



*The Women's Bar Association
of the State of New York*

presents

*Convention 2025
Continuing Legal Education Series*

Updates on ADR in the New York Courts

May 17, 2025
10:00 am - 11:00 am

Presenters: Amy DiFranco, Esq.
Bridget O'Connell, Esq.
Jamie L. Smith, Esq.



Updates on ADR in the NY Courts

WBASNY Convention

May 17, 2025

Presenters

Amy L. DiFranco, Esq. – ADR Coordinator 7th Judicial District

Jamie L. Smith, Esq. – ADR Coordinator 6th Judicial District

Bridget M. O'Connell, Esq. MSW – Division of ADR, Regional ADR Coordinator – Districts 5,6,7,8 & Court of Claims

Objectives

- Review Part 160 of the Rules of the Chief Administrative Judge
- Review the ADR Administrative Structure in the NYS Courts
- Meet ADR Coordinators and hear about some ADR programs
- Discuss best practices for introducing ADR to clients
- Consider skills that both ADR participants and providers can use

Rules and Standards



[Mediator Standards of Conduct](#)



[Part 60 of the Rules of the Chief Judge](#)



[Part 160 of the Rules of the Chief Administrative Judge](#)

Part 160 Rules of the Chief Administrative Judge

- Refer to appropriate ADR process, early
- Focus on mediation
- Enable opt outs
- Provide for confidentiality and exceptions
- Develop local ADR Rules
- **Continue with settlement conferences**

