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SENATE JOINT MEMORIAL 29

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

DON KIDD

A JOINT MEMORIAL

REQUESTING THE STATE SUPREME COURT AND THE ADMINISTRATIVE OFFICE OF THE COURTS TO DEVELOP A PLAN FOR IMPLEMENTING ALTERNATIVE DISPUTE RESOLUTION PROGRAMS THROUGHOUT THE STATE JUDICIARY.

WHEREAS, the courts are society's legal avenue for resolving civil disputes; and

WHEREAS, filing a civil action in the courts may be expensive, lengthy, burdensome on the courts and not necessarily adequate relief to the prevailing parties; and

WHEREAS, Sections 34-6-44 and 34-6-45 NMSA 1978 authorize district courts to establish funds and collect fees to pay for alternative dispute resolution supervised by the courts; and

WHEREAS, House Bill 403 would establish mediation authority for magistrate courts; and

WHEREAS, most district courts in the state provide for

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1 alternative dispute resolution by court rule; and

2 WHEREAS, alternative dispute resolution includes mediation,
3 arbitration or direct negotiation between adversaries; and

4 WHEREAS, alternative dispute resolution is not now widely
5 understood or used by parties involved in civil disputes; and

6 WHEREAS, alternative dispute resolution offers possible
7 means to resolving civil disputes in a more timely, less
8 expensive, less burdensome manner to the courts and to society
9 and perhaps with more lasting resolution;

10 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
11 STATE OF NEW MEXICO that the state supreme court and the
12 administrative office of the courts be requested to study and
13 review existing provisions and proposed changes in court rules
14 or state legislation to expand the use of alternative dispute
15 resolution methods; and

16 BE IT FURTHER RESOLVED that the administrative office of
17 the courts report to the appropriate legislative committee with
18 its recommendations by December 1, 1997; and

19 BE IT FURTHER RESOLVED that copies of this memorial be
20 transmitted to the chief justice of the state supreme court and
21 to the director of the administrative office of the courts.

1 FORTY-THIRD LEGISLATURE
2 FIRST SESSION, 1997
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5 March 8, 1997
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7 Mr. President:
8

9 Your RULES COMMITTEE, to whom has been referred
10

11 SENATE JOINT MEMORIAL 29
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13 has had it under consideration and reports same with
14 recommendation that it DO PASS, and thence referred to the
15 JUDICIARY COMMITTEE.
16

17 Respectfully submitted,
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21 _____
22 Gloria Howes, Chairman
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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

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Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Altamirano, Aragon

Absent: None

SJ029RU1

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