



# DISTRICT COURTS

What the **\*\*HECK** do they want?

**HOLLY L. HEALY**

Paralegal  
Eighth Judicial District Court  
Taos, New Mexico  
575.751.8614  
taodhlh@nmcourts.gov






HA



HA

HA

Law Number IX: Acronyms and abbreviations should be used to the maximum extent possible to make trivial ideas profound... Q.E.D.

— Norman Ralph Augustine —

Professional  
 Articulate  
 Reliable  
 Adaptable  
 Loyal  
 Ethical  
 Goal-oriented  
 Assertive  
 Learned

What the  
**\*\*HECK** do they  
want?

# Hone and Enhance your **COURT KNOWLEDGE**



# NEW MEXICO JUDICIAL SYSTEM



SUPREME COURT



COURT OF APPEALS



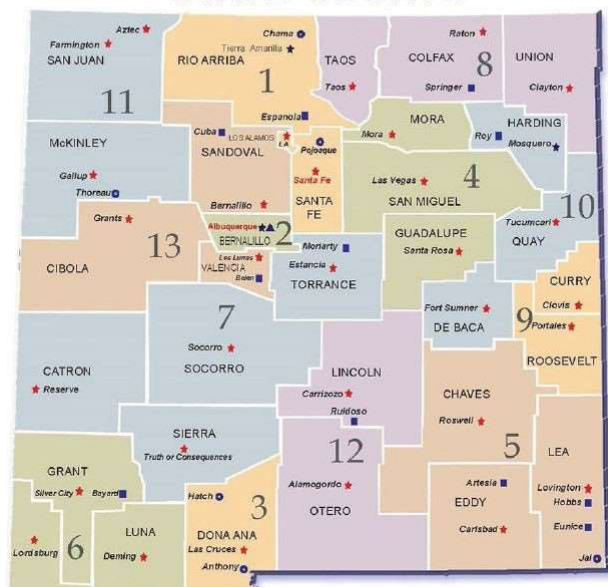
DISTRICT COURT

MAGISTRATE COURT      BERNALILLO COUNTY METROPOLITAN COURT

MUNICIPAL COURT      PROBATE COURT

## NEW MEXICO STATE COURTS

(5.F)



- 1<sup>st</sup> Judicial District Court  
Santa Fe, Rio Arriba & Los Alamos
  - 2<sup>nd</sup> Judicial District Court  
Bernalillo
  - 3<sup>rd</sup> Judicial District Court  
Cibola Area
  - 4<sup>th</sup> Judicial District Court  
San Miguel, Mora & Guadalupe
  - 5<sup>th</sup> Judicial District Court  
Chaves, Eddy & Lea
  - 6<sup>th</sup> Judicial District Court  
Grant, Hidalgo & Luna
  - 7<sup>th</sup> Judicial District Court  
Torrance, Socorro, Catron & Sierra
  - 8<sup>th</sup> Judicial District Court  
Taos, Colfax & Union
  - 9<sup>th</sup> Judicial District Court  
Curry & Roosevelt
  - 10<sup>th</sup> Judicial District Court  
Harding, De Baca & Quay
  - 11<sup>th</sup> Judicial District Court  
San Juan & McKinley
  - 12<sup>th</sup> Judicial District Court  
Otero & Lincoln
  - 13<sup>th</sup> Judicial District Court  
Cibola, Sandoval & Valencia
  - Bernalillo County Metropolitan Court  
Albuquerque
- Supreme Court  
Santa Fe
  - Court Of Appeals  
Santa Fe & Albuquerque
  - ★ District & Magistrate Courts
  - ☆ District Courts
  - ▲ Metropolitan Court
  - Magistrate Full Courts
  - Magistrate Circuit Courts



## SUPREME COURT

The Supreme Court consists of five Justices and is located in Santa Fe. This is the court of last resort and has superintending control over all inferior courts and attorneys licensed in the state.

*Discretionary jurisdiction:* denials of petitions for writ of habeas corpus, petitions for writ of certiorari to the Court of Appeals, other extraordinary writ matters, and certified questions either from the Court of Appeals or federal courts.



