

Litigation Law Alert: New York State to Begin Early Presumptive Mediation in Civil Cases in September

The New York State Court system recently announced an initiative whereby parties in New York State civil cases will be referred to mediation or some other form of alternative dispute resolution (ADR) as a first step in the case proceeding in court. A broad range of civil cases, including personal injury, matrimonial cases, estate matters and commercial disputes, will be directed to ADR at the onset of the case.

The court system will issue uniform rules to provide a framework for courts across the state to introduce and expand court-sponsored mediation programs, particularly early mediation via automatic presumptive referrals in identified types of cases.

Implementation and rollout of this statewide program will begin in September with local protocols and best practices being developed by the Administrative Judges of New York's 13 Judicial Districts to facilitate the process.

Transitioning to an early and presumptive ADR model is expected to play a significant role in decreasing costs to parties and the judiciary, improving case outcomes and reducing case delays.

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