

**Statewide ADR Commission Strategic Planning Meeting  
Charles C. Gara Public Safety Center, Albuquerque NM  
July 14, 2017 from 10AM-3PM**

Facilitator: Jessie Lawrence, Commissioner

Called to Order: 10:07 AM by Chair McElroy

Introductions of Commission members who are present:

Judge Jeff McElroy, Chair  
Jessie Lawrence  
Sara Stevens  
Torri Jacobus  
Mari Gish  
Susan Barnes- Anderson

Mary Jo Lujan, Vice-Chair  
Phil Dabney  
Laura Bassein  
Jennifer Foote  
Shannon Driscoll

Not Present:

Judge Duane Castleberry  
Judge Mark Sanchez  
Kevin Spears  
Elizabeth Jeffreys (non-voting member)  
Chief Justice Judith Nakamura (non-voting member)

Cynthia Olson  
David Smoak

Guest: Lauren Felts-Salazar, Program Specialist 8<sup>th</sup> JD (recorded these notes)  
Tonya Covington, Mediator/PeaceMakers Consulting

**Ground Rules for today's planning session:**

Be brief and respect time  
Honor all ideas and suggestions  
Be open minded to role changes and transition

The goal of today's meeting is to review of Pre-Meeting Interview Report to look at where we would like to see ADR and the Commission in the next 5 years, and to find a handful of items to focus goals on the for the short and long term planning.

**When reviewing the Pre-Meeting Interview report, we will start with focusing on the first three items:  
Mission of the Commission, Business of the Commission, and Potential of the Commission.**

Currently, the Commission does not have a clearly defined mission statement. What we would like to see the Commission become is a panel to provide leadership by helping guide, support, organize and monitor ADR programs in the state courts, and possibly with a broader reach to municipal and probate courts in the future. The commission members present do not feel it is the role of the Commission to develop programs in each court, that role is up to each individual court under the direction of their leadership.

The Business of the Commission is to look at the bigger picture of what we would like ADR to look like in the New Mexico courts over the next 1, 3, 5 years and beyond. We must look at the bigger picture and change the

current focus of the commission; the Commission should see itself as the bridge to educate the court system about what potential benefits ADR could have on the court process. While details are important, we must not get caught in the details. When looking at the 2011 NCSC “Advancing Alternative Dispute Resolution in the New Mexico Judiciary: Key Strategies to Save Time and Money” little has changed with ADR in the six years since the report was prepared. This is where we need to start looking beyond what we have historically done, and work towards a “Multi-door Courthouse”.

The Commission’s prior work on rules/guidelines was recently adopted by the Supreme Court as Guidelines. The Commission has the potential to create a culture change in the NM Court system. Currently, only nine out of 13 districts have some form of mediation program beyond children court services.

Some members who are present feel that attorneys have taken over mediation process to make it an “attorney driven system”, and have created barriers to keep individuals who could help grow and expand ADR programs sidelined from participation. Furthermore, ADR programs do not have unlimited money or dedicated resources, and mediators cannot be expected to work for free forever. In addition, funding is dependent on the legislature funding programs and initiatives. Unfortunately, many of our legislators are attorneys and they were very resistant to HB131/ADR funding, which did pass, because they are commonly litigating the high dollar cases and don’t see the value of ADR as it would apply to the other 70-80% of lower profile cases. This is where we need to educate the legal community in the benefits of ADR as they apply to all cases, both at initial filing, and throughout the case.

The Bernalillo Metro Court is currently reporting approximately 60-70% of their mediated cases are debt collection cases.

The Commission feels it is crucial to educate all the Judges and get their ‘buy-in’ to ADR services. It is important for judges to know they cannot force cases to be heard by certain mediators but they can be made aware of all the options that are available and share general information with case parties.

