

SUPREME COURT WESTCHESTER COUNTY

GENERAL CIVIL MEDIATION PROGRAM

Resolving Your Case Through Mediation

Westchester County Supreme Court's General Civil Mediation Program offers parties with cases pending in Court a free, 90-minute session with a mediator. Mediators help disputing parties to negotiate a mutually agreed upon, voluntary resolution to their dispute.

What is Mediation?

Mediation is a confidential, informal dispute resolution process in which a neutral third person – the mediator – helps parties to communicate and reach individually-tailored settlement solutions. Mediation allows the parties to expand the discussion beyond disputed legal issues and to address practical business or other non-legal concerns underlying the conflict.

Mediators do not decide who was right or wrong in the past or impose solutions. They do not necessarily evaluate the strengths and weaknesses of either party's case, assess the likely court outcome, and are prohibited from offering legal advice. Instead, mediators help parties focus on problem solving and mutually agreeable solutions. Mediation often results in a written agreement that can be incorporated into a Final Order or Judgement.

Can Lawyers Participate in Mediation?

Yes. Whether appearing in the mediation alongside their clients or advising clients outside of the mediation process, attorneys play a crucial role in informing parties of their legal rights and responsibilities and the consequences of proposed solutions.

What Happens in Mediation?

Parties have the opportunity to raise issues of concern and to explain the facts of the dispute as each person sees them. The mediator asks questions to identify those issues that require discussion. Once the mediator and parties have identified the issues for discussion, the mediator helps the parties work collaboratively to explore and choose options that meet the parties' needs.

Although most information is exchanged with everyone at the table, there may come a time when either party, the party's counsel, or the mediator suggests a caucus. The mediator does not share any information discussed in caucus without the disclosing party's permission.

If the parties agree to a settlement plan that resolves the issues in dispute, that agreement may be returned to the referring Justice for review and incorporated into a Final Order. If the parties are unable to reach agreement on some or all of the issues, they return to court.

What are the Benefits of Mediation?

Research shows that mediation settles a large percentage of cases otherwise headed for trial, speeds settlement, saves money, and increases compliance and satisfaction with agreements. Finally, mediation leaves parties no worse off: parties are still free to go to trial if they cannot settle.

Who are the Mediators?

The Court has assembled a Roster of Mediators. The mediators on the Roster have successfully completed a minimum of forty (40) hours of mediation training, have at least 10 years of mediation experience in the specific subject area of cases referred to them.

Is Mediation Free?

The initial 90 minute session is free. If the parties wish to continue the mediation beyond the initial session, the parties pay the mediator an agreed upon rate that shall not exceed \$300.00 per hour.

How Do I Schedule a Mediation?

Ask to be referred to the General Civil Mediation Program at the Preliminary Conference or at anytime during your case. For more information, contact the Program Administrator, James Garfein, Esq. at GeneralCivilMediationWestchester@NYCourts.gov or (914) 824-5492.