## COURT OF APPEALS

Ten judges preside, sitting in panels of three. The court has offices in Santa Fe and Albuquerque.

*This court has mandatory jurisdiction in:* civil, non-capital criminal, juvenile cases; *Discretionary jurisdiction in* interlocutory decision cases and administrative agency appeals.

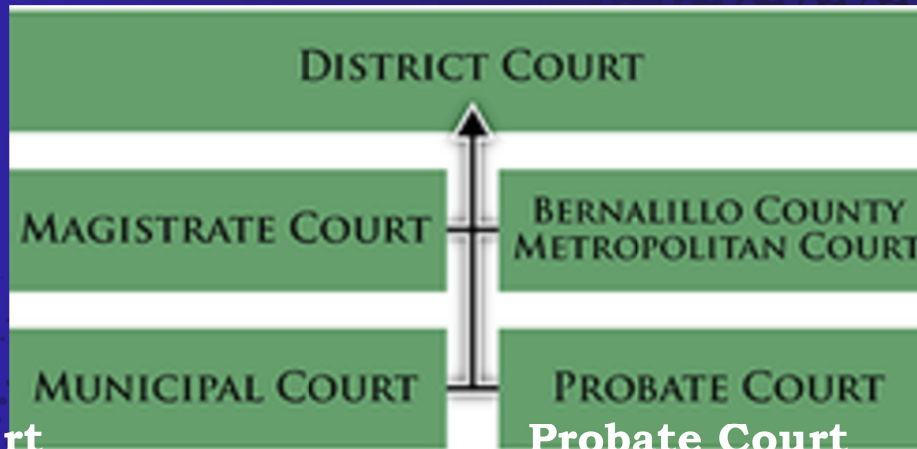
## District Court

Ninety-four judges preside. There are thirteen different districts. These are courts of general jurisdiction which hold jury trials.

*Exclusive domestic relations, mental health, appeals for administrative agencies and lower courts, and juvenile jurisdiction. Miscellaneous civil, felony and misdemeanor jurisdiction.*

## Magistrate Court

Sixty-seven judges preside. There are 54 magistrate courts. These are courts of limited jurisdiction which hold jury trials. Judgments \$0-\$10,000.



## Metro Court

Nineteen judges preside. This is a court of limited jurisdiction with jury trials. Judgments \$0-\$10,000.

## Municipal Court

Eighty-three judges preside. There are eighty-one municipal courts. These are courts of limited jurisdiction which do not hold jury trials. This court will hear these types of cases: Petty misdemeanors, DWI/DUI, traffic violations and other municipal ordinance violations.

## Probate Court

Thirty-three judges in thirty-three counties. These are courts of limited jurisdiction with no jury trials. This court will hear Informal and uncontested probates.

# • Administrative Office of the Courts (AOC)

- The State of New Mexico

- 

- Address

237 Don Gaspar  
Santa Fe, NM 87501

- 

- Contact

Administration –

Fiscal Services Division –

Human Resources Division –

Judicial Information Division

(Technology & Automation) –

Magistrate Court Services Division –

Phone: 505-827-4800

Phone: 505-827-7691

Phone: 505-827-4810

Phone: 505-629-3291

Phone: 505-476-6097



Arthur W. Pepin  
Director AOC



# New Mexico Court Rules

**Principal objective of rules** is to resolve delays due to reliance on technicalities and to streamline generally and simplify procedure so that merits of the case may be decided without expensive preparation for trial on the merits which may not even be necessary. *Benson v. Export Equip. Corp.*, 1945-NMSC-044, 49 N.M. 356, 164 P.2d 380.

**Simplification of litigation procedures is another objective of rules.** – One of the principal purposes of these rules is to simplify litigation procedures and thus avoid technical roadblocks to a "speedy determination of litigation upon its merits" if trial is necessary. *Quintana*, 1972-NMCA-069, 84 N.M. 38, 499 P.2d 356, cert. denied, 84 N.M. 37, 499 P.2d 355.



**Rules in interest of administration of justice.**  
– These rules are in the interest of the administration of justice and transcend in importance mere inconvenience to a party litigant. *Salitan v. Carrillo*, 1961-NMSC-176, 69 N.M. 476, 368 P.2d 149.

