

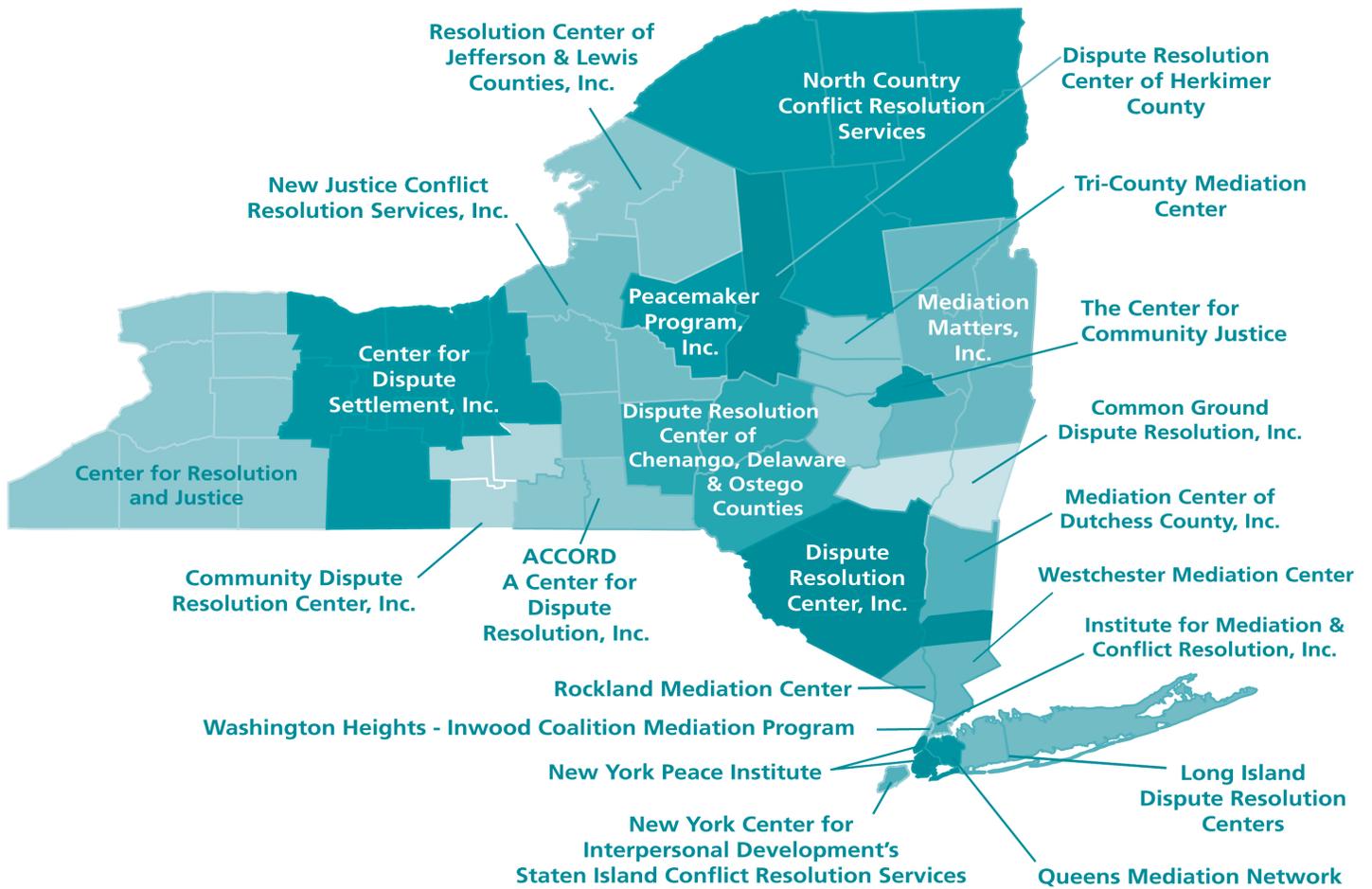
NEW YORK STATE UNIFIED COURT SYSTEM

Community Dispute Resolution Centers Program

ANNUAL REPORT

2010-2011

New York State's Community Dispute Resolution Centers





*New York State
Unified Court System
25 Beaver Street
New York, New York 10004*

*A. Gail Prudenti
Chief Administrative Judge*

212-428-2120

February 1, 2012

Hon. Andrew M. Cuomo
Governor of the State of New York
Executive Chamber
State Capitol
Albany, NY 12224

Dear Governor Cuomo:

Pursuant to Chapter 524 of the Laws of 2005, I transmit the annual report of the activities of the Community Dispute Resolution Centers Program covering fiscal period April 1, 2010 to March 31, 2011.

The Community Dispute Resolution Centers Program, a public-private partnership in its 30th year, is available to every citizen in the 62 New York counties as a resource to resolve legal and community disputes. Under Judge Ann Pfau's leadership, this cost-effective and nationally recognized program has grown to serve nearly 100,000 New Yorkers each year. The New York State Unified Court System is indebted to the more than 1,100 professionally-trained volunteer mediators across our state, in conjunction with Community Dispute Resolution Center staff, who help parties communicate, allowing them to resolve their conflicts in a peaceful and meaningful way.

We very much appreciate your support of this valuable program.

Very truly yours,

A. GAIL PRUDENTI
Chief Administrative Judge

Enclosure

New York State Unified Court System

HON. JONATHAN LIPPMAN

Chief Judge of the State of New York

HON. ANN PFAU

Chief Administrative Judge

Office of Court Administration

HON. LAWRENCE K. MARKS

Administrative Director

RONALD P. YOUNKINS, ESQ.

Chief of Operations

Division of Professional and Court Services

NANCY M. MANGOLD

Director

DANIEL M. WEITZ, ESQ.

Deputy Director

Office of Alternative Dispute Resolution & Court Improvement Programs

DANIEL M. WEITZ, ESQ.

