

1 **LR3-203. Civil case control.**

2 [Related Statewide Rule 1-016 NMRA]

3 A. **Case management scope.** This case management system is to guide and control  
4 the progress of cases from filing of the complaint to the time of trial. These case control rules shall  
5 apply to all civil cases, with the exception of the following:

- 6 (1) commitments;
- 7 (2) conservator and guardian proceedings;
- 8 (3) probate proceedings;
- 9 (4) writ actions; and
- 10 (5) domestic relations proceedings.

11 B. **Scheduling.**

12 (1) ***Order requiring scheduling reports and a discovery plan and limiting***  
13 ***stipulations to enlarge time for responsive pleadings.*** ~~Upon~~ On the filing of the initial pleading  
14 in civil cases to which these rules apply, the court will enter an order requiring scheduling reports  
15 and a discovery plan and limiting stipulations to enlarge time for responsive pleadings. The court  
16 will issue this order with the summons, to be served on the defendant(s) with the summons and  
17 complaint. A party other than the party filing the initial pleading who asserts a claim against  
18 another party who has not been served with a copy of this order shall serve a copy of this order on  
19 each person against whom a claim is asserted and shall file a certificate of such service.

20 (2) ***Requirements of scheduling reports.*** As further detailed in the order  
21 requiring scheduling reports, the parties shall confer with the goal of agreeing on the track to which  
22 each case should be assigned, based on the criteria laid out below. Scheduling reports will provide  
23 information to allow the court to schedule trial and certain pretrial hearings early in the case and

1 to allow the court to allocate the necessary judicial resources to fairly and promptly resolve the  
2 dispute. To accomplish this, the order shall

3 (a) require the filing of scheduling reports by all parties sixty (60)  
4 calendar days after the filing of the initial pleading or ten (10) business days after entry of  
5 appearance;

6 (b) require the parties to either

7 (i) stipulate to a discovery plan; or

8 (ii) timely request a hearing at which the court will formulate a  
9 discovery plan;

10 (c) inform the parties that, in the absence of a discovery order filed  
11 under either Subparagraphs (2)(b)(i) or (2)(b)(ii) of this paragraph, the parties shall comply with  
12 the discovery plan set forth in the scheduling order;

13 (d) provide limits on the power of parties to stipulate to an extension of  
14 time to file responsive pleadings; and

15 (e) direct the parties to inform the court and the alternative dispute  
16 resolution coordinator when the case is at issue.

17 (3) ***Scheduling reports.***

18 (a) *Scheduling reports required.* Within sixty (60) calendar days after  
19 the initial pleading in a civil action is filed, parties of record shall file a scheduling report. A copy  
20 of the scheduling report shall be served on each party of record and a copy delivered to the assigned  
21 judge.

1 (i) If all parties can agree that the matter is likely to be ready  
2 for trial within four (4) to six (6) months, they shall confer and submit a joint scheduling report  
3 stipulating to Track A, using a form approved by the district court for that purpose.

4 (ii) If all parties cannot agree that the matter is likely to be ready  
5 for trial within four (4) to six (6) months, the parties shall confer and each party shall submit a  
6 scheduling report in a form approved by the district court for that purpose with a caption that  
7 describes the party, e.g. “Plaintiff’s Scheduling Report,” “Defendant’s Scheduling Report.”

8 (iii) If the parties agree on a track other than Track A, they may  
9 submit a joint scheduling report in a form approved by the district court for that purpose.

10 (iv) The assigned judge will set the case on a docket and set other  
11 pretrial hearings without a hearing, based ~~[upon]~~on the information in the scheduling reports, as  
12 provided in Paragraph C of this rule.

13 (b) *Cases not at issue within sixty (60) days.*

14 (i) If all parties are not of record within sixty (60) calendar days  
15 after the filing date of the initial pleading, each party making a claim against one or more absent  
16 parties (plaintiff for defendant, third-party plaintiff for third-party defendant, etc.) shall, within  
17 five (5) business days after the sixtieth (60th) day, file with the court, serve parties of record, and  
18 deliver a copy to the assigned judge, a written explanation in a form approved by the district court  
19 for that purpose.

20 (ii) Any party who enters an appearance in the case more than  
21 sixty (60) calendar days after the filing of the initial pleading shall file a scheduling report within  
22 ten (10) business days and deliver a copy to the assigned judge.

1           C.     **Assigning Case Track.** Each case will fall into Track A, B, or C, depending on the  
2 complexity and time requirements. Cases will be designated considering the criteria below, either  
3 by stipulation of the parties or by determination of the court.

