

CIVIL COURT OF THE CITY OF NEW YORK

CHIEF CLERK’S MEMORANDUM

Subject: Presumptive Mediation in Kings County
Small Claims Matters

Class: CCM-207
Category: SC-10
Eff. Date: May 6, 2019

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BACKGROUND:

Consistent with the goals of Chief Judge DiFiore’s Excellence Initiative and commitment to alternative dispute resolution, the Civil Court of the City of New York has been developing new ways to use mediation services to achieve early resolution of its cases and, thereby, reduce use of court resources. To that end, the Civil Court and the New York Peace Institute have partnered to develop a Small Claims presumptive mediation program that will begin in Kings County Civil Court commencing May 6, 2019.

PROCEDURE:

Under this program, ten (10) pre-screened cases per week will be scheduled for mediation appointments with the Peace Institute. When a litigant appears at the Small Claims counter, the following will occur:

STEP 1—Screening:

- Small Claims clerk will review claim to ensure that both claimant and defendant are individuals (no businesses, DBA’s, etc.).
- Small Claims clerk will review claim to ensure that both claimant’s and defendant’s telephone numbers are available.
- Small Claims clerk will review claim to ensure that the dispute does not deal with:
 - 1) nonpayment of rent
 - 2) return of security deposit
 - 3) an automobile-related issue (property damage, warranty, etc.)

STEP 2—Scheduling:

- If the case meets the above criteria, the claimant will be advised that their case has been selected for mediation.
- Once ten (10) pre-screened cases have been selected for the week, Small Claims clerk will process any new filings using the standard protocols.
- The selected cases will be given a Small Claims appearance date and time approximately four (4) weeks from the filing date.
- Small Claims clerk will pick a mediation date and time two (2) weeks from the Small Claim filing date based on mediation appointment times provided by the Peace Institute. (All mediation will occur at the Peace Institute’s Brooklyn office.)

- Claimant will be given Small Claims receipt along with a Peace Institute referral form. The referral form will include a brief description of the mediation process, the mediation date/time, the court date/time, and the Peace Institute address and contact information.
- A copy of the same referral will be mailed to the defendant with the Notice of Claim.
- A copy of the claim and referral will be scanned to the Peace Institute at end of the day.
- The Peace Institute will contact the parties and attempt to bring them together to mediate the claim.

If mediation is successful, a Stipulation of Settlement will be provided to the court by the Peace Institute prior to the court date and parties will not make an appearance. The Stipulation of Settlement will be placed in the case's file and the case will be marked "settled." If mediation is unsuccessful, or litigants opt out, the parties will be advised to appear on their court date.

Dated: May 3, 2019

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Alia A. Razzaq
Chief Clerk