

New York State Unified Court System

Statewide ADR Office: Part 146 Guidelines for CDRC Mediation Training Programs and Law School/ Graduate School Mediation Clinics

I. Part 146 Guidelines for Community Dispute Resolution Centers and Law School/ Graduate School Mediation Clinics

These guidelines, under Part 146 of the Rules of the Chief Administrative Judge, seek to expand the pool of qualified mediators willing to serve on court rosters, by approving mediation training programs that have already been vetted and approved through other accreditation processes. Those recognized mediation training programs include those offered through Community Dispute Resolution Centers (CDRCs), and mediation clinics in law/graduate school programs.

A. Community Dispute Resolution Centers (CDRCs)

1. **Trainees/Mediators:** The NYS UCS ADR Office will recognize mediators who attended a 30-Hour Initial Mediation Training, conducted by a CDRC-certified trainer, as having completed 24 hours of initial mediation training required under Part 146.

2. The NYS UCS ADR Office will similarly recognize mediators who attended a 16-hour subject matter specific mediation training, conducted by a CDRC-certified trainer, as having completed 16 hours of additional mediation training required under Part 146.

The recognition applies both retroactively and prospectively to mediators who have attended a training conducted by a CDRC-certified trainer. Mediators who attended a training conducted by a CDRC-certified trainer may attend a Part 146-approved 16-hour additional course to fulfill the remainder of Part 146's training requirements.

3. **CDRC-Certified Trainers:** The NYS UCS ADR Office will recognize 30-Hour Initial Mediation Trainings, conducted by CDRC-certified trainers, as approved for 24 hours of initial mediation training required under Part 146, and include the training courses on a list of Part 146 approved training courses. The NYS UCS ADR Office will similarly recognize 16-hour subject matter specific mediation trainings, conducted by CDRC-certified trainers, as approved for 16 hours of additional mediation training required under Part 146, and include the training courses on a list of Part 146 approved training courses.

The recognition applies both retroactively to trainings offered by a CDRC-certified trainer, if the trainer is still certified by the NYS UCS ADR Office, and prospectively.

B. Law School/Graduate School Mediation Clinics

1. **Trainees/Mediators:** The NYS UCS ADR Office will recognize mediators who attended a law school/graduate school mediation clinic that included both a training component and a clinical component, as having completed the 24 hours of initial mediation required under Part 146.

If the training component was 40 hours, and consisted of 24 hours of initial training and 16 hours of additional training (specialized case-type training like divorce, custody and visitation, Surrogate's, commercial, employment, or elder), then the NYS UCS ADR Office will recognize those mediators as having completed both the 24 hours of initial training, and the 16 hours of additional training required under Part 146.

The recognition applies both retroactively and prospectively to mediators who have attended a law school/graduate school mediation clinic. Mediators who attended a law school/graduate school mediation clinic may attend a Part 146 approved 16-hour additional course to fulfill the remainder of Part 146's training requirements.

2. **Law school or graduate school faculty teaching law school or graduate school mediation clinics:** The NYS UCS ADR Office encourages law/graduate school faculty to complete the steps below to apply for Part 146 Mediation Course Approval, for either 24-hour initial mediation training course approval (if students are mediating small claims, lower civil, neighbor cases), or 16-hour additional mediation training course approval or 40-hour combined initial and additional course approval (if students are mediating more specialized cases, such as divorce, custody and visitation, Surrogate's, commercial, employment, or elder mediation cases).

3. **Application Process:** NYS UCS ADR Office will accept the following materials, emailed to Part146@nycourts.gov, in lieu of a formal Part 146 application:

- (1) Faculty biography;
- (2) Course description;
- (3) Copy of the course syllabus;
- (4) Case type focus;

- (5) Number of hours of class time and clinical work time; and
- (6) Other class requirements or expectations not covered in the course description and syllabus that demonstrate how and what students will learn from the course to prepare them to mediate actual cases.

C. Pursuant to Part 146, court-based mediation rosters require both a combination of mediation training and [experience mediating](#).

1. Some courts may require additional training and experience (e.g., subject matter or substantive law experience) beyond Part 146's requirements.
2. Acceptance on court rosters depends on a court's need for mediators at any given time and may include a court's need for mediators with specific case-type training or experience.
3. Final placement on any court roster is in the discretion of the local Administrative Judge.