

COURT NOTICES

REVISED AMENDMENT OF RULE Rules of the Chief Administrative Judge

Pursuant to the authority vested in me, and upon consultation with the Administrative Board of the Courts, I hereby promulgate, effective immediately, a new Part 146 of the Rules of the Chief Administrative Judge, establishing guidelines for qualifications and training of ADR neutrals serving on court rosters, to read as follows:

PART 146 GUIDELINES FOR QUALIFICATIONS AND TRAINING OF ADR NEUTRALS SERVING ON COURT ROSTERS

§146.1 Application

These guidelines establish qualifications and training throughout the State for mediators and neutral evaluators serving on court rosters. These guidelines are not intended to cover arbitrators nor to apply to neutrals serving in the UCS Community Dispute Resolution Centers Program.

§146.2 Definitions

(a) "Neutral" shall refer to both mediators and neutral evaluators.

(b) "Mediation" shall refer to a confidential dispute resolution process in which a neutral third party (the mediator) helps parties identify issues, clarify perceptions and explore options for a mutually acceptable outcome.

(c) "Neutral evaluation" shall refer to a confidential, non-binding process in which a neutral third party (the neutral evaluator) with expertise in the subject matter relating to the dispute provides an assessment of likely court outcomes of a case or an issue in an effort to help parties reach a settlement.

§146.3 Rosters of Neutrals

(a) Each District Administrative Judge may compile rosters in his or her judicial district of neutrals who are qualified to receive referrals from the court. In order to be eligible for appointment to the roster, neutrals must meet the minimum qualifications and training criteria set forth below. Each neutral serves at the pleasure of the District Administrative Judge in his or her district, who may terminate a designation to the roster at any time.

(b) Neutrals shall be redesignated to the roster maintained by the District Administrative Judge in his or her judicial district every two years. In determining whether to redesignate neutrals, District Administrative Judges must determine that each neutral has complied with section 146.5, (Continuing Education for Neutrals) and must consult with the UCS ADR Office regarding any complaints filed against a neutral who is otherwise eligible for redesignation.

§146.4 Qualifications and Training of Neutrals

(a) Neutral Evaluation. Neutral evaluators who wish to qualify for appointment to a court roster must have successfully completed at least six hours of approved training in procedural and ethical matters

related to neutral evaluation and be:

(1) Lawyers admitted to practice law for at least five years who also have at least five years of substantial experience in the specific subject area of the cases that will be referred to them; or

(2) Individuals who have served at least five years as a judge with substantial experience in the specific subject area of the cases that will be referred to them.

(b) Mediation. Mediators who wish to qualify for appointment to a court roster must have successfully completed at least 40 hours of approved training as follows:

(1) At least 24 hours of training in basic mediation skills and techniques; and

(2) At least 16 hours of additional training in the specific mediation techniques pertaining to the subject area of the types of cases referred to them.

Mediators must also have recent experience mediating actual cases in the subject area of the types of cases referred to them.

(c) Mixed Process. Persons who serve as both mediators and neutral evaluators in the same matter must meet the qualifications and training specified in both subdivisions (a) and (b) of this section.

§146.5 Continuing Education for Neutrals

All neutrals must attend at least six hours of additional approved training relevant to their respective practice areas every two years.

§146.6 Approval of Training Programs and Qualifications

(a) The UCS ADR Office, with the approval of the Chief Administrative Judge and the four Presiding Justices of the Appellate Divisions, shall adopt such criteria as may be appropriate for the approval of training programs under these guidelines and for defining recent experience mediating actual cases pursuant to section 146.4(b).

(b) The UCS ADR Office, with the approval of the Chief Administrative Judge, may increase the qualifications and training requirements in specific court ADR programs.

