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**IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

**February 26, 2018**

**NO. 18-8500-001**

**IN THE MATTER OF THE APPROVAL  
AND USE OF SLIDING FEE SCALES FOR  
ALTERNATIVE DISPUTE RESOLUTION PROGRAMS**

**O R D E R**

WHEREAS, this Court issued an order on June 22, 2017, that authorized and directed every judicial district to establish an alternative dispute resolution program in accordance with NMSA 1978, Sections 34-6-44 and -45 (2017);

WHEREAS, under Section 34-6-45, the costs paid by parties who participate in an alternative dispute resolution program shall be pursuant to a Supreme Court approved sliding fee scale that is based on ability to pay;

WHEREAS, the Statewide Alternative Dispute Resolution Commission (ADR Commission) recommends that this Court adopt a sliding fee scale that uses uniform, statewide income thresholds, based on federal poverty guidelines, but that allows individual judicial districts to set rates for alternative dispute resolution program services that will assure the continuity and quality of their programs in light of the circumstances and conditions in each judicial district,

1 which would then be reduced by a uniform percentage depending on the income  
2 level of the party paying the fee;

3 WHEREAS, the ADR Commission further recommends that the income  
4 thresholds upon which the sliding fee scales are based be updated once every  
5 five (5) years in light of the published federal poverty guidelines in effect at that  
6 time;

7 WHEREAS, this Court directed each judicial district to submit a proposed  
8 local rule for this Court's review and approval to govern the policies and  
9 procedures for the operation of an alternative dispute resolution program unless  
10 the district already had such a local rule;

11 WHEREAS, any judicial district electing to charge fees for participating  
12 in an alternative dispute resolution program must submit a proposed sliding fee  
13 scale for this Court's review and approval; and

14 WHEREAS, the Court having considered the foregoing and being  
15 sufficiently advised, Chief Justice Judith K. Nakamura, Justice Petra Jimenez  
16 Maes, Justice Edward L. Chávez, Justice Charles W. Daniels, and Justice  
17 Barbara J. Vigil concurring;

18 NOW, THEREFORE, IT IS ORDERED that the following income

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thresholds shall be used for all sliding fee scales submitted for this Court's review and approval under NMSA Section, 34-6-45(B) (2017):

1. Any party with gross income above \$60,300 shall pay one hundred percent (100 %) of the fee charged by a judicial district for alternative dispute resolution program services;
2. Any party with gross income from \$60,300 to \$48,241 shall pay eighty percent (80 %) of the full fee charged by a judicial district for alternative dispute resolution program services;
3. Any party with gross income from \$48,240 to \$42,211 shall pay sixty percent (60 %) of the full fee charged by a judicial district for alternative dispute resolution program services;
4. Any party with gross income from \$42,210 to \$36,181 shall pay fifty percent (50 %) of the full fee charged by a judicial district for alternative dispute resolution program services;
5. Any party with gross income from \$36,180 to \$24,121 shall pay forty percent (40 %) of the full fee charged by a judicial district for alternative dispute resolution program services;
6. Any party with gross income from \$24,120 to \$18,091 shall pay thirty percent (30 %) of the full fee charged by a judicial district for alternative dispute resolution program services;
7. Any party with gross income from \$18,090 to \$14,473 shall pay twenty percent (20 %) of the full fee charged by a judicial district for alternative dispute resolution program services;
8. Any party with gross income of \$14,472 or less shall pay ten percent (10 %) of the full fee charged by a judicial district for alternative dispute resolution program services;

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9. For families of five (5) and above, the party shall receive an additional ten percent (10 %) discount on the full fee charged by a judicial district for alternative dispute resolution program services, provided that no party shall pay less than ten percent (10 %) of the full fee charged by a judicial district for alternative dispute resolution program services unless otherwise ordered by the judge; and

10. The income thresholds upon which the sliding fee scales are based shall be updated on July 1, 2023, in light of the published federal poverty guidelines in effect at that time, and shall be updated once every five (5) years thereafter;

IT IS FURTHER ORDERED that a judicial district's sliding fee scale for alternative dispute resolution program services shall be submitted to this Court for review and approval, provided that any judicial district may elect to operate a court-established alternative dispute resolution program without charging fees for the services its program provides;

IT IS FURTHER ORDERED that all judicial districts that operate a court-established alternative dispute resolution program shall do so pursuant to a local rule that is submitted to this Court for review and approval;

IT IS FURTHER ORDERED that any fees charged by a judicial district for its alternative dispute resolution program services shall be established at rates that will assure the continuity and quality of the program and in light of any unique circumstances and conditions in the judicial district that operates the

1 program;

2 IT IS FURTHER ORDERED that any local rules and sliding fee scales  
3 proposed by a judicial district for a court-established alternative dispute  
4 resolution program must be submitted to the ADR Commission for review and  
5 recommendation prior to submission to this Court for consideration;

6 IT IS FURTHER ORDERED that the Administrative Office of the Courts  
7 shall, upon request and at the direction of the chair of the ADR Commission,  
8 provide assistance in carrying out the requirements in this order for court-  
9 established alternative dispute resolution programs under Sections 34-6-44 and  
10 -45;

11 IT IS FURTHER ORDERED that the ADR Commission shall provide a  
12 standardized template that each judicial district shall use to format any sliding  
13 fee scale required under this order; and

14 IT IS FURTHER ORDERED that any judicial district that charges fees for  
15 domestic relations mediation, safe exchange, and supervised visitation services  
16 under the Domestic Relations Mediation Act shall, in consultation and  
17 coordination with the Administrative Office of the Courts, submit revised sliding  
18 fee scales for this Court's review and approval that incorporate the income

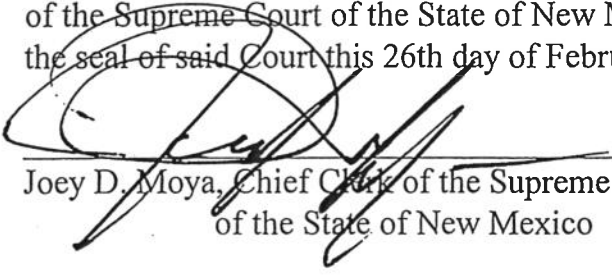
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thresholds set forth in this order and that otherwise comply with the requirements in Rule 1-125(I) NMRA and the Domestic Relations Mediation Act.

IT IS SO ORDERED.

WITNESS, Honorable Judith K. Nakamura, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 26th day of February, 2018.

(SEAL)



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Joey D. Moya, Chief Clerk of the Supreme Court  
of the State of New Mexico