Administrative Office of the Courts

FOR IMMEDIATE RELEASE
Dec. 2, 2020

Contact: Barry Massey, public information officer
bmassey@nmcourts.gov
505-470-3436

New Mexico courts expand online dispute resolution to landlord-tenant disputes over money due

SANTA FE – New Mexico courts are expanding a free Online Dispute Resolution (ODR) service to money due disputes in landlord-tenant cases, adding features such as text capabilities to make it more convenient for parties and mediators to use, and requiring plaintiff participation in consumer debt cases.

Starting Dec. 14, a new version of ODR will be available for resolving debt and money due lawsuits and landlord-tenant disputes, such as when a residential or commercial property owner seeks to recover unpaid rent. Cases seeking evictions will continue to be handled in court, not through ODR.

"By improving Online Dispute Resolution services, New Mexico Courts are providing a COVID-safe way for the parties in consumer debt and certain landlord tenant cases to try to reach a settlement in a manner that is less expensive and less stressful than going to court. We look forward to even further expansion of this program," said Chief Justice Michael E. Vigil.

The Judiciary launched ODR last year in debt and money due cases, such as lawsuits in which a bank sues a person over credit card debt. In the initial version of ODR, both sides conducted their negotiations through private online messages from a home, business or any location with internet access using a web-based platform available 24 hours a day, seven days a week.

"New features of Online Dispute Resolution makes it more user-friendly and accessible. Both sides in a case can use a smartphone or tablet as well as a computer to receive text or email updates about their negotiations through ODR," said Second Judicial District Court Judge Jane C. Levy, who chaired a judicial group that developed the latest version of ODR.

Among the new features of ODR:

- Plaintiffs in debt and money due cases, regardless of whether they have an attorney, will be required to participate. Participation previously was voluntary and the Judiciary found

that many plaintiff attorneys declined to use the online service. ODR will be available by court order for landlord-tenant actions involving collection of owed money.

- Enhanced chat functions allow the parties to text and chat in real time with mediators and each other, increasing the opportunities for resolution of the lawsuit.

- Either side in a case – a defendant, who is the person sued, as well as the plaintiff bringing the lawsuit – can make an initial proposal to reach an agreement through the ODR platform. Previously, only the plaintiff could start online negotiations by making the initial settlement offer.

- Cases are automatically sent to ODR after defendants receive a formal notice they have been sued —the legal process of being "served" with the lawsuit. In the past, cases were eligible for ODR only after the defendant filed a response or "answer" to the lawsuit. A large portion of those sued over debts traditionally fail to respond to the lawsuit, which results in a default judgment against them and allows the plaintiff to seek a court order for employers to withhold a person's wages for payment of the debt.

"ODR offers New Mexicans an opportunity for a speedier resolution of lawsuits over unpaid bills and rent during the COVID-19 pandemic," said Judge Levy. "Our experience with ODR has found that if both sides engage in online negotiations, they are likely to reach a settlement. The Judiciary expanded and improved the online system to make it easier to use and encourage greater participation by people who might not take part in their lawsuit."

If no agreement is reached after 30 days through ODR, a case will move forward in court.

###