

REPRESENTING YOURSELF – BASIC INFORMATION

This information guide is general in nature and is not designed to give legal advice. The court does not guarantee the legal sufficiency of this information guide or that it meets your specific needs. Because the law is constantly changing, this guide may not be current. Therefore, you may wish to seek the advice and assistance of an attorney.

WHO THIS GUIDE IS INTENDED TO HELP

This guide is intended to help individuals who are representing themselves, either as a plaintiff/petitioner or a defendant/respondent in a civil lawsuit or a domestic matter filed in a New Mexico State District Court.

That means this guide is not intended to be used for any other type of court, including Metropolitan Court, Magistrate Court or Municipal Court. It does not have information about appeals from these courts. It is not to be used by defendants in a criminal case.

HOW THIS GUIDE IS INTENDED TO HELP YOU

This guide is intended to be an informative and practical resource guide to understanding the basic practices of the court and the most common procedures encountered by people representing themselves without a lawyer (known as “self-represented litigants” or “pro se litigants”). It **IS NOT** a substitute for legal advice; it will not answer all your questions about what you need to do to represent yourself.

A WORD OF WARNING

Because the law is constantly changing, the court does not guarantee the legal sufficiency of this information guide nor does it guarantee that it meets your specific needs. If you represent yourself in a court case, you are acting as your own lawyer. That means you are expected to know and follow the law and court rules. The potential risks associated with representing yourself are not always obvious. That is why the court encourages anyone who is thinking about representing themselves to talk to a lawyer first.

If you are a tribal member, please be aware that this guide does not address tribal law. Your rights and responsibilities in state court may be different than your rights and responsibilities in tribal court.

GETTING HELP

Court employees are not lawyers and cannot tell you what you should do or how the law applies to your situation. Read more about what court employees can and cannot do at [Rule 23-113 NMRA](#).

Some courts have a resource center where court employees can help you with court procedures. They cannot give you legal advice. Check with your local district court to see what services are available to you.

While some courts offer packets of forms for certain kinds of court cases, there are not forms for every issue. Look for forms on the New Mexico Supreme Court website at <https://nmsupremecourt.nmcourts.gov> or check with your local district court to see what forms they offer. Sometimes you will need a lawyer to create legal documents for you.

To read about free and low-cost legal help, please go to the Resource List section of this guide.

ABOUT NEW MEXICO’S LAWS, RULES OF PROCEDURE, LOCAL RULES AND FORMS

As a person representing yourself, you should be familiar with the laws (called “statutes”), rules, local rules, and forms that govern or must be used in your court case. But, court employees cannot help you with this. New Mexico laws, rules, and forms are referred to using a very specific format. You will see four common formats in this guide.

For New Mexico Laws (Statutes) the format looks like this: Section 40-8-1 NMSA 1978

For New Mexico Rules of Procedure, the format looks like this: Rule 23-112 NMRA

For Local District Court Rules, the format looks like this: LR1-306 NMRA

For New Mexico Supreme Court Approved forms, the format looks like this: Form **4-209** NMRA

For more information about New Mexico’s Laws, Rules, Local Rules, and Forms, contact the New Mexico Supreme Court Law Library by telephone at 505-827-4850, by email at libref@nmcourts.gov, by regular mail at P.O. Drawer L, Santa Fe, New Mexico 87504-0848, or visit their website at supremecourtlawlibrary.org. If you are viewing the electronic version of this guide, you can click on the number of any statute, rule, or form that is mentioned in this guide to see the text of that statute, rule, or form. You can also get free access to all New Mexico state statutes, rules, and forms on the New Mexico Compilation Commission’s public access website. The New Mexico Compilation Commission is the official legal publisher for the State of New Mexico. Directions for how to find and navigate the Compilation Commission’s public access website can be found at the end of this section of the guide (page 6).

STARTING A COURT CASE

The pleading that starts a court case is called a “complaint.” Depending on the type of case, this first pleading can also be called a “petition” or an “application.”

