



STATE OF NEW YORK
UNIFIED COURT SYSTEM
FIRST JUDICIAL DISTRICT
SUPREME COURT, CIVIL BRANCH
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LAWRENCE K. MARKS
Chief Administrative Judge

HON. PETER H. MOULTON
Administrative Judge for Civil Matters
First Judicial District

FERN A. FISHER
Deputy Chief Administrative Judge
New York City Courts

ADMINISTRATIVE ORDER

Pursuant to the authority vested in me as Administrative Judge for Civil Matters of the First Judicial District, in order to most efficiently process the matters described herein, for the benefit of all litigants in such cases and the court itself, I hereby direct as follows:

The Pilot Project of automatic referral of one-in-five cases commenced in the Commercial Division of the First Judicial District to mandatory mediation, as embodied in Rule 15 of the Rules and Procedures of the Alternative Dispute Resolution Program, shall cease as of Monday, February 1st, 2016.

By Administrative Order dated June 23, 2014, this court established “a pilot project for the automatic referral of one-in-five Commercial Division cases to mandatory mediation.” This order effectuated the recommendation for such a program set forth in the June 2012 by The Chief Judge’s Task Force on Commercial Litigation in the 21st Century and a December 11, 2013 formal proposal posted for public comment on the OCA website that specified an 18-month duration for the pilot program. The project formally commenced on July 28, 2014.

Our court’s experience with the one-in-five pilot program has been positive and instructive. Although many of the cases referred under this pilot program have been and are being actively mediated, we have learned from the juxtaposition of the pilot program with our traditional, mandatory mediation program that the most effective means of promoting mediation is for Commercial Division Justices to consider each and every case as a candidate for mediation. Our conclusion in this regard has been the result of extensive discussions with the Commercial Division Justices, and during these discussions our Commercial Division Justices have reiterated not only their fundamental commitment to mediation, but also their intention to consider seriously each and every case as a candidate for mediation under our traditional, mandatory mediation referral program. Further, they have agreed to consider making such referrals in the early stages of litigation, including in the context of motions for summary judgement, motions to dismiss and at the preliminary conference. In furtherance of this commitment and intention, our local program administrators will share monthly with all of the Commercial Division Justices statistics that will include the number of cases referred to mediation by each Justice and the mediation outcomes for each of those cases.

Dated: New York, New York
January 28 , 2016


Hon. Peter H. Moulton