

# Administrative Office of the Courts

## Supreme Court of New Mexico

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## Judicial Information Division (JID)

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### Referring Cases to the Magistrate Mediation Program (MCMP)

**Version 1.3**

*Created: (06/2022)*

*Updated (3/2023)*

*Updated (12/2023)*

## Referring Cases to the Magistrate Court Mediation Program (MCMP)

### COURT / DEPARTMENT / DIVISION

Magistrate Court.

### USER

This procedure is to be used by Magistrate Court Clerk staff.

### PURPOSE

To refer qualified cases to the Magistrate Court Mediation Program or MCMP.

### INTRODUCTION

This process will guide the user on how to refer appropriate cases to the Magistrate Court Mediation Program (MCMP), schedule mediation hearings in Odyssey, and process documentation uploaded from the MCMP Application (also known as Alternative Dispute Resolution, or ADR).

### ELIGIBILITY CRITERIA

MCMP-qualifying cases include any General Civil cases, preferably those with a filed answer.

Examples include:

- Debt and Money Due
- Neighbor Disputes (not punitive)
- Contract Disputes (Homeowner's Associations, vehicle maintenance, etc.)

OR

Landlord-Tenant - POST Judgment cases that do not have strict timelines for adjudication.

Examples include:

- Return of a deposit
- Damage to the unit

### EXCLUSION CRITERIA

The following types of cases should not be referred to MCMP:

- Landlord-tenant cases involving eviction and restitution
- Bankruptcy
- Forcible Detainers
- Domestic Violence
- Cases involving parties with outstanding no-contact orders, domestic, or civil restraining orders

### RELEVANT DATA STANDARDS

Data Standards were approved by the Supreme Court on May 20, 2020. Using the data standards will result in improved data collection and reporting; improved data quality; improved consistency in case processing; improved court efficiency; and improved ability to establish court staffing needs. Refer to the following data standards for any procedures that may or may not be specifically mentioned in this SOP:

General	Case Specific
1.7.0 Forms	4.0.0 General Civil Data Standards
1.8.0 Hearings	
1.9.0 Interpreters	
1.16.0 Service	

## VERSION HISTORY

Version #	Date	Description	Author
1.0	06/2022	Initial SOP	Josh Pando
1.1	09/2022	Updated to remove the use of Task Manager when applying a file stamp	Jinger Fiola
1.2	06/2023	Updated to include Navigator screenshots and instructions for scheduling an interpreter	Jinger Fiola
1.3	12/2023	Updated to detail a preference for cases with a filed answer for referral, include the Exclusion Criteria, and instruction to notify the program of hearing changes	Gino Unzueta San Miguel

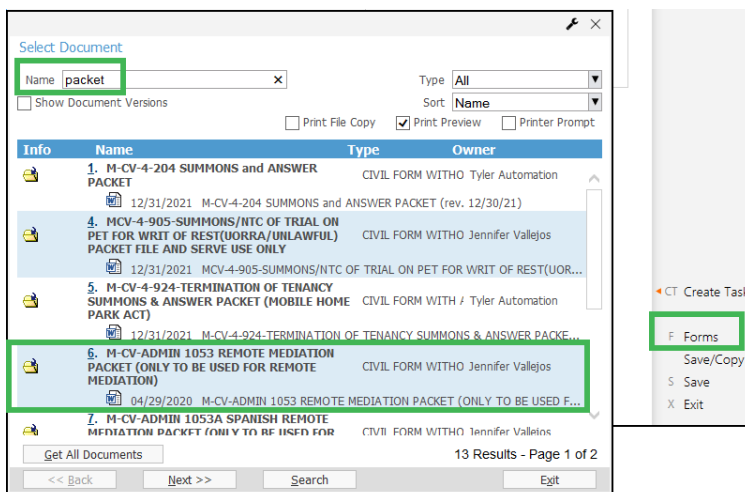
## NAVIGATION

Odyssey Case Manager / Forms.

## STEPS

Once it has been determined that the case should be referred to mediation, the Mediation Packet must be created.

1. Click on Forms, type in 'packet', and select M-CV-ADMIN 1053 REMOTE MEDIATION PACKET (ONLY TO BE USED FOR REMOTE MEDIATION).



