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Thomas F. Christian

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Running Statewide Dispute Resolution Programs— The New York Experience

BY THOMAS F. CHRISTIAN, PH.D.*

INTRODUCTION

On August 13, 1981, a robber walked into the Best Western Inn in Albany, New York and shot Gary Geiger, the night manager.¹ As a result, Geiger, a nationally ranked sprinter and weight lifter, lost his job and his home. Even after his physical injuries healed, he was plagued by nightmares, depression and anxiety—a condition later diagnosed as post-traumatic stress disorder.²

Geiger had a lot of unanswered questions and unvented anger, and he believed that the only way to resolve these feelings was to ask the only person who could answer his questions—the man who shot him. Geiger contacted the Victim and Offender Mediation Program, a division of New York's Community Dispute Resolution Program, and asked for a meeting with the robber, who was serving a twelve to twenty-five years sentence in state prison.³ The mediation was successful, and Gary Geiger is now helping other victims and praising the value of mediation.

Today, the people of the State of New York have community-based dispute resolution centers available in all sixty-two counties for their individual and neighborhood needs.⁴ The programs are private non-profit agencies under contract with the Chief Administrative Judge for the Courts. Staff are assisted by volunteer citizen mediators who handle

* Director, Community Dispute Resolution Centers Program, Unified Court System of the State of New York. B.A. 1959, St. Thomas University; M.S. 1971, Michigan State University; Ph.D. 1973, Michigan State University. Prior to joining the Unified Courts, Mr. Christian was the director of the Alternatives to Incarceration Project for the National Center for State Courts in Atlanta.

¹ See *Face to Face: Eleven Years After Shooting, A Reconciliation*, TIMES UNION (Albany, N.Y.), January 10, 1993, at C1.

² *Id.* at C6.

³ *Id.* at C5-C6.

⁴ See STATE OF NEW YORK UNIFIED COURT SYSTEM, THE COMMUNITY DISPUTE RESOLUTION CENTERS PROGRAM: TWO YEAR REPORT 6 (1992) [hereinafter TWO YEAR REPORT]. This report was compiled and submitted to Governor Mario Cuomo by Matthew T. Crosson, Chief Administrator of the Courts, pursuant to N.Y. JUD. LAW § 849(g) (McKinney 1992).

nearly 25,000 disputes annually, and over two and one-half million dollars in restitution is exchanged through mutually binding agreements negotiated at the centers.⁵

I. LEGISLATIVE HISTORY

On July 27, 1981, the New York State Legislature passed Chapter 847, Laws of 1981, creating the Community Dispute Resolution Centers Program.⁶ Concurrent with its statutory enactment, the legislature appropriated \$1.1 million to operate the program on a three-year trial basis and invited proposals from organizations wishing to establish the community-based centers.⁷

This legislative event culminated four years of lobbying by a handful of existing dispute resolution centers and a number of private and public organizations interested in promoting alternatives to traditional adversarial processes. However, this movement to explore options outside the courtroom actually began a decade prior to this groundbreaking legislation.

The first New York dispute center was established by the American Arbitration Association in Rochester in 1972.⁸ It was one of the first three centers of its kind in the country, and its mission was to assist Black and Caucasian families in school integration conflicts. In 1975, the Institute For Mediation and Conflict Resolution developed the first dispute center in New York City.⁹ In 1977, the first suburban center was set up in Suffolk County, Long Island. It was these existing programs that were strongly lobbying for the passage of statewide dispute resolution legislation.

Additionally, since 1955, the Fund for Modern Courts, a non-partisan, non-profit, statewide court reform organization has been concerned with the quality and administration of justice in New York State.¹⁰ In 1977, the Fund

⁵ See TWO YEAR REPORT, *supra* note 4, at 46.

⁶ Codified at N.Y. JUD. LAW § 849(a)-(g) (McKinney 1992).

⁷ See E.R. Shipp, *Dispute Centers to Get State Aid in New Program*, N.Y. TIMES, Oct. 28, 1981, at B3 (reporting details of press conference by Chief Judge Lawrence H. Cooke of the Court of Appeals).

