

RESOLVING YOUR CASE THROUGH MEDIATION IN NEW YORK CITY CIVIL COURT

What is mediation?

Mediation is a free, voluntary and confidential service that helps people who have a dispute to reach their own settlement. Instead of asking a judge to make a decision in court, the people meet with a trained mediator who helps them make their own decision on how to settle the dispute. If a settlement is reached, it is then put in writing and signed. This written settlement then becomes a legal contract. If the people in the dispute are not able to reach an agreement that is acceptable to everyone involved, they are then free to ask a judge to hear their case and make a decision in court.

Who sponsors mediation services?

Mediation services are provided by Community Dispute Resolution Centers and local law school mediation programs.

What kinds of disputes can be handled through mediation?

Most non-violent disputes can be mediated. This includes, but is not limited to, money and non-money disputes between neighbors, family members, landlords and tenants, customers and businesses, and roommates. Disputes involving community groups and organizations can also be addressed through mediation.

Mediation services are available to people who are involved in disputes that could otherwise be heard and decided in New York City Civil Court by a judge. This includes small claims (up to \$5000), civil claims (\$5000 to \$25,000) and some landlord-tenant disputes.

For more information, contact Andrew D. Lewis, Mediation Services Coordinator, at mediationcivil@courts.state.ny.us or 646-386-5727.

Why should I consider mediation?

- **Mediation is free.** There are no filing or session fees.
- **Mediation is convenient.** Day and evening sessions are available at convenient locations.
- **Mediation is fast.** Sessions are scheduled quickly. A settlement can often be reached in one 1-2 hour session.
- **Mediation is voluntary.** You do not lose any rights by trying to resolve your dispute through mediation before taking your case to court. If a settlement cannot be reached through mediation that is satisfactory to all people involved in the dispute, you are free to pursue your case in court.
- **Mediation is confidential.** Only written settlements are kept on file. All conversations during mediation sessions are confidential. Mediators cannot be ordered to testify in court regarding the case. All notes taken by the mediator are destroyed at the end of

the process.

- **Mediation is satisfying.** Mediation allows people to vent and be heard. It allows people to better understand each other.
- **Mediation works.** People who reach their own settlement through mediation are more likely to comply or follow through with the settlement.

Who are the mediators?

The mediators are experienced volunteers who have received special training in civil court dispute resolution. Some have legal training as well. Although mediators might be lawyers or law students, they cannot give legal advice, or tell you what to do. They may suggest that you visit the court's Resource Center, where people who are not represented by a lawyer can get legal information, general guidance, and referrals from court staff.

Where do mediation sessions take place?

Mediation sessions are held in court or at a local Community Dispute Resolution Center, depending on how a case is referred to mediation.

What evidence should I bring?

You should try to bring all related documents, photographs, estimates, repair bills or other items that might be helpful in resolving your dispute.

Do I need a lawyer or witnesses?

No. You do not need to have a lawyer or witnesses present in a mediation. Parties are encouraged to speak for themselves and to come up with their own solutions. However, although lawyers are not necessary, they are welcome to participate in the mediation and to help with problem solving.

Is mediation a substitute for seeking legal information or advice?

No. It is strongly recommended that you consult with a lawyer if you need legal information or advice.

New York City Civil Court has Resource Centers in each borough to provide people with free legal information and referrals on a walk-in basis only. No appointment is necessary. But staff are busy so be prepared to wait.

It is important to understand that in most cases Resource Center staff can only give you information and referrals, not advice. If you need legal advice, but you cannot afford an attorney, the Resource Center staff can refer you to outside organizations that can give you free or low cost advice.

It is also strongly recommended that you visit our website before you come to one of our Resource Centers. This will help to make sure that you are fully prepared for your visit. The website address is <http://www.nycourts.gov/courts/nyc/civil/resourcecenter.shtml>

Where are the Resource Centers located and what are the hours of operation?

The following are the addresses and days/hours of operation for each of our Resource Centers.

Bronx/Bronx County

Bronx County Housing Court
1118 Grand Concourse, Room 250
Bronx, NY 10456

Days/Hours: Monday, Tuesday, Wednesday, Friday, 9:30 A.M. until 5:00 P.M., Thursday, 9:30 A.M. until 7:00 P.M.