## Creating Rules?

**There are rules about that!**

Rule 23-106. Supreme Court rules committees.

Rule 23-106.1. Supreme Court rule-making procedures.

Rules are made and changed on an annual schedule; HOWEVER, there are often out of cycle rule changes!

Anyone can ask for a new rule or a rule change!



## • **Proposed Rule Changes**

Proposed amendments to the Supreme Court's Rules of Practice and Procedure are posted below. To view any of the proposals published for comment, click on the link to the proposal. You may submit a comment electronically using the Rule Proposal Comment Form below, or you may submit your comment

by email to [nmsupremecourtclerk@nmcourts.gov](mailto:nmsupremecourtclerk@nmcourts.gov)

by fax to 505-827-4837

or by mail to

Jennifer L. Scott, Clerk

New Mexico Supreme Court

P O Box 848

Santa Fe, New Mexico 87504-0848

## • **Committee Rosters**

Appellate Rules Committee

Board of Bar Examiners

Board Governing the Recording of Judicial Proceedings

Children's Court Rules Committee

Client Protection Fund Commission

Code of Professional Conduct Committee

Code of Judicial Conduct Committee Disciplinary Board

Domestic Relations Rules Committee

Judicial Branch Personnel Grievance Board

NM Children's Court Improvement Commission

NM Commission on Access to Justice

Judicial Technology Council

Rules of Civil Procedure for State Courts Committee

Rules of Criminal Procedure for State Courts Committee

Rules of Evidence Committee

Tribal-State Judicial Consortium

Uniform Jury Instructions-Civil

Uniform Jury Instructions-Criminal

# Each District Has Their OWN RULES ALSO!



## Rules of the District Court of the 8th Judicial District

### I. Rules Applicable to All Cases

- LR8-101. Title.
- LR8-102. Assignment of cases; consolidation.
- LR8-103. Page limitations.
- LR8-104. Forum shopping.
- LR8-105. Control of court files.
- LR8-106. Requests for hearing; telephonic appearances.
- LR8-107. Submission of orders, decrees, and judgments.
- LR8-108. Exhibits and exhibit lists.
- LR8-109. Failure to comply.

### II. Rules Applicable to Civil Cases

- LR8-201. Electronic filing authorized.

### III. Rules Applicable to Criminal Cases [Reserved]

### IV. Rules Applicable to Domestic Relations Cases

- LR8-401. Safe exchange and supervised visitation; domestic relations mediation.

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

### VI. Rules Applicable to Court Alternative Dispute Resolution Programs

- LR8-601. Alternative dispute resolution.

- LR8-603. Civil mediation.

### VII. Forms [Reserved]

# COURT CLERKS:

THEY

MUST

FOLLOW

THE

**RULES TOO!**



## COURT CLERKS **Can** Provide

## COURT CLERKS **Cannot** Provide

Legal definitions

Legal interpretations

Forms and instructions on how to complete forms

Assistance filling out forms

Procedural definitions

Procedural advice

Cites of statutes, court rules, and ordinances

Research of statutes, court rules, and ordinances

Public case information

Confidential case information

Options

Opinions

Access

Deny access, discourage access, or encourage litigation

General referrals

Subjective or biased referrals

# Additional "Can" and "Can't-Do" Guidelines for Court Staff:

## Court staff can provide:

Court schedules and information on how to get matters scheduled.

General information on court rules, court processes and procedures, and ordinary practices.

Guidance on how to compute some deadlines and due dates.

## Court staff cannot:

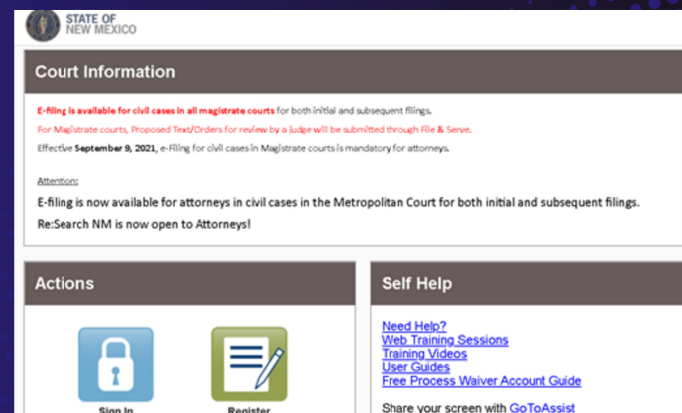
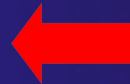
Speculate what decision the judge might make or what sentence the judge might impose.