⁸ See Joseph W. Bellacosa, *Improving New York's Justice System Through Alternative Dispute Resolution, Address Before the Conference on Enhancing Mediator Skills* (Sept. 26, 1986), in ENHANCING MEDIATOR SKILLS: CONFERENCE PROCEEDINGS 3 (Thomas F. Christian, ed.) (Rockefeller College Press, S.U.N.Y. 1986).

⁹ See M.G. Lord, *In Case You'd Rather Skip Your Day in Court*, NEWSDAY, Nov. 5, 1989, at 9. The Institute, with the help of federal and Ford Foundation grants, has been training citizens in conflict management skills since 1969.

¹⁰ See M.L. Henry, *A Statement of the Problem, in MEDIATION IN THE JUSTICE SYSTEM*, A.B.A. SPECIAL COMM. ON DISP. RESOL. 28 (1983). Mr. Henry is the Executive Director of the Fund for Modern Courts.

began a study in Bronx County in New York City, which produced several important findings. For example, the New York criminal justice system was actually spending more money on cases ending in dismissal than on cases resulting in imprisonment.¹¹ In fact, the total funds spent each year to process imprisonment cases was approximately \$26.5 million, while the total spent on dismissed cases was over \$67 million.¹²

Furthermore, it cost more to impose and collect a fine than almost any other form of case disposition. The amount spent to prosecute cases ending in fines far exceeded the amount of fines collected.¹³ Thus, the criminal justice system in the city was spending \$125 million on cases which were dismissed or fined.¹⁴ Furthermore, the overcrowded case docket resulted in extraordinary delays. The Fund for Modern Courts concluded that an alternative method of disposition was urgently needed. They recognized the potential for many criminal matters to be resolved through a cost-effective dispute resolution system, and placed their support behind the 1981 legislation.

Senator Manfred Ohrenstein, the New York State Minority Leader, reviewed the Fund For Modern Courts' study and asked his criminal justice analyst, Thomas Cetrino, to look for ways to alleviate caseload congestion in the justice system. Cetrino had worked with the New York State Division of Criminal Justice Services and had heard of the benefits of community dispute resolution centers from Rochester, New York City and Long Island law enforcement officers, prosecutors and judges. He obtained and studied legislation that had been proposed in this area in California and recommended that similar legislation be drafted and sponsored for New York.¹⁵

The New York bill was introduced in 1979, sailed through the Judiciary Committee, but stopped in Senate Finance. One of the reasons it died was the fact it was seen as a Democratic bill and Republicans refused to support it. At the time, the New York Legislature was more concerned with violent felony offenders and supporting the death penalty and it was difficult to sell an alternative concept. Nonetheless, support began to develop among legislators in New York City and Long Island and the group called the Coalition for Criminal Justice joined the Fund For Modern Courts' efforts and

¹¹ The average cost of processing a case ultimately dismissed was \$945. The average cost of a case in which the defendant served a jail sentence was \$877. *Id.* at 31.

¹² *Id.* at 32.

¹³ In fact, the amount spent prosecuting those cases—\$38 million—was more than ten times the fines collected—approximately \$2.8 million. *Id.*

¹⁴ That number includes \$21 million spent to prosecute cases in which the defendant was "time served," i.e., discharged for time served following conviction. *Id.* at 32-33.

¹⁵ See Thomas Cetrino, *Passage by the Senate, in* MEDIATION IN THE JUSTICE SYSTEM, *supra* note 10, at 36.

began to coordinate support statewide.¹⁶ The New League of Syracuse, as well as people in Rochester and Buffalo, began calling on their state legislators to support the idea. Salvatore Martoche, counsel for criminal justice to Republican leader Senator Warren Anderson, took an interest in the bill and began working with the Codes Committee to move the legislation forward. Efforts were aimed at heightening the awareness among Senate staffers about the importance of this concept. Support from both the Democrats and Republicans was mounting, the ground work was done for passage in 1981.

Meanwhile, the Office of Court Administration for the New York State Unified Court System had studied the positive effects of the dispute resolution centers in Long Island and Rochester. The Chief Judge, Lawrence H. Cooke, was looking for creative ways to divert cases that did not need the formal structure of a courtroom. The Republicans in the Legislature felt the program should be under the Judicial Branch to concentrate on the backlog of cases in criminal court. The Chief Judge agreed.