Brooklyn/Kings County

County Housing Court
141 Livingston Street, Room 404
Brooklyn, NY 11201

Days/Hours: Monday, Tuesday, Friday, 9:30 A.M. until 5:00 P.M., Wednesday, 8 A.M. until 5:00 P.M., Thursday, 9:30 A.M. until 7:00 P.M.

Manhattan/New York County

Harlem Community Justice Center
170 E. 121st Street, Room 104
New York, NY 10035

Days/Hours: Mondays and Thursdays, 9:00 A.M. until 5:00 P.M., but staff is available on other days to provide information to the public.

New York County Housing Court
111 Centre Street, Room 104
New York, NY 10013

Days/Hours: Monday, Tuesday, Wednesday, Friday, 9:30 until 5:00 P.M., Thursdays, 9:30 A.M. until 7:00 P.M.

Queens/Queens County

Queens County Housing Court
89-17 Sutphin Boulevard, Room 235
Jamaica, NY 11435

Days/Hours: Mondays 9:30 A.M. until 7:00 P.M. (Every 2nd and 4th Monday of the Month), Tuesday, Wednesday, Friday, 9:30 A.M. until 5:00 P.M. Thursday, 9:30 until 7:00 P.M.

Staten Island/Richmond County

Richmond County Housing Court
927 Castleton Avenue
Staten Island, NY 10310

Days/Hours: Wednesdays and Thursdays from 9:30 A.M. until 5:00 P.M.

Assistance with Civil and Small Claims cases is available on a limited basis in all Civil Courthouses except Harlem. Hours vary.

What if I have a legal question or I decide I want legal advice during a mediation session?

Tell the mediator immediately. The mediator will either pause or reschedule the mediation session, depending on how quickly you can get the information or advice you seek. If the mediation session is being held in court, the mediator will attempt to arrange for you to immediately consult a free court attorney and, if appropriate, restart the mediation session.

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

No. If you do not reach an agreement in mediation, you DO NOT lose your right to have your case heard by a judge in New York City Civil Court.

How can I try to resolve my dispute through mediation before or when I file a complaint or petition in New York City Civil Court?

If you are thinking about taking or about to take legal action in New York City Civil Court for a small claims, civil or landlord-tenant dispute, but you are interested in first trying to resolve your dispute through mediation, contact your local Community Dispute Resolution Center or contact Andrew D. Lewis, Mediation Services Coordinator, New York City Civil Court, at mediationcivil@courts.state.ny.us or 646-386-5727.

The following Community Dispute Resolution Centers offer mediation services in New York City:

Bronx/Bronx County

Institute for Mediation and Conflict Resolution
384 East 149th Street, Suite 330
Bronx, New York 10455
(718) 585-1190

Brooklyn/Kings County

Safe Horizon
Brooklyn Mediation Center
210 Joralemon Street, Room 618
Brooklyn, New York 11201
(718) 834-6671

Manhattan/New York County

Safe Horizon
Manhattan Mediation Center
346 Broadway, Room 400W
New York, New York 10013
212-577-1740

Washington Heights-Inwood Coalition
652 West 187th Street
New York, New York 10033
212-781-6722

Queens/Queens County

Community Mediation Services
89-64-163rd Street
Jamaica, New York 11432

(718) 523-6868

Staten Island/Richmond County

New York Center for Interpersonal Development
130 Stuyvesant Place, 5th Floor
Staten Island, New York 10301
(718) 815-4557

How can I try to resolve my dispute through mediation if I have already filed or responded to a complaint or petition in New York City Civil Court?

If you have already filed or responded to a complaint or petition in New York City Civil Court, but you are interested in trying to resolve your dispute through mediation, inform the clerk in the courtroom in which your case is next scheduled to be heard, or contact Andrew D. Lewis, Mediation Services Coordinator, at mediationcivil@courts.state.ny.us or 646-386-5727.

For more information, contact Andrew D. Lewis, Mediation Services Coordinator for New York City Civil Court, at mediationcivil@courts.state.ny or 646-386-5772

(Updated December 9, 2008)