

Report of the Mediation Program



October 2, 2025

**Statistics from
January 1, 2023 – December 31, 2024**

Mediation Program Staff:

Rebecca Price, ADR Program Director
Shantely Genao, ADR Program Coordinator
Skylar Nieman, ADR Program Administrator

INTRODUCTION

As the Co-Chairs of the Mediation Committee, we are delighted to offer this introduction to the 2023-2024 Report of the Mediation Program. The Mediation Program serves as an international model for court-assisted alternative dispute resolution. As this report highlights, the Program continues to resolve cases at a high rate, thanks to the hard work and dedication of our highly skilled volunteer mediators and the tireless work of the Program’s staff—Director Rebecca Price, Coordinator Shantely Genao, and Administrator Skylar Nieman. The Program (and its leadership) has received numerous and well-deserved honors over the past two years, including the James Duane Award and the New York State Bar Association’s Chuck Newman Award. The Program also continues to help advise and collaborate with international court systems who are seeking to utilize ADR. As we look to the future, we encourage all of those who are interested in joining the panel of mediators to learn more about how to do so [here](#), and we encourage litigants to continue seeking referrals to the Program.

Hon. Jessica Clarke
Chair of the Mediation Services Committee

Hon. Stewart Aaron
Vice Chair of the Mediation Services Committee

EXECUTIVE SUMMARY

This report provides settlement statistics from 2023-2024, and other information through the date of publication in 2025. Mediation referrals decreased from 2023 to 2024, from 1601 to 1309 cases. This is attributable primarily to lower civil filings in the Court and to a reduction in referrals in 2024 of cases filed under Title III of the Americans with Disabilities Act. Of the 1601 cases referred to mediation in 2023, 1588 are closed with an overall settlement rate of 62%. Of the 1309 cases referred to mediation in 2024, 1285 are closed with an overall settlement rate of 63%. Cases enter the Mediation Program either through referral by the assigned judge

Feedback from Counsel October 2023

“This was my first experience with the Mediation Program. I had very low expectations for reaching a resolution but came away very impressed with the mediator and his ability to get the parties to agree on a mutually acceptable settlement. He was incredibly patient and empathetic, provided a healthy dose of reality, and was instrumental in guiding us to a resolution. He also maintained a high degree of credibility throughout the process. Overall, I highly recommend that the Court continue to utilize the Mediation Program.”

(“judge-referred”), or through a process of automatic referral (FLSA, employment discrimination, §1983, and - starting in 2025 - personal injury cases). In 2023 and 2024, approximately 39% of the cases referred to mediation were automatic and 61% were judge-referred. For the most part, the charts in this report reflect two separate but related sets of numbers. The first is the number of referrals for a particular case type. The second are settlement statistics based on the number of cases in which a mediator was assigned. There are cases in every nature of suit that are either closed or removed before mediation occurs.

These two years were also notable because of the Program’s engagement with local, regional, and international communities of alternative dispute resolution providers to increase and enrich the practice of mediation. The Mediation Program offered training to members of the bench and bar in collaboration with bar associations, universities, community

mediation centers, the New York State Unified Court System, the Eastern District of New York, and the judiciary of Pakistan. Several specialized trainings were offered for mediators on the Court’s panel. This report contains further information about the Mediation Program, including some 2025 initiatives.

AWARDS, COLLABORATIONS, TRAININGS

In 2024, the mediation panel was recognized by members of the bench and bar as the collective recipients of the



From Left: Chief Judge Laura Taylor Swain, Jay Zelermyer, Carmen Rodriguez, Steve Bierman, Former Chief Judge Loretta Preska at the Duane Award ceremony.

Eighth Annual James Duane Award for providing exemplary service to the Court. Three mediators accepted the award on behalf of the panel of over 200. Benjamin “Jay” Zelermyer, a member of the panel since the spring of 1997, Steve Bierman, a member since 2019, and Carmen Rodriguez, a member since 2021, were honored for their long-standing impacts on the panel, their skill in mediating “un-mediatable” cases, and their willingness to take on a challenge. After more than twenty-five years and hundreds of cases, Mr. Zelermyer stepped down from the panel in early 2024. Mr. Bierman accepted thirty-five cases in 2024 alone and is known for his unflagging interest in any and all cases. Ms. Rodriguez started mediating for the SDNY as part of a collaboration with community mediation centers for cases filed under Title III of the Americans with Disabilities Act and quickly joined the full panel. Her contributions include working with self-represented parties and Spanish-speakers.

