

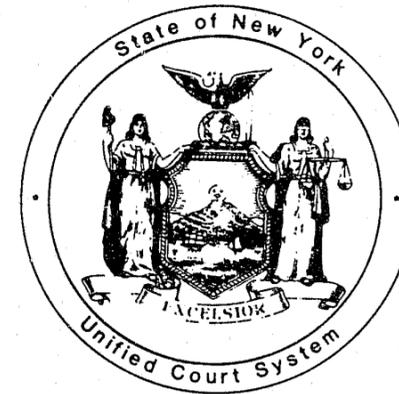
**WHY USE A MEDIATION CENTER?**

- Your dispute will be scheduled quickly
- There is normally no cost involved
- Matters are confidential
- Both parties air their opinions
- Any agreements must be mutual
- Related problems can be identified and follow up referrals can be made to the appropriate agencies
- Restitution can be paid up to One Thousand Dollars
- People learn how to resolve their own disputes
- Escalation of minor matters into serious situations is avoided
- Mediation allows the court to spend its time on serious technical matters
- National studies demonstrate a high satisfaction rate and a high compliance rate

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**WHERE ARE THE MEDIATION CENTERS?**

There are mediation centers available throughout the State. New York is the first state to have a network of funded mediation centers available to its citizens. An insert with individual programs is included in this brochure.



**THE COMMUNITY DISPUTE RESOLUTION CENTERS PROGRAM**

An Alternative Approach to Problem Solving  
Administered by the Unified Court System  
of the State of New York

**FOR FURTHER INFORMATION CONTACT:**

THOMAS F. CHRISTIAN, DIRECTOR  
COMMUNITY DISPUTE RESOLUTION  
CENTERS PROGRAM  
State of New York—Unified Court System  
Office of Management Support  
Agency Building 4, 10th Floor  
Albany, New York 12223  
(518) 473-4160

Honorable Lawrence H. Cooke  
Chief Judge of New York

Honorable Robert J. Sise  
Chief Administrative Judge

Thomas F. Christian, Ph.D.  
Program Director

### WHAT IS A COMMUNITY DISPUTE RESOLUTION CENTER?

A community dispute resolution center is an alternative approach to solving problems that develop between people. Instead of going to court, the individuals sit down with a trained neutral mediator and work towards a mutually agreeable solution.

### WHAT ARE ITS GOALS?

1. To serve the community as a resource to resolve disputes.
2. To prevent the escalation of disputes into more serious criminal or civil matters.
3. To relieve the courts of a number of matters that do not need a formal court structure.
4. To provide the opportunity to teach individuals how to resolve their problems through mediation.

### WHO SPONSORS MEDIATION CENTERS?

On July 27, 1981, the New York State Legislature passed Chapter 847, Laws of 1981, establishing the Community Dispute Resolution Centers Program. The program is administered by the Unified Court System of the State of New York. Funding is provided by a partnership between the State and local funding sources.

### WHO CAN REFER PEOPLE TO A MEDIATION CENTER?

Referrals can be made by individuals themselves, friends, neighbors, clergy, schools, police, lawyers, employers, social agencies, district attorneys and judges.

### HOW DOES MEDIATION WORK?

The person who has a complaint comes or is referred to a mediation center. The other party is notified to come for a mediation conference. The trained mediator explains the mediation process to both individuals. Each person in the dispute presents his or her position. The mediator may talk separately with both persons. A written agreement is drawn up by both parties. The agreement is a valid binding contract.

### WHO ARE THE MEDIATORS?

Mediators are professionally trained volunteer citizens and program staff. They come from all walks of life and serve as neutral parties.

### WHAT TYPES OF DISPUTES CAN BE HANDLED IN A MEDIATION CENTER

Most disputes involve people who know each other, such as neighbors, relatives, acquaintances and friends. Types of disputes could include:

Aggravated Harassment  
Animal Complaint  
Assault  
Breach of Contract  
Consumer/Merchant  
Criminal Trespass  
Domestic  
Employer/Employee  
Forgery  
Fraud—Bad Check  
Harassment  
Interpersonal Dispute  
Landlord/Tenant  
Menacing  
Neighbor/Neighbor  
Noise  
Personal/Real Property  
Petit Larceny  
Reckless Endangerment  
Restitution for Damages  
School Problems  
Small Claims  
Theft of Services  
Violation of Town or City Ordinance and Others

**¿POR QUE USAR  
UN CENTRO DE MEDIACION?**

- Su disputa se ventilará sin demora
- Normalmente no ocasiona gasto alguno
- El asunto es confidencial
- Ambas partes expresan su opinión
- Todo acuerdo tiene que ser mutuo
- Estudios a escala nacional demuestran un alto grado de satisfacción y cumplimiento
- Otros problemas similares pueden identificarse y así remitirse a las agencias apropiadas
- La restitución puede hacerse hasta por la cantidad de mil dólares
- Los particulares aprenden a resolver sus propias disputas
- Se evita que cuestiones de poca importancia se conviertan en problemas serios
- La mediación permite al tribunal ocuparse de cuestiones técnicas de más importancia.

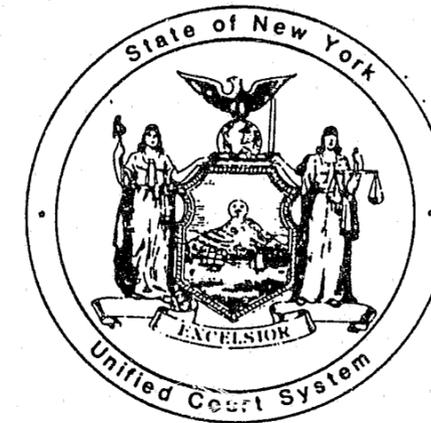
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**¿DÓNDE QUEDAN LOS  
CENTROS DE MEDIACIÓN?**

Hay Centros de Mediación por todo el Estado. Nueva York es el primer estado en crear una red de Centros de Mediación para beneficio de todos. Se incluye con este folleto una lista de los programas individuales.

**PARA MÁS INFORMACIÓN  
COMUNIQUE CON:**

THOMAS F. CHRISTIAN, DIRECTOR  
COMMUNITY DISPUTE RESOLUTION  
CENTERS PROGRAM  
State of New York—Unified Court System  
Office of Management Support  
Agency Building 4, 10th Floor  
Albany, New York 12223  
(518) 473-4160



**PROGRAMA COMUNAL DE CENTROS  
PARA LA RESOLUCION DE DISPUTAS**

Un Nuevo Método de Resolver Problemas  
Establecido y Administrado por el Sistema  
Unificado de Tribunales del Estado de  
Nueva York

Honorable Lawrence H. Cooke  
Juez Principal de Nueva York

Honorable Robert J. Sise  
Juez Principal de Administración

Thomas F. Christian, Ph.D.  
Director del Programa

**¿ QUÉ ES UN CENTRO COMUNAL PARA LA RESOLUCION DE DISPUTAS?**

Un Centro Comunal para la Resolución de Disputas ofrece un nuevo método de resolver problemas entre dos o más personas. En lugar de acudir a un tribunal, las partes interesadas se reúnen con un mediador experimentado y trabajan con él para encontrar una solución mutuamente satisfactoria.

**¿ CUALES SON SUS PROPOSITOS?**

1. Ofrecer a la comunidad un medio de resolver disputas.
2. Evitar que las disputas se conviertan en asuntos criminales o civiles más graves.
3. Evitar que lleguen a los tribunales muchos asuntos que no necesitan de la estructura formal de la corte.
4. Crear la oportunidad de enseñar a particulares a resolver sus problemas a través de la mediación.

**¿ QUIÉN AUSPICIA LOS CENTROS DE MEDIACIÓN?**

El 27 de Julio, 1981, la Legislatura estatal de Nueva York promulgó el Capítulo 847, Leyes de 1981, que estableció el Programa de Centros Comunales para la Resolución de Disputas. El Programa está bajo la administración del Sistema Unificado de Tribunales del Estado de Nueva York. Los fondos provienen de fuentes estatales y locales.

**¿ QUIEN PUEDE REMITIRLO A UD. A UN CENTRO DE MEDIACION?**

Pueden remitirlo a Ud. otros particulares, amigos, vecinos, sacerdotes, escuelas, policías, abogados, empleadores, agencias sociales, fiscales y jueces.

**¿ COMO SE EFECTÚA LA MEDIACIÓN?**

A la persona que tiene una queja se le remite o acude ella misma a un Centro de Mediación. A la otra persona se le notifica que se presente para una conferencia de mediación. El mediador, que está preparado para ello, explica el proceso de mediación a ambas partes. Cada parte en la disputa presenta su posición. El mediador puede conversar por separado con cada una de ellas. Cuando se llega a un acuerdo, éste se pone por escrito. El acuerdo es un contrato válido y obligatorio.

**¿ QUIÉNES SON LOS MEDIADORES?**

Unos mediadores son voluntarios, y otros son miembros del personal del programa, ambos con formación profesional. Son gente de toda condición y actúan como árbitros imparciales.

**¿ QUÉ TIPO DE DISPUTAS PUEDE RESOLVER UN CENTRO DE MEDIACIÓN?**

La mayor parte de las disputas ocurren entre personas que se conocen, tales como vecinos, parientes, conocidos, y amigos. La clase de disputa puede, por ejemplo, ser:

- Hostigamiento con Agravante
- Queja sobre Animales
- Agresión
- Incumplimiento de Contrato Consumidor/Comerciante
- Entrada Ilegal
- Cuestión Doméstica
- Empleado/Empleador
- Falsificación
- Fraude—Cheque sin Fondos
- Hostigamiento
- Disputa entre Personas Arrendador/Arrendatario (Propietario/Inquilino)
- Amenazas
- Vecino/Vecino
- Ruido
- Bienes Muebles/Inmuebles
- Hurto Menor
- Acción Arriesgada e Imprudente
- Restitución por Daños
- Problemas con las Escuelas
- Reclamaciones de Poca Monta
- Robo de Servicios
- Infracción de Ordenanza Local y Otros



*The New York*  
**M E D I A T O R**  
*Newsletter*  
OF THE COMMUNITY  
DISPUTE RESOLUTION CENTERS PROGRAM  
UNIFIED COURT SYSTEM OF THE STATE OF NEW YORK

Vol. 2, No. 3

Fall 1983

## PROBLEM SOLVING THROUGH MEDIATION

Practicing mediators and skilled trainers from around the country will be gathering in New York City on December 1 - 2 to share ideas and techniques in the field of community, family, environmental and labor disputes.

The conference entitled "Problem Solving Through Mediation" will be unique in providing 25 workshops designed specifically for the mediator. The two day event is co-sponsored by the Community Dispute Resolution Centers Program of the Unified Court System of the State of New York, the American Arbitration Association and John Jay College of Criminal Justice in cooperation with the American Bar Association Special Committee on Alternative Means of Dispute Resolution and the Society for Professionals in Dispute Resolution (SPIDR).

The keynote address will be given by the Honorable Lawrence H. Cooke, Chief Judge of the State of New York and a leader in developing alternative means of resolving disputes out of court. Judge Cooke's topic is "Mediation in the 80's: Where Are We Headed?"

Faculty for the conference include Andriane G. Berg, New School for Social Research; James A. Healy, Chairman, New York Board of Mediators; Linda Singer, Executive Director of the Center for Community Justice, Washington, D.C.; Honorable Jack Ethridge, Emory School of Law, Atlanta, Georgia; Laura Blackburne, the Institute for Mediation and Conflict Resolution; Larry Ray, Director, American Bar Association, Special Committee on Alternative Means of Dispute Resolution, Washington, D.C.; Lawrence Susskind, Program on Negotiation, Harvard Law School; Charles Halpern, Dean, CUNY Law School; Gail Bingham, Director on Environmental Dispute Resolution of the Conservation Foundation, Washington, D.C.; Thomas Colosi, Vice President of National Affairs, American Arbitration Association, Washington, D.C.; Rosemary LeBoeuf and Kenneth Kowaleski, Federal Mediation and Conciliation Service; Robert Lynn, General Counsel, New York City Office of Labor Relations, Ernie Odom, Executive Director, Community Mediation Center; Richard Salem, Mediation Consultant, Evanston, Illinois; William J. Glinsman, Director, New York State Board of Mediation; William R. Humm, Executive Director, New England Environmental Mediation Center, Boston, Massachusetts; Gary Kirkpatrick, Dispute Mediation Service, Dallas, Texas; Gloria Korman, Public Employee Relations Board, Trenton, New Jersey; Joyce Kowalewski, Executive Director, Neighborhood Justice Project, Elmira, New York; Joseph Stulberg, Conflict Management Resources,

Inc. and Andrew Thomas, Executive Director, The Center for Dispute Settlement, Rochester, New York.

Topics planned for the workshops are an introduction to mediation, shaping the accord, listening skills, caucusing, writing the agreement, screening, domestic problems, juvenile mediation, environmental concerns, negotiation techniques, divorce mediation among others, including a series of training films on dispute resolution.

