

CIVIL COURT OF THE CITY OF NEW YORK

DIRECTIVES AND PROCEDURES

Subject: Presumptive Mediation in Small Claims Pilot

Class: DRP-204

Category: SC-10

Eff. Date: May 6, 2019

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BACKGROUND:

The Civil Court of the City of New York seeks to expand the availability and role of mediation in its Small Claims Part. Mediation expands the alternatives available to litigants involved in a dispute and can potentially reduce their litigation costs and save judicial time and resources. Small Claims cases are of special interest as mediation can be particularly useful in expediting their disposition.

Currently, the New York Peace Institute (the “Peace Institute”), which is the designated Community Dispute Resolution Center for New York County and Kings County, offers mediation services for Small Claims cases using trained mediators. To increase the number of cases being mediated, a system of presumptive mediation is being put in place starting in Kings County. Kings County Civil Court will initially refer up to ten Small Claims cases, which meet the designated criteria, per week directly to the Peace Institute for mediation. This will give the court and the litigants an opportunity to settle the case early. If the case is not resolved through mediation, the parties will be directed to return to court for their first appearance and/or trial.

DIRECTIVE:

For cases filed in the Small Claims Part filed in Kings County, selected parties may be referred to mediation at the New York Peace Institute prior to their scheduled court date. At the Peace Institute, an experienced mediator will work with the parties to reach a mutually satisfactory resolution to their dispute.

If the parties successfully reach an agreement during mediation at the Peace Institute, a written stipulation of settlement shall be submitted to the court. The stipulation will be placed in the case file and the case will be marked “settled.” Unresolved cases will return to the Small Claims Part for their previously scheduled appearance date.

Dated: May 3, 2019

_____/S/_____
Hon. Anthony Cannataro
Administrative Judge
Civil Court of the City of New York