Mediation week in New Mexico

Edward L. Chavez, State Supreme Court Justice and Co-Chairman of the Statewide Alternative Dispute Resolution Commission

The New Mexico Supreme Court declared the week of October 11, 2015 as Mediation Week. If you or your business are in a lawsuit or know that soon you will be in a lawsuit, you may be concerned about the potential costs and time involved in resolving the dispute. If so, mediation in the courts is a less expensive and time-consuming option available to you.

Mediation is a cooperative process in which a neutral person – a retired judge, a lawyer or anyone else trained as a mediator – helps the parties reach their own voluntary agreement. Unlike a court hearing where a judge or jury decides who wins or loses, in mediation the mediator does not decide who is right or wrong and does not take sides. Mediation is about resolving disputes in ways that satisfy all parties and leave them feeling that the outcome was fair, even if it was not what they thought they needed or wanted out of the dispute.

Mediation has several advantages other than saving time and money. Most disputes occur between parties who have a personal or business relationship. When the parties themselves reach an agreement they preserve the relationship and learn how to communicate better with one another. Because the parties talk through the dispute they are empowered to work out better and smarter resolutions of their case, whereas a court hearing only decides who is right or wrong. In mediation, you are not restricted by complicated procedural and evidentiary rules, so you can tell your story, share what is important to you, and let the other party know how the dispute is impacting you. In court, what you think is important and how you feel is not always legally relevant.

There are also several advantages to using a trained mediator. The mediator establishes and maintains ground rules for safe conduct and communication, where the parties can honestly agree or disagree, speak their thoughts and feelings, without the threat of being physically or emotionally harmed. The mediator guides the conversation to help the parties speak and listen to each other in ways they may not have been able to speak and listen to each other before. The mediator can also help balance the power one party might have over the other, which will maximize the chance the parties will reach a fair and satisfying outcome. Most mediated outcomes settle the dispute once and for all because the resolution is truly the parties' agreement, not something forced on them by a judge or jury.

For more information, go to https://alternativedisputeresolution.nmcourts.gov to see mediation videos and find other resources for mediating a dispute.

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