4                   (1)     ***Track A.***

5                   (a)     Cases ready for trial within four (4) to six (6) months of filing of the  
6 initial pleading;

7                   (b)     No more than two (2) trial days required;

8                   (c)     Legal issues are few and clear;

9                   (d)     No multiple claims or third-party complaints;

10                  (e)     Defendants served quickly; responsive pleadings filed promptly;

11                  (f)     Required discovery limited;

12                  (g)     Witnesses: five (5) or fewer witnesses, with expert witnesses  
13 allowed if testimony is concise and brief; and

14                  (h)     Damages are in a fixed amount or capable of determination with  
15 limited evidence.

16                   (2)     ***Track B.***

17                   (a)     Cases ready for trial within six (6) to twelve (12) months of filing  
18 the initial pleading;

19                   (b)     No more than five (5) trial days required;

20                   (c)     Required discovery is not extensive;

21                   (d)     Expert witnesses are limited to two (2) per party; and

22                   (e)     Damage issues are not complex.

23                   (3)     ***Track C.***

- 1 (a) Trial preparation likely to require more than twelve (12) months;
- 2 (b) Trial likely to require more than five (5) days;
- 3 (c) Legal issues are numerous, complicated, novel, or unique;
- 4 (d) Numerous claims;
- 5 (e) Numerous parties represented by different counsel;
- 6 (f) Required discovery is extensive;
- 7 (g) Large number of fact and expert witnesses; and
- 8 (h) Damage issues are complex or require extensive evidence.

9 D. **Scheduling Order.** The court will consider the scheduling report(s) submitted by  
10 the parties and will enter a scheduling order that will govern discovery and trial dates unless  
11 amended. The parties may request a scheduling conference under Rule 1-016 NMRA if the case  
12 presents unique or complex issues that require the court's attention.

13 E. **Sanctions.** If a party fails to timely comply with the provisions of this rule, the  
14 party will be subject to appropriate sanctions, which may include dismissal or default.

15 F. **Pre-trial conferences; scheduling orders; management.**

16 (1) **Scheduling conference.** Any party may request a scheduling conference  
17 before the court files a scheduling order. The face of the request shall state the date that a  
18 scheduling order must be filed in order to comply with Rule 1-016(B) NMRA, and counsel shall  
19 be prepared to advise the court on those matters contained in Rule 1-016(B) NMRA.

20 (2) **Pretrial conference.**

21 (a) Unless excused by the court, counsel who will handle the case at  
22 trial shall participate at any pretrial or scheduling conference set by the court.

1 (b) Counsel shall be prepared to advise the court of those matters  
2 provided for in Rule 1-016(C) NMRA.

3 (c) The parties shall exchange pretrial statements five (5) business days  
4 before the pretrial conference. After the conference plaintiff shall incorporate each portion  
5 submitted into a pretrial order to be submitted to the parties five (5) business days after the pretrial  
6 conference and to the court ten (10) business days after the pretrial conference.

7 (d) The pretrial order shall contain the following:

8 (i) Jurisdiction. State whether there is a question of jurisdiction  
9 over the parties or subject matter and, if so, each party shall provide citation of authority for that  
10 party's position.

11 (ii) Propriety of parties. State if there is a need for a guardian,  
12 personal representative, etc.; whether parties are correctly stated as an individual, partnership,  
13 corporation, etc.; and whether there is a question of misjoinder of parties or need for realignment  
14 of parties.

15 (iii) Outline of events. Statement by each counsel outlining the  
16 events or transactions out of which the claim, counter-claim, or cross-claim arose, or ~~upon~~on  
17 which the defense is founded.

18 (iv) Factual allegations; plaintiff. The plaintiff shall state the  
19 factual contentions ~~as to~~about the liability of each defendant, specifically including the injuries  
20 and damages claimed by each plaintiff. Special damages, general damages, and punitive damages,  
21 as well as the specific factual and legal basis for punitive damages, shall be separately stated.

1 (v) Factual allegations; defendant. The defendant shall state the  
2 factual contentions [~~as to~~]about non-liability and [~~as to~~]about each affirmative defense, and shall  
3 specifically respond to plaintiff's claims and state the basis for each affirmative defense.

4 (vi) Factual allegations; others. Where counter-claims, cross-  
5 claims, or third-party claims exist, a statement of that party's factual contentions [~~as to~~]about  
6 liability, non-liability, and affirmative defenses shall be stated in the manner described in  
7 Subparagraphs (G)(2)(d)(iv) and (G)(2)(d)(v) of this rule.

8 (vii) Admissions or stipulations. Counsel or pro se litigants shall  
9 make an effort to stipulate to all matters not at issue, including, but not limited to, the following:

- 10 a. date(s);
- 11 b. place;
- 12 c. time;
- 13 d. vehicles;
- 14 e. ownership;
- 15 f. passengers;
- 16 g. traffic control devices;
- 17 h. weather;
- 18 i. foundation matters; and
- 19 j. other.

