

**7<sup>th</sup> Judicial District ADR Program**  
**Eligibility and Application Instructions for**  
**Mediator for Court Panel – Civil and Commercial Matters**

The 7<sup>th</sup> Judicial District ADR Program is assembling a Court Panel of mediators in commercial and civil matters pending before the Court.

**Eligibility Requirements**

Requirements for Court Panel membership include compliance with 22 N.Y.C.R.R. Part 146, which requires 40 hours of mediation training, consisting of at least 24 hours of mediation skills and techniques and at least 16 hours of additional training in the specific mediation techniques pertaining to the subject area of the types of cases you are mediating. The training must be sponsored or recognized by the New York State Unified Court System’s Office of Alternative Dispute Resolution Programs or training that the Office of Court Administration’s Alternative Dispute Resolution Program deems to comport substantively with the curriculum guidelines promulgated by that office.

In addition, all Court Panel Mediators shall have (1) at least ten (10) years of experience as a practitioner of law or, for accountants or business professionals, an equivalent level of experience; and (2) extensive experience mediating actual cases in the subject area of the types of cases to be referred to them. Mediation experience can be achieved by either (a) mediating at least three Court cases in New York State; or (b) completing a Court Mediation Apprenticeship.

A Court Mediation Apprenticeship shall include (1) observing at least one mediation, regardless of case type; (2) co-mediating three Court cases in the subject area of the types of cases to be referred to them and debriefing all observations and mediations with a court Panel mediator or ADR Program Contact; and (3) evaluation by a Court Panel Mediator, a 7<sup>th</sup> JD Court Mediator or the 7<sup>th</sup> JD’s ADR Coordinator.

All Court Panel Mediators must attend six hours of approved Continuing Education relevant to mediating in their respective practice areas every two years.

Fulfillment of these requirements does not guarantee acceptance onto the Panel. Final placement on a Panel or continuation on a Panel is in the discretion of the District Administrative Judge under Part 146 of the Rules of the Chief Administrator.

**EXCEPTION DUE TO DISRUPTIONS CAUSED BY COVID-19:**

Effective September 1, 2020: Applicants who have not yet completed training in compliance with Part 146 may be placed on the Court Roster on a provisional basis for a period of one year.

Those applicants will be given a grace period until January 31, 2022 by which to obtain the required training and certification in compliance with Part 146 and submit proof thereof to the 7<sup>th</sup> Judicial District ADR Program Administrator. Upon submission of proof of training and certification, the application will be reviewed for a final determination for inclusion on the Court Panel.

The OCA Office of ADR Programs will assist with providing resources for some training to assist otherwise qualified candidates to obtain the requirements for the Court Roster. Training that has been approved by OCA ADR can be found at the following links:

<http://www.nycourts.gov/ip/adr/Training.shtml>

<http://www.cfsbny.org/programs/mediation/education-and-training.aspx>

Candidates may also contact the ADR Program Administrator prior to registering for a training to determine whether a particular training course is approved by OCA ADR to meet the requirements of the program.

#### Contact Information

Court ADR: Amy L. DiFranco, Esq.  
ADR Coordinator, 7<sup>th</sup> JD  
[adifranc@nycourts.gov](mailto:adifranc@nycourts.gov)

Appointment to the Court Panel is at the discretion of the Administrative Judge of the Seventh Judicial District in consultation with the Alternative Dispute Resolution Programs Coordinator for the Unified Court System. Admission will be competitive and will be based on each applicant's training, experience, education and availability to mediate. Applicants may be required to participate in an interview process before a review committee appointed by the Administrative Judge. Applicants may be requested to complete additional training or experiential requirements prior to admission to the Panel if, in the opinion of the review committee, the applicant's mediation training and experience does not fully prepare them for mediator status.

Pursuant to the Rules of the Chief Administrator of the Courts, 22 N.Y.C.R.R. 146.3b, neutrals shall be re-designated to the Court Panel every two years. In determining whether to re-designate any neutral, the neutral must show proof of compliance with the requirement that they attend at least six (6) hours of additional approved training relevant to their respective practice areas every two years pursuant to 22 N.Y.C.R.R. 146.5. Mediators may also be removed from the panel at the discretion of the Administrative Judge in consultation with the Alternative Dispute Resolution Programs Coordinator for the Unified Court System.

To be considered for the Seventh Judicial District Court Panel for Civil Mediators and/or for Commercial Mediators, the applicant must submit a resume, which should emphasize areas of expertise and include references, and a cover letter highlighting any pertinent information called for by this form. In addition, the applicant is required to complete a Supplement to this Application for each Panel to which the Applicant seeks to admission. For example: Supreme Court Civil/Commercial Division; Supreme Court Matrimonial; Surrogate's Court; Foreclosure; Family Court; and City Court Landlord/Tenant, Small and Commercial Claims.

Please complete the relevant application(s) and return **by email** to:

Amy L. DiFranco, Esq.

[adr-7jd@nycourts.gov](mailto:adr-7jd@nycourts.gov)

7<sup>th</sup> JD ADR Coordinator and Court Mediator

Hall of Justice, Room 545

Rochester, New York 14614

### **Compensation of Mediators**

**Compensation of Mediators:** The Seventh Judicial District has established the following policies with respect to compensation of mediators:

Mediators shall be required to provide the first hour of preparation time at no charge. If necessary, the Mediator may charge an additional \$150.00 per hour for up to two hours of additional preparation time for matters which require substantial preparation. Mediators shall thereafter receive no fee for the first hour of the initial mediation session. Thereafter, Mediators shall receive no more than \$325.00 per hour for additional time spent in mediation. If the mediation session is cancelled by any party less than 48 hours prior to the scheduled mediation session or fails to appear at the scheduled mediation session, the cancelling or non-appearing party shall be responsible to compensate the Mediator a fee of \$250.00.

Mediators shall require that counsel and/or parties sign an agreement confirming the terms of retention and compensation in advance. Time spent in travel by mediators is not reimbursable under this program unless the parties consent to cover travel costs.

Mediator fees shall be divided equally among all separately represented parties, unless otherwise agreed or ordered by the Court. Mediator fees shall be paid by the parties within fourteen (14) days of the conclusion of mediation.

Mediators' responsibilities may include:

- Coordinating with court staff;
- Managing cases promptly and efficiently;
- Conducting mediation in accordance with the ABA, AAA and ACR Model Standards of Conduct for Mediators;
- Preparing mediation agreements and/or disposition forms in a format acceptable to the Court; and
- Mentoring apprentice and student mediators.