The conference was developed at the request of practicing mediators who wish to share ideas with each other and learn new techniques and approaches in the dispute resolution field. This is a unique opportunity for mediators from various disciplines to deal with practical concerns in the area of dispute resolution.

The conference will be held at John Jay College of Criminal Justice, 445 West 59th Street, New York City (between 9th and 10th Avenues). The fee for this program including two luncheons, a reception and study materials is \$75 for those registering before November 7 and \$90 for those registering after that date. Volunteer mediators and staff who work for dispute resolution centers contracting with the New York Unified Court System may be eligible for a special scholarship. Please contact your program executive director for details.

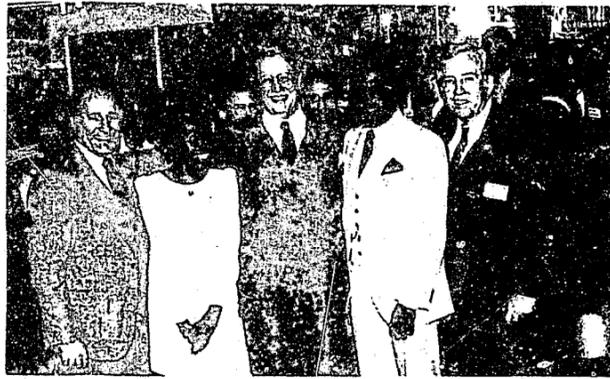
For more information on the conference and registration, contact Susann Malin, Program Coordinator, American Arbitration Association, 140 West 51st Street, New York, New York 10020, (212) 484-3233.



### Quote to be Repeated

*"I firmly believe that individuals and business concerns can dramatically impact on resolving their own problems outside of the court."*

Sandra Day O'Connor  
Assoc. Justice of U.S. Supreme Court  
June 13, 1982



The Monroe County Center for Dispute Settlement, Inc. celebrated its 10th Anniversary. Pictured above are Tom Christian, State Director, Linda Thomas, Chief Judge Lawrence H. Cooke, keynote speaker, Andrew Thomas, Executive Director and Chief Administrative Judge Robert J. Sise.

#### AMERICAN BAR ASSOCIATION LIAISON

Richard E. Klebanoff has been appointed as the New York Liaison to the American Bar Association's Law Student Division to the Special Committee on Alternative Methods of Dispute Resolution. There will be an essay writing contest on alternative methods of dispute resolution along with internship positions. For more information write Richard at 99 Cherry Drive West, Plainview, New York 11803.

#### AUTOCAP

The Automotive Consumer Action Program provides a mechanism whereby complaints involving participating dealers' sales or service practices can be mediated fairly and promptly at no cost. In New York there are seven programs across the state. This is a resource available to Small Claims and County Courts. The AUTOCAP panel is a voluntary, non-judicial group comprised of four auto dealers and four consumer representatives, including a designee from the New York State Attorney General's Office, New York State Consumer Protection Board, New York State Education Department and the New York State Department of Motor Vehicles. The decision made by the panel is binding on the participating new car dealer/manufacturers, but not on the customer; if the customer is not happy with the decision, he or she is free to pursue legal avenues. For more information in New York State call 1-800-324-9208.

#### JUDGE BURNHAM NEW PRESIDENT OF MAGISTRATES ASSOCIATION

Salina Town Justice Helen Burnham has been elected the first woman president of the New York State Magistrates Association. Judge Burnham has been a Salina Town Justice for 12 years and is a strong advocate of mediation in Onondaga County. She is on the Board of Resolve - A Center for Dispute Settlement, Inc. in Syracuse. Congratulations to Judge Burnham and thank you for all your work for our mediation programs.

#### PROGRAM NEWS

##### Brooklyn College

Since the spring semester of 1983, second year law school students have been trained in mediation skills by Prof. Robert Abrams, Director of the Brooklyn College Dispute Resolution Center. As part of their ongoing training the law students spend one to two days per week at the Center mediating cases and doing research on dispute resolution. In addition, weekly case conferences conducted by Prof. Abrams are held at the Brooklyn Law School. In June 1983, the Dispute Resolution Center began the processing of data on cases mediated at the Center. An analysis of the data and an interim report will be available in late fall. For further information, contact Bob Abrams at (212) 780-5037.

##### Broome County

ACCORD has recently begun assisting Family Court by mediating several of their visitation/custody modifications and violations. Though these mediation sessions tend to run much longer, the results have been very positive.

Bennie Bassano is the new Intake Coordinator for the ACCORD program. She has a B.S. Degree in Social Work and has a strong background in a variety of human service work.

Jim Dean, the director of ACCORD, encourages programs to make use of an Advisory Board. Their Board, consisting of representatives from the courts, criminal justice and human service agencies meets on a quarterly basis and focuses in on enhancing the program's operation. For further information on the ACCORD program, contact Jim Dean at (607) 724-5153.

##### Fulton, Montgomery, Schoharie Counties

The Tri-County Center for Dispute Resolution covering Fulton, Montgomery and Schoharie Counties, has completed its first training program and now claims 14 mediators ready to begin providing mediation services to the three counties. The local media has responded with good coverage of explaining the purposes of the community dispute resolution program and announcing its opening which was September 6, 1983. For further information, contact William Mercier at (518) 853-4611.

##### Dutchess County

The Dutchess County Community Dispute Center passed its sixth month of operation in August with over 50% of the referrals coming from the police and the courts. City and county officials have been very helpful, especially City Court Judges. Outreach efforts are being expanded to increase the number of "walk-in" clients and inform the public about the concept of mediation in order to reach people in the early stages of conflict situations long before the intervention of law enforcement agencies becomes necessary and therefore educate the public about conflict prevention as well as conflict resolution. For more information on the Dutchess County program call Kathryn Lazar, Esq. at (914) 471-7167.

★ ★ ★

*"The problem is not to keep the peace; it is to keep change peaceful."*

Harlan Cleveland, Director  
Hubert H. Humphrey Institute of Public Affairs

#### PROGRAM NEWS

##### Orange County

The Orange County Mediation Project (OCMP) is beginning a juvenile mediation program in Newburgh which is designed to work in conjunction with a new Youth Court being created by the Newburgh Police Department.

The Youth Court concept has been implemented in a number of communities throughout the State. It involves training high school age youth to function as judges, prosecutors and defense attorneys in cases of minor and first time offenses referred by the Police Department Juvenile Aid Bureau. Those defendants who plead or are found guilty are sentenced to perform a number of hours of community service.

The Orange County Mediation Project plans to integrate its juvenile mediation program with the Youth Court. The Youth Court will refer its cases for mediation after disposition and the goal of the mediator will be to negotiate an agreement between the youth and his or her family which will incorporate the community service project.

This unique partnership between the Newburgh Police Department and OCMP continues the close relationship established in the existing mediation program in Newburgh. For more information on Orange County contact Richard Mandell, Esq., (914) 986-5505.

##### Greene County

The Community Dispute Resolution Center which is affiliated with the Greene County Community Action Agency completed its training of 15 mediators and began its service on August 1, 1983. The Center is located within the Greene County Court House in Catskill, New York. For further information, contact Ms. Judith Rundberg at (518)943-4225.

##### Jefferson County

The Community Dispute Resolution Center which is sponsored by the Community Action Planning Council has recently completed the training of 12 mediators and started accepting referrals the 1st of September. The CDRC has two staff persons, a consulting attorney and an 11 member Policy Advisory Committee to begin the program. Publicity has been favorable and donations have been received from the local Bar Association and a private insurance company. For further information contact Carol Lively at (315) 782-4900.

##### Lewis County

The Lewis Mediation Service, under the auspices of Lewis County Opportunities, Inc., became operational August 1, 1983 with a Program Coordinator and a cohesive staff of six mediators. Due to intense advertising and outreach, seven cases were ready for intake prior to the completion of the training sessions. For further information, contact Richard Pernel at (315) 376-2431.

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*"There is far too much law for those who can afford it and far too little for those who cannot."*

Derek C. Bok, President of Harvard

*"Community conflict resolution forums should be recognized as 'courts of first resort,' and the traditional system viewed as an alternative."*

Raymond Shonholtz, Executive Director  
Community Boards, San Francisco

★ ★ ★

##### Monroe County

The Monroe County Youth Bureau has recently completed its 1983 annual review of the Juvenile Mediation Program, a component of the Center for Dispute Settlement, Inc. The evaluation proved to be very favorable as it outlined the significant strides of the JMP over the past year and stated that it has made significant progress within the last year towards the establishment of new referral sources due to the efforts of the program manager, Janet Lauzon.

The Center for Dispute Settlement, Inc. has moved to 67 Chestnut Street, Suite 510 Rochester, New York 14604 (716) 546-5110

##### Onondaga County

John McCullough, a Ph.D. candidate in the Maxwell School of Citizenship at Syracuse University, has been appointed the new director of Resolve - A Center for Dispute Settlement, Inc. John has been working in the field of third party interventions since 1976 and brings a breadth of knowledge and exposure to his new role as director of Resolve. For further information about the program, contact John McCullough at (315)471-4676.

##### Onondaga County

The Dispute Resolution Center which is administered by the Volunteer Center, Inc., has handled 260 mediations to date in 1983, a 33% increase from 1982. Ninety percent of the intake is referred from the Victim Witness Assistance Center of the District Attorney's office which is also administered by the Volunteer Center. Other referrals are made by the Police Department, Justice Courts, private attorneys and government/community agencies. For further information on the DRC program, contact Jan Unbehend at (315) 425-3053.

##### Rockland County

The Volunteer Counseling Service (VCS) of Rockland County, Inc., received a 1983 Presidential Recognition Award for their work with volunteers. The VCS is comprised of five different programs of which the Volunteer Mediation Center is one component. For further information on this Rockland County program, contact Christopher Owens at (914) 634-5729.

##### Rensselaer County

The Community Dispute Settlement Program welcomes Patricia Ryan as its new program assistant. Patricia was quickly initiated into her new position beginning in August, the program's busiest month this year to date.

The Rensselaer program will be sponsoring training for new mediators in October. Individuals from Albany, Rensselaer and Schenectady Counties will be trained. For further information contact Robin Obrecht at (518) 274-5920.

### Saratoga County

The Dispute Settlement Program in Saratoga County is now located at the Franklin Community Center, 10 Franklin Street, on the West Side of Saratoga Springs. The program was placed in this area of the City in response to the Council of Community Services' 1981 West Side Needs Assessment, which noted, "There appears to be a considerable level of stress and frustration existing in the neighborhood and an inability among many to resolve their problems in a non-aggressive manner."

The training program for volunteer mediators in Saratoga County was conducted by trainers from Resolve of Onondaga County on September 30, October 1 and 2. For further information about the program contact Marylyn Tenney at (518) 587-9826.

### Schenectady County

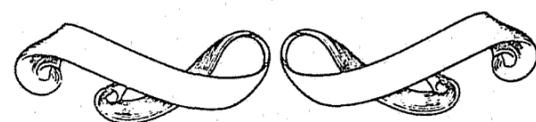
The Schenectady Community Dispute Settlement Program welcomes four new mediators to their volunteer staff. Meredith Anker, Robert DePaula, Jancy Jonas and Larry Schwartz completed the basic mediator training through a 25 hour program sponsored by its sister agency in Albany. Their skills are being tested in the Schenectady community where mediation is growing in popularity among the courts and law enforcement. For further information on the Schenectady program, contact Angela Kumm at (518) 346-1281.

### Suffolk County

The Community Mediation Center in Coram was the recent recipient of the Presidential Recognition Award for Community Service. Congratulations to all of you at the center! For further information about the Suffolk County program, contact Ernie Odom at (516) 736-2626.

### Tompkins County

The Community Dispute Resolution Center held its first training session in July and is already receiving calls for mediations. The program is continuing to look for larger office space and is encouraged by the support received, including some financial assistance from the Gannett Foundation. For further information regarding the program, contact Jeffrey Furman at (607) 273-9347.



### On Mediation:

*"It's a disposition made by the parties themselves and a contract entered into between them. This is often more palatable, and it makes for an agreement which is more lasting and more satisfying to the parties themselves."*

Albany Police Court Judge Thomas W. Keegan  
July 26, 1983

### ATTRIBUTES OF A MEDIATOR

According to William Simkin, a well known mediator, every mediator should have:

1. the patience of Job
2. the sincerity and bulldog characteristics of the English
3. the wit of the Irish
4. the physical endurance of the marathon runner
5. the broken-field dodging ability of a halfback
6. the guile of Machiavelli
7. the personality-probing skills of a good psychiatrist
8. the confidence-retaining characteristics of a mute
9. the hide of a rhinoceros
10. the wisdom of Solomon

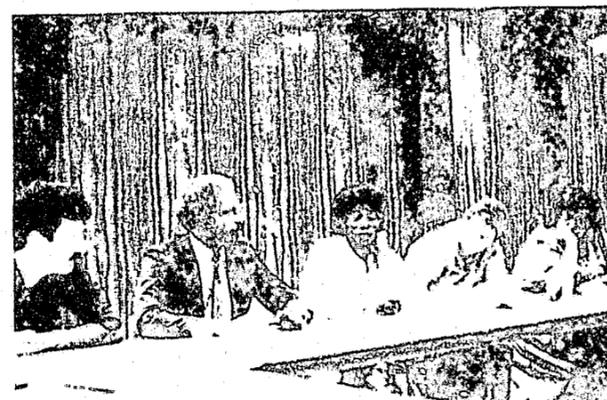
★ ★ ★

*Tell me . . . I'll forget  
Show me . . . I'll remember  
Involve me . . . I'll understand*

★ ★ ★

### MEDIATION AND DOMESTIC VIOLENCE

Should mediation be a resource to confront domestic violence and direct the parties to counseling and support groups? This is a sensitive and difficult issue. The Community Dispute Resolution Centers Program has formed a task force to develop guidelines in this area. With the assistance of the Commission on Domestic Violence and other experts in the field, our programs hope to play a helpful role in preventing further violence. Co-chairing this task force is Cindy Krouner of the Albany Mediation Program and Tom Christian.