2. Print pages 1-5 and have the judge sign the Order Referring Case to Mediation.

STATE OF NEW MEXICO  
CURRY COUNTY MAGISTRATE COURT IN CLOVIS

Penny Plaintiff, David D Defendant, Plaintiff(s)  
v.  
Brandon Lee Miller, Defendant(s) No. M-12-CV-2023-00005

**ORDER REFERRING CASE TO MEDIATION**

The Court having reviewed the court file finds that this case shall be referred to mediation and hereby orders as follows:

1. The parties shall attend a confidential mediation with a mediator assigned by the Court;
2. A notice shall be delivered to the parties stating the date, time, and location of mediation, and the parties shall attend;
3. Prior to said mediation, the parties may contact the Magistrate Court Mediation Program by phone or text at 505-750-0321 or email at [magistratemediation@gmail.com](mailto:magistratemediation@gmail.com) with questions about technological requirements, the mediation process, or if they must reschedule;
4. Prior to mediation, the parties shall watch a mediation orientation video, available anytime at <https://adr.nmcourts.gov/magistrate-court-mediation.aspx>.
5. There are no fees for these services;
6. Attendance of the attorney for a party is optional. The party and their attorney will decide if the attorney will attend;
7. Failure of a party to appear as ordered may result in sanctions for contempt of court, assessment of costs, and reimbursement to the other party for attorney fees and/or lost wages.

\_\_\_\_\_  
Judge

3. After the order is signed:

- a. Docket 5222 Order Referring to Mediation.
- b. Set a Mediation Hearing for two weeks out at a minimum.
- c. Select the 'Civil Hearing Notice' (5789)

Select a Notice Setup

Print Preview  Print Prompt

Civil Hearing Notice  
Civil Notice of Trial  
Civil Pre-Trial Hearing Notice  
Resch./Amend. CV Hearing Notice  
Resch./Amend. CV Notice of Trial  
Resch./Amnd. CV Pre-Trial Hear. Not.  
Trail. Docket CV Hearing Notice  
Trail. Docket CV Notice of Trial  
Trail. Docket CV Pre-Trial Hear. Not.

Exit

**\*\*\*REMINDER: When scheduling an interpreter using *Interpreter Intelligence*, please make sure the *Service Type* request indicates that the mediation session will be conducted over **video**, and include a note under *Job Details* that "the interpreter MUST appear by **video**".**

The screenshot shows a web form with two main sections. The top section is titled "Service Information" and contains a "Service Type\*" dropdown menu with options: "Video (Scheduled)", "[Select Service Type]", "VRI (On Demand)", "Telephone Translation (Scheduled)", "Video (Scheduled)", and "Face to Face". Below the dropdown is a text field containing "(5756222212 ext 125)". The bottom section is titled "Notes" and contains a "Job Details" field with the text: "This mediation will be conducted over video. Interpreter MUST appear via video and not telephone." Below the text field is a rich text editor toolbar with options for Font Family, Font Size, Bold, Italic, Underline, ABC, and a link icon.

4. Modify the notice to include the Zoom meeting information which is specific to each court. (This information will be provided to each court and will need to be copied into the Mediation Hearing Session notices, or submit a helpdesk ticket requesting to have the information automatically merge into the notice).

The screenshot shows a "NOTICE OF MEDIATION SESSION" document. At the top left, it reads "STATE OF NEW MEXICO SANDOVAL COUNTY MAGISTRATE COURT IN BERNALILLO". At the top right, it reads "FILED IN SANDOVAL COUNTY January 27, 2022 MAGISTRATE COURT IN BERNALILLO". The parties are listed as "Robert Vigil, Plaintiff(s)" and "Judith Chavez, Defendant(s)". The case number is "No. M-45-CV-2022-00005". The notice states: "NOTICE IS HEREBY GIVEN that a Mediation Session in this case has been set as follows: Date of Hearing: Monday, February 21, 2022 Time of Hearing: 9:00 AM Mountain Time Video/Telephonic Hearing: Go to [www.zoom.us](http://www.zoom.us) or call 1-346-248-7799 and enter Meeting ID 765963 0938 to join mediation. If you have questions about mediation or the technological requirements, you can call or text the Magistrate Court Mediation Program at 505-750-0321, or email at [magistratemediation@gmail.com](mailto:magistratemediation@gmail.com). In the event that the Court is closed on the day of your mediation due to inclement weather, your mediation will still occur online as scheduled. Any questions can be directed to Magistrate Court." A green arrow points to the Zoom meeting information. The document is signed by Kimberly Gekkipin, Clerk.

5. Docket 9606 DUE: Documentation and enter a date 10 days (t+10) from the Mediation Hearing. In the comments enter 'Mediation Outcome Report.' (In the event the court does not receive documentation within ten days after the hearing, please send an email to [magistratemediation@gmail.com](mailto:magistratemediation@gmail.com))
6. Send the packet to the parties via mail or through File & Serve. The packet should include:
  - i. Notice of Mediation Hearing Session
  - ii. Information Letter (pg. 1 of the packet)
  - iii. Mediation Guidelines (pg. 2 of the packet)
  - iv. Signed Order Referring to Mediation (pg. 3 of the packet)
  - v. Overview of the Mediation Process (pgs. 4 and 5 of the packet)

