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Alternative dispute resolution can change the nature of conflict in New York state

Op-Ed

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May 04, 2010

May 4, 2010 is a day that New Yorkers can look on with pride, except most of us won't know why. That Tuesday marks ADR Day in New York State. ADR, or alternative dispute resolution, refers to a variety of ways to solve problems and resolve conflicts without resorting to the traditional court system. New York is one of the leading lights in this area and has been for over a quarter-century. This October, the New York State Dispute Resolution Association (NYSdra) will celebrate its Silver Anniversary as the voice for the ADR community in the Empire State.

One of the most striking features of New York's illustrious history in ADR is the CDRC system. A CDRC, or community dispute resolution center, is located in each of the 62 counties in New York State. The centers are partially funded by the New York State Unified Court System and last year handled almost 39,000 cases, many referred to from the courts. The first CDRC in New York was established in Rochester in 1973 and was only the third such center established in the United States. It still operates today as the Center for Dispute Settlement. In addition, New York has a vibrant community of full time ADR professionals who operate as a complement to the CDRC system.

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What surprises many people is the range of issues that are routinely dealt with through mediation. Cases range from the relatively simple, like disputes among neighbors and small consumer claims, to complex divorces, child visitation and support, special education issues, agricultural problems, elder care issues and a variety of civil actions. Even more startling are the success rates. About 83% of all cases that enter mediation are successfully resolved - usually in a matter of weeks.

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Mediation is now being used across the State to solve a variety of critical and current issues. In Tonawanda, a suburb of Buffalo, mediation techniques are being used in schools to combat bullying. "Mediation is probably the best tool in our tool box," Tonawanda High School Principal Kevin E. Kazmierczak said in a recent Buffalo News article. Considering the recent highly publicized teen suicide in Massachusetts, allegedly the result of bullying, this is critically important and should be closely studied by all school districts throughout the State and the country. Educators and school administrators have noted the intractable nature of bullying for decades and for mediation and other ADR techniques to actually show promise is nothing short of miraculous.

Even the entertainment industry is getting into the act. USA Network has announced that they have begun production of "Facing Kate," a new series with a very interesting premise. The main character, Kate, is a lawyer who, frustrated with the traditional legal system, becomes a full time mediator. The show is currently in production and will likely debut in the fall season.

While ADR techniques may seem like a small part of a huge picture, their importance is growing. Last year the CDRCs handled almost one percent of the overall court cases in the state, which regularly exceed 4 million. That figure doesn't take into account the number of cases handled by private ADR practitioners, professional arbitrators and mediators who assist parties outside the CDRC network. More importantly, ADR represents real change in a system desperately in need of it.

Dispute resolution practices offer methods to solve problems in ways that yield solutions we can all live with and support, creating a "win-win" for both the parties to disputes and to society at large. Today, celebrate ADR Day in New York by learning more about mediation, arbitration, collaborative law, restorative justice and other forms of ADR by visiting www.nysdra.org. There you'll find a list of our statewide network of CDRC's and descriptions of our various consumer programs. Find out how ADR can change the nature of conflict in our state and foster an atmosphere of peaceful and effective problem solving.

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