*Should mediation serve as a resource for domestic violence cases? Members of the Special Committee on Mediation and Domestic Violence discuss possible Guidelines. Left to right are Detective Frank DeLuca, David Forrest, Hermese Peebles, Joyce Kowalewski and Shirley Tetens.*

### NOTES

#### REGIONAL CONFERENCE

A regional conference entitled "Beyond the Courtroom - Alternatives for Conflict Resolution" was held November 9, 1983 at the Genesee Plaza/Holiday Inn in Rochester, New York. The conference was co-sponsored by the Center for Dispute Settlement, Inc., Rochester, New York, the Monroe County Bar Association and the New York State School for Labor and Industrial Relations, Cornell University.

For further information, contact Rosemary Dahl at (716) 546-5110.

#### RAND STUDY ON COURT COSTS

The public cost of supporting one judge in Superior Court last year according to a Rand Corporation study was: California \$383,000, Florida \$323,000, Washington, \$261,000. The average yearly expenditure per judge in U.S. District Court was \$752,000. The average jury trial in the California Superior Court cost \$8,300 - a sum that is more than many litigants had at stake, the study said.

The Rand study estimated the total cost to U.S. taxpayers last year for processing tort cases was \$320 million dollars.

#### RECONCILIATION

In Indiana the Victim Offender Reconciliation Program brings the victim and offender together for the purpose of mediation. Both play an integral part. The offender admits to the wrong he/she has committed and puts forth an effort to make it right through restitution. The victim in turn lets go of the pain and anger he/she has experienced and works toward a just and satisfying resolution. Reconciliation brings people together to heal the injury of broken trust caused by crime. For more information on this program call (219) 464-1400.

#### HAWAII VICTIMS USE DISPUTE RESOLUTION

Victims of last November's Hurricane Iwa in Hawaii are settling a number of the 30,000 insurance claims without costly and lengthy litigation through EnDispute, Inc. a Washington, D.C. based company specializing in dispute resolution and conflict management.

#### COLORADO

The 54th General Assembly passed H.B. 1506 which established an Office of Dispute Resolution within the Judicial Department effective July 1, 1983. The purpose of the law is to divert district and county court civil cases from court dockets through the use of mediation.



*The Mediation Alternative Project of Nassau County filming their TV Public Service Announcement.*

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#### MEDIATION ON TV

A son and mother fighting over a liquor bottle found in his room . . . Two neighbors arguing about their kids and dogs . . . A mother and daughter disputing about the daughter's late nights out . . . These are scenes from a recently completed Public Service Announcement for mediation done by the Mediation Alternative Project in Nassau County.

With the ever increasing exposure of today's citizens on TV, a Public Service Announcement is a good way to reach out to the general public to let them know of your services. Because of both the dramatic nature of confrontations and the commonplace nature of the disputes we handle, a TV "spot" is a perfect way to catch the notice of citizens of all ages. PSA's can also be surprisingly inexpensive. For example, to produce our Public Service Announcement, it cost our program \$750. The usual PSA costs around \$2,500, but we were able to work with a production company that donated a percentage of production costs. Most urban/suburban areas have production companies which might assist organizations in return for a tax deduction, particularly for such a worthwhile cause.

The PSA described above opens up with a dispute, then "freezes the action" to make a statement about mediation. Each successive dispute is followed with another statement describing the advantages of mediation. The final "shot" shows a mediation hearing, with an announcer describing how to contact the mediation center to arrange for help. Using a cast of amateur actors/actresses and the home and children of one of our mediators, filming took 6 hours for a 60 second commercial. For more details, contact Rebecca Bell, (516) 883-3006.

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#### QUOTES

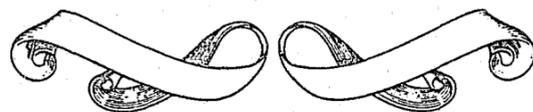
*Confucius says: "Lawsuits lead to calamity; harmony brings fortune."*

Special thanks to New York Community Trust and the William and Flora Hewlett Foundation for grants for our December Mediator Conference.

"People leave the mediation session feeling better than when they walked in. If a program can do that it has been relatively successful. This includes people who left without a resolution. It also includes people who have not had the other party show up. They have had the opportunity to talk to someone about their dispute. The mediation program has spent some time listening to them. It is the degree of sensitivity that distinguishes the mediation movement from the court system."

Larry Ray, Director  
Special Committee on Alternative Means of Dispute Resolution  
American Bar Association, Washington, D.C.  
May 20, 1982

We should not teach dispute resolution. We should teach people how to resolve disputes.



#### A RECIPROCAL AGREEMENT

Neighborhood Justice Project/Chemung County has used student interns from Elmira College to provide over 1,000 hours of volunteer services to the agency, each year for the last three years. These interns not only provide the agency with valuable services which free up staff time, but also receive from dispute resolution centers opportunities for their own professional growth and advancement. Two recent interns are currently enrolled in law schools, another in a master's in a judicial administration program, a fourth in a doctoral program in criminal justice. Additionally, two other recent interns have been accepted by the New York State Police and are completing their training. Two other interns with undergraduate majors in Political Science are using their dispute resolution experience, one in the diplomatic service, and another in a large international business.

By providing students with an opportunity to be acquainted with dispute resolution services in a very direct, first-hand way, dispute resolution agencies can spread the knowledge and acceptance of their programs not only throughout their own communities but also throughout the state and nation.

It is important to give the student interns a positive experience and assign them meaningful tasks. At Neighborhood Justice Project, interns not only prepare statistics but also do case summaries which are used in reports to other funding sources. With appropriate training they do some case intakes and mediation.

Many of these interns have expressed the view that their experience with the Neighborhood Justice Project was helpful in gaining acceptance into graduate programs and into law enforcement agencies, or employment. Thus, the advantages of using student interns effectively are reciprocal for the agency and the students.

"American legal education emphasizes conflict rather than the gentler arts of reconciliation and accommodation and the interests of individual clients rather than those of society as a whole or the legal profession itself."

Derek C. Bok, President of Harvard

#### PROFILE OF A MEDIATOR

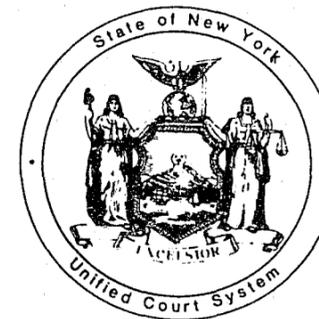
Judith Goldstein is a mediator in Nassau and Suffolk counties in Long Island. She is also a member of the American Arbitration Association panel of Family Arbitrators and a member of the arbitration panel for Better Business Bureau. She is a member of the Board of Zoning and Appeals in the Village of Roslyn, New York and served several years as president of her local civic association. She will finish in June of 1984 her work in the Master of Science degree program in Labor and Industrial Relations at the New York Institute of Technology. She will conduct a workshop in our December conference on Problem Solving Through Mediation.



Richard A. Hennessy, Sr., Onondaga County District Attorney, discusses mediation with Jan Unbehend, Director of one of the dispute resolution centers in Onondaga County.

This is a publication of the Community Dispute Resolution Centers Program of the Unified Court System. Send articles or inquiries to:

Thomas F. Christian, Director  
Community Dispute Resolution Centers Program  
Agency Building 4, 10th Floor  
Empire State Plaza  
Albany, New York 12223  
(518) 473-4160



Vol. 2, No. 2

# The New York MEDIATOR Newsletter

OF THE COMMUNITY  
DISPUTE RESOLUTION CENTERS PROGRAM  
UNIFIED COURT SYSTEM OF THE STATE OF NEW YORK

MAY 1983

## MEDIATION ALTERNATIVE EXPANDS

Fifteen additional dispute resolution centers will join the 21 present programs to provide mediation as a resource to the citizens and justice system in 38 New York counties.

Chief Judge Lawrence H. Cooke and Chief Administrative Judge Herbert B. Evans awarded the grants for fiscal year 1983-84 (April 1, 1983 to March 31, 1984) to the 36 nonprofit community based programs. The expansion became possible when the Legislature appropriated \$1,342,000 for the Community Dispute Resolution Centers Program.

During the programs' first 18 months (April 1, 1981 to September 30, 1982), 20 centers serving 18 counties handled 58,787 contacts and referrals and diverted 17,495 cases from the courts through conciliation, mediation and arbitration proceedings. A list of the new programs appears on page 3.

#### THE ERIE COUNTY MEDIATION NETWORK

The Erie County Community Dispute Resolution Project (CDR), administered by the Better Business Bureau Foundation of Western New York, Inc., has implemented a unique outreach/referral system in order to more effectively serve all areas of a large, heavily populated county.

At present, 85% of the County's caseload is generated by a combination of Buffalo City and various town courts; however, referrals from outreach/referral centers are on the rise. It is hoped that through increased publicity and outreach center participation, more individuals will utilize their neighborhood CDR center for minor civil disputes rather than bring such cases into the courts.

CDR has negotiated contracts with 20 centers across the county, ranging from community centers and church organizations to police departments and town supervisor's offices. The contract stipulates that the central office, located at the BBB in downtown Buffalo, will provide to all participating centers free training in mediation/arbitration for neighborhood volunteers, as well as training of staff person(s) in the CDR process. In addition, the central office handles all paperwork and record keeping concerning CDR, provides all necessary forms, literature, posters and technical or refresher training in the art of mediation/arbitration, and lists the center on the directory of participating CDR organizations.

In return, outreach centers agree to provide basic information about CDR to their patrons, aid parties in completing forms, and allow at least one of their staff members to be trained in these procedures. Completed referrals are then sent to the central office for processing. Volunteer mediators/arbitrators are recruited from the neighborhood and have the opportunity to be trained as mediators/arbitrators for the program. A room suitable for hearings is provided by the outreach center for the convenience of conflicting parties who live in the area. Scheduling is done by the central office. The cen-

ters also agree to display the CDR poster and publicize their participation in the CDR program on the local level.

Quality control is maintained by the central office through computerized correspondence coupled with telephone contact. Each case is coded and computerized upon intake to expedite correspondence and lead time before hearings. A crucial checkpoint is the agreement to arbitrate form, since only upon receipt of written agreements from all parties involved in the dispute can scheduling of a hearing take place. Before any correspondence occurs, the case coordinator contacts all parties by telephone to review their rights, answer any questions, and obtain a verbal agreement to participate in the program.

All of this means that people who need CDR service can enter the system in their own neighborhood, have the benefit of contact with the central office for professional attention, attend their CDR hearing in their neighborhood with a mediator/arbitrator trained by the central office, and avail themselves of follow up services provided by the main office—a flow of efficient centralized case processing combined with neighborhood convenience.

By extending personalized case intake and hearings, we in Erie County are able to diffuse some of the coldness of a computerized system without jeopardizing efficiency of operations. The network of neighborhood outreach centers with central office control makes the program's services accessible to everyone in the community. For more information contact Judith Peter, (716) 842-1416.

#### QUOTE TO BE REPEATED

"My experience has shown me that we win justice  
quickest by rendering justice to the other party."  
Mahatma Gandhi

## A MEDIATION PROGRAM IN THE SCHOOLS

Current school practices place little emphasis on teaching children problem-solving techniques and often deny young people the opportunity to assume responsibility for their own conduct. Traditional practices tend to promote third-party authority figures (teachers, deans, and, later in life, police and courts) rather than to teach individuals how to resolve personal conflicts. Children's lack of exposure to methods of dispute resolution leaves society as the dumping ground for violence-prone young people.

PINS (persons in need of supervision) petitions, suspensions, and even criminal charges have made only limited impacts on school problems. The *New York Times* in November 1978 referred to a Fund for Children research group report which states that one out of twenty-four high school students was suspended, usually for a minor offense, yet problems in the schools increase.

As for the crime problem in schools, the National Education Association (NEA) reported that during the 1975-76 school term, students in the United States committed 100 murders, 12,000 armed robberies, 9,000 aggravated assaults, and 270,000 school burglaries.

