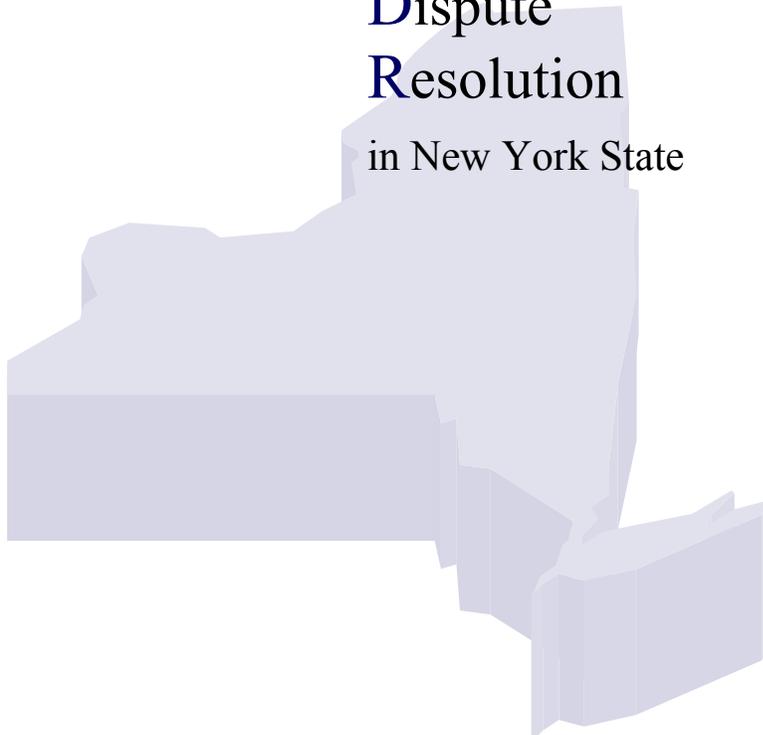




Court-Connected  
Alternative  
Dispute  
Resolution  
in New York State



New York State  
Unified Court System  
Division of Court Operations  
Office of ADR Programs

Fall, 2003

## Alternative Dispute Resolution Programs in the Supreme Court

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**First Judicial Department****First Judicial District****New York County Supreme Court, Commercial Division, Multi-Option ADR Program**

The court offers mediation, neutral evaluation and arbitration for commercial cases. Selected cases are referred to ADR after a preliminary conference or at any other time deemed appropriate by the Judge; the Commercial Division has also authorized Judges with commercial and real estate matters pending outside the Division to make referrals to the ADR program. Parties are directed to select the ADR process of their choice from the options available. Ninety-five percent (95%) of all cases referred to ADR proceed to mediation. The court may grant a stay of proceedings for 30 days pending mediation with a possible extension of another 30-day period.

**Information about Neutrals**

*Approximately 275 attorney mediators, along with several non-lawyer specialists, serve on the court's roster of mediators. All mediators must complete 24 hours of court-approved mediation training in order to serve on the roster.*

*Each member of the roster agrees to handle two-to-three cases each year on a pro-bono basis. However, once a mediator has completed his or her pro-bono requirement, he or she may accept payment from the parties provided that they agree in advance in writing on the terms of the retention.*

**New York County Supreme Court, Civil Division, Neutral Evaluation Program**

The court offers a neutral evaluation program for tort cases. Cases are directed to the program upon filing of the note of issue, and parties are required to use the program once their case is selected. The neutral evaluator meets with the parties and their counsel both in joint session as well as private caucus to hear presentations, offer opinions on their claims and explore settlement options.

**Information about Neutrals**

*This program presently has three court-employed neutral-evaluation attorneys: Michael McAllister, Esq., Michael Tempesta, Esq., and Samuel Adelson, Esq.*

**Second Judicial Department****Second Judicial District****Kings County Supreme Court, Commercial Division, Mediation Program**

The court offers a mediation program for commercial cases. Selected cases are referred to mediation as soon as possible after they have been commenced or at any other time deemed appropriate by the Judge.

**Information about Neutrals**

*Mediators who have completed 40 hours of training and possess at least two years of commercial mediation experience, as well as mediators who have any other training and experience deemed appropriate by the Administrative Judge, serve on the court's roster. Mediators who join the roster agree to undertake two matters each year on a pro-bono basis.*

**Kings County Supreme Court Neutral Evaluation Program for Matrimonial Cases**

Selected cases are referred to neutral evaluation after a preliminary conference or at any other time deemed appropriate by the Judge.

**Information about Neutrals**

*Volunteer attorneys with at least seven years of matrimonial experience serve as neutral evaluators to hear case presentations and provide an evaluation of likely court outcomes in an effort to guide parties toward a negotiated resolution.*

**Second Judicial Department****Ninth Judicial District****Orange County Supreme Court Multi-Option ADR Program for Matrimonial Cases**

The court offers a multi-step mediation and neutral evaluation program for matrimonial cases. Selected cases are referred to mediation after a preliminary conference or at any other time deemed appropriate by the Judge. Either party or the mediator may terminate the process after the first meeting. Mediators facilitate communication, clarify issues and help generate options for resolution tailored to the specific needs and interests of the parties.

Upon conclusion of mediation, parties may elect to present their case to a neutral evaluator for a non-binding prediction of likely court outcome in an effort to guide them toward a negotiated resolution. This option is particularly useful for cases in which one or more issues remain unresolved after mediation and the parties still wish to retain control over the outcome and avoid litigation. The neutral evaluators are experienced matrimonial attorneys with training in the process of neutral evaluation and are never eligible to serve as an evaluator in a case in which they mediated.

**Information about Neutrals**

*Matrimonial attorneys and non-attorneys, all of whom have completed a minimum of 40 hours of court-approved mediation training, serve on the court's roster. One attorney mediator and one non-attorney mediator sit as a co-mediation team for each assigned case. This co-mediation model has proven effective as it ensures that significant legal issues will not be ignored while sufficient attention is paid to the difficult interpersonal issues often faced by divorcing couples. There is no fee for the first two sessions of mediation (the first is an introductory meeting and the second is a two-hour mediation session). Thereafter, if both parties wish to continue with mediation, they must split a neutral's fee according to a sliding scale based on the couple's combined gross income. If both parties wish to pursue neutral evaluation, they must split a neutral's fee of \$100.00. Fees may be waived to ensure that nobody is denied access to the program based on the inability to pay.*

**Westchester County Supreme Court Mediation Program for Matrimonial Cases**

The program offers mediation services for matrimonial cases. Selected cases are referred to mediation after a preliminary conference or at any other time deemed appropriate by the Judge.

**Information about Neutrals**

*Volunteer attorneys who have completed a 32-hour mediation training sponsored by the court serve on the court's roster of mediators.*

**Westchester County Supreme Court, Commercial Division, Mediation Program**

The court offers a mediation program for commercial cases. Selected cases are referred to mediation as soon as possible after they have been commenced or at any other time deemed appropriate by the Judge.

**Information about Neutrals**

*Volunteer attorneys serve on the court's roster of mediators. All mediators on the court's roster completed a court-sponsored, 16-hour mediation training.*

**Second Judicial Department****Tenth Judicial District****Nassau County Supreme Court, Commercial Division, Mediation Program**

The court offers a mediation program for commercial cases. Selected cases are referred to mediation as soon as possible after they have been commenced or at any other time deemed appropriate by the Judge.

**Information about Neutrals**

*Volunteer attorneys serve on the court's roster of mediators. All mediators on the court's roster completed a court-sponsored, 24-hour mediation training. Mediators who join the roster agree to undertake two matters each year on a pro-bono basis.*

**Nassau County Supreme Court Neutral Evaluation Program for Tort Cases**

Parties whose tort cases that are pending in the Differentiated Case Management (DCM) system receive an order of reference when the Note of Issue is filed. This order of reference requires the parties to meet with the neutral evaluator within 90 days of the filing of the Note of Issue. Parties comply with the order by attending the session. If the neutral evaluation does not yield a settlement, a pre-trial conference is scheduled within 30 days of the date that the DCM clerk receives the neutral evaluator's disposition report.

Cases with multiple defendants are frequently excluded from the program.

**Information about Neutrals**

*Attorneys on a pro-bono panel with the Nassau County Bar Association serve as neutral evaluators.*

**Nassau County Supreme Court Neutral Evaluation Program for Matrimonial Cases**

Selected cases are referred to neutral evaluation after a preliminary conference or at any other time deemed appropriate by the Judge.

**Information about Neutrals**

*Volunteer attorneys serve as neutral evaluators to hear case presentations and provide an evaluation of likely court outcomes in an effort to guide parties toward a negotiated resolution.*

**Second Judicial Department****Tenth Judicial District****Nassau County Supreme Court, Civil Division, Voluntary Arbitration Program for Tort Cases**

The court offers a voluntary, binding arbitration program for tort cases. With respect to those matters already on the trial calendar, parties must elect to use the program at or prior to the date upon which the case is marked for jury selection or prior to the assignment of a trial part for non-jury cases. Primarily, parties involved in personal injury cases, such as automobile negligence and "slip and fall" cases use the program. Since the program is voluntary, the arbitration award binds the parties under CPLR arbitration provisions. No trial de novo rights exist as would be required if the parties were mandated to use the program. When arbitration is selected, counsel for the parties are required to execute a stipulation, which is so ordered by the Judge and the case is removed from the calendar.

