

**PROPOSED REVISIONS TO THE RULES OF THE DISTRICT COURT OF THE
ELEVENTH JUDICIAL DISTRICT**

PROPOSAL 2024-022

March 13, 2024

The Eleventh Judicial District Court has recommended amendments to LR11-101, LR11-102, LR11-110, LR11-111, LR11-113, LR11-116, LR11-118, LR11-119, and LR11-120 NMRA and the withdrawal of LR11-108 and LR11-115 NMRA for the Supreme Court's consideration.

If you would like to comment on the proposed amendments set forth below before the Court takes final action, you may do so by either submitting a comment electronically through the Supreme Court's website at <http://supremecourt.nmcourts.gov/open-for-comment.aspx> or sending your written comments by mail, email, or fax to:

Elizabeth A. Garcia, Chief Clerk of Court
New Mexico Supreme Court
P.O. Box 848
Santa Fe, New Mexico 87504-0848
rules.supremecourt@nmcourts.gov
505-827-4837 (fax)

Your comments must be received by the Clerk on or before April 12, 2024, to be considered by the Court. Please note that any submitted comments may be posted on the Supreme Court's website for public viewing.

LR11-101. Settings and telephonic appearances.

A. **Notice of setting.** Each judge, hearing officer, or commissioner shall determine the setting schedule for each one's respective divisions and will furnish the court clerk, with service to the parties, a notice of hearing, trailing docket list, or other notice document appropriate to the matter.

B. **Notice is binding.** Whatever the form of notice, all settings made by the court shall be binding on all parties and attorneys who have been served.

~~C. **Telephonic appearances permitted.** A party may appear by telephone as permitted by law and with prior approval of the court. Prior approval shall be sought by written motion and order unless otherwise directed by the court. The party shall bear the cost of the party's telephonic appearance.~~

~~D. **Telephone conferences.** When a telephone conference is conducted at the request of a party, it shall be set up and paid for by the requesting party and shall not be paid for by the court. The record of the conference, if any, will be made by the standard method used by the court in the case.]~~

C. **Remote and in-person hearings.** Hearings may be held entirely in person, entirely remote, or in a hybrid fashion, in the discretion of the Court acting within the confines of Supreme Court approved guidelines.

[As amended 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. _____, effective for all cases filed on or after _____.]

LR11-102. Case assignment, reassignment; unavailability of judges.

[Related Statewide Rules 1-088 and 5-105 NMRA]

A. **Assignment.** Cases are typically assigned to judges sitting in the county where the case is filed. In the event of recusal or excusal, the case will be reassigned as described in Paragraph B to one of the other judges sitting in the county where the case was filed. In the event all judges in one county have been disqualified, the case will be reassigned at random to one of the judges in the other county.

B. **Immediate reassignment in case of excusal or recusal.** In the event of recusal or excusal of an assigned judge, the clerk of the court shall immediately reassign the case so that a judge will be assigned to a pending case at all times. The clerk will serve notice of this reassignment on the parties. ~~[Under Rules 1-088 and 5-105 NMRA, the parties have ten (10) days from the date of recusal or excusal in which to agree on and enlist a district court judge to hear the case. Parties who agree on a district court judge to hear the case must file a document signed by the agreed-on judge indicating acceptance of the case. On filing, the case will be reassigned to the judge designated in the agreement. Absent the filing of an agreement within ten (10) days, the]~~ The reassignment noticed by the clerk remains in effect subject to lawful excusals filed by other parties within ten (10) days of the clerk's notice of reassignment.

C. **Assigned judge unavailable.** Other than hearing a default or ex parte matter, cases assigned to one judge who is unavailable will not be heard by another judge without consent of the judge to whom the case is assigned. In case of an emergency, the requesting party must document the emergency to the satisfaction of the substitute judge who may hear a matter without the consent of the unavailable judge to whom the case is assigned.

[As amended 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. _____, effective for all cases filed on or after _____.]

[WITHDRAWN]

~~[LR11-108. Withdrawal of court files.~~

~~Files of cases docketed in the court may not be removed from the courthouse except by court personnel.]~~

~~[LR11-112 recompiled and amended as LR11-108 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016; as withdrawn by Supreme Court Order No. _____, effective for all cases filed on or after _____.]~~

LR11-110. Place of filing; forum shopping; docket number.

[Related Statewide Rules 1-088 and 5-105 NMRA]

A. **San Juan County cases.** ~~[Civil, criminal, and domestic relations cases in San Juan County shall initially be filed at the courthouse in Aztec except that children's court, delinquency,~~

~~Child Support Enforcement Division, and abuse and neglect cases shall initially be filed at the courthouse in Farmington. Petitions for orders of protection under the Family Violence Protection Act may be filed in either location.] All cases filed in San Juan County may initially be filed at either the Aztec courthouse or the Farmington courthouse.~~ At the time of initial filing, the case will be assigned to a judge's division. Subsequent documents shall be filed at the courthouse where the assigned judge is located.

B. **Required disclosure.** If a case filed in this district has been filed previously in another district within this state, the filing party shall disclose that fact to the judge to whom the case is assigned in this district.

C. **Docket number.** Preceding the case number assigned by the court, the docket number shall indicate D-1113 for McKinley County and D-1116 for San Juan County. The last digit in the docket number indicates the division to which the case has been assigned. When a case is transferred from one division to another, the division number shall be changed accordingly. When a case is assigned to a judge located outside of the Eleventh Judicial District, the division number shall be zero (0).

[As amended, effective June 17, 2003; LR11-116 recompiled and amended as LR11-110 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. _____, effective for all cases filed on or after _____.]

LR11-111. Hours; inclement weather.