In 1970, the NEA estimated that total school losses for deliberate damage were \$200 million. The "Safe School Study," compiled by the Department of Health, Education and Welfare reported the same total. The "Safe School Study" shows that suburban schools account for 57 percent of the total reported property damage, even though they represent only 38 percent of all schools.

The "Safe School Study" makes it clear that schools can do much to reduce violence. Indeed, the two more effective ways cited are (1) increasing efforts in student government and rule enforcement and (2) treating students fairly and equally. Mediation serves to enhance both of these objectives by making the individual responsible and accountable to "school society" for his or her actions. Also, the mediation process places the burden for finding solutions on the disputing parties, a factor which tends to make resolutions more lasting.

The Community Mediation Center of Coram, New York, has been meeting with the New York State Education Department discussing multi-school district mediation programs. Interest in mediation in the schools is growing rapidly.

A school mediation program would train students, school administrative, guidance, and teaching personnel, and parents in the skills and techniques of mediation and conflict resolution. A mechanism would be created for bringing these skills to bear on a wide variety of problems, including bus-stop incidents, vandalism, locker room and other brawls, and student-parent or other interpersonal disputes within the school district. Mediation would give a school district an alternative to traditional disciplinary prerogatives, such as suspension or filing of PINS petitions.

Teachers from all levels should undergo training, then incorporate verbal problem-solving techniques into the classroom curriculum and, thus, expose children to solving problems with words instead of force. Special emphasis could be

placed on developing a cadre of secondary students to mediate minor disputes between elementary students. All major groups within the community should be trained and should feel ownership of the project.

A component using mediation in vandalism situations should also be developed. The aim of this part of the project is to have the students take responsibility for their anti-social actions. Through mediation, the offending young person can make amends by coming to a jointly reached decision with the school for some form of financial or community service restitution. For example, if "Johnny Vandal" is seen by his peers scrubbing graffiti off the walls, the glamour of such anti-social conduct might be diminished and the vandal subject to ridicule instead of admiration. The mediation should be conducted on school premises but, if possible, not in the building in which the incident occurred. Using another location enhances the perception of the mediator's neutrality.

The school influence is very important, especially when one considers that school represents an individual's first experience with society outside of the family. Therefore, a school mediation program could help promote responsibility and better citizenship.



Ernie Odom, Executive Director of the Suffolk County Mediation Center, Inc., trains school personnel and parents in mediation techniques.

### ALTERNATIVES: CAN WE COUNT ON THEM?

A statewide conference on alternative sentencing is being held at Genesee Community College in Batavia, New York on June 8th. Speakers include Hon. Albert L. Kramer of the "Earn It" program and Mr. Mark Umbreit of the PACT Institute of Justice. For further information call Ramon Chaya at (716) 343-0055 ext. 347.

The new programs with their awards are:

Columbia County  
up to \$20,000  
Mr. Dwight Chastain  
Columbia Opportunities, Inc.  
725 Warren Street  
Hudson, New York 12534  
(518) 828-4611

Fulton, Montgomery, Schoharie Counties  
up to \$35,000  
Ms. Shirley Tetens  
Mid-Mohawk Legal Services, Inc.  
39 East Main Street  
Fonda, New York 12068  
(518) 853-4611/3224

Greene County  
up to \$20,000  
Mr. James P. Mulligan  
Greene County Community Action  
Agency, Inc.  
40 Woodland Avenue  
Catskill, New York 12414  
(518) 943-9205

Jefferson County  
up to \$20,000  
Ms. Carmen Boccialott  
Community Action Planning  
Council of Jefferson Co.  
Box 899  
Watertown, New York 13601  
(315) 788-8471

Lewis County  
up to \$17,387  
Mr. J. Karl Reutling  
Lewis County Opportunities  
P.O. Box 113-Outer Stowe St.  
Lowville, New York 13367  
(315) 376-2431

Livingston, Ontario, Wayne Counties  
up to \$40,000  
Mr. Andrew Thomas  
\*The Center for Dispute Settlement, Inc.  
36 W. Main St., Suite 495  
Rochester, New York 14614  
(716) 546-5110

Oneida County  
up to \$20,000  
Mr. Sabin Harris  
Utica Community Action, Inc.  
214 Rutger Street  
Utica, New York 13501  
(315) 797-6473

Oswego County  
up to \$20,000  
\*Resolve-A Center for Dispute  
Settlement, Inc.  
108 W. Jerrerson Street  
Loew Building  
Syracuse, New York 13202  
(315) 471-4676

Otsego County  
up to \$20,000  
Ms. Mary Collins  
OURS Associates  
52 Academy Street  
Oneonta, New York 13820  
(607) 432-0061

Saratoga County  
up to \$16,575  
Sister Mary Francis  
Catholic Family and Community  
Services  
142 Regent Street  
Saratoga Springs, New York 12866  
(518) 587-5000

\*This program will administer the new center with the local community.

### BOCES AND MEDIATION

The Conflict Resolution and Mediation Service has functioned within a school district as a shared service under BOCES 2, Suffolk County. Seventy trained volunteer mediators settle disputes between two or more students or disputes between students and their parents. Other school districts are vitally interested in this shared mediation program and the Conflict Resolution and Mediation Service is ready to tailor a program specifically to their needs. Cases such as truancy, runaways, gang wars, racial prejudice, bus stop disputes, problems in parenting and violence have been mediated successfully. The program has entered its third year and 95% of the agreements are still intact. Student mediators are used to mediate cases referred from the elementary schools.

For additional information, contact Barbara Brodsky, BOCES 2, Mediation Consultant (516) 467-7760.

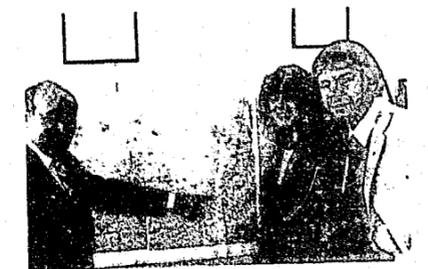
Schuyler County  
up to \$7,879  
Ms. Joyce Kowalewski  
\*Neighborhood Justice Project  
451 E. Market Street  
Elmira, New York 14901  
(607) 734-3338

Steuben County  
up to \$20,000  
Ms. Mary Unbewest  
Project Reach-Dispute Mediation Center  
One North Main Street  
Cohocton, New York 14826  
(716) 384-5211/12

Tioga County  
up to \$20,000  
Mr. James Dean  
\*ACCORD  
Colonial Plaza -- 2nd Floor  
32 W. Main Street  
Binghamton, New York 13901  
(607) 724-5153

Tompkins County  
up to \$20,000  
Mr. Jeffrey Furman  
Tompkins County Center for  
Dispute Resolution  
Anabel Taylor Hall  
Ithaca, New York 14853  
(607) 273-9347

Ulster County  
up to \$20,000  
Dr. Robert Aks  
Hudson Valley Institute for  
Conflict Resolution  
College of New Paltz, Personnel Office  
HAB 201  
New Paltz, New York 12561  
(607) 257-2321



The Director of the Community Dispute Resolution Centers Program points to the new dispute resolution programs expanding around New York. Left to right are: Tom Christian, Director, Ann McNamara, Secretary and Mark Collins, Assistant Director.

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## MEDIATION TO BEGIN IN WESTCHESTER COUNTY

The Westchester Mediation Center of CLUSTER has received an initial grant of \$15,750 for the last quarter of the 1982-83 fiscal year, becoming the 21st program funded through the Community Dispute Resolution Centers Program. The mediation component will operate under the auspices of CLUSTER (Congregations Linked in Urban Strategy to Effect Renewal, Inc.) which is an 8 year old not-for-profit corporation dedicated to improving the quality of life in Yonkers and the surrounding area. The initial focus of the Center will be to provide mediation services to the approximately 200,000 citizens of Yonkers, New York followed by an expansion into the remaining areas of Westchester County.

Marsha Harper, the Executive Director of CLUSTER has effectively cited the need for an alternative dispute resolving forum to handle the county's burgeoning court caseload. "Yonkers Criminal Court alone," she demonstrates, "processes approximately 6,000 cases per year some 22% of the total 27,000 cases handled by the Westchester courts annually." In conjunction with alleviating the criminal caseload, emphasis will also be directed towards resolving civil disputes where a monetary award does not exceed \$1,000.

In addition to being available to the community at large, the Westchester Mediation Center will serve as a resource for the courts, police and the District Attorney in cases involving domestic disputes, neighborhood complaints and disputes arising between people who have a continuing relationship with one another. The District Attorney's office estimates that there are 1,000 to 1,500 annual cases appropriate for mediation in Yonkers which are immediately available for dispute resolution. The Yonkers' Police Department has been equally receptive to the establishment of a mediation program and is planning a training program for local police to be assisted by the Westchester Mediation Center program staff.

Marsha Harper has stated that the program will begin mediating cases in late spring with a formal opening scheduled for early fall. The Center will be located in Getty Square which is centrally located to the courts and public transportation. The program hours are expected to be between 11 a.m. and 8 p.m. Monday through Friday and Saturday morning hours to be offered after the program becomes fully operational. "Every effort is being made," claims Ms. Harper, "to accommodate working people to use the service at their convenience." Also, Spanish speaking mediators will be trained to meet the needs of the growing Hispanic population in Westchester County. Ms. Harper has been assisted in program development by Dr. Jacqueline Sutton and Gregory King, both of whom were involved in the establishment of the Brooklyn Mediation Center of the Victim Services Agency.

The Westchester Mediation Center is a recipient of a \$63,000 award for the 1983-84 fiscal year. Any questions regarding this program should be directed to Marsha Harper at 47 Livingston Avenue, Yonkers, New York 10705 (914) 963-6440.

## NOTES

### American Bar Association

The Special Committee on Alternative Means of Dispute Resolution of the American Bar Association announces the availability of a number of publications on dispute resolution which may be of interest to you. Included are a bibliography, an updated directory and other papers. For a copy of the list of publications contact Larry Ray or Laura Washington at the Special Committee, American Bar Association, 1800 M Street, N.W., Washington, D.C. 20036 (202) 331-2258.

### Arbitration Day

The Community Dispute Resolution Centers Program of the Unified Court System served as a co-sponsor this year for the May 18th Arbitration Day sponsored by the American Arbitration Association. Held in New York City, the day featured as keynote speaker the Hon. Lawrence H. Cooke, Chief Judge of the State of New York.

Seminar topics included community dispute service, family mediation, labor management, construction, textile and apparel, resolving real estate valuation disputes, accident claims, computer problems - litigation and arbitration, international commercial arbitration and maritime arbitration. For further information, contact Susann Malin, Coordinator, at (212) 484-3235.

### Divorce Mediation Workshop

On Friday, June 3, the Northeast Divorce Mediation Association will sponsor a divorce mediation workshop with John Haynes at Skidmore College, Saratoga Springs, New York. The cost is \$25. For further information call, Jean or Dan Callahan at (518) 438-3717.

### CONFERENCE

On June 14, 1983, the Dispute Settlement Center of the Better Business Bureau Foundation in Buffalo, New York, will sponsor a Conference on Dispute Resolution: Creative Choices/Mediation Arbitration Alternatives to the Court. For further information contact Judith Peter at (716) 842-1416.

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*To convince people against their will, they will be of the same opinion still.*

*- The Readings of Ernie Odom*

## PROGRAM NEWS

### Albany County

The Albany Mediation Program received the 1983 Patricia McGuinness Yates Merit Award for the Outstanding Volunteer Agency. The director, Cynthia Krouner, was recently named as a member of the steering committee for the Council of Community Services County Executive Group.

### Broome County

ACCORD - A Center for Dispute Settlement, Inc. has moved to

Colonial Plaza - 2nd Floor  
32 W. Main Street  
Binghamton, New York 13901

Their phone number remains (607) 724-5153. ACCORD will expand its services to Tioga County.

### IMCR

Congratulations to David C. Forrest, Jr., Director of Mediation Services, upon his election as Vice President of the Board of the National Association of Pretrial Services Agencies.

### Monroe County

The Center for Dispute Settlement, Inc., celebrated its 10th anniversary April 19th with the keynote speaker being Lawrence H. Cooke, Chief Judge of New York State.

The Center has handled over 7,000 cases since its beginning. It now will expand its services to Livingston, Ontario and Wayne Counties.

### Onondaga County

Neil Saiger, Executive Director of Resolve - A Center for Dispute Settlement, Inc., has accepted a position with the County Attorney's Office. Joanne Van Dyke is acting director. We wish the best to Neil and thank him for his work, energy and efforts in the mediation field.

Resolve is expanding its services to Oswego County.

### Orange County

Richard Mandell, Director of the Orange County Mediation project has a new address:

P.O. Box 134  
Warwick, New York 10990  
(914) 986-5505

### Suffolk County

The Community Mediation Center in Suffolk County has received a \$15,000 grant from the Office of Crime Prevention, Division of Criminal Justice Services to assist them in setting up a juvenile mediation program.