**Information about Neutrals**

*Six to eight Judicial Hearing Officers serve as the arbitrators and are paid by the court system on a per diem basis.*

**Third Judicial Department****Fourth Judicial District****Schenectady County Supreme Court Child Custody/Visitation Mediation Program**

This program is a collaboration between the Schenectady County Supreme Court and the Law, Order & Justice Center (LOJ), a community dispute resolution center. The court refers parties in pending matrimonial cases to LOJ staff, who screen the cases and schedule mediation sessions for appropriate child custody and visitation cases.

**Information about Neutrals**

*Child custody & visitation mediators complete at least 37 hours of mediation training as well as an apprenticeship.*

**Fourth Judicial Department****Seventh Judicial District****Seventh Judicial District Supreme Court Child Custody/Visitation Mediation Program**

This program is a district-wide collaboration between the Supreme Courts in the Seventh Judicial District and the Center for Dispute Settlement (CDS), a community dispute resolution center. The courts refer parties in pending matrimonial cases to CDS staff, who screen the cases and schedule mediation sessions for appropriate child custody and visitation cases.

**Information about Neutrals**

*Child custody & visitation mediators complete at least 37 hours of mediation training as well as an apprenticeship.*

**Monroe County Supreme Court, Civil Division, Mediation Program**

Parties in selected civil cases are required to attend one mediation session to discuss their case with a mediator and explore settlement. The court grants a 30-day stay of court proceedings while mediation is pending with the possibility of another 30 day extension.

**Information about Neutrals**

*Volunteer attorneys and some non-attorneys serve as mediators for the court.*

**Fourth Judicial Department****Eighth Judicial District****Erie County Supreme Court Multi-Option ADR Program for Civil Cases**

The court presently offers neutral evaluation, mediation, arbitration and summary jury trials for non-matrimonial civil cases through its ADR Program. Cases are referred to the Program by order of the IAS Judge with a 45-day stay of proceedings. Cases may also be referred to the Program with permission of the IAS Judge for neutral evaluation without a stay. Parties in this program are free to avail themselves of one or all of the offered ADR options. However, no referrals are permitted to interfere with existing trial dates.

The majority of cases in the program are referred to neutral evaluation at the present time. Martin Violante, Esq., a court-employed neutral evaluator, meets with the parties and their counsel both in joint session as well as private caucus to hear presentations, offer opinions on their claims and explore settlement options. Working with Mr. Violante on a part-time basis are Henry G. Gossel, JHO and retired Supreme Court Justice, and Mary Louise Hayden, Associate Court Attorney. The court also maintains a general roster of experienced and trained attorney and non-attorney mediators from which parties may choose to assist them in achieving resolution. In mediation, parties are required to sign consent to mediate and confidentiality agreements.

In the event a case does not settle after meeting with a mediator, parties have the option of being referred to a Judge or Judicial Hearing Officer for a judicial assessment to further guide the parties toward settlement or narrow the issues before trial. Parties in general civil cases may also choose to submit their dispute to a JHO for binding or non-binding arbitration, or they may choose to hire private mediators or arbitrators.

The court also offers a summary jury trial program for general civil cases. In this program, six to eight "leftover" jurors from the Court's general jury pool are screened and selected by the Judge to serve on the panel for the SJT, which is initiated and completed on the same day. Jurors hear abbreviated attorney presentations and, if the case is ordered to a SJT by the IAS Judge, render a non-binding verdict with the goal of generating settlement. Parties may also voluntarily agree that the verdict will be binding, either prior to the SJT or subsequent to a non-binding verdict.

The Erie County Supreme Court, Commercial Division, offers mediation through the ADR Program and maintains a roster of commercial mediators, all of whom received 25 hours of court-sponsored mediation training designed specifically for handling commercial disputes.

**Information about Neutrals**

*Parties who voluntarily agree to use the Program mediator roster split payment of the neutral's fee set at \$250.00 for the first five hours or less and thereafter at an hourly rate of \$150.00; JHO arbitrators are free of charge. If parties opt for private mediators or arbitrators, they must pay according to that neutral's own fee schedule.*

**Fourth Judicial Department****Eighth Judicial District****Erie County Supreme Court Neutral Evaluation Program for Matrimonial Cases**

All new matrimonial cases proceed to an expedited matrimonial part (EMP), which refers each case to a court employed referee to conduct the neutral evaluation.

**Information about Neutrals**

*The neutral evaluators are referees or law clerks.*

**Chautauqua County Supreme Court Summary Jury Trial Program for Personal Injury Cases Under \$100,000**

This court has established a Summary Jury Trial program (SJT) for "non-complex" personal injury cases under \$100,000. Six to eight "leftover" jurors from the court's general jury pool are screened and selected by the Judge to serve on the panel for the SJT, which is initiated and completed the same day. Jurors hear abbreviated attorney presentations and render a non-binding verdict with the goal of generating settlement. Parties are referred to the program by judicial order or they may voluntarily agree to use the program, in which case the jury verdict is binding. Attorneys generally do not participate in selecting the jurors and are given approximately one hour each to present their case. There is no testimony or use of experts during the SJT, although medical reports are allowed. The program is conducted one day a week, usually on Fridays.

**Information about Neutrals**

*Jurors are chosen from the general jury pool who are not selected to serve on actual trials.*

## **Alternative Dispute Resolution in the Family Courts**

The New York State Unified Court System recognizes that litigants bring to Family Courts many matters that those individuals can resolve with the assistance of a mediator. Throughout the state, Family Courts refer litigants to community dispute resolution centers (CDRCs) and other agencies to obtain this assistance.

Included in this report is a table describing the variety and number of disputes that each Family Court refers to a CDRC, which can be found on pages 11 -12. A table describing the outcome of cases referred by Family Court to CDRCs throughout the state can be found on pages 13 -14.

### **Child Custody, Visitation and Support Mediation**

The Unified Court System funds CDRCs to mediate child custody, visitation or support matters in 49 of the state's 62 counties. Centers dedicate staff to accept referrals from Family Court, screen cases, educate parties about the mediation process, schedule cases with trained mediators, and provide advanced training for mediators.

#### **Information About the Neutrals**

*Mediators complete a total of 42 hours of initial and advanced mediation training, as well as an apprenticeship in which they co-mediate with an experienced mediator.*

### **Parent-Child and Persons In Need of Supervision (PINS) Mediation**

The use of mediators in Family Court has expanded to include 11 pilot programs for mediating Persons In Need of Supervision (PINS) cases. These pilot programs are located in Cayuga, Chemung, Kings, Livingston, Monroe, Ontario, Queens, Seneca, Steuben, Westchester and Yates Counties. One juvenile delinquency mediation program operates in Monroe County. These centers and other CDRCs that do not receive specific funding work with children and their parents along with other social service organizations on issues related to the filing of a PINS petition or a juvenile delinquency proceeding.

#### **Information About the Neutrals**

*Mediators complete a total of 42 hours of initial and advanced mediation training, as well as an apprenticeship in which they co-mediate with an experienced mediator.*

### **Child Permanency Mediation**

"Child permanency cases" are those in which a plan is developed for children in child abuse and neglect proceedings, terminations of parental rights, reviews of children in foster care, and adoptions. In Erie, Kings and Otsego Counties, mediators facilitate meetings among parents, the parents' attorneys, extended family members, social workers, law guardians, and other stakeholders in child permanency cases. In each of these counties, Family Court judges refer child permanency cases at different points in the litigation process. These meetings produce permanency plans that are then subject to court review and approval.

