

1 **IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

2 **June 3, 2019**

3 **NO. 19-8500-009**

4 **IN THE MATTER OF THE APPROVAL**
5 **OF AN ONLINE DISPUTE RESOLUTION**
6 **PILOT PROJECT FOR NEW MEXICO STATE COURTS**

7
8 **ORDER**

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10 WHEREAS, alternative methods of dispute resolution (ADR) provide a
11 valuable means for promoting the effective administration of justice, expanding
12 access to justice, and improving judicial economy, which includes an ADR method
13 used in other state courts known as online dispute resolution (ODR);

14 WHEREAS, in light of the reported value of ODR as a method of ADR for
15 the judicial system, and the Court wishing to authorize the implementation of an
16 ODR pilot project in certain courts for a limited time to determine whether the
17 Court will approve the use of ODR on a statewide basis by New Mexico state
18 courts and being sufficiently advised, Chief Justice Judith K. Nakamura, Justice
19 Barbara J. Vigil, Justice Michael E. Vigil, Justice C. Shannon Bacon, and Justice
20 David K. Thomson concurring;

21 NOW, THEREFORE, IT IS ORDERED that an online dispute resolution
22 pilot project (ODR Pilot Project) shall be implemented from June 3, 2019, through

1 June 30, 2020;

2 IT IS FURTHER ORDERED that the Administrative Office of the Courts
3 (AOC) is authorized and directed to conduct the ODR Pilot Project in coordination
4 and consultation with the following district, metropolitan, and magistrate courts
5 (Pilot Courts):

- 6 1. The Second Judicial District Court, beginning June 10, 2019;
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- 8 2. The Sixth Judicial District Court, beginning June 3, 2019;
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- 10 3. The Ninth Judicial District Court, beginning June 3, 2019;
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- 12 4. The Bernalillo County Metropolitan Court, beginning June 17, 2019;
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- 14 5. The Curry County Magistrate Court, beginning June 3, 2019;
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- 16 6. The Grant County Magistrate Courts in Bayard and Silver City,
- 17 beginning June 3, 2019;
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- 19 7. The Hidalgo County Magistrate Court, beginning June 3, 2019;
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- 21 8. The Luna County Magistrate Court, beginning June 3, 2019; and
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- 23 9. The Roosevelt County Magistrate Court, beginning June 3, 2019;

24 IT IS FURTHER ORDERED that the dispute resolution services for the
25 ODR Pilot Project shall be made available through the Modria Program provided
26 by Tyler Technologies and operated by AOC;

27 IT IS FURTHER ORDERED that AOC shall appoint and certify mediators

1 in writing to serve as online dispute resolution mediators for the ODR Pilot
2 Project, who shall serve as arms of the court;

3 IT IS FURTHER ORDERED that the ODR Pilot Project shall operate in
4 accordance with the following requirements:

- 5 1. The ODR Pilot Project shall apply to civil cases filed in the district court
6 Pilot Courts under the contract/debt and money due case type and to civil
7 cases filed in the metropolitan and magistrate court Pilot Courts under the
8 general civil case type alleging a cause of action for debt and money due;
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- 10 2. Referral to the ODR Pilot Project is mandatory for all applicable cases
11 when both a complaint and answer, or other responsive pleading, are
12 filed in a Pilot Court during the term of the ODR Pilot Project;
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- 14 3. The complaint filed in an applicable case shall include the plaintiff's
15 email address and, if known, the defendant's email address, and every
16 party to an applicable case shall obtain and provide an email address to
17 the Pilot Court no later than four (4) business days after the filing of the
18 answer or other responsive pleading;
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- 20 4. If the parties enter into a settlement agreement through the ODR Pilot
21 Program, the settlement agreement shall be reduced to writing and signed
22 by the parties. After the settlement agreement has been reduced to
23 writing and signed, the parties' stipulation of dismissal and settlement
24 agreement shall be filed by the Modria Program with the Pilot Court;
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- 26 5. If the parties have entered into a settlement agreement and have filed a
27 stipulation of dismissal, the Pilot Court shall close the case but shall
28 retain jurisdiction to reopen the case at a later date, as provided by law, to
29 enter such orders and judgments as may be appropriate to enforce the
30 settlement agreement and to grant such other relief as the Pilot Court
31 deems just and proper;
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- 33 6. If the parties do not enter into a settlement agreement through the ODR

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Pilot Program within the thirty (30) days allotted for ODR, unless an extension is granted by the Pilot Court, or when the parties end their participation in ODR, the Pilot Court shall schedule a date for trial or other hearing, or take such other action, as the Pilot Court deems appropriate under the circumstances;

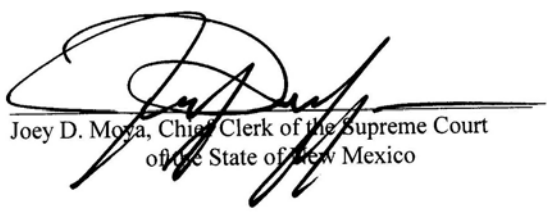
- 7. All applicable Supreme Court rules, including any local rules for each Pilot Court, the Mediation Procedures Act, and other applicable laws shall apply to all cases referred to the ODR Pilot Project in a manner that is consistent with the terms of this order; and

IT IS FURTHER ORDERED that AOC shall provide periodic updates to the Supreme Court with regard to the operation of the ODR Pilot Program and shall submit an interim written report to the Supreme Court on or before December 30, 2019, that includes an assessment of the effectiveness of the ODR Pilot Project and any recommendations for the continued use of online dispute resolution services in New Mexico state courts.

IT IS SO ORDERED.



WITNESS, the Honorable Judith K. Nakamura, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 3rd day of June, 2019.


Joey D. Moza, Chief Clerk of the Supreme Court
of the State of New Mexico