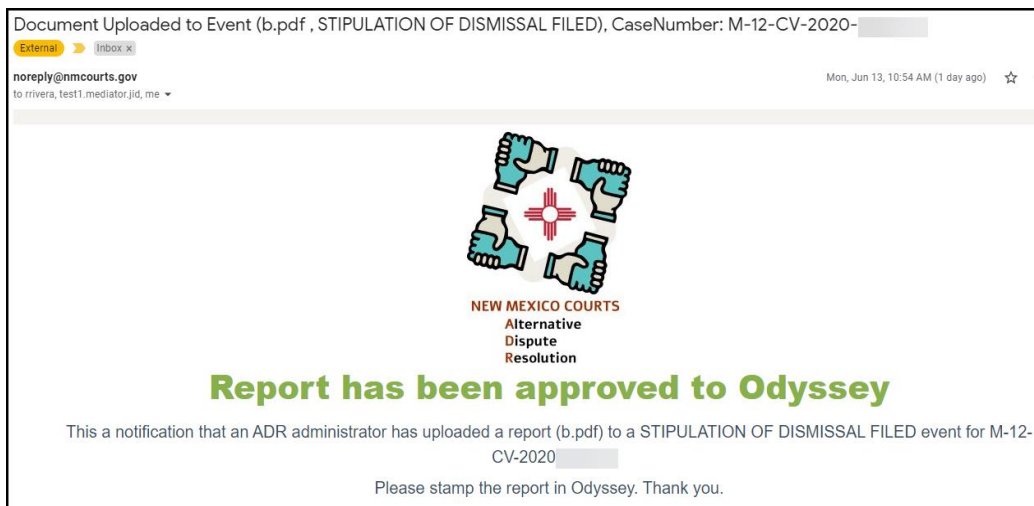
- vi. Answer to Civil Complaint OR Judgment (if mediation is for a post-judgment issue)

\*\*Once the hearing is scheduled in Odyssey, it will appear on the Mediator's calendar. The court will **not** need to send an email to Josh Pando or schedule the Mediation Hearing on the Google Calendar

\*\* In the event of a cancellation, if the hearing is vacated or rescheduled, please notify the ADR MCMP Program by sending an email to [magistratemediation@nmcourts.gov](mailto:magistratemediation@nmcourts.gov) and include the case number in the subject line.

After the Mediation Hearing:

- 7. The court will receive an email indicating that documents have been uploaded to the case file



- 8. An event(s) will be automatically added to the events tab and the document(s) will be related to the event. The document(s) will also appear in the documents tab.

Most Recent Events & Hearings		Case Docket
02/23/2023	STIPULATION OF DISMISSAL FILED <i>Uploaded by MagistrateADR system</i>	
01/20/2023	ORD: Order Referring to Mediation	
01/15/2023	ANS: TO CIVIL COMPLAINT FILED Filed By: Defendant Miller, Brandon Lee	
01/06/2023	Summons and Answer packet Miller, Brandon Lee	Served 01/08/2023
01/06/2023	SUMMONS ISSUED Issued To: Defendant Miller, Brandon Lee	
01/06/2023	OPN: GENERAL CIVIL COMPLAINT FILED	

- 9. Open the document and apply the file stamp.

10. Send the document to the appropriate parties via mail and/or through File & Serve. It is not necessary to send file stamped copies back to the mediation team.
11. In the Hearings tab, click on the Mediation Hearing, add the appropriate result and add the parties that were present.
12. If the matter is fully settled and a Stipulation of Dismissal is filed, docket 3016, and in the due date, enter a date 5 years from the current date. Parties have the right to ask the court to reopen the case within five years from the filing date of this document.

Date	Type and Comment	
02/14/2023	<b>Stipulated Dismissal/Mediation</b>	
02/14/2023	<b>CLS: Stipulation of Dismissal Mediated Settlement Agreement</b> Due: 02/08/2028	
02/07/2023	<b>STIPULATION OF DISMISSAL FILED</b> Uploaded by MagistrateADR system	
02/07/2023	<b>MEDIATION SETTLEMENT/AGREEMENT</b> Uploaded by MagistrateADR system	
02/07/2023	<b>MED: Outcome Report: Settled Fully During Mediation</b> Uploaded by MagistrateADR system	
02/07/2023	<b>MED: Guidelines for Mediation</b> Uploaded by MagistrateADR system	

### STIPULATION OF DISMISSAL AFTER MEDIATED SETTLEMENT AGREEMENT

The parties have entered into a Mediated Settlement Agreement. The parties stipulate that this case should be dismissed because the Mediated Settlement Agreement fully and finally resolves all of the issues in this case. However, if the terms of the Mediated Settlement Agreement are not fulfilled, the parties reserve the right to ask the court to **reopen this case within five years from the filing date of this document** for the limited purpose of entering a judgment to enforce the terms of the Mediated Settlement Agreement and for such other relief as the court deems just and proper.