

*UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK*

MEDIATION REPORT

July 1, 2009 – June 30, 2010

ALTERNATIVE DISPUTE RESOLUTION

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Administrator**

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1. The Number of Active Cases

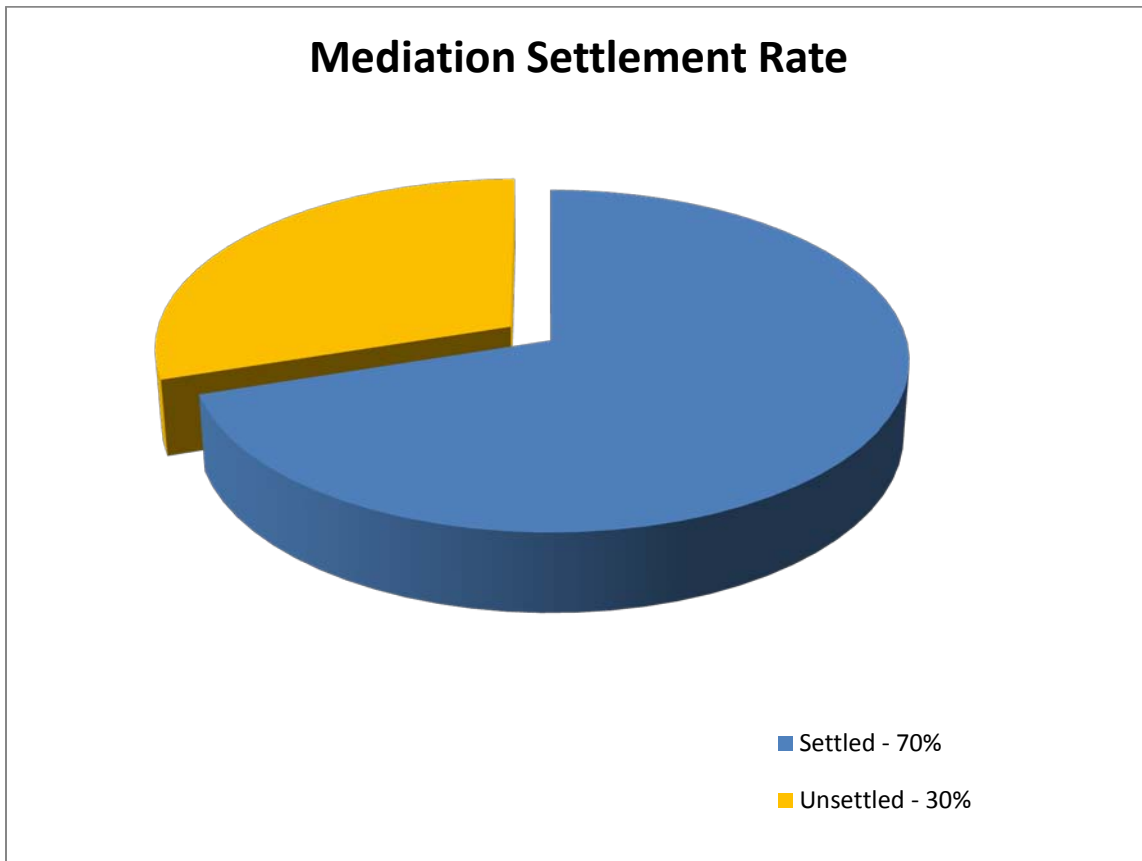
Between July 1, 2009 and June 30, 2010, 140 cases reported activities in mediation. Of the 140 cases, 44 cases were referred to mediation prior to June 30, 2009 and 96 cases were referred after July 1, 2009 and before June 30, 2010.

2. Status of Cases

Of the 140 cases referred to mediation, 54 cases were either reported settled as a result of mediation or returned to the assigned judge. A total of 42 cases are now pending. These are not the same cases as the 44 carried over from July 1, 2008 to June 30, 2009.

