

CIVIL COURT OF THE CITY OF NEW YORK

DIRECTIVES AND PROCEDURES

Subject: Mandatory Consumer Credit Mediation
in New York County

Class: DRP-177
Category: GP-10
Eff. Date: March 12, 2007

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BACKGROUND

A large portion of the filings in the Civil Part are consumer credit transactions. Many of these actions are for less than \$10,000. Once calendared these disputes often settle.

Currently, in New York County, these cases are being scheduled for a pre-arbitration conference date over eight months away. In order to facilitate the efficient processing of these actions, we are creating a mandatory Mediation Part in New York County, which will replace the pre-arbitration conference, for those consumer credit transactions where the answer suggests that money is owed and a settlement is sought.

DIRECTIVE

Upon the filing of an Answer in Person in a consumer credit case for less than \$10,000, where the defenses suggest money is owed and a settlement is sought, the Clerk is directed to place the action on the mandatory Mediation Calendar within 15 days.


The cases will be assigned to Part 3-M. Cases will be scheduled for Fridays, and the calendar will be set for 10:00 A.M. Dates may be added depending on case volume.

The Mediation Part is a mandatory appearance part. Failure to appear by the plaintiff may lead to dismissal, and failure to appear by the defendant may allow the entry of a judgment on default. When the parties appear, an experienced mediator will assist them in reaching a mutually satisfactory resolution to their dispute.

An attorney that appears without a client must be familiar with the facts of the case, and must be able to contact that client during the course of the mediation.

If the parties reach an agreement during mediation, the written stipulation of settlement shall be reviewed and allocuted by the presiding Civil Court Judge in the PA Part. Unresolved cases will proceed in the usual course to the Arbitration Calendar for a hearing within 15 days, unless (1) the parties agree to continue their mediation on an adjourned date; or (2) there are outstanding discovery matters. If there are outstanding discovery matters, the Civil Court Judge presiding over the Mediation Part shall ensure that such matters are resolved before sending the case to the Arbitration Calendar. Unresolved cases that originate in Part 3-M but are not yet ready for arbitration shall be placed on the Part 11-M calendar until discovery is complete.

Date 2/21/07



Fern A Fisher
Administrative Judge