#### **Information About the Neutrals**

*In Kings County, the mediation is conducted by a co-mediation team consisting of a court employee and an employee of NYSPCC. Both mediators have an advanced degree as well as a background in mediation, including a minimum of 40 hours of training and apprenticeship in family mediation. In Erie County, the mediators possess a Masters Degree in Social Work and are employed by Catholic Charities, a not-for-profit organization. In Otsego County, the mediators are volunteers with the local CDRC and have completed at least 37 hours of training as well as an apprenticeship.*

### Cases Referred From Family Courts to CDRCs by Casetype

January 1, 2002 - December 31, 2002

Page 1

<b>Jurisdiction</b>	Child Custody	Child Visitation	Child Support	PINS / JD	Child Permanency	Others	Total
<b>Third District</b>							
Albany	85	71	3	1	1	4	165
Columbia	85	5	0	0	0	0	90
Greene	17	11	0	0	0	2	30
Rensselaer	29	11	2	1	0	1	44
Schoharie	2	1	0	0	0	0	3
Sullivan	39	22	40	1	0	1	103
Ulster	42	82	53	0	0	22	199
<b>Fourth District</b>							
Clinton	2	8	1	0	0	0	11
Essex	2	1	0	1	0	3	7
Franklin	1	0	0	0	0	1	2
Fulton	30	19	1	0	0	0	50
Hamilton	0	0	0	0	0	0	0
Montgomery	27	15	0	0	0	43	85
Saratoga	6	4	23	0	0	3	36
Schenectady	14	16	2	0	0	3	35
St. Lawrence	3	20	0	0	0	0	23
Warren	2	1	0	0	0	0	3
Washington	58	16	95	0	0	1	170
<b>Fifth District</b>							
Herkimer	87	16	17	0	0	2	122
Jefferson	194	8	1	0	0	0	203
Lewis	21	0	0	0	0	0	21
Oneida	123	14	17	0	0	3	157
Onondaga	462	61	2	11	0	4	540
Oswego	226	17	0	1	0	0	244
<b>Sixth District</b>							
Broome	65	7	29	0	0	5	106
Chemung	170	51	0	0	0	6	227
Chenango	298	68	0	0	0	5	371
Cortland	45	0	0	0	0	7	52
Delaware	276	53	0	0	0	0	329
Madison	1	1	0	0	0	0	2
Otsego	83	73	0	3	14	13	186
Schuyler	17	5	0	0	0	1	23
Tioga	29	0	5	0	0	1	35
Tompkins	67	11	0	0	0	7	85

### Cases Referred From Family Courts to CDRCs by Casetype

January 1, 2002 - December 31, 2002

Page 2

<b>Jurisdiction</b>	Child Custody	Child Visitation	Child Support	PINS / JD	Child Permanency	Others	Total
<b>Seventh District</b>							
Cayuga	6	4	0	0	0	0	10
Livingston	32	27	1	0	0	2	62
Monroe	174	94	0	5	0	0	273
Ontario	20	21	0	2	0	0	43
Seneca	19	32	0	3	0	1	55
Steuben	30	37	0	1	0	0	68
Wayne	10	22	0	0	0	0	32
Yates	24	20	0	0	0	0	44
<b>Eighth District</b>							
Allegany	0	2	0	0	0	0	2
Cattaraugus	0	0	0	1	0	0	1
Chautauqua	442	99	0	0	0	0	541
Erie	291	76	1	0	0	2	370
Genesee	0	0	0	0	0	0	0
Niagara	107	52	2	0	0	0	161
Orleans	1	0	0	0	0	0	1
Wyoming	0	1	0	0	0	0	1
<b>Ninth District</b>							
Dutchess	79	78	8	1	0	14	180
Orange	6	73	2	1	0	14	96
Putnam	2	8	0	0	0	1	11
Rockland	0	0	0	0	0	1	1
Westchester	30	98	2	37	0	3	170
<b>Tenth District</b>							
Nassau	88	31	0	1	0	6	126
Suffolk	0	0	0	0	0	1	1
<b>New York City</b>							
Bronx	0	0	0	117	0	2	119
Kings	303	19	2	113	0	34	471
New York	113	19	2	23	0	44	201
Queens	87	26	2	88	0	9	212
Richmond	24	28	0	8	0	8	68
<b>New York City</b>	527	92	6	349	0	97	1,071
<b>Outside NYC</b>	3,969	1,441	322	68	4	204	6,008
<b>Statewide Total</b>	4,496	1,533	328	417	4	301	7,079

### Cases Referred From Family Courts to CDCRs by Disposition

January 1, 2002 - December 31, 2002

Page 1

Jurisdiction	Full Agreement	Partial* or Verbal Agreement	No Agreement	Resolution Rate	Case Referred But Mediation		Total
					Not Held†	Others‡	
<b>Third District</b>							
Albany	91	0	27	77.1%	41	6	165
Columbia	5	0	1	83.3%	79	5	90
Greene	7	0	3	70.0%	20	0	30
Rensselaer	32	0	7	82.1%	5	0	44
Schoharie	1	0	1	50.0%	1	0	3
Sullivan	76	0	24	76.0%	1	2	103
Ulster	73	0	21	77.7%	95	10	199
<b>Fourth District</b>							
Clinton	5	0	1	83.3%	3	2	11
Essex	2	0	1	66.7%	4	0	7
Franklin	1	0	0	100.0%	0	1	2
Fulton	17	0	8	68.0%	22	3	50
Hamilton	0	0	0	0.0%	0	0	0
Montgomery	36	0	27	57.1%	22	0	85
Saratoga	11	0	1	91.7%	22	2	36
Schenectady	10	0	6	62.5%	19	0	35
St. Lawrence	17	1	0	100.0%	0	5	23
Warren	1	0	0	100.0%	2	0	3
Washington	57	0	6	90.5%	46	61	170
<b>Fifth District</b>							
Herkimer	52	5	2	96.6%	50	13	122
Jefferson	4	0	1	80.0%	100	98	203
Lewis	0	1	0	100.0%	16	4	21
Oneida	71	19	4	95.7%	42	21	157
Onondaga	271	5	53	83.9%	199	12	540
Oswego	101	1	25	80.3%	96	21	244
<b>Sixth District</b>							
Broome	29	1	9	76.9%	42	25	106
Chemung	101	7	11	90.8%	94	14	227
Chenango	40	2	10	80.8%	294	25	371
Cortland	22	1	3	88.5%	23	3	52
Delaware	59	5	12	84.2%	247	6	329
Madison	0	1	0	100.0%	1	0	2
Otsego	47	20	19	77.9%	87	13	186
Schuyler	9	1	3	76.9%	8	2	23
Tioga	28	0	1	96.6%	4	2	35
Tompkins	43	4	9	83.9%	16	13	85

\* Only three (3) of the reported dispositions were reported as partial agreements.

† Reasons that cases were not mediated include a decision by one or more parties to withdraw or a determination that the case is unamenable for mediation.

‡ Other dispositions include "conciliated" and "facilitated."

### Cases Referred From Family Courts to CDRCs by Disposition

January 1, 2002 - December 31, 2002

Page 2

Jurisdiction	Full Agreement	Partial* or Verbal Agreement	No Agreement	Resolution Rate	Case Referred But Mediation Not Held†	Others‡	Total
<b>Seventh District</b>							
Cayuga	1	0	5	16.7%	3	1	10
Livingston	38	0	10	79.2%	11	3	62
Monroe	98	3	42	70.6%	109	21	273
Ontario	26	0	3	89.7%	12	2	43
Seneca	18	0	12	60.0%	20	5	55
Steuben	18	3	10	67.7%	34	3	68
Wayne	13	0	10	56.5%	8	1	32
Yates	31	2	2	94.3%	7	2	44
<b>Eighth District</b>							
Allegany	1	0	1	50.0%	0	0	2
Cattaraugus	0	0	0	0.0%	1	0	1
Chautauqua	134	3	53	72.1%	347	4	541
Erie	200	4	50	80.3%	106	10	370
Genesee	0	0	0	0.0%	0	0	0
Niagara	18	0	5	78.3%	125	13	161
Orleans	0	0	0	0.0%	1	0	1
Wyoming	1	0	0	100.0%	0	0	1
<b>Ninth District</b>							
Dutchess	39	1	30	57.1%	102	8	180
Orange	31	0	18	63.3%	29	18	96
Putnam	4	0	0	100.0%	5	2	11
Rockland	0	0	0	0.0%	1	0	1
Westchester	81	6	14	86.1%	65	4	170
<b>Tenth District</b>							
Nassau	2	48	5	90.9%	70	1	126
Suffolk	0	0	0	0.0%	1	0	1
<b>New York City</b>							
Bronx	35	21	10	84.8%	40	13	119
Kings	93	24	86	57.6%	152	116	471
New York	85	10	30	76.0%	58	18	201
Queens	35	34	11	86.3%	114	18	212
Richmond	22	3	8	75.8%	33	2	68
<b>New York City</b>	270	92	145	71.4%	397	167	1,071
<b>Outside NYC</b>	2,073	144	566	79.7%	2,758	467	6,008
<b>Statewide Total</b>	2,343	236	711	78.4%	3,155	634	7,079

\*Only three (3) of the reported dispositions were reported as partial agreements.

†Reasons that cases were not mediated include a decision by one or more parties to withdraw or a determination that the case is unamenable for mediation.

‡Other dispositions include "conciliated" and "facilitated."

## **Alternative Dispute Resolution in the City, Civil, District, Town and Village Courts**

The New York State Unified Court System provides alternative dispute resolution services to litigants in the city, civil, district, town and village courts throughout New York. Many of these courts have “Part 28” compulsory arbitration programs for civil actions. A number of these courts refer parties to a community dispute resolution center volunteer or staff person who regularly attends court.

### **Part 28 – Alternative Method of Dispute Resolution by Arbitration**

Pursuant to 22 NYCRR Part 28, in counties where the Chief Administrator has approved the implementation of a Part 28 program, a civil action not commenced in a small claims court or part may be ordered to arbitration if the action is for money only and the amount in dispute is less than \$10,000 (in New York City) or \$6,000 (in all other parts of the state). Parties with cases in those counties may also request arbitration by filing a stipulation with the court clerk to request arbitration if the amount in dispute exceeds the \$6,000 or \$10,000 limit. Each party retains the right to a *de novo* trial if the party is unsatisfied with the outcome in arbitration.