In January 2025, the Mediation Program was further celebrated at

the New York State Bar Association’s Chuck Newman Award ceremony which annually honors an extraordinary member of the State’s mediation community. The Dispute Resolution Section selected Rebecca Price, Director of the ADR Program, as the recipient of this year’s award, noting her commitment to diversity and mentorship.

The Mediation Program has a long history of working with international members of the bench and bar. In 2024, the Program collaborated with the judiciary of Pakistan, the Consumer Law Development Program at the United States Department of Commerce, and the New York State Unified Court system, in dispute resolution



Noah Hanft presents the Newman Award to Rebecca Price.



Judges and ADR administrators from Pakistan, New York State, and the SDNY meet at the SDNY.

consultancy, trainings, and meetings taking place in New York, Islamabad, and Karachi. The Mediation Program continues to coordinate local and regional skills trainings for new and experienced mediators and members of the bench and bar, including for the New York State Court of Claims, for staff and administrators at Yale University, and in collaboration with the New York City Bar Association and many affinity bars. Panel mediators continued to learn with and from their colleagues through mediator practice groups and book groups. They attended “Let’s Make a Federal Case of It!” for training on personal injury law and mediation. Jerome D. Greco, a Supervising Attorney in the Digital Forensics Unit of Legal Aid, offered a lunch and learn on “Cybersecurity 101 for Legal Professionals.” Experts John Lande (“Why do you Mediate the Way you Do?”), and Peter Coleman (“Conflict Intelligent Leadership”), presented their research on mediation practice and conflict resolution. As part of a continuing

collaboration with the New York Peace Institute, training and mentoring were offered to community mediators, resulting in the addition of several new ADA Title III mediators to the SDNY panel.

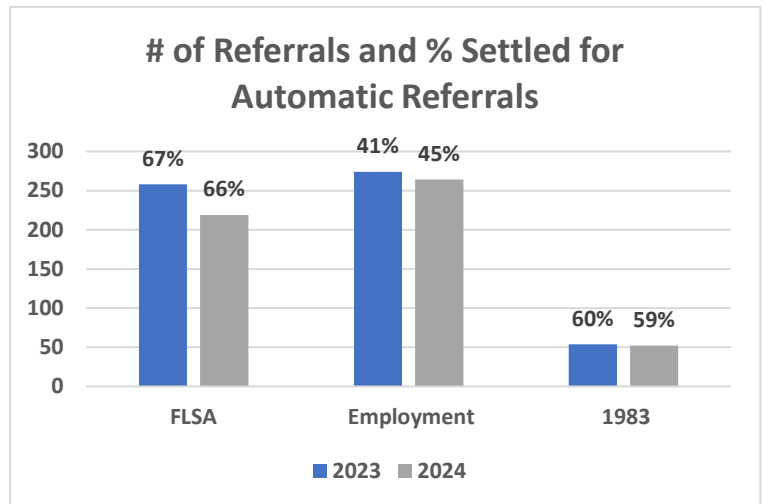
In 2025, the Mediation Program collaborated for the third time with the Harvard Negotiation and Mediation Clinical Program (HNMCP), this time with the Office of Pro Se Litigation. For this project, like the prior two, a group of students and a faculty member took a deep look at a systems issue. They were tasked with investigating the process for assigning pro bono counsel to self-represented litigants for the limited purpose of mediation. The focus was on quality and sustainability. The students interviewed a wide array of stakeholders and drafted recommendations for the Court.