The court case is started when a complaint is filed with the court. **Filing** a complaint requires a filing fee. Filing fees vary; check with the clerk’s office at your local district court for more information about filing fees. If your income is below a certain level, you may be entitled to a waiver of the filing fee. This is called “free process.” Ask the clerk’s office at your local district court for more information about free process.

Once a court case is started, the plaintiff must “serve” each defendant with a copy of all the court papers they filed.

SERVING THE COMPLAINT

Each defendant must be notified that a lawsuit has been filed against them through a process that is specified under the law. Whether you are trying to serve a person, a business or a governmental agency, this can be a complicated process. Please read [Rule 1-004 NMRA](#) carefully for the steps to follow when serving a complaint.

Even if you can’t find the defendant, you still have to serve them. You may have to ask the court for permission to publish a notice in the newspaper by using New Mexico Supreme Court approved [Forms 4-209](#) and [4-209A NMRA](#). Again, please read [Rule 1-004 NMRA](#) carefully for more details.

One thing is very important – **you** do not serve the defendant; your job is to **arrange** for someone else to serve the complaint for you.

ANSWERING A COMPLAINT THAT HAS BEEN FILED AGAINST YOU

It is important to file an “Answer” to the Complaint within 30 days from the date you are served. The date you are considered served with the Summons is determined by [Rule 1-004 NMRA](#). Otherwise, the plaintiff can ask the court for a judgment against you without you knowing anything is happening.

An “Answer” is a pleading. There are New Mexico Supreme Court approved Answer forms available for divorce and civil cases. Some courts offer a packet with the form used to answer a complaint; check with your local district court for more information.

There is no fee to file an Answer.

TALKING DIRECTLY TO A JUDGE, HEARING OFFICER, OR THEIR STAFF

Communicating with a judge or hearing officer without the opposing party being present is not allowed. This is why a judge or hearing officer cannot read your letters or answer your calls.

The judge’s or hearing officer’s personal staff – the Trial Court Administrative Assistant – can answer questions about scheduling but cannot give legal advice or tell you how a judge will rule on your case.

MONITORING THE PROGRESS OR STATUS OF YOUR CASE

The clerk’s office maintains a computerized “register of actions” for each court case. Every time something happens in your court case, whether you file a pleading, have a court hearing, or the court enters an order, it is added to the register of actions in your case. You can look up the register of actions at any time at www.nmcourts.gov. Select “On-Line Case Lookup” and follow the directions.

FILING MOTIONS

Asking the judge to take a specific action in your case requires filing a “motion.” A motion is the pleading you use to tell the judge your problem and to explain what action you want the judge to take. Some courts offer a packet of forms needed to file a motion. Check with your local district court for more information. Additionally, you must send a copy of any motion you file to all other parties (or their lawyer, if they have one). It may also be necessary for you to send a copy of the motion directly to the judge so the judge will know it has been filed. Read the local rules for your district carefully to determine how and when to send the motion to the judge.

TRIAL

You are entitled to a jury trial in many, but not all, types of lawsuits. If you are entitled to a jury trial, you must ask for one in writing and pay a jury fee. Read [Rule 1-038 NMRA](#) for more information about asking for a jury trial.

HEARINGS

How to ask for a Hearing:

- Asking a judge to schedule a hearing requires filing a pleading called a “Request for Hearing.” It is also called a “Request for Setting.”
- There are rules you must follow when you file a Request for Hearing. For example, when you file the request, you also deliver a copy to all other parties (or their lawyer, if they have one). Read more at [Rule 1-005 NMRA](#).

- Some courts require you to provide addressed-stamped envelopes with your request for hearing. Check the Local Rules or with your local district court for more information.
- Always check the Local Rules or with the court to see if you are required to turn in other forms in addition to the Request for Hearing.

Rescheduling a Hearing:

- Asking a judge to reschedule a hearing is called asking for a “continuance.” It means continuing the hearing to another date and time.
- Asking a judge for a continuance requires filing a motion. Some courts offer a packet of forms needed to file a motion; some even have a packet specifically designed to ask for a continuance. Check with your local district court for more information.