### VSA

Congratulations to Mr. and Mrs. Chris Whipple on the birth of their baby girl, Risa Roth Whipple, a mediator of the future.

### Washington Heights-Inwood Coalition

Dana Vermilye, Director of the mediation program in Northern Manhattan, reports that Washington Heights-Inwood Coalition, Inc., has moved to new quarters. Their new address is

652 West 187th Street  
New York, New York 10033  
(212) 781-6722

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*Respect for the rights of others is peace.*

*- Mexican Proverb*

## VSA CONDUCTING DOMESTIC VIOLENCE MEDIATION STUDY

As mediation continues to gain general acceptance across the country as an alternative to prosecution, controversies have evolved over the appropriateness of mediation in certain types of cases, particularly domestic violence cases. A report on battered women by the United States Commission on Civil Rights (1982:96) concluded that "mediation and arbitration should never be used as an alternative to prosecution in cases involving physical violence."

In light of the current debate over the efficacy of domestic violence mediation, the Victim Services Agency (VSA) is investigating the handling of domestic disputes by its Brooklyn Mediation Center and comparing mediation's effectiveness in these cases to arrest, adjudication and prosecution. The primary aims of the study are:

- to identify and describe the types of domestic disputes that are brought to the New York City Summons Court and referred to either mediation or criminal court;
- to determine what sort of legal intervention occurs in domestic violence cases that are screened out prior to mediation and sent to Criminal Court;
- to determine (and compare) the levels of satisfaction and recidivism among domestic dispute complainants subsequent to mediation and/or adjudication;
- to determine the levels of satisfaction and recidivism among a separate sample of domestic disputants whose cases were prosecuted in Brooklyn Criminal Court subsequent to an arrest; and
- to identify the types of domestic violence cases that are more likely to be successfully resolved by mediation or by prosecution.

According to Christopher Whipple, VSA's Director for Mediation Services, 20% of the 15,000 cases referred each year to VSA's mediation centers in Brooklyn and Queens are domestic disputes. These cases typically involve charges of assault, harassment, reckless endangerment or menacing. In only a small percentage of these cases are the disputants married; more often they are lovers, ex-lovers or common-law couples. "These cases are being referred to us by the police whether we like it or not," explains Mr. Whipple. "While we know that 80% of the domestic dispute victims who come to mediation leave with a signed agreement, we need to know much more about the effectiveness of these agreements."

Mr. Whipple notes that there is still a lot to learn about traditional court remedies in these cases. "Do domestic violence victims who are referred to criminal court fare better than those that reach a mediated settlement?" he asks. "The fact of the matter is, domestic violence victims with no visible injuries often have difficulty getting the City's criminal court system to take their case seriously when no arrest has been made. Court protective orders, when obtained, are not magic: they still depend on timely police and court responses to be effective."

Interviews with over 280 domestic dispute complainants will be conducted. In addition to interviewing complainants who participated in successful or unsuccessful mediation

hearings, VSA researchers will question women who were seen at intake and referred to court or were referred to mediation and never appeared for their scheduled hearing. For comparison purposes, VSA will also analyze samples comprised of domestic dispute complainants that were handled in Brooklyn Criminal Court pursuant to an arrest and complainants involved in any type of case that was mediated by the Brooklyn Mediation Center.

The primary source of the Brooklyn Center's caseload is the Summons Part of the New York City Criminal Court, where citizens may come to lodge criminal complaints in cases in which no arrest has been made. Since May of 1980, case screening of all Summons Court cases — which citywide total over 25,000 cases each year — has been conducted by staff of the VSA and The Institute for Mediation and Conflict Resolution mediation centers. The staff of VSA's Brooklyn Mediation Center alone screen over 8,500 of these cases.

"This study should be of interest not only to the mediation community, but also to all those who make referrals to mediation," says Mr. Whipple. "The police and the courts, no less than our own screeners, need to know more about the strengths and weaknesses of dispute resolution as a means of handling domestic dispute cases."

The study, which is being supervised by VSA researcher Elizabeth Connick (212) 577-7700, is due to be completed in August of 1983.

#### SUFFOLK COUNTY

In 1977 several concerned citizens mooted the idea that maybe there was another way to deal with the Community problems affecting the resident of Suffolk County. This county was and still is a growing area, many of its residents transferring from New York City and finding it difficult to adjust to suburbia. In that year, the Community Mediation Center of Coram was born under the auspices of the Y.M.C.A. Robert Saperstein was its first Executive Director, and with the help of Ernie Odom, C.M.C. was allowed to move away from its "mother" in May 1978. It was a triumphant and exciting beginning, with blessings from the District Attorney's office, the Complaint Bureau and the Courts. We all feel that we have a very successful program serving a cross section of the Suffolk County Community. In 1980 Ernie Odom was appointed Executive Director, and he is still out there beating the mediation drum as enthusiastically as ever! This enthusiasm spills over onto the staff. We have weekly staff meetings when we discuss (and try to improve) our procedures, talk over mediator problems, review our statistics and generally give Ernie Odom a rough time!

We are discovering interesting information from our statistics. For instance, cases involving marriage and lover quarrels cause us more office work and time, but have a higher risk of never actually coming to mediation; 18% of our cases so far this year have involved female heads of households, target areas do not necessarily produce a higher volume of cases. We ponder all these facts and many others — Could we do a better PR job to spread the word about mediation? Is our system as efficient as it should be? Can our mediators gain any benefit from more training? Should we become more diversified?

Here in Coram we do not specialize. Community disputes involving neighbor harassment, dog problems, children, noise, damage, etc., are our basic mediation matters. Our statistics show that in 1978 we received 639 referrals and that by 1982

this figure had reached 1,465. Last year we mediated 735 cases with a resolution rate of 82%. We feel proud of the achievements made by a combination of the following: the backing of the Victims Witness Screening Bureau, the District Attorney's Office, the court system, our mediators, our director and our staff members. We are not, however, content to rest on our laurels. At the present time we are actively looking into three new areas of possible mediation. In our view, there is no end to the possibilities of mediation, from the cradle to the grave there are difficulties and problems throughout life which can be mediated. We have seen this so often in the past few years; mediation is being used in more varied contacts than ever before. The hostage and hijacking situation currently sheds much valuable light on mediation where the same techniques as we use are honed to a more sophisticated pattern. While we do not pretend that hostage situations are commonplace here in Coram, we do feel that we should open up and discuss all new ideas, no matter how innovative they might seem.

For instance, we saw recently on television a mediation process whereby convicted burglars were brought to a mediation session, together with the aggrieved householder. The mediator's role was to explore ways in which the felon could (a) be brought to face the havoc, fear and destruction that he had brought upon the victim and (b) to negotiate terms of restitution, either by monetary or in-kind services. "Is this a new idea" we thought, "or do some of the other programs in New York State already do this type of mediation?"

How many of the programs do divorce and/or family mediation, bad check mediations, battered wives cases, school problems, cases involving citizens against large organizations (or government)? What exactly is the scope of the cases covered in the State of New York? Would this information be helpful to our own program as well as to the others in the State? We wonder too, how are all the programs funded? Do they have the services of a Grant Consultant? What about insurance? What ongoing training is given to mediators (this is a much neglected area)? How many mediators are used in each case? Do mediators receive payment? Where do other programs get their referrals? What PR work do they do? There seems to be no end to the questions that could be asked that would be of great assistance to the other programs.

We would like to hear from you up there in Rochester, Elmira, Syracuse, Troy, Albany, etc. If you think that you have an area of expertise, or an innovative program, please share it with us through the Mediator Newsletter. Find someone on your staff who has a burning desire to put pen to paper to write about your program.

— Joyce Diemer  
Community Mediation Center  
Coram, New York

This is a publication of the Community Dispute Resolution Centers Program of the Unified Court System  
Send articles or inquiries to:

Thomas F. Christian, Director  
Community Dispute Resolution Centers Program  
Agency Building 4, 10th Floor  
Empire State Plaza  
Albany, New York 12223  
(518) 473-4160

APPENDIX I

NEW YORK  
COMMUNITY DISPUTE  
RESOLUTION CENTERS

Albany County

Mrs. Cynthia Krouner  
Albany Mediation Program  
727 Madison Avenue  
Albany, New York 12208  
(518) 436-4958

Broome County

Mr. James Dean  
ACCORD  
Colonial Plaza - 2nd Fl.  
32 W. State Street  
Binghamton, New York 13901  
(607) 724-5153

Chemung County

Ms. Joyce Kowalewski  
Neighborhood Justice Project  
451 East Market Street  
Elmira, New York 14901  
(607) 734-3338

Columbia County

Ms. Christine Braley  
Common Ground  
Box 1  
Hudson, New York 12534  
(518) 828-4611

Dutchess County

Ms. Kathryn Lazar  
Community Dispute Resolution  
Center  
11 Market Street  
Poughkeepsie, New York 12601  
(914) 471-7167

Erie County

Ms. Judith A. Peter  
Dispute Settlement Center  
775 Main Street  
Buffalo, New York 14203  
(716) 842-1416

Fulton, Montgomery, Schoharie Co.

Ms. Shirley Tetens  
Tri-County Center for Dispute  
Resolution  
39 East Main Street  
Fonda, New York 12068  
(518) 853-4611

Greene County

Ms. Judith Rundberg  
Community Dispute Resolution  
Center  
P.O. Box 329  
Courthouse  
Main Street  
Catskill, New York 12414  
(518) 943-4225

Jefferson County

Ms. Carol Lively  
Community Action Planning  
Council  
Community Dispute Resolution  
Center of Jefferson Co.  
Box 899  
Watertown, New York 13601  
(315) 782-4900

Lewis County

Mr. Richard Pernell  
Lewis Mediation Service  
P.O. Box 113 - Outer Stowe St.  
Lowville, New York 13367-0113  
(315) 376-8202

Livingston County

Ms. Lynn Lohrberg  
Center for Dispute Settlement, Inc.  
Livingston Co. Satellite Office  
2 Court Street  
Geneseo, New York 14454  
(716) 243-2922

Monroe County

Mr. Andrew Thomas  
Center for Dispute Settlement, Inc.  
67 Chestnut Street - Suite 510  
Rochester, New York 14604  
(716) 546-5110

Nassau County

Mr. Mark Resnick  
Nassau County Community Dispute  
Center  
American Arbitration Association  
585 Stewart Avenue  
Garden City, New York 11530  
(516) 222-1660

Nassau County(cont'd)

Ms. Rebecca Bell  
Education Assistance  
Center of Long Island, Inc.  
Mediation Alternative  
Project  
382 Main Street  
Port Washington, New York  
11050  
(516) 883-3006

New York City

New York and Bronx Counties

Mr. David Forrest  
IMCR Dispute Resolution  
Center  
425 West 144th Street  
New York, New York 10031  
(212) 690-5700

Manhattan (IMCR)

Summons Part of Criminal Ct  
346 Broadway  
New York, New York 10007

The Bronx (IMCR)

Bronx Criminal Court  
215 East 161st Street  
Bronx, New York 10451

Northern Manhattan

Ms. Dana Vermilye  
Washington Heights-Inwood  
Coalition  
652 W. 187th Street  
New York, New York 10033  
(212) 781-6722

Kings and Queens Counties

Mr. Christopher Whipple  
Victim Services Agency (VSA)  
2 Lafayette Street  
New York, New York 10007  
(212) 577-7700

Kings County

Brooklyn Municipal Building  
210 Joralemon Street  
Room 618  
Brooklyn, New York 11201

Queens County

Queens Mediation Center  
119-45 Union Turnpike  
Kew Gardens, New York  
11375

NEW YORK CITY (cont'd)

Kings County

Dr. Robert Abrams  
Dispute Resolution Center  
Institute for the Study of  
the Borough of Brooklyn  
Brooklyn College  
Brooklyn, New York 11210  
(212) 780-5037

Richmond County

Mr. Tom LaManna  
Staten Island Community  
Dispute Resolution Center  
130 Stuyvesant Place - Rm.129  
Staten Island, New York 10301  
(212) 720-9410

Oneida County

Mr. Francis Grates  
Utica Community Action, Inc.  
Community Dispute Resolution  
Program  
214 Rutger Street  
Utica, New York 13501  
(315) 797-6473

Onondaga County

Mr. John McCullough  
Resolve-A Center for  
Dispute Settlement, Inc.  
108 W. Jefferson Street  
Suite 812 Loew Building  
Syracuse, New York 13202  
(315) 471-4676

Ms. Jan Unbehnd  
Dispute Resolution Center  
Onondaga County Civic Center  
12th Floor  
Syracuse, New York 13202  
(315) 425-3053

Ontario County

Ms. Lynn Lohrberg  
Center for Dispute Settlement, Inc.  
Ontario Co. Satellite Office  
15 Court Street  
Canandaigua, New York 14424  
(716) 394-2016

Orange County

Mr. Richard Mandell  
Orange County Mediation Project, Inc.  
P.O. Box 134  
Warwick, New York 10990  
(914) 986-5505