A table showing the workload of the Part 28 programs appears on page 16.

#### **Information about Neutrals**

*All arbitrators are attorneys unless the parties stipulate otherwise.*

### **Voluntary Arbitration**

In numerous counties throughout the state, Civil, City, District, Town and Village Courts provide arbitration for small claims actions. Parties who submit their dispute to voluntary arbitration agree to be bound by the arbitrator’s award. Consequently, parties may not seek a *de novo* trial if they are unsatisfied with the arbitrator’s award.

#### **Information about Neutrals**

*Volunteer lawyers typically arbitrate these cases.*

### **Community Dispute Resolution Centers**

Throughout the state, local courts refer civil and minor criminal cases to community dispute resolution centers. These centers primarily mediate cases, although many also offer other dispute resolution services, such as arbitration or conciliation. For a more in-depth description of the work of these centers, please see page 20.

A table describing the number of cases referred to the centers from local courts appears on pages 17 - 18.

#### **Information about Neutrals**

*For information about the neutrals who serve in these centers, please see page 20.*

**Cases Processed in the Part 28 Program**

January 1, 2002 - December 31, 2002

<b>Jurisdiction</b>	Hearings Completed by Non-JHO Arbitrator	Hearings Completed by JHO Arbitrator	Pre-Hearing Settlements And Remands	Total Cases Processed	Demand for Trial de Novo	De Novo Percent
<b>Third District</b>						
Albany	15	0	6	21	0	0.0%
Rensselaer	0	0	0	0	0	0.0%
Ulster	7	0	0	7	0	0.0%
<b>Fourth District</b>						
Schenectady	16	0	6	22	0	0.0%
<b>Fifth District</b>						
Oneida	8	0	7	15	0	0.0%
Onondaga	43	0	23	66	0	0.0%
<b>Sixth District</b>						
Broome	14	0	8	22	1	4.5%
Chemung	0	0	0	0	0	0.0%
Schuyler	0	0	0	0	0	0.0%
Tompkins	0	0	1	1	0	0.0%
<b>Seventh District</b>						
Cayuga	0	0	0	0	0	0.0%
Livingston	1	0	0	1	0	0.0%
Monroe	101	2,264	23	2,388	137	5.7%
Ontario	4	0	2	6	0	0.0%
Seneca	0	0	1	1	0	0.0%
Steuben	8	0	3	11	0	0.0%
Wayne	1	0	0	1	0	0.0%
Yates	0	0	0	0	0	0.0%
<b>Eighth District</b>						
Erie	0	41	43	84	3	3.6%
Niagara	12	0	5	17	2	11.8%
<b>Ninth District</b>						
Dutchess	3	0	1	4	0	0.0%
Orange	2	0	3	5	0	0.0%
Putnam	5	0	1	6	0	0.0%
Rockland	10	0	0	10	0	0.0%
Westchester	42	0	4	46	0	0.0%
<b>Tenth District</b>						
Nassau	1,099	0	467	1,566	0	0.0%
Suffolk	9,892	1,170	484	11,546	465	4.0%
<b>New York City</b>						
Bronx	0	0	0	0	0	0.0%
Kings	0	0	0	0	0	0.0%
New York	0	1,425	126	1,551	526	33.9%
Queens	0	0	0	0	0	0.0%
<b>New York City</b>	0	1,425	126	1,551	526	33.9%
<b>Outside NYC</b>	11,283	3,475	1,088	15,846	608	3.8%
<b>Statewide Total</b>	11,283	4,900	1,214	17,397	1,134	37.8%

**Cases Referred From Local Courts to CDRCs**

January 1, 2002 - December 31, 2002

Page 1

<b>Jurisdiction</b>	City / District Court	NYC Civil Court	Town & Village Courts	Total
<b>Third District</b>				
Albany	176	0	1	177
Columbia	45	0	1	46
Greene	3	0	5	8
Rensselaer	54	0	0	54
Schoharie	1	0	1	2
Sullivan	8	0	8	16
Ulster	22	0	51	73
<b>Fourth District</b>				
Clinton	467	0	57	524
Essex	0	0	0	0
Franklin	1	0	0	1
Fulton	0	0	0	0
Hamilton	1	0	0	1
Montgomery	4	0	0	4
Saratoga	147	0	31	178
Schenectady	138	0	15	153
St. Lawrence	326	0	12	338
Warren	0	0	0	0
Washington	0	0	0	0
<b>Fifth District</b>				
Herkimer	0	0	0	0
Jefferson	2	0	0	2
Lewis	0	0	1	1
Oneida	106	0	0	106
Onondaga	309	0	0	309
Oswego	18	0	0	18
<b>Sixth District</b>				
Broome	217	0	47	264
Chemung	16	0	2	18
Chenango	224	0	1	225
Cortland	1	0	0	1
Delaware	1	0	2	3
Madison	0	0	6	6
Otsego	6	0	2	8
Schuyler	0	0	0	0

**Cases Referred From Local Courts to CDRCs**

January 1, 2002 - December 31, 2002

Page 2

<b>Jurisdiction</b>	City / District Court	NYC Civil Court	Town & Village Courts	Total
<b>Seventh District</b>				
Cayuga	13	0	2	15
Livingston	0	0	19	19
Monroe	127	0	32	159
Ontario	1	0	21	22
Seneca	0	0	0	0
Steuben	0	0	66	66
Wayne	0	0	18	18
Yates	0	0	6	6
<b>Eighth District</b>				
Allegany	9	0	14	23
Cattaraugus	123	0	24	147
Chautauqua	172	0	9	181
Erie	419	0	4	423
Genesee	6	0	2	8
Niagara	65	0	9	74
Orleans	0	0	1	1
Wyoming	0	0	8	8
<b>Ninth District</b>				
Dutchess	969	0	4	973
Orange	2	0	138	140
Putnam	25	0	3	28
Rockland	10	0	142	152
Westchester	537	0	1	538
<b>Tenth District</b>				
Nassau	2,278	0	2	2,280
Suffolk	514	0	30	544
<b>New York City</b>				
Bronx	0		0	0
Kings	0	481	0	481
New York	0	746	0	746
Queens	0	11	0	11
Richmond	0	129	0	129
<b>New York City</b>	0	1,367	0	1,367
<b>Outside NYC</b>	7,703	0	839	8,542
<b>Statewide Total</b>	7,703	1,367	839	9,909

## **New York State Attorney-Client Fee Dispute Resolution Program**

### **Part 137 – Attorney-Client Fee Dispute Resolution Program**

Part 137 of the Rules of the Chief Administrator establishes a statewide Attorney-Client Fee Dispute Resolution Program. It applies where representation commenced on or after January 1, 2002, to attorneys who undertake to represent a client in most civil matters. Part 137 provides that in the event of a fee dispute between an attorney and client, the client may seek to resolve the dispute by arbitration. The attorney's participation is mandatory at the client's election. Arbitration awards become final and binding by operation of law if neither party seeks a trial de novo within 30 days.

Many bar associations in New York have long provided for arbitration and mediation of attorney-client fee disputes. This new program is designed to build upon these achievements and integrate them into a Statewide network of local bar-sponsored programs to the extent practicable, with additional support from local district administrative judges' offices where necessary. Although the new rules provide for arbitration as a primary means of resolving fee disputes, mediation is strongly encouraged as well.

Local fee dispute resolution programs are approved by the Board of Governors and the appropriate Presiding Justice of the Appellate Division. The Board is chaired by former Presiding Justice of the Appellate Division, Second Department, Guy James Mangano, and consists of twelve members of the Bar and six non-lawyer members of the public. The Board oversees the Program and is responsible for accrediting, evaluating and monitoring fee dispute resolution programs and ensuring that fee dispute resolution services are available in every corner of the State.

#### **Information about Neutrals**

Volunteer attorney and lay arbitrators serve in the program. Arbitrators with prior arbitration experience complete a 90-minute orientation to the Part 137 Program. Arbitrators without prior experience complete six hours of training in arbitration procedure pursuant to Part 137, which includes the 90-minute orientation component.

### **Part 136 – Fee Arbitration in Domestic Relations Matters**

Under 22 NYCRR Part 136 and 22 NYCRR section 1400.7, attorneys involved in certain matrimonial-related actions in Supreme and Family Courts must submit any fee dispute with a client to binding arbitration if the client so elects to use arbitration. Attorneys must provide notice of these rights for the client's determination. Arbitration is provided through the appropriate Judicial District Administrative Office.

The substantive and administrative provisions of Part 136 of the Rules of the Chief Administrator, "Fee Arbitration in Domestic Relations Matters," will continue to apply to fee disputes arising out of attorney-client relationships formed through December 31, 2001 and will eventually be phased out with the gradual decrease in applicable cases. Attorneys who undertake to represent clients in domestic relations matters on or after January 1, 2002 will be subject to the provisions of Part 137.

