

**LR1-201. Motion practice.**

[Related to Statewide ~~[Rule]~~ Rules 1-007.1 and 1-100 NMRA]

A. **Maximum page length.** A brief or memorandum shall not exceed ten (10) pages, not including the cover page, conclusion, certificate of service, and exhibits, without an order of the court.

B. **Form of motions.** Motions and other pleadings filed by electronic transmission under Rule 1-005.2 NMRA shall be electronically formatted in conformity with the requirements for physically filed pleadings and papers set forth in Rule 1-100 NMRA.

~~[B.]~~C. **Failure to respond.** If a party fails to respond to a motion under Rule 1-007.1.D NMRA, the moving party may submit a proposed order to the court so long as the moving party has served a copy of the proposed order on opposing counsel or a party pro se, and opposing counsel or the pro se party has not ~~[objected in writing]~~ filed an objection within five (5) days of service.

~~[C.]~~D. **Exhibits to motion, response, or reply.** Only relevant excerpts from depositions or other papers shall be attached as exhibits. Pertinent portions shall be highlighted, underlined, or otherwise emphasized for the court's attention and on all copies. All relevant exhibits, appendices, and other attachments (hereinafter "attachments") shall be attached to the motion, response, or reply at the time the pleading is submitted; except that no attachment shall be attached to a reply unless the attachment refers to a new matter raised in a response. Attachments filed in violation of this rule may be stricken by court order on the court's own motion.

E. **Sur-replies not permitted.** Sur-replies, or an additional reply to a motion after the motion has been fully briefed by the parties, shall not be permitted unless a party first obtains leave of the court to file a sur-reply.

1           ~~[D.]~~F. **“Package” procedure.** At the expiration of all responsive times, under Rule 1-  
2   007.1 NMRA, the movant shall submit to the judge assigned to the case a copy of the motion, any  
3   response, any reply, and a copy of a request for hearing (after filing the request with the clerk of  
4   the court) and notice of hearing form, if a party is seeking a hearing, in a package. The submission  
5   of the a package alerts the court that the motion is ripe for decision. The package shall be submitted  
6   either in electronic form to the judge’s e-mail address or in hard copy form, or both, depending on  
7   the presiding judge’s preference. Each judge’s preference for the form of the package will be listed  
8   on the court’s website. The notice of hearing must be submitted in Microsoft Word ~~[or~~  
9   ~~WordPerfect]~~ when the package is submitted electronically. Copies of the package submission  
10   must be served on all parties and the service must be indicated on the transmittal.

11           ~~[E.]~~G. **Hearing.** The court may grant or deny a request for hearing and if the request is  
12   denied, the court shall make a decision based on the papers filed.

13           ~~[F.]~~H. **Expedited matters.** If the motion requests a decision before the expiration of the  
14   time limits set forth in Rule 1-007.1 NMRA, the movant shall

- 15                   (1)     so indicate in the title of the motion;  
16                   (2)     state in the motion the reason for requesting an expedited decision;  
17                   (3)     provide a courtesy copy of the motion to the judge; and  
18                   (4)     file with the motion a request for expedited hearing and notice of hearing  
19   form.

20           ~~[G.]~~I. **Copies of cases.** Copies of cases relied on in the memorandum in support of the  
21   motion shall not be filed with the clerk of the court. However, courtesy copies may be furnished  
22   to the judge hearing the motion. Copies of cases provided to the judge assigned to the case shall  
23   also be provided to all parties.

**LOCAL RULES**  
**RULE LR1-201**

**Supreme Court Approved**  
**November 1, 2022**

1 [Adopted effective September 1, 1993; as amended, effective January 1, 1998; LR1-306  
2 recompiled and amended as LR1-201 by Supreme Court Order No. 16-8300-015, effective for all  
3 cases pending or filed on or after December 31, 2016; as amended by Supreme Court Order No.  
4 22-8300-021, effective for all cases pending or filed on or after December 31, 2022.]