

## Statewide ADR Commission Minutes

December 5, 2014

9:30 AM – 11:30 AM

- I. The meeting was called to order by Co-Chair David Levin at 9:30 AM
  - Commissioners present: Co-chair David Levin, Judge Castleberry, Judge Sanchez, Kevin Spears, Darcy Bushnell, Mary Jo Lujan, Sara Stevens, Phil Dabney, Jeanette Rael, and Laura Bassein.
  - Phone: Commissioner Susan Barnes-Anderson.
  - Guests and staff present: Doreen McGregor, Stephanie Ellis, Arlene Lucero, Tori Jacobus, Tyson Hummel, and Statewide Coordinator Shannon Beaucaire.
  
- II. Discussion on 2015 Goals & Objectives
  - Commissioners utilized the 1 page attached tool as a foundation to discuss goals and activities for 2015. Commissioners are requested to provide ideas and feedback by December 19, 2014.
  
  - Outreach Opportunities
    - The Statewide Coordinator discussed the request for Commissioners to do public speaking to educate the public on ADR, its benefits, and how it can be utilized in different situations.
    - The Statewide Coordinator noted that several groups were contacted during mediation week and the Coronado Club asked to have a speaker in January. Commissioner Susan Barnes – Anderson volunteered.
    - Commissioners discussed the benefits of having a Speakers Bureau that not only reached the whole state, but utilizes the various expertise and opportunities of the Commissioners to speak nationally as well. It was also noted that other groups that could utilize ADR services, such as battered person shelters should be contacted and asked if they would like a speaker. It was noted that there should be some coordination to ensure that all areas of the state are reached, as well as, capturing the data of where Commissioners are speaking so that the Commission can track its progress in educating the public.
    - It was noted that a list serve that published a 1 page newsletter to publicize the work of the ADR Commission, as well as, be a starting place to note what resources and expertise Commissioners bring to the table. A ½ paragraph will be requested from each Commissioner to begin this process. It was also noted that 10 minutes at each Commission meeting for a commissioner to discuss their expertise and experience.
    - Additionally, the Dean of the Law School might be interested in hearing from the Commission different areas of ADR that classes could focus on; such as 1 hour professional development credits that could be done at the law school and tape so people could access on-line.

## Statewide ADR Commission Minutes

December 5, 2014

9:30 AM – 11:30 AM

- 2015 Meetings
  - Commissioners discussed how often Commission meetings should occur in 2015. It was determined that meeting quarterly will keep momentum on activities going. The Statewide Coordinator will develop a proposed calendar for 2015 for approval with the minutes from this meeting.
- Summary on proposed rules
  - The proposed rules have been submitted to the Supreme Court. The Supreme Court will follow their procedure and submit it for public comment in March. Justice Chavez has written a letter encouraging courts to follow the proposed rules in the meantime. This is located on the website.
- Summary on Criminal Mediation in the 13<sup>th</sup> J.D.
  - Maricopa County has had a criminal mediation for 10 years and conducts mediation early in the life of the case. Their local rule says there is a mediation early on in the case which encourages all parties to be prepared and utilizes less judicial resources since it is early in the case. The 2<sup>nd</sup> J.D. in New Mexico has had a high resolution rate.
  - The 13<sup>th</sup> J.D. demonstrated interest and we provided information from Maricopa and the 2<sup>nd</sup> J.D. In the future this information will be provided online in the Toolbox for all Courts to utilize.
  - It was noted that in Arizona, victims are encouraged to attend. Although different from restorative justice mediation it was stated that this is a nice component of the mediation process.
- Budget
  - There was a discussion regarding the upcoming legislative session and the proposed Statewide ADR operating budget and the sliding scale user fee legislation. The proposed budget is part of the unified budget and not a separate line item.
  - The user fees would be deposited into a fund so that the Courts can supplement the current filing fees to support ADR programs.
  - Commissioner Bassein & Co-Chair Levin will determine if this proposed user fee provision will cover domestic cases that are other than custody cases.
  - Commissioners are encouraged to speak to their Legislators and explain the importance of ADR to their constituents, that the operating budget is essential to supporting ADR and is a part of the unified budget, and that the legislation will support ADR programs in addition to the filing fees.

