

Anti-Bias Training Guidelines

- I. **Overview.** [Administrative Order 124/22](#) ("Order 124/22") requires that the [Statewide ADR Office](#), in consultation with the New York State Unified Court System's [Office for Justice Initiatives](#) and [Office of Diversity and Inclusion](#), promulgate guidelines to assist District Administrative Judges in determining whether an anti-bias training ("anti-bias training") meets one or more of Order 124/22's stated objectives.
- II. **Requirement and Applicable Neutrals.** The following alternative dispute resolution ("ADR") neutrals are required to complete at least two (2) hours of qualifying anti-bias training every two years:
 - A. Mediators and neutral evaluators serving on court rosters under 22 NYCRR § 146, [Part 146, Rules of the Chief Administrative Judge](#) ("Part 146");
 - B. Arbitrators and special masters who serve in court-sponsored programs; and
 - C. Neutrals who provide services as a part of the Community Dispute Resolution Center Program, under [Article 21-A of the New York State Judiciary Law](#).

Note: Court staff neutrals are required to attend mandatory anti-bias educational programs developed for New York State Unified Court System's employees.
- III. **Qualifying Anti-Bias Training Criteria.**
 - A. Anti-bias trainings must cover one or more of the following stated objectives:
 1. Increase awareness of bias and its impact.
 2. Provide ways to assist neutrals to manage their biases.
 3. Reduce and/or mitigate the prospect that bias will affect outcomes; and/or
 4. Promote inclusivity and cultural awareness in ADR services.
 - B. Anti-bias trainings that meet the definition of the Diversity, Inclusion and Elimination of Bias category of CLE credit ([22 NYCRR § 1500.2\(g\)](#)), and cover one or more of the stated objectives, also satisfy this requirement if provided by an accredited CLE provider under [22 NYCRR § 1500.4\(c\)](#).
 - C. Anti-bias training should:
 1. Provide plain language definitions and specific examples of the terms being used.
 2. Explain current research on bias and anti-bias practices.
 3. Provide participants with an opportunity to reflect on their personal and professional experiences as they relate to the topic of bias.

Note: If participants are invited to share their experiences publicly, trainers must have the training and experience to handle participants' responses with sensitivity and skill.
 4. Teach concrete anti-bias skills or practices that can assist ADR neutrals prior to, during and after an ADR session, such as recognizing and managing their biases; working with parties whose experiences, behaviors, and ways of expressing themselves may be different from their own; and reflecting on and assessing the ADR session afterwards, through a self-evaluation tool, debriefing with a co-neutral or ADR program staff, or reviewing participant evaluations, where applicable.
 5. Be conducted by a [diverse](#) team of trainers wherever possible.
- IV. **Anti-Bias Training Satisfies Two (2) Hours of the Six (6) Hours of the Continuing Education Required Every Two (2) Years Under Part 146.5, For Mediators and Neutral Evaluators Serving on Court Rosters.**
- V. **Tracking Compliance.** ADR neutrals are required to maintain records of their compliance with Order 124/22 and provide proof of such to the local district Administrative Judge, the Judge's designee, or other court official, upon request.