

ONLINE DISPUTE RESOLUTION

Debt/Money Due Cases & Landlord Tenant
District, Metropolitan and Magistrate Courts

Effective December 14, 2020

Per Supreme Court Order: NO. 20-8500-036

Supreme Court Rule Changes impacting Online Dispute Resolution

Supreme Court Rule: Enforcement of mediated settlement agreements

[Approved 8/31/20; effective 10-15-20]

Order No. 20-8300-003 Rule 1-106 NMRA

- District courts will have enforceable mediated settlement agreements (5-year rule), similar to Metropolitan and Magistrate courts

Supreme Court Rule: Consumer debt litigation in magistrate and metropolitan courts

[Approved 11/1/20; effective 12-31-20]

Order No. 20-8300-005 Magistrate Court Rule 2-201(E) 4 NMRA, and Metropolitan Court Rule 3-201(E) NMRA]

- Plaintiffs in consumer debt collection cases must attach the agreement/contract to the Complaint in Metropolitan and Magistrate courts, similar to District courts

Supreme Court Order: NO. 20-8500-036: In the Matter of the Expansion of the Online Dispute Resolution Pilot Project for New Mexico State Courts

[Approved 9/2/20; effective 9-2-20]

- Plaintiffs are required to participate in ODR. "Notice of Plaintiff Participation" and "Notice on Plaintiff Non Participation" will be automatically generated by Modria
- Any interest rate that as part of this agreement cannot be greater than one percent (1%) of the prime rate
- Answer not required prior to starting ODR, however, if an Answer was NOT filed prior to starting ODR, Defendants have 15 days to file an Answer after the ODR process has ended in order to avoid a default judgment being filed against them
- Further proceedings in a case referred to ODR shall be suspended pending the outcome of the ODR process. No party shall file any dispositive pleadings during this period nor shall the court act upon any dispositive pleading during this period
- ODR also is available by court order for landlord-tenant actions involving collection of money due

Supreme Court Rule Changes impacting Online Dispute Resolution

Supreme Court Order: NO. 20-8500-036: In the Matter of the Expansion of the Online Dispute Resolution Pilot Project for New Mexico State Courts

[Approved 9/2/20; effective 9-2-20]

CIVIL COMPLAINT shall include:

- Plaintiff's email address and mobile number
- Defendant's Email address and mobile number, if known

SUMMONS shall include:

- Notice to the Defendant that they have been referred to participate in ODR
- Provide instructions for beginning the ODR process

NOTE: The Supreme Court forms for Civil Complaint and Summons will be updated; check for updates.

Case Requirements for referring Debt/Money Due Cases

Based on Case Type and Cause of Action

Debt & Money Due cases at District, Magistrate and Metropolitan courts

One Plaintiff/One Defendant

Cases must only have one plaintiff/one defendant (if attorney on case, only one attorney per party); multi-party cases will be able to be referred to ODR in early 2021

Plaintiff and Defendant **DO NOT NEED** email addresses in Odyssey to be referred to ODR

Referred parties will receive letter explaining they have been referred to ODR, with instructions to go to ODR website to create an account; they will have option to receive ODR notifications via email or text.

Defendant's Answer **NOT REQUIRED** to start ODR

If agreement not reached in ODR, Defendants have 15 days after ODR is complete to submit an Answer.

Case Requirements for referring Landlord Tenant Cases

Landlord-tenant disputes, such as when a residential or commercial property owner seeks to recover unpaid rent.

Cases seeking evictions will continue to be handled in court, not through ODR

SPECIAL NOTE for Landlord/Tenant, Mobile Home Park Act, Commercial Lease Cases: In addition to the criteria in previous slide, these case types may be referred to ODR ONLY IF:

- 1) The sole issue to be determined in the case is money due (for example: unpaid rent, fees, and utilities or compensation for damages);
- 2) Eviction or Restitution of Property has been previously resolved or was not requested; and,
- 3) A judicial officer or other designated court personnel has reviewed the case and made a determination that the case meets all criteria for referral to ODR

