

1 **LR13-601. Alternative dispute resolution programs; generally.**

2 [Related statutes NMSA 1978, §§ 34-6-44 and -45]

3 A. **Administration.** These programs shall be administered by an [~~alternative dispute~~
4 ~~resolution~~] ADR program director, applying the local rules and the Mediation Procedures Act,
5 Sections 44-7B-1 to -6 NMSA 1978.

6 B. **Order required.** All referrals to these programs require the filing of a written court
7 order.

8 C. **Compromise negotiations.** The [~~alternative dispute resolution~~] ADR process will
9 be considered to be "compromise negotiations" under Rule 11-408 NMRA for purposes of
10 admissibility as evidence in potential future hearings.

11 D. **Forms.** The applicable court forms included in the local rules for [~~alternative~~
12 ~~dispute resolution~~] ADR or similar forms that serve the same purpose may be used.

13 E. **Appointment.** The court shall appoint [~~alternative dispute resolution~~] ADR
14 professionals as stipulated to by the parties or, absent agreement among the parties, as ordered by
15 the court.

16 F. **Good faith participation in ADR process.** Parties shall participate in good faith
17 during ADR. Good faith participation includes, but is not limited to, sufficiently preparing for
18 ADR and engaging in meaningful negotiations during the ADR process.

19 G. **Definitions.** When used in these rules, unless the context otherwise provides

20 (1) "ADR" means all alternative dispute resolution by means of this district's

21 (court-annexed) alternative dispute resolution programs, including mediation and
22 settlement facilitation;

1 (2) "mediation" means a confidential process by which a neutral third party
2 helps parties to resolve differences through negotiation and collaborative problem solving;

3 (3) "settlement facilitation" means a process where a neutral third party meets
4 with parties and their attorneys in a settlement conference seeking a negotiated settlement
5 agreement on all or some of the issues of the cases;

6 (4) "advisory consultation" means a brief assessment about the situation and a
7 written report summarizing the information for the attorneys and the court, as well as suggestions
8 regarding specific plans, general issues, or requested actions.

9 [Adopted by Supreme Court Order No. 08-8300-009, effective April 15, 2008; LR13-801
10 recompiled and amended as LR13-601 by Supreme Court Order No. 16-8300-015, effective for
11 all cases pending or filed on or after December 31, 2016; amended by Supreme Court Order No.
12 19-8300-010, effective July 1, 2019.]