

Alternative Dispute Resolution

Alternative Dispute Resolution (“ADR”) describes different methods to resolve disputes that do not involve litigation. Common forms of ADR include arbitration, mediation, negotiation, and neutral evaluation. Some courts offer ADR services to parties appearing before them (“Court-Annexed” programs). The United States District Court for the Eastern District of New York offers a variety of Court-Annexed ADR services including mediation, arbitration, and *pro bono* mediation advocacy.

ARBITRATION

Arbitration is an ADR process where a neutral third party (the arbitrator) hears arguments from both sides. In the Eastern District, cases² where monetary damages are \$150,000 or less are automatically sent to arbitration. At the end of the hearing, the arbitrator will issue a confidential, non-binding, monetary award. The award will become a final judgement of the Court unless a party files a demand for trial *de novo* within thirty days of the award being entered. The party that files the request for trial *de novo* will incur a cost of \$250.00 which is the cost of the arbitrator’s fee.

Court Annexed Arbitration at the EDNY is governed by [Local Civil Rule 83.7](#).

MEDIATION

Mediation is a confidential ADR process in which parties meet with a neutral third party (the mediator) who is trained in dispute resolution. The mediator assists in improving communication across party lines, identifying areas of agreement, and helping the parties to generate a mutually agreeable resolution to the dispute. Mediation provides an opportunity to explore a wide range of potential solutions beyond what parties may seek in litigation.

The Eastern District’s mediation program has a panel of qualified mediators with experience in a wide variety of areas of law. Information about the panel mediators is available on the Eastern District’s ADR [website](#). Parties may request mediation by asking the judge in their case, or the judge may determine that mediation is appropriate for the case and refer the case to mediation. Parties referred to mediation will speak with the other side to select a mediator. The parties will

¹ The information on this page 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.

² Excluding Social Security cases, tax matters, prisoners' Civil Rights cases and any action based on an alleged violation of a right secured by the Constitution of the United States or if jurisdiction is based in whole or in part on Title 28 U.S.C. § 1343.

then schedule an initial session which can be held in-person or remotely. The parties attend the mediation which may result in settlement if all parties agree. If a settlement is not reached during the mediation session, parties may proceed to trial with all appellate rights preserved.

Parties are responsible for paying the mediator. Mediators on the Eastern District's panel charge a reduced rate of \$600 for four hours of mediation (excluding time they spend preparing). If the parties agree to continue to mediate past the first four hours, the mediator is paid \$250 for each additional hour. If a party is unable to pay the mediation fee, they may apply to the judge for a fee waiver. In fee waiver cases, parties will be sent the name(s) of mediators who are available to mediate their case without charge by the ADR Administrator.

Court annexed mediation at the EDNY is governed by [Local Civil Rule 83.8](#).

MEDIATION ADVOCACY PROGRAM (MAP)

The Eastern District's ADR program offers *pro se* (unrepresented) parties the opportunity to obtain *pro bono* (free) legal representation for the purpose of mediation in matters of employment discrimination and matters arising under Section 1983. The Eastern District maintains a panel of counsel with expertise in employment discrimination and cases involving Section 1983.

Counsel offer limited scope representation, meaning they will help the party prepare for the mediation, attend the mediation, and participate in post mediation communications. Counsel's representation of the party ends when the mediation is complete or if the party or counsel terminate the representation. Parties may apply to the judge for referral to the MAP program. Once the matter is referred, the ADR Administrator will contact the party with the name(s) of available counsel. Counsel serve on a voluntary basis and the ADR Administrator cannot guarantee representation, even when referred by a judge.

ADR DEPARTMENT CONTACT INFORMATION

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EDNY ADR QUICK LINKS

ADR Homepage: <https://www.nyed.uscourts.gov/alternative-dispute-resolution>
Mediator/Arbitrator Search: <https://www.nyed.uscourts.gov/adr/>
ADR Forms: <https://www.nyed.uscourts.gov/adr-forms>
Mediation Advocacy Program: <https://www.nyed.uscourts.gov/mediation-advocacy-program>