Searching for Cases

1. First time signing in, click **Start Here**

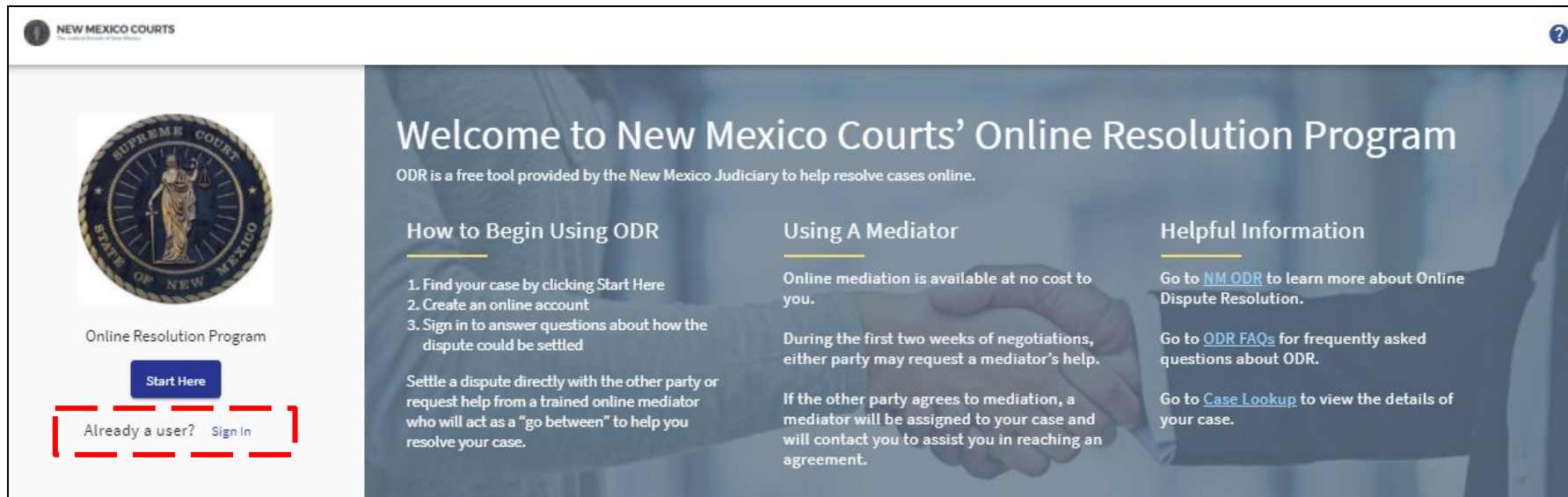
2. **Search** for your case

By case number or party name

3. **Create account**

Once account created, follow steps to answer questions about how the dispute could be settled

4. **For future cases, sign in first, then search for your case.**



The screenshot shows the homepage of the New Mexico Courts' Online Resolution Program. The header includes the logo for "NEW MEXICO COURTS" and a help icon. The main content area features the state seal of New Mexico on the left, with the text "Online Resolution Program" and a blue "Start Here" button. Below the button is a red dashed box containing the text "Already a user? Sign In". The right side of the page has a large heading "Welcome to New Mexico Courts' Online Resolution Program" and a sub-heading "ODR is a free tool provided by the New Mexico Judiciary to help resolve cases online." Below this are three columns of text: "How to Begin Using ODR" with a numbered list of steps, "Using A Mediator" with a paragraph about mediation, and "Helpful Information" with links to "NM ODR", "ODR FAQs", and "Case Lookup".

NEW MEXICO COURTS

NEW MEXICO SUPREME COURT
STATE OF NEW MEXICO

Online Resolution Program

Start Here

Already a user? Sign In

Welcome to New Mexico Courts' Online Resolution Program

ODR is a free tool provided by the New Mexico Judiciary to help resolve cases online.

How to Begin Using ODR

1. Find your case by clicking Start Here
2. Create an online account
3. Sign in to answer questions about how the dispute could be settled

Settle a dispute directly with the other party or request help from a trained online mediator who will act as a "go between" to help you resolve your case.

Using A Mediator

Online mediation is available at no cost to you.

During the first two weeks of negotiations, either party may request a mediator's help.

If the other party agrees to mediation, a mediator will be assigned to your case and will contact you to assist you in reaching an agreement.

Helpful Information

Go to [NM ODR](#) to learn more about Online Dispute Resolution.

Go to [ODR FAQs](#) for frequently asked questions about ODR.

Go to [Case Lookup](#) to view the details of your case.

Dispute List

Hello Mateo

What would you like to do today?