Comment about specific persons named in a legal document.

Apply the law nor give directions about how to respond in any aspect of the legal process.

Change an order signed by a judge.

# INTEGRATED COURT FILING



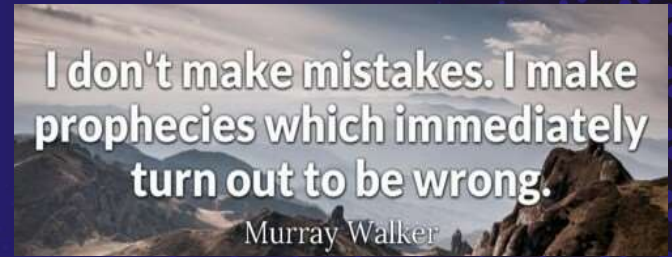
CASE MANAGEMENT SYSTEM

ELECTRONIC FILING SYSTEM

# ABOUT E-FILING

E-filing legal documents has become a part of attorneys' daily life. All 50 states have established e-filing technology and portals for their court systems. Some, including California and New York, mandate that all case documents (with a few exceptions) must be filed and shared electronically.

It's tempting to view e-filing as an easy, convenient process. After all, it helps you avoid last-minute trips to the post office to drop off certified mail five minutes before closing; or avoid the tedium of printing, proofreading, printing again and then stuffing envelopes or wrestling with a fax machine. It also saves you the step of copying opposing counsel on filings.



Do not view e-filing as “easy,” however. While automation can lend a tremendous assist in streamlining document creation and putting you in a position to e-file successfully, it can't cover human involvement entirely. Therefore, be careful to avoid the following (more common than you'd think) mistakes:

## **Not examining the court's rules on e-filing—or your judge's.**

In which types of cases *must* you e-file? Under what category do you file a particular motion? What documents need to be submitted, not filed? How do I file exhibits that I cannot attach to my lead document? These are all important considerations. Do not merely skim the guidelines. The same applies to judges and their personal policies. For instance, does your judge require a courtesy copy of an e-filing? Does the judge require his or her physical signing on a document such as an order prior to the e-filing? Disregarding your judge's protocol is just bad etiquette. Consult with your judge's staff and seek out any preferred methods early in your relationship.

## **Failing to train yourself on the e-filing system properly.**

You need to understand e-filing basics: accessing the system, signing up and signing in, navigating the website, categorizing filings properly, uploading documents in the proper formats, paying, and retrieving and retaining notices of e-filing. If you have not already trained yourself, you need to do so as soon as possible, for ethical reasons as much as procedural ones.

## **Your firm not adequately preparing for e-filing.**

One benefit of e-filing is that it buys you extra time to complete motions, reply briefs and other documents that are due to the court. In theory, you can log in 15 minutes before the deadline and complete everything. Yet, if you forget your username or password, or can't find them, then you're in trouble. If you want another member of your firm to file on your behalf, it's a bad idea not to set them up to use the system or not to train them. If your office has been having Internet issues, 15 minutes before a deadline is a bad time for everything to go down. Try explaining that one to your client. Before you e-file your documents, anticipate any challenges and be ready as the deadline approaches.

### **Not double-checking your deadline for e-filing.**

Can you quickly answer these common questions? When does the deadline day for your e-filing end? When the courthouse closes for the day? Or at midnight? If the answer turns out to be the former and you are unaware, then you may find yourself in a jam. Always double-check the date and time of critical deadlines.

### **Filing to the wrong case.**

E-filing is an exercise in attention to detail under pressure. If you have multiple active cases open, they'll often all be accessible and organized in a pulldown menu or a clickable list. Even if you're in a rush, or you've been multitasking all day, double-check that you indeed selected the correct case for the specific e-filing.