#### **Information about Neutrals**

Volunteer attorney and lay arbitrators serve in the program.

## Community Dispute Resolution Centers Program

The Unified Court System provides funding for a non-profit Community Dispute Resolution Center in each county pursuant to Article 21-A of the Judiciary Law. Generally, the centers offer mediation services to community agencies, the courts and the public to resolve a wide range of disputes. Some centers also provide arbitration, facilitation and conciliation services. The Unified Court System maintains offices in Cohoes and Manhattan to administer, fund and oversee this initiative. A list of centers begins on page 21.

The CDRCs handled 51,899 cases involving 118,690 individuals during FY 2002-2003. The majority of cases were referred by the courts, law enforcement, and public and private agencies. Other referrals came from attorneys and legal services programs, religious institutions, businesses, and self-referrals. Of those 51,899 cases, the centers conducted 28,548 conciliations, mediations and arbitrations that served 66,070 people. Parties entered into voluntary agreements in 85% of the cases that were mediated or conciliated. The average single-session mediation or arbitration took 18 days from intake to final disposition, and the average multiple-session case took 61 days for resolution. The 51,899 cases also include 11,262 family cases that include predominantly Custody-Visitation and Persons in Need of Supervision issues. This initiative is also described earlier in this report—Alternative Dispute Resolution in the Family Courts—under “Child Custody, Visitation and Support Mediation” and “Parent-Child and Persons in Need of Supervision (PINS) Mediation.”

In addition to providing dispute resolution services for cases on direct referral, many of the CDRCs offer a variety of related services that help people manage and resolve conflicts before they reach the court system. These services include:

- Education-based services including conflict management education for staff and students, peer-mediation training and mediation of special education, early intervention and vocational rehabilitation issues
- dispute-resolution training for community and Family Court mediators and the general public
- multi-party facilitation in mobile-home park disputes, environmental and other public-policy issues
- restorative justice initiatives including victim-offender dialogues and family group conferencing
- mediation of specific case types including agricultural mediation, labor issues, and arbitration of lemon law disputes
- consulting services on designing conflict management and dispute resolution systems for agencies, institutions and businesses.

### **Information about Neutrals**

*Prior to January 1, 2003, all mediators completed at least 25 hours of initial mediation training conducted by a trainer certified by the Office of ADR Programs. Mediators also completed an apprenticeship and were certified by their local center. As of January 1, 2003, all new mediators receive at least 30 hours of initial mediation training and participate in a comprehensive apprenticeship. For advanced training of special case types—parenting disputes involving child custody and visitation, child support, parent/child, PINS issues—an additional 12 hours of mediation training is required for each specialty area, and an additional 6 hours of mediation training is required for Civil, City, District and Town & Village court cases.*

*Mediators must complete at least 6 hours of in-service training each year and must conduct at least three mediation sessions per year to remain certified by their local center.*

## New York State Community Dispute Resolution Centers

### Albany County

#### **Mediation Matters**

Peter Glassman, Executive Director  
30 Watervliet Avenue  
Albany NY 12206  
Phone: 518-446-0356 Fax: 518-446-0379  
E-mail: [Peter@mediationmatters.org](mailto:Peter@mediationmatters.org)  
Web: [www.mediationmatters.org](http://www.mediationmatters.org)

### Allegany County

#### **Better Business Bureau Foundation**

Julie Loesch, Director  
112 West State Street  
Olean NY 14760  
Phone: 716-373-5133 Fax: 716-373-3787  
E-mail: [jloesch@upstatenybbb.org](mailto:jloesch@upstatenybbb.org)  
Web: [www.upstatenybbb.org/complaints](http://www.upstatenybbb.org/complaints)

### Bronx County

#### **Institute for Mediation and Conflict Resolution**

Stephen Slate, Executive Director  
384 East 149th St., Suite 330  
Bronx NY 10455  
Phone: 718-585-1190 Fax: 718-585-1962  
E-mail: [seslate@yahoo.com](mailto:seslate@yahoo.com)

### Broome County

#### **ACCORD, A Center for Dispute Resolution**

Richard Squire, Executive Director  
30 West State St., 2nd Floor  
Colonial Plaza  
Binghamton NY 13901  
Phone: 607-724-5153 Fax: 607-724-0059  
E-mail: [rsquire@accordny.com](mailto:rsquire@accordny.com)

### Cattaraugus County

#### **Better Business Bureau Foundation**

Julie Loesch, Director  
112 West State Street  
Olean NY 14760  
Phone: 716-373-5133 Fax: 716-373-3787  
E-mail: [jloesch@upstatenybbb.org](mailto:jloesch@upstatenybbb.org)  
Web: [www.upstatenybbb.org/complaints](http://www.upstatenybbb.org/complaints)

### Cayuga County

#### **Center for Dispute Settlement**

Andrew Thomas, Executive Director  
95 Genesee Street  
2nd Floor  
Auburn NY 13021  
Phone: 315-252-4260 Fax: 315-252-4290  
E-mail: [andrew@cdsadr.org](mailto:andrew@cdsadr.org)  
Web: [www.cdsadr.org](http://www.cdsadr.org)

### Chautauqua County

#### **Better Business Bureau Foundation**

*Dispute Settlement Center of Chautauqua County - Dunkirk*  
Julie Loesch, Director  
323 Central Avenue  
4th floor  
Dunkirk NY 14048  
Phone: 716-366-0410 Fax: 716-366-4871  
E-mail: [jloesch@upstatenybbb.org](mailto:jloesch@upstatenybbb.org)  
Web: [www.upstatenybbb.org/complaints](http://www.upstatenybbb.org/complaints)  
*Dispute Settlement Center of Chautauqua County - Jamestown*  
Julie Loesch, Director  
200 E. Third Street  
Jamestown NY 14701  
Phone: 716-483-7596 Fax: 716-483-7615  
E-mail: [jloesch@upstatenybbb.org](mailto:jloesch@upstatenybbb.org)  
Web: [www.upstatenybbb.org/complaints](http://www.upstatenybbb.org/complaints)

### Chemung County

#### **Community Dispute Resolution Center**

Judy Saul, Executive Director  
215 East Church St., Suite 204  
Elmira NY 14901  
Phone: 607-734-9087 Fax: 607-735-9828  
E-mail: [saul@cdrc.org](mailto:saul@cdrc.org)

### Chenango County

#### **Catholic Charities of Delaware and Otsego Counties**

Donna Kankiewicz, Program Director  
Eaton Center  
26 Conkey Avenue  
Norwich NY 13815  
Phone: 607-336-1982 Fax: 607-336-5330  
E-mail: [dkdrc@ascent.net](mailto:dkdrc@ascent.net)

### Clinton County

#### **Northern New York Centers for Conflict Resolution**

Kyle Blanchfield, Executive Director  
Federal Building  
23 Brinkerhoff Street, B-1  
Plattsburgh NY 12901  
Phone: 518-563-1227 Fax:  
E-mail: [nnyccrkb@westelcom.com](mailto:nnyccrkb@westelcom.com)

### Columbia County

#### **Common Ground Dispute Resolution**

Dawn Wallant, Executive Director  
454 Warren Street  
Hudson NY 12534  
Phone: 518-828-0047 Fax:  
E-mail: [dwallant@mhcable.com](mailto:dwallant@mhcable.com)  
Web: [www.commongroundinc.org/](http://www.commongroundinc.org/)

### Cortland County

#### **New Justice Conflict Resolution Services**

John McCullough, Executive Director  
McNeil Building  
17-29 Main St., Suite 412  
Cortland NY 13045  
Phone: 607-753-6952 Fax: 607-753-6579  
E-mail: [jwmc@dreamscape.com](mailto:jwmc@dreamscape.com)

### Delaware County

#### **Catholic Charities of Delaware and Otsego Counties**

Donna Kankiewicz, Program Director  
Sherwood Road  
PO Box 7  
Delhi NY 13753  
Phone: 607-746-6351 Fax: 607-746-7085  
E-mail: [dkdrc@ascent.net](mailto:dkdrc@ascent.net)

### Dutchess County

#### **Mediation Center of Dutchess County**

Jody Miller, Executive Director  
Family Partnership Building  
29 North Hamilton St.  
Poughkeepsie NY 12601  
Phone: 845-471-7213 Fax: 845-471-7264  
E-mail: [jbmiller29@aol.com](mailto:jbmiller29@aol.com)  
Web: [www.dutchessmediation.org](http://www.dutchessmediation.org)

### Erie County

#### **Better Business Bureau Foundation**

Julie Loesch, Director  
741 Delaware Ave., Suite 100  
Buffalo NY 14209  
Phone: 716-883-5050 Fax: 716-883-5349  
E-mail: [jloesch@upstatenybbb.org](mailto:jloesch@upstatenybbb.org)  
Web: [www.upstatenybbb.org/complaints](http://www.upstatenybbb.org/complaints)