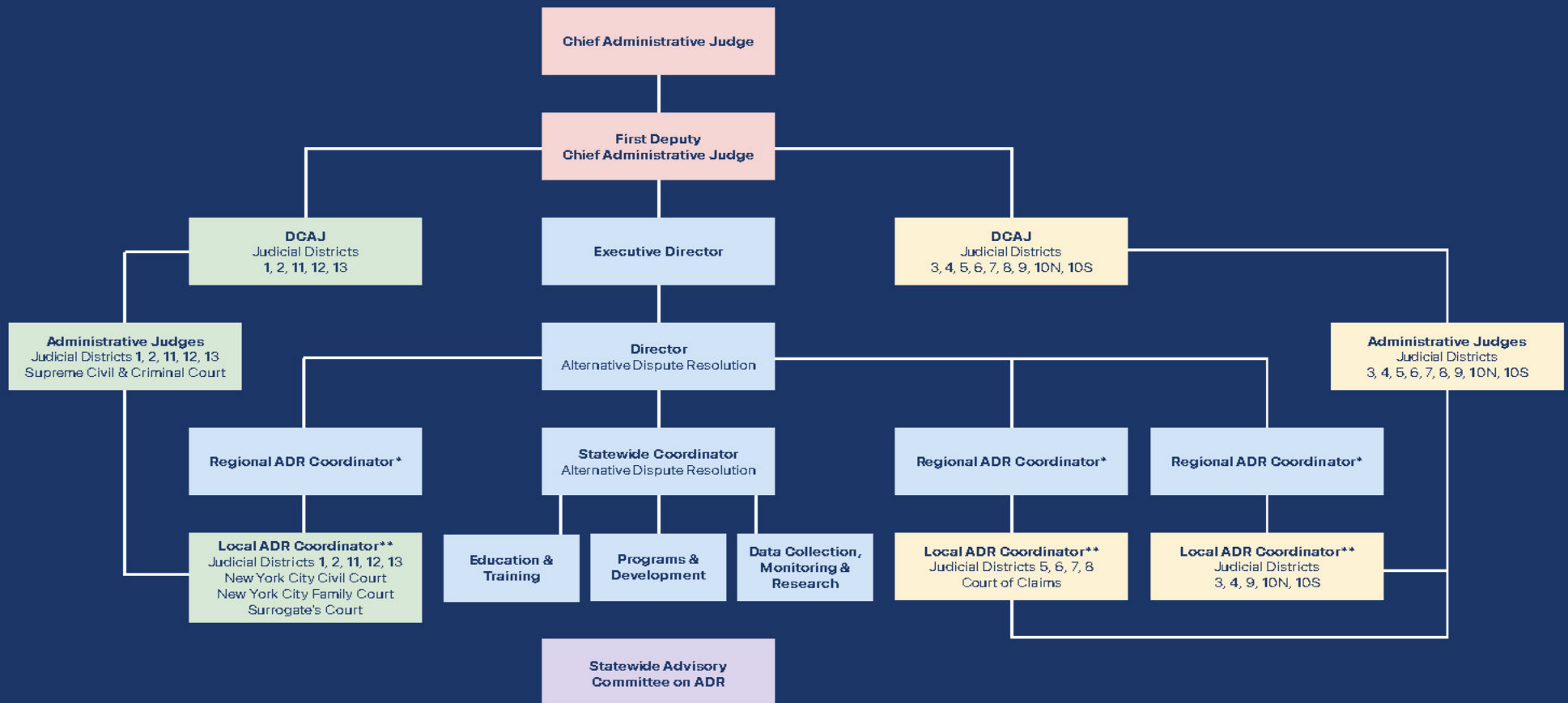
Division of ADR

- Education and Training
- Programs and Development
- Data Collection, Monitoring and Research



New York State Unified Court System
Alternative Dispute Resolution
Statewide Structure

2/25/25





ADR Coordinators/Contacts

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ADR Coordinators

Local ADR Coordinators

- Oversee and administer local district ADR programs
- Represent and report on programs
- Offer case management and monitoring in certain courts
- Serve as local ambassadors
- Organize and guide local stakeholders

Regional ADR Coordinators

- Team leaders providing support, and collaborating on program design with local ADR coordinators
- Involved in statewide cross-court projects
- Work to align ADR with other court priorities

Statewide Advisory Committee on ADR

The Committee's expert group of judges, lawyers, ADR practitioners and academics are charged with examining the services currently accessible within the court system and making recommendations for improvement and expansion.

Co-Chairs

The Hon. Doris M. Gonzalez,

The Hon. Joseph E. Lamendola and

John Kiernan, Of Counsel, Debevoise & Plimpton LLP

Common Types of ADR

- **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.
- **Settlement Conferencing:** a judge or the judge's representative (including dedicated court staff in specific programs) meets with the parties and/or their attorneys to try to settle some or all the issues in dispute before going to trial.
- **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.
- **Arbitration:** a neutral person called an "arbitrator" hears arguments and evidence from each side and then decides the outcome.
- **Restorative Justice:** a process meant to address an incident of harm, or other dispute, in which stakeholders collectively identifies and addresses impact, needs and obligations, and create an action plan to move forward.

Why Mediate

- Results in strong outcomes for children and families
- Can reduce future need for modification and noncompliance petitions
- Improves litigants' perception of the courts
- Preserves Judicial Resources
- Expands the conversation beyond legal issues
- Prevents unnecessary litigation expenses

Mediation and other types of ADR may also be appropriate in other types of Family Court matters – this is just the focus for today.
Talk to your ADR Coordinator!!

ADR Providers



Judges conference matters to help find resolution and avoid litigation



Many ADR programs have dedicated Court Staff serving as ADR neutrals



Part 146-Trained Roster Neutrals are outside professionals who conduct ADR for trial court rosters, offering a certain amount of free time