What happens at a hearing:

- At the hearing, each party will have a chance to tell the judge their side of the issue.
- It is important to bring your evidence, witnesses, and anything else that will help you prove your case. Because there are specific rules about presenting your evidence to the judge, you may wish to consult with a lawyer about how to present your case.

Helpful hints about hearings:

- **SHOW UP** – it is always important to show up to court. **If you are not in the courtroom when your case is announced, you may lose your case.**
- **BE ON TIME** – plan to be at the courthouse **early**. Remember that you will need to park, clear the security check, and find the courtroom. **If you are not in the courtroom when your case is announced, you may lose your case.**
- **Practice** – go to the court on a day before your hearing. Practice how long it takes you to get to the court, park, and find the courtroom. Go and see what the courtroom looks like. Go to a court hearing to see what happens.
- **How to dress** – dress neat and clean. Each court has a dress code. The judge can order you to be removed from the courtroom if you violate the dress code; **if you are not in the courtroom, you may lose your case.**
- **How to act** – court hearings are not like TV. Be respectful to the judge and to the opposing party at all times.
- **Talking to the judge** – stand when talking to the judge. Call the judge “your Honor.” Speak clearly and loudly enough to be heard. Do not interrupt the judge. Stay calm.
- **Cell phones** – each court has a cell phone policy. Check with your local district court about cell phones.
- **Children** – do not bring children into the courtroom unless the judge has given you permission to do so. Courts do not have a place where children can wait unattended.
- **Take notes** – bring a pad of paper and a pen to the hearing. Write down any orders the judge makes.

ORDERS AND JUDGMENTS

A “court order or judgment” is the judge’s instructions telling someone what they can or cannot do.

Creating an order or judgment – usually, at the end of a hearing, the judge will say who is to create the court order or judgment. Most courts do not create this paperwork for you. If you are instructed to create the court order or judgment, you may need to hire a lawyer to create one for you.

Enforcing an order – some courts offer a packet of forms needed to ask a judge to enforce a court order. Check with your local district court for more information.

IF YOU HAVE A DISABILITY

If you have a disability and need assistance, notify the court as soon as possible before any hearing or trial.

IF YOU NEED AN INTERPRETER

The court provides an interpreter in any language for free at court hearings or trials.

You are responsible for notifying the court that you need an interpreter, so make sure you reserve an interpreter in advance of any hearing or trial.

Use [Form 4-115 NMRA](#) to **reserve** an interpreter.

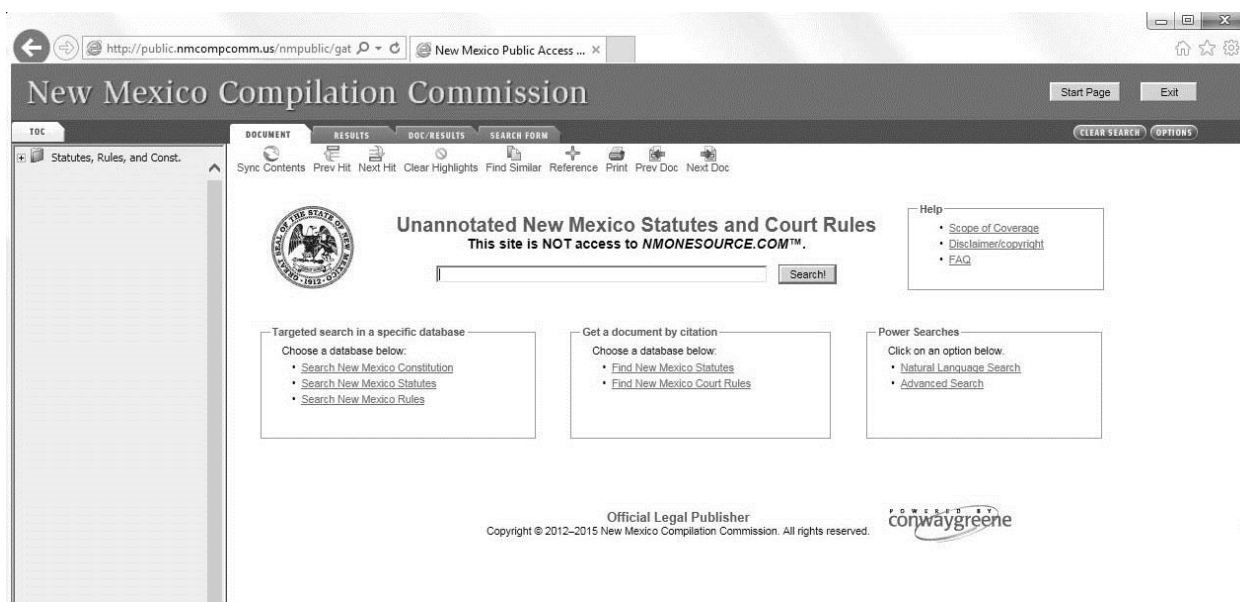
If you reserved an interpreter and then find out you don't need one (for example, if a hearing or trial was rescheduled), be sure to **cancel** the interpreter. Use [Form 4-116 NMRA](#) to **cancel** an interpreter.