20 Only matters actually agreed [~~upon~~]on shall be included. It is the responsibility of each  
21 party to introduce stipulations at the appropriate time. A party may read any stipulation to the jury  
22 or request the court, out of the presence of the jury, to do so.

1 (viii) Discovery. State what discovery has been completed and, if  
2 the deadlines for discovery set in the scheduling conferences have not been met, state why, in  
3 detail, and when discovery is expected to be completed. Discovery includes the exchange of names  
4 of witnesses along with a brief summary of the subject matter of each witness's testimony.

5 (ix) Laws involved. State as follows:

6 a. Source of law.

7 1. United States of America (constitution or  
8 statute);

9 2. State (constitution or statute);

10 3. Ordinances (attach copies);

11 4. Regulations (attach copies);

12 5. Decisions (attach copies if not published).

13 b. Issues of law; evidentiary problems.

14 c. Memoranda of law. State whether necessary, due  
15 date, and the issues to be included in the memorandum.

16 (x) Amendments to pleadings. State whether amendments  
17 addressed in the scheduling order have been completed and, if not, state why not. If additional  
18 amendments are requested, state, in detail, why they were not included in the scheduling order.  
19 State requested amendments.

20 (xi) Briefs. The parties shall state the need and schedule for  
21 filing and exchanging pretrial briefs.

1 (xii) Masters. The parties shall state the advisability of referring  
2 the matter to a master, settlement facilitator, or a mediator, and shall state the possibilities of  
3 settlement.

4 (xiii) Other matters. Other matters as the court may require, with  
5 or without a party's request, which shall include any deviations from the scheduling order.

6 **G. Exhibits.**

7 (1) A pre-numbered exhibit list describing each exhibit shall be submitted to all  
8 other parties at least twenty-one (21) calendar days [~~prior to~~ before] trial and to the court five (5)  
9 business days before the scheduled trial or such other time as may be set by the court.

10 (2) Actual exhibits shall be made available to all counsel and each pro se party  
11 for examination no less than fifteen (15) calendar days [~~prior to~~ before] trial.

12 (3) Each exhibit shall be numbered separately. The exhibits shall be numbered  
13 Plaintiff's No. 1, 2, 3, etc.; Defendant's No. A, B, C, etc.

14 (4) Drawings by experts and non-experts shall be prepared [~~prior to~~ before] trial  
15 and made available to all counsel and each pro se party along with exhibits.

16 (5) The parties shall notify each other, in writing, of objections to each other's  
17 exhibits ten (10) business days [~~prior to~~ before] trial. A copy of the objections shall be given to the  
18 court five (5) business days [~~prior to~~ before] trial, and objections will be considered by the court at  
19 such time as may be set by the court. Any exhibit not objected to may be admitted into evidence  
20 the morning of trial and may be referred to and shown to the jury during opening statements.

21 **H. Witnesses.**

22 (1) It is the responsibility of each party to subpoena that party's witnesses.

1           (2)     A separate witness list shall be exchanged by all parties twenty-one (21)  
2 calendar days [~~prior to~~]before trial and a copy delivered to the court five (5) business days before  
3 trial or at such other time as may be directed by the court. No witnesses, including expert witnesses,  
4 may be permitted to testify if the witness has not been disclosed as required by the scheduling  
5 order except rebuttal witnesses or when good cause has been shown.

6           (3)     Objections to witnesses shall be made known to each party ten (10) business  
7 days [~~prior to~~]before trial and to the court five (5) business days [~~prior to~~]before trial.

8           (4)     Each party is responsible to have witnesses available as needed and to obtain  
9 interpreters, in accordance with Rule 1-103 NMRA, as may be required.

10           I.       **Jury instructions.**

11           (1)     ***Plaintiff to defendant.*** Plaintiff shall submit instructions to other parties  
12 fifteen (15) business days [~~prior to~~]before trial and shall include all applicable mandatory  
13 instructions.

14           (2)     ***Defendant to plaintiff.*** Defendant and all other parties shall submit  
15 instructions to all parties ten (10) business days [~~prior to~~]before trial. The parties shall not offer  
16 any alternate for an instruction requested by the plaintiff unless the requested alternate is  
17 accompanied by objections to the plaintiff's requested instruction.

18           (3)     ***All parties to court.*** All parties shall submit instructions to the court five (5)  
19 business days [~~prior to~~]before trial.

20           (4)     Each party shall submit verdict forms with their instructions. Verdict forms  
21 shall include the caption of the case.

22           (5)     Additional instructions may be submitted as the court permits.

1           J.       **Findings of fact and conclusions of law.** The parties shall comply with LR3-  
2 205 NMRA.  
3 [Adopted by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or  
4 after December 31, 2016; as amended by Supreme Court Order No. S-1-RCR-2024-00057,  
5 effective for all cases pending or filed on or after March 13, 2026.]