[Go to my disputes](#)

Start Here

Select a view

My Disputes

+ Participants

+ Filter



Plaintiff First	Plaintiff Last	Defendant First	Defendant Last	Case #	Mediator	Current Status	Next Action Due
Pug	Plaintiff	Dingo	Defendant	D-202-CV-2020-01164		Dispute Deadline Reached	
Pebble	Plaintiff	Debble	Defendant	D-202-CV-2020-01167		Dispute Deadline Reached	
Panda	Plaintiff	Donkey	Defendant	D-101-CV-2020-00390	ODR Mediator	Dispute Deadline Reached	
Peter	Padilla	Dana	Davis	M-14-CV-2020-00305		Negotiated Agreement Reached	
Paulette	Peters	Denny	Dyer	M-14-CV-2020-00302		Negotiated Agreement Reached	
Paula	Peters	Diego	Davids	D-202-CV-2020-01175	ODR Mediator	Online Mediation in Progress	12-19-2020
Peter	Padilla	Dana	Davis	M-14-CV-2020-00304		Defendant Proposed a Different Solution	12-21-2020

Items per page: **20**

1 - 7 of 7



New Features in Online Dispute Resolution

1. Central email address in Odyssey

Currently attorneys with generic law firm emails are unable to be referred to ODR; must have unique email per attorney

2. Either party can make the first offer/proposal

Currently Plaintiff must start ODR process

3. ODR Landing page: How to Begin, Using a Mediator, Helpful links



The screenshot shows the landing page for the New Mexico Courts' Online Resolution Program. The page features the New Mexico Courts logo in the top left and a search icon in the top right. The main heading is "Welcome to New Mexico Courts' Online Resolution Program". Below the heading, a sub-heading states "ODR is a free tool provided by the New Mexico Judiciary to help resolve cases online." The page is divided into three columns: "How to Begin Using ODR", "Using A Mediator", and "Helpful Information".

NEW MEXICO COURTS
The Judicial Branch of New Mexico

WELCOME TO NEW MEXICO COURTS' ONLINE RESOLUTION PROGRAM

ODR is a free tool provided by the New Mexico Judiciary to help resolve cases online.

How to Begin Using ODR

1. Find your case by clicking [Start Here](#)
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Online Resolution Program

[Start Here](#)

Already a user? [Sign In](#)

New Features in Online Dispute Resolution

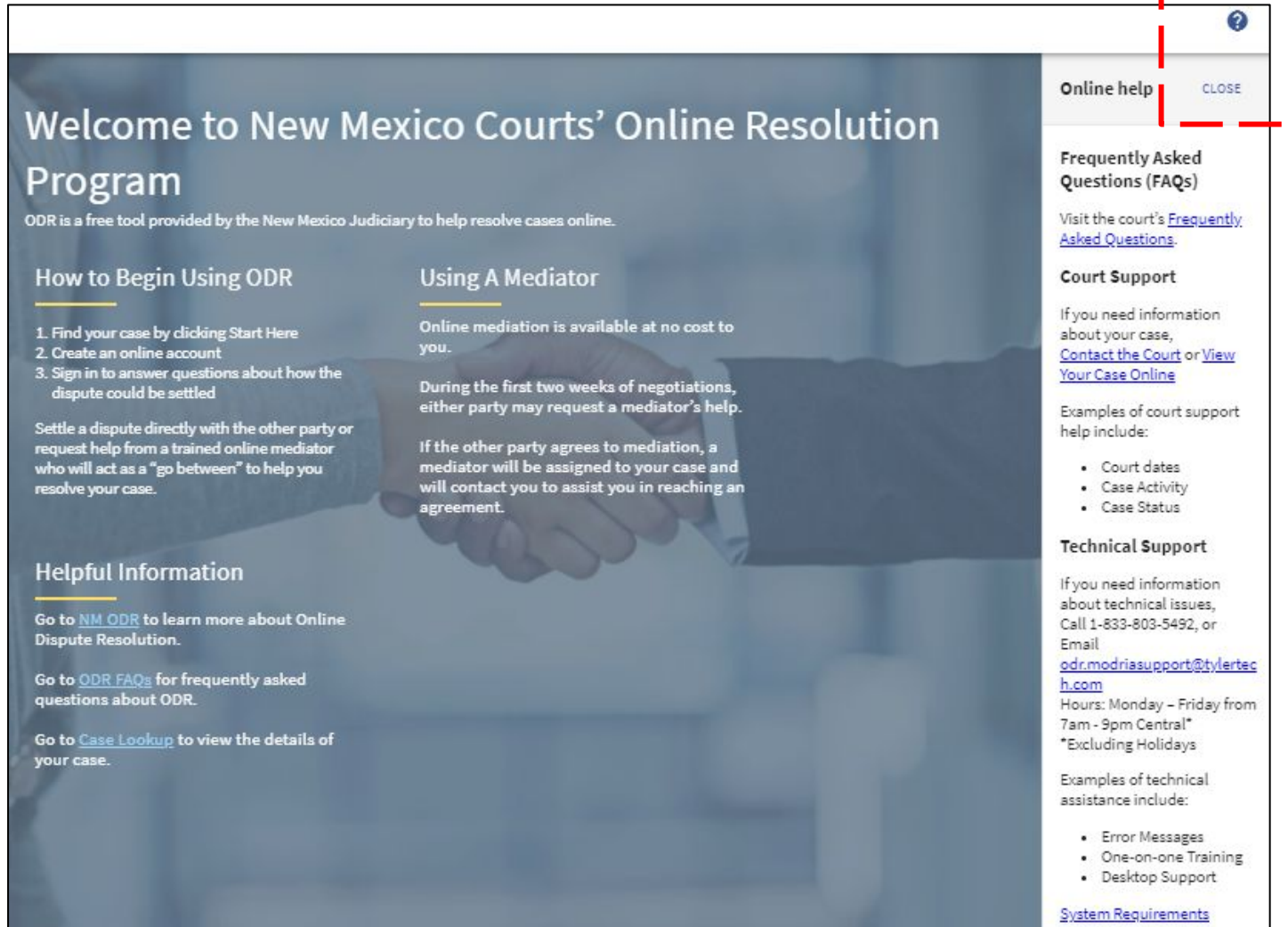
4. Explainer video (4 minutes) on how to use ODR

