



New Mexico Department Mediates Professional Licensing Disputes

For the past two years, New Mexico's Regulation and Licensing Department—which regulates 39 professions and involves 34 professional licensing and enforcement boards—has been using mediation as an alternative to formal administrative hearings. The licensing boards refer disciplinary matters to mediation, and while not all boards are using mediation, more and more are trying it. Since 2001, 36 disputes have been referred to the Department's ADR Services.

The Department's disciplinary proceedings typically result in suspension or revocation of a business license, and/or fines if the licensee is found to be at fault. In mediated cases, written agreements have been reached 100 percent of the time, with many of the agreements resulting in remediation to the consumer. This is a rare outcome for such disputes, because statutes typically provide only for suspension or revocation of the license and/or fines if the matter goes to hearing.

The Department uses internal and external volunteer mediators who work in pairs. Each mediator receives 40 hours of basic mediation training as well as opportunities to apprentice under more experienced mediators.

According to Administrative Law Judge and ADR Counsel Bill Davis, “The Department has saved tens of thousands of dollars in litigation costs,” and he estimates they could save \$300,000 annually if 100 percent of these kinds of disputes were mediated.

For more information on New Mexico 's approach, contact **Bill Davis** at the New Mexico Regulation and Licensing Department in Santa Fe (505-827-7076).