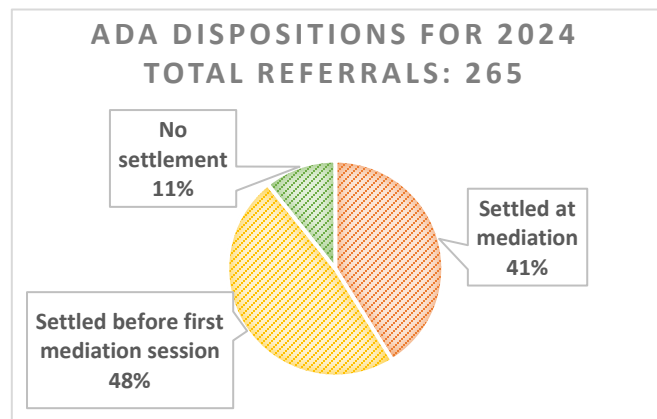
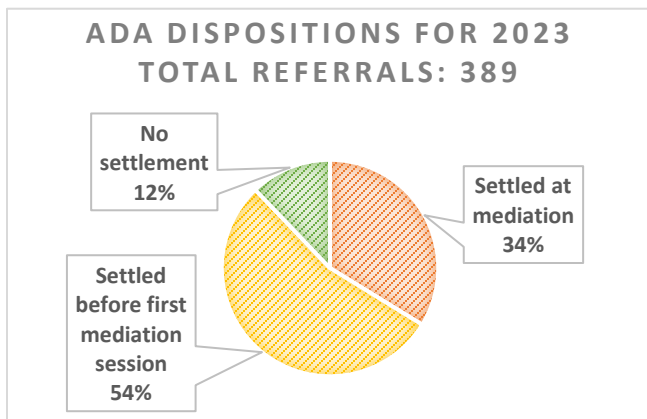
Final meeting with the HNMCP faculty and students, the Mediation Office, and the Office of Pro Se Litigation.

AUTOMATIC REFERRALS

Cases filed under the Fair Labor Standards Act (FLSA), counseled employment discrimination cases, and cases filed under Local Civil Rule 83.10 (“the § 1983 Plan”) have long been referred automatically to the Court’s Mediation Program. In 2023, there were 586 automatic referrals, 37% of the total referrals to the Mediation Program. In 2024, there were 535 automatic referrals, constituting 41% of the total. In 2025, the Mediation Program launched a new pilot for certain personal injury cases. As with FLSA, this pilot protocol was developed in consultation with members of the mediator panel and the bench and bar.