Coordinator

MARK V. COLLINS

Assistant Coordinator

2010-11 ANNUAL REPORT TABLE OF CONTENTS

Custody, Parenting Plan, and Child Support Mediation 6

Mediation in Other Family Matters 8

Youth Services 8

Mediation in Housing Matters 9

Mediation in Civil Matters 13

Mediation in Criminal Matters 14

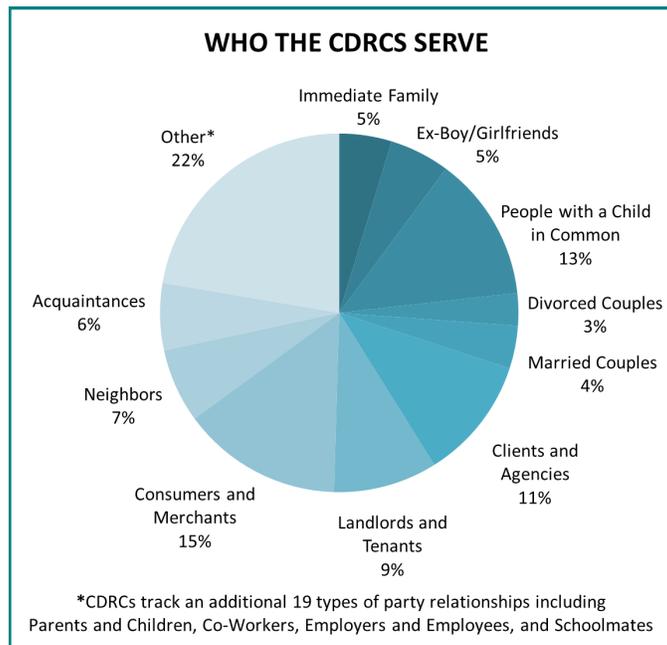
How to Become a CDRC Mediator 15

Trainer Certification 16

Mediator Ethics Advisory Committee 17

Advanced Mediator Training 18

This report’s Statistical Supplement is available at www.nycourts.gov/ip/adr/publications.shtml.



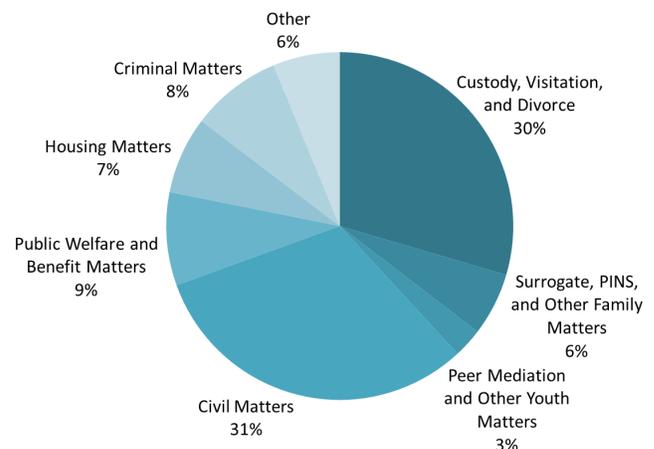
To reach the ADRCIP staff members who work with the CDRCs,
please call (518) 238-4351 or visit www.nycourts.gov/ip/adr/contactus.shtml.

A MESSAGE FROM THE COORDINATOR

In 1981, Article 21-A of the New York State Judiciary Law established the Community Dispute Resolution Centers Program (CDRCP), setting forth a vision of a forum for the resolution of conflicts that would impact communities far beyond the courtroom. Today, 30 years later, the CDRCP, is an internationally renowned public-private partnership, supporting a statewide network of local Community Dispute Resolution Centers (CDRCs) that meet the highest standards for the delivery of mediation and ADR services. The CDRCP has grown from a handful of small community-based dispute resolution centers to a program with a strong presence in all 62 New York counties, offering New York residents creative options for addressing their conflicts that arise in almost any situation.

This report covers the fiscal year ending March 31, 2011 and highlights the wide range of ADR services available to New Yorkers, many of whom would otherwise lack the financial resources to access ADR on their own. In this report, you will read about the strong community partnerships developed by our CDRCs—which work to complement the efforts of local social service providers to better the lives of individuals and families across the state. You will also read how cost-effective ADR can be, not only to the courts, but to the parties themselves. Most importantly, you will see how the CDRCs offer a quality of justice that is tailored to the particular needs of the individuals and groups involved.

WHAT SITUATIONS BRING PEOPLE TO MEDIATION



Please note that the initiatives reported here were carried out prior to the dramatic budget cuts experienced by the Judiciary beginning in April 2011. The New York State Unified Court System budget suffered a \$170 million reduction for the current fiscal year 2011-2012, resulting in employee layoffs and other cutbacks. Regrettably, painful reductions in our grants to the not-for-profit CDRCs comprising our statewide network were unavoidable. While we are pleased to report that there is still access to ADR services in every county, we are expecting significant reductions to the services offered by the CDRCs, which collectively lost more than 60 staff members, were forced to close several office locations, and reduced operating hours. We have been truly inspired by the consistent dedication and determination of CDRC staff and volunteers who, despite these setbacks, continue to serve their communities with the same passion and excellence on which the CDRCP's success was built over these past 30 years.

Looking forward, we remain steadfast in our commitment to the support of the vital services offered through the CDRCP. I think you will agree, upon reading this report, that the CDRCs provide a critical service to our state and fulfill the vision for the peaceful resolution of conflicts set forth over thirty years ago.

