount as is mutually agreeable to be assessed equally to the parties. Payment is due within thirty (30) days of the date of ADR.

IT IS FURTHER ORDERED that self-represented litigants and each counsel of record shall attend in person and shall ensure the attendance of all persons who have full and final settlement authority at the settlement facilitation/mediation. Other persons not of record may attend upon agreement of all parties of record. All persons shall participate in good faith.

IT IS FURTHER ORDERED that within ten (10) days after ADR the facilitator/mediator shall file the completed certificate of compliance with the Court Clerk, and each party will return the participant questionnaire to the ADR program director.

District Court Judge

PARTIES ENTITLED TO NOTICE:

1. Mediator, address, phone and fax
2. Petitioner, address, phone and fax
3. Respondent, address, phone and fax
4. Director of ADR Programs

P.O. Box 600, 1500 Idalia Road, Bldg. A

Bernalillo, NM 87004

I hereby certify that a copy of the foregoing document was mailed to the parties listed above on the date of filing this motion.

[Adopted by Supreme Court Order No. 08-8300-009, effective April 15, 2008; LR13-Form Q recompiled as LR13-Form 709 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-Form Q NMRA was recompiled as LR13-Form 709 NMRA, effective December 31, 2016.

LR13-Form 710. Stipulated settlement order.

STATE OF NEW MEXICO

COUNTY OF _____

THIRTEENTH JUDICIAL DISTRICT COURT

Plaintiff/Petitioner,

v.

No. _____

Defendant/Respondent.

STIPULATED SETTLEMENT ORDER

THIS MATTER came before the court after parties participated in ADR attended by the parties in good faith. Upon completion of the ADR conference, the parties agree to the following terms (or the attached agreement):

IT IS HEREBY ORDERED that the parties comply with the above/attached settlement agreement.

District Court Judge

[Adopted by Supreme Court Order No. 08-8300-009, effective April 15, 2008; LR13-Form R recompiled as LR13-Form 710 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-Form R NMRA was recompiled as LR13-Form 710 NMRA, effective December 31, 2016.

LR13-Form 711. Notice of hearing following ADR.

STATE OF NEW MEXICO

COUNTY OF _____

THIRTEENTH JUDICIAL DISTRICT COURT

Plaintiff/Petitioner,

v.

No. _____

Defendant/Respondent.

NOTICE OF HEARING FOLLOWING ADR

PLEASE TAKE NOTICE that the above-entitled cause is scheduled for hearing before the Honorable _____, District Court Judge, for the date, time and place set forth below:

DATE: _____

TIME: _____

PLACE: Thirteenth Judicial District Courthouse

MATTER TO BE HEARD: _____

TIME ALLOCATED: _____

Trial Court Administrative Assistant

Parties entitled to notice:

- a. _____ b. _____
c. _____ d. _____

[Adopted by Supreme Court Order No. 08-8300-009, effective April 15, 2008; LR13-Form S recompiled as LR13-Form 711 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-Form S NMRA was recompiled as LR13-Form 711 NMRA, effective December 31, 2016.

LR13-Form 712. Certificate of compliance.

STATE OF NEW MEXICO

COUNTY OF _____

THIRTEENTH JUDICIAL DISTRICT COURT

Plaintiff/Petitioner,

v.

No. _____

Defendant/Respondent.

CERTIFICATE OF COMPLIANCE WITH ADR ORDER

In accordance with the order of referral to ADR issued in the above captioned case on _____, a settlement facilitation/mediation attended by all parties was held on _____.

The case settled fully during ADR.

The case settled in part during ADR.

OR:

No ADR was held because the case settled fully before scheduled ADR.

ADR was cancelled by the court.

ADR was not held or scheduled yet because of lack of cooperation by a party or attorney.

ADR was not held for other reasons (*describe*):

I hereby certify a copy of the certificate of compliance was mailed to all parties.

Settlement Facilitator/Mediator Signature

Print name

[Adopted by Supreme Court Order No. 08-8300-009, effective April 15, 2008; LR13-Form T recompiled as LR13-Form 712 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-Form T NMRA was recompiled as LR13-Form 712 NMRA, effective December 31, 2016.

LR13-Form 713. Order to mediation (*domestic matters only*).

STATE OF NEW MEXICO

COUNTY OF _____

THIRTEENTH JUDICIAL DISTRICT COURT

Petitioner,

v.

No. _____

Respondent.

ORDER FOR MEDIATION

It has been made to appear to the court that a controversy exists between the parties hereto, including custody and visitation issues affecting the parties' children.

It is therefore ordered by the court that:

1. This controversy shall be referred to

up to four (4) hours of mediation.

up to eight (8) hours of mediation.

other _____.

2. Under LR13-401 NMRA, each party is required to pay a mediation fee to the clerk of the court within ten (10) days of receipt of this order. **Failure to pay the fee may be considered contempt of court.**

Petitioner shall pay \$_____ as a mediation fee.

Respondent shall pay \$_____ as a mediation fee.

Other _____

3. The mediator shall encourage and assist the parties to resolve the contested matters in a way that is mutually satisfactory to the parties and beneficial to the best interests of the child or children.

4. Mediation proceedings shall be held in private and shall be confidential. All communications, verbal or written, from the parties to the mediator made under the order shall be inadmissible in any court hearing.

