

United States District Court

Northern District of New York  
100 South Clinton Street  
P.O. Box 7336  
Syracuse, New York 13261-7336

Norman A. Mordue  
Chief Judge

{315} 234-8570

## NOTICE

**TO: ALL MEMBERS OF THE NORTHERN DISTRICT OF NEW YORK FEDERAL BAR**

**FROM: NORMAN A. MORDUE, CHIEF JUDGE**

**DATE: SEPTEMBER 15, 2008**

### ANNOUNCING A NEW ALTERNATE DISPUTE RESOLUTION PROGRAM

#### The Assisted Mediation Pilot Program

Dear Members of the Northern District Bar. I am very pleased to announce that the Court working in conjunction with our NDNY Federal Court Bar Association has developed a new alternative dispute resolution program known as the Assisted Mediation Pilot Program<sup>1</sup>. As you are aware, all members of the Northern District Bar are required to participate in periodic training that the court offers and to accept no more than one pro bono assignment per year. The NDNY Federal Court Bar Association has arranged four CLE Programs on Mediation and Mediation Advocacy to assist our Bar in preparing for assignments to this new pilot program. The CLE training programs will provide members of the Bar with 5.5 CLE credit hours in the skills category. Programs will be offered at each of the four court locations in the Northern District. The programs will be held on October 31<sup>st</sup>, 2008 in Binghamton, New York; November 21<sup>st</sup>, 2008 in Syracuse, New York; December 8<sup>th</sup>, 2008 in Utica, New York; and, December 15<sup>th</sup>, 2008 in Albany, New York. I strongly encourage all of you to sign up for one of these programs and to help assist the court in making this new program a success. The program has been modeled after similar programs that were introduced with great success in the District of Columbia and the Northern District of California. To register for the upcoming programs, please visit the NDNY Federal Court Bar Association website at [www.ndnyfcba.org](http://www.ndnyfcba.org).

The Court offers mediation as an adjunct to litigation, which if successful, resolves the case to the satisfaction of all parties<sup>2</sup>. In mediation, the parties meet with a neutral third party - *the mediator* - who helps the parties attempt to negotiate a settlement of the case. The mediator is not a judge and has no authority to impose a resolution. The mediator does not represent either side; his or her role is to help the parties communicate and to assist them in understanding whether it makes more sense to proceed with the lawsuit or to accept a negotiated settlement.

As members of the Bar, you know that it is often difficult for parties who are not represented by counsel (*pro se litigants*) to participate effectively in mediation because they have no one to advise them and to assist them through the process. *Pro se* litigants also frequently have problems preparing for mediation without legal counsel. As a result, the Court working with the NDNY Federal Court Bar Association has established an experimental pilot program, hereinafter referred to as the Northern District Assisted Mediation Program. In this program, **volunteer attorneys** assist *pro se* litigants, but the assistance is limited to mediation in the Court's Assisted Mediation Program.

The Assisted Mediation Program is open to civilian *pro se* parties filing new cases, and civilian *pro se* parties with pending cases. The assigned judge or magistrate judge will determine if the case would benefit from mediation and would also benefit from the assignment of counsel to assist the *pro se* party with the process. Participation in the program is in no way guaranteed and is at the discretion of the assigned judge or magistrate judge.

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<sup>1</sup>See General Order #35 available on the Court's website at [www.nynd.uscourts.gov](http://www.nynd.uscourts.gov)

<sup>2</sup>See Local Rule 83.11-1 (Mediation)

If a case is referred into the program, the presiding judge or magistrate judge will issue an order assigning the case to the assisted mediation program. Shortly thereafter, the judge will issue a separate order appointing a particular volunteer attorney to assist the *pro se* party at the mediation session. Once this occurs, the volunteer attorney will contact the *pro se* party to help prepare them for the mediation and will also go with the *pro se* party to assist them at the mediation session. At the conclusion of the mediation session, the Court will issue another order which terminates the appointment for the attorney from any further work on the case. **Assignment to one of these cases will satisfy your requirement to participate in pro bono work for the Northern District for one calendar year from the date of the appointment.**

The procedures for conducting the mediation session will be dictated by Local Rule 83.11. Following the mediation session, the Court's Alternative Dispute Resolution Clerk will contact the parties and ask them to complete a short survey. The purpose of the survey is to provide the Court with information on how the program is proceeding and the perceptions of all participants involved in the mediation process. If the collected data shows that the program is a success, the pilot Assisted Mediation Pilot Program will be codified into the Local Rules of the Northern District of New York.

I know that many of you have assisted the Court by accepting pro bono assignments in the past. I thank you for your past efforts and I look forward to working with you in the future on the new Assisted Mediation Pilot Program. I encourage all members of the Bar to take advantage of these upcoming programs.

Sincerely,

A handwritten signature in black ink, appearing to read "Norman A. Mordue". The signature is fluid and cursive, written over a horizontal line.

Norman A. Mordue  
Chief United States District Court Judge

Registration Information for these programs can be found on the NDNY Federal Court Bar Association Website at [www.ndnyfcba.org](http://www.ndnyfcba.org)