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**IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

**June 22, 2017**

**NO. 17-8500-013**

**IN THE MATTER OF THE APPROVAL  
OF STATEWIDE GUIDELINES FOR  
COURT-CONNECTED MEDIATION AND  
THE ESTABLISHMENT OF ALTERNATIVE  
DISPUTE RESOLUTION PROGRAMS**

**ORDER**

WHEREAS, on October 19, 2016, the Supreme Court’s Statewide Alternative Dispute Resolution Commission (ADR Commission) recommended the adoption of proposed Guidelines for Court-Connected Mediation Services;

WHEREAS, under NMSA 1978, Section 34-6-44 NMSA, every “judicial district that collects an alternative dispute resolution fee pursuant to Section 34-6-45 NMSA 1978 shall create an ‘alternative dispute resolution fund’ of the judicial district. Money in the fund shall be used to defray the cost of operating alternative dispute resolution programs established by judicial district court rule approved by the supreme court, including but not limited to arbitration, mediation and settlement facilitation programs;”

WHEREAS, under NMSA 1978, Section 34-6-45, every judicial district

1 that has a rule to establish an alternative dispute resolution program shall collect  
2 a fifteen dollar (\$15.00) fee, which shall be deposited in a district court  
3 alternative dispute resolution fund in accordance with the provisions of Section  
4 34-6-44;

5 WHEREAS, several judicial districts already have established alternative  
6 dispute resolution programs, including the First, Second, Third, Eighth, Ninth,  
7 Twelfth, and Thirteen Judicial Districts; *see* Rules LR1-601, LR2-601, LR3-601,  
8 LR8-601, LR9-601, LR12-601, and LR13-601 NMRA, and the Court wishes to  
9 facilitate the collection of the \$15 ADR fee for the operation of an alternative  
10 dispute resolution program in every judicial district that does not currently have  
11 a program established by court rule; and

12 WHEREAS, the Court having considered the foregoing and being  
13 sufficiently advised, Chief Justice Judith K. Nakamuran, Justice Petra Jimenez  
14 Maes, Justice Edward L. Chávez, Justice Charles W. Daniels, and Justice Barbara  
15 J. Vigil concurring;

16 NOW, THEREFORE, IT IS ORDERED that the recommendations of the  
17 Statewide Alternative Dispute Resolution Commission are ACCEPTED;

18 IT IS FURTHER ORDERED that the court-connect mediation guidelines

1 recommended by the Commission are APPROVED and shall be known as the  
2 Statewide Guidelines for Court-Connected Mediation Services;

3 IT IS FURTHER ORDERED that all judicial districts are authorized and  
4 directed to establish alternative dispute resolution programs and shall  
5 immediately begin collecting the fifteen dollar (\$15.00) fee for deposit into the  
6 district court's alternative dispute resolution fund in accordance with the  
7 provisions of NMSA 1978, §§ 34-6-44 and 34-6-45;

8 IT IS FURTHER ORDERED that every court-established alternative  
9 dispute resolution program shall consult, and is encouraged to use, the Statewide  
10 Court-Connected Mediation Guidelines as a resource and reference for  
11 developing program policies and procedures;

12 IT IS FURTHER ORDERED that the Administrative Office of the Courts  
13 is directed to publish and distribute the Statewide Court-Connected Mediation  
14 Guidelines throughout the New Mexico Judiciary, which shall include posting  
15 them on the New Mexico State Judiciary Website; and

16 IT IS FURTHER ORDERED that any court desiring to use funds  
17 deposited in its alternative dispute resolution fund to defray the cost of operating  
18 an alternative dispute resolution program shall submit a proposed local rule for

1 this Court's review and approval to govern the policies and procedures for the  
2 operation of such a program unless such a local rule already exists.

3 IT IS SO ORDERED.

4 WITNESS, Honorable Judith K. Nakamura, Chief Justice  
5 of the Supreme Court of the State of New Mexico, and  
6 the seal of said Court this 22nd day of June, 2017.

7 ( S E A L )

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9 Joey D. Moya, Chief Clerk of the Supreme Court  
of the State of New Mexico