

## Community Dispute Resolution Centers Offer Alternative Resolution Services to New Yorkers



Presenters at the Mediation Settlement Day Kick-off Event: (L-R) Kenneth Andrichik, FINRA; Frontline Champion Award recipient Commissioner Timothy Germany, mediator, Federal Mediation and Conciliation Service; Honorary Chair Kenneth R. Feinberg; Julie Crotty, FINRA and Dan Weitz, Statewide ADR Coordinator for the NYS Unified Court System.

Photo credit: Ted Ermansons

Since 1981, the court system has partnered with local non-profit organizations known as Community Dispute Resolution Centers (CDRCs) to provide mediation services that help thousands of people across New York State resolve conflicts outside of the courtroom through mediation and other forms of dispute resolution including arbitration. CDRCs are an important resource for settling disputes ranging from housing to family matters and small claims. They offer neutral third-party mediation, which helps resolve disputes by having parties participate directly in the resolutions to their conflicts. Unlike judges or arbitrators, specially-trained mediators are not empowered to make decisions for people in conflict but rather facilitate resolution. "People are much more likely to follow through on something they come up with on their own," said Daniel Kos, Management Analyst in the court system's Office of Alternative Dispute Resolution.

Mediation is commonly used for child custody and other family matters, as well as housing disputes. For people with housing issues, CDRCs help ensure that tenants live in safe and secure homes, landlords can receive predictable income and communities can reduce homelessness. The most commonly mediated situations concern rental payment, property repair, maintenance and security deposits. Mediation works well for these types of cases because it allows parties to explore some of the issues that are under the surface, and can

**Mediation Settlement Day is an annual event celebrated in October around New York State and throughout the country to promote awareness about the kinds of resources available for those parties who seek to mediate their conflicts. The honorary chair of 2013's special kick-off Mediation Settlement Day event was Kenneth R. Feinberg, founder and managing partner at Feinberg, Rozen, LLP, who is perhaps best known for serving as the special master of the Federal September 11th Victim Compensation Fund of 2001.**

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lead to more durable agreements. The conflict is not treated as a transaction without a context, and both parties get something that is workable for them.

For those dealing with custody, parenting plans and child support issues, mediators help parents reach resolutions about how to share parenting time and responsibilities, where

*“Beyond the macro level, the main benefits of community mediation can be seen in the faces of those parties who successfully resolve their personal conflict by relying on the skills and expertise of the thousands of professionally-trained community mediators in New York State.”*

*Mark Collins, Assistant Coordinator of the Office of Alternative Dispute Resolution*

appropriate, and handle child support, as well as modify these arrangements. Mediators deal with many more types of families now than they have before—with unmarried partners, grandparents raising children and other nontraditional arrangements more common. The mediation process, which allows for natural discussion, works well. “Parents feel more empowered to make decisions for their children and therefore more vested in the process. Mediation is both expeditious and empowering,” said Sherry Walker-Cowart, president and CEO of the Center for Dispute Settlement in Rochester, New York.

“Mediation agreements have a high rate of compliance predominantly because the parties are actively involved in constructing those agreements,” said Mark Collins, assistant coordinator of the courts’ Office of Alternative Dispute Resolution. Any New York State resident may use the services of CDRCs in their area, whether or not they have a case pending in court.

“When it works well, mediation takes the burden off the court system and saves the client time and money,” said Brad Heckman, Director of the NY Peace Institute, one of the nonprofit agencies that receives funding through the CDRC program. “But the real savings are incalculable. No matter what side of the table you are on, you leave feeling you have won.”

A successful mediation is concluded with an opportunity for both parties to summarize where things are, which may result in a verbal agreement or a written agreement, if the parties so choose. In court-referred cases, a drafted written agreement is typically signed by the parties and submitted to and reviewed by the referring judge for approval as an Order.

#### Community Dispute Resolution Centers in New York State

- 75% of the cases conciliated, mediated and arbitrated at CDRCs in 2013 resulted in an agreement or final decision.
- 17 days is the average time that it takes to resolve a case, from the first intake conversation with CDRC staff to completion.
- 88% was the agreement rate for family matters and 85% for housing matters from 2010-2011.