5. No report of the personal content of mediation shall be made to the court. The mediator shall inform the court by written report of the result of the mediation session. If the mediation process is successful, the agreement shall be reduced to writing on a form to be signed by the parties.

6. The parties shall make themselves available for mediation, and shall participate and cooperate fully with the mediator.

7. The parties shall refrain from discussing their respective positions in the presence of the minor child(ren) and shall not attempt, in any manner, to align the child(ren) with their side.

8. _____, telephone number _____, is hereby appointed as mediator in this case. Each party shall contact the mediator within ten (10) days from the entry of this order.

District Court Judge

PARTIES ENTITLED TO NOTICE:

Mediator: _____ name
_____ address
_____ telephone
_____ email

Petitioner: _____ name
_____ address
_____ telephone
_____ email

Respondent: _____ name
_____ address
_____ telephone
_____ email

_____, Director of Mediation Programs

Thirteenth Judicial District Court
P.O. Box 1089
Los Lunas, NM 87122
505/865-4291

I hereby certify that a copy of the foregoing document was mailed to the parties listed on date of filing.

[Adopted by Supreme Court Order No. 08-8300-009, effective April 15, 2008; LR13-Form U recompiled and amended as LR13-Form 713 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

The 2016 amendment, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, rewrote the form.

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-Form U NMRA was recompiled and amended as LR13-Form 713 NMRA, effective December 31, 2016.

LR13-Form 714. Order for advisory consultation (*domestic matters only*).

STATE OF NEW MEXICO

COUNTY OF _____

THIRTEENTH JUDICIAL DISTRICT COURT

Petitioner,

v.

No. _____

Respondent.

ORDER FOR ADVISORY CONSULTATION

It has been made to appear to the court that a controversy exists between the parties hereto, including custody and visitation issues affecting the parties' child or children.

IT IS THEREFORE ORDERED by the court that:

1. This controversy shall be referred to advisory consultation.
2. Each party shall pay a mediation/advisory consultation fee according to the sliding fee scale adopted under the Local Rules of the Thirteenth Judicial District Court to be paid to the clerk of the court within ten (10) days from entry of this order. Unless otherwise ordered, the mediation/advisory consultation fund of the Thirteenth Judicial District Court will subsidize the first eight (8) hours of advisory consultation.
3. An advisory consultation shall result in written recommendations to the parties. The written recommendations shall be forwarded to the judge.
4. The parties shall make themselves and their child or children, if requested, available for consultation and shall participate and cooperate fully with the advisory consultant.

5. The parties shall refrain from discussing their respective positions in the presence of the minor children and shall not attempt, in any manner, to align the children with their respective sides.

6. _____ is hereby appointed as the advisory consultant in this case. Each party shall contact the advisory consultant within ten (10) days from the entry of this order.

7. The advisory consultant shall prepare a final disposition report, file a certificate of compliance with the court clerk's office and ensure each party returns the participant questionnaire to the ADR program director.

District Court Judge

PARTIES ENTITLED TO NOTICE:

1. Mediator, address, phone and fax
2. Petitioner, address, phone and fax
3. Respondent, address, phone and fax
4. Director of ADR Programs

P.O. Box 600, 1500 Idalia Road, Bldg. A

Bernalillo, NM 87004

I hereby certify that a copy of the foregoing document was mailed to the parties listed on the date of filing.

[Adopted by Supreme Court Order No. 08-8300-009, effective April 15, 2008; LR13-Form V recompiled as LR13-Form 714 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-Form V NMRA was recompiled as LR13-Form 714 NMRA, effective December 31, 2016.

LR13-Form 715. Mediation disposition report.

STATE OF NEW MEXICO

COUNTY OF _____

THIRTEENTH JUDICIAL DISTRICT COURT

Petitioner,

v.

No. _____

Respondent.

MEDIATION DISPOSITION REPORT

The parties in this case attempted mediation. The result was as follows:

All issues were resolved before the mediation was initiated.

Mediation was held on _____. **Agreement was reached.**
SEE ATTACHED.

SET FOR HEARING. (*Please check all that apply.*) **NOTICE OF HEARING IS ATTACHED.**

Mediation was held on _____. Partial agreement was reached.
SEE ATTACHED.

The remaining issues to be resolved: ___ Custody ___ Visitation ___ Financial
___ Other

Comments: _____

Mediation has been terminated because

- Respondent did not want mediation or failed to respond.
- Petitioner failed to appear for mediation.
- Respondent failed to appear for mediation.
- The parties should be referred for a psychological evaluation.

Comments:

Mediator

Date

Checklist:

- | | | | |
|------------------------------------------------------------|-------------|---------------|-----------|
| ___ Agreement attached. Agreement sent to: | ___ Parties | ___ Attorneys | ___ Judge |
| ___ Partial agreement attached. Partial agreement sent to: | ___ Parties | ___ Attorneys | ___ Judge |
| ___ Notice of hearing attached. Notice of hearing sent to: | ___ Parties | ___ Attorneys | ___ Judge |
| ___ Certificate of compliance filed with court clerk. | | | |

[Adopted by Supreme Court Order No. 08-8300-009, effective April 15, 2008; LR13-Form W recompiled as LR13-Form 715 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

ANNOTATIONS

Recompilations. — Pursuant to Supreme Court Order No. 16-8300-015, former LR13-Form W NMRA was recompiled as LR13-Form 715 NMRA, effective December 31, 2016.