

Resolving Your Case Through Mediation in the Civil Court of the City of New York

What is mediation?

Mediation is a free, voluntary, and confidential process that allows parties to create their own solutions to the problems that brought them to the court. Instead of asking a judge to decide the case, the parties meet with a professionally trained mediator who listens to each side, learns about the parties' interests and needs, and explores mutually acceptable solutions. If the parties reach an agreement, the written and signed result, often called a stipulation, is reviewed by a judge. After the judge approves the stipulation, it becomes a binding contract that the court can enforce. If the parties are not able to reach an agreement, they are still free to ask a judge to hear their case and make a decision in court.

What kinds of disputes can be handled through mediation?

Mediation is available to parties in many cases started in the Civil Court of the City of New York. This includes small claims, civil claims, and landlord-tenant disputes. Both sides must agree to mediation.

What are some of the benefits of mediation?

- Mediation is **free**. There are no filing or session fees.
- Mediation is **confidential**. Mediators do not share information about the case with the judge or anyone else.

- Mediation is **fast**. Sessions are scheduled early in the case. A settlement can often be reached in a 1 or 2 hour session.
- Mediation is **voluntary**. Any settlement reached must be agreeable to all parties. If a settlement cannot be reached with mediation, the parties are free to pursue their case in court.
- Mediation **works**. Parties create their own solutions and determine their own futures. Parties who settle through mediation are more likely to comply or follow through with the settlement.

Who are the mediators?

Mediators are neutral, experienced volunteers who have undergone specialized training in civil court dispute resolution. Many mediators are lawyers or law students, but they do not give legal advice.

Do I need a lawyer or witnesses?

No. Parties do not need to have lawyers or witnesses present for mediation. Parties are encouraged to speak for themselves and to come up with their own solutions. Nevertheless, lawyers are welcome to participate in the mediation and to assist in creative problem solving.

What evidence should I bring?

You should bring all relevant documents, such as receipts, contracts, letters, statements from creditors, estimates, bills, photographs or other items that might be helpful in resolving your dispute.

Will the mediator give me legal advice?

No. Mediators cannot give legal advice or tell you how you should proceed. If you need legal information or referrals, visit the Court's Help Center. At any point during mediation session, you can tell the mediator that you want legal advice and the session will either be paused or rescheduled.

Do I lose my right to go to trial if I go to mediation?

No. If you do not reach an agreement in mediation, the case is sent back to the judge for trial or further proceedings.

How can I participate in mediation?

Court staff may direct your case to mediation immediately, or parties may request that their case be resolved by mediation at the time of the court date. If you are interested in resolving your dispute through mediation, inform the clerk in the courtroom.

Contact us at mediationcivil@nycourts.gov or **646-386-5417** with any questions or to schedule a mediation.