

ALTERNATIVE DISPUTE RESOLUTION

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What is Alternative Dispute Resolution (ADR)?

Alternative dispute resolution (ADR) refers to a variety of processes that help parties resolve disputes without a trial. Typical ADR processes include [mediation](#), [arbitration](#), [neutral evaluation](#), and [collaborative law](#). These processes are generally confidential, less formal, and less stressful than traditional court proceedings.



What are some other advantages of ADR?

ADR often saves money and speeds settlement. In ADR processes such as mediation, parties play an important role in resolving their own disputes. This often results in creative solutions, longer-lasting outcomes, greater satisfaction, and improved relationships.



How can I use ADR to resolve my dispute?

The New York State Unified Court System offers parties access to free or reduced-fee mediation and other ADR services in family law, general civil and commercial law disputes. These services are available in many [courthouses](#) and in the [Community Dispute Resolution Centers](#) located in almost all of New York State's 62 counties.

Reduced-fee collaborative divorce and mediation services may also be available to eligible couples in the New York City area through the court-sponsored [Collaborative Family Law Center](#).



Definitions of ADR Processes

Arbitration: a neutral person called an "arbitrator" hears arguments and evidence from each side and then decides the outcome. Arbitration is less formal than a trial and the rules of evidence are often relaxed. In *binding arbitration*, parties agree to accept the arbitrator's decision as final, and there is generally no right to appeal. In *nonbinding arbitration*, the parties may request a trial if they do not accept the arbitrator's decision.

Case Conferencing: in case conferencing, a judge or the judge's representative meets with the parties

and their attorneys to try to settle some or all of the issues in dispute before going to trial. Parties' participation is limited, and the focus is on narrowing the issues in dispute.

Collaborative Family Law: Collaborative Family Law gives divorcing couples a way to end their marriage respectfully, without going to court, while offering them the support, guidance and protection of their own, specially-trained lawyers. If either spouse decides to go to court, both spouses must hire new lawyers. This motivates everyone involved to continue working toward a mutually agreeable resolution. Collaborative Family Law may also involve other professionals. Collaborative Family Law may not be appropriate for couples with a history or fear of domestic violence, or where one spouse cannot locate the other. [Learn more about Collaborative Family Law](#).

Mediation: a neutral person called a "mediator" helps the parties try to reach a mutually acceptable resolution of the dispute. The mediator does not decide the case, but helps the parties communicate so they can try to settle the dispute themselves. Mediation may be particularly useful when family members, neighbors, or business partners have a dispute. Mediation may be inappropriate if a party has a significant advantage in power or control over the other.

Neutral Evaluation: a neutral person with subject-matter expertise hears abbreviated arguments, reviews the strengths and weaknesses of each side's case, and offers an 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.

Parenting Coordination (PC): a child-focused process in which a trained and experienced mental health or legal professional called a "parenting coordinator" assists high-conflict parents to carry out their parenting plan. With prior approval of the parties and the court, the parenting coordinator may make decisions within the scope of the court order or appointment contract. The purpose of Parent Coordination is to help parents resolve conflicts regarding their children in a timely manner and try to promote safe, healthy, and meaningful parent-child relationships.

Summary Jury Trials (SJT): In this adversarial dispute resolution process, each side presents its case in a shortened form to a jury. The jury then makes a decision, which is advisory only, unless parties request that it be a binding decision. A summary jury trial gives parties a preview of a potential verdict should the case go to trial. SJTs are available in limited jurisdictions.



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ADR Programs

The NYS Unified Court System is committed to promoting the appropriate use of [mediation](#) and other forms of [alternative dispute resolution](#) (ADR).

That commitment is reflected in the types of ADR programs described below that aim to help New Yorkers resolve conflicts in a peaceful and meaningful way.

Community Dispute Resolution Centers Program: Community Dispute Resolution Center services are available throughout New York State and offer an alternative to formal court proceedings. Every year, this nationally recognized model program helps New Yorkers to resolve parenting and family, neighbor, housing, elder care, small claims, and other kinds of disputes. For more information about this program, click on our most recent [Annual Report](#).

Court-Connected ADR Programs: Mediation and other forms of ADR are available in many courts throughout New York State to help litigants resolve their disputes without a trial.