### **Failing to remove or redact sensitive information from filings.**

This one is simple. Double-check every part of your filing – notices, motions, affidavits, exhibits and anything else—for social security numbers, bank account numbers, confidential medical information and other confidential information. These days, data privacy rules, laws and client-related expectations are of premium importance. Make sure none of this protected information is accidentally disclosed. Remove or redact where necessary.

### **Misfiling exhibits.**

Exhibits should be labeled and filed as attachments to the main document you e-file. Many courts in fact require that exhibits be filed as attachments. Make sure you aren't classifying those exhibits as their own documents unrelated to their parent e-filings. Also, if an exhibit exceeds the maximum file size or page count allowed, be sure to divide the exhibit into parts to upload and file as separate attachments.

### **E-filing incomplete document sets.**

Does your filing require an affidavit, or a points and authorities section, or other components? If so, have you actually compiled all of those parts? Do any of those parts need to be filed individually rather than as attachments? Any of these elements of a document-set you miss may lead the court to reject the whole packet and require you to re-file or amend. Again, be careful and deliberate.

### **Failing to correct e-filing mistakes, correctly.**

If you make a mistake in the course of e-filing your document, you'll need to report the mistake and then fix it. How, though? Many courts require you to notify the court of a mistake in a timely manner and to send along any corrections to a specific e-mail address. Some courts, may require an application to the court for a corrective order. Internalize these procedures for if and when mistakes happen.

### **Data Consistency Checklist:**

Signatures are present, easy-to-read and from the correct parties

All contact information is correct and pertinent to the current case, especially names and email addresses

Filing codes and document identification information align when required

Case numbers, case captions, or summary information is accurate as required

Case type is identified and selected correctly where required

Any boxes you've checked match the document's intent

Docket entries match your expectations, if relevant

The file includes case exhibits as needed per court filing requirements

PLEASE READ THE ATTACHED EMAIL  
ABOUT THE EMAIL I SENT YESTERDAY  
IN REFERENCE TO FLOODING THE SYSTEM  
WITH TOO MANY UNNECESSARY EMAIL.  
PLEASE FORWARD THIS EMAIL TO YOUR ENTIRE STAFF.



## • Contact by Email

The following tips can help staff to clearly determine what assistance is needed so they can better assist you and can also help to prevent your correspondence from being tagged as suspicious and being quarantined.

- Include your first and last name so we know with whom we're corresponding.
- Include a subject that briefly indicates what the email pertains to. Please do not leave the subject line blank.
- Provide details regarding the matter for which you need assistance.
- If your inquiry pertains to a complaint you submitted, include date you submitted the complaint.
- If you must attach any documents, please ensure to name them in a way which clearly identifies the document. *For example, a good name would be "Complaint form for Jane Doe". Bad names would be "JBCC", "123456789", "abcdefg", "document", etc.*