HOW TO FIND STATUTES, COURT RULES AND FORMS ON THE PUBLIC ACCESS SITE PUBLISHED BY THE NEW MEXICO COMPILATION COMMISSION

The New Mexico Compilation Commission publishes the statutes, court rules and forms online for public use at the public access site located at: <http://public.nmcompcomm.us/nmnxtadmin/NMPublic.aspx>



Select **Desktop** or **Tablet/Smartphone** and click **OK** to enter the public access site.



This is the Start Page where you will begin the retrieval of statutes, court rules and forms. For step-by-step directions from the Start Page, consult the Help section in the upper right hand corner of the Start Page for the “Self Help Guide: How to Find Statutes, Court Rules and Forms.”

Resource List: Legal Services and Referral Programs

Civil Legal Service Providers

Civil legal services include consumer, employment and unemployment, family law (child support, custody and visitation, divorce, domestic violence, and guardianships), elder law, housing and landlord-tenant, and public benefits.

Advocacy Inc.

Advocacy Inc. is a nonprofit agency protecting and promoting the interests of at-risk children and youth in New Mexico by providing low- or no-cost legal advocacy and support services. The agency serves children from birth to 18 years and provides guardianship, adoption, and guardian ad litem services.

6301 Fourth NW Suite 3
Albuquerque, NM 87107
866-257-5320
www.nmadvocacy.org

Catholic Charities of Albuquerque and Santa Fe Center for Immigration and Citizenship Legal Assistance

The CICLA is the principal nonprofit provider of immigration legal services in New Mexico. The agency assists U.S. citizens and legal permanent residents in filing legal paperwork with the U.S. Citizenship and Immigration Services to keep families united or reunite families that have been separated. The agency also assists U.S. legal permanent residents to gain U.S. citizenship and refugees to gain U.S. legal permanent resident status.

Albuquerque Office

2010 Bridge Ave SW
Albuquerque, NM 87105
505-724-4670
505-247-0442
citas@ccasfnm.org

8 a.m.-5 p.m., Mon-Fri

Santa Fe Office

4985 Airport Rd
Santa Fe, NM 87507
505-424-9789
citas.sf@ccasfnm.org

8 a.m.-5 p.m., Wed-Fri

Catholic Charities of the Diocese of Las Cruces (CCDLC) Legal Services Program

The CCDLC program provides free and low-cost immigration legal services to residents of the ten southern counties of New Mexico
2215 S Main St., Suite B
Las Cruces, NM 88005
575-527-0500
www.catholiccharitiesdlc.org
9 a.m.-4:30 p.m., Mon-Thurs (closed noon-1 p.m. for lunch)

Disability Rights New Mexico (DRNM)

DRNM seeks to protect, promote, and expand the legal and civil rights of persons with disabilities throughout New Mexico. Offices are located in Albuquerque, Las Cruces, and Las Vegas.

