7-601. Conduct of trials.

A. **Continuances.** Continuances shall be granted for good cause shown at any stage of the proceedings.

B. **Evidence.** The [~~New Mexico~~] Rules of Evidence shall govern proceedings in the metropolitan court.

C. **Oath of witness.** The court shall administer an oath or affirmation to each witness, substantially in the following form: "[~~You do solemnly~~] Do you swear or affirm that the testimony you will give [~~is~~] in this case will be the truth, the whole truth, and nothing but the truth under penalty of [~~perjury~~] law?"

D. **Record of proceedings.** With prior approval of the judge, a party in a metropolitan court proceeding or any person with a claim arising out of the same transaction or occurrence giving rise to the metropolitan court proceeding, may at the party's or person's expense, make a record of the testimony in the metropolitan court proceeding. Any person causing a transcription of testimony to be made under this rule shall make a copy of the transcription available to all parties in the metropolitan court proceeding.

E. **Use at trial.** A record of the testimony of a witness may only be used in the metropolitan court in:

(1) civil proceedings when permitted by the Rules of Civil Procedure for the Metropolitan Court; and

(2) criminal proceedings if it is admissible under the Rules of Evidence.

F. **Form of record.**

(1) If the record is a stenographic or voice to print real time transcript, the court reporter shall transcribe the record prior to use in the metropolitan court.

(2) If the record is an audiotape or videotape recording made under this rule, the person seeking to use the record in the metropolitan court under this rule shall be responsible for having available appropriate playback equipment and an operator.

(3) If only part of the record of the proceedings is offered in evidence, any adverse party may require the offeror to offer any other part relevant to the part offered, and any party may introduce any other parts, subject to the Rules of Evidence.

G. **Copies.** At the request of any party to the proceeding or the deponent, a person who makes an audio or video record of testimony in the metropolitan court shall:

(1) permit any other party or the deponent to review a copy of the audiotape or videotape and the original exhibits, if any; and

(2) furnish a copy of the audiotape or videotape in the format in which it was recorded to the requesting party on receipt of payment of the reasonable cost of making the copy.

H. **Definition.** As used in this rule, "record" means:

(1) stenographic notes which must be transcribed prior to use under this rule;

(2) a realtime voice-to-print recording which must be transcribed prior to use under this rule;

(3) a statement of facts stipulated to by the parties; or

(4) any audio or video recording.

[As amended, effective September 2, 1997; March 21, 2005; as amended by Supreme Court Order No. 15-8300-017, effective for all cases pending or filed on or after December 31, 2015; as amended by Supreme Court Order No. S-1-RCR-2025-151, effective for all cases pending or filed on or after December 31, 2026.]