

Supreme Court of the State of New York
County of _____

Plaintiff(s)

-VS-

ORDER OF REFERRAL
TO ADR

Defendant(s)

Index No: _____

It being the policy of the Unified Court System to encourage resolution of civil legal disputes by Alternative Dispute Resolution (ADR) methods at the earliest practicable opportunity; and courts having authority to refer actions to ADR at any time after case commencement; and due deliberation having been had thereupon, it is hereby

ORDERED, that this action is referred for the following ADR process (check one):

- ☐ **Settlement Conferencing OR Mediation with the Martin P. Violante ADR Center** (for all civil cases, except matrimonial matters.) The Violante Center will consult with the attorneys to determine the appropriate process. ***Attorneys must provide Violante ADR Attorney Affirmations to 8jdadr@nycourts.gov BEFORE the case will be scheduled with the Violante Center. ****
- ☐ **Catastrophic Loss Conferencing with the Martin P. Violante ADR Center** (for medical malpractice, nursing home negligence, and cases with significant damages)
- ☐ Settlement conferencing with a **Settlement Judge**, as requested by counsel jointly (22 NYCRR 202.29/202.70) (for any civil cases) and this Court having found that this conference will further the interests of justice and benefit the parties and the court
 - Name of Justice _____
 - Chambers' Phone Number: _____
- ☐ **Mediation with a Court Roster Neutral** selected from the court-approved roster (<http://ww2.nycourts.gov/COURTS/8jd/adr.shtml>) (for all civil cases);
 - Name of selected neutral _____
 - Neutral's email phone # _____
- ☐ **Neutral Evaluation by a Court Roster Neutral** selected from the court-approved roster (<http://ww2.nycourts.gov/COURTS/8jd/adr.shtml>) (for all civil cases),
 - Name of selected neutral _____
 - Neutral's email and phone # _____
- ☐ **Conference with ADR Coordinator** (For use when attorneys/parties would like to discuss ADR options with the Coordinator before being referred to an ADR program)

and it is further

ORDERED, that the ADR process shall be commenced within 45 days of this order at a time, date, and place to be determined by the ADR provider; and it is further

ORDERED, that for referrals made to a Court Roster Neutral, the Court Roster Neutral shall provide 120 minutes of ADR services for free (60 minutes of which may be spent in preparation time and at least 60 minutes of which must be spent in the first ADR session); If the parties and Court Roster Neutral agree to continue beyond the free 120 minutes, the Court Roster Neutral may charge the fee published in the Roster of Neutrals (provided such fee has been disclosed to the parties

in writing and in advance of the first ADR session); All ADR costs shall be shared equally by the parties unless otherwise directed by the Court or as agreed in writing by the parties; and it is further

ORDERED, that except as otherwise provided herein, by court rule or by other law, the provider, attorneys and parties shall keep confidential the mediation or neutral evaluation process and all communications, memoranda and work products made in preparation for, during, or in connection with the ADR process; Such confidential information shall not be subject to disclosure in any judicial or administrative proceeding; The parties may not testify about what happened in the mediation or neutral evaluation process and they may not ask or compel the provider or other party to give evidence real or testimonial, about what happened in the mediation or neutral evaluation; The parties may agree to waive in writing the confidentiality as to certain information or communications, including a written agreement settling a dispute; A provider evaluator may disclose session information to court ADR program personnel and any provider, attorney or party may disclose threats of imminent serious harm or child abuse or neglect to the potential victim and/or appropriate authorities; and it is further

ORDERED, that at the conclusion of the ADR process, Court Roster Neutrals shall complete the attached report and email it to this Court and 8jdadr@nycourts.gov; and it is further

ORDERED, the parties shall appear (in person/virtually) for a status conference with this Court on _____ at _____ a.m/p.m, and the parties shall then be prepared to report about the ADR process, including 1) Name of ADR provider, 2) Dates and durations of ADR sessions, 3) whether settlement was reached, and 4) whether further ADR sessions are scheduled or requested.

Dated: _____

_____, New York

Hon. _____

Case Information:

Trial Date: _____

Case Type: _____

RJI Date: _____

TO: 8jdadr@nycourts.gov

Plaintiff Atty: _____

Firm: _____

Address: _____

Telephone: _____

Email: _____

Additional P/D Atty: _____

Firm: _____

Address: _____

Telephone: _____

Email: _____

Defense Atty: _____

Firm: _____

Address: _____

Telephone: _____

Email: _____

Additional P/D Atty: _____

Firm: _____

Address: _____

Telephone: _____

Email: _____

8th Judicial District (ADR Report of Disposition)

Case Name: _____

Index Number: _____

RJI Date: _____

Assigned Judge: _____

Name of Neutral	_____
Neutral Email & Phone	Email: _____ Telephone: _____
Type of Provider	<input type="checkbox"/> Private Neutral on State Court Roster <input type="checkbox"/> Court Staff <input type="checkbox"/> CDRC <input type="checkbox"/> Other: _____
Date of Referral	_____
Number of Sessions	_____
Date of Final Session	_____
Total Hours (For Roster Neutrals Only)	_____
Communication used for Sessions	<input type="checkbox"/> Virtual <input type="checkbox"/> In Person <input type="checkbox"/> Hybrid
ADR Process	<input type="checkbox"/> Arbitration <input type="checkbox"/> Mediation <input type="checkbox"/> Neutral Evaluation <input type="checkbox"/> Settlement Conference <input type="checkbox"/> Other: _____
Outcome of ADR Process	<input type="checkbox"/> Full Agreement/Settlement <input type="checkbox"/> Partial Agreement <input type="checkbox"/> No Agreement <input type="checkbox"/> Decision Rendered <input type="checkbox"/> No ADR - Case Screened Out <input type="checkbox"/> No ADR -Case Withdrawn/Dismissed <input type="checkbox"/> No ADR - No Show <input type="checkbox"/> No ADR -Parties settled without ANY intervention <input type="checkbox"/> No ADR - Party Opted out/declined
Date Completing this Form	_____

Notes or Next Steps (do not include confidential session information):

Neutrals: please submit this form to

- Chambers of the Assigned Judge **and**
- 8jdadr@nycourts.gov