



ONLINE DISPUTE RESOLUTION PROGRAM

Public Education Presentation – New Mexico Legal Aid

9/18/2019

- Started in June 2019 as a pilot program in a few districts
- Expanded statewide in district and magistrate courts on September 1, 2019
- Contract or Debt Collection

Starting the Online Dispute Resolution Process

- **If you put an email address on your Answer**, your case will be sent to Online Dispute Resolution (if you don't want to participate, do not list your email)
- You will receive an email from no-reply@newmexicocourts.Dmd.Modria.com with a link to access the Online Dispute Resolution website (Check your spam and junk folders)
- **If you do not speak English**, you must file a Request for Interpreter form with your Answer if you do not want to participate in the ODR Program.
- Online Dispute Resolution only lasts for 30 days, so you must log in within 30 days to participate.

The homepage of the Online Dispute Resolution website looks like this:



NEW MEXICO COURTS Disputes Downloads

Dispute: David Garcia - John Smith
Court Case #D-202-CV-2019-00120

←

Activity/Chat
Files
Offer Summary
Timeline (1)

What's Next?

Here's an overview of the steps you will take to reach an agreement with John.

- 1 David offers a solution.
- 2 John reviews David's offer. Discuss the issue and solution.
- 3 Optional: Ask a trained Mediator to join and help for free.
- 4 Create and sign an agreement that works for both David and John.

If you have any questions, visit the court's [Frequently Asked Questions](#).

Continue

Other Actions
Contact Support
End Online Dispute Resolution
Request Help from a Mediator

You can stop the Online Dispute Resolution at any time:

Resolve your court case from your phone or computer, without having to go to the Courthouse.

- You and David will jointly decide whether an agreement can be reached.
- If you can't work this issue out directly, you have until Friday, June 07, 2019 to request a mediator, a neutral third party, to assist you online.
- You can opt out of this process at any time.
- The information you share is confidential and will not be shared with the judge.
- There is no additional cost for using the online resolution center.

How do you wish to proceed? *

- I want to try and settle this case without going to court.
- I do not want to try and settle this case without going to court.

I do not want to try and settle this case without going to court because:

- I don't owe this money.
- The debt was discharged in bankruptcy.
- The debt is **too old to collect pursuant to law (time-barred)**.
- Another reason not listed above.

Continue

You can request a mediator for free during the first 14 days of Online Dispute Resolution.



If you agree to a payment plan:

- You will need to sign a settlement agreement with the terms of the plan.
- The case will be dismissed but can be reopened if you miss payments on the plan.
- If you miss a payment on your plan and the Plaintiff reopens the case, the judge may enter a judgment against you, which could allow the Plaintiff to try to collect from your income or assets.

If you don't reach an agreement

- **If there is no agreement within 30 days**
 - Online Dispute Resolution will end and the case will proceed through the normal court process. The judge will likely set a hearing. You must go to the hearing and tell the judge your side of the case.

Before you agree to a payment plan . . .

- **Review the proof**
 - Ask the Plaintiff to send you proof that you owe the money and that they have the right to collect it from you, especially if the Plaintiff is not the same person/company you originally borrowed money from.
- **If you have not made any payments on the debt account for four years or more**
 - The claim could be legally barred by the statute of limitations. Consult an attorney before agreeing to pay anything.

Before you agree to a payment plan . . .

- **If you have low income, are disabled or retired**
 - Your income may be exempt from collection, meaning that a creditor may not be able to legally force you to pay a debt even if you owe it. Talk to an attorney before agreeing to pay anything.
- **Only agree to a payment plan if you are 100% sure you can pay it.**
 - If you agree to a payment plan and then get behind, you could put yourself in a worse position than if you had never started the plan.

Before you agree to a payment plan . . .

- **Don't be afraid to negotiate.**
 - The Plaintiff may be willing to settle the case for partial payment of the debt or a payment plan that is within your budget. Remember that you do not have to settle or agree to anything if you don't want to.
- **If you have a lot of debt and you have garnishable income or assets**
 - you may want to consult with a bankruptcy attorney about your options before agreeing to pay.
- **If the Plaintiff, collector or their attorneys lie to you, threaten or harass you, you should consult an attorney.**

I made a payment plan through Online Dispute Resolution but I can no longer afford the payments

- **If you miss a payment on your Online Dispute Resolution Settlement Agreement**, the Plaintiff can file a motion to reopen your case and ask the Judge to enter a judgment against you.
- You only have 15 days to respond to the request to reopen the case

I made a payment plan through Online Dispute Resolution but I can no longer afford the payments

- **If you do not respond**, the Judge may automatically enter a judgment against you for the original amount in the Complaint plus costs (even if your settlement agreement was for a lesser amount)
- **If a judgment is entered**, the Plaintiff may attempt to collect the debt from you by seizing your assets or garnishing your bank accounts or paychecks for many years.

How to Get Legal Help

- **New Mexico State Bar Lawyer Referral Program**
 - 505-797-6066 or 1-800-876-6227 (Select Option 2)
- **Free Legal Clinics around the state**
 - <https://www.newmexicolegalaid.org/node/93/legal-clinics-workshops-county-city>
- **New Mexico Legal Aid - 833-LGL-HELP ([833-545-4357](tel:833-545-4357))**
 - Monday through Thursday from 9 a.m. to 12:30 p.m. Mountain Time

For more information about Online Dispute Resolution

- Court website: <https://adr.Nmcourts.Gov/odr.Aspx>