Link to video will be in invitation email to parties



New Features in Online Dispute Resolution

5. On-line help available throughout ODR



The screenshot shows the main interface of the New Mexico Courts' Online Resolution Program. The main content area has a dark blue background with white text. The sidebar on the right is white with a red dashed border around the top section. The sidebar contains a 'CLOSE' button and several sections of help information.

Welcome to New Mexico Courts' Online Resolution Program
ODR is a free tool provided by the New Mexico Judiciary to help resolve cases online.

How to Begin Using ODR

1. Find your case by clicking Start Here
2. Create an online account
3. Sign in to answer questions about how the dispute could be settled

Settle a dispute directly with the other party or request help from a trained online mediator who will act as a "go between" to help you resolve your case.

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Helpful Information

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Go to [ODR FAQs](#) for frequently asked questions about ODR.

Go to [Case Lookup](#) to view the details of your case.

Online help CLOSE

Frequently Asked Questions (FAQs)

Visit the court's [Frequently Asked Questions](#).

Court Support

If you need information about your case, [Contact the Court](#) or [View Your Case Online](#)

Examples of court support help include:

- Court dates
- Case Activity
- Case Status

Technical Support

If you need information about technical issues, Call 1-833-803-5492, or Email odr.modriasupport@tylertech.com

Hours: Monday – Friday from 7am - 9pm Central*
*Excluding Holidays

Examples of technical assistance include:

- Error Messages
- One-on-one Training
- Desktop Support

[System Requirements](#)

New Features in Online Dispute Resolution

- Parties choose to receive ODR status updates via email or text messaging
Currently only email is available

Contact Information

Please give us a little more information to create your account so that you can receive notifications and login.

Email Address or Mobile Number
debble@mailinator.com

We sent a verification code to your email or mobile number. Please enter it below.

Verification Code
117793

[Request Verification Code](#)

[Cancel](#) [Continue](#)

New Features in Online Dispute Resolution

7. Complaint available in ODR

Automatically transferred from Odyssey to ODR

Paula Peters v. Diego Davids

Court Case #D-202-CV-2020-01175

Home

Talk it out

Files

Offers

History ³

What Else Can I Do?

Files

File Name	Date Posted	Posted By
AgreementToMediate_11_21_2020_10_10_03_AM.pdf	11-21-2020 10:10:03 AM	Mateo Page (Representing Paula Peters)
OPN: COMPLAINT.pdf	11-19-2020 04:00:38 PM	Modria System (Admin)

New Features in Online Dispute Resolution

8. Language added regarding importance of paying by check/ money order and receiving a payment receipt

Payment Terms Review

Please review the payment plan below which outlines each payment based on the information provided.