TITLE III OF THE AMERICANS WITH DISABILITIES ACT

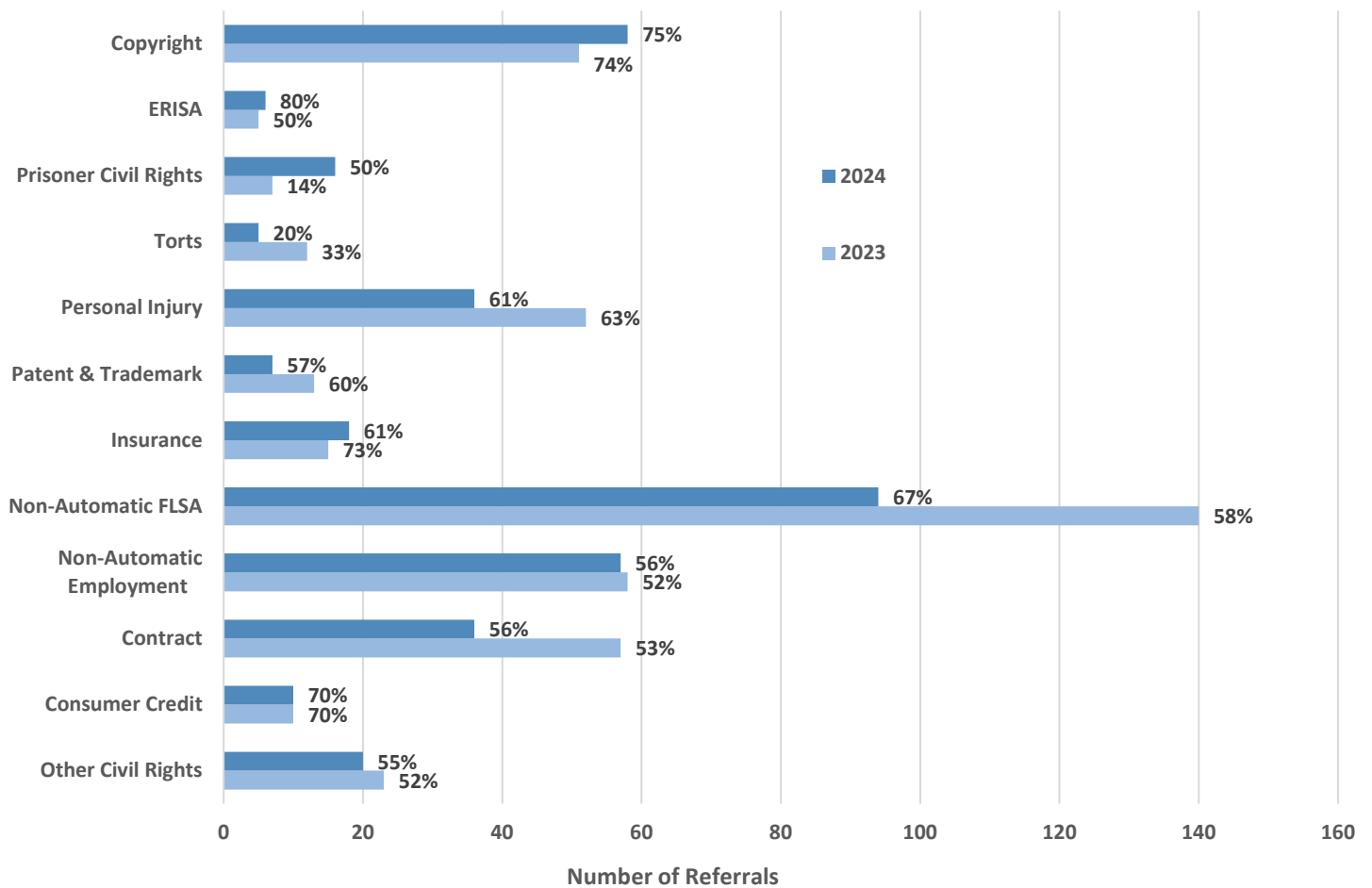


For several years, cases filed under Title III of the Americans with Disabilities Act have been the single largest category of case referred by judges into the Mediation Program. In 2022, these referrals peaked at 442 cases, decreasing in 2023 to 389, and then to 265 in 2024. To address the significant number of referrals under Title III of the ADA the Mediation Program has partnered with community mediation centers around New York, offering subject matter and mediation skills training for mediators with experience in court-annexed cases through the State court system. These fruitful partnerships have increased the number of mediators for ADA Title III cases and have provided mentoring and skills development for community mediators.

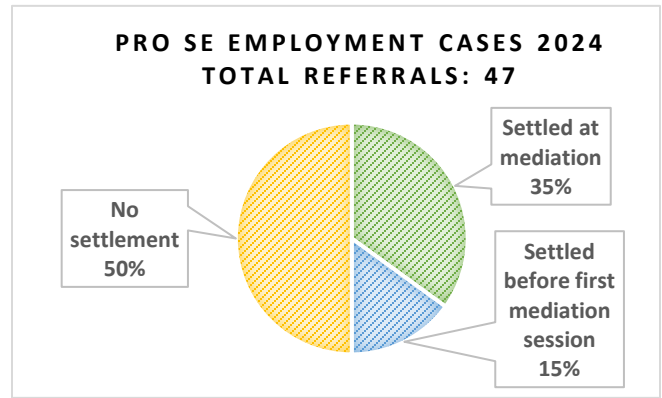
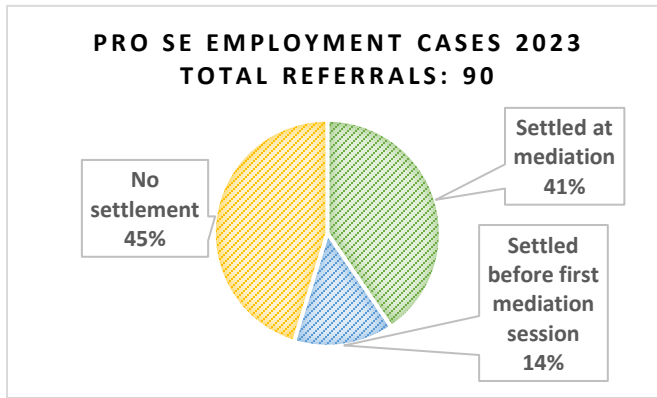
JUDGE-REFERRED CASES

Judges may refer cases to mediation at any point, with or without a request from the parties. In 2023, 925 cases were referred non-automatically by judges, representing 58% of the total referrals. In 2024, 727 cases were referred by judges, representing 55% of total referrals. So far, in 2025, 431 cases have been referred to mediation outside of the automatic protocols. Though many matters are still open, the settlement rate as of the issuance of this report is 69%.