Attorney-Client Fee Dispute Resolution Program: The statewide Fee Dispute Resolution Program (FDRP) was established to resolve attorney-client disputes over legal fees through arbitration (and in some cases mediation).

Collaborative Family Law Center: The Collaborative Family Law Center connects qualifying couples in New York City to specially-trained lawyers and other professionals to help them get divorced without going to court.

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About Us

The Office of Alternative Dispute Resolution oversees:

- [Court-Connected ADR Programs](#)
- [Community Dispute Resolution Centers Program](#)
- [Attorney-Client Fee-Dispute Resolution Program](#)
- [Collaborative Family Law Center](#)
- [Mediator Ethics Advisory Committee](#)
- [Agricultural Mediation Program](#)
- [Children's Centers Program](#)

ADR Staff work with judges, court administrators, and bar leaders throughout New York State to design appropriate dispute resolution programs that respond to the needs of local communities and courts. We also work closely with non-profit organizations in administering the state-wide [Community Dispute Resolution Centers Program](#), which provides a community-based forum to resolve disputes that might otherwise become civil, family and criminal court cases. Our staff periodically coordinates programs for mediators, attorneys, judges, other court staff and members of the public.

If you want to learn more about ADR, feel free to check out the list of [ADR web sites](#) we thought might be of interest. These links will lead you off the Unified Court System's web site.

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Court-Connected ADR Programs

If you are involved in a conflict or dispute, [alternative dispute resolution](#) (ADR) may be right for you. ADR refers to a variety of out-of-court processes that resolve conflict peacefully and promote creative solutions.

About Mediation

Free or Low-Cost Mediation

Divorce and ADR

Agricultural Mediation

Mediation and Cases Already in Court

Court-Based Mediation Programs in Your Area

Attorney-Client Fee Dispute Resolution Program

Questions about ADR

About Mediation

Mediation is one of the more popular forms of [alternative dispute resolution](#) (ADR).

In mediation, a person called a “mediator” helps people in a dispute to communicate with one another, to understand each other, and if possible, to reach agreements that satisfy everyone’s needs. The mediator does not take sides or decide who was right or wrong in the past. The mediator helps people focus on the future and make their own decisions.

Mediation often improves communication, saves people time and money, and leads to longer-lasting agreements.

Mediation can be especially effective in family, neighbor, and business conflicts or where the individuals involved want to preserve their relationship.

Mediation may not be appropriate or safe in cases involving a history or fear of domestic violence.



Free or Low-Cost Mediation

Free or low-cost mediation and other ADR services are offered through not-for-profit [Community Dispute Resolution Centers](#) (CDRCs). CDRCs handle disputes between parents, parents and children, families and schools, landlords and tenants, neighbors, roommates, consumers and merchants, business partners, and others.

CDRCs operate in 62 New York Counties and help nearly a hundred thousand New Yorkers a year.



Divorce and ADR

If you are thinking of getting divorced, you may want to consider divorce mediation or Collaborative Family Law.

These alternative dispute resolution (ADR) processes often reduce the stress, trauma, and expense of divorce on children and families.

If you live in New York City, you may be eligible for a limited number of free or reduced-fee divorce mediation or collaborative family law sessions. Please note that these processes are not appropriate in cases involving domestic violence, child abuse, or where one spouse cannot locate the other. For more information, send an email to collablaw@courts.state.ny.us.

If you already have a divorce case in court, and you and your spouse need help to resolve a parenting dispute (custody and visitation), you may ask to be referred to a free, court-employed, mental health professional. These staff professionals -- sometimes referred to as Family Counseling and Case Analysts or social workers -- may be able to help you and your spouse reach agreement on parenting issues. They can also connect you with other community resources as well.

You may also ask court staff for referral to a reduced-fee, Court-Connected Mediation Program, if one is available in your county.



Agricultural Mediation

For disputes or problems related to farming or agriculture, or if you are a farmer, contact the New York State Agricultural Mediation Program.



Mediation and Cases in Court

If you have a case already in court, you may want to discuss mediation and other alternative dispute resolution (ADR) options with your lawyer. If you need help finding a lawyer, you may want to visit CourtHelp or call your local bar association.

If you don't have a lawyer and you are interested in resolving your dispute through mediation, ask court staff for a referral. Free or reduced-fee mediation services may be available in the courthouse where you have a case or through your local CDRC.