1720 Louisiana NE Suite 204
Albuquerque NM 87110
800-432-4682
info@drnm.org

8:30 a.m.-5 p.m., Mon-Fri

DNA-People's Legal Services

PO Box 116
Crownpoint, NM 87313
505-786-5277
800-789-7936

PO Box 306
Ft. Defiance AZ 86515
928-871-4151
800-789-7287

709 N Butler Ave
Farmington NM 87401
505-325-8886
800-789-7997

PO Box 987
Shiprock NM 87420
505-368-3200
800-789-8994
www.dnalegalservices.org
8 a.m.-5 p.m., Mon-Fri at all locations

Enlace Comunitario

Enlace provides free services to Spanish-speaking immigrants who are victims of domestic violence. Services include direct civil legal services (domestic violence and family law cases, which are accepted in the Albuquerque metropolitan area); case

management; therapy; support groups; parenting classes; and young men's/women's groups.

PO Box 8919
Albuquerque, NM 87198
505-246-8972

www.enlacenm.org

8 a.m.-5 p.m., Mon-Fri

Legal Resources for the Elderly Program (LREP)

LREP is a free legal helpline for New Mexico residents age 55 and older. LREP has no income restrictions and offers assistance in most civil legal matters. If a problem cannot be resolved through the helpline, referrals to private attorneys (pro bono, reduced-fee, or full-fee basis) may be provided.

PO Box 92860
Albuquerque NM 87199-2860
505-797-6005
1-800-876-6657

www.nmbar.org/Public/LREP

8 a.m.-5 p.m., Mon-Fri

Law Access

Law Access provides statewide legal services to New Mexico households with income of 200 percent or less of federal poverty guidelines. Services include advice/counsel, brief services (including third-party negotiations and some self-represented litigant pleadings) and referrals to other legal services organizations within the state, utilizing an advanced telephone system.

505-998-4529

800-340-9771

www.lawhelpnewmexico.org

8:30 a.m.-3:45 p.m., Mon-Fri

Native American Disability Law Center, Inc.

The Native American Disability Law Center is a private nonprofit law firm that provides free legal assistance to Native Americans with disabilities to ensure that they have access to justice and are equal members of their communities. The Law Center uses a coordinated approach of individual representation, systemic advocacy, and community education to address the important issues unique to Native Americans with disabilities.

Main Office

Resource List: Legal Services and Referral Programs

3535 E 30 St, Suite 201
Farmington NM 87402
505-566-5880
1-800-862-7271

Branch Office

207 S. Second St.
Gallup NM 87301
505-863-7455
877-283-3208
505-863-1916 (Fax)

www.nativedisabilitylaw.org

8 a.m.-6 p.m., Mon-Thur

By appointment during non-office hours.

New Mexico Center on Law and Poverty

The Center is a nonprofit law firm and advocacy group that works statewide with low-income New Mexicans to address structural issues of poverty and justice. Generally, the agency does not represent individual clients.

924 10th Street NW

Albuquerque, NM 87102

505-255-2840

www.nmpovertylaw.org

9 a.m.-5 p.m., Mon-Fri

New Mexico Immigrant Law Center (NMILC)

The NMILC provides free and low-cost immigration information and legal assistance to low-income families. The agency helps immigrants keep their families together, gain protection from persecution and domestic violence, attain permanent residency and work authorization, and become U.S. citizens. The NMILC builds stable families and increases opportunities for economic security, allowing New Mexico's immigrants to contribute to their communities for generations to come.

PO Box 7040

Albuquerque NM 87194-7040

505-247-1023

www.nmilc.org

9 a.m.-5 p.m., Mon-Fri

New Mexico Legal Aid

New Mexico Legal Aid is a statewide legal services program that provides free legal services to eligible low-income residents. The agency, with 10 offices throughout New Mexico, provides extended representation, brief services, legal advice, outreach, and community legal education.