Referral Numbers/Settlement % for Natures of Suit with Five or More Referrals



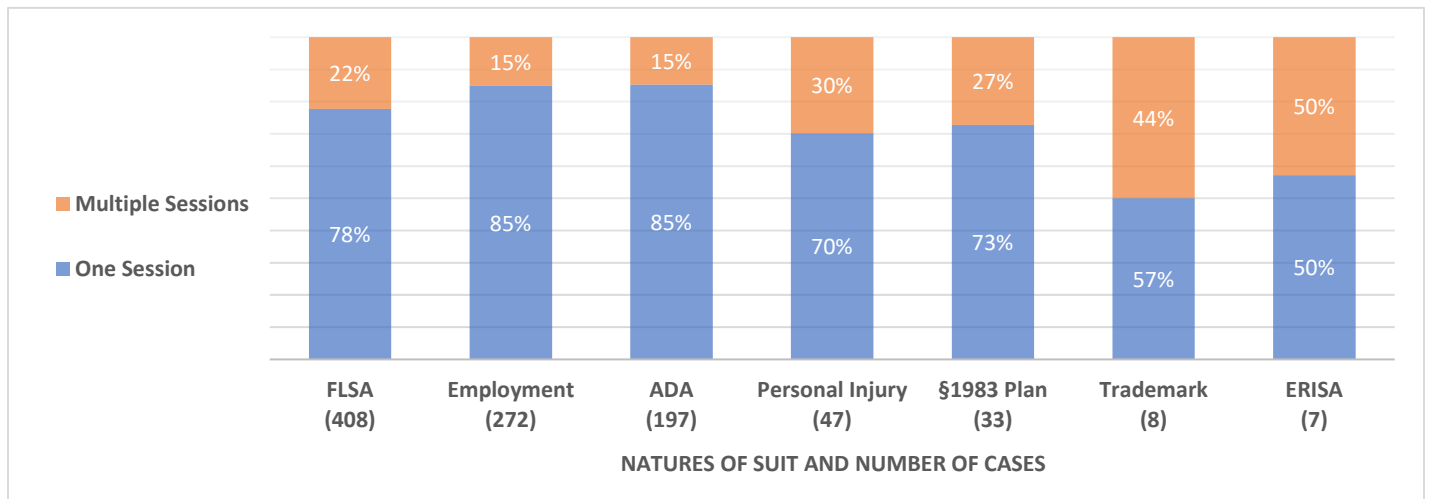
PRO SE EMPLOYMENT CASES



Pro se employment discrimination cases are the largest category of pro se case referred to mediation. Although parties can mediate without representation, most referrals of pro se employment matters include a request to the Office of Pro Se Litigation to appoint limited scope mediation counsel. In 2023, 90 pro se employment cases were referred to mediation. In 2024, the number of referrals dropped to 47, which was attributable, in part, to a transition in providers for the Court’s pro bono clinic – now run by the City Bar Justice Center. As of the date of this report, in 2025, 28 pro se employment cases have been referred to mediation.

MINI-STUDY ON SESSIONS AND SETTLEMENTS

Mediation concludes when the parties reach a resolution of some or all issues in the case or the mediator or parties determine that resolution (or further resolution) is not possible. In many cases, the question of whether or not a resolution can be reached is answered at an initial session. In others, the mediator works with parties for multiple sessions until the mediation concludes. The Mediation Program designed a mini study to explore the relationship between multiple sessions and settlement in certain case types. Cases mediated over a two-year period (June 2022 to June 2024) with mediator-reported settlements were included in the study. Natures of suit with fewer than seven referrals were excluded. In this dataset, §1983 Plan cases are automatically referred, and FLSA and employment cases included both automatic and non-automatic referrals. All other natures of suit were not subject to automatic protocols.



Though settlement information is necessarily more complex than can be assessed with a single data point, the conclusions of the study could offer some inspiration! Many of the case types surveyed had meaningful bumps in settlement with additional sessions. For trademark and ERISA matters, settlements increased by 44%-50%

when mediators held multiple sessions. For personal injury and §1983 Plan cases, there was a settlement boost of 27%-30% when multiple sessions were held.

INTERNS AND TECHNOLOGY VOLUNTEERS

The Mediation Program is proud to highlight the contributions of our interns who play a crucial role in supporting the Program day-to-day.