Court-Based Mediation Programs in Your Area

Learn more about court-based mediation programs in your area	
<u>New York City</u> (Bronx, Brooklyn, Manhattan, Queens, Staten Island)	<u>Outside New York City</u>



Attorney-Client Fee Dispute Resolution Program

If you are having a dispute with your lawyer over fees, court rules allow clients to resolve their disputes through arbitration. To learn more, visit the Attorney-Client Fee Dispute Resolution Program.




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Attorney-Client Fee Dispute Resolution Program

Overview

22 NYCRR § 137

[Fee Dispute Brochure](#) 

This website is designed to educate the public about the FDRP. This site contains information to assist clients and attorneys in making decisions about the program.

The New York State Court System has established a Statewide Fee Dispute Resolution Program (FDRP) to resolve attorney-client disputes over legal fees through arbitration (and in some cases mediation).

In general, a lawyer may not sue a client in court over a fee dispute unless he or she first provided the client with notice of the right to utilize the FDRP. Once the client has received this notice, he or she has 30 days to decide whether to use the FDRP. If the client doesn't choose to participate in the FDRP within 30 days, the lawyer is free to pursue the matter in court.

Fee dispute resolution services are provided by local programs throughout New York. To find out which local program has jurisdiction over your fee dispute first identify the county in which the majority of the legal services in the case were performed. This is usually (but not always) the county where the lawyer's office is located. Then click on the [local program's page](#) and download the local program's rules and forms there.

Please note that the FDRP's jurisdiction is limited to resolving attorney-client disputes over legal fees.

The FDRP cannot address claims of lawyer misconduct. In New York, the conduct of attorneys is governed by the Appellate Divisions of State Supreme Court and the Disciplinary and Grievance Committees appointed by the respective Appellate Division.

[Get more information on the Grievance Committees.](#)

The FDRP cannot address claims of lawyer malpractice. If you are a client and you believe that your attorney committed malpractice in your case, you should not utilize the FDRP because it is possible that an arbitration decision against you with regard to the fee dispute could adversely affect your ability to pursue malpractice in court at a later date.

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Become a Mediator/Arbitrator

Interested in Becoming a Mediator?

One of the best ways to get training and experience is to volunteer as a community mediator. Community mediation programs offer both quality training and the opportunity for a supervised apprenticeship. Contact your local [Community Dispute Resolution Center](#) to find out about requirements and application procedures. Visit the [Training/Events](#) section of our website to view upcoming training opportunities.

There are other alternative dispute resolution (ADR) organizations that provide training in mediation and other ADR processes. You can find out more about these organizations from our [links](#) page. Another particularly helpful resource is the [Tips for Becoming a Mediator in New York City](#) site administered by John Jay College of Criminal Justice.

Court-based mediation rosters generally require a combination of mediation training and experience. [Find out how to join a particular court roster](#). Please review the [Guidelines for ADR Neutrals Serving on Court Rosters](#) before you apply.

Please note that New York State does not "certify" mediators. Mediators who volunteer for CDRCs or belong to ADR member organizations may be certified to mediate *only through the particular CDRC or member organization*.

Interested in Becoming a Arbitrator?

Court-based arbitration rosters require varying levels of training and experience. Arbitration training is offered for voluntary arbitration cases in Civil, City, District, Town and Village Courts, for non-binding arbitration in civil and small claims cases under [Part 28 of the Rules of the Chief Administrator](#), and for voluntary binding arbitration cases in Nassau County Supreme Court. Arbitration training is also available for cases involving attorney-client fee disputes over legal fees through the [Part 137 Attorney-Client Fee Dispute Resolution Program](#), administered locally through bar associations and district administrative judges' offices.

To learn how to become an arbitrator with the Part 137 Attorney-Client Fee Dispute Resolution Program, [click here](#).

Training is also offered by many private arbitration providers and organizations, such as the American Arbitration Association, Better Business Bureau Autoline Arbitration, JAMS and FINRA.

You can find out more about these programs through our [links page](#).

[Community Dispute Resolution Centers](#) (CDRCs) provide arbitration training for cases involving consumer disputes over new or used vehicles ("Lemon Law" Program). Contact your local [CDRC](#) to learn more.

In New York City, the Small Claims Arbitrators Association offers training programs and [information on volunteer opportunities with the Small Claims Part of the Civil Court of the City of New York](#).