Oswego County

Ms. Alice Bartlett  
Resolve-A Center for  
Dispute Settlement, Inc.  
Oswego Co. Catholic Charities  
365 West 1st Street  
Fulton, New York 13069  
(315) 598-3980

Otsego County

Mr. Jeffrey Burton  
Agree-A Center for  
Dispute Settlement  
52 Academy Street  
Oneonta, New York 13820  
(607) 432-5484

Rensselaer County

Ms. Robin Obrecht  
Community Dispute Settle-  
ment Program  
35 State Street  
Troy, New York 12180  
(518) 274-5920

Rockland County

Mr. Christopher Owens  
Volunteer Mediation Center  
Volunteer Counseling Service  
of Rockland Co., Inc.  
151 South Main Street  
New City, New York 10956  
(914) 634-5729

Saratoga County

Ms. Marylyn Tenney  
Dispute Settlement Program  
Franklin Community Center  
10 Franklin Street  
Saratoga Springs, New York  
(518) 587-9826 12688

Schenectady County

Ms. Angela Kumm  
Community Dispute Settle-  
ment Program  
Schenectady Law, Order and  
Justice Center  
161 Jay Street  
Schenectady, New York 12305  
(518) 346-1281

Schuyler County

Ms. Rosa Grube  
Neighborhood Justice Project  
Box 366 - County Building  
9th and Franklin Streets  
Watkins Glen, New York 14891  
(607) 535-4757

Steuben County

Mr. Alfred M. Solter  
Agree - A Center for  
Dispute Resolution  
1 North Main Street  
Cohocton, New York 14826  
(716) 384-5211/12

Suffolk County

Mr. Ernie Odom  
Community Mediation Center,  
Inc.  
356 Middle Country Road  
Coram, New York 11727  
(516) 736-2626

Tompkins County

Mr. Jeffrey Furman  
Community Dispute  
Resolution Center  
201 Clinton House  
Ithaca, New York 14853  
(607) 273-9347

Ulster County

Ms. Lee Stagliano  
Mediation Services of  
Ulster Co.  
P.O. Box 726  
New Paltz, New York 12561  
(914) 257-2321

Wayne County

Ms. Caren Converse  
Center for Dispute  
Settlement, Inc.  
Wayne Co. Satellite Office  
26 Church Street  
Lyons, New York 14489  
(315) 946-9300

Westchester County

Mr. Alex Lynch  
Westchester Mediation  
Center of CLUSTER  
9 Manor House Square  
Yonkers, New York 10701  
(914) 963-6500

APPENDIX J



AMERICAN ARBITRATION ASSOCIATION  
JOHN JAY COLLEGE OF CRIMINAL JUSTICE—CITY UNIVERSITY OF NEW YORK  
UNIFIED COURT SYSTEM OF THE STATE OF NEW YORK—  
COMMUNITY DISPUTE RESOLUTION CENTERS PROGRAM, announce a conference

# PROBLEM SOLVING THROUGH MEDIATION

WORKSHOPS FOR THE PRACTITIONER

December 1-2, 1983

John Jay College of Criminal Justice  
New York, New York

## CONFERENCE COVERAGE

• community • family • environment • labor

A Conference for mediators who  
wish to improve and enhance their skills.

In Cooperation with  
American Bar Association, Special Committee  
on Alternative Means of Dispute Resolution  
Society for Professionals in Dispute Resolution

## WORKSHOPS, DECEMBER 1-2, 1983

### I, II, III An Introduction to Mediation

A three-part workshop covering the role of the mediator, effective handling of the mediation session including working with a co-mediator, opening statements, caucusing, reaching an agreement, writing an agreement, and compliance techniques. Participants should plan on attending all parts.

### IV Shaping the Accord

The process of developing an agreement among the parties, working with labor and management or other disputants to narrow the differences and come up with an acceptable agreement.

### V Listening Skills

What are the barriers to effective communication, including interpreting and improving verbal and non-verbal communication.

### VI Using the Caucus

When and how to use the caucus as a means of promoting an agreement between the parties.

### VII Writing the Agreement

Tools to assist the mediator in developing an agreement between the parties. What are the issues of enforcement and compliance following an agreement?

### VIII Evaluating the Mediation Effort

Examining the mediation process in order to assist the mediator and the program administrator.

### IX Working with the Press, Community and Local Government

Constructive interaction with the public and private sectors. Maximizing the use of the media.

### X The Screening Process

How to identify problem areas and the appropriateness of mediation in child abuse, substance abuse and mental health problems.

### XI Using Community Resources

How to identify and properly use resources, i.e. universities, libraries and private and public agencies.

### XII Handling Domestic Violence

How to recognize and work with the components of conflict between family members and determine their appropriateness for mediation.

### XIII Juvenile Mediation

Working with young people in schools, family court and neighborhoods.

### XIV Working in the Inner City

Dealing with problems arising from racial and ethnic diversity and interaction, and the stresses of density, noise and pollution.

### XV Mediating Environmental Concerns

Pressures and issues.

### XVI Managing Mediator Stress

Dealing with pressures and stress that go with the job.

### XVII When Mediation Fails

What methods are available when a dispute is not resolved either during the process or when the agreement breaks down.

### XVIII, XIX, XX Negotiating Techniques for the Mediator

A three-part workshop covering the skills of negotiations and their application for the mediator including fact-finding and conciliation. Participants should plan on attending all parts.

### XXI Legal Issues of Community Mediation

The liability of the mediator and the problem of maintaining confidentiality.

### XXII Issues in Divorce Mediation

Conflict between the legal and mental health professions and the mediator in resolving separation and custody issues including problems of liability and confidentiality.

### XXIII An Overview on the Psychology of Human Behavior

Understanding behavioral dynamics in the mediation process.

### XXIV You Raise the Issue

Experienced mediators will be available to answer questions concerning your mediation work.

### XXV Mediation Training Film Review (Times to be announced)

## PROBLEM SOLVING THROUGH MEDIATION A WORKSHOP FOR PRACTITIONERS

DECEMBER 1, 1983

8:00 Registration

9:00 Welcome and Introduction

GERALD N. LYNCH, President  
John Jay College of Criminal Justice—CUNY  
New York, New York

ROBERT COULSON, President  
American Arbitration Association  
New York, New York

ROBERT J. SISE  
Chief Administrative Judge of The  
Unified Court System of the State of New York

9:30 Mediation in the 80's: Where Are We Headed?

The Honorable LAWRENCE H. COOKE  
Chief Judge of the State of New York

10:15 Coffee

10:45 Problem Solving Through Mediation:  
What Can We Learn From Each Other?

*Moderator*  
ALLAN D. SILBERMAN, Vice President  
Education & Training  
American Arbitration Association  
New York, New York

*Panel*  
ADRIANE G. BERG, Professor  
New School for Social Research  
New York, New York

JAMES A. HEALY, Chairman  
New York Board of Mediators  
DANIEL REISEL, Esq.  
Winer, Neuburger, Sive P.C.  
New York, New York

LINDA SINGER, Esq., Executive Director  
Center for Community Justice  
Washington, D.C.

Noon Luncheon

1:15 Concurrent Workshops A (I, IV, V, VI, VII, VIII, IX

3:15 Break XVIII)

3:30 Concurrent Workshops B (II, X, XI, XII, XIII, XIV,  
XV, XIX)

5:30 Reception

DECEMBER 2, 1983

8:45 Relationship of Mediation to the Justice System

*Moderator*  
THOMAS CHRISTIAN, Director  
Community Dispute Resolution Centers Program  
Albany, New York

*Panel*  
Honorable JACK ETHRIDGE, Professor  
Emory University School of Law  
Atlanta, Georgia

LAURA D. BLACKBURN, Esq. Executive Officer  
Institute for Mediation and Conflict Resolution  
New York, New York

FRANK DeLUCA, Detective  
Newburgh Police Department  
Newburgh, New York

10:00 Break

10:15 Concurrent Workshops C (III, XVI, XVII, XX XXI,  
XXII, XXIII, XXIV)

12:15 Luncheon

1:30 Meeting the Continuing Education Needs of  
Mediators: Resources for the Future

*Moderator*  
MARIA R. VOLPE, Assistant Professor  
John Jay College of Criminal Justice—CUNY  
New York, New York

*Panel*  
LARRY RAY, Esq. Director, American Bar Association,  
Special Committee on Alternative Means of  
Dispute Resolution  
Washington, D.C.

CHARLES HALPERN, Dean, CUNY Law School at  
Queens College  
New York, New York

LAWRENCE E. SUSSKIND  
Professor/Acting Executive Director  
Program on Negotiation  
Harvard Law School  
Cambridge, Massachusetts

3:30 Closing Remarks

JAMES A. MALONE, Vice President for Administrative  
Affairs  
John Jay College of Criminal Justice—CUNY  
New York, New York

### REGISTRATION FORM

This seminar is being held at John Jay College of Criminal Justice, 445  
West 59th St. (between 9th and 10th Avenues), New York City.

The fee for this program, including two luncheons, a reception and study  
materials is \$75.00 for those registering before November 7 and \$90.00 for  
those registering after that date.

The Empire Hotel, Broadway at 63rd St. is holding space at a special con-  
ference rate for participants. A hotel registration card will be sent to you  
with your confirming letter.

Checks accompanying this form should be made payable to the American  
Arbitration Association and forwarded to:

Department of Education and Training  
American Arbitration Association  
140 West 51st Street  
New York, New York 10020  
(212) 484-3233

SUSANN MALIN, Program Coordinator

In the event you must cancel your registration, notification must be given at  
least ten (10) days prior to the program. Registrants who fail to give such  
notice are subject to a charge.

Please enroll the following in the Mediation Program being held  
on December 1 & 2, 1983.

Name \_\_\_\_\_ Position \_\_\_\_\_

Name \_\_\_\_\_ Position \_\_\_\_\_

Organization \_\_\_\_\_

Street Address \_\_\_\_\_ Telephone \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

I plan to attend the following workshops:

CONCURRENT WORKSHOP A  CONCURRENT WORKSHOP B  CONCURRENT WORKSHOP C

NUMBER \_\_\_\_\_

9770-0025-83

**FACULTY**

GAIL BINGHAM, Director Program on Environmental Dispute Resolution of the Conservation Foundation Washington, D.C.	XV	JUDITH GOLDSTEIN, Mediator Garden City, N.Y.	XXIV	ERNIE ODOM, Executive Director Community Mediation Center Coram, N.Y.	I, II, III
BERYL BLAUSTONE, Professor CUNY Law School at Queens College, N.Y.	XIV	WILLIAM R. HUMM, Executive Director New England Environmental Mediation Center Boston, Mass.	XV	CHRISTOPHER OWENS, Director Volunteer Mediation Center New City, N.Y.	XII
MARC BLOUSTEIN, Deputy Counsel Unified Court System of the State of New York	XXI	HERBERT J. JEFFERSON, President National Institute for Conflict Resolution New York, N.Y.	VI	JUDITH PETER, Director Dispute Settlement Center Buffalo, N.Y.	VIII
BARBARA BRODSKY Coordinator for School Mediation BOCES II, Suffolk County Centereach, N.Y.	XIII	EILEEN KAUFMAN, Professor Union College Cranford, N.J.	XXIII	DEAN PRUITT, Professor SUNY at Buffalo	XXIII
THOMAS COLOSI Vice President of National Affairs American Arbitration Association Washington, D.C.	XVIII, XIX, XX	GARY J. KIRKPATRICK Dispute Mediation Service Dallas, Tex.	XVI	MARK RESNICK, Regional Director American Arbitration Association Garden City, N.Y.	IX
ELIZABETH CONNICK Research Associate Victim Services Agency New York, N.Y.	XII	GLORIA KORMAN, Mediator Public Employee Relations Trenton, New Jersey	XVI	HOWARD RUBENSTEIN Director of Employee Relations Unified Court of the State of N.Y. Albany, N.Y.	XVIII, XIX, XX
DAVID FORREST, Director IMCR Dispute Resolution Center New York, N.Y.	X	JOYCE KOWALEWSKI Executive Director Neighborhood Justice Project Elmira, N.Y.	VII	RICHARD SALEM Mediation Consultant Evanston, Ill.	XXIV
CLAIRE FRANCEY Mediation Researcher New York, N.Y.	VIII	KENNETH KOWALSKI Federal Mediation and Conciliation Service New York, N.Y.	IV	MARGARET SHAW, Project Director The Children's Aid Society PINS Mediation Project New York, N.Y.	XIII
PHYLLIS FRANK Volunteer Mediation Center New City, N.Y.	XII	HOMER LA RUE, Professor CUNY Law School at Queens College, N.Y.	XIV	MARK SMITH, Director Brooklyn Mediation Center Brooklyn, N.Y.	X
LAWRENCE FREEDMAN, Intern ABA Special Committee on Alternative Means of Dispute Resolution Washington, D.C.	XXI	ROSEMARY LeBOEUF Federal Mediation and Conciliation Service New York, N.Y.	IX	JOSEPH STULBERG, Professor Baruch College New York, N.Y.	XVII
DORIS T. FRIEDMAN Esq. Friedman & Schabel White Plains, N.Y.	XXII	ROBERT LYNN, General Counsel New York City Office of Labor Relations New York, N.Y.	IV	ANDREW THOMAS, Executive Director The Center for Dispute Resolution Rochester, N.Y.	XI
LUCY FRIEDMAN, Executive Director Victim Services Agency New York, N.Y.	IX	ELEANOR MACKLEN, Professor Syracuse University Syracuse, N.Y.	XXII	DANA VERMILYE, Director Washington Heights-Inwood Coalition New York, N.Y.	XIV
WILLIAM J. GLINSMAN, Director New York State Board of Mediation	VII	MONA MILLER Arbitrator-Mediator Rochester, N.Y.	I, II, III	MICHAEL WEAVER The Center for Dispute Settlement Inc. Rochester, N.Y.	I, II, III
MAUREEN GODDARD Community Mediation Center Coram, N.Y.	XVII	DEBORAH MURNION and EVA MYER Orange County Mediation Project Warwick, N.Y.	V	JOEL WEISBLATT Arbitrator-Mediator Trenton, New Jersey	VI
				CHRISTOPHER WHIPPLE Director of Mediation Service Victim Services Agency New York, N.Y.	XI

