

# Administrative Office of the Courts

Supreme Court of New Mexico

Arthur W. Pepin, Director



237 Don Gaspar, Room 25  
Santa Fe, NM 87501  
(505) 827-4800  
(505) 827-4824 (fax)

## Judicial Information Division (JID)

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Referring Cases to ODR  
For Debt/Money Due & Landlord Tenant Cases  
**Standard Operating Procedure**

**Version 1.3**

*Updated: 12/2020*

## Referring Cases to ODR

### COURT / DEPARTMENT / DIVISION

Magistrate Courts, Metropolitan Court, and District Courts

### USER

Clerks, Clerk Supervisors

### PURPOSE

To refer qualified cases to Online Dispute Resolution (ODR) and process them after ODR is complete.

### NAVIGATION

Odyssey/Events

### STEPS

#### 1. Identify cases that qualify for ODR

##### A. Case Types and Causes of Action

Court	Case Type	Cause of Action
Magistrate	General Civil (GC)	Debt and Money Due (DM)
Magistrate	Uniform Owner Resident Relations Act(aka Landlord/Tenant) (LT)	
Magistrate	Mobile Home Park Act (MP)	
Metro Court	General Civil (GC)	Debt (DEBT)
Metro Court	Uniform Owner Resident Relations Act(aka Landlord/Tenant) (LT)	
Metro Court	Mobile Home Park Act (MP)	
District Court	Contract/Debt & Money Due (KDM)	Debt and Money Due (KDM)

- B. Plaintiff and Defendant both have **mailing** addresses in Odyssey. If party is represented, mailing address is only required for the attorney.
- C. One Plaintiff, One Defendant on the case.
- D. Return of Service to the Defendant. NOTE: Defendant's answer is not required for referral.
- E. The following are not eligible for ODR:
  - 1. Cases with Counterclaims, Third-Party Claims and Cross Claims.
  - 2. Cases with property or other non-monetary requests.
  - 3. Cases where an interpreter is requested; Sign Language is acceptable for ODR.

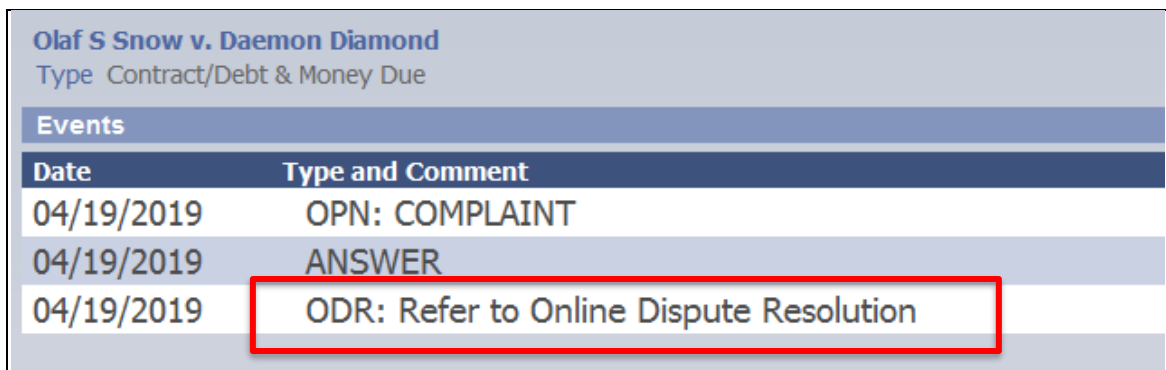
**SPECIAL NOTE for Landlord/Tenant, Mobile Home Park Act, Commercial Lease Cases:** In addition to the criteria in B through E above, residential and commercial landlord/tenant cases may be referred to ODR **ONLY IF:**

1. The sole issue to be determined in the case is money due (for example: unpaid rent, fees, and utilities or compensation for damages);
2. Eviction or Restitution of Property has been previously resolved or was not requested; and,
3. A judicial officer or other designated court personnel has reviewed the case and made a determination that the case meets all criteria for referral to ODR

**NOTE:** Cases not eligible for ODR are processed through the regular court process.

## 2. Refer cases that qualify to ODR

- A. Refer cases that qualify for ODR by docketing event code **ODRRFR: Refer to Online Dispute Resolution**



Olaf S Snow v. Daemon Diamond	
Type Contract/Debt & Money Due	
Events	
Date	Type and Comment
04/19/2019	OPN: COMPLAINT
04/19/2019	ANSWER
04/19/2019	ODR: Refer to Online Dispute Resolution

- B. Check **ODR tab** to make sure:
  1. Modria Status says 'Success'
  2. There are three rows of information



Date	Status
11/30/2020	Gathering case data to create dispute.
11/30/2020	Case data passed to ADR system.
11/30/2020	Case data sent to Modria. Waiting on the party or parties to initiate the dispute.

After cases have completed ODR, process based on the following:

## CASES SETTLED THROUGH ODR

1. If parties have reached an agreement, the agreement will automatically be sent to File & Serve for processing. There are two types of Settlement Agreements:
  - a. **Negotiated Agreement:** parties reached an agreement without the assistance of a mediator.
  - b. **Mediated Agreement:** parties reached an agreement with the assistance of a mediator.
  - c. Both Agreements are filed with Event Code **ODRDSM: CLS: Stipulation of Dismissal – ODR**
2. Agreements are handled in File & Serve based on court type:
  - a. **District Court:** Filings are routed to the civil queue in File & Serve; filings are reviewed and accepted similar to other Civil filings.
  - b. **Magistrate and Metro Courts:** Filings are automatically accepted in File & Serve. In other words, no action is necessary in File & Serve as it is happening automatically in the background.
3. After filings are accepted in File & Serve, they are automatically docketed in Odyssey as **ODRDSM: CLS: Stipulation of Dismissal – ODR**, which is the ODR equivalent of 3016: Stipulation of Dismissal.