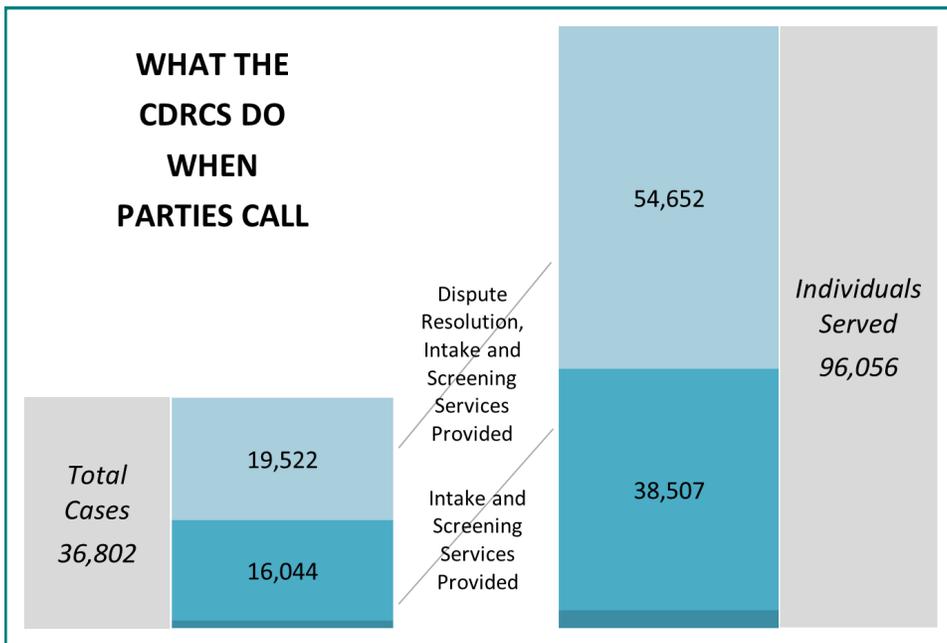
Daniel Weitz

WHO WE ARE

The Community Dispute Resolution Centers Program (CDRCP) is a program of the New York State Unified Court System (UCS) Office of Alternative Dispute Resolution and Court Improvement Programs (ADR/CIP). The CDRCP was established in 1981 to offer ADR services to help resolve conflicts between individuals– and within groups and organizations– as an alternative to avoidance, destructive confrontation, prolonged litigation, or even violence. Mediation, the most form of ADR provided by CDRCs, is a process in which a neutral third party helps people in conflict talk through their differences and, if possible, come up with their own solution. Mediators, unlike judges or arbitrators, don't make decisions for people in conflict but empower parties to discuss or resolve conflict in the way that works for them. The CDRCP funds independent not-for-profit agencies – CDRCs – in every county of New York State. The CDRCs received \$8,663,719 in UCS funds between April 2010 and March 2011, including funds from local judicial districts. During that time, CDRCs served **96,056** individuals and screened **36,802** cases, resulting in **19,522** mediations and other dispute resolution processes.

Many common types of disputes, such as neighbor disagreements, disputes over child custody and visitation, and landlord-tenant issues are well suited to mediation. While many people who have filed in court for these issues are referred to CDRCs for mediation, CDRCs also develop partnerships with public agencies, schools, and other community groups to meet the needs of their communities. Any New Yorker may use the services of the CDRC in his or her local area, regardless of whether he or she has a case pending in court.

Once a CDRC learns of a dispute through a referral or directly from a person in conflict, CDRC staff interview the parties to explain the mediation process, give parties an opportunity to talk about their conflict, and carefully screen the case to ensure it is appropriate for dispute resolution services. After this intake process, all individuals involved in the case, even if they are referred by a court or other organization, decide for themselves whether to participate in mediation or another ADR process.



The vast majority of cases handled by CDRCs are mediated by volunteers from the local community. To promote high quality services, ADR/CIP sets minimum training requirements, develops curriculum guidelines, certifies trainers to provide volunteer training, and requires that volunteers complete a CDRC apprenticeship before mediating cases (for more information, see page 15).

Of the cases conciliated, mediated, and arbitrated at CDRCs this year,
75% resulted in an agreement or final decision.

CUSTODY, PARENTING PLAN, AND CHILD SUPPORT MEDIATION

CDRCs throughout New York work with separated parents to make their own plans for how they will raise their children. Mediators help parents talk about who will make future decisions regarding the children (custody), how to share parenting time with each other (parenting plans), and how to handle child support responsibilities.

Clients use these services not only to set up custody and parenting plans, but also to modify these arrangements as their circumstances evolve and their children's needs change. This year CDRCs handled more than 10,000 cases involving child custody, parenting plans, and child support, assisting nearly 33,000 people. Most commonly referred from Family Court, CDRC staff carefully screen these cases, eliminating those that have a presence of domestic violence or other factors that make them inappropriate for mediation.

"Mediation in custody and visitation cases is cost-effective and has saved litigants, court staff, and judges in our judicial district valuable time. More importantly, mediation allows parents to work together to make the best decisions for their children and families."

- JUDGE CRAIG DORAN, DISTRICT ADMINISTRATIVE JUDGE, SEVENTH JUDICIAL DISTRICT

In the Seventh Judicial District, courts and the Center for Dispute Settlement, Inc. (CDS), partner on an innovative, district-wide diversion program that selects certain cases for a required information session about mediation with CDS prior to their first court appearance. After the informational session, parents can opt for mediation or the traditional court process. Those choosing mediation are frequently able to create written agreements, which are then converted into court orders by the Family Court judges who review each mediated agreement. This diversion program has greatly reduced the number of court appearances and the time it takes for parents to resolve their disputes.

CDRCs were involved in referral partnerships with their local Family Courts in 49 of the 57 upstate counties this year. Courts refer these cases to CDRCs at all stages in the life of a case: from the recommendation of a Court Clerk or Petition Intake Assistant when parents first file a petition to the request of a Family Court Judge after presiding over multiple court appearances with a family. Many parents also walk in to CDRCs to seek out these services on their own, while other parents are referred by public agencies, private social service agencies, walk-ins, and previous clients.

2010-11

NUMBER OF CASES

10,082

INDIVIDUALS SERVED

32,935

AVERAGE TIME TO
RESOLVE A CASE

29 DAYS

AGREEMENT RATE

88%

MOST COMMON
REFERRAL SOURCES

Family Courts
Previous Clients
Self-referrals
Public Agencies
Private Agencies

Tales from the Field: CDRC staff share their stories

The Family Court judges in the counties we serve often refer parents to mediation because they recognize that seeking Family Court orders is not always in the best interest of the children or a particular family. Mediation gives parents a chance to come up with an agreement together that not only puts the kids first but is also workable for the parents. Not long ago we had two recently separated parents meet with Common Ground mediators over two different sessions. Though it might seem like “small potatoes” to some, the agreed-upon arrangement was monumental for these parents.

With the mediators’ support, they both agreed that dad will have time with the kids every other Friday after school at 4:00 p.m. through Saturday at 10:00 p.m. They also agreed to use their best efforts and good faith to make this plan work smoothly and to accommodate any unforeseen difficulties that might arise. What I like about this agreement is that the 10:00 p.m. drop-off seems a little unconventional, but what works for one family does not always work for another!

After the mediation sessions were finished, the dad shared this with us, “I didn’t know about mediation before now. I was completely comfortable...I know that the best interests of the kids’ needs has been the topic of tonight, and for that, I am grateful. Sometimes we can’t ‘get along,’ however, at times, it’s necessary to involve people not related to the situation to look in the box and help the parties ‘step outside it.’”

Jessica Lackie, Deputy Director

Common Ground Dispute Resolution, Inc., serving Columbia and Greene counties

How long did it take?

From the first intake conversation with CDRC staff, a mediation or arbitration session was scheduled and completed within **17 days**, on average.

