

1 **LR4-601. Alternative dispute resolution programs, generally.**

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

3 A. **Program established.** The court operates a civil ADR program in accordance with
4 Section 34-6-44 NMSA 1978 (District court alternative dispute resolution fund; administration)
5 and Sections 44-7B-1 to -6 NMSA 1978 (Mediation Procedures Act).

6 B. **Definitions.** When used in this rule, unless the context otherwise provides,

7 (1) “ADR” means all alternative dispute resolutions by means of the district’s
8 court-annexed, alternative dispute resolution programs, including mediation and settlement
9 facilitation;

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

12 (3) “settlement facilitation” means a process where a neutral third party meets
13 with parties and their attorneys in a settlement conference seeking a negotiated settlement
14 agreement on all or some of the issues of the cases.

15 C. **Deposit and disbursement of fees.** The court maintains a civil ADR fund for the
16 deposit of all fees collected under the program, which are used to offset the costs of operations.

17 (1) Deposits into the civil mediation fund shall include the following:

18 (a) the surcharge authorized under Section 34-6-45(A) NMSA 1978 on
19 all new and reopened civil cases; and

20 (b) fees paid by the parties for program services.

21 (2) **Sliding fee scale.** Services provided under the program will be paid by the
22 parties in accordance with a sliding fee scale as approved by the Supreme Court. Any fees
23 collected from any party under the sliding fee scale will be paid to the district court clerk, which

1 will be deposited into the civil ADR fund. The fees paid by the parties for program services are
2 non-refundable. The current sliding fee scale approved by the Supreme Court will be posted on
3 the district court's website and inside the courthouse.

4 (3) **Judge's discretion.** The court may, at the judge's discretion, waive any
5 fees related to the ADR program.

6 D. **Initiating services; cooperation required.** The court may, upon request of any
7 party or on the court's own motion, order the parties to participate in the program. All referrals to
8 the program require the filing of a written order.

9 E. **Admissibility.** For purposes of admissibility as evidence in potential future
10 hearings, the ADR mediation process will be subject to all applicable evidence and discovery rules
11 and statutes, including but not limited to Rule 11-408 NMRA 1978 (Compromise offers and
12 negotiations) and Sections 44-7B-5 and -6 NMSA 1978 (Exceptions; admissibility; discovery).

13 F. **Participation.** Any party ordered to participate in the program shall make their
14 best effort to cooperate with court staff and any outside service providers designated by the court
15 to operate the program. Any party who fails to do so may be sanctioned by the court.

16 G. **Immunity.** Persons appointed by the court to serve as mediators, settlement
17 facilitators, or in other such roles under the rules governing this district's program, are arms of the
18 court and are immune from liability for conduct within the scope of their duties as provided by
19 law.

20 [Adopted by Supreme Court Order No. 19-8300-013, effective December 31, 2019.]