

CIVIL COURT OF THE CITY OF NEW YORK

DIRECTIVES AND PROCEDURES
Subject: Arbitrators in Small Claims Court

Class **DRP - 163**
Category: **SC-30**
Effective Date: **June 30, 2003**

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BACKGROUND:

At this time we have approximately 1700 Small Claims Arbitrators. Every effort is made to secure sufficient arbitrators for each county every session. We do not always succeed. Attorneys who appear in Small Claims are sometimes on the arbitrator roster, and have at times been asked to arbitrate some cases after they are finished with their own cases.

We know that this is not a problem, but on a few occasions there have been complaints about this, and we understand how it might be viewed by a litigant as a possible impropriety. In order to avoid that appearance of impropriety, we are establishing the following rules for the use of attorneys appearing an a Small Claims case as arbitrators.

DIRECTIVE:

An attorney who has a case in a Small Claims Part may be used as an arbitrator provided that:

1. S/he is a Small Claims Arbitrator.
2. Any case in which s/he is appearing is finished.
3. There is a need for the services of an Arbitrator.

If the three conditions above are met, the Clerk in the part may ask the attorney to arbitrate. If the answer is yes, then the Clerk should:

1. Bring the attorney to the Judge for the Judge to ascertain that
 - a) that the attorney is an Arbitrator; and
 - b) that the case in which s/he appeared is finished
2. The Judge may then permit the Arbitrator to sit.
3. On every case sent to that Arbitrator, the Arbitrator is to disclose that s/he had a case on the calendar that day, that the case is completed, and that it will have no effect on the decision in the current case.
4. If any party objects, prior to the start of the hearing, the arbitration is to be given to a different Arbitrator or to the judge for trial.

Date _____

Hon. Fern A. Fisher