When a case required multiple sessions, the average time was **87 days**.

What was the state cost?

In 2010-11, the total UCS cost per CDRC case screened was **\$235**. For cases where CDRCs provided conciliation, mediation, or arbitration services, the cost was **\$417**.

The total UCS cost per individual served was only **\$90**.

MEDIATION IN OTHER FAMILY MATTERS

Whether working with separated parents to make decisions about their children, assisting a family in discussing the care of an elderly family member, or hosting a conversation between a young person and a parent to help repair a strained relationship, CDRC staff and volunteer mediators help families in a wide range of situations. In addition to custody and parenting plan mediation (see page 6), CDRCs this year provided services in more than 3,000 other family-related cases.

"Mediation is an important option for families in crisis who face a possible PINS petition. Families using mediation frequently make enough progress that they don't need other services, and can avoid the need for court intervention entirely. The creative, customized solutions they create during mediation put families on a better long-term path."

- JOHN ADAMS, DIRECTOR OF PROBATION, SARATOGA COUNTY PROBATION DEPARTMENT

When a young person's behavior becomes a serious concern, CDRCs work in collaboration with the local Family Court, Probation Department, Department of Social Services (DSS), district attorney, and school district to mediate with both families and service providers to address the behavioral concerns. Sometimes these cases are referred because of school attendance or disciplinary issues. Other cases that involve juvenile delinquency or a Persons in Need of Supervision (PINS) petition might also include the court system and law enforcement. Without mediation these cases can result in DSS and Probation's ongoing supervision and monitoring, suspensions and expulsions from schools, and even placement in a juvenile facility. Community Mediation Services, Inc. (CMS) – the CDRC serving Queens – has long recognized that mediation can help parents, young people, and other stakeholders make lasting changes that benefit families and communities. A national pioneer for nearly 30 years in providing ADR services early on in these cases, CMS has found that when young people, parents, school staff, and social service professionals come together in mediation, they can create customized plans that address root causes and transform behavior.

Families facing different types of transition can also benefit from CDRC services. Divorcing couples can mediate challenging decisions about raising their children, dividing their property and other assets, and determining child and spousal support, all in an environment that encourages a cooperative relationship between parents and promotes the long-term well-being of their children. Additionally, CDRC elder mediation services help families decide how to care for aging family members. Families use mediation to discuss options for health care, legal and fiscal matters, and living arrangements, while supporting and maintaining important relationships.

2010-11

NUMBER OF CASES

3,159

INDIVIDUALS SERVED

10,565

MOST COMMON
REFERRAL SOURCES

Family Courts
Public Agencies
Adult Protective Services
Previous Clients
Self-referrals
Probation Departments
District Attorneys
Supreme Courts

OTHER FAMILY
MEDIATION SERVICES

Juvenile Delinquency
Parent-Teen
Elder Care
Probate
Divorce
PINS Diversion
Child Permanency

YOUTH SERVICES

Serving more than 7,300 young people this year, CDRCs provide a wide array of youth-related conflict resolution services. Partnering with local schools, Departments of Social Services, Probation Departments, police, and other nonprofit organizations, CDRCs build lifelong skills, improve school climate, and help youth who have committed criminal offenses build stronger connections to their communities.

The youth service CDRCs most often provide is conflict management and dispute resolution training for students, teachers, and school administrators. Training in elementary, middle, and high schools, CDRCs teach lifelong skills that help young people succeed. Some CDRCs provide these trainings during schools hours, while others incorporate them into after-school programming that also offers academic support and life skills development.

"Every school needs to deal with conflicts that arise among students. We have experienced wonderful results through our Peer Mediation program. Not only are specific conflicts successfully addressed, even more importantly, our students learn skills that will serve them well beyond high school."

- JOHN YAGIELSKI, INTERIM SUPERINTENDENT, SCHENECTADY SCHOOL DISTRICT

Many CDRCs also train peer mediators who mediate in programs operated by local school staff, and some CDRCs receive contracts to supervise these programs. For example, The Center for Community Justice, Inc. – the CDRC serving Schenectady County – oversees the peer mediation program in Schenectady High School. In this program, 30 trained high school students mediate interpersonal disputes among their fellow students during school hours. The program is also available to teachers and school administrators to facilitate dialogue with students about behavioral concerns including bullying. In other parts of the state, CDRCs respond to similar issues referred by local schools by using their panels of adult volunteer mediators.

CDRCs have also developed dynamic partnerships with local law enforcement agencies to create restorative justice-based programming for youth who have committed minor criminal offenses. Typically, these young people enter the juvenile justice system and are subject to punitive correctional sentences and supervision. CDRCs' restorative programming complements existing strategies by focusing on offenders taking responsibility for their choices. By participating in these programs, youthful offenders learn how their actions have harmed others, find ways they can repair the harm they have done, and develop skills that contribute to the well-being of their communities. CDRC restorative programming takes many forms including youth courts, victim-offender meetings, family and group conferencing, supervised community service, and pro-social training. For more information about CDRCs' work in this area, please see the 2008-09 CDRC Annual Report.

"I want to thank you for letting Jamirah apologize to me, and now we can become friends and understand our problem." - YOUTH MEDIATION PARTICIPANT FROM THE BROOKLYN MEDIATION CENTER

2010-11

SCHOOL
DISTRICTS SERVED

188

YOUTH TRAINED IN
CONFLICT RESOLUTION

4,904

YOUTH SERVED IN
MEDIATION

2,427

MOST COMMON
REFERRAL SOURCES

Schools
Public Agencies
Self-referrals
Private Agencies
Law Enforcement

"Peer mediation is a life changing program that introduced me to a new peaceful and convenient way of dealing with all types of problems. This program helped me to develop a more calm way of dealing with my emotions and feelings and provided me with lifelong skills needed in today's society."

- MARIELY GONZALEZ, PEER MEDIATOR, GREGORIO LUPERON HIGH SCHOOL
(PROGRAM SUPERVISED BY WASHINGTON HEIGHTS-INWOOD COALITION, THE CDRC SERVING UPPER MANHATTAN)

Success Story

CDRC mediators are trained to work with people in a wide variety of conflict situations. The presence of a mediator and the skills that mediator employs can make it possible for many individuals with different perspectives to come together in the midst of their conflict and walk away with a new understanding of each other and the effects of their own actions. A mediator from the Center for Resolution and Justice (CRJ) made this possible for a group of high school students and their family members.