## New York State Community Dispute Resolution Centers

### Essex County

**Northern New York Centers for Conflict Resolution**  
 Kyle Blanchfield, Executive Director  
 301 Main Street  
 P.O. Box 135  
 Lake Placid NY 12946  
 Phone: 518-523-7234 Fax: 518-523-7211  
 E-mail: nnyccrkb@westelcom.com

### Franklin County

**Northern New York Centers for Conflict Resolution**  
 Kyle Blanchfield, Executive Director  
 9 Finney Boulevard  
 Malone NY 12953  
 Phone: 518-483-1550 Fax: 518-483-9166  
 E-mail: nnyccrkb@westelcom.com

### Fulton County

**Catholic Charities of Montgomery County**  
 Marsha Lawyer, Program Director  
 Served by Amsterdam Office  
 (See Montgomery)  
 Phone: 518-842-4202 Fax: 518-842-4245  
 E-mail: mediation@catholiccharitiesmc.org

### Genesee County

**Better Business Bureau Foundation**  
 Julie Loesch, Director  
 741 Delaware Avenue  
 Suite 100  
 Buffalo NY 14209  
 Phone: 716-883-5050 Fax: 716-883-5349  
 E-mail: jloesch@upstatenybbb.org  
 Web: www.upstateny.bbb.org/complaints

### Greene County

**Common Ground Dispute Resolution**  
 Dawn Wallant, Executive Director  
 11 William St. Suite 2  
 Catskill NY 12414  
 Phone: 518-943-0523 Fax: 518-943-6241  
 E-mail: dwallant@mhcable.com  
 Web: www.commongroundinc.org/

### Hamilton County

**Northern New York Centers for Conflict Resolution**  
 Kyle Blanchfield, Executive Director  
 Elm Lake Rd.  
 P.O.Box 471  
 Speculator NY 12164  
 Phone: 518-548-8213 Fax: 518-548-8213  
 E-mail: nnyccrkb@westelcom.com

### Herkimer County

**Catholic Charities of Herkimer County**  
 Annemarie Adams, Program Director  
 61 West St.  
 Ilion NY 13357  
 Phone: 315-894-9917 Fax: 315-894-6313  
 E-mail: adamsdrc@dreamscape.com

### Jefferson County

**Jeff-Lewis Mediation Center**  
 Linya Bell, Executive Director  
 7 Empsall Plaza Courtyard  
 Watertown NY 13601  
 Phone: 315-785-0333 Fax: 315-785-0322  
 E-mail: jlmc@imcnet.net  
 Web: www.jeffewismediation.org

### Kings County

**Safe Horizon**  
*Brooklyn Family Court Mediation Program*  
 Elizabeth Clemants, Senior Director of Mediation  
 283 Adams Street  
 Room 404  
 Brooklyn NY 11201  
 Phone: 718-222-8408 Fax: 718-643-6615  
 E-mail: eclemants@safehorizon.org  
 Web: www.safehorizon.org  
*Brooklyn Mediation Center*  
 Elizabeth Clemants, Senior Director of  
 210 Joralemon Street, Room 618  
 Brooklyn NY 11201  
 Phone: 718-834-6671 Fax: 718-834-6681  
 E-mail: eclemants@safehorizon.org  
 Web: www.safehorizon.org

### Lewis County

**Jeff-Lewis Mediation Center**  
 Linya Bell, Executive Director  
 5420 Shady Avenue  
 Lowville NY 13367  
 Phone: 315-376-7991 Fax:  
 E-mail: jlmc@imcnet.net  
 Web: www.jeffewismediation.org

### Livingston County

**Center for Dispute Settlement**  
 Andrew Thomas, Executive Director  
 6 Court Street  
 Geneseo NY 14454  
 Phone: 716-243-7007 Fax: 716-243-7006  
 E-mail: andrew@cdsadr.org  
 Web: www.cdsadr.org

### Madison County

**New Justice Conflict Resolution Services**  
 John McCullough, Executive Director  
 121 Oneida Street  
 P.O. Box 365  
 Oneida NY 13421  
 Phone: 315-361-4438 Fax:  
 E-mail: jwmc@dreamscape.com

### Monroe County

**Center for Dispute Settlement**  
*Family Court Program*  
 Andrew Thomas, Executive Director  
 Monroe County Family Court  
 Hall of Justice, 300 F  
 Rochester NY 14614  
 Phone: 716-428-2645 Fax: 716-428-2898  
 E-mail: andrew@cdsadr.org  
 Web: www.cdsadr.org  
*Main Office*  
 Andrew Thomas, Executive Director  
 300 State Street, Suite 301  
 Rochester NY 14614  
 Phone: 716-546-5110 Fax: 716-546-4391  
 E-mail: andrew@cdsadr.org  
 Web: www.cdsadr.org

### Montgomery County

**Catholic Charities of Montgomery County**  
 Marsha Lawyer, Program Director  
 1 Kimball Street  
 Amsterdam NY 12010  
 Phone: 518-842-4202 Fax: 518-842-4245  
 E-mail: mediation@catholiccharitiesmc.org

### Nassau County

**EAC**  
 Robyn Schneider, Division Director  
 50 Clinton Street, Suite 102  
 Hempstead NY 11550  
 Phone: 516-489-7733 Fax: 516-789-7532  
 E-mail: rschneider@eacinc.org  
 Web: www.eacinc.org/community.htm

## New York State Community Dispute Resolution Centers

### New York County

**Lesbian, Gay, Bisexual & Transgender Community Center**  
*Center Mediation Services/Project Resolve*

Jorge Irizarry, Mediation Service Director  
208 West 13th Street  
New York NY 10014  
Phone: 212-620-7310 Fax: 212-924-2657  
E-mail: jirizarry@gaycenter.org  
Web: www.gaycenter.org/programs/mhss/mediation.html

#### **Safe Horizon**

*Manhattan Mediation Center*  
Elizabeth Clemants, Senior Director of Mediation  
346 Broadway, Suite 400W  
New York NY 10013  
Phone: 212-577-1740 Fax: 212-406-2637  
E-mail: eclemants@safehorizon.org  
Web: www.safehorizon.org

#### **Washington Heights - Inwood Coalition**

*Northern Manhattan Mediation Program*  
Mary Gratereaux, Mediation Director  
652 West 187th Street  
New York NY 10033  
Phone: 212-781-6722 Fax: 212-740-8509  
E-mail: whic.mediation@verizon.net

### Niagara County

#### **Better Business Bureau Foundation**

Julie Loesch, Director  
1721 Military Road  
Niagara Falls NY 14304  
Phone: 716-297-3083 Fax: 716-297-6285  
E-mail: jloesch@upstatenybbb.org  
Web: www.upstatenybbb.org/complaints

### Oneida County

#### **Peacemaker Program**

Brenda Kenyon, Executive Director  
1417 Genesee Street  
2nd Floor  
Utica NY 13502  
Phone: 315-724-1718 Fax:  
E-mail: brenda@peacemakerprogram.com  
Web: www.peacemakerprogram.com

### Onondaga County

#### **New Justice Conflict Resolution Services**

*Onondaga County Office (Main Office)*  
John McCullough, Executive Director  
1153 West Fayette St.  
Syracuse NY 13204  
Phone: 315-471-4676 Fax: 315-475-0769  
E-mail: jwmc@dreamscape.com

*Onondaga Family Court Office*  
John McCullough, Executive Director  
Onondaga Family Court  
401 Montgomery St., Room 112  
Syracuse NY 13202  
Phone: 315-671-2047 Fax: 315-671-1165  
E-mail: jwmc@dreamscape.com

### Ontario County

#### **Center for Dispute Settlement**

Andrew Thomas, Executive Director  
120 North Main Street  
Canandaigua NY 14424  
Phone: 716-396-0840 Fax: 716-396-5934  
E-mail: andrew@cadsadr.org  
Web: www.cadsadr.org

### Orange County

#### **Dispute Resolution Center of Orange and Putnam Counties**

Roz Magidson, Executive Director  
14 Scotchtown Road  
PO Box 510  
Goshen NY 10924  
Phone: 845-294-8082 Fax: 845-294-7428  
E-mail: rozm@drcservices.org

### Orleans County

#### **Better Business Bureau Foundation**

Julie Loesch, Director  
741 Delaware Avenue  
Buffalo NY 14209  
Phone: 716-883-5050 Fax: 716-883-5349  
E-mail: jloesch@upstatenybbb.org  
Web: www.upstatenybbb.org/complaints

### Oswego County

#### **New Justice Conflict Resolution Services**

John McCullough, Executive Director  
161B West First Street  
Oswego NY 13126  
Phone: 315-343-8370 Fax: 315-343-8369  
E-mail: jwmc@dreamscape.com

### Otsego County

#### **Mediation Services**

Barbara Potter, Executive Director  
48 Dietz St.  
Suite I-Front  
Oneonta NY 13820  
Phone: 607-433-1672 Fax: 607-433-0361  
E-mail: bpotter1@stny.rr.com  
Web: www.oneonta.edu/~msi