A. **Hours.** The offices of the district clerks in San Juan and McKinley Counties shall be open from 8:00 a.m. ~~[through 12:00 noon, and from 1:00 p.m.]~~ to 5:00 p.m., Monday through Friday except on holidays and at other times designated by the court.

B. **Inclement weather.** Parties are advised to check the Eleventh Judicial District Court's website for information about the court's current inclement weather policy.

[LR11-117 recompiled and amended as LR11-111 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. _____, effective for all cases filed on or after _____.]

LR11-113. Filing fees and forms of payment.

A. **Filing fees.** Filing fees will not be refunded.

B. **Forms of payment.** Payment to the court of any kind shall be by attorney firm check, cash, money order, ~~[or]~~ certified check, or credit/debit card. Personal checks will not be accepted.

[Adopted 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. _____, effective for all cases filed on or after _____.]

[WITHDRAWN]

~~[LR11-115. Fax filing; copies; return envelopes; changes to documents.~~

~~[Related Statewide Rules 1-005.1 and 5-103.1 NMRA]~~

~~A. **Fax filed documents.** Documents filed with the clerk by facsimile under Rules 1-005.1 and 5-103.1 NMRA shall constitute the original document for purposes of entry into the court record. The faxed document will be file stamped by the court clerk. Parties shall not~~

thereafter file the “original” document that was previously fax filed. A document that was previously fax filed and is subsequently submitted to the court for filing will not be file stamped, will not be entered into the court record, and will be destroyed.

B. ~~_____~~ **Ten page limit strictly enforced.** Documents faxed to the clerk that are more than ten (10) pages in length will not be accepted for filing unless approved by the court prior to transmission as required by Rules 1-005.1 and 5-103.1 NMRA.

C. ~~_____~~ **Conformed copies.** Parties who need conformed copies of fax filed documents shall request the copies in writing with instructions concerning payment and delivery of the copies. The clerk will not back stamp copies of a previously fax filed document presented by a party for conformation. A party may request a copy of the first page of the fax filed document on which was affixed the clerk’s file stamp for purposes of conforming the copy presented.

D. ~~_____~~ **Cost of copies.** Parties shall pay for all copies at the cost set by Rule 1-099 NMRA.

E. ~~_____~~ **Return mailing envelopes required.** Parties shall bear the cost of obtaining conformed copies by providing the clerk with addressed envelopes of sufficient size and with sufficient postage for mailing the requested documents. Conformed copies shall not be faxed to any party.

F. ~~_____~~ **Changes to fax filed documents.** Documents once filed may not be removed, withdrawn, or altered except on order of the court.]

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

LR11-116. Juror questionnaires.

[Related Statewide Rules 1-047, 4-602, 5-606, and 9-513 NMRA]

A. **Limited free copies.** One copy of the relevant juror questionnaires shall be provided free of charge to the Office of the District Attorney. [~~In San Juan County, one~~] One copy of relevant juror questionnaires shall be provided free of charge to the Office of the Public Defender which shall provide its contract attorneys with copies of questionnaires as required. [~~In McKinley County, one copy of relevant juror questionnaires shall be provided free of charge to attorneys who are representing indigent criminal defendants by appointment.~~]

B. **Juror contact information.** Contact information for jurors shall not be made available to parties or their attorneys.

[Adopted 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. _____, effective for all cases filed on or after _____.]

LR11-118. Cell phones and other electronic devices.

A. The use or operation of a camera, personal audio recorder, or recording device to capture, record, transmit or broadcast a photograph, video, motion picture or audio of a proceeding or person within a courthouse or in an area adjacent to or immediately surrounding a courthouse (excepting public forums entirely outside of the courthouse) without the prior approval of the court or presiding judicial officer, or except as provided by other rules of court, is strictly prohibited.

B. If a cell phone or other electronic device of any kind disrupts the proceedings in the courtroom, the device is subject to immediate confiscation until the end of the proceeding and the person who possesses the device is subject to sanctions at the discretion of the court.

C. A person using a camera, personal audio recorder, or recording device in a manner prohibited by this Rule may be subject to one or more of the following sanctions:

(1) Direction to turn off or relinquish to security: the camera, personal audio recorder, cell phone, or recording device;

(2) Direction to leave the courthouse;

(3) Service of no trespass notice;

(4) Citation and prosecution for contempt;

(5) Prosecution for any violation of a publication ban, sealing order, or other restriction on publication; or

(6) Any other order of the court.

[Adopted 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. _____, effective for all cases filed on or after _____.]

LR11-119. Decorum in the courtroom and during remote appearances.

A. **Addressing the court.** Attorneys and pro se parties shall stand when addressing the court or examining witnesses unless permission to remain seated is granted by the court.

B. **Gum; tobacco.** The chewing of gum or the presence of tobacco in the mouth is prohibited in all courtrooms and during remote appearances.

C. **Civility.** Attorneys and pro se parties shall be civil and courteous to opposing attorneys and pro se parties in all matters, both inside and outside the courtroom and when appearing remotely.

[Adopted 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. _____, effective for all cases filed on or after _____.]

LR11-120. Attire in the courtroom and during remote appearances.

A. **Head wear.** Other than head wear with religious significance, hats are not allowed to be worn in the courtroom or when appearing remotely.

B. **Attire.** Attire worn by attorneys, parties, and witnesses shall befit the dignity of the court and shall not interfere with or detract from the orderly conduct of court proceedings.

C. **Judicial discretion.** Each judge has the sole discretion to determine the appropriateness of attire worn in the courtroom and on remote court appearances.

[Adopted 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. _____, effective for all cases filed on or after _____.]

**No Comments
Received**