

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re: COURT ADMINISTRATIVE MATTERS:
Proposed Mandatory Local Form Chapter 13
Plan and Proposed Amendments to New Mexico
Local Bankruptcy Rules

Misc. No. 25-001

NOTICE OF PROPOSED
NEW MEXICO LOCAL BANKRUPTCY RULE 9019-3

Pursuant to 28 U.S.C. § 2071, Fed.R.Civ.P. 83, Fed.R.Bankr.P. 9029, and Administrative Order No. 84-0324 of the United States District Court for the District of New Mexico authorizing the Bankruptcy Court to make local rules governing practice and procedure in bankruptcy cases and adversary proceedings in this district, the United States Bankruptcy Court for the District of New Mexico hereby provides notice that it proposes to adopt New Mexico Local Bankruptcy Rule 9019-3.

The proposed new NM LBR 9013-3 provides:

9013-3 Mediation.

- (a) Appointment Order. The court may appoint another available active or recall status United States Bankruptcy Judge from any judicial district to act as mediator to assist in possible resolution of disputes through mediation. The details regarding the appointment of a particular settlement judge will be specified in a mediation order.
- (b) Process for Appointment. If the parties request judge-assisted mediation, the Court will contact the potential mediation judge (directly or through court staff) to confirm that such judge is willing and able to serve as mediator.
- (c) Judicial Immunity and Other Protections. Any active or recall status bankruptcy judge appointed as mediator will be so appointed because of a judicial position as, and to act in the specific capacity as, a United States Bankruptcy Judge. By serving as a mediator, such judge performs judicial duties. Accordingly, such judge and all persons assisting a mediation judge will have full, unqualified, judicial immunity, as well as all other privileges, immunities, and protections of a United States Bankruptcy Judge and judiciary employees, regarding any matter arising from or related to such judge's role as mediator.
- (d) Waiver. All parties participating in the mediation process will automatically:

- (i) Waive and be unable to assert any claims or causes of action against the mediation judge or any court employees assisting with the mediation process that arise from or relate to the mediation process; and
- (ii) Except as may be required by otherwise applicable disclosure law, waive and be unable to seek to compel from the mediation judge or from any court employees assisting with the mediation process any oral or written testimony, document production (including, without limitation, regarding any records, reports, summaries, notes, communications, or other documents received or made by the mediation judge or any court employees while serving in such capacity), or other participation whatsoever in any litigation, judicial arbitral, or other proceeding of any kind.

The mediator judge may, in his or her sole discretion, require that the parties sign an agreement memorializing the above understandings before agreeing to serve as mediator.

- (e) Disqualification. No judge may serve as mediator if that judge would be disqualified (i) under 28 U.S.C. § 144 if that judge were a district judge presiding over the matter or proceeding, or (ii) under 28 U.S.C. § 455 if that judge were a justice, judge, or other judicial officer presiding over the matter or proceeding, in each case unless the parties consent in writing after disclosure.
- (f) Non-judge mediators. The Court may appoint a mediator who is not an active or recall status United States Bankruptcy Judge (a “non-judge appointed mediator”) to act as mediator to assist in possible resolution of disputes through mediation. A non-judge appointed mediator shall have quasi-judicial immunity to the maximum extent permitted by law. The provisions of subsection (d) apply to all parties participating in mediation by a non-judge appointed mediator.

Proposed new NM LBR 9013-3 is available at the Office of the Clerk of the United States Bankruptcy Court and is also posted to the Bankruptcy Court’s website as part of the proposed new and revised New Mexico Local Bankruptcy Rules previously posted:

www.nmb.uscourts.gov/court-info/local-rules-and-orders.

Pursuant to 28 U.S.C. § 2071(b), the United States Bankruptcy Court for the District of New Mexico invites public comment on proposed NM LBR 9013-3. All comments will remain anonymous to the judges and chambers staff. Comments on the proposed NM LBR 9013-3 can be made by email to web_ops@nmb.uscourts.gov. Or, written comments may be sent by mail to Lana Merewether, Clerk, United States Bankruptcy Court, District of New Mexico, 333 Lomas Blvd. NW, Suite 360, Albuquerque, New Mexico, 87102.

The deadline for submitting comments is **September 30, 2025**.

Dated: August 12, 2025