### Putnam County

#### **Dispute Resolution Center of Orange and Putnam Counties**

Roz Magidson, Executive Director  
51 Brewster Ave  
Carmel NY 10512  
Phone: 845-225-9555 Fax: 845-225-9568  
E-mail: rozm@drcservices.org

### Queens County

#### **Community Mediation Services**

*Queens Mediation Network (Jamaica - Main Office)*  
Robert Thaler, Director of Mediation Services  
89-64 163rd Street  
Jamaica NY 11432  
Phone: 718-523-6868 Fax: 718-291-5769  
E-mail: rthaler@adr-cms.org

#### *Queens Mediation Network: Bayside Satellite*

Robert Thaler, Director of Mediation Services  
Beacon Center at M.S. 158  
46-35 Oceania Street  
Bayside NY 11361

Phone: 718-523-6868 Fax:  
E-mail: rthaler@adr-cms.org

#### *Queens Mediation Network: Flushing Satellite*

Robert Thaler, Director of Mediation Services  
Beacon Center at JHS 189  
144-80 Barclay Avenue  
Flushing NY 11355

Phone: 718-961-6014 Fax:  
E-mail: rthaler@adr-cms.org

#### *Queens Mediation Network: Fresh Meadows Satellite*

Robert Thaler, Director of Mediation Services  
Beacon Center at JHS 216  
64-20 175th Street  
Flushing NY 11365

Phone: 718-445-6931 Fax:  
E-mail: rthaler@adr-cms.org

## New York State Community Dispute Resolution Centers

### **Rensselaer County**

#### **Mediation Matters**

Peter Glassman, Executive Director  
258 Broadway  
Troy NY 12180  
Phone: 518-687-0056 Fax: 518-687-0059  
E-mail: Peter@mediationmatters.org  
Web: www.mediationmatters.org

### **Richmond County**

#### **New York Center for Interpersonal Development**

Candace Gonzalez, Program Director  
130 Stuyvesant Place, 5th Fl.  
Staten Island NY 10301  
Phone: 718-815-4557 Fax: 718-876-6068  
E-mail: cgonzalez@nycid.org

### **Rockland County**

#### **Volunteer Counseling Services**

Myrnia Bass-Hargrove, Mediation  
77 South Main St.  
New City NY 10956  
Phone: 845-634-5729 Fax: 845-634-7839  
E-mail: mbasshargrove@volunteerounselingservice.org  
Web: www.planet-rockland.org/vcs

### **Saratoga County**

#### **Catholic Charities of Saratoga, Warren and Washington Counties**

Carol Kachidurian, Program Director  
480 Broadway, LL-32  
Saratoga Springs NY 12866  
Phone: 518-584-6361 Fax: 518-583-9659  
E-mail: mediate@albany.net

### **Schenectady County**

#### **Law, Order and Justice Center**

Laura Zeliger, Executive Director  
144 Barrett St.  
Schenectady NY 12305  
Phone: 518-346-1281 Fax: 518-346-1311  
E-mail: loj@capital.net

### **Schoharie County**

#### **Catholic Charities of Montgomery County**

Marsha Lawyer, Program Director  
795 East Main St  
Suite 5  
Cobleskill NY 12043  
Phone: 518-234-2568 Fax:  
E-mail: mediation@catholiccharitiesmc.org

### **Schuyler County**

#### **Community Dispute Resolution Center**

Judy Saul, Executive Director  
208 Broadway  
Montour Falls NY 14865  
Phone: 607-535-7637 Fax: 607-535-4443  
E-mail: saul@cdrc.org

### **Seneca County**

#### **Center for Dispute Settlement**

Andrew Thomas, Executive Director  
48 West Williams Street  
Waterloo NY 13165  
Phone: 315-539-4570 Fax: 315-539-4571  
E-mail: andrew@cdsadr.org  
Web: www.cdsadr.org

### **St. Lawrence County**

#### **Northern New York Centers for Conflict Resolution**

Kyle Blanchfield, Executive Director  
127 North Water St.  
Ogdensburg NY 13669  
Phone: 315-393-7079 Fax: 315-393-7081  
E-mail: nnyccrkb@westelcom.com

### **Steuben County**

#### **Center for Dispute Settlement**

*Bath Satellite*

Andrew Thomas, Executive Director  
22 Liberty Street  
2nd Floor  
Bath NY 14810  
Phone: 607-776-6976 Fax: 607-776-7226  
E-mail: andrew@cdsadr.org  
Web: www.cdsadr.org

*Hornell Satellite*

Andrew Thomas, Executive Director  
82 Main Street  
Hornell NY 14843  
Phone: 607-324-9887 Fax: 607-281-1283  
E-mail: andrew@cdsadr.org  
Web: www.cdsadr.org

### **Suffolk County**

#### **EAC**

Robyn Schneider, Division Director  
22 Lawrence Avenue, suite 200  
Smithtown NY 11787  
Phone: 631-265-0490 Fax: 631-265-0831  
E-mail: rschneider@eacinc.org  
Web: www.eacinc.org/community.htm

### **Sullivan County**

#### **Dispute Resolution Center of Orange and Putnam Counties**

Roz Magidson, Executive Director  
14 St. John Steet  
P.O. Box 786  
Monticello NY 12701  
Phone: 845-794-3377 Fax: 845-796-2913  
E-mail: rozm@drcservices.org

### **Tioga County**

#### **ACCORD, A Center for Dispute Resolution**

Richard Squire, Executive Director  
16 Court St., 2nd Floor  
P.O.Box 493  
Owego NY 13827  
Phone: 607-687-8222 Fax: 607-687-8266  
E-mail: rsquire@accordny.com

### **Tompkins County**

#### **Community Dispute Resolution Center**

Judy Saul, Executive Director  
120 West State St  
Ithaca NY 14850  
Phone: 607-273-9347 Fax: 607-275-9225  
E-mail: saul@cdrc.org

### **Ulster County**

#### **Dispute Resolution Center of Orange and Putnam Counties**

Roz Magidson, Executive Director  
25 Lucas Ave 2nd Floor  
Kingston NY 12401  
Phone: 845-331-6136 Fax: 845-331-6021  
E-mail: rozm@drcservices.org

### **Warren County**

#### **Catholic Charities of Saratoga, Warren and Washington Counties**

Carol Kachidurian, Program Director  
35 Broad St  
Glens Falls NY 12801  
Phone: 518-793-6212 Fax: 518-793-9499  
E-mail: mediate@albany.net

### **Washington County**

#### **Catholic Charities of Saratoga, Warren and Washington Counties**

Carol Kachidurian, Program Director  
35 Broad St  
Glens Falls NY 12801  
Phone: 518-793-6212 Fax: 518-793-9499  
E-mail: mediate@albany.net

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## New York State Community Dispute Resolution Centers

### Wayne County

#### **Center for Dispute Settlement**

*Wayne County CDS (Community Program)*

Andrew Thomas, Executive Director  
54 Broad Street, Room 304  
Hall of Justice  
Lyons NY 14489  
Phone: 315-946-5451 Fax: 315-946-5461  
E-mail: [andrew@cadsadr.org](mailto:andrew@cadsadr.org)  
Web: [www.cadsadr.org](http://www.cadsadr.org)

*Wayne County CDS (Family Program)*

Andrew Thomas, Executive Director  
54 Broad Street, Room 113  
Hall of Justice  
Lyons NY 14489  
Phone: 315-946-5451 Fax: 315-946-5461  
E-mail: [andrew@cadsadr.org](mailto:andrew@cadsadr.org)  
Web: [www.cadsadr.org](http://www.cadsadr.org)

### Westchester County

#### **CLUSTER**

Jenny Besch, Program Director  
20 South Broadway, Suite 501  
Box 1248  
Yonkers NY 10702  
Phone: 914-963-6500 Fax: 914-963-4566  
E-mail: [jenbesch@aol.com](mailto:jenbesch@aol.com)

### Wyoming County

#### **Better Business Bureau Foundation**

Julie Loesch, Director  
112 West State St.  
Olean NY 14760  
Phone: 716-373-5133 Fax: 716-373-3787  
E-mail: [jloesch@upstatenybbb.org](mailto:jloesch@upstatenybbb.org)  
Web: [www.upstateny.bbb.org/complaints](http://www.upstateny.bbb.org/complaints)

### Yates County

#### **Center for Dispute Settlement**

Andrew Thomas, Executive Director  
1 Keuka Business Park  
Penn Yann NY 14527  
Phone: 315-531-8413 Fax: 315-536-2389  
E-mail: [andrew@cadsadr.org](mailto:andrew@cadsadr.org)  
Web: [www.cadsadr.org](http://www.cadsadr.org)

## Definition of Terms

### ARBITRATION

Arbitration is a private, adversarial dispute resolution process in which an impartial neutral (the arbitrator) or panel of arbitrators hears arguments, weighs evidence and issues an award based on the merits after an expedited hearing. Arbitration can take any of the following forms:

**Voluntary Arbitration:** A private adversarial dispute resolution process in which the disputing parties choose one or more arbitrators to hear their dispute in an expedited hearing and to render an award that is final and binding on the parties. Arbitration offers the benefits of briefer presentations, less formal procedures, and quicker dispositions than the parties would experience in litigation.