The conflict started on Facebook over a weekend when a white student posted racist comments about some black students at his school. Not realizing that his comments could be viewed by anyone other than his friends, the student thought nothing of what he had done. It did not take long before he received a response from a black student and then more responses from that student's friends. Things quickly escalated, racial slurs were exchanged, and ultimately there were threats of violence – all posted online. By the time the students returned to school the next week, word had spread, and the white student – ostracized by the student body – did not feel safe staying at school. Several angry parents showed up at the principal's office, and the principal reached out to the CRJ for help.

The students who had exchanged comments on Facebook agreed to mediate at the school with a CRJ mediator and several family members there for support. The full group included four students, several mothers, two mothers' boyfriends, an aunt, and a grandmother. All parties were welcomed to the mediation, and each brought their own perception of the conflict. The mediator worked throughout the session to help the parties better hear one another and talk through how they were affected by what took place. Although the students acknowledged more time was needed to fully heal from the incidents, they agreed to return to school, change their behavior, and treat each other respectfully.

"This mediation helped bring two friends back together."

- SMALL CLAIMS MEDIATION PARTICIPANT FROM THE COMMUNITY DISPUTE RESOLUTION CENTER, INC.

MEDIATION IN HOUSING MATTERS

CDRCs in New York State are a crucial resource in the resolution of housing disputes. CDRC mediators help people address issues so that tenants can live in safe and secure homes, landlords can receive predictable income, and communities can reduce homelessness. This year, CDRCs served nearly 5,500 people in more than 2,600 cases. The most commonly mediated situations are about matters concerning rental payment, property repair and maintenance, and security deposits. Although approximately half of the referrals come from City, Town, and Village Courts, many public agencies, including local Departments of Social Services and Housing Authorities, have integrated mediation into their protocols and procedures.

“Dispute resolution is a critical service that helps ensure that ‘fair housing’ practices are administered by housing authorities. It is a pathway to the justice system for those who normally would not be adequately served. It provides a system of ‘checks and balances,’ ensuring that the justice system does not discriminate because of financial means. Simply put, dispute resolution is part of the foundation to a successful housing program and social justice.”

- JEFF MCTIERNAN, EXECUTIVE DIRECTOR, ILION AND ST. JOHNSVILLE HOUSING AUTHORITIES

As one example, the Dispute Resolution Center of Herkimer County – the CDRC serving Herkimer County – receives funding from six local housing authorities to handle fair hearings on alleged tenant code violations by the low-income and disabled residents who live in the housing authorities’ subsidized housing facilities. Using a hybrid process, the mediator helps the housing authority staff and tenants facing eviction discuss issues including rent, property condition, drug use, and occupancy. Because of the housing authorities’ desire to work with clients, agreements are reached in 75% of these cases. When a voluntary agreement cannot be reached, the matter is decided using fair hearing guidelines that require a neutral party to hear the facts of the case, apply the rules of the housing authority, and render a final and binding decision.

In another example, the Westchester Mediation Center of CLUSTER – the CDRC serving Westchester County – and Washington Heights-Inwood Coalition – the CDRC serving upper Manhattan – provide mediation as part of full-service housing resource centers operated by these two agencies. In addition to providing mediation for payment of rent, property repair and maintenance, and security deposits, staff members work with community partners to help tenants secure financial resources to support rental payments. Working primarily with people who have lost their jobs or experienced a sudden change in income, mediators promote cooperation among landlords, tenants, and social service agencies so that people can stay in their homes. Through these two housing resource centers, clients can also receive legal assistance to prevent evictions, code enforcement for improved housing conditions, and tenant education.

2010-11

NUMBER OF CASES

2,649

INDIVIDUALS SERVED

5,488

AVERAGE TIME TO
RESOLVE A CASE

17 DAYS

AGREEMENT RATE

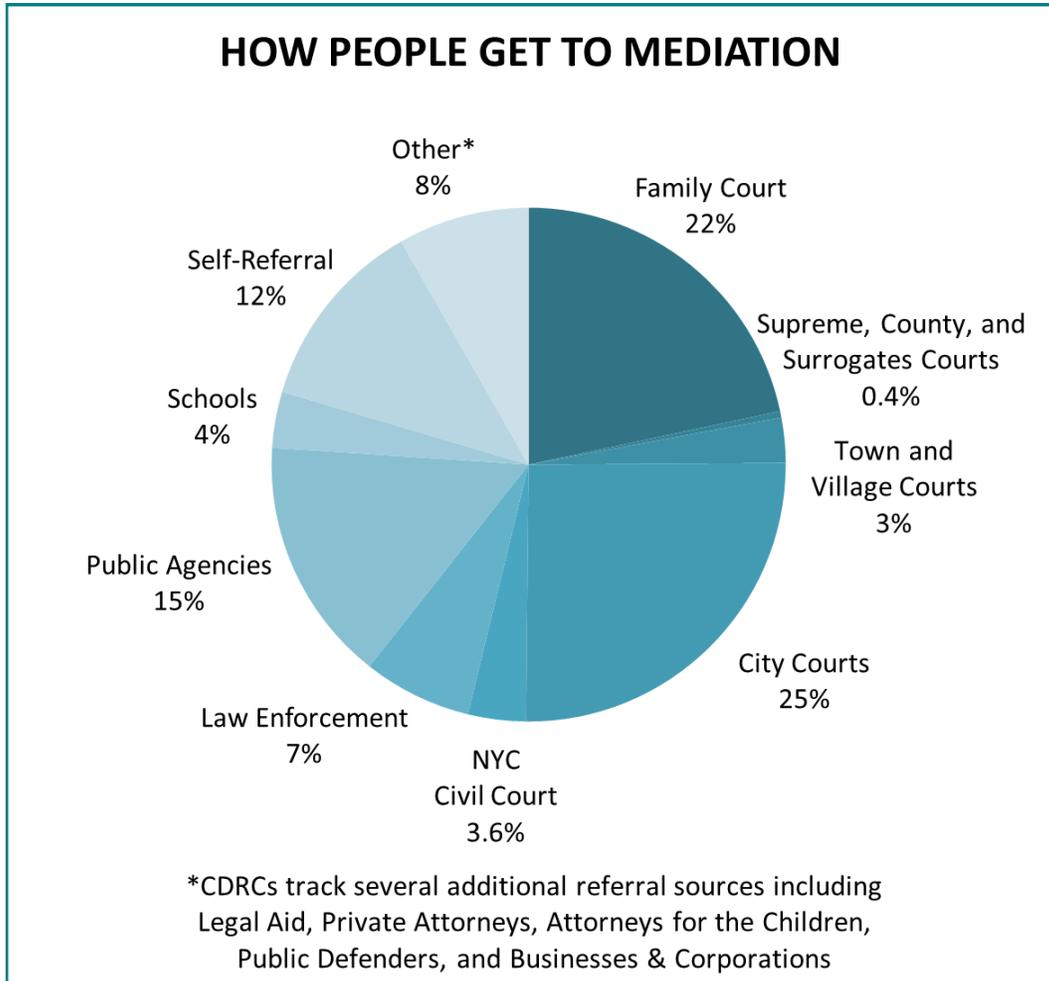
85%

MOST COMMON
REFERRAL SOURCES

City Courts
Public Agencies
NYS Division of Housing
Self-referrals
Town and Village Courts
Private Agencies
Police

