

# Publication of the General Law on Alternative Dispute Resolution Mechanisms

**Arbitration & Litigation - January 26, 2024**

Today, January 26, 2024, the Decree issuing the General Law on Alternative Dispute Resolution Mechanisms ("GLADRM") was published in the Official Gazette of the Federation, amending and supplementing the Organic Law of the Judiciary of the Federation and the Organic Law of the Federal Administrative Justice Tribunal.

The GLADRM originates from the June 2008 reform to Article 17 of the Constitution, which established that: "Laws shall provide for alternative dispute resolution mechanisms".

The purpose of the GLADRM is to establish the foundations, principles, and distribution of competencies in the field of alternative dispute resolution mechanisms ("ADRM"), which can be understood as legal tools, distinct from jurisdictional ones, with the aim of resolving conflicts between parties.

The idea behind ADRM is to provide viable options for disputants to settle their controversies without resorting to a legal process before state courts, aiming to guarantee the right to effective justice.

The newly published law contemplates the following ADRM: negotiation, collaborative negotiation, mediation, conciliation, and arbitration; and establishes that these are applicable through facilitators in the public or private sphere, collaborative lawyers certified by the federal or state judicial branches, as well as in federal and local Administrative Justice Tribunals.

Any individual can request attention and access to the procedure of alternative dispute resolution mechanisms verbally, in writing, or online before Public or Private ADRMCenters. Public ADRM Centers are bodies of the judicial powers or administrative justice tribunals (federal or local), while Private ADRM Centers are managed by private facilitators.

According to the GLADRM the processing of a ADRM cannot exceed three months (unless agreed upon by the parties involved), and the agreements of the parties that partially or completely conclude disputes or prevent future disputes shall be recorded in a physical or electronic document called the Agreement, which shall have res judicata effects.

With the GLADRM, the National Council of Alternative Dispute Resolution Mechanisms is established, which is the highest collegiate, honorary, governing body in terms of public policies regarding alternative dispute resolution mechanisms.

In case of doubts or comments, please do not hesitate to contact the partners of our Litigation and Arbitration area.

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