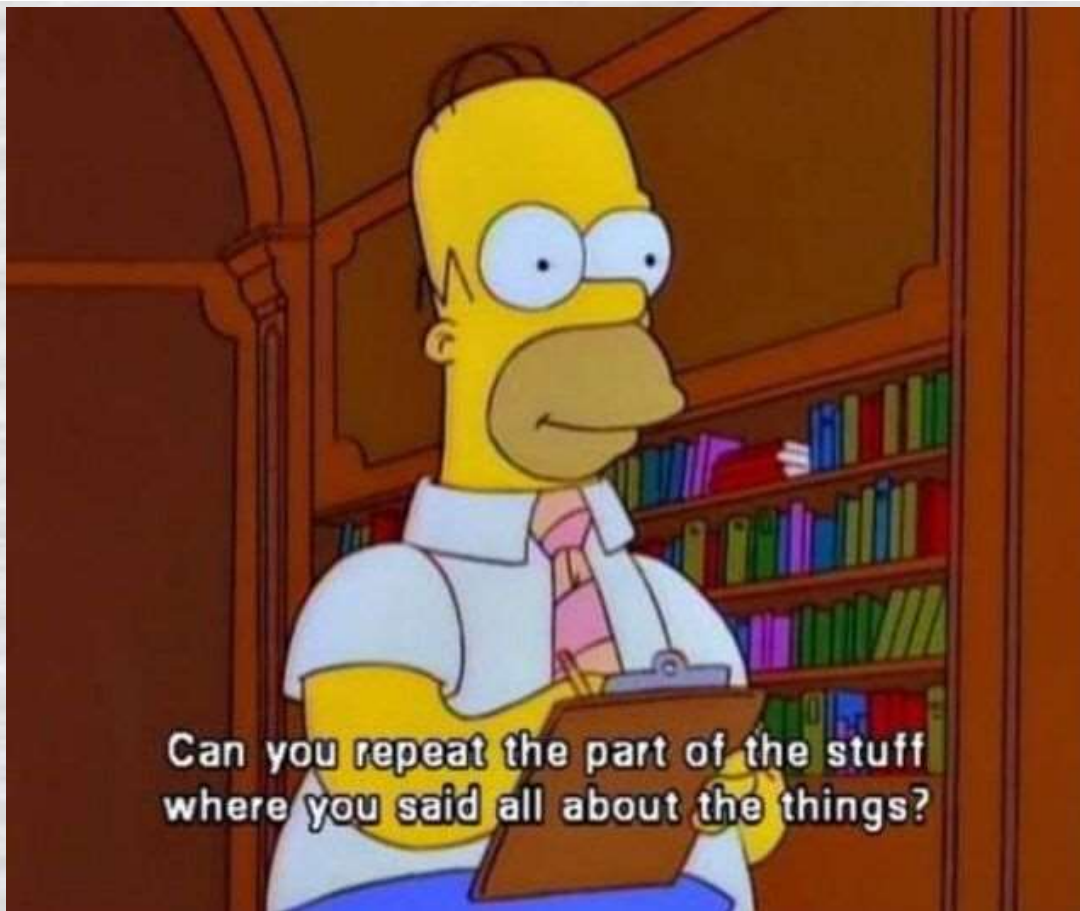


## Contact by Phone

- Include your first and last name so we know with whom we're talking.
- Provide details regarding the matter for which you need assistance.
- Many court clerks need your data in a sequence that fits their forms, screens, and procedures. Have all your information ready to go, but give it in the order they prefer. Saying, "I have all my information ready. Which would you like first?" lets the provider know you are prepared and will be easy to work with. The time you take getting everything in order will save time too.
- If leaving a message, **provide the items above and** provide a detailed message including your contact information and preferred method of contact.
- Please don't rush through your phone number. Remember, we need to be able to hear it in order to write it down. Repeating it would be welcome too.

The following tips can help staff to clearly determine what assistance is needed so they can better assist you.





# COMING TO COURT

## Know your needs.

Before leaping, make sure you know what you need! Sounds simple enough, but knowing exactly what your needs are will prevent you from getting side-tracked. It's surprising how many customers haven't given much thought to what specifically they need. Lack of clarity makes it very difficult for the court to meet your needs.

## Do your research.

There are so many tools at the disposal of court customers, so use them to your advantage. Even using tools like social media to find out how others have solved your dilemma can help.

# COMING TO COURT

## Put Down Your Cell Phone

I get it... trust me. But most calls really can wait. If you can't dump the call, at least, lower the phone, smile at the person helping you and apologize for being rude. Most service providers do not care if you talk to them; they just care that you don't treat them like they do not exist.

## Get to know who you're working with.

Make a connection with the person or team helping you. If you make an effort to learn names and other details, you are more likely to stick out in their minds, and they are even more likely to go that extra mile for you. If you make a strong connection, you'll usually find a level of empathetic support that will make you smile.

# COMING TO COURT

## Come prepared.

Show up with any material, documents, or anything else you might need. It will make you look better and make the process go significantly smoother for everyone involved. This also goes for things like asking questions. Be sure to have screenshots, links, and anything else folks might need to help you out.

## Confirm next actions.

Repeat what the court clerk recommends or states as steps in a procedure. Confirm what you have heard - ALWAYS USE THE LANGUAGE THAT IS USED BY THE CLERK. This helps you move together through the process, catching any misunderstanding and correcting it along the way. Also, if you are unable to contact the same clerk for follow-up, the person you deal with should be able to step in to assist.

