

Debt and Money Due Settlement Program

- Eleventh Judicial District Court
- San Juan County

Who Are We?

- Ashley Lucero & Jamie Herrera : Program Managers. They provide daily program management and administration. They are also the primary contact for parties, attorneys and facilitators
- Contact Information:
- Office Number: 505-326-2256
- Ashley's email: aztdael@nmcourts.gov
- Jamie's email: aztdjxh@nmcourts.gov

We have several Settlement Facilitators who work within our program. They will conduct the status conferences and meetings. After this workshop, one will be assigned to your case.

Objectives

- Work towards a solution to the Complaint that helps both the Plaintiff and Defendant.
- Reduce the amount of unnecessary court filings and hearings.
- Help the Plaintiff and Defendant communicate in a meaningful way.
- Reduce the confusion regarding the court process.

What is Facilitation?

- Settlement facilitation is a way to resolve a lawsuit without having the judge make a decision.
- The Settlement Facilitator will help the parties assess the strengths and weaknesses of their case, and will also help the parties try and find a solution they can both agree to.
- The Plaintiff and Defendant will ultimately decide whether to settle and on what terms.
- The Settlement Facilitator cannot force either party to settle.

Program Steps

- The Plaintiff has filed a Complaint alleging that you are in default on your payments.
- You should have received the Complaint accompanied by a summons.
- The Court entered an order referring the Plaintiff and Defendant to the Debt and Money Due Settlement Program.
- The Court's Order puts your case into a stayed status during your time in the Debt and Money Due Settlement Program.

What Is A Stay?

- This means there will be no litigation of the civil case until the stay has been lifted.
- If the settlement facilitation is successful, the Stay will be lifted and a stipulated order will be entered which will outline your agreement and dismiss the case.
- If the settlement facilitation is unsuccessful, the stay will be lifted, which will also terminate the case from the program. The defendant must then file their answer or responsive pleading within 30 days of the order lifting stay.

Program Steps (Continued)

- After the defendant attends the workshop, the Program Manager will certify that the defendant was present, and will assign a Settlement Facilitator to their case. The Settlement Facilitator assigned to your case will contact you to schedule a settlement meeting either by phone, email, mail, or any combination of these options.
- Settlement Facilitation will be conducted by phone, video appearance or other telecommunication means at the Facilitator's discretion.
- The parties are responsible for the costs of settlement facilitation. Both parties are responsible for depositing \$202.85 into the court registry. Each eligible party shall be allowed to utilize the NM Supreme Court sliding scale where appropriate.

