

1 **LR9-601. [~~Court ordered mediation in civil cases~~] Civil mediation.**

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

3 ~~[A. **Parties may request.** Either party may request the presiding district judge to order~~  
4 ~~the parties to attend mediation. The mediation shall be non-binding, and the parties shall equally~~  
5 ~~bear the cost of the mediator, unless the district court orders otherwise.~~

6 ~~B. **Court may order; attendance.** A district judge may enter a *sua sponte* order~~  
7 ~~requiring the parties and representatives or insurance carriers to attend one or more mediations.~~

8 ~~C. **Non-presiding judge may conduct.** If a non-presiding district judge is available~~  
9 ~~and agrees, the parties may conduct a mediation before one of the other district judges from the~~  
10 ~~Ninth Judicial District, who shall mediate the matter free of charge.]~~

11 A. **Parties may request.** Either party may request the presiding district judge to order  
12 the parties to attend mediation. Parties participating in mediation shall be afforded the opportunity  
13 to exercise self-determination. The parties shall equally bear the cost of the mediator, unless the  
14 district court orders otherwise.

15 B. **Court may order; attendance.** A district judge may enter a *sua sponte* order  
16 requiring the parties and representatives or insurance carriers to attend in person one or more  
17 mediations. Any party ordered to participate in mediation shall cooperate with all court staff and  
18 outside service providers, and any party who fails to do so may be sanctioned or held in contempt  
19 of court.

20 C. **Non-presiding judge may conduct.** If a non-presiding district judge is available  
21 and agrees, the parties may conduct a mediation before another district judge.

22 D. **Court's Mediation Program.** The Court Mediation Program is established and  
23 serves dual purposes. First, pursuant to Section 40-12-5 NMSA 1978, the Court Mediation

1 Program serves as a domestic relations mediation program. The Program will provide mediation  
2 services to parties in domestic relation cases involving children. Second, the Court Mediation  
3 Program is an alternative dispute resolution program in accordance with Section 34-6-45 NMSA  
4 1978. The program will provide mediation services to parties in civil cases and other types of  
5 cases. The Court Mediation Program shall be administered and services provided by the Court's  
6 staff attorney and/or contract mediators.

7 E. **Case assignment to court's mediation program.** Cases will be sent to the Court  
8 Mediation Program upon the discretion and order of a district judge. A district judge may enter a  
9 sua sponte order requiring the parties to participate in the Court Mediation Program. Additionally,  
10 parties may request mediation through the Court Mediation Program at the district judge's  
11 discretion.

12 F. **Court Mediation Program fees.** In order to implement the Court Mediation  
13 Program, the following fees shall be charged:

14 (1) in accordance with Section 40-12-6 NMSA 1978, in addition to fees collected  
15 pursuant to Section 34-6-40 NMSA 1978 for the docketing of civil cases, the district court clerk  
16 shall collect a surcharge of thirty dollars (\$30.00) on all new and reopened domestic relations  
17 cases;

18 (2) in accordance with Section 34-6-45 NMSA 1978, in addition to fees collected  
19 pursuant to Section 34-6-40 NMSA 1978 for the docketing of civil cases, the district court clerk  
20 shall collect a surcharge of fifteen dollars (\$15.00) on all new and reopened civil cases except  
21 domestic relations cases; and

22 (3) the parties shall pay a fee to the Court Mediation Program prior to mediation. Said  
23 fees are to be set by the Ninth Judicial District Court pursuant to statute and shall be paid by the

1 parties in accordance with a sliding fee scale provided by the Ninth Judicial District Court. Fees  
2 collected through the Court Mediation Program are to be used to offset the costs of operation of  
3 the Program.

4 G. **Mediation Fund.** Court Mediation Program fees shall be paid to the Ninth Judicial  
5 District Court to be credited to the domestic relations mediation fund or alternative dispute  
6 resolution fund. Money deposited in these funds may be used to offset the cost of the Court  
7 Mediation Program.

8 H. **Online Dispute Resolution.** When available, parties may be given the opportunity  
9 to use court-connected online dispute resolution.

10 I. **Immunity.** Attorneys and other persons appointed by the court to serve as  
11 mediators, or in other such roles under the rules governing this district's programs, are arms of the  
12 court and are immune from liability for conduct within the scope of their duties as provided by  
13 law.

14 [Adopted by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or  
15 after December 31, 2016; amended by Supreme Court Order No. 19-8300-010, effective July 1,  
16 2019.]