3. Rate of Settlement at Mediation

Of the settled or unsettled cases reported in the current period, 38 cases or around 70% were settled as a result of mediation. This number does not reflect cases that settled after they returned to the court. Frequently, cases may settle after they are returned to the court.

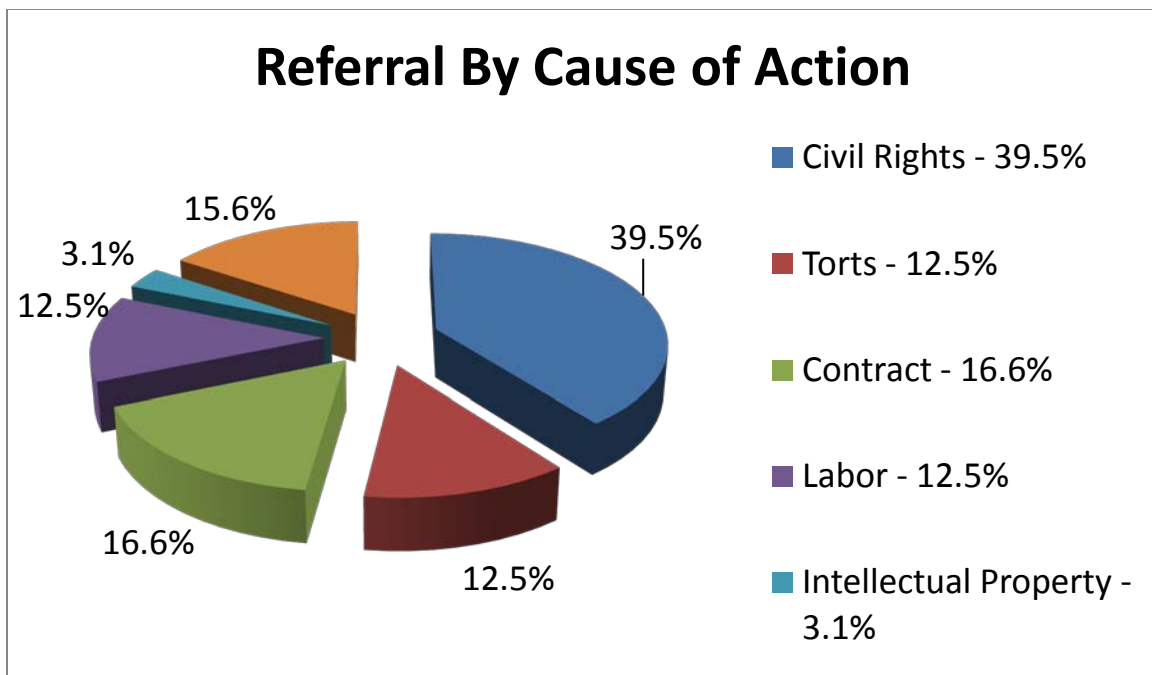


4. The Percentage of Settlement by Cause of Action at Mediation

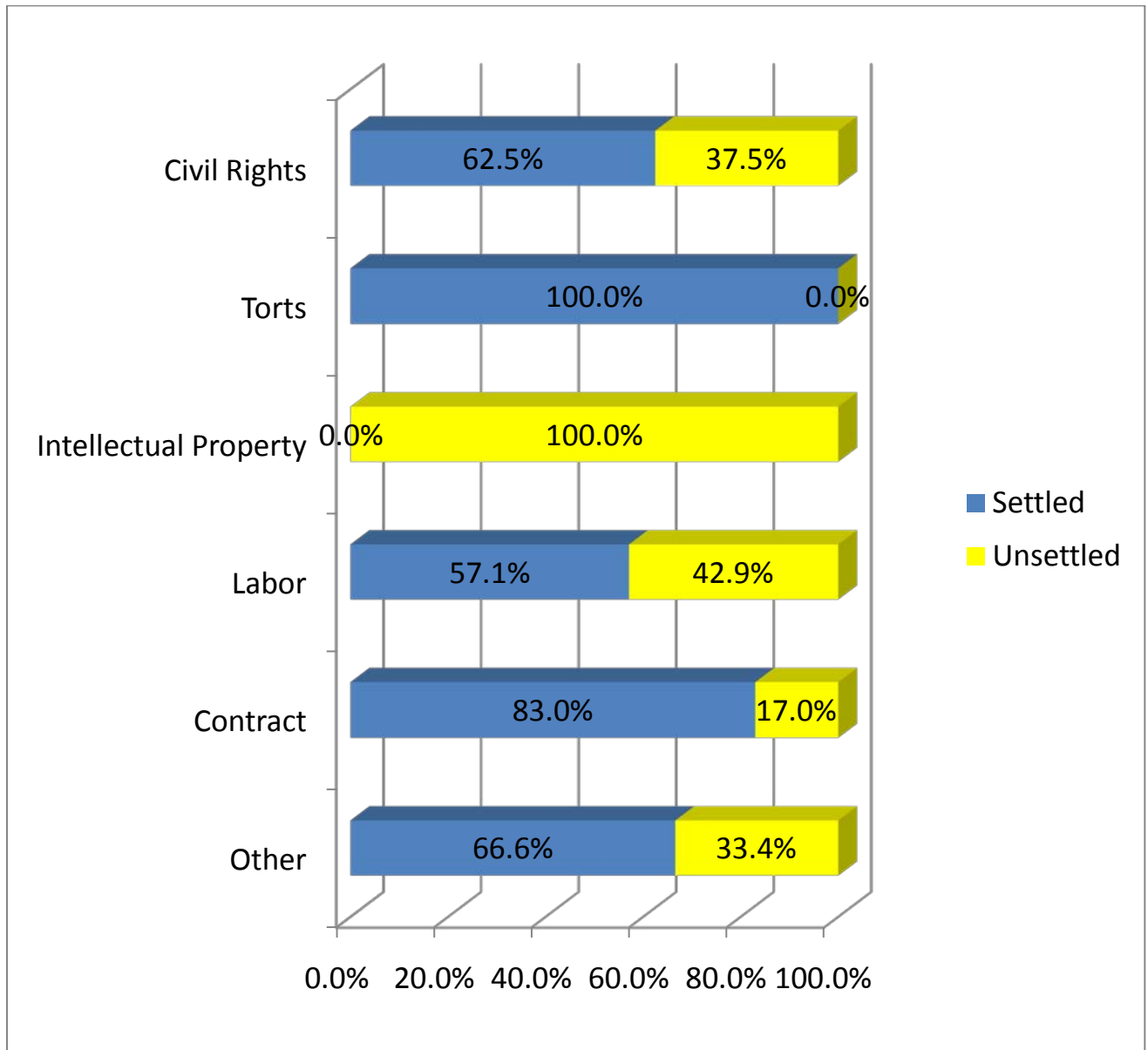
Cause of Action	Sub-category	Percent		Number			
		Settled	Unsettled	Settled	Unsettled	Pending	Total
Civil Rights	American with Disabilities	100%	0%	2	0	2	4
	Jobs	64%	36%	9	5	7	21
	Other	50%	50%	4	4	5	13
Torts	Personal Injury	100%	0%	5	0	3	8
	Motor Vehicles	100%	0%	1	0	1	2
	Medical Malpractice	100%	0%	2	0	0	2
Contract	Franchise	0%	0%	0	0	0	0
	Other	83%	17%	5	1	10	16
Intellectual Property	Copyright	0%	0%	0	0	0	0
	Patent	0%	100%	0	1	1	2
	Trademark	0%	0%	0	0	1	1
Labor	E.R.I.S.A.	0%	100%	0	1	0	1
	Fair Standards	80%	20%	4	1	5	10
	Other	0%	100%	0	1	0	1
Other	Airplane	100%	0%	1	0	0	1
	Insurance	0%	0%	0	0	2	2
	Marine	0%	0%	0	0	0	0
	Other Federal Question / Statutory Action	0%	100%	0	1	0	1
	Personal Property	0%	0%	0	0	3	3