**Visions: Five Years from now, in New Mexico, what does ‘good’ ADR look like?**

- Increase in ADR use
- ADR process is available before case filing in the court system
- Courts becoming Dispute Resolution Centers
- All ADR options are visible and available, with good information provided about each option provided to parties
- Sufficient resources, adequate & stable funding
- Demonstrated savings from ADR use
- Educational training about ADR to the public, legal professionals, and court staff
- Self Help centers to provide information to the public about ADR
- Have the court process include mediation services as a standard procedure, not as an alternative
- Public Outreach, Education, and Services beyond the Courthouse
  - Hold ADR outside of the courthouse
  - Immigrants concerned about going into courts because of ICE
- Courts offer monthly legal clinics/law-law-palooza
- Mediation programs collaborate with other agencies to create mediator pools/trainings for rural areas

- ADR programs utilize technology, such as video conference calls, to fill in the holes where mediation is requested but not currently available in rural areas

**Vision: Five years from now, what does the ADR Commission look like?**

- Holds a reputation for expertise and can troubleshoot problems that arise in courts
- Offers advice to programs that encounter difficulty
- 1 year from now: the Commission would start holding educational sessions at the State Bar, Judicial Conclave, and other statewide trainings to start the educational process of making others aware of ADR
- The Commission Meetings would act as a forum for interaction between parties to exchange ideas and network with others in the ADR community
- Provide technical, tactical, and strategic support for ADR programs
- Still be in existence and relevant
- Responsible for public education of ADR service in the Courts
- Involved in the development of a 'Standards process' that would apply to the entire state

**What are a limited number of goals for the commission to set to achieve these visions?**

1. Establish relationships with Legislators
2. Do things as a Commission more efficiently
- ◆ 3. Educate ourselves on the needs of individual courts and districts in New Mexico
4. Encourage and support trainings
5. Educate ourselves on what is being done and is available to build on both nationally and worldwide, don't re-invent the wheel, but build on the momentum of other locations
6. Use best practices
7. Minimize barriers to dispute resolution processes and providers
8. Support equal opportunities for all processes and providers
9. Become representative of the entire Alternative Dispute Community; invite guests to meetings from different community organizations to get different perspectives/input
- ★ 10. Work with other ADR organizations to improve court-connected ADR
- ▲ 11. Compile information on the effectiveness of ADR programs
12. Develop Public Education Information
  - Multi-Door Concept
  - Short Public Service Announcements (TV/Radio-such as New Mexico True)
  - Creation/Continued use of Self Help/Dispute Resolution kiosks
  - Make sure reports generated are seen by legislators
  - Track and utilize commissioner's representative capacity roles more broadly
- ◆ 13. Increase Staff
  - Clarification of role/vision for current AOC mediation support staff
  - Collaborating between Districts to create Divisions that could share resources
  - Work closely with the Supreme Court Justices to eliminate the disconnect between the Commission and AOC
  - Pooling of resources and advocates
14. Technical support for program planning and development
- ◆ 15. Encourage and assist with program development where programs don't currently exist.
16. Act as an advisory group to the Unified Budget process for chief judges

**17. Create tools, such as a model needs assessment to assist court programs**

- Share
- Encourage
- Technical support

★ **18. Poll courts and get feedback regarding the use of recently approved Guidelines, and further determine best practices. The Commission will need input from the Courts on what to do next with this process from those operating/establishing programs**

▲ **19. Development of strategies for how to educate the public and legal community**

**20. Be a clearing house for training information**

★ **21. Establish standards for ADR data collection from court statewide, i.e. how things are input into Odyssey should be standardized and staff needs to be trained.**

- Data will be the backbone for all of our work to support our efforts and show our progress
- The Commission will need to determine what data is important to track
- Ensure data is entered uniformly throughout the state

**22. Collect testimonials of how people were impacted/helped by using the mediation process.**

**23. Define 'Best Practices' for practitioners and programs; these will be evolving to adapt and reflect what is happening in the courts**

▲ **24. Ensure that ADR related trainings occur at statewide trainings such as the State Bar conference, Judicial Conclave, and ADPR symposium**

★ Highest Priority

▲ Second Priority

◆ Third Priority

After all the goals were listed, each member was given 4 dots and was asked to place a dot by the 4 goals they considered the most important. They were placed into 3 categories based on the number of dots placed by each goal. Upon closer examination of the goals, the group discussed the fact many goals are interconnected, or similar just worded differently. After this process was complete, 3 break-out groups took place to brain storm between 3-4 members what further action their goal would require the Commission to take.

