

RESOLVING YOUR CASE

through

MEDIATION



**Civil Court of
the City of New York**

October 2006

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 before the court.

The mediator, a professionally-trained neutral, sits with the parties, listens to each side, clarifies the parties' interests and needs, and explores mutually acceptable solutions. The mediator is not a judge, and will not decide who was right or wrong. The mediator instead helps the parties focus on the future, and works with them to resolve their case.

If the parties reach an agreement through the mediation process, the written result, often called a stipulation, is reviewed by the judge. After the judge approves the stipulation, it becomes an enforceable order of the court.

What are some of the benefits of mediation?

- * **Mediation is free.**
- * **Mediation is confidential.**
- * **Mediation is voluntary.** Any settlement reached must be agreeable to all parties.
- * **Mediation is informal.** The rules of evidence that govern trials do not apply.
- * **Mediation is empowering.** Parties create their own solutions and determine their own futures.

Do I lose my right to a 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.

Do I need a lawyer or witnesses?

No. Parties do not need to have lawyers or witnesses present in a mediation, which is a less formal process than a traditional court proceeding. Parties are encouraged to speak for themselves and to come up with their own solutions. Nevertheless, although lawyers are not necessary, they are welcome to participate in the mediation and to assist in creative problem-solving.

What evidence should I bring?

Parties should try to bring all relevant documents, photographs, estimates, repair bills or other items that might be helpful in resolving their dispute.

Who are the mediators?

The mediators are neutral, experienced volunteers who have undergone specialized training in dispute resolution. Some have legal training as well. Although mediators might be lawyers, they cannot give legal advice, or tell you how you should proceed. They may suggest that parties visit the court's Resource Center, where self-represented litigants can receive legal information, general guidance, or referrals from court staff.

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 in which your case is scheduled to be heard.

How can I become a volunteer mediator with the NYC Civil Court ?

To become a volunteer mediator with the Civil Court, you must first become certified through a Community Dispute Resolution Center ("CDRC"), such as Safe Horizon (NY and Kings), Community Mediation Services (Queens), Institute for Mediation and Conflict Resolution (Bronx), or the New York Center for Interpersonal Development (Staten Island). After you receive the requisite training and experience, you may then be eligible to receive additional, Civil Court-specific training. To learn about becoming a mediator, please visit the web site below.
<http://nycourts.gov/ip/adr/index.shtml>

Where are the Civil Court's mediation programs located?*

Manhattan: Mon.-Fri.

New York County Civil Court
111 Centre Street, Rm. 419
New York, NY 10013

Brooklyn: Mon.-Thurs.

(Mon., Wed., Thurs. Eves., Sm. Claims-Rm 306)

Kings County Civil Court
141 Livingston Street, Rm.1101
Brooklyn, NY 11201

Queens: Mon. Eve. (Sm. Claims)

Tues.-Fri. (Civil)

Queens County Civil Court
89-17 Sutphin Boulevard, Rm. 117
Jamaica, NY 11435

Staten Island: Mon. (Housing), Tues.

(Civil), Thurs. eve. (Small Claims)

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

Bronx: Tuesdays, Wednesdays

Bronx Civil Court, Rm. B-129
851 Grand Concourse at 161st Street,
Bronx, NY 10451

*Small Claims mediation is also available on additional evenings in New York County during the academic year.

For more information, call Lisa M. Courtney, Esq., at 646-386-5412.