	Real Property	50%	50%	1	1	1	3
	Truth In Lending	100%	0%	2	0	0	2
	Wiretapping	0%	0%	0	0	0	0
	R.I.C.O.	0%	0%	0	0	0	0
	Banks and Banking	0%	0%	0	0	0	0
	SEC Securities/Commodities	100%	0%	2	0	0	2
	Stockholder	0%	0%	0	0	0	0
	Environmental	0%	0%	0	0	1	1
Total		70%	30%	38	16	42	96

5. Mediation Referral by Cause of Action



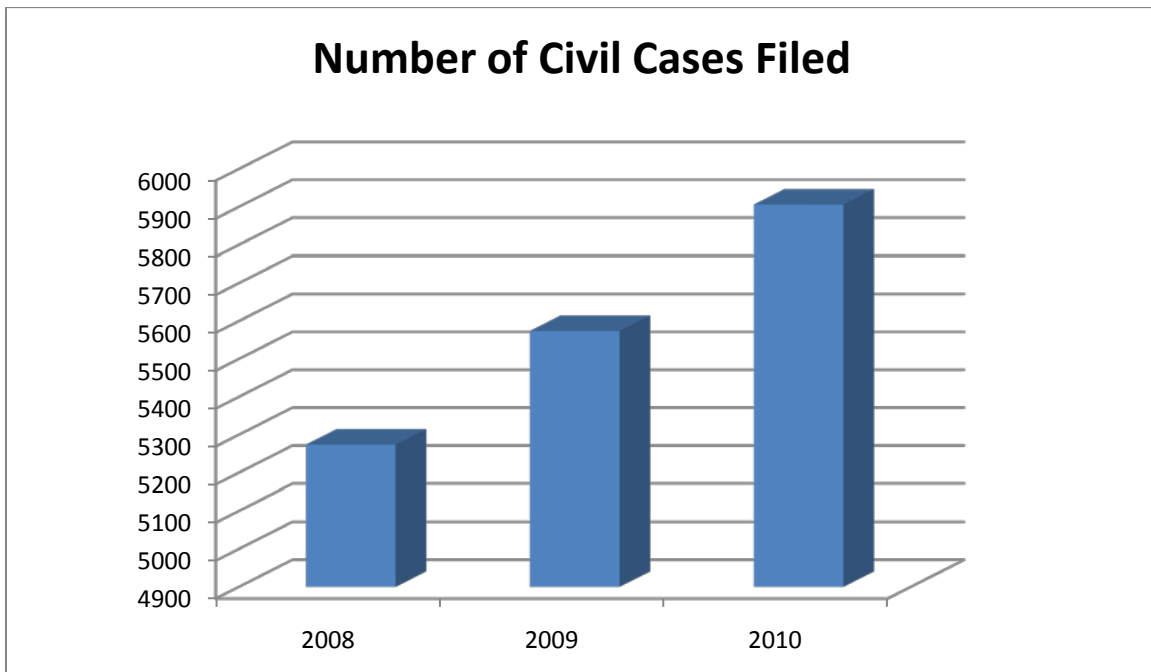
6. The Percentage of Settlement through Mediation by Cause of Action