Interns hail from many schools including Brooklyn Law School, Cardozo School of Law, Columbia Law School, CUNY School of Law, Fordham School of Law, New York Law School, Elisabeth Haub School of Law at Pace University, St. John's University School of Law, and Touro Law Center. These

dedicated individuals gain hands-on experience in conflict resolution, communication, and problem-solving while assisting in mediation sessions and with research and case management. In 2024, the Mediation Program also connected with Partnership for Inclusive Internships (PII). PII places individuals with disabilities in internships where they can offer much needed assistance while gaining professional development and experience.



Mediator Daniel Murdock and technology volunteer Amalia Parrish during a Zoom mediation.

Feedback from Counsel July 2024

“I would absolutely recommend the mediator. It’s clear she has an immense amount of knowledge of the law and practice. She is very skilled in understanding each party’s needs and mediating to reach a fair settlement. If more mediators were like her, many cases could avoid litigation.”

technology volunteers have joined the team, and the Mediation Program welcomes email inquiries from anyone interested in volunteering.

Beginning during the pandemic in 2020, the Mediation Program has offered ongoing training for a specific team of technology volunteers who manage virtual mediation sessions. Many panel mediators rely on technology volunteers for real-time support in remote sessions. The mediations provide valuable observation experience to the volunteers. “Zoom mediations provided great exposure to the realities of mediation, and the mediators made me feel like a valuable addition” (Intern Jillian Keyes). The volunteers include undergraduates, law school students, and even newly barred attorneys. In 2025, seven new

MEDIATORS

In 2023 and 2024, the Mediation Program added 18 new mediators to the panel of volunteers, including three who previously served on the ADA Title III panel. Three new mediators were added to the ADA Title III panel during this same time. In 2025, the Program continues to coordinate observations and mentor mediations for eight prospective mediators for the ADA Title III panel, and seven for the full panel. Approximately one hundred panel mediators offer additional assistance by allowing observations of their mediations and by mentoring on-boarding mediators.

Feedback from Counsel January 2024

“He was the most comprehensive and professional mediator that I ever dealt with. I can’t believe that he donated his time. He probably spent more than 50 hours on this matter pro bono!”

To improve the experience of panel mediators, Waiming Chui, SDNY Linux Systems Engineer, created a new web-based case management system. The system is designed to more accurately support mediators' case work and to tailor the type and flow of referrals based on the parameters set by them. The Mediation Program surveyed the 200+ active mediators to determine the number of cases each mediator wanted at a time, their preferred format to hold mediations, and the case types in which they specialize. With a 77% response rate, the survey results continue to aid the office in its efficient, but still randomized, assignment of mediators to cases.

2025 SNAPSHOT

In July 2025 the Mediation Program launched a pilot protocol for automatic referral of personal injury matters. Like the FLSA protocol that started in 2016, certain judges have opted in. The Mediation Referral Order for Personal Injury Cases includes a preliminary exchange of information, and additional time for those disclosures.



2025 SDNY/EDNY Summer bridge walk with staff and interns.

Of the 32 cases that have come in since the start, four have closed with a settlement rate of 100%. During the same months, 27 personal injury cases were referred to mediation through a general Mediation Referral Order. Seventeen of those matters have closed with a settlement rate of 50%. In September, Chief Judge Laura Taylor Swain signed the Third Amended Standing Order for Counseled Employment Discrimination Cases which codified the pilot discovery protocols with minor updates. The Court recently proposed updates to the Local Civil Rules related to mediation (LCR 83.9 and 83.10). If approved, the amendments to LCR 83.9 would give the judges appointed to oversee the Mediation Program the authority to adjudicate allegations that a party or a party's attorney has failed to comply with the procedures of the Mediation

Program. The amendments to LCR 83.10 would make the referral to mediation, or to a Magistrate Judge for settlement, discretionary instead of automatic.

The Mediation Program is partnering with federal circuit mediators to offer training in November ("Show Me the Money! Mediating Collectibility Issues"), and December ("A Bot Walked into the Bar: Artificial Intelligence and Mediation"). Looking forward to continued collaborations with friends and colleagues!

WEBSITE

Please visit the new-and-improved website! In 2024, the Mediation Program redesigned the [Court's ADR page](#) to include forms for mediators and mediation participants, mediator application materials, tip sheets, a feedback survey, FAQ, and more.

For more information about the SDNY Mediation Program:
(Tel) 212-805-0643 (E-mail) MediationOffice@nysd.uscourts.gov
<https://www.nysd.uscourts.gov/programs/mediation-adr>