Senator Ronald B. Stafford, Chair of the Codes Committee, introduced the bill in 1981. He was joined by Senator Manfred Ohrenstein and Assemblyman Arthur Kremer. A number of co-sponsors (thirty-two) were added to the bill and it passed unanimously in both houses.¹⁷

II. THE PROGRAM DEVELOPS

The Chief Administrative Judge promulgated the Rules Governing the Community Dispute Resolution Centers Program,¹⁸ and materials announcing the request for proposals to provide mediation services were sent to over 800 interested groups and parties in the nineteen counties

¹⁶ *Id.* at 38.

¹⁷ In fact, the dispute resolution bill was one of the few Democrat-initiated pieces of legislation in the Senate to become law in 1981.

The only real controversy that arose concerning the substance of the legislation came from the State District Attorneys' Association. They felt that the confidentiality requirements were too broad. Under § 849(b)(6) of the Act:

Except as otherwise provided in [this Act], 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 participants, mediator, or any other person present at the dispute resolution shall be a confidential communication.

N.Y. JUD. LAW § 849(b)(6) (McKinney 1992). The District Attorney's Association wanted to amend this provision so that they could subpoena mediation records. Their efforts were unsuccessful, and the clause was passed as proposed. See Cetrino, *supra* note 15, at 40.

¹⁸ See N.Y. COMP. CODES R. & REGS. tit. 22, § 116 (1982).

identified in the legislation. Information was sent to judges, legislators, state, county and city officials, public defenders, charitable organizations, non-profit agencies, current dispute resolution centers and others.

By December 1, 1981, thirty-four grant proposals were submitted by non-profit agencies from seventeen counties. Proposals were reviewed by the Office of Court Administration based on the eligibility criteria outlined in the original legislation. Programs had to be non-profit, demonstrate the need for a dispute center in their geographic area, identify potential local funding and generate letters of support from key referral sources such as judges, district attorneys, law enforcement personnel and public and private agencies.¹⁹ At the close of the review process, the Chief Administrative Judge made fifteen awards for programs serving seventeen counties.

III. THE STAFF

The State Office of the Community Dispute Resolution Centers Program ("CDRCP"), located in Albany New York, administers the New York program with four staff members. A state director was appointed by the Chief Judge and began full-time on October 30, 1981.²⁰ The director has the support of the Office of Court Administration resources, including legal counsel, data processing and printing services, and the director reports to the Deputy Chief Administrator of the Courts. A secretary was hired in January of 1982, and in March a court analyst was chosen to work on contracts, budgets and to assist the director. In 1984, another court analyst was hired to work primarily on statistical data and to assist the director and his budget analyst. Twelve years later, four people continue to run the entire statewide program. This low overhead contributes to the cost effectiveness of the program.

IV. THE ADMINISTRATIVE PROCEDURES

The 1981 enabling legislation requires that each center provide extensive data to the Chief Administrative Judge for the Courts. From this data, the Chief Administrative Judge must report annually to the governor and the legislature.²¹ Consequently, the programs that were awarded the

¹⁹ See N.Y. JUD. LAWS § 849(c) (McKinney 1992).

²⁰ The author has been the statewide director of the program since 1981. See Lawrence H. Cooke, *Community Dispute Resolution Centers Program Inaugurated*, 54 N.Y. St. B. J. 150, 151 (1982) (announcing the appointment of the program director to the State Bar).

²¹ See N.Y. JUD. LAW § 849(g) (McKinney 1992).

initial grants were invited to Albany, for a series of meetings to develop uniform reporting procedures and evaluation criteria. Having the programs themselves involved in the development of the procedures helped to create unity and a feeling of ownership in the process. A detailed case profile form was created to obtain information on each case that was screened appropriate for the dispute resolution process. These forms are filled out at each of the individual centers and sent weekly to the state office where data are recorded. Statewide data are maintained on a mainframe computer by State CDRCP staff, who consult regularly with local programs on information management issues.