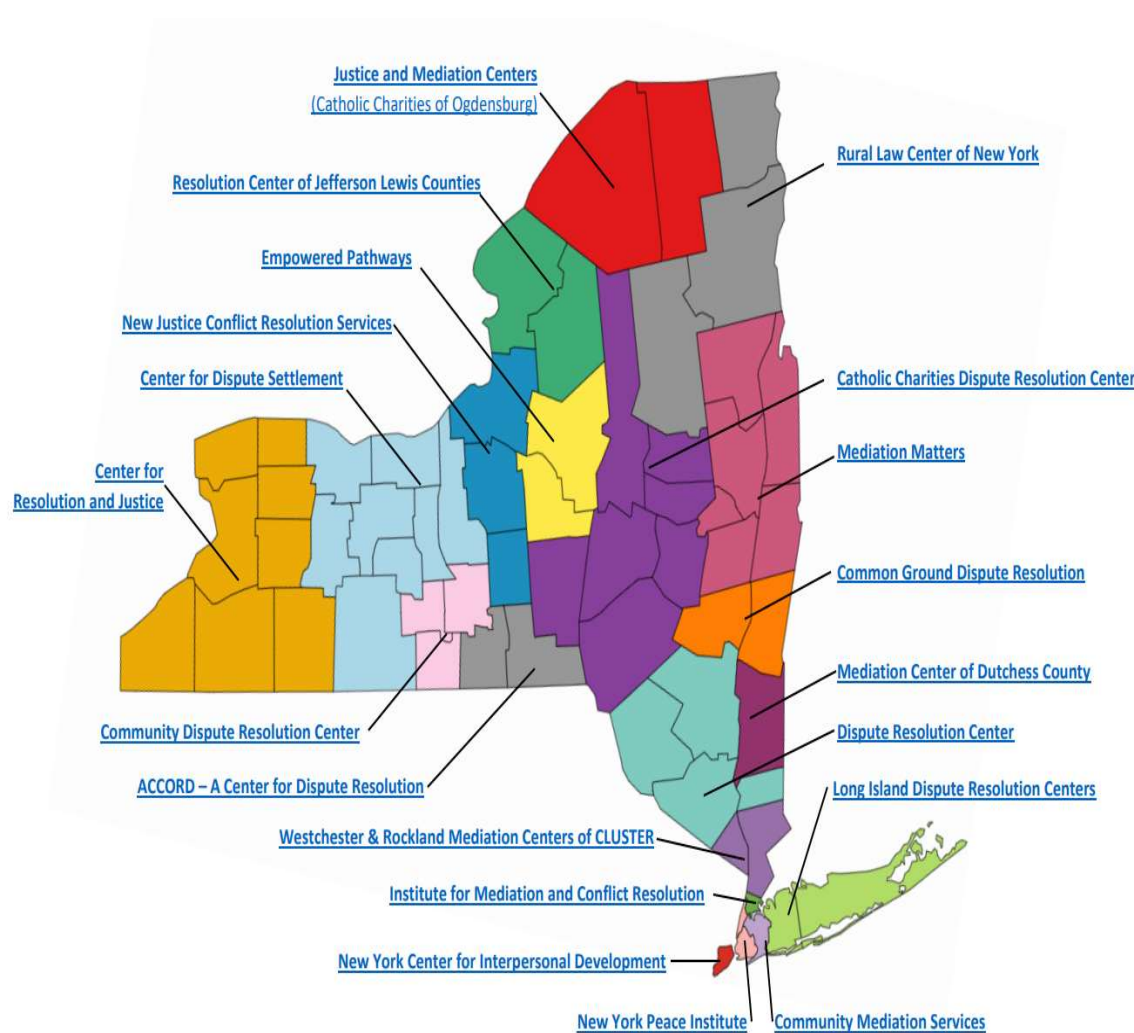
Community Dispute Resolution Centers, court-funded non-profits, rely on specially trained staff and community members



Some courts utilize trained Law/Grad School students who work with ADR clinical professors to mediate cases

Community Dispute Resolution Centers

- Statewide network of court-funded non-profits, rely on specially trained staff and community members
- Statewide network of nonprofit organizations providing dialogue and dispute resolution services





Local Highlights

Opening the door to ADR

- Start at Intake
- Attorney input influences process decisions including use of ADR
- Consider Goals
- Share experiences with neutral providers
- Trial Court Rules



Skill: Looping

- Use Name
- Meta Comment
- Emotion and Content
- Stay close to Language
- Order by Intensity
- Match Tone and Pace
- Check in – did I get that right?

Thank You!!

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TOP REASONS TO CONSIDER MEDIATION

- Mediation gives parties a meaningful process for coming up with a solution to the conflict that maximizes their interests and best meets their needs.
- Parties are more likely to keep agreements reached through mediation.
- Where parties are likely to have an ongoing relationship, there is a greater chance that the parties can maintain a positive relationship because mediation can: (a) resolve underlying issues that could not be considered by a court; and (b) provide for a future dispute resolution mechanism that parties can use should a future problem arise.
- Disputes can be resolved earlier and at less cost to the parties than traditional adversarial litigation.
- Court costs and time associated with scheduling subsequent conferences and trial preparation can be avoided.
- A judge's asking about mediation removes the fear many lawyers have in appearing to have a weak case if they are the first to suggest mediation to opposing counsel.
- Even if parties don't reach an agreement "at the table," mediation can help narrow or focus attention on the legal and factual issues truly in dispute.
- Mediation, particularly if held early, can help reduce litigation costs associated with protracted litigation.
- Mediation can help reduce the level of conflict family members may be otherwise exposed to through the traditional adversarial process.