**Compulsory Arbitration:** A non-binding, adversarial dispute resolution process that is identical to voluntary arbitration, except that the parties may reject the award and pursue a trial *de novo*.

**"Baseball" or "Final-Offer" Arbitration:** In this process, each party submits a proposed monetary award to the arbitrator, who chooses one of the proposed awards based on the merits of the presented case; the arbitrator does not modify the proposed award of the prevailing party. This technique limits the arbitrator's discretion and encourages parties to propose reasonable awards.

**"Night Baseball" Arbitration:** As with baseball arbitration, the parties propose monetary awards to the arbitrator; however, the arbitrator does not know the contents of the proposed awards. Rather, the arbitrator issues a separate monetary award and the proposed award that is closest to the amount in the arbitrator's decision becomes binding on the parties.

**"High-Low" Arbitration:** Prior to the arbitration hearing without informing the arbitrator, the parties establish a bounded range of awards. If the arbitrator's award falls within that range, then the arbitrator's award becomes binding on the parties; if the arbitrator's award is outside the range, then the parties will be bound to whichever of their proposals is closest to the arbitrator's award.

### CONCILIATION

Conciliation is a process through which parties resolve a dispute, with the assistance of an intermediary, without meeting face-to-face during the negotiations.

### FACILITATION

Facilitation is a process in which an impartial facilitator helps parties to communicate and to constructively organize their discussion. Facilitation may be a public or private process, and it is particularly helpful in meetings involving many participants. What distinguishes facilitation from other forms of assisted negotiation—such as mediation—is that the facilitator places little to no emphasis on negotiation or achieving a solution and instead focuses purely on facilitating communication among the parties.

### MEDIATION

Mediation is a confidential, informal procedure in which a neutral third party (the mediator or co-mediators) helps disputants communicate and negotiate. With the assistance of a mediator, parties identify issues, clarify perceptions and explore options for a mutually acceptable outcome. Although parties are not obliged to reach agreement during mediation,

the process frequently concludes with a written or verbal agreement and often improves the parties' relationship.

### **MULTI-OPTION ADR**

A multi-option ADR program offers disputants a variety of dispute resolution process options through which to resolve their dispute. Courts that have established multi-option ADR programs frequently offer parties a choice among the following: arbitration, mediation, neutral evaluation and summary jury trials.

### **NEUTRAL EVALUATION**

Neutral evaluation is an adversarial dispute resolution process in which a neutral third party with subject-matter expertise (the evaluator) hears abbreviated arguments and offers a non-binding evaluation of likely court outcomes in an effort to promote settlement. The neutral evaluator may also provide case planning guidance and settlement assistance with the parties' consent. This process often supplies parties and their attorneys with valuable information that helps them determine an appropriate settlement value for their case.

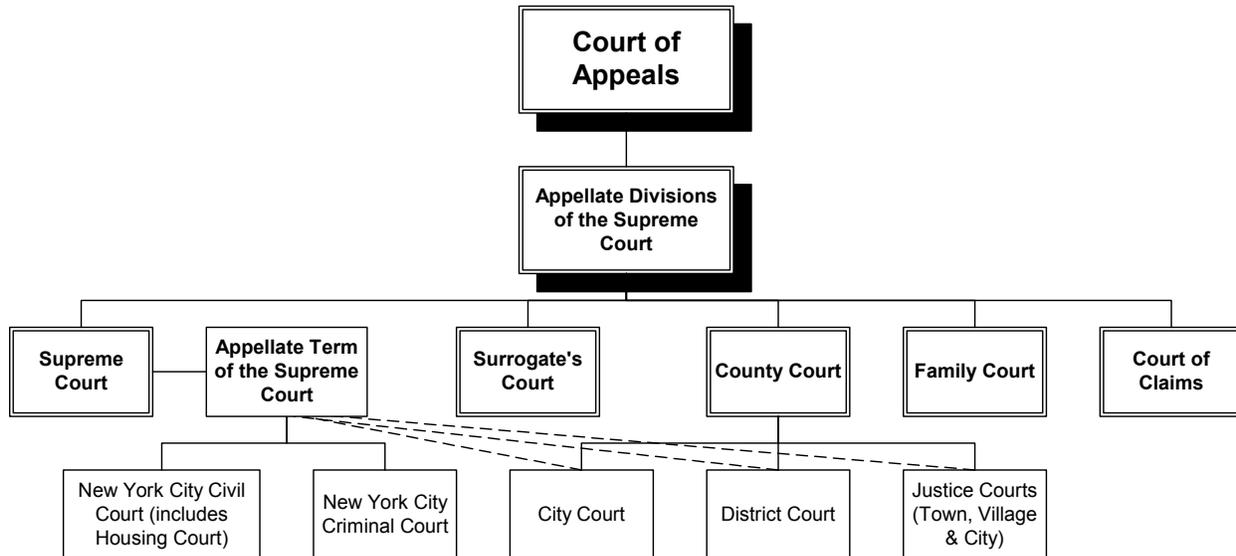
### **SUMMARY JURY TRIAL**

A summary jury trial is a process in which parties' attorneys present expedited versions of their cases before a "mock" jury that consists of people summoned to jury service who are not empanelled to serve on an actual jury. Summary jury trials include opening statements by each litigant's attorneys and a fixed time during which each side may present evidence to the jury. Attorneys are permitted to make brief summary remarks at the conclusion of their presentations. The summary jury then deliberates and returns an advisory verdict, which may include an expression of the damages the jury would award to the prevailing party.

Summary jury trials provide parties not only with an experience that resembles a "day in

court" but also with the likely court outcome that often fosters constructive settlement negotiations. This process also offers people summoned to jury duty a meaningful opportunity to serve their communities for a limited period of time.

## Structure of the Courts in New York State



### Statewide Trial Courts

#### ***County Court***

Although the County Court is primarily a trial court, in the Third and Fourth Departments it also has appellate jurisdiction over cases originating in City, Town and Village Courts. Appeals from the County Courts are generally heard in the Appellate Division.

#### ***Supreme Court***

The Supreme Court is the trial court of unlimited original jurisdiction, but it generally hears only cases that are outside the jurisdiction of other trial courts of more limited jurisdiction. It exercises its civil jurisdiction statewide. In New York City and some other parts of the state, it also exercises jurisdiction over felony charges.

#### ***Court of Claims***

The Court of Claims is a statewide court having jurisdiction over claims for monetary damages against the State.

#### ***Family Court***

The Family Court is established in each county and in the City of New York. It has jurisdiction over matters involving children and families. Its caseload consists largely of proceedings involving support of dependent relatives, custody and visitation, juvenile delinquency, child protection, persons in need of supervision, review and approval of foster care placements, paternity determinations and family offenses.

### ***Surrogate's Court***

The Surrogate's Court is established in every county and hears cases involving the affairs of decedents, including the probate of wills and the administration of estates. Family Court and Surrogate's Court have jurisdiction in adoption proceedings.

## **New York City Courts**

### ***New York City Civil Court***

The Civil Court of the City of New York has jurisdiction over civil cases involving amounts up to \$25,000 and other civil matters referred to it by the Supreme Court. It includes a small claims part for informal dispositions of matters not exceeding \$3,000 and a housing part for landlord-tenant matters and housing code violations.

### ***New York City Criminal Court***

The Criminal Court of the City of New York has jurisdiction over misdemeanors and violations. Judges of the Criminal Court also act as arraigning magistrates and conduct preliminary hearings in felony cases.

## **Courts Outside New York City**

### ***County Court***

The County Court is established in each county outside New York City. It is authorized to handle the prosecution of all crimes committed within the county although, in practice, arraignments and other preliminary proceedings on felonies and trials of misdemeanors and minor offenses are handled by courts of limited jurisdiction. The County Court also has limited jurisdiction in civil cases involving amounts up to \$25,000. In some counties outside of New York City, the County Court judge also functions as the Family Court judge or Surrogate or both. In these instances, the judge is referred to as a multi-hat judge.

### ***District Court***

District Courts have been established in Nassau County and the five western towns of Suffolk County. They have criminal jurisdiction over misdemeanors and lesser offenses and civil jurisdiction over claims of up to \$15,000 and small claims matters up to \$3,000.

### ***City Courts Outside New York City***

City Courts exist in 61 cities and have criminal jurisdiction over misdemeanors and lesser offenses and civil jurisdiction over claims of up to \$15,000. Some City Courts have separate parts to handle small claims or housing matters. City Court judges act as arraigning magistrates and conduct preliminary hearings in felony cases.

### ***Town and Village Courts***

Town and Village Courts have criminal jurisdiction over violations and misdemeanors and civil jurisdiction over claims of up to \$3,000. As magistrates, Town and Village Court justices hold arraignments and preliminary hearings for those charged with more serious crimes. Traffic infractions also are heard in these courts.

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