

COURT ADR

the eNewsletter of Resolution Systems Institute

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After Pondering Shutdown, Nevada Legislators Save Foreclosure Mediation Program

A few weeks after a joint money subcommittee [recommended shutting down](#) Nevada's Foreclosure Mediation Program, members of the subcommittee [voted to continue the program](#) for two more years. Members of the subcommittee first suggested shutting down the program because of dwindling participation due to the recovering housing market. The program was created in 2009 during the housing market collapse. In 2011, the peak year of the program, there were 7,558 completed mediations. In 2017, a projected low of 662 mediations is expected. In addition, the number of participants who keep their homes after completing the program has also decreased in recent years. However, those arguing to save the program pointed out that Nevada still has 282,000 homes that are underwater, and recommended keeping the program for two more years. Ultimately the subcommittee reversed course and voted to extend the program. The subcommittee's extension will preserve the program until 2017, when the future legislature can review it again.

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By *Mary Novak, Resource Center Director*

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New Mexico Outlines a Path to System-Wide ADR Program Quality

by *Jennifer Shack, Director of Research*

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New Mexico, the researchers found, faces many of the same challenges as other states. It has a diversity of jurisdictions with different needs. Within and between these jurisdictions is a "silo effect," a disconnect between courts that can lead to separate ADR efforts that do not communicate with each other or learn from each other's successes and mistakes. New Mexico is also struggling with an increase in the number of unrepresented litigants for whom ADR options are becoming more popular. At the same time, the public has little knowledge or understanding of ADR.

The researchers recommend the judiciary establish a permanent Supreme Court ADR Commission to develop, organize and monitor all court ADR programs in the state. This would assist in reducing the silo effect. However, individual courts should be at the heart of the process, allowing for their diverse needs to be addressed locally. Recommendations to help ensure that ADR gains greater traction and fits the needs of the courts include phased and pilot projects, and nurturing different approaches in large and small jurisdictions. The researchers urge the courts to expand existing programs and create new ones, and to provide unrepresented litigants adequate access to ADR. To help the public understand ADR, they recommend that the judiciary publicize and market the presence and benefits of the alternatives available. More, well-trained ADR neutrals will be required to provide the expanded services. The researchers acknowledge the limited resources available to the judiciary to improve and expand ADR. They therefore recommend collaboration with other organizations, creative use of resources and the use of technology for education and training. However, long-term, sustainable funding will still be necessary. Obtaining that funding will be difficult, so demonstrating ADR's long term time and money savings for the judiciary will be essential.

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