Filings for both Agreement Reached and Agreement not Reached should always be ACCEPTED in File & Serve.

**NOTE:** Since this is a Stipulated Agreement, not a Stipulated Judgment, a Judge's signature is not required.

4. For cases that reach an agreement through ODR, add a **Disposition Code** of SDODR: **Stipulation of Dismissal ODR**.

**NOTE:** Disposition code can be added after ODR filing is accepted in File & Serve; or cases needing the disposition code can be found by setting up a daily recurring Event Listing report, using event code **CLS: Stipulation of Dismissal ODR**.

To set up a daily recurring Event Listing report of cases settled through ODR, follow the steps to set up an Event Listing (see page 7-8); choose Event Code **ODRDSM: Stipulation Dismissal ODR**.

The screenshot shows the Odyssey Case Management System interface. At the top, the 'Disposition' menu item is highlighted with a red box. Below it, the 'Add Judgment' form is displayed. The 'Type' dropdown menu is set to 'Stipulated Dismissal ODR' and is highlighted with a red box. The 'Judge' field is set to 'Laney, Maurine'. The 'Date' is '05/10/2019'. The 'Judgment' button is highlighted with a red box. The form includes sections for 'Magistrate', 'Parties', 'Property', and 'Financial'.

### **CASE NOT SETTLED THROUGH ODR**

1. If either party chooses to end ODR, or parties do not reach an agreement in 30 days, a Non-Agreement Settlement will automatically be sent to File & Serve for processing.
2. Agreement is handled in File & Serve based on court type:
  - a. **District Court:** Filing will be routed to the Civil queue in File & Serve; clerk will view and accept similar to other Civil filings.
  - b. **Magistrate and Metro Courts:** Filings will be automatically accepted in File & Serve. In other words, no action is necessary in File & Serve as it is happening automatically in the background.
3. After filings are accepted in File & Serve, they will automatically be docketed in Odyssey as Event Code **ODRNA: ODR No Agreement**.

Abitha C Trundle v. Celeste S Sellars	
Type Contract/Debt & Money Due	
Events	
Date	Type and Comment
04/22/2019	OPN: COMPLAINT
04/22/2019	ANSWER
04/22/2019	ODR - Refer to Online Dispute Resolution
04/22/2019	ODR: No Agreement -

4. Schedule a hearing for cases not settled through ODR.
5. Set up a recurring Event Listing report for Event Code **ODRNA: ODR No Agreement** to receive a daily recurring report of non-settled cases. See instructions on pages 7-8.

### **Notice of Plaintiff Participation & Notice of Plaintiff Non-Participation**

1. For cases not settled in ODR, if Plaintiff completes at least one step in ODR, a Notice of Participation will automatically be sent to File & Serve for processing when ODR is complete.
2. For cases not settled in ODR, if Plaintiff does NOT complete at least one step in ODR, a Notice of Non-Participation will automatically be sent to File & Serve for processing when ODR is complete.
3. **Both notices should always be accepted in File & Serve.**
  - a. **District Court:** Filing will be routed to the Civil queue in File & Serve; clerk will review and accept similar to other Civil filings.
  - d. **Magistrate and Metro Courts:** Filing will automatically be accepted in File & Serve. In other words, no action is necessary in File & Serve as it is happening automatically in the background.
4. After filings are accepted in File & Serve, they will automatically be docketed in Odyssey as Event Codes: **ODRPP: Notice of Plaintiff Participation** or **ODRPNP: Notice of Plaintiff Non-Participation**.

### Setting up a recurring Event Listing report

- a. Go to Reports, Case Management, Event Listing
- b. Click on court node
- c. Parameters

- d. Click **Schedule** in upper right, then click on recurring icon:

- e. Click on recurring icon

- f. Enter the following parameters and click **Save**.

**Recurrence**

Start Time: 12:01 AM

**How often does this job recur?**

Hourly  
 Every 1 day(s)  
 Daily  
 Every weekday  
 Weekly  
 Monthly  
 Yearly

**When does this recurrence start and end?**

Start Date: t  
 No end date  
 End after: 10 occurrences  
 End by: 07/02/2019

**What is the approach for job sequencing on this recurrence?**

Run recurring job as configured  
 Do not start next recurrence of job until the current job in this job definition has completed processing  
 Do not start next recurrence of job until the following jobs have completed processing

Job Definitions:

Save Exit

g. Example:

NEWRELEASE

Date Range: 01/01/2019 to 04/23/2019 Case Types: KDM  
 Event Types: ODRNA

Second Judicial District  
[Second Judicial District](#)

Event Type	Case #	Style	Case Type	Case Subtype	Entered By	Event Status Event Status Date	Event Date/Time	Judicial Officer
Case - ODR: No Agreement	D-202-CV-2019-00001	Penny Plaintiff v. Danny Defendant	Contract/Debt & Money Due		File & Serve, Tyler		2/11/2019 12:00:00 AM	Lopez, Victor S.
Case - ODR: No Agreement	D-202-CV-2019-00023	Penny Plaintiff v. Danny Defendant	Contract/Debt & Money Due		File & Serve, Tyler		2/11/2019 12:00:00 AM	Franchini, Nancy J.
Case - ODR: No Agreement	D-202-CV-2019-00050	Preston Garcia v. Dom Dawes	Contract/Debt & Money Due		File & Serve, Tyler		3/19/2019 12:00:00 AM	Franchini, Nancy J.

Second Judicial District: 3