

RESOLVING YOUR CASE

through

MEDIATION



**Civil Court of
the City of New York**

Revised 12/2016

What is mediation?

Mediation is a free, voluntary, and confidential process that allows parties to create their own solutions to the problems that brought them before the court.

The mediator, a professionally-trained neutral, sits with the parties, listens to each side, clarifies the parties' interests and needs, and explores mutually acceptable solutions. The mediator will not decide who was right or wrong in the past, but will help parties focus on the future to resolve their dispute.

If the parties reach an agreement through the mediation process, the written result, often called a stipulation, is reviewed by a judge. After the judge approves the stipulation, it becomes an enforceable order of the court.

What are some of the benefits of mediation?

- * Mediation is voluntary – any settlement reached must be agreeable to all parties.
- * Mediation is confidential.
- * Mediation is free.
- * Mediation is informal – the rules of evidence which govern trials do not apply.

- * Mediation is empowering – parties create their own solutions and determine their own futures.

Do I lose my right to a trial by participating in mediation?

No. If you do not reach an actual agreement in mediation, the case is sent back to the judge for trial or further proceedings.

Do I need a lawyer or witnesses?

No. Parties do not need to have lawyers or witnesses present in a mediation, which is a less formal process than a traditional court proceeding. Parties are encouraged to speak for themselves and to come up with their own solutions.

Nevertheless, although lawyers are not necessary, they are welcome to participate in the mediation and to assist in creative problem-solving.

Is evidence required?

No. Evidence is not required in mediation, but it is helpful to bring relevant documents, such as payment receipts, contracts, letters, statements from creditors, or other items that might assist in resolving the dispute.

Who are the mediators?

The mediators are neutral, experienced volunteers who have undergone specialized training in dispute resolution.

Will the mediator give me legal advice?

No. Although some mediators might also be trained as lawyers, they cannot give legal advice or tell you how you should proceed. If you need legal information, visit the court's Resource Center and ask to meet with a Resource Center Court Attorney (also known as the "Pro Se Attorney").

How can I participate in mediation?

Court staff may direct your case to mediation immediately, or parties may request that their case be resolved by mediation at the time of the court date. If you are interested in resolving your dispute through mediation, inform the clerk in the courtroom in which your case is scheduled to be heard.

For more information, send email to mediationcivil@nycourts.gov

