

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

PRESENT: HON. _____

Justice

Index No. _____

ORDER OF REFERENCE
ON CONSENT TO
NEUTRAL EVALUATION
PROGRAM

-against-

1. On consent of the parties, the following issues are hereby referred to the Neutral Evaluation Program and shall be conducted in accordance with the Program's Statement of Procedures.

Issue(s) to be addressed at Neutral Evaluation:

2. Counsel for the parties shall complete this form, and once so-ordered, the Court shall send it to the court's ADR Coordinator, who can be reached at jnorton@nycourts.gov.

3. The Program Coordinator shall forward to counsel for the parties a Notice of Confirmation with a list of three Neutral Evaluators, from which counsel shall select one in accordance with the Program's Statement of Procedures.

4. Within five (5) business days of receiving the Notice of Confirmation, counsel shall select one of the three proposed Neutral Evaluators, and inform the Coordinator via email of their selection. If counsel for the parties cannot agree, each side shall have the right within 5 business days to object to one of the selected Neutral Evaluators. The remaining Neutral Evaluator shall serve as the Neutral Evaluator, provided there is no conflict of interest. If there is a conflict with the remaining Neutral Evaluator, counsel shall promptly send an email to the Coordinator. The Coordinator shall randomly select names of three additional Neutral Evaluators, and the process described above shall be repeated.

5. Once a Neutral Evaluator is selected, counsel for both parties shall together contact the Neutral within 72 hours to schedule the first session. Counsel shall also notify the Program Coordinator of the Neutral Evaluator selected. The Program Coordinator shall provide the selected Neutral Evaluator with this Order of Reference.

6. The parties and counsel shall appear at the initial session within 45 days of receiving from the Program Coordinator a Notice of Confirmation with the names of the Neutral Evaluators. The Neutral Evaluation shall be completed within 60 days of the initial meeting, absent stipulation of the parties and the Neutral Evaluator and approval of the court, extending the time.

7. At least five (5) business days before the Neutral Evaluation session, the parties' counsel shall simultaneously exchange and submit to the Neutral Evaluator a concise, two-page summary of the issue(s) presented, relevant facts and applicable law, if any.

8. Within five (5) business days after the conclusion of the Neutral Evaluation session, the Neutral Evaluator shall send a Report ("Report of the Neutral") to the Coordinator and to counsel for the parties confirming that the Neutral Evaluation has been completed. The Coordinator shall forward the Report to the Referring Justice. The Neutral Evaluator shall not disclose any substantive information discussed during the Neutral Evaluation, except as described in Section IX of the Statement of Procedures.

9. The parties shall report to the Court whether the case or any discrete issue or issues have been "resolved" or "not resolved." If "resolved" the parties shall prepare and execute a stipulation for submission to the Court.

10. The parties and their counsel agree that they shall comply with the Statement of Procedures for the Neutral Evaluation Program, including those provisions regarding confidentiality and immunity. Parties and their counsel further understand and agree that no attorney-client relationship exists between the Neutral Evaluator and the parties, and that the Neutral Evaluator may not provide legal advice to the parties.

11. The attorney for the parties herein are as follows:

For Plaintiff: _____
Address: _____

Phone: _____
Email: _____

For Defendant: _____
Address: _____

Phone: _____
Email: _____

12. This case shall be on the court's calendar for a status conference on: _____

Dated: _____

JSC