On a quarterly basis, a management report is generated by the State Office containing the aggregate workload statistics, comparing them with the prior quarter and compiling a year to date total. Quarterly feedback from the state office, along with a monthly information bulletin, provides additional technical assistance to the individual centers. The individual programs are also visited and evaluated using an established set of performance guidelines.²²

The State Office has made a significant effort to maintain the dispute resolution centers on a community level and to avoid a legalistic or bureaucratic approach. Therefore, with help from the individual centers, a series of guidelines have been developed to keep services practical, flexible and adaptable to each community and its unique needs.²³

The first set of guidelines was designed to assist programs with administration. The Performance Guidelines, along with the procedures manual, clarify the legislative requirements,²⁴ including fiscal management, personnel policies, confidentiality, data collection, evaluation, public education and facilities. During site visits these guidelines are reviewed and technical assistance is provided by the State Office. Guidelines were also developed regarding training, domestic violence and suspected child abuse cases, felony cases, and cases involving minors.

V. FUNDING

The original New York State law allowed the Office of Court Administration to award grants up to 50% of a program's budget.²⁵ This

²² The New York State CDRCP Guidelines govern every aspect of a center's activity, including fiscal management, personnel, evaluation, public education, and facilities. See *supra* notes 6-7 and accompanying text. A copy of these Guidelines is on file with the author.

²³ Copies of these Guidelines are on file with the author.

²⁴ Legislative requirements for establishment and administration of centers, payment procedures, funding and reports are set forth at N.Y. JUD. LAW § 849(b)-(g) (McKinney 1992).

²⁵ See Laws of 1981, ch. 847, § 849(d)(2) (current version at N.Y. JUD. LAWS § 849(d)(2))

created a partnership between the local community and the Unified Court System. The private non-profit agencies raised the remaining funds from city and county awards. Agencies also receive funding from the United Way, private foundations, business corporations, schools, federal grants and other state agencies such as the Division for Youth and the Department of Education.²⁶ However, rural programs still had difficulty generating money; so, in 1987, the Office of Court Administration asked the Legislature to amend the original bill to allow a non-matching \$20,000 basic grant per county.²⁷ The basic grant gave smaller programs in upstate New York seed money to help establish their dispute resolution centers.

VI. SUPPORT FOR THE PROGRAM

The majority of judges and criminal justice agencies welcomed the centers. They were viewed as a resource which could prevent problems from escalating, resolve long-standing feuds, take the time to allow people to vent their frustrations, and divert many problems that were clogging up the justice system. Law enforcement officials, in particular, saw the value of resolving disputes on a local neighborhood level, since police officers are generally the closest to community problems and, unless a problem is mediated, are called time and time again to the same areas to assist the same people with the same problems.

The American Bar Association, the New York State Bar Association and a number of local bar associations supported the programs. The State Bar Association encouraged increased funding for the programs and the development of more programs statewide. The State Bar has also urged local bar associations to support the centers and to increase the number

(1992)). Some New York legislators feared that New York City, with eight and one-half million people, would consume all the resources available. In order to avoid that possibility, the Legislature specified the amount of money to be made available to each county for dispute resolution contracts. Nineteen counties, the majority of which have large urban populations, were identified in the original legislation as eligible for state grants.

²⁶ Some of the newer programs, especially in rural communities, needed time to generate local funding. The question arose as to whether "in-kind" contributions of office space, equipment and personnel should be accepted, since it was apparent that many upstate programs would not be able to generate sufficient dollars. Program personnel spoke to their state legislators and, after discussion with court administration officials, it was decided that "in-kind" services could be included provided such services were contributed locally. These items were closely scrutinized by the state program and budget personnel. Each year the actual dollar amount did increase for the majority of the programs and the "in-kind" services decreased.

²⁷ The 1981 legislation was amended on April 1, 1987, to include the initial grant. See N.Y. JUD. LAW § 849(d)(6) (McKinney 1992).

of referrals made by attorneys and judges to community dispute resolution centers.

In numerous counties, various components of the criminal justice system have come forward to work closely with the dispute resolution centers. In some counties, the police are the primary proponents; in others, it is the district attorney or the probation director or a local judge who promotes the concept. Each county has its own personality and cast of key actors, and the non-profit agency can build its program creatively according to the atmosphere of the local environment. The efforts of the Unified Court System of the State of New York enhance the programs credibility in gaining acceptance. The present Chief Judge, Judith S. Kaye, is a strong supporter of the program.