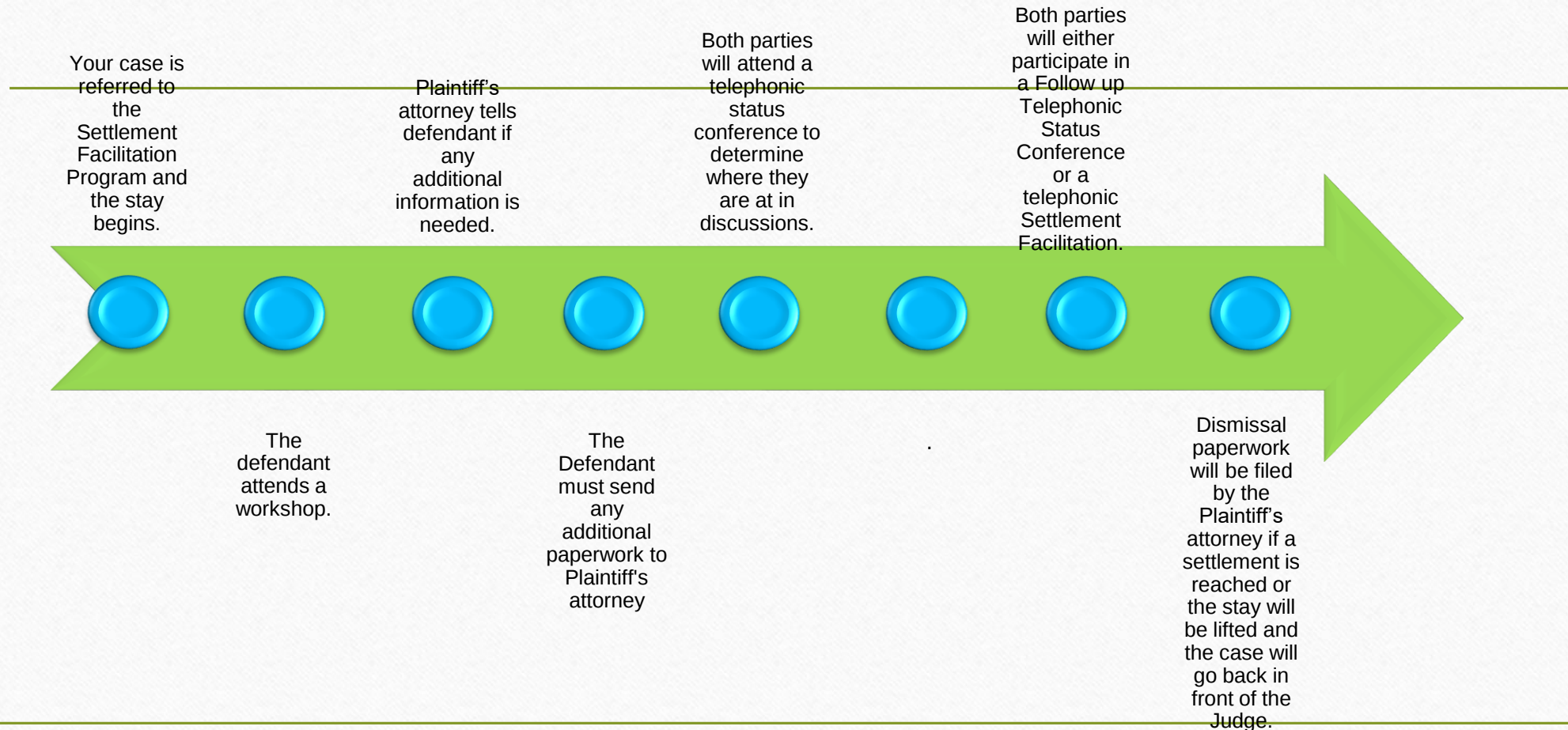
What Do You Have to Do

- The Plaintiff may request additional information or paperwork if necessary, you will provide it to their attorney as soon as possible.
- This information may include financial information, your budget, proof of any medical conditions or circumstances that effect your ability to pay.
- Both you and the Plaintiff will cooperate with any reasonable requests made by the Settlement Facilitator.

The Settlement Facilitation

- A meeting of the plaintiff's attorney, the defendant , and the settlement facilitator.
- Other people may attend the meeting with permission from the settlement facilitator. Examples of such people may include, a spouse not listed on the loan, a lawyer, or other family members.
- Good Faith participation for the entire process
 - Adequately preparing for conferences
 - Exchanging documents on time.
 - Engaging in meaningful negotiations.

Timeline



You Can Get Help: Legal Resources

- Attorneys
 - **Modest Means Helpline**
 - 505-797-6013 or 888-857-9935
 - **New Mexico Legal Aid Volunteer Attorney Program (Statewide Legal Teleclinics)**
 - To submit an application for the Teleclinics call 1-877-266-9861
 - **Lawyer Referral for the Elderly Program: (55 yrs old or older)**
 - 1-800-876-6657
 - **State Bar of New Mexico Consumer Debt/Bankruptcy Workshop**
 - To Register, call 505-797-6094, for more information call 505-797-6000

New Mexico Center on Law & Poverty

Provides limited client representation on systemic advocacy related to Center's work. Can help answer some questions around Medicaid, SNAP/TANF benefits, small loans issues, and can occasionally provide legal help with wage claims.

(505) 255-2840 • nmpovertylaw.org

Next Steps

- Make sure that the Program Manager has a good phone number for you as well as your current mailing address.
- Be ready for the Conference Call. Make sure you are in a quiet place for the Conference Call and that you have all your paperwork. Think about what YOU want.
- Understand that any good settlement is one where both sides have to give a little ground. This reduces your risks of going ahead with court, protects your credit, and allows this issue to be taken care of sooner rather than later.

Reminders

- If you hire an attorney they must file an entry of appearance and they must notify the program that they will be representing you.
- Please make sure we have good contact information for you, a number you can be reached at, an e-mail address you check daily, and a mailing address where you regularly receive mail.
- Keep in mind we are a neutral party; we do not represent you, we are not your advocate and we cannot give you legal advice.
- If you need an interpreter in the future, please let the Program Manager know and she will get you the paperwork.
- You must be proactive with your case, you have the most to lose and this is a good opportunity to help yourself move forward.

QUESTIONS?
