

Statewide ADR Commission Meeting Minutes

Thursday, May 8, 2014

9:00 – 11:00 AM

State Bar Center, Albuquerque NM

- I. The meeting was called to order by Co-Chair Justice Chavez at 9:13 AM
  - Commissioners present: Co-chairs Justice Chavez and David Levin, David Smoak, Judge Castleberry, Jeannette Rael, Darcy Bushnell, Susan Laughlin, Sharon Ortiz, Susan Barnes-Anderson, Laura Bassein, Celia Ludi, Sara Stevens, John Feldman, and Mari Gish.
  - Guests and staff present: Erika Baylor, Laurie Knight, and Statewide Coordinator Shannon Beaucaire.
  - Phone: no one was present by phone.
- II. New Commissioner Introductions
  - Justice Chavez introduced Philip Dabney who was unable to attend the meeting.
  - Sharon Ortiz, Laura Bassein, and Jeannette Rael introduced themselves and the organizations they represent and work with.
- III. The October 4, 2013 Meeting Minutes were approved unanimously.
- IV. Committee Reports
  - Rules Committee
    - Committee Chair, Celia Ludi, reported that the Commission made changes to the proposed rules at the October meeting. After the October meeting, the amended proposed rules was sent statewide to judges for comments. Only three comments were received. One comment was editorial, one comment indicated that they were pleased with the proposed rules, and one judge commented that the proposed rules was unnecessary.
    - Next Steps: David Levin will draft a letter to the Supreme Court requesting that the proposed rules be considered for approval by the Supreme Court according to its rule-making procedures 23-106(K). A copy of the rules will be attached to the letter and submitted to Joey Moya, Chief Clerk of the Supreme Court. If the Supreme Court wishes to formally publish the proposed rules a comment deadline will be established. The letter will be signed by the Commission Co-chair on behalf of the Commission.
  - Marketing Committee
    - Committee Chair, David Smoak, requested that the Statewide Coordinator provide the committee report. The committee has been collaborating with the Santa Fe Community College and New Mexico Film Resource to

Statewide ADR Commission Meeting Minutes

Thursday, May 8, 2014

9:00 – 11:00 AM

State Bar Center, Albuquerque NM

produce a twenty (20) minute mediation video that will be segmented into four to five shorter sections. Celia Ludi and Laurie Knight drafted a storyline format for the video that describes what mediation is, why an individual might use mediation, and the benefits of mediation. With the assistance of the AOC Language access coordinator, the video will be accessible to the English, Spanish, and deaf communities. A short clip of the video was viewed.

- Commissioner Smoak suggested the Commission consider working with NM Film Resource again to develop a series of videos of case studies of real mediations.
- Co-Chair Levin remarked as Magistrate Mediation Coordinator he is working with Commissioner Barnes-Anderson to develop videos and other tools for on-line mediation training through Eastern New Mexico University and Santa Fe Community College.
- Next Steps: New Mexico Film Resource will finalize the editing and produce the video to the Administrative Office of the Courts and the Commission by June 30, 2014.
- Pilot Committee
  - David Levin reported for Judge Sanchez that work on Odyssey is occurring to develop statistics to measure the effectiveness of mediation. The Magistrate and Children's Court Mediation Programs were independently developing Odyssey event codes to measure ADR effectiveness. The two teams were brought together to develop a collaborative unified effort for Odyssey. The goal is to be able to produce statistics, acceptable to the Legislative Finance Committee, without creating a lot of additional work for the Court Clerks to track the data. Additionally, Donna Steinstra, senior researcher at the Federal Judicial Center, and Resolution Systems Institute (RSI) have assisted in developing a list of statistical fields that would be beneficial to collect. Future collaboration with other organizations, and potentially a grant, may be feasible when New Mexico has a base of data collected. A future goal is to utilize Odyssey's calendaring feature to generate forms, notices, orders, and envelopes to assist staff.
  - Next Steps: The Odyssey work group will continue to meet to produce base statistical event codes this calendar year.

Statewide ADR Commission Meeting Minutes  
Thursday, May 8, 2014  
9:00 – 11:00 AM  
State Bar Center, Albuquerque NM