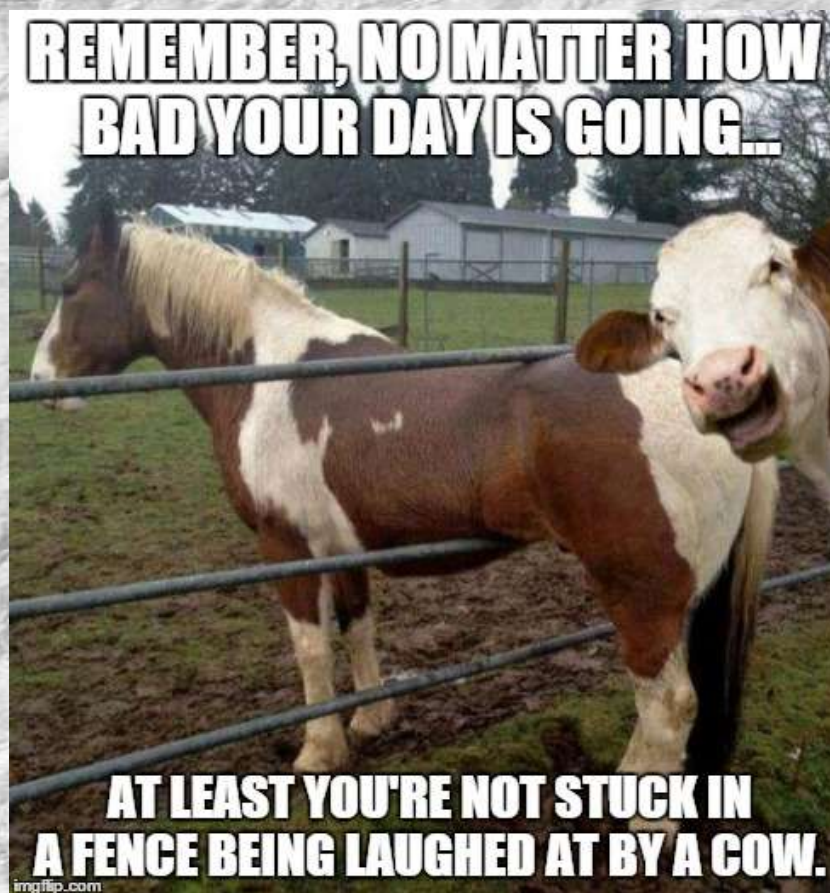
# COMING TO COURT

## Breathe.

It's not always easy to stay calm and play nice when we're frustrated, but remember, you're dealing with real people. Also remember, you aren't dealing directly with the people who make the rules, so keep that in mind before blowing up. Also, if you let them finish speaking and give them a chance, they will do their best to help. Take a deep breath; it will all be okay.

## Be available.

If you ask for help, make sure you're available to receive it. We can only assist you if we can find you. If you say we can reach you at a certain time and we make multiple attempts to reach you at that time, there isn't a whole lot we can do to help.



# MORE THAN A BAD DAY

Try talking to them.

Talk to their supervisor.

Talk to the Court Manager

Talk to Court HR Director

Talk to Court Executive Officer

Talk to the Court Administrative Authority or Chief Judge

# WHEN ALL ELSE FAILS



**CALL  
AOC**

# YOU KNOW WHAT DRIVES US CRAZY?

IT DRIVES ME CRAZY WHEN ATTORNEYS OR THEIR STAFF CALL ME ABOUT PROBLEMS WITH SOPA OR FILE & SERVE. I NEVER KNOW WHAT TO TELL THEM EXCEPT, 'HAVE YOU TRIED CONTACTING TYLER. THEIR NUMBER IS ON THE HOME SCREEN.'

IT BUGS ME WHEN ATTORNEYS HAVE THEIR CLIENTS CALL ME TO ASK ABOUT THEIR CASE.

Would it kill you to send in a complete Summons?

Why do you redact information on your Information Sheet?!



Do you have any Questions?



