

**PRETRIAL INSTRUCTIONS FOR CIVIL CASES BEFORE
THE HONORABLE CARMEN E. GARZA
UNITED STATES MAGISTRATE JUDGE**

PRETRIAL CONFERENCES

1. Counsel may appear by telephone for all pretrial conferences, if they notify the Judicial Assistant to Judge Carmen E. Garza, (575.528.1670), of their intent at least two working days before the pretrial conference.
2. An initial pretrial conference may be held approximately sixty days before trial. At the initial pretrial conference, counsel should be prepared to state whether the case will be ready for trial, whether they have any scheduling conflicts, estimate how long it will take to try the case, assess the possibility of settlement, and consider whether the parties would consent to trial by a magistrate judge.
3. A final pretrial conference will be held approximately thirty days before trial. At the final pretrial conference, counsel should be prepared to discuss evidentiary issues, specify the number of days required for trial, and identify any problems that need to be resolved before trial.

CALL OF THE CALENDAR

1. A call of the calendar **may be** scheduled a few working days before trial or as specified in the notice of jury selection and trial. Counsel may appear by telephone for the call of the calendar, if they notify Judge Garza's Judicial Assistant, (575.528.1670), of their intent at least two working days before the call of the calendar.
2. At the call of the calendar, counsel must be prepared to address any issues that remain pending after the pretrial conferences.
3. After conferring with counsel, Judge Garza will specify the days and times set for trial.

JURY INSTRUCTION DEADLINES

1. Counsel must file the proposed jury instructions with the Clerk, and submit an e-mail with an attachment containing the proposed set of instructions in WordPerfect 8 compatible format to garzaschambers@nmcourt.fed.us fourteen (14) days before the trial date.

2. Counsel must meet and confer prior to the deadline for submission of instructions and make a good faith effort to agree on the submission of all non-stock instructions. Counsel must submit one set of non-stock instructions upon which they agree by the submission deadline. Requested non-standard instructions upon which counsel cannot agree must be submitted separately by each party by the submission deadline.

PREPARATION OF JURY INSTRUCTIONS

Documents related to jury instructions must be submitted to the following email address: garzaschambers@nmcourt.fed.us. Please include the following information in the subject line: "Jury Instructions - [case name] [docket number]."

Please prepare your proposed Jury Instructions in accordance with these directions:

- A. Parties shall meet and confer in advance of the deadline to agree on as many instructions as possible. Indicate those to which there are no objections.
- B. The instructions shall list authority at the bottom of each Instruction.
- C. Parties shall submit a numbered original and one copy of the proposed set of instructions.
- D. Submit **no more than one** instruction to a page.
- E. Submit a cover sheet on all sets of instructions.
- F. Carefully PROOFREAD each instruction for errors in spelling, grammar, punctuation and citations, and for unintended deviations from pattern instructions used as sources.
- G. The parties are to confer in good faith and submit agreed upon instructions as often as possible.

The stock instructions themselves need not be submitted. Attorneys should simply complete the Master Praecipe. Stock instructions requested by counsel, on the Master Praecipe, will be given by the Court.

Instructions that remain contested should be submitted separately by the proponent. Unstipulated jury instructions must be clearly labeled as such and be accompanied by citations to supporting authority.

Only the following documents, therefore, should be filed with the Court: (1) a completed Master Praecipe, indicating which stock jury instructions are requested; and (2) additional non-stock instructions, submitted under separate cover and accompanied by citations to supporting authority.

PRETRIAL DEADLINES

1. Deadlines established by the Pretrial Order control. Generally, pretrial deadlines will track the table set forth below.
2. Throughout these pretrial instructions, the term “trial” refers to the date set in the written notice for commencement of the trailing docket. **Counsel must seek leave of the Court in the form of a written motion to extend any pretrial deadline.**
3. Where a submission deadline falls on a holiday, the deadline becomes the next working day after the holiday.

Event	Deadline	Comment
Motions in Limine	Thirty (30) days before trial	Challenges pursuant to <i>Daubert</i> must be made prior to the dispositive motions deadline as set forth in the Initial Pretrial Report.
Consolidated Exhibit List	Twenty-one (21) days before trial	All exhibits must be marked numerically and identified prior to trial.
Contested Exhibit Lists	Fourteen (14) days before trial	Counsel must specify the legal basis for the objection.
Witness Lists	Twenty-one (21) days before trial	Indicate whether the witness will testify in person or by deposition.
Depositions testimony	Twenty-one (21) days before trial	Counsel must identify any portion of the deposition to be used at trial. This does not apply to cross-examination or rebuttal.
Objections to Deposition Testimony	Fourteen (14) days before trial	The objecting party must identify the objectionable portions of the requested deposition testimony.

Voir Dire Questions	Fourteen (14) days before jury selection	Any party wishing to participate in voir dire must file proposed voir dire questions.
Jury Instructions or Findings of Fact and Conclusions of Law	Fourteen (14) days before trial	Please refer to detailed requirements for jury instructions set out herein. For bench trials, requirements for proposed findings and conclusions will be discussed at the final pretrial conference.

GENERAL INSTRUCTIONS

1. Exhibits must be marked in advance of trial.
2. Each party will be responsible for securing the appearance of witnesses the party proposes to call.
3. Counsel should always have witnesses available to fill a full trial day.
4. The Court requires that all documents be submitted in WordPerfect format.