

STATEWIDE ADR COMMISSION

Meeting Notes

1.15.16 10am-12:30pm

Attendees: Elizabeth Jeffreys, Staff & Statewide ADR Coordinator

Justice Nakamura	*Judge Sánchez	Jennifer Foote
David Levin, Chair	Phil Dabney (PH)	*Susan Laughlin
Mary Jo Lujan	Susan Barnes Anderson	Mari Gish (PH)
Sharon Ortiz	Jeanette Rael	Torri Jacobus
Duane Castleberry	*Sara Stevens	*Laura Bassein
*Darcy Bushnell		

Guests: Shannon Driscoll, AOC – Mag. Ct. Mediation Program Mngr.
Ben Cross (PH), 9th Judicial District [standing in for Kevin Spears]
Stephanie Ortega, GSD Risk Management/ADR Division

Absent: David Smoak *Kevin Spears [sent Ben Cross to stand in]

**Note: terms of Commissioners expired 12.31.15, and new Order not yet received*

INTRODUCTIONS

ANNOUNCEMENTS

Chair David Levin previewed the agenda.

- Website – Elizabeth Jeffreys presented the official site map for ADR for the new website.
- Metro’s 30th Anniversary (2016) – Susan Barnes Anderson is preparing to recognize the anniversary with a reception to include people who were critical to the early development of the program. She will consider a role for the Commission and keep us informed.
- Training & Events
 - Peer Mentoring training, ABQ, 2.11.16, 11:30am – 1pm, \$5 fee for non-NMMA members
 - State Bar ADR Mtg., ABQ, 1.28.16 @ noon, “Tales from the Trenches”
 - Mag. & Metro Mediator Workshop w/Mark Bennett, ABQ, 2.27.16, 9am-noon
 - Mag. & Metro Training w/Joe Brummer, ABQ, 4.2.16

Also, NMMA will be posting events on web calendar.

REMARKS BY THE CHAIR, David Levin

The Commission was founded in 2011, and needed to break new ground and become educated. The Summit was a critical event. We have entered a new stage wherein we recognize what we can do well, what we can do better, and what our position is in the State. It is exciting to discover where we can be more active. Common needs must be identified, and partnerships developed and strengthened. The Commission can leverage efforts to be supportive and to partner initiatives. We can start by identifying concrete action plans and deliverables. The Commission can be an advocate. We can provide a voice, and generate resources by becoming more involved with JIFFY, JID, AOC, and the budget process. We should create a coherent presence and facilitate efforts to grow ADR in New Mexico. We should also keep in mind the NCSC 10 recommendations. The vision for 2016 is to focus on concrete action items and advocacy.

Commr. Castleberry added that the Commission needs to find its place in the budget process, and to be present.

BUILDING ADR RESOURCES

Chair Levin presented the “Unified Budget Process” flowchart contained in the Judiciary Budget Book. He noted that the Commission’s FY2018 budget needs must be identified by April 2016, and that the Commission will need to be present at budget meetings. The Commission can support and advocate for other court-connected ADR programs and services, as they each have separate budgets to present. Judge Sanchez stressed the need to identify projects that require funding if the Commission is to have a budget. Justice Nakamura proposed that the Unified Budget Book have a dedicated page to reflect the statewide ADR budgetary needs for all courts.

FISCAL YEAR 2017

This is the first year that the Commission has considered budget needs. Last year the Statewide ADR Coordinator put in a request for \$3,400 to serve the administrative needs of the Commission in FY17. That request is before the Legislature in this upcoming session, and the LFC is supporting the request. The requested funds are to pay the per diem needs of the Commission, to pay for the necessary office supplies and resources (such as binders and frames for the awards, which David Smoak paid for out-of-pocket in FY16), and to pay for training/conference needs of the Statewide ADR Coordinator. If the funds are approved, the Commission will, for the first time, have some funding.

Judge Castleberry asked for clarification about the need for the Commission to support the FY17 request of \$50,000.00 for the Children’s Court Mediation Program (CCMP). The Coordinator explained that her time is split between the CCMP and the Commission. She spends about 20-25% of her time in service to the Commission. Justice Nakamura proposed that the Commission have a fully devoted FTE staff, and several Commissioners voiced support of this idea. The Coordinator explained that her salary is paid out of the CCMP, and that the Commission’s administrative needs to date have been covered by the funds of the CCMP. Since the CCMP is losing \$75,000.00 in federal funds starting FY17, and has a request for only \$50,000.00 before the Legislature, the contemplated plan is to use all of the CCMP funds for services, and that will not leave any funds for administrative costs. The CCMP can no longer financially support the Commission. The Commission can take a supportive role to advocate for the funds requested by the CCMP. The Coordinator will send Commissioners the single page advocacy sheet for the CCMP funds once it is vetted by AOC.

