

2025



UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK



ALTERNATIVE DISPUTE RESOLUTION REPORT

DANIELLE SHALOV, ADR ADMINISTRATOR
HON. ROBERT M. LEVY, USMJ, ADR OVERSIGHT JUDGE
BRENNAN B. MAHONEY, CLERK OF COURT

EDNY ADR DEPARTMENT

225 CADMAN PLAZA EAST BROOKLYN, NY 11201

PROGRAM OVERVIEW

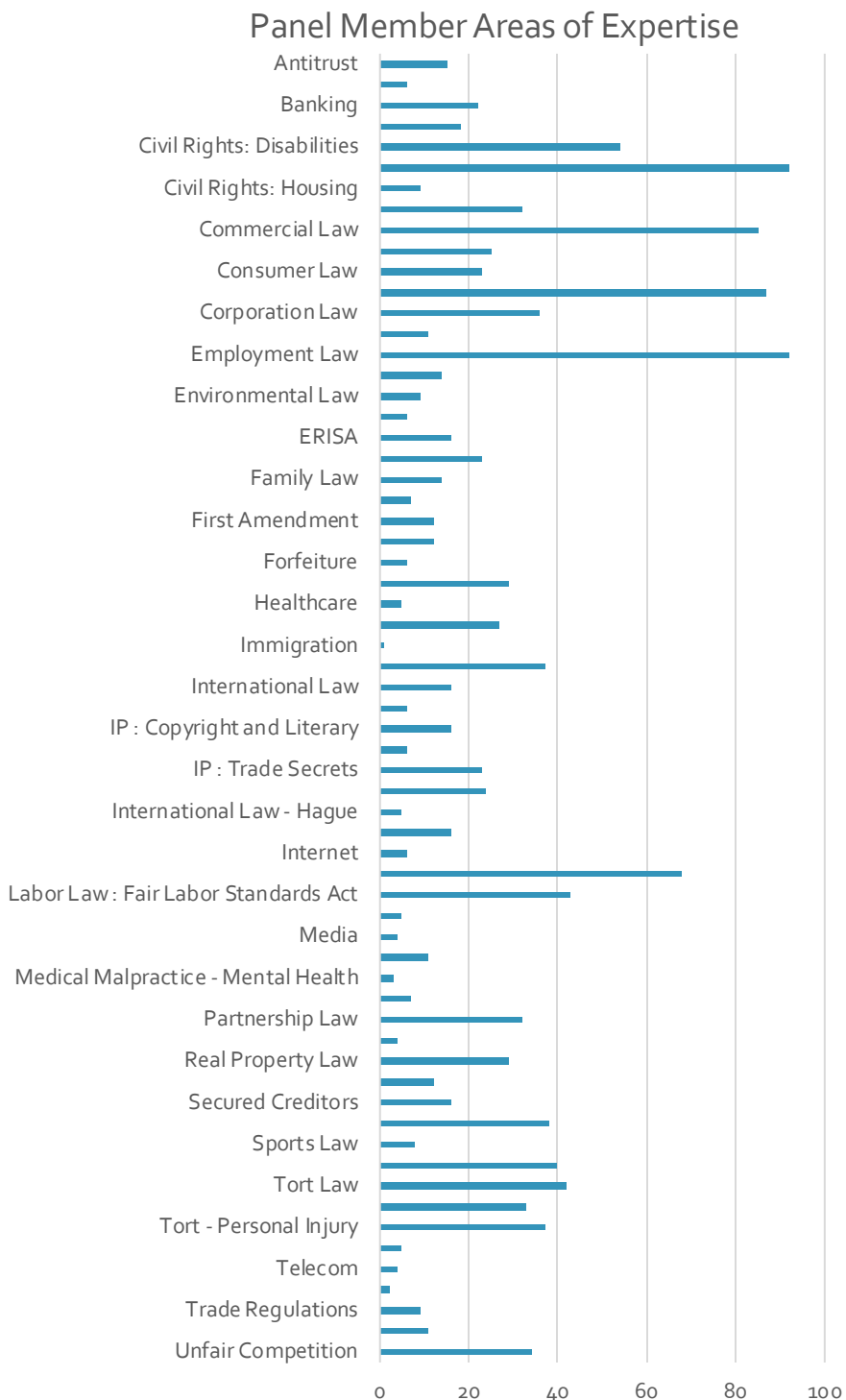
The Eastern District of New York (EDNY) is a trial-level federal court that serves Kings, Queens, Richmond, Nassau and Suffolk Counties, with courthouses located in Brooklyn and Central Islip. The EDNY Alternative Dispute Resolution (ADR) Department administers mediation and arbitration services for civil cases filed in the EDNY. The ADR Department is overseen by the ADR Oversight Judge and the ADR Administrator, as well as the Arbitration Coordinator, Brennan Frazier, and the ADR Clerk, Julissa Rey.