7. Cases

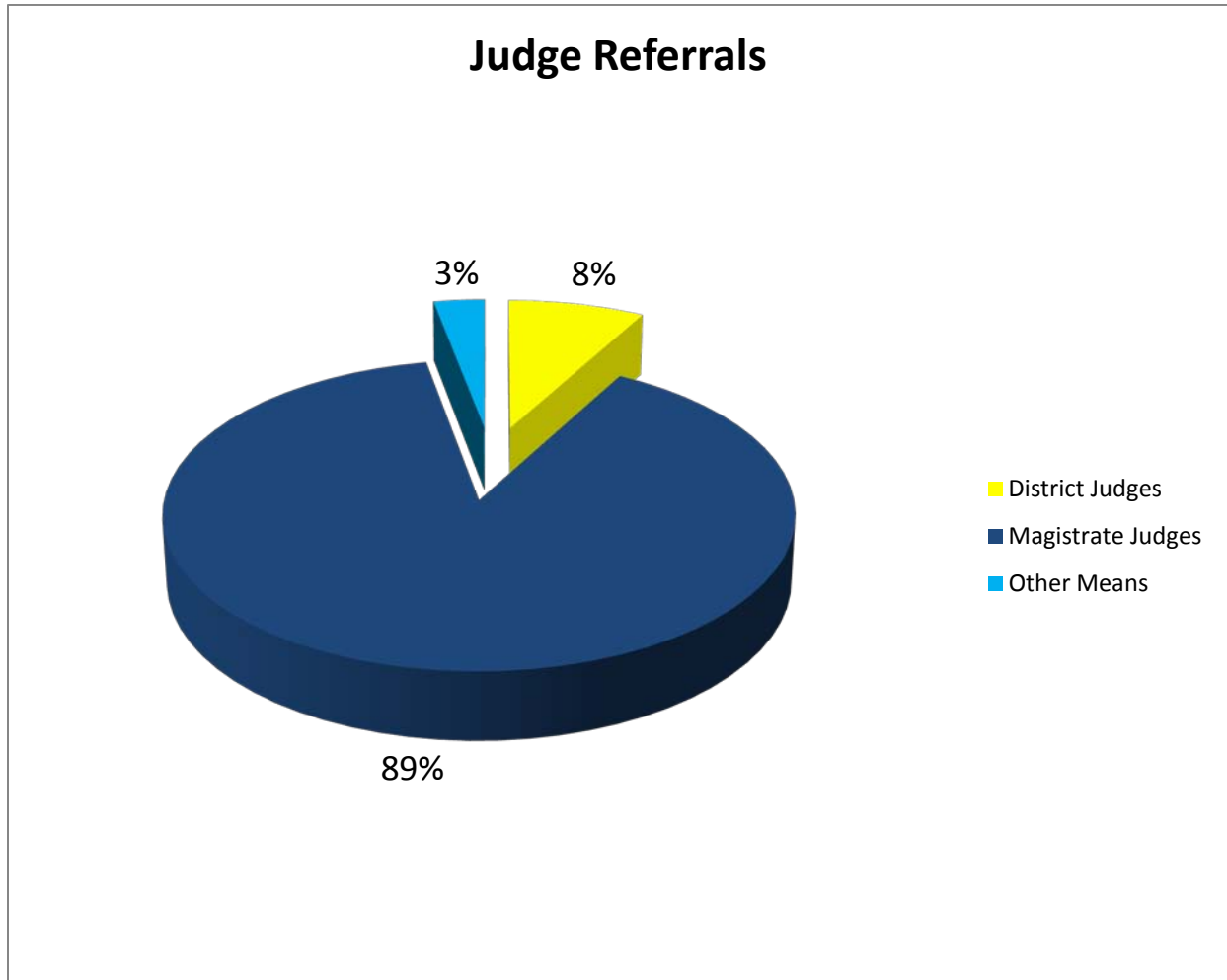
From prior fiscal year (July 2008 ~ June 2009) to the last fiscal year (July 2009 ~ June 2010), 21 fewer cases were referred to mediation. At the same time, the number of civil cases filed in EDNY was as follows:

Year	Number of Civil Case Filed
2008	5274
2009	5574
2010	5906

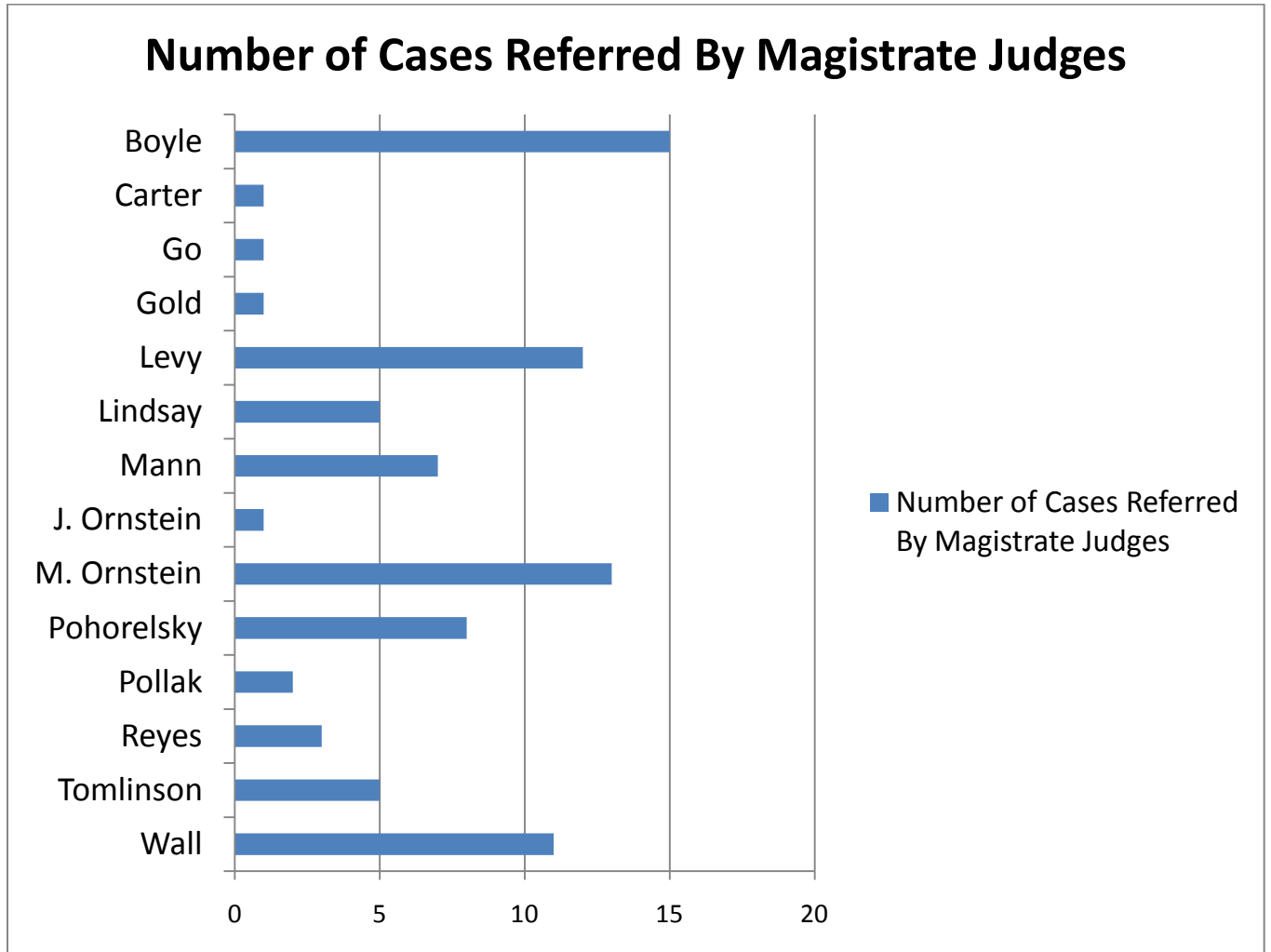


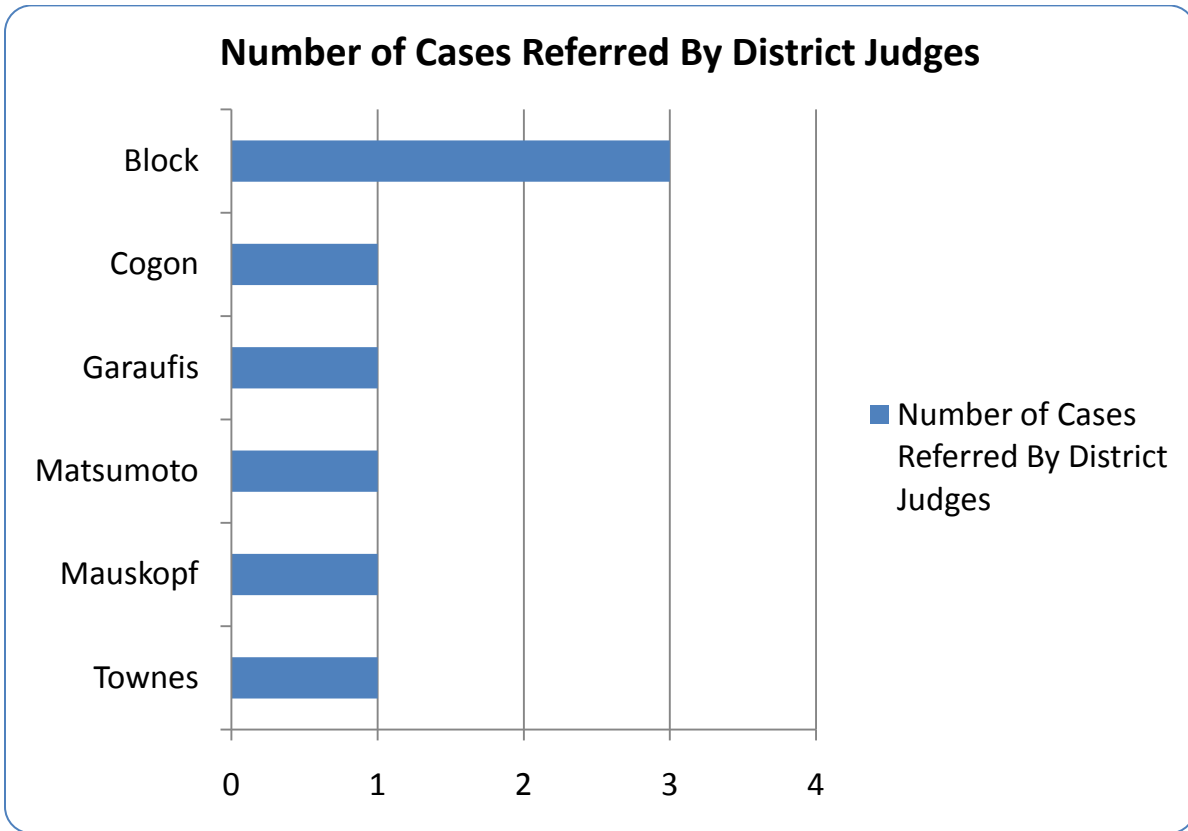
8. Judge Referral Statistics

Out of 140 settled, unsettled, or pending cases in mediation, 8 cases (8%) were referred by District Judges. 85 cases (89%) were referred by Magistrate Judges, and 3 (3%) were referred to mediation through other means (i.e. Parties initiated request for mediation).



9. Frequency by Judge





10. Conclusions

The improving percentage of EDNY cases settled by mediation demonstrates its effectiveness as a dispute resolution resource. Consequently, this factor along with the increase in EDNY case filings strongly suggests greater consideration of mediation to constructively resolve civil cases is needed.

Respectfully Submitted,

Gerald P. Lepp

Brooklyn, New York
August 31, 2010