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New York, N.Y. 10020

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City University of New York  
Unified Court System of the State of New York --  
Community Dispute Resolution Centers Program,

PROBLEM SOLVING  
THROUGH MEDIATION  
Workshops For The Practitioner

December 1-2, 1983  
John Jay College of Criminal Justice  
New York, New York

December 1, 1982

8:00 Registration

9:00 Welcome and Introduction  
Moderator  
ALLEN D. SILBERMAN, Vice President  
Education & Training  
American Arbitration Association  
New York, New York

GERALD M. LYNCH, President  
John Jay College of Criminal Justice -- CUNY  
New York, New York

ROBERT COULSON, President  
American Arbitration Association  
New York, New York

ROBERT J. SISE  
Chief Administrative Judge of The  
Unified Court System of the State of New York

9:30 Mediation in the 80's: Where Are We Headed?

The Honorable LAWRENCE H. COOKE  
Chief Judge of the State of New York

10:15 Coffee

10:45 Problem Solving Through Mediation:  
What Can We Learn From Each Other?

Moderator  
ALLAN D. SILBERMAN

Panel  
ADRIANE G. BERG, Professor  
New School for Social Research  
New York, New York

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10:45 continued

Panel

JAMES A. HEALY, Chairman  
New York Board of Mediators

DANIEL REISEL, Esq.  
Winer, Neuburger, Sive P.C.  
New York, New York

RICHARD SALEM, Mediator Consultant  
Evanston, Illinois

Noon Luncheon

Moderator

MARIA R. VOLPE, Assistant Professor  
John Jay College of Criminal Justice--CUNY  
New York, New York

Speaker

RAY SCHONHOLZ, Executive Director  
San Francisco Community Board  
San Francisco, California  
"The Community Board Concept"

1:15 Concurrent Workshops A(I, IV, V, VI, VII, VIII, IX, XVIII)

2:50 break

3:05 Concurrent Workshops B (II, X, XI, XII, XIII, XIV, XV, XIX)

4:45 Reception

December 2, 1983

8:45 Relationship of Mediation to the Justice System

Moderator

THOMAS CHRISTIAN, Director  
Community Dispute Resolution Centers Program  
Albany, New York

Panel

Honorable JACK ETHRIDGE, Professor  
Emory University School of Law  
Atlanta, Georgia

LAURA D. BLACKBURNE, Esq., Executive Officer  
Institute for Mediation and Conflict Resolution  
New York, New York

FRANK DeLUCA, Detective  
Newburgh Police Department  
Newburgh, New York

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8:45 continued

Panel

JOSE FELICIANO, Chief  
Police Prosecutor  
Cleveland, Ohio

10:00 Break

10:15 Concurrent Workshops C (III, XVI, XVII, XX,  
XXI, XXII, XXIII, XXIV)

12:15 Luncheon

Moderator

THOMAS CHRISTIAN

Speaker

EDIE PRIMM, Executive Director  
Neighborhood Justice Center  
Atlanta, Georgia  
"The Professional Mediator vs.  
Mediating Professionally"

1:30 Meeting the Continuing Education Needs of Mediators:  
Resources for the Future

Moderator

MARIA R. VOLPE

Panel

LARRY RAY, Esq., Director,  
American Bar Association  
Special Committee on Alternative Means of  
Dispute Resolution  
Washington, D.C.

CHARLES HALPERN, Dean  
CUNY Law School at Queens College  
New York, New York

LAWRENCE E. SUSSKIND  
Professor,  
Acting Executive Director  
Program on Negotiation  
Harvard Law School  
Cambridge, Massachusetts

Discussant

DR. FRED DuBOW  
University of Illinois  
Chicago, Illinois

3:30 Closing Remarks

JAMES A. MALONE, Vice President for Administrative Affairs  
John Jay College of Criminal Justy -- CUNY  
New York, New York

This conference is made possible in part by support from:

The William and Flora Hewlett Foundation,  
The New York Community Trust,  
The Community Dispute Resolution Centers Program of the  
Unified Court Svstem of the State of New York,  
The Criminal Justice Center, John Jay College of  
Criminal Justice -- City University of New York

American Arbitration Association

WORKSHOPS, DECEMBER 1-2, 1983

- 1,2,3 AN INTRODUCTION TO MEDIATION: Ernie Odom, Lori Michlin, Mona Miller  
A three-part workshop covering the role of the mediator, effective handling of the mediation session including working with a co-mediator, opening statements, caucusing, reaching an agreement, writing an agreement, and compliance techniques. Participants should plan on attending all parts.
- 4 SHAPING THE ACCORD: Kenneth Kowalski, Robert Lynn  
The process of developing an agreement among the parties, working with labor and management or other disputants to narrow the differences and come up with an acceptable agreement.
- 5 LISTENING SKILLS: Deborah Murnion, Eva Myer  
What are the barriers to effective communication, including interpreting and improving verbal and non-verbal communication.
- 6 USING THE CAUCUS: Jeff Jefferson, Joel Weisblatt  
When and how to use the caucus as a means of promoting an agreement between the parties.
- 7 WRITING THE AGREEMENT: William Glinsman, Joyce Kowalewski  
Tools to assist the mediator in developing an agreement between the parties. What are the issues of enforcement and compliance following an agreement?
- 8 EVALUATING THE MEDIATION EFFORT: Claire Francey, Judith Peter  
Examining the mediation process in order to assist the mediator and the program administrator.
- 9 WORKING WITH THE PRESS, COMMUNITY AND LOCAL GOVERNMENT:  
Lucy Friedman, Rosemary LeBoef, Mark Resnick  
Constructive interaction with the public and private sectors. Maximizing the use of the media.
- 10 THE SCREENING PROCESS: David Forrest, Mark Smith  
How to identify problem areas and the appropriateness of mediation in child abuse, substance abuse and mental health problems.
- 11 USING COMMUNITY RESOURCES: Richard Evarts, Andrew Thomas  
How to identify and properly use resources, i.e. universities, libraries and private and public agencies.
- 12 HANDLING DOMESTIC VIOLENCE: Elizabeth Connick, Karla Digrolamo, Chris Owens, Chris Whipple  
How to recognize and work with the components of conflict between family members and determine their appropriateness for mediation.

- 13 JUVENILE MEDIATION: Rebecca Bell, Barbara Brodsky, Margaret Shaw  
Working with young people in schools, family court and  
neighborhoods.
- 14 WORKING IN THE INNER CITY: Beryl Blaustone, Homer Larue,  
Dana Vermilye  
Dealing with problems arising from racial and ethnic diversity  
and interaction, and the stresses of density, noise and  
pollution.
- 15 MEDIATING ENVIRONMENTAL CONCERNS: Gail Bingham, William Humm  
Pressures and issues.
- 16 MANAGING MEDIATOR STRESS: Gary KirkPatrick, Gloria Korman  
Dealing with pressures and stress that go with the lab.
- 17 WHEN MEDIATION FAILS: Maureen Goddard, Joseph Stulberg  
What methods are available when a dispute is not resolved  
either during the process or when the agreement breaks down.
- 18,19,20 NEGOTIATING TECHNIQUES FOR THE MEDIATOR: Thomas Colosi,  
Howard Rubenstein  
A three-part workshop covering the skills of negotiations  
and their application for the mediator including fact-finding  
and conciliation. Participants should plan on attending all  
parts.
- 21 LEGAL ISSUES OF COMMUNITY MEDIATION: Marc Bloustein,  
Lawrence Freedman  
The liability of the mediator and the problem of maintaining  
confidentiality.
- 22 ISSUES IN DIVORCE MEDIATION: Doris Friedman, Eleanor Macklen  
Conflict between the legal and mental health professions and  
the mediator in resolving separation and custody issues  
including problems of liability and confidentiality.
- 23 AN OVERVIEW ON THE PSYCHOLOGY OF HUMAN BEHAVIOR: Dean Pruitt  
Understanding behavioral dynamics in the mediation process.
- 24 YOU RAISE THE ISSUE: Judith Goldstein, Richard Salem  
Experienced mediators will be available to answer questions  
concerning your mediation work.

APPENDIX K

K-1

RULES OF THE CHIEF ADMINISTRATOR OF THE COURTS

PART 116

RULES GOVERNING COMMUNITY DISPUTE RESOLUTION  
CENTERS PROGRAM

116.1 Definitions

(a) "Center" means a community dispute center which provides conciliation, mediation, arbitration or other forms and techniques of dispute resolution.

(b) "Mediator" means an impartial person who assists in the resolution of a dispute.

(c) "Grant recipient" means any organization that administers a community dispute resolution center receiving funds pursuant to this Part.

(d) "Chief Administrator" means the Chief Administrator of the Courts or his designee.

116.2 Application

(a) The provisions of this Part shall apply to the funding of community centers organized to expeditiously resolve minor disputes, especially those matters that would otherwise be handled by the criminal justice system.

(b) Funds available for disbursement pursuant to this Part shall include those funds appropriated by the State Legislature for said purposes and shall also include funds received by the State from any public or private agency or person, including the federal government, to be used for the purposes of this Part.

116.3 Eligibility. To be eligible for funding pursuant to this Part, a center must meet the following conditions:

(a) It must be administered by a nonprofit organization organized for the resolution of disputes or for religious, charitable or educational purposes;

(b) It must provide neutral mediators who have received at least 25 hours of training in conflict resolution techniques;

(c) It must provide dispute resolution services without cost to indigents and at nominal or no cost to other participants;

(d) It shall, whenever reasonably possible, make use of public facilities at free or nominal cost;

(e) It must provide, during or at the conclusion of the dispute resolution process, a written agreement or decision, subscribed to by the parties, setting forth the settlement of the issues and future responsibilities of each party and must make such agreement or decision available to a court which has adjourned a pending action pursuant to section 170.55 of the Criminal Procedure Law;

(f) It may not make monetary awards except upon consent of the parties, and such awards may not exceed one thousand dollars;

(g) It may not accept for dispute resolution any defendant: (1) who has a pending felony charge contained in an indictment or information arising out of the same transaction or involving the same parties; or (2) who is named in a pending filed accusatory instrument (i) charging a violent felony offense as defined in section 70.02 of the penal law, or (ii) charging any drug offense as defined in article two hundred twenty of the penal law; or (3) who is named in a pending filed accusatory instrument charging any offense and, if convicted, would be a second felony offender as defined in section 70.06 of the penal law;

(h) It must provide to parties, in advance of the dispute resolution process, a written statement relating:

- (1) their rights and obligations;
- (2) the nature of the dispute;
- (3) their right to call and examine witnesses;
- (4) that a written settlement or a written decision with the reasons therefore will be rendered; and
- (5) that the dispute resolution process will be final and binding upon the parties.

(i) It must permit all parties to appear with representatives, including counsel, and to present all relevant evidence relating to the dispute, including calling and examining witnesses;

(j) It must keep confidential all memoranda, work products or case files of a mediator and must not disclose any communications relating to the subject

matter of the resolution made during the resolution process by any participant, mediator or any person present at the dispute resolution.

116.4 Application procedures. Applications for funding pursuant to this Part shall be submitted to the Chief Administrator and shall include the following information:

(a) a description of the organization administering the center, including a description of any sponsoring organizations;

(b) an itemized description of the annual cost of operating the proposed center, including the compensation of employees;

(c) a description of the geographic area of service, the service population and the number of participants capable of being served on an annual basis;

(d) a description of the facilities available in which the proposed center is to be operated;

(e) a detailed description of the proposed program for dispute resolution, including the types of disputes to be handled and the cost, if any, to the participants;

(f) a statement of the present availability of resources to fund the center;

(g) a description of the applicant's administrative capacity to operate the center, including the educational, training and employment background of every member of the staff of the center;

(h) a list of civic groups, social services agencies and criminal justice agencies available to accept and make referrals, written statements from these groups and agencies indicating an intent to accept and make referrals, and a description of how the program will be publicized to make potential referring agencies, the courts, and the public aware of its availability;

(i) a description of the past history of the operation of the center, including specific information for the past two years concerning the program, area of service, staff, source of funding, expenditures, referring agencies, number and types of disputes handled, and number and types of disputes resolved;

(j) a list of all other available dispute resolution services and facilities within the proposed geographical area;

(k) documentation that the center meets the eligibility requirements set forth in section 114.3;

(l) such other information as may be required by the Chief Administrator.