Services include domestic violence cases, evictions, foreclosures, public benefits cases (including unemployment benefits and Social Security disability cases), and consumer law cases. The agency does not provide assistance in criminal or juvenile offender cases except for certain limited circumstances in tribal courts.

Main Office

301 Gold SW (87102)
PO Box 25486
Albuquerque NM 87125-5486
505-243-7871

Clovis Office

1012 W Grand (88101)
PO Box 864
Clovis NM 88102
575-769-2326

Gallup Office

211 W Mesa, Suite 5 and 6
PO Box 1475
Gallup NM 87301
505-722-4417

Las Cruces Office

600 E Montana, Suite D
Las Cruces NM 88001-4246
575-541-4800

Las Vegas Office

932 Gallinas St, Suite 109
PO Box 1454
Las Vegas NM 87701
505-425-3514

Roswell Office

200 E Fourth, Suite 2
PO Box 1087
Roswell NM 88202-1087
575-623-9669

Native American Program:

Santa Ana Office

51 Jemez Pueblo Canyon Dam Rd.,
Suite 102, Santa Ana Pueblo
PO Box 817
Bernalillo NM 87004
505-867-3391

Santa Fe Office

901 W Alameda, Suite 20 B
PO Box 5175

Santa Fe NM 87502
505-982-9886

Silver City Office

301 W College Ave, Suite 17
Silver City NM 88061
575-388-0091

Taos Office

214C Kit Carson
Taos NM 87571
575-758-2218

New clients may also contact Law Access at 1-800-340-9771 or apply online at www.nmlegalaid.org
8:30 a.m.-5 p.m., Mon-Fri

Pegasus Legal Services for Children

Pegasus is a private nonprofit agency providing statewide civil legal services to children, youth, and their caregivers, including direct representation, community legal education, and policy advocacy. The agency promotes and defends the rights of children and youth to safe and stable homes and quality education and health care and provides a voice in decisions that affect their lives.

3201 Fourth Street NW

Albuquerque NM 87107

505-244-1101

www.pegasuslaw.org

8:30 a.m.-5 p.m., Mon-Fri

Senior Citizens' Law Office (SCLO)

SCLO provides free legal services to residents of Bernalillo, Sandoval, Torrance, and Valencia counties who are 60 years of age or older.

4317 Lead Ave SE

Albuquerque, NM 87108

505-265-2300

www.sclonm.org

8:30 a.m.-5 p.m., Mon-Fri (closed noon-1 p.m. for lunch)

Southwest Women's Law Center

The Southwest Women's Law Center seeks to create the opportunity for women to realize their full economic and personal potential by:

- eliminating gender bias, discrimination and harassment;
- lifting women and their families out of poverty; and
- ensuring that all women have full control over their reproductive lives through access to

Resource List: Legal Services and Referral Programs

comprehensive reproductive health services and information.

1410 Coal Ave SW
Albuquerque NM 87104
505-244-0502

www.swwomenslaw.com

9 a.m.-5 p.m., Mon-Fri

United South Broadway (USB)

The USB Fair Lending Center provides free legal representation in foreclosure lawsuits to low-income homeowners statewide. The USB, a HUD-certified housing counseling agency, holds monthly foreclosure pro se workshops and provides free assistance to homeowners seeking loan modifications or other loss mitigation options.

