

Statewide ADR Commission Meeting Minutes  
Friday, April 12, 2013  
Juvenile Justice Center, 5100 Second St. NW, Albuquerque, NM, 87106

Justice Chavez convened the meeting at 9:00 am. He reported:

- Although the AOC included a request for \$50,000 for the DVD to be produced to educate litigants, the legislature did not provide the funding. However, the Magistrate Mediation Fund decided to contribute \$25,000 so the project can move forward.
- Legislative Session: No new judgeships were funded in the 2<sup>nd</sup> Judicial District and caseloads will increase and dockets continue to be overcrowded.
- Justice Chavez met with the judges in the 2<sup>nd</sup> Judicial District regarding their response to the draft rules. They voice and objection to using the language “shall” in the guidelines, and felt that the specific language would threaten their programs. Some of the issues discussed included the need for more flexibility regarding professional mediation training as well as mediation styles. As written the rules seem inflexible, the recommendation was treat them as guidelines.

#### Committee Reports

##### Marketing/Education Subcommittee Report

- Kevin Spears reported that the subcommittee began putting together a brochure that could be a prototype, still in progress. Layout in place. Easy to read and follow, cover what is , advantages of, types of options, and what kinds of disputes can be mediated. The prototype will be presented at the next meeting.
- Judge Davis from the 13<sup>th</sup> Judicial District volunteered to be a resource to train other judges in how to present mediation to litigants.

##### Pilot Project Committee

- Louis Moore, the CEO in the 9<sup>th</sup> Judicial District, reported that all the judges in the court support the program and it has been well received by the local bar association. There are plans to hire a paralegal who could assist the staff attorney with the pro se domestic relations mediations.
- David Levin discussed how the procedures were put into place and noted the importance of the two-way relationship between the central administration (AOC) and a local court. The subcommittee would like to further develop the model in the 9<sup>th</sup> Judicial District as a prototype to be presented to the legislature.

### The Rules Subcommittee

- Celia Ludi reviewed the process the subcommittee used to review, revise and simplify the rules. In general, the subcommittee moved in the direction of more local autonomy and providing suggestions/guidelines and not directives. The subcommittee decided not to append the national standards or mediator guidelines to the rules and to include more commentary to provide guidance to courts.
  - John Feldman commented that he perceives that the Commission was on the wrong path by drafting rules and recommended that the Commission suggest that courts use the National Standards for standards about program development and at the same time write their own local rules to reflect local needs and values.

### Magistrate Court Mediation Training

- Susan Barnes Anderson reported on the March 20 – 21 that was held in Las Cruces. Representatives from courts from all over the state attended. The training took courts through a program planning process. She reported that the Dona Ana Magistrate Court would be up and running in late March. It was noted that there is a shortage of mediators who can volunteer at magistrate courts; courts need someone who will coordinate their programs; and continuing education because of the turnover of court personnel.

### Mediation Course at Highlands University, Las Vegas, NM

- Sara Stevens reported that she and two other mediators will be teaching a basic mediation course at Highland University beginning in May 2013 through the Department of Social Work. The course is a 40-hour training and will enroll 15 participants. The fee for the course is \$125. The upshot is:

### The Uniform Collaborative Law Act: SB 401

- Gretchen Walther and Roberta Batley presented SB 401 to the Commission. Their intention is to have a rule on collaborative (family) law. Collaborative law provides a team of professionals including attorneys, a mental health professional, financial professional and a child specialist when needed. The Act is designed to provide quality control and should be seen as a partner of ADR, not a competitor. The will work with Family Law Rules Committee to draft a rule.

The meeting was adjourned at 11:40.

Meeting Attendees:

**Members Present:**

Justice Edward L. Chavez, Chair

Susan Barnes Anderson

John Feldman

Jeff Griffith

David Levin, Co-Chair

Celia Ludi

Sara Stevens

Kevin Spears

Judge Mark Sanchez

Mary Jo Lujan

Bruce Hall

**Staff:** Marsha Lichtenstein

**Guests:**

Gretchen Walther

Roberta Batley

Jeanette Martinez

Sue Thorson

Anne Lightsey

C. Michael Patterson

Josh Pando

Linda Wilson

Torri Jacobus

Joe C. Garcia