VII. OPPOSITION TO THE PROGRAMS

The New York State Legislature passed the Community Dispute Resolution Centers Program bill unanimously. After intensive educational efforts by supporters of the program, both the conservative and liberal schools of thought began to recognize mediation as a better process. It is cost-effective, crime preventive, and makes people responsible for solving their own problems. Mediation was and is generally viewed as a resource to assist and improve the justice system.

However, there was still some opposition to the development of this new resource in certain communities. The first to show concern were individual attorneys. They expressed caution that mediators could be suspected of practicing law without a license, or they felt volunteers did not have sufficient training. They further questioned the appropriateness of average citizens serving as mediators. The bottom line, however, appeared to be a fear that this new resource might take clients away from the lawyers' own business. These fears were allayed by explaining the training requirements and the role of a mediator, and pointing out that the majority of disputants neither needed, required nor received legal advice. In addition, the disputes themselves were normally minor personal matters, and hiring a lawyer often was more expensive than the cost of the original problem.

The second group expressing some opposition included individual magistrates serving as town and village justices. They felt that the dispute resolution function was one that they were already performing. The State Office and individual programs talked to magistrates individually and to local and state magistrates' associations. Even though the majority of the magistrates saw the centers as valuable resources to be used in appropriate cases, a few refused to refer any matters to a center. Their basic

argument was "if it ain't broke, don't fix it." However, these magistrates soon learned that, especially in certain interpersonal cases, it was more effective to refer the case to mediation and allow the individuals to work out their own resolutions than to bring the matter to court.

A third group, composed of selected probation directors also feared a duplication of services with their intake departments. Members of the state office explained that a dispute center was a neutral resource. The Centers were not seeking to counsel people or determine guilt or innocence, but instead to encourage individuals to take responsibility for their own actions and work out mutually agreeable solutions.

In all three categories of opposition, the question of "turf" or a threat to purpose or function appeared to be the basic issue. The solution has been a two-step process: educate people about the dispute resolution process and its advantages, then allow them to see the process in action as the CDRC moves forward.

VIII. MEDIATING CRIMINAL CASES

One of the biggest motivations behind the enabling legislation was the overcrowded and inefficient criminal docket.²⁸ While mediation of criminal cases was a fairly novel concept, there seemed to be no reason why the process could not be adapted to non-violent cases. "Community dispute resolution centers can serve the interests of the citizenry and promote quick and voluntary resolution of certain criminal matters."²⁹ Legislation was enacted which allowed courts in misdemeanor cases to "grant an adjournment in contemplation of dismissal on condition that the defendant participate in dispute resolution and comply with any award or settlement resulted therefrom."³⁰

In 1986, legislation was passed allowing selected felonies to be referred to dispute resolution.³¹ This legislation expanded the powers of the CDRC by allowing the centers to make monetary awards up to the five thousand dollars.³²

²⁸ See *supra* notes 11-15 and accompanying text.

²⁹ N.Y. JUD. LAW § 849(b) (McKinney 1992).

³⁰ N.Y. CRIM. PROC. LAW § 170.55(5) (McKinney 1993).

³¹ See N.Y. CRIM. PROC. LAW § 215.10 (McKinney 1993). Felonies may be referred to the centers prior to final disposition, if both the prosecutor and the defendant consent. Reasonable notice is also given to the victim, who has an opportunity to be heard. These felonies which may *not* be referred include: class A felonies, violent offenses, drug offenses, or felonies involving persistent offenders. See *id.*

³² See N.Y. JUD. LAW § 849(b)(4)(e) (McKinney 1992). In all other cases, awards are limited

Dispute resolution of criminal cases has been very effective. In fact, criminal cases account for more than half of the cases handled by CDRCP.³³ Post-conviction cases, like the Gary Geiger case, are arranged by consent of both the criminal and the victim.

IX. TRAINING

The state law implementing the Community Dispute Resolution Centers Program requires that the Centers use neutral mediators who have received at least twenty-five hours of training in conflict resolution techniques.³⁴ After developing an initial set of curriculum guidelines which includes an apprenticeship phase and evaluation for quality control, the Office of Court Administration established a review process for training manuals and for potential trainers. The Office of Court Administration also monitors the actual training sessions before the final certification of each trainer. Each successive training is also evaluated by the trainees and results are recorded by the State.

