

Mediation Process and Checklist¹

- **Timeline:** When a case is referred to mediation, the judge may give deadlines for selecting a mediator and completing the mediation. Any requests about deadlines must be made to the judge that referred you to mediation.
- **Select a Mediator:** A list of Eastern District panel mediators is available [online](https://www.nyed.uscourts.gov/adr/) at <https://www.nyed.uscourts.gov/adr/>. Mediators' information (including the areas of law they specialize in) should be reviewed to find the right mediator for your case. Both sides must agree upon the mediator. If a party is having difficulty finding a mediator, or if the parties cannot agree on a mediator, please contact the ADR Administrator (contact information below).
- **Schedule the Mediation Session:** Once the parties agree on a mediator, they must contact them directly to schedule the mediation session. The session may be held in-person or remotely. Once the session is scheduled, the parties must file the name, date, time, and place of the initial mediation session with the Court. If you are having trouble filing this information, please contact the ADR Administrator.
- **Prepare for the Mediation:**
 - Collect information and documents you have relating to the conflict and review it prior to the mediation.
 - Identify what issues are most important to you. Try to imagine what is most important to the other side.
 - Think about options that could resolve the dispute. Options should address the issues you identified as important to you and the other side. Because mediation is a voluntary process, the mediator cannot force parties to agree. Instead, the mediator will explore what options are available.
 - Define mediation goals. These goals might relate to the issues that led to the dispute and other factors such as being able to resolve the matter, avoiding the cost and time of litigation, and reducing stress.
- **Before the First Mediation Session:**
 - Mediator's Requests:
 - The mediator may ask you to participate in a meeting or call before the session. During this meeting/call (or at the start of the mediation session) the mediator will describe the mediation process. If you have questions, it would be helpful to have them ready to ask during this meeting/call (or the initial session).

¹ The information in this checklist is intended as an informative and practical resource for pro se litigants and is not a substitute for legal advice from an experienced attorney. The information is procedural in nature and should be read in conjunction with the [Federal Rules of Civil Procedure](#), Local [Rules](#) of this Court and the [Individual Practices](#) of the judge assigned to your case.

- The mediator might ask you to prepare a confidential written statement to send to them before the mediation. The Eastern District's Local [Rules](#) outline what must be provided, but your mediator may adjust these requirements.
- Confidentiality Stipulation: Mediation is a confidential process. The mediator will ask you to sign a [confidentiality stipulation](#) before the mediation session.
- **At the Mediation Session**
 - The mediator may ask you to make an opening statement (you can ask the mediator if this is required prior to the mediation).
 - The mediator will ask questions to better understand the dispute.
 - The mediator will ask each side to think of different options for resolving the dispute. This includes weighing different options and exploring what will happen if an agreement isn't reached.
 - The mediator may ask to meet with the parties separately. Any communications are confidential, and not shared with the other side unless you give permission to the mediator to share the information.
 - You may request additional mediation sessions to continue to discuss the dispute. The parties or the mediator may also adjourn the mediation session so that the parties can gather additional information needed to resolve the dispute.
 - There is no required outcome in mediation. You may come to an agreement based on the options discussed. You may resolve some of the issues involved in the dispute, but not reach a full agreement. You may not reach an agreement, but you will have a better understanding of the dispute. The mediator will explain next steps once the mediation is complete.
- **After the Mediation Session**
 - If an agreement is reached, the parties will discuss finalizing the settlement and discontinuing the case.
 - If a settlement is not reached, parties may proceed to trial with all appellate rights preserved.
 - The mediator will report back to the ADR Administrator to let them know whether the case settled.
 - Parties must complete a [mediation report](#) and submit to the ADR Administrator after the mediation.
- **Questions?**
 - If you have questions about the process, please contact the ADR Administrator.
 - Information about the mediation program including forms used at mediation can be found on our [website](https://www.nyed.uscourts.gov/alternative-dispute-resolution): <https://www.nyed.uscourts.gov/alternative-dispute-resolution>
- **Contact:**

Danielle B. Shalov, Esq.
ADR Administrator
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201
(718) - 613-2578 danielle_shalov@nyed.uscourts.gov