"Very happy to know that such mediation centers exist."

- HOUSING MEDIATION PARTICIPANT (ADDRESSING A NOISE DISPUTE) FROM THE MANHATTAN MEDIATION CENTER



"The mediation program has proven to be a successful court diversion alternative for the juvenile delinquency cases in our county. The feedback from participants has been consistently positive, and many cases have resulted in a formal mediation agreement.

We have also learned that the process is valuable both in those situations when an agreement is reached, as well as in those in which the parties may not ultimately agree.

By participating in a collaborative problem-solving process, the parties are better able to understand the other person's point of view, whether or not that results in a final resolution of the underlying issue."

- JENNIFER GILROY-RUIZ, QUEENS BOROUGH CHIEF, NYC LAW DEPARTMENT, FAMILY COURT DIVISION

MEDIATION IN CIVIL MATTERS

CDRCs work with people to resolve disputes involving contractual agreements and other matters in which a financial solution is sought. CDRC mediators help people discuss issues such as car and equipment loans, unpaid bills, damaged property, and concerns about the quality of repairs or other services. This year, CDRCs managed over 11,500 of these cases, assisting more than 26,000 New Yorkers in working toward resolving such disputes. These cases typically involve consumers and merchants, but may also involve friends, acquaintances, family members, or neighbors whose relationships have soured because of a financial dispute.

"Mediation has been a godsend for our court. Because so many cases come to an agreement, the time savings for me as a judge is immense. People want to be heard and treated fairly, so it is not unusual for me to see people who can't even look each other in the eye at the beginning of a mediation session, emerge from mediation shaking hands and smiling at each other."

- HON. A. MICHAEL GEBO, OGDENSBURG CITY COURT

City, Town, and Village Courts partner with CDRCs not only to help manage court caseloads but also because mediated agreements frequently result in higher rates of compliance than cases decided by judges. Additionally, since judges in the cases are limited to deciding on a dollar amount, mediation allows for parties to use creative problem solving to better meet their needs.

While nearly every CDRC offers mediation in these matters, North Country Conflict Resolution Services – the CDRC serving Clinton, Essex, Franklin, Hamilton, and St. Lawrence counties – and the Long Island Dispute Resolution Centers – the CDRC serving Nassau and Suffolk counties – have developed a program with their local courts for mediating a significant number of cases. When parties first appear in these courts, judges suggest that parties try mediation. CDRC mediators are present to mediate on the spot. When parties reach an agreement, a judge reviews it and makes the agreement into an order of the court. When parties are unable to come to an agreement, a judge hears and rules on the case later in the day. While parties may feel compelled to participate in mediation because of a judge's recommendation, the process still remains voluntary, and parties always have the option to end the mediation and resume the court process.

Other courts work with CDRCs to create diversion programs that allow parties to mediate prior to their court date. This option allows CDRCs to schedule longer mediation sessions at times and locations convenient to the parties. Longer sessions give parties the opportunity to not only settle financial matters but also address underlying issues. Since so many of these cases involve ongoing business relationships, the mediation process can help clients repair these relationships and find a way to continue working together in the future.

2010-11

NUMBER OF CASES

11,539

INDIVIDUALS SERVED

26,271

AVERAGE TIME TO
RESOLVE A CASE

8 DAYS

AVERAGE PAYMENT
PER CASE

\$1,845

AGREEMENT RATE

60%

MOST COMMON
REFERRAL SOURCES

**Upstate City Courts
NYC Civil Courts
Town and Village Courts
Self-referrals
Public Agencies**

MEDIATION IN CRIMINAL MATTERS

CDRCs in New York fill a significant gap in services by mediating misdemeanors and minor criminal matters such as harassment, vandalism, and larceny. Often these situations begin as complaints between neighbors or strong disagreements among community members. What starts as a conversation about noise, for instance, can lead to shouting, threats, and even physical violence. When facing this type of situation, people commonly contact the police or the court system for an order of protection. Frequently learning that they do not meet the qualifications for this protection and assistance, individuals involved in such disputes are then referred to CDRCs to try to mediate.

“Oftentimes the criminal justice system measures success by determining that guilt has been established and that punishment has been imposed. Unfortunately this process does not take into account that the parties before the court may continue their disagreements because neither is totally satisfied with the outcome imposed by a third party. In mediation, however, success is not only resolving the case that's mediated but including the parties in that process to participate in the eventual outcome and giving them the tools to prevent future incidents.”

- CHARLES J. HINES, KINGS COUNTY DISTRICT ATTORNEY

A total of more than 3,100 of these cases were handled statewide this year, serving more than 6,600 individuals. While CDRCs around the state manage these cases, CDRCs in New York City provide the vast majority of these services by building partnerships with local police and the NYC Criminal Courts. The Institute for Mediation and Conflict Resolution – the CDRC serving the Bronx – and Safe Horizon Mediation Program – the CDRC serving Manhattan and Brooklyn – have developed particular expertise in mediating these challenging and emotionally-charged cases.

Mediation is especially effective in these situations because parties are able to discuss a wide range of issues. People involved in these cases are often deeply offended, feeling that they have been disrespected, so participating in mediation enables them to discuss the emotional dimensions of their conflict as well as how they would like to treat each other in the future. Additionally, people are able to resolve the precipitating complaints about noise, vandalism, and disrespectful behavior. By dealing with the full spectrum of issues, people using mediation to resolve conflicts can create plans that promote better communication and improve relationships for the future, significantly decreasing the need for further intervention from law enforcement, courts, and other agencies.