Criticism has arisen on occasion that twenty-five hours is not enough training. In reality, however, the mediators receive considerably more training than the minimum requirement. Besides the initial training in conflict resolution techniques, the mediators go through simulated mediation sessions which are often videotaped and then reviewed by the training team. Trainees also view actual mediations and co-mediate or are observed by staff or experienced mediators in actual mediations. In-service training sessions are held at least quarterly each year. The sessions include topics such as cultural diversity, alcoholism, domestic violence and identification of possible child abuse situations. In addition to the initial training and in-service training, the State Office of Court Administration, in conjunction with the New York State Association of Community Dispute Resolution Centers (established in 1984), sponsors a number of major conferences and specialized training seminars across the state,³⁵ and hundreds of volunteer citizen mediators attend these conferences each year.

to the monetary jurisdiction of the small claims court. *Id.*

³³ In 1990-91, sixty percent of the cases were criminal cases. That percentage represents more than 25,000 that were removed from criminal dockets. See TWO-YEAR REPORT, *supra* note 4, at 44.

³⁴ See N.Y. JUD. LAW § 849(b)(4)(b) (McKinney 1992). Under this provision, centers which fail to meet this training requirement are subject to loss of funding.

³⁵ Co-sponsors of the conferences include the American Bar Association, the State Dispute Resolution Association, the United States Department of Justice and a number of colleges and universities.

X. EDUCATING THE PUBLIC

A major challenge in developing a dispute resolution program is to make community residents aware of the resource and its ability to help them resolve their problems. Therefore, an on-going effort to publicize the value of conciliation, mediation and arbitration has to be undertaken. The State Office of the Community Dispute Resolution Centers publishes a bi-annual newsletter entitled *The New York Mediator* each year with a mailing list of over 10,000. This newsletter is sent to every judge and legislator, as well as to a variety of interested parties inside and outside the state of New York. A sixteen minute video, *Mediation: A Better Way*, was professionally produced and is used for training purposes and speaking engagements.³⁶ Short public service announcements are shown on local television. The state office and each center have program brochures and posters to advertise the dispute resolution services.

The state office personnel and individual program staff members participate in training sessions and regularly speak to groups throughout the community. Press releases, newspaper articles and radio and television appearances are standard. Despite all of these efforts, however, the concept of mediation is still considered a new one and requires constant public education to promote its effectiveness and availability.

XI. EVALUATION AND GOALS

Goals, objectives and evaluations were developed under the direction of the Chief Administrative Judge for the Courts, the staff of the State Community Dispute Resolution Centers Program and the directors of the dispute resolution centers across the state.

The first goal is to serve as a resource to the community to resolve disputes. A series of related objectives were measured over the first three years of the program to demonstrate to the State Legislature the large number and wide variety of cases handled by the centers, the demographics of the clients, the type of cases referred by the criminal justice system (courts, district attorney, law enforcement) and the number of other agencies making referrals.

The second goal is to prevent the escalation of disputes into more serious criminal and civil matters. This was measured by quantifying the types of disputes handled, the frequency of reaching agreements (89%), the long-term compliance (80%), and the ability of the centers to prevent reoccurrences of the same or similar matters.

³⁶ This videotape is on file with the author.

The third goal is to relieve the courts from handling matters that do not require such a structured forum. Objectives for this goal include quantifying the cases referred by the justice system for handling by the dispute resolution centers each year which normally would have been processed by the courts. Surveys were also conducted of individuals who completed the mediation process to determine if they would have taken their matters to court if the dispute resolution centers were not available. A survey of the satisfaction rate of justice system officials with the community dispute resolution centers was also conducted with a reported rate of 93% satisfaction.

The fourth goal is to provide the opportunity to teach people how to resolve their problems through the dispute resolution process. Objectives for this goal included surveying the short and long-term satisfaction rate of the people who were served and their ongoing use of techniques learned in mediation.

The fifth goal is to demonstrate the cost-effectiveness of the community dispute resolution centers program. The objectives for this goal were to determine the total program cost per person served, service provided, case handled, conciliation, mediation and arbitration and compare similar case costs processed through the courts.³⁷

The Community Dispute Resolution Centers Program met all the evaluation goals and objectives and, on May 24, 1984, Chapter 156 was passed making the program a permanent component of the Unified Court System of the State of New York.