FISCAL YEAR 2018

The Commission discussed the role of the AOC in the budget process, and inquired about the operations of other Commissions. The Commission is not sufficiently informed to make determinations about FY18 budget needs by April. Questions arose including how other Commissions are funded and staffed; how funds of Commissions are managed/controlled; and, whether the Commission can operate apart from the AOC and its budget process. More meetings are needed and a subcommittee could be formed to gather information on the process and on the possibilities so that proposals can be submitted for consideration by the Commission. Support was again expressed for an FTE to serve the Commission, so that the Statewide ADR Coordinator would not serve both the CCMP and the Commission.

A Budget Committee is formed: Chair David Levin, Laura Bassein, Judge Castleberry, Judge Sánchez, Susan Barnes-Anderson, & Shannon Driscoll. The Budget Cmte will: (1) Identify actions for FY17 budget, (2) Investigate relationships of Commission to other ADR services and budgets, (3) Inquire about how other Commissions operate, and (4) Identify FY18 budget needs for Commission to consider.

COMMISSION MEETINGS

The Commission identified a need to meet with greater frequency before April 2016 to prepare the FY18 budget needs. Chair David Levin proposed the Commission consider a change of venue to the Metro Ct. so that remote access to meetings could be accommodated by JID's video conference system. Face time (video conference) will allow for increased communication and collaboration. Video conference system could be used to invite 'guest courts' to present to Commission, such as the Third Judicial/Las Cruces. In addition, the current 2016 Comm. Mtg. dates of 4/15/16 and 8/19/16 conflict with the Chief Judges Council meetings, and need to be reset.

Next Meetings: Friday, March 4, 2016 at the Metro Court, 1:30pm – 4pm
 Friday, April 15, 2016 at the Metro Court, 1:30pm – 4pm

ANNOUNCEMENT – Letter from NMMA (1/15/16)

Chair David Levin announced that the New Mexico Mediation Association submitted a letter to the Commission, dated January 15, 2016 and signed by NMMA Board President Sharon Ortiz, regarding a Mediator Grievance Process for Consumers of mediation. The Commission briefly discussed how to approach such inquires. Chair David Levin will respond to the letter and said that he would like more information. Commissioner Sharon Ortiz briefly provided that the NMMA receives complaints about mediators, some of whom are court-connected, and that there is concern for how to address complaints. Currently, the NMMA redirects the consumers to address complaints to the entity which provided or directed the mediation. Furthermore, the NMMA Board voted to discontinue the mediator certification process. The Commission will take the concerns into consideration at a later time. The current priority is to identify FY18 budget needs.

Darcy Bushnell made a request that the Commission invite the State Bar's ADR Committee to speak. Commissioners Phil Dabney and Sharon Ortiz are the current Co-Chairs of the Committee.

ACTION STEPS

JEC Scholarship

Chair Levin noted that it was time for the AOC and JEC to enter into another agreement regarding the scholarships to UNM-SOL's mediation courses. Laura Bassein, JEC, provided some information regarding the scholarships and potential to revisit the use of the funds. She will inquire about the availability of funds to support the scholarships over the next year, and will meet with the Statewide ADR Coordinator to prepare the necessary MOU. The Commission could consider other approaches to the use of the funds for the following year, but the process will likely be status quo for the next MOU.

Website Resource & Toolbox

Currently the web offers a Toolbox that is merely an outline, waiting for resources to be linked. The Toolbox is contemplated as a resource for courts to utilize in creating, building and improving mediation services. The resources need to be of practical use, not merely theoretical. Chair Levin has a stack of printed resources that need to be reviewed, and other resources could be identified to link to the Toolbox. A group is formed to consider and start preparing the resources: Darcy Bushnell, Susan Barnes Anderson & Shannon Driscoll.

ADR Awards and Mediation Week

Chair Levin asked the Committee that prepared the awards to review the process and propose suggestions for next year. The Committee included David Smoak, Torri Jacobus, Mari Gish and Phil

Dabney. A question arose about whether other Commissions give out awards, and whether that was the proper function of a Commission. The Commission may want to consider collaborating with other ADR entities (ex. State Bar ADR Cmte, NMMA) for purposes of recognizing achievements in ADR.

Odyssey

Substantive improvements to the Odyssey (case management) system will require the involvement of JIFFY. Judge Castleberry provided some information about the role of JIFFY (Judicial Information Systems Council), and its operations. JIFFY does have committees to focus on specific projects, and a JIFFY ADR committee could be formed. Chair Levin announced that he will soon meet with JIFFY's Chair, Judge Karen Mitchell, to obtain more information about how to approach ADR improvements. The Commission's Budget Committee can consider whether funds should be requested for FY18 to prepare for the Odyssey improvements to help record, manage and report ADR data. Justice Nakamura noted that such ADR reports will be critical to justify increases to ADR budgets.

Mediation Guidelines

Chair Levin will check with the Supreme Court's Clerk on the status of the Mediation Guidelines that the Commission submitted for approval.

Metro/Mag Court Collaboration

Chair Levin noted that Susan Barnes-Anderson (Metro) and Shannon Driscoll (Shannon) are collaborating to address mediation needs of their respective courts.