**Summary of next steps and brainstorming ideas pertaining to the three highest priority goals**

18. Poll courts and get feedback regarding the use of recently approved Guidelines, and further determine best practices. The Commission will need input from the Courts on what to do next with this process from those operating/establishing programs

- After meeting to discuss this goal, it was determined it must incorporate goal '3. Educate ourselves on the needs of individual courts and districts in New Mexico'
- The Commission would need to identify information that is available from each court and determine the needs of each program.
- The Commission would need to talk to each program and determine if they have been made aware of the Supreme Court's approval of the Guidelines, and if not provide them with that information.
  - Initial poll-Did you get the Guidelines?

- 6 months from now- have you read the guidelines and made any program changes based on the guidelines?
- 1 year from now- Are you finding the guidelines helpful? Have they improved your program?
- And so on for additional time to get a better understanding of the helpfulness of the guidelines, how courts are using the guidelines, and how the guidelines pertain to court needs.
- This effort will require both commission members and staff support and time to create polls, analyze responses, and take further action based on information compiled.
- Discuss with the Supreme Court representative who/why some courts received information about the approved guidelines, while others did not. Determine where these guidelines will be published and available for public access.

#### 10. Work with other ADR organizations to improve court-connected ADR

- Commissioners would start this process by reaching out to other mediators/programs they know
  - Ask individuals/organizations to provide information about services, cost, availability
  - Ask for input and recommendations about expansion of ADR services in NM Courts
- Compile information provided from ADR providers to create a database of ADR services that could be placed on a website for anyone looking for ADR services to access.
- This effort would require Commissioners to reach out to their contacts, and staff to compile information from service providers.
 

Issues that would need to be looked into would include:

  - Can the AOC/ADR website include a link with names and contact information for private organizations?
  - Who would be responsible for updating and maintain the list and website information?
  - Can we include a disclaimer on any website created that we are not endorsing any particular organization, merely providing networking information?
  - If parties used an organization listed on the website, who was not a court vendor, how would payment be arranged?

#### 21. Establish standards for ADR data collection from court statewide, i.e. how things are input into Odyssey should be standardized and staff needs to be trained.

- Data will be the backbone for all of our work to support our efforts and show our progress
- The Commission will need to determine what data is important to track
- Ensure data is entered uniformly throughout the state
- Standardize codes and training
- Identify standards that need to be measured and work with JID to create reports
  - Get the 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> involved with AOC/JID to see what reports they are currently using
- This will involve both Commission and Staff involvement.

#### **Final wrap up points**

- This meetings focus was to serve two purposes:
  1. Establish immediate goals for the commission and begin creation of 3 and 5 year plans to present to the Supreme Court by October 2017.
  2. For internal Commission use to finalize the recommendations for HB 131.

- The June 16<sup>th</sup> working meeting had a few participants, but not as many as hoped for. There will be another working meeting held on the morning of August 3<sup>rd</sup>. Additional details to follow.
- The next regular Commission meeting will be held on Sept. 22<sup>nd</sup>. Please review your calendars in advance as we will be scheduling the 2018 meeting dates.
- We want to recognize ongoing efforts, such as the mediation scholarships. If anyone knows of someone who would be interested please pass the information along to them.
- Please consider involvement in the creation of working groups to start focusing efforts on the goals discussed today. The hope is these working groups can meet during the 'off' months (the months when there is not a regular commission meeting), and then report back to the Commission on their progress during regular meetings.
- Thank you to everyone who was present today. Your thoughts, ideas, and input have been valuable.