## Statewide ADR Commission Minutes

December 5, 2014

9:30 AM – 11:30 AM

- Working group to look into fees paid for mediation in water disputes
  - The Statewide Coordinator explained that the 3<sup>rd</sup> Judicial District has requested that the \$500 fee for mediation in water cases be reviewed to determine if it is still a reasonable fee. Commissioner Bushnell explained that a portion of the fee is paid by the Court and the remainder is paid by the parties in the mediation.
  - Commissioners discussed the value of being involved in this is a court-annexed process. Also discussed was reviewing the number of filings requesting free process and determine how that is impacting programs and services.
  - It was determined that a working group will be established that includes the 3<sup>rd</sup> Judicial District.
  
- Toolbox
  - Commissioners discussed that the toolbox was useful for Courts determine how to begin a program and provide guidance. It was noted that it will be useful for the manual to have links to be able to access just the sections that the individual Court needs.
  - Commissioner Bushnell will work with the Statewide ADR Coordinator on ways to map the website and the manual; a way to click on specific chapters and review just that section. Commissioners Dabney & Bassein will send links to respective websites (8<sup>th</sup> J.D. Nevada & JEC) for samples that may be useful in mapping the website and the toolbox.
  - Also suggested was that a “Search” box be placed on the upper right side of the website so that items can be located easily.
  - Co-Chair Levin is requesting comments on the toolbox by December 19, 2014.

### III. Reports

- Pilot Committee
  - Commissioner Sanchez stated that the goals of the pilot committee were to 1) institute a program and gather information about instituting a program so other Courts could learn from the experience, and 2) do a study on whether mediation is more efficient, cheaper, etc. Commissioner Sanchez reported that other states have done studies, kinds of information gathered, number of motions to modify, number of appeals, motions to vacate, hours in court. In the 9<sup>th</sup> J.D., the pilot committee took the statistical information by hand and compared it with control numbers from the 5<sup>th</sup> J.D. Initial conclusions are that settlements reached in mediation tend to be more permanent.

## Statewide ADR Commission Minutes

December 5, 2014

9:30 AM – 11:30 AM

- Odyssey & User Satisfaction Surveys
  - Co-Chair Levin reviewed the 1 page abstract from the submitted SJI Grant. Around December 17, we will hear whether SJI awarded us the grant.
  - Co-Chair Levin also went over the user satisfaction surveys. There is a method that you can use that is similar to how you vote. Court staff can pass out the surveys and the surveys can be placed in an anonymous box. Surveys can include comment sections. Court staff can scan the surveys at regular intervals and email to a central location. The central location (e.g. David Levin for Magistrate) can input the scan into the software and the software can produce statistical information quickly. The benefit to this software is that few licenses are needed due to the centralization. Additionally, there can be a section for statewide data for all programs (Magistrate, District, Children's Court), as well as, a section for data specific to the program.
  
- Commissioner Dabney shared his experience in delivering information regarding short trial programs. Commissioner Dabney indicated that there appeared to be a consensus that there was a great need for such a program in New Mexico. Commissioner Bassein indicated that summary trials are in consideration for the Judicial Conclave. Commissioner Sanchez expressed that if it is presented at the Judicial Conclave that it would be helpful that the structure be provided so that judges can implement the process after attending at the Judicial Conclave.
  
- Commissioners noted that it would be nice to include a 5 minute segment for the ADR Section of the State Bar, and other groups (ATJ, NMMA, ADR Bureau for the State) on every agenda to hear what the group is working on and how we can collaborate with them.

#### IV. Action Items:

- The Statewide Coordinator will connect Commissioner Barnes-Anderson & the Coronado Club regarding speaking in January.
  
- A speaker's bureau will be coordinated to track Commissioner speaking engagements throughout the year.
  
- Commissioners will submit a short paragraph describing their expertise to the Statewide Coordinator by December 19, 2014. This information will be placed into a newsletter for the Commissioners to learn about each other's expertise.

Statewide ADR Commission Minutes

December 5, 2014

9:30 AM – 11:30 AM

- Provide Feedback on proposed 2015 schedule to Statewide Coordinator by December 19, 2014.
- Commissioner Bassein & Co-Chair Levin will review the sliding fee scale language to ensure it covers domestic cases other than custody.
- A working group will be established to look at fees in water mediations.
- Feedback on the toolbox is to be provided to Co-Chair Levin by December 19, 2014.
- Provide feedback on 2015 goals & objectives by December 19, 2014.

V. Attachments

- 1 Page Discussion on 2015 Goals & Objectives
- Proposed 2015 Schedule
- SJI Grant & User Survey handout

These minutes were adopted and approved via email, and reflect the comments received after Commissioners reviewed and commented on the minutes.