2010-11

NUMBER OF CASES

3,107

INDIVIDUALS SERVED

6,613

AVERAGE TIME TO
RESOLVE A CASE

22 DAYS

AGREEMENT RATE

77%

MOST COMMON
REFERRAL SOURCES

Police
City Courts
Self-referrals
District Attorneys
Town & Village Courts
Public Agencies

HOW TO BECOME A CDRC MEDIATOR

The more than 1,300 New Yorkers who volunteer their time and expertise as mediators are the core of the CDRCP, providing communities with access to mediation services in every corner of the state. Collectively, these highly trained volunteers make up the most vibrant network of community mediators in the nation.

CDRC mediators go through a demanding and challenging certification process. First they must complete 30 hours of initial mediation training provided by a CDRCP-certified trainer. ADRCIP requires that mediators be trained in the dynamics of conflict, goals and purposes of the mediation process, effective listening and questioning skills, cultural diversity, ethics, agreement writing, and the limits of mediation, among other topics.

There were **1,158** volunteers and **165** staff members who served as CDRC mediators this year.

In addition to successfully completing the 30 hours of initial training, mediators must complete an intensive apprenticeship with their local CDRC in order to be approved as volunteer mediators. During the apprenticeship, new mediators learn from experienced mediators and staff by role playing in mediation simulations and observing and co-mediating actual disputes. After co-mediating a minimum of five cases, CDRC staff observe each apprentice and provide a written assessment.

Once the new mediator feels ready and the CDRC is confident in his or her abilities, the mediator is certified by the local CDRC (not by ADRCIP) and is eligible to mediate cases without a mentor. To remain certified, each year CDRC mediators must mediate a minimum of three cases and complete at least six hours of continuing education.

This year, **206** people completed the necessary training and apprenticeship to join the ranks of CDRC mediators.

If you are interested in becoming a volunteer mediator, contact your local CDRC. To locate the CDRC in your county, visit <http://www.nycourts.gov/ip/adr/programlist.shtml>.

The CDRCs provided **482 hours** of in-service training to their volunteer mediators this year.

2010 Mediator Milestones

25 YEARS

BETTY LOU BLIXT
PAT EATON
ELENA GORDON
DOLLY HINCKLEY
REGINA SALIS
BILL VANBUSKIRK
FAITH WOOLSEN

20 YEARS

JIM ABDOU
DOMINICK BRANCATO
MITCH BULLENE
HARRIET LUBIN
ELLIE MACK
JODY MILLER
ARNIE REDBORD
PEGGY RICHARDSON
DOUGLAS SMITH
ANN MARIE VALINZO
SHERRY WALKER-COWART

15 YEARS

JACLYN BRILLING
JOSEPH BROWN
CAROLYN BRYSON
STEVE COFFMAN
KELLY DONOVAN
JOAN HENDERSON
SATOMI HILL
STEVEN ISLER
JULIA DAY LEDERMAN
DEBRA MOSKOWITZ
OLGA PEREZ
LAWSON RUTHERFORD
SUZANNE TOMPKINS

ADRCIP CERTIFIES MEDIATION TRAINERS

ADRCIP certifies mediation trainers to provide Initial Mediation Training as well as Custody and Visitation Mediation Training. By certifying mediation trainers, ADRCIP ensures that volunteer mediators learn core mediation skills in a comprehensive curriculum taught by the highest quality trainers. Trainers wishing to become certified must complete a demanding application and interview process followed by six months of extensive preparation with ADRCIP. The process culminates in an in-person observation of a complete training. This year, ADRCIP received one application for trainer certification. ADRCIP thanks certified trainer Peter Glassman for his assistance in the application review process.

This year, Certified Mediation Trainers provided **1,124 hours** of training to **705 people** through initial and custody and visitation mediation training.

This year, Sherry Walker-Cowart, President and CEO of the Center for Dispute Settlement – the CDRC serving the Seventh Judicial District, – was certified as an Initial Mediation Trainer. Walker-Cowart has been a mediator for more than 20 years and has trained hundreds of people in a variety of settings. Training in the transformative mediation framework, Sherry has prepared mediators for the US Postal Service’s REDRESS program, the National Bar Association, local colleges and universities, and numerous corporations and community organizations. In June 2010, ADRCIP’s Daniel Kos observed Walker-Cowart for certification: “Sherry is a rare trainer who combines a deep understanding of mediation and extensive experience as a mediator with an ability to relate to the novice mediator. Her clarity and compassion create an environment that promotes tremendous learning.”



*Sherry
Walker-Cowart*

ADRCIP maintains a current list of certified trainers on its website at www.nycourts.gov/ip/adr/Info_for_Programs.

In order to continue to assure the highest quality mediation training for volunteer mediators, ADRCIP also monitors trainers after their certification. To ensure that trainers continue their ADR education and provide effective community mediation training, ADRCIP re-observes trainers once every five years. This process includes a detailed review of training materials and agendas and an in-person observation of at least one day of training. This year, two trainers were recertified.

“The trainers helped to put theory into real context and brought the beauty and magic of mediation to life.”

- TRAINING PARTICIPANT FROM THE NEW YORK CENTER FOR INTERPERSONAL DEVELOPMENT, THE CDRC SERVING STATEN ISLAND

COMMITTEE ADDRESSES ETHICAL DILEMMAS

The Mediator Ethics Advisory Committee (MEAC) responds to ethical inquiries from CDRC mediators and staff and promotes professional development and consistent practice in the dispute resolution field. The 13-member committee, chaired by staff from ADRCIP, also recommends changes to the Standards of Conduct for CDRC Mediators. MEAC members are drawn from throughout New York State and include volunteer mediators, employees of CDRCs, and alternative dispute resolution scholars and practitioners.

MEAC has published opinions on a wide range of inquiries since its inception in 2006, including two inquiries this year:

- Upon learning in a private session that a party is secretly creating an audio recording of the mediation session and is unwilling to notify the other party of this, should a mediator continue the mediation session? If the mediator does not continue the mediation, can the mediator disclose the reason why she is terminating the process to the other party and/or CDRC staff?
- A new volunteer mediator, who is an attorney with one of the largest law firms in her county, is concerned about potential conflicts of interest with her firm's clients. Can the attorney-mediator disclose to the parties of future mediations that she is an attorney and the name of her law firm? Can the attorney-mediator provide the parties' names to her law firm so that the firm can check the parties' names against the firm's conflict of interest database for current conflicts of interest and/or enter the parties' names into the firm's database to avoid future conflicts of interest?