#### 116.5 Approval

(a) The Chief Administrator shall select centers for funding pursuant to this Part and shall determine the amount of funds to be disbursed for each center within available appropriations.

(b) No funds provided by the State shall be disbursed for any center in an amount greater than fifty per centum of the estimated annual cost of operating the program as determined by the Chief Administrator.

(c) In determining the centers for which funds may be disbursed, the Chief Administrator shall consider:

- (1) the need for the program in that geographical area;
- (2) the structure and scope of the proposed program;
- (3) the cost of operation;
- (4) the availability of sources of funding;
- (5) the adequacy and cost of facilities;
- (6) the ability of the applicant to administer the program;
- (7) the qualifications of the personnel staffing the center;
- (8) the effectiveness of the program;
- (9) any other consideration which may affect the provision of dispute resolution services pursuant to this Part.

(d) A center may be rejected if the Chief Administrator determines that it will be unable to comply with any of the conditions set forth in section 114.3.

(e) Nothing herein shall require the Chief Administrator to approve funding for any applicant.

116.6 Payment. Payment of funds pursuant to this Part shall be made pursuant to contract entered into between the Unified Court System and the grant recipient.

#### 116.7 Program evaluation

(a) The Chief Administrator shall monitor and evaluate each program receiving funds pursuant to this Part.

(b) Each grant recipient shall provide to the Chief Administrator on a periodic basis as determined by the Chief Administrator the following information concerning its program:

- (1) amount of, and purpose for which, all monies were expended;
- (2) number of referrals received by category of cases and the source of each referral;
- (3) number of parties serviced;
- (4) number of disputes resolved;
- (5) nature of the resolution of each dispute, including the type of award and amount of money awarded, if any;
- (6) number of cases in which the parties complied with the award, including the nature of the dispute and award in each such case;
- (7) number of returnees to the resolution process, including the nature of the dispute and award in each such case;
- (8) duration of each hearing;
- (9) estimated cost of each hearing;
- (10) any other information as required by the Chief Administrator.

(c) The Chief Administrator shall have the power to inspect at any time the operation of any center receiving funds pursuant to this Part to determine whether the center is complying with the provisions of this Part and the terms of its contract, including the examination and auditing of the fiscal affairs of the program.

(d) The Chief Administrator may halt the disbursement of funds pursuant to this Part at any time he determines that the program is not adequately providing services pursuant to this Part or that any of the provisions of this Part are being violated.

STATE OF NEW YORK

1973--B

R. R. 602

1981-1982 Regular Sessions

IN ASSEMBLY

January 26, 1981

Introduced by M. of A. KREMER, EVE, M. H. MILLER, SEMINERIO, NEWBURGER-- Multi-Sponsored by--M. of A. BIANCHI, BRAGMAN, BRANCA, BUSH, DANIELS, FOSSEL, GOLDSTEIN, GRANNIS, GREEN, HARENBERG, KOPPELL, LEWIS, LIPS-CHUTZ, ORAZIO, PILLITTERE, ROBACH, SHAFFER, SMOLER, STAVISKY, WILSON, YEVOLI, CONNELLY, HINCHEY, JACOBS, VIGGIANO, WERTZ, PERONE, WEMPLE-- read once and referred to the Committee on Judiciary--reported and referred to the Committee on Rules--Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules--passed by Assembly and delivered to the Senate, recalled from Senate, vote reconsidered, bill amended, ordered reprinted and restored to third reading

AN ACT to amend the criminal procedure law and the judiciary law, in relation to the establishment of programs for community dispute resolution and making an appropriation therefor

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. The resolution of certain criminal matters can be costly
2 and complex in the context of a formal judicial proceeding. The involved
3 procedures and the attendant constraints are not always conducive to af-
4 fording the greatest assurance to the public and persons involved
5 against the recurrence of such conduct. Each individual dispute, which
6 is not adequately resolved may be of small social or economic magnitude,
7 but taken collectively such disputes are of enormous social or economic
8 consequence.
9 To assist in the resolution of disputes in a complex society, there is
10 a compelling need for the creation of dispute resolution centers as al-
11 ternatives to structured judicial settings. Community dispute resolution
12 centers can meet the needs of their community by providing forums in

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD1-11-12-1190B

APPENDIX L

1 which persons can participate in the resolution of disputes in an informal atmosphere without restraint and intimidation. The utilization of local resources, including volunteers and available building space, such as space in public facilities, can provide for accessible, cost-effective resolutions of minor disputes. While there presently exists centers where dispute resolution is available, the lack of financial resources limits their operation. Community dispute resolution centers can serve the interests of the citizenry and promote quick and voluntary resolution of certain criminal matters.

10 § 2. Section 170.55 of the criminal procedure law is amended by adding a new subdivision four to read as follows:

12 4. The court may grant an adjournment in contemplation of dismissal on condition that the defendant participate in dispute resolution and comply with any award or settlement resulting therefrom.

15 § 3. The judiciary law is amended by adding a new article twenty-one-A to read as follows:

ARTICLE 21-A  
COMMUNITY DISPUTE RESOLUTION  
CENTERS PROGRAM

20 Section 849-a. Definitions.

21 849-b. Establishment and administration of centers.

22 849-c. Application procedures.

23 849-d. Payment procedures.

24 849-e. Funding.

25 849-f. Rules and regulations.

26 849-g. Reports.

27 § 849-a. Definitions. For the purposes of this article:

28 1. "Center" means a community dispute center which provides conciliation, mediation, arbitration or other forms and techniques of dispute resolution.

31 2. "Mediator" means an impartial person who assists in the resolution of a dispute.

33 3. "Grant recipient" means any nonprofit organization that administers a community dispute resolution center pursuant to this article, and is organized for the resolution of disputes or for religious, charitable or educational purposes.

37 § 849-b. Establishment and administration of centers. 1. There is hereby established the community dispute resolution center program, to be administered and supervised under the direction of the chief administrator of the courts, to provide funds pursuant to this article for the establishment and continuance of dispute resolution centers on the basis of need in neighborhoods.

43 2. Every center shall be operated by a grant recipient.

44 3. All centers shall be operated pursuant to contract with the chief administrator and shall comply with all provisions of this article. The chief administrator shall promulgate rules and regulations to effectuate the purposes of this article, including provisions for periodic monitoring and evaluation of the program.

49 4. A center shall not be eligible for funds under this article unless:  
50 (a) it complies with the provisions of this article and the applicable rules and regulations of the chief administrator;

52 (b) it provides neutral mediators who have received at least twenty-five hours of training in conflict resolution techniques;

54 (c) it provides dispute resolution without cost to indigents and at nominal or no cost to other participants;

1 (d) it provides that during or at the conclusion of the dispute resolution process there shall be a written agreement or decision setting forth the settlement of the issues and future responsibilities of each party and that such agreement or decision shall be available to a court which has adjourned a pending action pursuant to section 170.55 of the criminal procedure law;

7 (e) it does not make monetary awards except upon consent of the parties and such awards do not exceed one thousand dollars; and

9 (f) it does not accept for dispute resolution any defendant who has a pending felony charge contained in an indictment or information arising out of the same transaction or involving the same parties, or who is named in a filed accusatory instrument (i) charging a violent felony offense as defined in section 70.02 of the penal law, or (ii) any drug offense as defined in article two hundred twenty of the penal law, or (iii) if convicted, would be a second felony offender as defined in section 70.06 of the penal law.

17 5. Parties must be provided in advance of the dispute resolution process with a written statement relating:

19 (a) their rights and obligations;

20 (b) the nature of the dispute;

21 (c) their right to call and examine witnesses;

22 (d) that a written decision with the reasons therefor will be rendered; and

24 (e) that the dispute resolution process will be final and binding upon the parties.

26 6. Except as otherwise expressly provided in this article, all memoranda, work products, or case files of a mediator are confidential and not subject to disclosure in any judicial or administrative proceeding. Any communication relating to the subject matter of the resolution made during the resolution process by any participant, mediator, or any other person present at the dispute resolution shall be a confidential communication.

33 § 849-c. Application procedures. 1. Funds appropriated or available for the purposes of this article may be allocated for programs proposed by eligible centers. Nothing in this article shall preclude existing resolution centers from applying for funds made available under this article provided that they are otherwise in compliance with this article.

38 2. Centers shall be selected by the chief administrator from applications submitted.

40 3. The chief administrator shall require that applications submitted for funding include, but need not be limited to the following:

42 (a) The cost of each of the proposed centers components including the proposed compensation of employees.

44 (b) A description of the proposed area of service and number of participants who may be served.

46 (c) A description of available dispute resolution services and facilities within the proposed geographical area.

48 (d) A description of the applicant's proposed program, including support of civic groups, social services agencies and criminal justice agencies to accept and make referrals; the present availability of resources; and the applicant's administrative capacity.

52 (e) Such additional information as is determined to be needed pursuant to rules of the chief administrator.

54 § 849-d. Payment procedures. 1. Upon the approval of the chief administrator, funds appropriated or available for the purposes of this arti-

1 cle shall be used for the costs of operation of approved programs. The  
2 methods of payment or reimbursement for dispute resolution costs shall  
3 be specified by the chief administrator and may vary among centers. All  
4 such arrangements shall conform to the eligibility criteria of this ar-  
5 ticle and the rules and regulations of the chief administrator.

6 2. The state share of the cost of any center approved under this sec-  
7 tion may not exceed fifty per centum of the approved estimated cost of  
8 the program.

9 § 849-e. Funding. 1. The chief administrator may accept and disburse  
10 from any public or private agency or person, any money for the purposes  
11 of this article.

12 2. The chief administrator may also receive and disburse federal funds  
13 for purposes of this article, and perform services and acts as may be  
14 necessary for the receipt and disbursement of such federal funds.

15 (a) A grant recipient may accept funds from any public or private  
16 agency or person for the purposes of this article.

17 (b) The state comptroller, the chief administrator and their  
18 authorized representatives, shall have the power to inspect, examine and  
19 audit the fiscal affairs of the program.

20 (c) Centers shall, whenever reasonably possible, make use of public  
21 facilities at free or nominal cost.

22 § 849-f. Rules and regulations. The chief administrator shall promul-  
23 gate rules and regulations to effectuate the purposes of this article.

24 § 849-g. Reports. Each resolution center funded pursuant to this arti-  
25 cle shall annually provide the chief administrator with statistical data  
26 regarding the operating budget, the number of referrals, categories or  
27 types of cases referred, number of parties serviced, number of disputes  
28 resolved, nature of resolution, amount and type of awards, rate of com-  
29 pliance, returnees to the resolution process, duration and estimated  
30 costs of hearings and such other information the chief administrator may  
31 require and the cost of hearings as the chief administrator requires.  
32 The chief administrator shall thereafter report annually to the governor  
33 and the legislature regarding the operation and success of the centers  
34 funded pursuant to this article. Such annual report shall also evaluate  
35 and make recommendations regarding the operation and success of such  
36 center.

37 § 4. The sum of one million ninety-nine thousand dollars (\$1,099,000),  
38 or so much thereof as may be necessary, is hereby appropriated from any  
39 monies in the general fund to the credit of the state purposes fund and  
40 not otherwise appropriated and made immediately available to the office  
41 of court administration to carry out the provisions of this act.  
42 Provided, however, that no part of such monies in excess of one hundred  
43 thousand dollars may be used by the chief administrator to pay the cost  
44 of the personal services, maintenance, and operation incurred by the  
45 chief administrator in administering the provisions of this act. All  
46 monies appropriated pursuant to this act shall be apportioned and dis-  
47 tributed for dispute resolution programs within the indicated municipal-  
48 ities in accordance with the following schedule and shall be in addi-  
49 tion to any monies otherwise available for such purposes and shall be  
50 payable out of the state treasury after audit by and on the warrant of  
51 the comptroller on vouchers certified or approved by the chief adminis-  
52 trator as prescribed by law.

53 SCHEDULE

54 Albany county	20,000
55 Broome county	24,000

1 Clinton county	24,000
2 Dutchess county	33,000
3 Erie county	63,000
4 Monroe county	80,000
5 New York city	383,000
6 Nassau county	70,000
7 Onondaga county	63,000
8 Orange county	33,000
9 Rensselaer county	20,000
10 Rockland county	33,000
11 Schenectady county	20,000
12 Suffolk county	70,000
13 Westchester county	63,000
14 § 5. This act shall take effect immediately and shall remain in full 15 force and effect until the first day of October, nineteen hundred 16 eighty-four.	

**END**