1500 Walter SE

Albuquerque NM 87102

505-764-8867

www.unitedsouthbroadway.org

8 a.m.-5:30 p.m, Mon, Tues, Thurs

8 a.m.- 6 p.m, Wednesday

8 a.m.-noon, Friday

Homeless Legal Clinics

The State Bar Young Lawyers Division operates the following homeless legal clinics in Albuquerque, Las Cruces, and Santa Fe. Volunteer attorneys staff the clinics, provide legal information and advice, and refer clients to low-income or pro bono legal service programs:

Healthcare for the Homeless

1217 First St NW (at Mountain Rd)

Albuquerque NM 87102

PO Box 25445 (87125)

505-766-5197

www.abghch.org

9-11 a.m., Fridays

Mesilla Valley Community of Hope Shelter

999 W Amador Ave

Las Cruces NM 88006

575-523-2219

www.mvcommunityofhope.org

12:30-2:30 p.m., Wednesdays

(Coordinated by the New Mexico Center on Law and Poverty)

St. Elizabeth Shelter Homeless

Legal Clinic

Santa Fe Resource and Opportunity Center

804 Alarid Street
Santa Fe NM 87505

505-982-6611

www.steshelter.org

10 a.m.-1 p.m., Thursdays

Court Services

Provides some court forms and limited information. An * indicates the courthouse has self-help services.

First Judicial District Court

*Santa Fe 505-455-8146

Tierra Amarilla 575-588-0058

<https://firstdistrictcourt.nmcourts.gov>

Second Judicial District Court

*Albuquerque 505-841-6702

seconddistrictcourt.nmcourts.gov

Third Judicial District Court

*Las Cruces 575-528-8326

www.thirddistrictcourt.com

Fourth Judicial District Court

*Las Vegas 505-425-7281

Santa Rosa 575-472-3888

<https://fourthdistrictcourt.nmcourts.gov>

Fifth Judicial District Court

Carlsbad 575-885-4740

Lovington 575-396-8571

Roswell 575-622-2565

<http://fifthdistrictcourt.com>

Sixth Judicial District Court

Deming 575-546-9611

Lordsburg 575-542-3411

Silver City 575-538-3250

Seventh Judicial District Court

Estancia 505-894-7167

Socorro 575-835-0050

Truth or Consequences 575-384-2974

Eighth Judicial District Court

Clayton 575-374-9577

Raton 575-445-5584

Taos 575-758-3173

<http://www.eighthjudicialdistrictcourt.com>

Ninth Judicial District Court

Clovis 575-742-7500

Portales 575-359-6920

www.nmcourts9thjdc.com

Tenth Judicial District Court

Fort Sumner 575-355-2896

Mosquero 575-673-2252

Tucumcari 575-461-2764

Eleventh Judicial District Court

*Aztec 505-334-6151

Farmington 505-326-2256

Gallup 505-863-6816

<https://11thjdc.nmcourts.gov>

Twelfth Judicial District Court

*Alamogordo 575-437-7310 x147

Carrizozo 575-648-2432

www.12thdistrict.net

Thirteenth Judicial District Court

Bernalillo 505-867-2376

Grants 505-287-8831

Los Lunas 505-865-4639

www.13districtcourt.com

Bernalillo County Metropolitan Court

*Albuquerque 505-841-9817

www.metrocourt.state.nm.us

New Mexico Supreme Court

Limited forms, court rules, and procedures and statutes

Santa Fe 505-827-4860

<https://nmsupremecourt.nmcourts.gov>

New Mexico Court of Appeals

Forms, court rules, and procedures and statutes

Santa Fe 505-827-4925

Albuquerque 505-841-4618

<https://coa.nmcourts.gov>

United States Bankruptcy Court

Limited forms, court rules and procedures and statutes

Albuquerque 505-348-2500

Toll-free 866-291-6805

nmb.uscourts.gov

Attorney Referral

Albuquerque Bar Association

Lawyer Referral Service: 30-minute consultation with a private attorney for \$50

201 3rd Street Ste. 500

Albuquerque, NM 87102

505-243-2615

www.abqbar.org

9 a.m.-3 p.m, Mon-Fri

Resource List: Legal Services and Referral Programs

State Bar General Referral Program

30-minute consultation with a private attorney for \$35

PO Box 92860

Albuquerque NM 87199-2860

505-797-6066

800-876-6227 (option 2)

www.nmbar.org

8 a.m.-5 p.m., Mon-Fri