Mediator Ethics Advisory Committee Members

DAN WEITZ, Chair

JENNY BESCH

ALEXANDRA CARTER

CHARLOTTE CARTER

MELANIE CHAPEL

RYON FLEMING

JODY MILLER

JACQUELINE NOLAN-HALEY

SARAH RUDGERS-TYSZ

JUDITH A. SAUL

SEQUOIA STALDER

JOAN STEARNS JOHNSEN

HOPE WINTHROP

SHEILA SPROULE, Deputy Chair

AMY SHERIDAN, Counsel

To read MEAC's published opinions and the Standards of Conduct for CDRC Mediators, please visit www.nycourts.gov/ip/adr/meac.shtml or contact Sheila Sproule.

ADRCIP would like to thank exiting committee members Raymond "Bud" Baker, Simeon Baum, Al Chapleau, and Brenda Episcopo for their contribution to MEAC during their tenure.

The MEAC operates with support from the Committee Chair, Dan Weitz; Deputy Chair, Sheila Sproule; and Counsel, Amy Sheridan. Dan Weitz, Sheila Sproule and fellow ADRCIP staff Rebecca Koch and Daniel Kos offered additional support to ethical mediation practice by leading a series of ethics trainings. The day-long trainings were hosted by The Center for Community Justice, Inc., Mediation Matters, Inc., Safe Horizon Mediation Program, and the Center for Resolution and Justice. The intensive in-services, which included newly developed methods for teaching mediation ethics and resolving ethical dilemmas, were well-received. In the words of one participant: "The training was great. I am going to use it in my [mediation] practice and my life."

ADRCIP SPONSORS ADVANCED TRAININGS FOR CDRC MEDIATORS

ADRCIP supports ongoing volunteer mediator education by providing grants to CDRCs, free or low cost trainings, and shorter in-service trainings conducted by ADRCIP staff. To continue investing in the growth and development of CDRC mediators, ADRCIP annually sponsors trainings focused on advanced skills and current trends in the field. In 2010-11, ADRCIP funded upstate trainings on six diverse topics, attended by more than 150 mediators from 31 counties:

- *Conflict Interaction and Mediator Influence: How Our Ideological Premises Influence the Mediation Session* with Joseph Folger at the Center for Dispute Settlement, Inc.
- *Communicating Across Diverse Cultures* with Valerie Hampton and Nicole Sirju-Johnson at ACCORD, Inc.
- *Purpose Drives Practice: An Introduction to Transformative Mediation* with Judy Saul at Common Ground Dispute Resolution, Inc.
- *Separation and Divorce for the Lesbian, Gay, Transgender, Bisexual (LGBT) Community* with Chris Sorenson at The Westchester and Rockland Mediation Centers of CLUSTER
- *Connecting with Your Inner Mediation Skills* with Duke Fisher, Peter Glassman, and Sarah Rudgers-Tysz at Mediation Matters
- *One Party Sessions* with Elena Sapora at Tri-County Mediation Center



Mediators engage in a training activity at Mediation Matters

ADRCIP staff also worked with New York City area CDRCs to select topics and trainers for a day-long Advanced Mediation Training Conference in Manhattan. The March 2011 event provided more than 125 volunteer mediators and CDRC staff a choice of five workshops:

- *Art of Perception* with Amy E. Herman
- *Diversity Work for Community Mediators, What are you Bringing into the Room?* with Lou Gieszl and Cheryl Jamison
- *Mediators and Conflict Competence: Necessary or Nice to Have?* with Rita Callahan
- *Barely Mediation: How to Vary What We Mediators Do to Meet the Changing Needs of Participants* with Duke Fisher
- *Conflict Creatures: Developing Positive Interaction with Personalities in Mediation* with Steve Robinson

The Advanced Mediation Training Conference and the trainings hosted by upstate CDRCs were very well received by volunteers and staff alike. "It was extremely well organized and powerfully and passionately presented. Very compelling. I would take a follow-up training from [this trainer] in a heartbeat," wrote a participant. ADRCIP hopes to continue its tradition of offering these annual training sessions, which encourage the growth and development of CDRC mediators around the state.

CDRC DIRECTORS DISCUSS TIMELY TOPICS

Twice each year, ADRCIP hosts CDRC directors for statewide meetings that are designed to encourage exploration of timely topics, dialogue with peers, and the sharing of resources. This year's Directors' Meetings focused on essential organizational management strategies needed to navigate the current economic climate.

Together with ADRCIP, Linya Bell of the Resolution Center of Jefferson and Lewis Counties, Stephanie Bornt of the Tri-County Mediation Center, Dominick Brancato of the New York Center for Interpersonal Development, and Dawn Wallant of Common Ground Dispute Resolution, Inc. planned the May 2010 Directors' Meeting. With the economy straining CDRC staffing, the committee focused the meeting on human resources and staff management issues. Drawing on the collective expertise of CDRC network members, the directors invited Kimberlie Stowell of the Center for Dispute Settlement, Inc., Kristin Kesnowski of Mediation Matters, Inc., and Kate Amello of Catholic Charities of the Diocese of Albany to present on a variety of human resources topics including job descriptions, hiring practices, performance evaluation, staff management, and workplace conflict.



CDRC directors and ADRCIP staff gather at the May 2010 Directors' Meeting

In October 2010, a new planning committee, comprised of Karen Bernstein of the Safe Horizon Mediation Program, Julie Loesch of the Center for Resolution and Justice, John McCullough of New Justice Conflict Resolution Services, Inc., and Rhonda Wainwright-Jones of the Education and Assistance Corporation, recognized the need for CDRCs to expand their networks of strategic partnerships with local community organizations. CDRC directors presented on recently developed partnerships with prisons, hospitals, local governments, and job training programs. John McCullough also detailed the many years of partnership building that resulted in New Justice's successful implementation of an anti-violence street mediation program in Syracuse. Building on these discussions, the committee also invited Reinaldo Rivera of the United States Department of Justice's Community Relations Service (CRS) to describe the agency's work with community conflicts arising from differences in race, color, national origin, and sexual orientation. Because CRS's work depends on collaborating with local community organizations, Mr. Rivera and CDRC directors discussed partnership opportunities and other synergies that could be developed between the CDRC network and CRS.



Reinaldo Rivera speaks with CDRC directors at the October 2010 Directors' Meeting