Sat Nov 14 2020	\$100.00
Mon Dec 14 2020	\$100.00
Thu Jan 14 2021	\$100.00
Sun Feb 14 2021	\$100.00
Total	\$400.00

NOTE TO PARTIES ABOUT RECEIPTS: By providing and receiving receipts for partial or whole payments, all parties to the transaction(s) will have proof that the payment was in fact made and was in fact received. This may be important in the future in the event that there is a dispute about payments made and any remaining balances on debt still owed.

New Features in Online Dispute Resolution

9. Additional option to request a mediator

Currently just on left side

10. Explanation of Mediator by hovering over question mark

Welcome to the New Mexico Courts' Online Resolution Center

Resolve your court case from your phone or computer, without having to go to the Courthouse.

- You and Paley will jointly decide whether an agreement can be reached.
- If you can't work this issue out directly, you have until Friday, October 16, 2020 to request a mediator, a neutral third party, to assist you online.
- You can opt out of this process at any time.
- The information you share is confidential and will not be shared with the judge.
- There is no additional cost for using the online resolution center.
- If this is a District Court case, you have attached the agreement/contract to the Complaint and have complied with Rules 1-009 and 1-017 NMRA.
- If you are asking for more than \$10,000, the case was filed in District Court.

How do you wish to proceed? *

- I want to try and settle this case without going to court.
- Request Help from a Mediator 
- I do not want to try and settle this case without going to court.

Continue

Online help CLOSE

What is a mediator?
A mediator is a trained, neutral professional that can help you and the other party understand the issues at hand, and to brainstorm ideas in order to find a solution that works for both of you. They are free to use to help resolve your case.

New Features in Online Dispute Resolution

11. Explainer video (2-minutes) on how to use online mediation

Link to video will be in email to parties after they both agree to mediation



New Features in Online Dispute Resolution

12. On-screen help on how to communicate during online mediation



The screenshot displays a chat window titled "Chat with everyone" for the date "28-09-2020". The chat history shows three entries:

- Celina Jones (Plaintiff)**
Added a file: [Test Document for QDR.pdf](#)
19:56:22
- Denim Defendant (Defendant)**
Added a file: [Test Document for QDR.pdf](#)
20:31:01
- Celina Jones (Plaintiff)**
Added a file: [NegotiatedSettlementAgreement_09_28_2020_08_53_09_PM.pdf](#)
20:53:09

A magnifying glass icon is visible at the bottom center of the chat area.

On the right side, there is a sidebar titled "Online help" with a "CLOSE" button. The sidebar content is as follows:

- Using Online Chat**
- Chat with Everyone**
 - This chat serves as the group chat between you and the other party. If a mediator joins, they will also be able to see everything in this chat.
- Plaintiff / Mediator**
 - If a mediator joins, this chat serves as a private and confidential chat between the plaintiff and the mediator; the defendant will not see these messages.
- Defendant / Mediator**
 - If a mediator joins, this chat serves as a private and confidential chat between the

New Features in Online Dispute Resolution

13. Settlement Agreement updated

- a. More clearly identifies if party or attorney is offering proposal
- b. States that enforcement of agreement applies to all courts

Currently states enforceable agreements only available at Metropolitan and Magistrate courts

STIPULATION OF DISMISSAL

The parties have entered into a Negotiated Settlement Agreement. The parties stipulate that this case should be dismissed because the Negotiated Settlement Agreement fully and finally resolves all of the issues in this case.

The parties agree that if the terms of the agreement reached in negotiation are not fulfilled, the terms may be enforced as provided by law. This case may be reopened within five (5) years from the filing date of this document to ask the court to enforce the agreement. See Rules 2-806 (Magistrate), 3-806 (Metropolitan), 1-106 (District).

/s/ James Grant Attorney on behalf of the Plaintiff Pia Peters

James Grant (who represents Pia Peters), Plaintiff

/s/ David Jimmy Dean

David Dean, Defendant

Friday, November 13, 2020

Date

Friday, November 13, 2020

Date

New Features in Online Dispute Resolution Expected in Q1 2021

1. Plaintiff will be able to offer a payment plan in first offer

Currently only Defendant can offer payment plan in first offer

2. Parties will be able to request an extension online to complete ODR

3. Cases with multiple Plaintiffs and/or Defendants can be referred to ODR

Thank you for all your help
to make ODR successful!

Q & A Session

For More Information:

Josh Pando, ADR Statewide Program Manager

aocjrp@nmcourts

505-470-0573