

8TH JUDICIAL DISTRICT ADR PROGRAM

COURT ROSTER MEDIATOR for COMMERCIAL MATTERS

APPLICATION FORM AND INSTRUCTIONS

The 8th Judicial District ADR Program is assembling a Court Roster of paid mediators in commercial matters pending before the Court.

Mediators will not be compensated for the first two (2) hours spent in ADR. Thereafter, mediators who are not employed by an agency having a contract with the Office of Court Administration will be paid at an hourly rate they have listed on the Court Roster for mediation work. Billable time will include actual time spent in mediation sessions and up to one-half hour of pre or post preparation time for each scheduled session. Compensation exceeding \$1,500.00 is subject to prior court approval.

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.

Requirements for court roster membership include completion of 40 hours of mediation training which includes at least 24 hours of training on 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. This 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 AND have extensive commercial litigation experience, commercial matter experience or serve or have recently served as in-house counsel.

Applicants must also document substantial recent experience mediating actual cases, preferably commercial matters. Substantial recent experience is defined by the applicable court.

Appointment to the Court Roster is at the discretion of the Administrative Judge of the Eighth Judicial District in consultation with the Coordinator of the Unified Court System's Office of Alternative Dispute Resolution Programs. 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 roster 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, 22NYCRR 146.3b, neutrals shall be redesignated to the court roster every two years. In determining whether to redesignate 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 NYCRR 146.5. Mediators may also be removed from the panel at the discretion of the Administrative Judge in consultation with the Coordinator of the Unified Court System's Office of Alternative Dispute Resolution Programs. Mediators may also be removed from the panel at the discretion of the Administrative Judge in consultation with the Coordinator of the Unified Court System's Office of Alternative Dispute Resolution Programs.

To be considered for the Eighth Judicial District Court Roster of Civil Mediators, please complete the enclosed application and return it to:

Mary Louise Hayden, Esq.
8th Judicial District ADR Program Administrator
92 Franklin Street
Buffalo, New York 14202

Include a copy of your resume or curriculum vitae including references along with your hourly rate. Please also indicate if you utilize a sliding fee scale in appropriate cases.

Answer all questions completely.

Inform your references that they may be contacted by the 8th District Administrative Judge's Office.

Sign and date the declaration at the end of the application.

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APPLICATION

Court Roster Mediator- Commercial Matters

A. General Information

Name: _____

Address: _____

Phone: _____

Email: _____

2) Please check one:

- I meet the training and experience requirements outlined above and am applying to be included on the Court Roster of Mediators for Commercial Matters.

- I do not meet the training requirement; however, I would like my application to be filed and to be informed of further training opportunities.

B. Education

(Please list in reverse chronological order. Attach additional pages if necessary):

School	Graduated?	Major or Type of Course	Degree earned or expected

List any professional licenses you hold:

C. Mediation Training

Please detail all mediation training you have taken (attach additional pages if necessary:)

Course	Instructor(s)	Date of Completion	Total Hours

Attach copies of certificates of completion for the above-referenced trainings. If no certificate is available, the review committee may request relevant syllabus or course materials or other documentation that will enable the committee to determine if the course meets the established requirements.

D. Mediation Experience

How many cases have you mediated in the last five (5) years? _____

Of these, how many involved commercial issues? _____

On a separate sheet, please provide a brief statement (one page) outlining your mediation experience.

State the percentage of your practice that consists of representing:

Plaintiffs _____% Defendants _____%

Are you able to conduct mediation in a language other than English?

Yes

No

If yes, specify language(s) and level of proficiency:

E. Professional Fee

Hourly Rate: _____

Sliding Fee Scale: Yes _____ No _____

<p>Answer all questions by placing an X in the appropriate column</p> <p>If you answer "YES" to any of these questions, provide details on an attached sheet</p>	YES	NO
<p>A) Except for minor traffic offenses and adjudications as youthful offender, wayward minor or juvenile delinquent:</p> <p>i) Have you ever been convicted of an offense against the law?</p>		
<p>ii) Have you ever forfeited bail or other collateral?</p>		
<p>iii) Do you now have any criminal charges pending against you?</p>		
<p>B) Have you ever received a discharge from the Armed Forces that was other than honorable?</p>		
<p>C) Have you ever been dismissed from any employment for reasons other than lack of work or funds?</p>		
<p>D) Are you currently in violation of a court order in any state for child or spousal support?</p>		

E) Have you ever been subject to any disciplinary action concerning your current or any past profession?

I affirm that all statements on this application (including any attached papers) are true.

Signature of Applicant

Date