

# Mexico Enacts the General Law on Alternative Dispute Resolution Mechanisms

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PRACTICES Mexico, International

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On January 26, 2024, a Decree was published in the Official Gazette of the Federation, enacting the General Law of Alternative Dispute Resolution Mechanisms ("GLADRM"). The GLADRM was issued with the purpose of promoting the use of alternative dispute resolution mechanisms so that legal disputes can be resolved in a more agile and simple manner without the need to resort to a judicial process.

The following is a summary of some of the highlights of the GLADRM:

- Its purpose is to establish the basis and general principles regarding alternative dispute resolution mechanisms.
- Provides the following as alternative dispute resolution mechanisms:
  - (i) Negotiation.
  - (ii) Collaborative negotiation.
  - (iii) Mediation.
  - (iv) Conciliation.
  - (v) Arbitration.
- Such mechanisms may be provided through public or private mediators who are certified by the Federal Judicial Branch or by the Judiciaries of each State, as well as by the Federal or State Administrative Justice Courts.
- Persons acting as mediators may provide their services in any state, regardless of the place where the certification is issued.
- Any person may request the attention and processing of the alternative dispute resolution mechanisms verbally, in writing or online directly from the Public or Private Centers of Alternative Dispute Resolution Mechanisms, which are part of the Judicial Branches and will provide their services free of charge, while the Private Centers will attend to the requests through private mediators, according to the agreed upon fees.
- The process of any of the alternative dispute resolution mechanisms shall be carried out within a term of three months, unless an extension is requested by agreement of the parties, and may be processed online if agreed upon by the parties involved.

- The agreements entered into by the parties, derived from any of the alternative dispute resolution mechanisms, which are subscribed by the mediator, and which comply with the requirements established in the GLADRM, will have the effect of *res judicata*. If an agreement is not reached, or an agreement is not executed, the rights of the parties will be safeguarded so that they may enforce them in the manner and form they deem convenient.
- Governmental authorities at the federal, state, and municipal levels, state-owned productive enterprises, and autonomous constitutional bodies may participate as parties in one of the mechanisms established in the law if it is not contrary to public interest.
- It foresees the possibility of resorting to any of the alternative administrative dispute resolution mechanisms, except for arbitration, before or during an administrative proceeding or a contentious-administrative trial, under certain circumstances and conditions.

The GLADRM became effective the day after its publication in the Official Gazette of the Federation. The Federal and State Congresses will have a one-year period to carry out the corresponding legislative reforms.

To read en español, [click here](#).

For further information, please contact any of the lawyers listed below.