



PRESS RELEASE

**New York State
Unified Court System**

**Hon. Lawrence K. Marks
Chief Administrative Judge**

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New ADR Initiative Aims to Reduce Case Delays and Enhance Access to Justice

New York – Chief Judge Janet DiFiore and Chief Administrative Judge Lawrence K. Marks today announced a plan to revitalize the court system’s commitment to Alternative Dispute Resolution, building upon the framework of the courts’ existing statewide programs. The new plan will promote the goals of the Chief Judge’s Excellence Initiative by helping to eliminate case backlogs and enhancing the quality of justice.

Alternative dispute resolution (ADR), comprising mediation, arbitration, neutral evaluation and collaborative law, among other approaches, has proven a meaningful, efficient and cost-effective way to resolve disputes in appropriate cases. It is generally confidential, less formal and less stressful than traditional court proceedings. ADR, and particularly mediation, can provide parties with greater opportunities to be more fully heard. ADR can also help parties gain insight into the strengths and weaknesses of their case in deciding whether to proceed with litigation.

The court system, through its ADR Office, collaborates with trial courts and Community Dispute Resolution Centers to offer parties access to free or reduced-fee ADR services in a wide range of disputes, from small claims to family matters to complex business disputes. The office also conducts ADR trainings, approves trainers and training programs, and supports courts in maintaining rosters of ADR practitioners, among other responsibilities.

Typically, parties are referred to these services by the judge handling the case, with ADR services provided by trained volunteer mediators on court rosters, or by court staff, depending on the program. While the court system's ADR Program has grown over the years, with thousands of New Yorkers obtaining referrals to and benefiting from ADR services, ADR continues to be an underutilized mechanism for resolving disputes and moving cases forward in the civil justice process.

The initiative launched today will work to expand the use of ADR within the courts, with a focus on early resolution of civil disputes, provided they are deemed suitable for the ADR process. To assist in and guide this statewide undertaking, Judge DiFiore and Judge Marks today also announced the formation of an Advisory Committee on ADR, led by John S. Kiernan, a senior litigation partner at Debevoise & Plimpton LLC and outgoing president of the New York City Bar Association. This expert group of judges, lawyers, ADR practitioners and academics will examine the services currently accessible within the court system and make recommendations for improvement and expansion.

Among the existing programs is an early mediation pilot in New York County targeting certain contractual disputes that follows the "presumptive ADR" model (with a choice to opt out of the program in appropriate cases), in which parties must participate in mediation or some other form of ADR before the case can proceed in court. This ADR model, which does not require a judge's referral and has been successfully implemented in other jurisdictions, will be expanded to other courts and categories of cases.

The Advisory Committee will evaluate ADR practices and programs in place in courts around the country in its efforts to help fortify the court system's existing ADR programs, extend the range of ADR services, and facilitate the utilization of mediation and other forms of alternative dispute resolution in civil legal matters, where suitable.

"Though not a substitute for the court process, alternative dispute resolution, if used appropriately, can serve as a supplement to an effective, efficient civil justice system. We have made steady progress in bringing alternative dispute resolution into the mainstream, yet we must do more if it is to become an integral part of our court culture and civil justice process. I am thankful to the outstanding chair of our new Advisory Committee on ADR, John Kiernan, the advisory group's distinguished members, and the hardworking staff of the court system's ADR

Office, for their dedication toward these goals, which are critical to advancing the delivery and quality of justice in New York,” said Chief Judge DiFiore.

“Mediation, along with other forms of ADR, has high rates of success, allowing parties to focus on the issues of their dispute and helping preserve relationships, among cost-saving and other benefits. A valuable case-management tool, ADR must play a greater role in the court system’s efforts to expedite cases and enhance access to justice. The initiative announced today will lead to expansion of ADR in the Supreme Court, lower civil courts, Family Court and Surrogate’s Courts. I look forward to working with the committee and the court system’s ADR Office toward that end, as we strive to maximize the efficiency of court operations and better serve the justice needs of New Yorkers,” said Chief Administrative Judge Marks.

“Litigation of civil disputes often costs too much and takes too long to be affordable by the parties, and inefficiency in resolution of disputes contributes to overburdened court dockets that place enormous demands on limited judicial system resources. The new Advisory Committee, focusing on possible alternative mechanisms for resolving civil disputes that are less expensive and faster than conventional litigation, will strive to enhance access to affordable justice, and save parties and courts time and money in achieving settlements or decisions, consistent with the Chief Judge’s Excellence Initiative,” said John Kiernan.

The roster of the new Advisory Committee on ADR follows.

Advisory Committee on ADR

Chair

John Kiernan
President, New York City Bar Association
Senior Litigation Partner, Debevoise & Plimpton LLC

Members

Simeon H. Baum
President, Resolve Mediation Services, Inc.

Sasha A. Carbone
Associate General Counsel, American Arbitration Association

Alexandra Carter
Professor and Director, Edson Queiroz Foundation Mediation Program, Columbia Law School

Hon. Anthony Cannataro
Administrative Judge, New York City Civil Court

Hon. Michael Coccoma
Deputy Chief Administrative Judge, Courts Outside New York City

Hon. Andrew A. Crecca
Supervising Judge, Matrimonial Matters, Suffolk County

Antoinette Delruelle
Senior Staff Attorney, Mediation Project

Hon. Paula Feroletto
Administrative Judge, Eighth Judicial District

Adrienne Holder
Attorney-in-Charge, Civil Practice, Legal Aid Society

Elena Karabatos
President-Elect, Nassau County Bar Association
Partner, Schlissel Ostrow Karabatos

Michele Kern-Rappy
Senior Settlement Coordinator, Supreme Court, New York County

Daniel Kolb
Senior Counsel, Davis Polk & Wardwell

Lela Porter Love
Director, Kukin Program for Conflict Resolution, Benjamin N. Cardozo School of Law

Hon. Rita Mella
Surrogate, New York County

Hon. Edwina Mendelson
Deputy Chief Administrative Judge for Justice Initiatives

Charles J. Moxley, Jr.
Principal, Moxley ADR LLC

Rebecca Price
Director, ADR Program, U.S. District Court for the Southern District of New York

Sarah Rudgers-Tysz
Executive Director, Mediation Matters

Hon. Brandon Sall
Surrogate, Westchester County

Paul Sarkozi
Partner, Tannenbaum Helporn Syracuse & Hirschtritt LLP

Hon. Saliann Scarpulla
Supreme Court, New York County, Commercial Division

Hon. Jeffrey S. Sunshine
Supervising Judge, Matrimonial Matters, Kings County

Daniel M. Weitz
Director, Professional and Court Services, New York State Office of Court Administration

Adviser
Lisa Courtney
Statewide ADR Coordinator, New York State Office of Court Administration

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