



AAA Mediation.org™

**FN-5007527 MN-5007527 LN-5007527,
Esq.**

Santa Fe, New Mexico



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Current Employer-Title Hon. Jeff Foster McElroy, Ret. LLC - Sole Proprietor

Panelist Video <https://www.adr.org/videoresume?paramName=818434347>

Profession Arbitrator, Mediator, Settlement Facilitator, Judge Pro Tempore

Work History Hon. Jeff Foster McElroy Ret. LLC, 2019 – Present; Chief Judge, Eighth Judicial District Court (NM), 2014 – 2019; District Court Judge, Eighth Judicial District Court (NM), 2012 – 2014; Deputy/Assistant District Attorney, Eighth Judicial District Court (NM), 2003 – 2012; Adjunct Professor (Courts, and Criminal Justice), University of New Mexico (Taos), 2006 – 2013; Director of Development, AntiDefamation League, 1999 – 2002; Law Office of Jeff Foster McElroy (Los Angeles, CA), 1992 – 1999; Director of Development, The Center (Hollywood, CA) 1988 – 1992; Assistant Attorney General, Office of the Attorney General (Civil Division) (Santa Fe, NM), 1985 – 1988; Associate, Caldwell Lennsen Mandel and Jesmer (Santa Fe, NM) 1984 – 1985; Hearing Officer, Office of the Governor (Santa Fe, NM) 1983 – 1984.

Experience Served a distinguished career on the bench as a general jurisdiction state court district judge for seven years, selected by fellow judges to serve as chief judge of the district for five years. Conducted hundreds of trials, jury and non-jury, civil and criminal. Resolved cases that represented a broad range of disputes involving matters requiring the interpretation of state law, and the federal or state constitution. Presided over thousands of hearings, resolving complex discovery disputes and civil dispositive motions. Handled hundreds of civil appeals involving employment and real estate matters, civil rights, and local government due process appeals. Had original jurisdiction in cases ranging from \$50,000 to multi-millions of dollars including the following areas of the law:

REAL ESTATE AND CONSTRUCTION

Particularly involving these case types: partitions of large ranching operations; grazing leases; airport expansion; foreclosures and bank loans; breach of leases; real estate development and subdivisions; condominium disputes; easements and rights of way; land use and zoning; water and

mineral rights; boundary disputes; architect and contractor disputes; licensing matters; cultural landmark and historical zoning designations; property damages.

COMMERCIAL AND BUSINESS LAW

Particularly involving these case types: breach of contract, partnership agreements; misappropriation of funds and embezzlement; corporate and partnership structure issues; fiduciary duties; franchise rights; unfair trade practices; sale of goods and services; accounts due and owing; repossessions.

EMPLOYMENT MATTERS

Particularly involving these case types: wrongful termination; civil rights; sexual harassment issues; racial discrimination; unemployment rights and obligations.

TORTS

Particularly involving these case types: wrongful death; breach of warranties; punitive damages; product liabilities; breach of duty; valuation of damages; intentional torts; negligence; property damage.

PROBATE MATTERS

Particularly involving these case types: undue influence; interpretation of testamentary documents; wills and trusts; competency; administration of estates; guardian and conservator obligations and responsibilities; fiduciary duties and responsibilities of administrators and executors.

Mediator Experience

Served as Chair of the New Mexico Supreme Court's Statewide Alternative Dispute Resolution Commission from 2017 through 2020. As chair, oversaw the utilization of mediation programs in the courts throughout the state, advocating for legislative changes, best practice guidelines and a sliding fee scale to make mediation services more widely available for low-income litigants.

As judge, implemented settlement conferences on many of civil jury trials, resulting in settlements that saved the court many days of jury trials. As chief judge, led advocacy statewide for judicial colleagues to obtain mediation training.

Since retiring from the bench, has worked with attorneys and their clients to resolve more than 100 matters, both in-person and via Zoom. Before the outbreak, volunteered at bi-monthly family law resolution days in the district court. Conducted online mediation sessions and trained other ADR professionals in the use of the online medium; particularly experienced with the Zoom platform.

Representative Issues Handled as a Mediator

While on the bench and since retiring, mediated cases involving the following subject matters: real estate issues including rights of way and easements, view easement, eviction, and nuisance; rights and responsibilities of condominium ownership; civil rights matters in the context of employment and wrongful termination; interference with contractual relationships; abuse of legal process; matters of probate; and domestic matters including child custody, divorce, property division, guardian and conservatorship; kinship guardianship.

Mediator Style & Process Preferences

As a mediator I make it abundantly clear to the parties that my judge's hat is off. I listen carefully to absorb what an appropriate resolution is for each respective side, and then sit patiently with the circumstances of each case allowing all involved to adjust as the case is molded during the mediation. I spend more time with litigants in pre-mediation activities than most, absorbing position papers and talking not only with the attorney but the client to achieve an understanding of the criteria each client will use to judge the outcome a success. During the mediation, I guide each client toward a result in line with the criteria the client previously articulated. Or, as is often the case, help each client adjust their criteria to an emerging understanding of the reality of each case. Because every mediation is driven by the litigants, rarely does the resolution line up with a result that was anticipated at the outset.

Education

University of New Mexico School of Law (JD-1982); St. John's College (BA-1979).

Professional Licenses

Admitted to the Bar: New Mexico (1983); U.S. District Court: New Mexico (1985); U.S. Circuit Court of Appeals: Tenth (1984).

Professional Associations

National Academy of Distinguished Neutrals, Member
New Mexico State Bar Association, Alternative Dispute Resolution Section.
Bar Association of Santa Fe, New Mexico.

American Bar Association, Dispute Resolution Section.

Recent Publications & Speaking Engagements

Panel Presentation, “Impasse Techniques”, ABA Dispute Resolution Section’s 17th Annual Advanced Mediation and Advocacy Skills Institute (2019); Adjunct Faculty, The National Judicial College: “Civil Mediation for Judges” (2019); Panel Presentation, “Court-annexed ADR in NM: Update”, New Mexico Bench and Bar Conference (2018); Panel Presentation, “Court-annexed Mediation in Rural States”, ABA Dispute Resolution’s 21st Annual Spring Conference (2018).

Locations Where Parties Will Not be Charged for Travel Expenses

Within the States of New Mexico, Arizona and Colorado.

Mediation Rate

\$365 Per Hour

Languages

English

Citizenship

United States of America

Locale

Santa Fe, NM

The AAA’s Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA’s Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator’s resume. If you have any questions about a mediator’s experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.