

Statewide ADR Commission Meeting  
Summary of - Friday, December 7, 2012  
John E. Brown Juvenile Justice Center, Albuquerque, NM

- I. David Levin convened the meeting at 9:10 am
  
- II. Updates
  - a. Mary Jo Lujan reported on the Office of Alternative Dispute Prevention and Resolution's ADR Symposium which was held in October 2012. It was a very successful event, with 27 agencies participating and over 170 people in attendance. The Symposium is an annual conference.
  - b. Sara Stevens reported on activities in the 4<sup>th</sup> Judicial District. The district court and Highlands University will collaborate on offering mediation classes through the university, in order to expand the mediator pool in the Las Vegas area. Initially a mediation course will be offered through the Continuing Education department in late May. Longer range plans include creating a 40 hour academic course offering for MSW students through the Social Work Department.
  - c. Marsha Lichtenstein reported on statewide ADR activities: the Children's Court Mediation Program received a grant to produce an education brochure for professionals who participate in mediation, with the focus on attorney participants; The Water Mediation program has expanded into the northern portion of the state with the new Gallinas Subsection mediation program; the 8<sup>th</sup> Judicial District hired a part time contract coordination to start a civil mediation program; and Magistrate Court mediation is launching two pilots, one in Las Cruces and one in Clovis.
  - d. David Levin reported that the Court Services Consortium, comprised of court connected ADR administrators and other related professionals across NM, have created a more formal organizational structure and will meet every other month. David will host a page on the website for the organization.
  
- III. Committee Reports
  - a. David Smoak, chair of the Marketing and Education Committee reported on committee activities for the past quarter. Highlights are included here, and the full report is attached.
    - i. The Committee collected names of production companies with whom the Committee will consult as an RFP is written for the video.
    - ii. Kevin Spears is preparing an informational brochure for litigants which the Committee will review and present to Commission at the next meeting.
    - iii. Other plans included implementing a Speaker's Bureau to market programs to local communities; education of court staff; and a

- statewide acknowledgement of Conflict Resolution Day (ACR) and/or Mediation Week (ABA) possibly through a conference.
- b. Louise Moore, Court Executive Officer at the (Clovis) Ninth District Court reported on behalf of Judge Mark Sanchez, the Chair of the Pilot Project Committee. Highlights are reported here. The full report is attached.
    - i. The court has implemented a Pro Se Domestic Relations Mediation Program. Ben Cross, the staff attorney, has mediated 38 cases with an 87% settlement rate.
    - ii. The ensuing discussion included looking into the possibility of starting a course at Eastern New Mexico University, to address the need to have more trained mediators in the southern part of the state.
- IV. Justice Edward Chavez reported on upcoming plans to train Magistrate Courts in creating and implementing mediation program.
- a. Jacqui Hagerott, Dispute Resolution Manager for the Ohio Supreme Court, will present a training at the Las Cruces Magistrate Court on March 21-22, 2013 (dates are approximate at this time). All NM Magistrate Court judges and court managers will be invited and all Commissioners are welcome to attend this training and demonstration in order to better understand how to develop and implement mediation programs.
  - b. There will be a post-demonstration assessment to determine progress.
  - c. The issues of training needs and how to deliver training (virtually/in person/etc.) was raised and needs further discussion.
- V. Celia Ludi, Chair of the Program Standards and Rules Committee, summarized for the Commission the comments on the proposed rule, and presented an Action Plan. Both reports are attached. Highlights are summarized here.
- a. The Committee will continue to work on the rule, using the Comments submitted as well as the discussion at this Commission meeting. The Committee will prepare revisions for the Commission's consideration no later than June 1, 2013. The necessary work to analyze all of the needs and interests expressed in the Comments to make recommendations response to these Comments is ongoing. The extension of time will allow the Committee the time to consult with some of the commenters, particularly judges and court administrators and to thoroughly study the approaches other states have taken to enacting similar rules, instead of relying solely on the National Standards and the Model Standards for Mediators.
  - b. Action Plan part 1 was amended to include that the Committee consider whether the Commission will move forward with a rule, guideline or standards and will discuss the place of the National Standards in the proposed rule.
  - c. Justice Chavez reminded the Commission that quality control is a primary concern whether the final product is a rule, guidelines or standards.

- d. All other Action Plans were accepted as written.
  - e. The Commission voted to unanimously to accept the amended Action Plan 1 and Action Plans 2, 3 and 4 as written.
- VI. Next Meeting: the next Commission meeting will be planned when the Program Standards and Rules Committee is ready with their report. The January and February meetings are cancelled.
- VII. David Levin adjourned the meeting at 11:45 a.m.

Meeting Attendees:

Commission Members Present:

Justice Edward L. Chavez, Chair  
Susan Barnes Anderson  
Paul Briones  
Darcy Bushnell  
Judge Duane Castleberry  
John T. Feldman  
Jeff Griffith  
Susan Laughlin  
David Levin, Co-Chair  
Celia Ludi  
Mary Jo Lujan  
David Smoak  
Sara Stevens  
Kevin Spears

Members Absent:

Mari Gish  
Judge Mark Sanchez  
Bruce Hall  
Ty Trujillo

Staff:

Marsha Lichtenstein, Statewide ADR Coordinator

Guests:

Stephanie Aldrich  
Laura Bassein  
Morrie Blumberg  
Philip Crump  
Joe C. Garcia  
Martha Graham  
Susan Malone  
Jeanette Martinez

Louise Moore  
C. Michael Patterson  
Josh Pando