

**NORTH COUNTRY CONFLICT RESOLUTION SERVICES**  
A Program of the RURAL LAW CENTER OF NEW YORK

## **Mediation Guide for Town and Village Justice Courts**

### **The Organization**

North Country Conflict Resolution Services (NCCRS) is a program of the Rural Law Center of New York, Inc. The program is staffed by dispute resolution professionals and certified community volunteers, and is part of the statewide Community Dispute Resolution Centers Program administered by the Unified Court System of the State of New York.

### **Service Area**

The NCCRS dispute resolution centers provide conflict resolution services to residents of northern New York Counties. Our services are available in St. Lawrence County, Clinton County, Franklin County, Essex County and Hamilton County.

### **How Are Mediations Scheduled?**

Mediation services provided for town and village Justice Courts throughout the 5 county areas may be scheduled in two different ways. Using one method, justices may refer individual cases directly to their local Conflict Resolution Center. The second method (and the one preferred by nearly all justices currently using mediation services) is to have mediations actually occur onsite, at the court. Using this model, the court selects a set time to schedule small claims cases (for example: one court date each month) and the local mediator is present at the court. The court then contacts both parties, as usual, and when they arrive at court, they are directed to mediation. At the conclusion of mediation sessions, the results are provided immediately to the court. This second method is obviously preferred, for convenience and efficiency, and also because it maximizes the resources of both the courts and the Conflict Resolution Centers.

### **What Happens in Justice Court Mediation?**

Like any mediation, sessions with disputants held for the Justice Courts must be voluntary, private and confidential. Generally, these are small claims matters and since they are usually about money owed, the discussion remains specifically focused. IN ANY CASE, THOUGH, THIS (like all other mediations) IS A SESSION BETWEEN THE PARTIES (with the assistance of the mediator). Judges may not attend the mediation sessions. This is important because should the case not be resolved, it must

proceed to the court and the judge must have no outside (ex parte) communication concerning the facts of the case.

## **Why Use Mediation Services?**

**In Town and Village Justice Courts, mediation services are primarily used for small claims cases. Benefits of mediation services include:**

- **No cost to the court**
- **Saves valuable court time**
- **Available at convenient times and locations**
- **All points of view heard**
- **Prevents escalation of disputes**
- **Mutually agreeable solutions**

## **Does the Judge Sign the Agreement?**

No, only the parties sign a mediation agreement and the judge is not a party to the dispute.

## **What Does the Court Do With the Agreement?**

The court retains the original of a signed agreement. What the court does next is up to the individual judge. There are several methods employed by area judges for signed mediation agreements.

- 1) In the first model, the judge will call the parties before him or her, ask the parties if the agreement is what they agree on as a settlement of their dispute, and then enter an Order based on the agreement.
- 2) Other judges may simply let the agreement stand. If an agreement is not complied with, the judge may choose to reopen the case.
- 3) The third, and most efficient way of dealing with a signed agreement, is to approve the use of a "Small Claims Settlement Agreement" form that is placed on the court's letterhead, and includes provisions for the immediate entry of a judgment, and the ability for the filing of the judgment should the terms of the agreement not be met. Again, the obvious preference for this method is that the matter is disposed of at the first and only court appearance, again, preserving precious rural justice court resources.

## **What Happens if the Parties Do Not Comply with the Agreement?**

- 1) If the third method described above was used by the courts, the party that received the original judgment may immediately file that judgment. The court does not need to reschedule. The case was closed at the original court appearance.

2) If either of the other 2 methods was used, the parties would return to court and the judge would hear the case and determine disposition.

**IMPORTANT: WHEN A MEDIATION SESSION IS OVER, THAT IS THE CONCLUSION OF THE MEDIATOR'S ROLE IN THAT CASE. THE MEDIATOR, OR THE CONFLICT RESOLUTION CENTER STAFF, MAY NOT SPEAK WITH THE JUDGE ABOUT THE SPECIFICS OF THE CASE OR ABOUT THE NEXT STEPS THAT THE COURT TAKES.**

## **Role of the Mediation Center**

**The County Coordinator of each Conflict Resolution Center will:**

- 1. Complete an intake**
- 2. Arrange for mediators**
- 3. Conduct a mediation session**
- 4. Provide the court with the agreement**
- 5. Inform the court if an agreement was not reached**
- 6. Place all necessary documentation in the Center's files**
- 7. Close out the case**

## **How Can I Arrange for Mediation Services?**

Contact the Community Dispute Resolution Center office in your county. Contact information for each of the 5 rural county offices served by the North Country Conflict Resolution Services (St. Lawrence, Clinton, Franklin, Essex and Hamilton) is listed in the general information found at the Conflict Resolution tab on this website.