

Establishment of the National Council for Alternative Dispute Resolution Mechanisms

On 31 May 2024, a decree issued by the Plenary of the Federal Judiciary Council was published in the Official Federal Gazette (“DOF”), declaring the establishment of the National Council for Alternative Dispute Resolution Mechanisms (“CNMASC”).

The establishment session was held on 19 April 2024, within the 90-day term provided for in the Sixth transitory article of the decree by which it was issued the General Law of Alternative Dispute Resolution Mechanisms (“LGMASC”).

Relevant aspects of the CNMASC are discussed below:

i) Competence.

The CNMASC is the highest public policy governing body in Mexico for alternative dispute resolution mechanisms¹, in charge of outlining and developing rules to promote the effectiveness of non-judicial procedures.

Among others, CNMASC is empowered to:

- Issue guidelines for training, evaluation, certification², renewal, cessation, and revocation of facilitators³.
- Issue the guidelines for the creation of the National Platform of Facilitators - *which shall contain the information regarding those who perform the function of Facilitators* -, which shall be administered by the Federal Judiciary Council for public consultation.
- Issue the guidelines for the creation, updating and maintenance of the Systems of Arrangements, sub-

1 The alternative dispute resolution mechanisms provided for by the LGMASC are negotiation, collaborative negotiation, mediation, conciliation and arbitration.

2 Facilitators will be those individuals who, prior certification for public or private practice granted by the Federal Judiciary or the federal entities in their respective areas of competence, may conduct any of the alternative dispute resolution mechanisms provided for in the LGMASC.

3 The LGMASC omits to delimit the alternative dispute resolution mechanisms to be conducted by Facilitators, their specific obligations, the matters they may conduct, among other issues. In other words, the implications it may have on specific procedures such as mediation or arbitration are not yet defined, as it delegates its regulation to the specific guidelines that will eventually be issued by the CNMASC. It will be until such time that a complete analysis regarding the role of the Facilitators can be provided.

scribed in national territory, which shall be operated by the Federal and local Councils of the Judiciary, in their respective areas of competence.

- Issue guidelines and bases for the participation in the Council sessions - *with voice, but without vote* - of representatives of academic institutions, private facilitators and professionals specialized in the field.
- Approve the guidelines for the execution of collaboration agreements with public and private, national or foreign institutions for the delivery of training courses and academic programs aimed at obtaining the certification of facilitator.

The CNMASC shall gather in ordinary sessions at least four times a year, with a minimum quorum of half plus one of its members. Decisions shall be taken by a simple majority of its members present.

ii) Structure.

The CNMASC is integrated by 33 members, consisting in the heads of the Public Centers of Alternative Dispute Resolution Mechanisms of the Federation and from each state.

The CNMASC's President must be appointed by secret vote of two thirds of its members, for a 3-year term. Additionally, the CNMASC has a Technical Secretary, who must be appointed by the President, with the approval by a simple majority of its members and who will also have a 3-year term in office.

iii) Consequences of its establishment.

From its establishment, CNMASC must, within 180 calendar days, issue the guidelines indicated in this notice, as well as approve its internal regulations. The foregoing, according with the Twelfth transitory article of the Decree by which the LGMASC was issued.

Von Wobeser will follow up on the issuance of such guidelines, as well as their implications in the implementation of the policies and targets set forth in the LGMASC.

Finally, we share with you the [link here](#) to the publication in the DOF:

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S I N C E R E L Y

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Mexico City, June 5, 2024.

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