V. Reports from the Statewide and Magistrate Coordinators

- Statewide ADR Strategic Plan
  - The Statewide Coordinator developed a strategic plan that incorporates the input of the Commissioners, each District Court, the recommendations from the National Center for State Court’s Report, and the goals established by the 2013 Statewide ADR Commission Annual Report. There was discussion regarding collaboration between District, Magistrate, and other programs such as Children’s Court Mediation to develop shared resources and efficiencies. It was noted that the strategic plan is intended to be revised and updated as circumstances change, which will allow incorporation of all Courts and inclusive approaches to the expansion and enhancement of ADR throughout New Mexico.
  - Next Steps: Implementation, evaluation, monitoring, and adjustments of the strategic plan actions and strategies to promote, enhance, and implement ADR throughout the New Mexico Judiciary.
- Statewide ADR website
  - The website working group is developing additional content for the website to improve access for the public and Courts. Currently content is being drafted and evaluated before it becomes a live page on the website. The site will include the Court toolbox, as well as, other informational material for the public. Discussion occurred regarding utilization of language to increase accessibility and meta tags to ensure the site is easily located. The working group will include these items in future meetings and drafting. Also noted was that the website is another marketing and educational tool for educating the public about ADR processes.
  - Next Steps: The website working group will continue drafting content that incorporates the suggestions of the Commission.
- Court Toolbox
  - The Court toolbox is under development. Collaboration with RSI, who has already developed an extensive toolbox, is occurring to maximize resources and provide the most comprehensive resource to New Mexico Courts.
  - Next steps: Continued work on toolbox development.

Statewide ADR Commission Meeting Minutes  
Thursday, May 8, 2014  
9:00 – 11:00 AM  
State Bar Center, Albuquerque NM

- Progress on goals established in 2013 Annual Report
  - The Statewide Coordinator reviewed the goals of the 2013 Annual Report and noted that progress was being made on completing those goals.
- FY14 Annual Report
  - The Annual Report is due to the Supreme Court September 29, 2014.
  - After review of the 2013 Annual Report goals, the Statewide Coordinator recommended that the 2014 Annual Report goals are:
    - Finalization and submission of the proposed rules to the Supreme Court,
    - Continuation of work on the Odyssey statistical tracking,
    - Continuation of work on the Court Toolbox,
    - Continuation of work on the Statewide ADR Website, and
    - Continued collaboration and strengthening of the Statewide ADR Commission with partner agencies.
  - The Commission agreed with the recommendations for the goals for the 2014 Annual Report.

VI. Commission Policy Decisions

- Mediation week
  - In 2013, the Supreme Court issued a proclamation announcing Mediation week. The Statewide Coordinator provided the Commission with a draft of a proclamation for Mediation week: October 12-18, 2014. The draft proclamation duplicates the language in the 2013 proclamation and coordinates with the timeframe of the ABA Mediation week initiative. The purpose of the American Bar Association (ABA) Mediation week is a ‘celebration of the strides made in institutionalizing mediation as one of several appropriate dispute resolution processes.’ The Association for Conflict Resolution will celebrate Conflict Resolution Day, October 16, 2014, within the ABA Mediation week initiative.
  - To promote Mediation week in New Mexico, it was recommended that an electronic ‘packet’ be provided to the Courts with the finalized the statewide mediation brochure and a link to the finalized mediation video.
  - It was also noted that honoring the mediators and court staff who commit their time to promoting ADR throughout New Mexico would be appropriate. Mediation week provides a good opportunity for

Statewide ADR Commission Meeting Minutes  
Thursday, May 8, 2014  
9:00 – 11:00 AM  
State Bar Center, Albuquerque NM

collaboration with partner agencies such as NMMA and the State ADR Bureau.

- The motion to pursue the Mediation week proclamation with the Supreme Court passed unanimously
- The motion to include the statewide mediation brochure and the link to the mediation video passed unanimously.
- Website
  - A Committee, chaired by Commissioner Ludi and comprising of Commissioners Gish, Bassein, Feldman, Barnes-Anderson, and Stevens was charged with developing a Commission policy for posting of announcements and trainings on the Statewide ADR website. The Committee is requested to produce a draft policy to the Commission by June 8, 2014.
- FY16 Budget
  - The Statewide Coordinator is responsible for drafting a Statewide ADR budget for FY16 (July 1, 2015 – June 30, 2016) by June 4, 2014. The Coordinator requested input from the Commissioners regarding items they would like to see included in the proposed budget. Ideas included:
    - Production of ADR video case studies in collaboration with the Santa Fe Community College and other entities,
    - Commissioner mileage reimbursement,
    - Printing and postage costs for brochures and materials for Courts that have limited budgets and for the Speakers Bureau,
    - Commission and Subcommittee meeting logistics, such as video/phone conferencing and venue fees, and
    - Development of national resources for further statistical development if New Mexico is ready at that time.
- Action Items: *All items to be completed by the next Commission Meeting unless otherwise noted.*
  - Website Policy Committee
    - Development of a draft policy by June 8, 2014.
  - Rules Committee
    - Provide a summary of which courts have local rules to collect ADR fees with the rule number, draft a model local rule, and

Statewide ADR Commission Meeting Minutes  
Thursday, May 8, 2014  
9:00 – 11:00 AM  
State Bar Center, Albuquerque NM

provide a summary and recommendation for encouraging courts to develop local ADR rules.

- Marketing Committee
  - Finalize statewide mediation brochure for inclusion in Mediation Week.
- Pilot Committee
  - Develop a pilot program approach and timeframe for implementation.
- Next Commission Meeting: Thursday, August 28, 2014. Meeting logistics will be sent out by the Statewide Coordinator prior to the meeting.
- Meeting adjourned at 11:12 AM.

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