

[WITHDRAWN]

1 ~~[LR13-603. Civil mediation.~~

2 A. ~~— **Scope.** The court may, under Rule 1-016 NMRA, refer cases to mediation.~~

3 B. ~~— **Application.** This rule applies to civil cases as determined by the court. Mediation~~
4 ~~of domestic relations cases is covered by LR13-401 NMRA.~~

5 C. ~~— **Referrals.** Any party at any time may file a motion requesting referral to ADR. The~~
6 ~~court shall determine whether to grant the motion.~~

7 D. ~~— **Referral order.** The court shall complete and file an order referring the parties to~~
8 ~~ADR, appointing a mediator, and setting the time period in which the ADR shall take place, and~~
9 ~~mail or deliver endorsed copies of the order to all parties entitled to notice and the mediator. The~~
10 ~~order shall not indicate whether the referral was made on a party's request or by the court's own~~
11 ~~motion. The order may be modified only on subsequent written court order.~~

12 E. ~~— **Assignment of mediator.** The court or the parties may choose the mediator from a~~
13 ~~list of mediators maintained by the court. The parties may present to the court a stipulated motion~~
14 ~~requesting that any licensed attorney or other qualified person act as the mediator.~~

15 F. ~~— **Time, place, and deadline for mediation.** The time and place of the mediation~~
16 ~~shall be set by the mediator within the timeline ordered by the court. Any party or mediator may~~
17 ~~request an extension of the deadline on motion to the court.~~

18 G. ~~— **Attendance.** Each counsel of record shall attend in person and shall ensure the~~
19 ~~attendance of all persons who have full and final settlement authority at the entire mediation~~
20 ~~conference. Other persons not of record may attend on agreement of all parties of record. On~~
21 ~~motion of any party or on its own motion, the court may impose sanctions for failure to attend the~~
22 ~~mediation or have present all necessary persons, except on a showing of good cause.~~

[WITHDRAWN]

1 H. ~~Good faith participation in mediation.~~ All persons shall participate in good faith
2 at mediation conferences. Good faith participation includes, but is not limited to, sufficiently
3 preparing for the conference and engaging in meaningful negotiations during the conference. On
4 motion of any party or on its own motion, the court may impose sanctions for failure to participate
5 in good faith.

6 I. ~~Cancelling mediation.~~ Mediation may be cancelled by the parties only on motion
7 and written court order. Mediation may be cancelled by the mediator by letter to the court.

8 J. ~~Replacement of mediator.~~ By letter to the court, copied to all parties and the
9 mediator, any party or the mediator may request that the mediator be replaced. The party or
10 mediator requesting replacement by letter need not provide an explanation. On the filing of an
11 amended order of referral to ADR, either by stipulation of the parties or on the court's decision,
12 the mediator shall be replaced.

13 K. ~~Compensation to mediator.~~ The court may order the parties to pay reasonable
14 compensation to the mediator in one of the following ways:

15 ——— (1) ——— If a mediator is selected from the court maintained mediator list, either by
16 the parties or the court, the court determined fee for up to four (4) hours of mediation shall be
17 equally shared among the parties. At the discretion of the court, the fee may be waived and the
18 court assumes payment of the fee. If matters are not resolved within the four (4) hour time period,
19 the parties may negotiate with the mediator to provide further services for a fee that is mutually
20 agreeable among the parties.

21 ——— (2) ——— The parties may select a mediator and negotiate a fee that shall be equally
22 shared among the parties.

[WITHDRAWN]

1 ~~——— L.——— **Mediation reporting.** On partially or fully successful mediation, the mediator shall~~
2 ~~assist the parties with preparation of a mediation agreement, if requested, and provide copies to~~
3 ~~the parties and their attorneys. After every mediation, the mediator shall file a certificate of~~
4 ~~compliance with the ADR order with the court within ten (10) days after the mediation is~~
5 ~~completed. Copies of the certificate shall be sent to the parties and their attorneys.]~~

6 [Adopted by Supreme Court Order No. 08-8300-009, effective April 15, 2008; LR13-803
7 recompiled and amended as LR13-603 by Supreme Court Order No. 16-8300-015, effective for
8 all cases pending or filed on or after December 31, 2016; withdrawn by Supreme Court Order No.
9 19-8300-010, effective July 1, 2019.]