XII. CURRENT STATUS

By 1988, the plan of the Unified Court System to have a community dispute resolution center available in each of the state's sixty-two counties was realized. Every citizen and every member of the justice system now has another option available to assist people in resolving problems. This goal was accomplished over time by adding new centers each year in counties where dispute resolution services were not available.

During the last fiscal year (April 1, 1991 to March 31, 1992), as the following statistic demonstrates, tens of thousands of New Yorkers have benefitted from community dispute resolution center services in New York.³⁸

(1) The Centers served 105,478 people involved in 45,786 cases screened as appropriate for direct services.

³⁷ See *infra* notes _____ and accompanying text for current figures.

³⁸ All statistics were taken from THE TWO-YEAR REPORT, *supra* note 4, at 4-7.

(2) The Centers provide indirect services each day in the form of assistance and referrals to other appropriate resources. They serve not only as an alternative to court but also as a clearinghouse for people looking for relief.

(3) The Centers conducted 23,684 conciliations, mediations and arbitrations, serving 63,412 people.

(4) In New York City, the screening for Criminal Court citizen-initiated complaints was decentralized in 1991. Court Dispute Referral Centers similar to a Multi-Door Court House were developed in New York, The Bronx, Kings and Queens counties. Formerly, the screening was done at a centralized location in New York county.

(5) In 85% of the matters that reached the mediation stage, a voluntary agreement was reached by the parties.

(6) Over \$2.5 million was awarded in the form of restitution and mutual agreements to New York State citizens. The average amount per case was \$681.

(7) Forty-nine percent of the referrals to the Centers were from the courts, 11% were walk-in complaints, 14% were from police and sheriffs' departments, and 2% from the district attorneys. In addition, 8% were referred by public agencies, 5% by private agencies and 4% by schools.

(8) Thirty-eight percent of the cases involved allegations of harassment, 9% involved assault, 12% alleged a breach of contract, 8% involved housing, 8% were interpersonal disputes, and 4% were personal/real property disputes.

(9) Twenty percent of the disputes were between acquaintances, 20% between neighbors, 15% landlord/tenant, 10% consumer/merchant, 5% were ex-boyfriend/girlfriend relationships and 4% were strangers.

(10) Fifty-one percent of the conflicts involved matters of a criminal nature, 43% were civil and 5% involved juvenile problems.

(11) Two hundred and twenty-three cases were reported as felonies.

(12) Community dispute resolution centers served women and men of all ages, races and ethnic backgrounds, at all employment, income and educational levels.

(13) The average number of people served per dispute resolution session was three.

(14) It took fourteen days from intake to final disposition for the average single hearing dispute resolution case and thirty-seven days for the average multiple hearing case.

(15) The average time per mediation/arbitration was one hour and fourteen minutes.

(16) There were 16,157 cases involving one single hearing and 583 in which multiple hearings were held.

(17) In fiscal year 1991-92, the average state cost per case screened as appropriate for dispute resolution was \$58.23; the average state cost per conciliation, mediation and arbitration was \$112.56; and the average state cost per individual directly served through the intervention of the mediation program was \$25.28.

(18) The Centers are now teaching conflict management skills to young people in over two hundred of the schools across the state.

(19) In the past twelve years, the program has expanded from fifteen counties in 1981 to all sixty-two New York counties by 1988. The budget has grown from \$1,099,000 (1981-82) to \$2,841,852 (1991-92). Family, civil and criminal conciliations, mediations and arbitrations have increased from 9,593 the first year to 23,684 in fiscal year 1991-92.

(20) Mobile home park owners and tenants involved in disputes are being served through a contract between the New York State Association of Community Dispute Resolution Centers and the New York State Division of Housing and Community Renewal.

(21) Parents, children and schools are being served by the dispute resolution centers in Special Education cases through the New York State Department of Education.

CONCLUSION

Non-adversarial dispute resolution resources have become an integral part of the justice system on the community level in New York State. The partnership between State government and private non-profit programs with diverse interests encourages services aimed at specific local needs and provides resources for crime prevention, court diversion and public education in conflict management. The partnership helps make non-adversarial dispute resolution a part of a community's culture.