MEDIATION PROGRAM

PANEL MEDIATORS

There are 162 mediators on the EDNY Mediation Panel. EDNY litigants may review biographies for EDNY Mediation Panel members on the EDNY ADR Website at: <https://www.nyed.uscourts.gov/adr/>

The accompanying chart (right) illustrates the number of EDNY panel mediators qualified in each area of expertise.



From January 1, 2025, through December 31, 2025, 113 panel mediators were selected to mediate 684 cases. Not all of these cases held an initial mediation session.¹

Of the 162 mediators on the EDNY panel, 70% were selected to mediate at least one case. Five percent (5%) of cases referred to the program were mediated by private mediators not listed on the EDNY Panel.

The most frequently utilized EDNY mediator conducted 55 mediations with a 58% success rate.

MEDIATION CASE REFERRALS

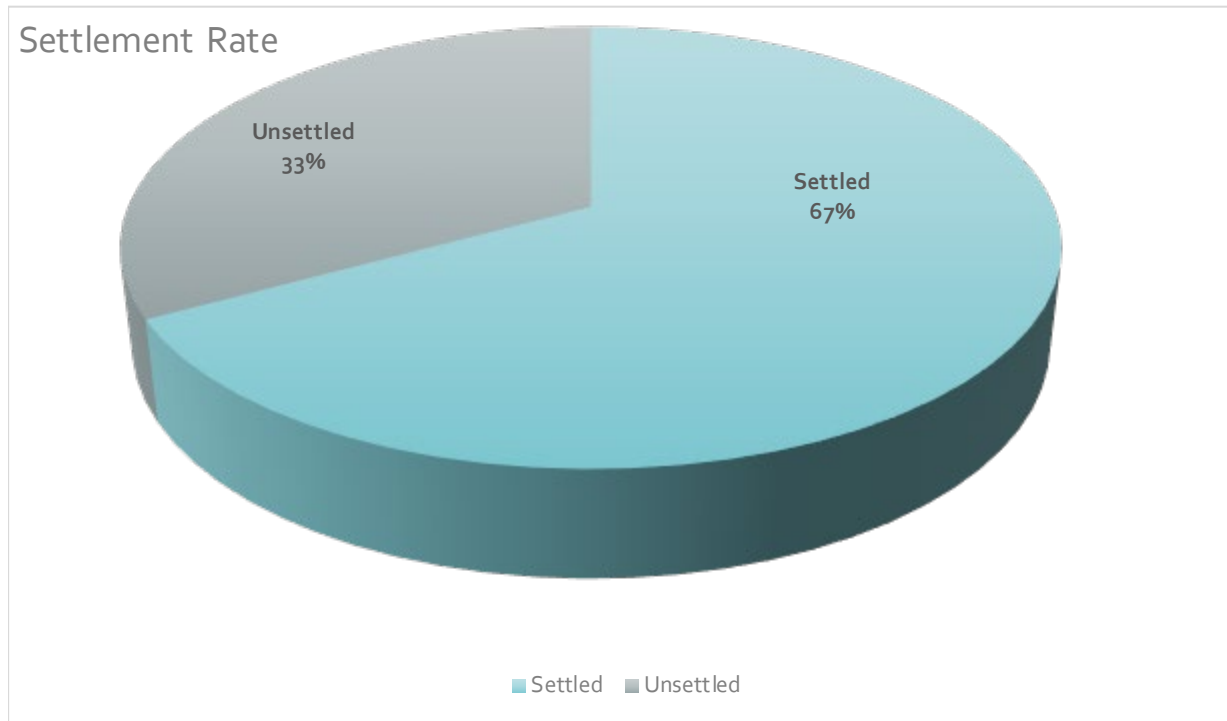
From January 1, 2025, through December 31, 2025, 809 cases were referred to the mediation program. 88% of cases were referred to mediation by Magistrate Judges, and 12% were referred by District Judges.

Mediation referrals decreased by 9% compared to the previous reporting period. In 2025, the EDNY saw many changes on the bench. Then Magistrate Judge Bulsara was appointed as a District Judge (in December of 2024) and Magistrate Judges Bloom and Pollack retired. Magistrate Judges Eichenholtz and Kaminsky joined the bench in July of 2025. For most of 2025, the EDNY was left with one fewer (and in two months two fewer) magistrate judges. As the majority of referrals are made by magistrate judges, this would account for the decrease in referrals during this reporting period.

¹ While mediators were selected in cases in 2025, not all of the cases held an initial session. Two contributing factors are cases where a mediator was selected and then the matter either settled or was returned from mediation before the initial session.

MEDIATION CASE STATUS AND SETTLEMENT RATES

Of the 809 cases referred to the mediation program, seven (7%) settled before an initial mediation session was held. At least one mediation session was held in 74% of all cases referred. 67% of cases were settled as a result of a mediation referral.



This settlement rate includes matters that were resolved at the completion of a mediation session (or shortly thereafter), as well as matters that resolved after a referral to the mediation program but prior to a formal mediation session. Some of the matters that resolved prior to a mediation session were resolved with mediator assistance and others were resolved through direct negotiation by the parties.

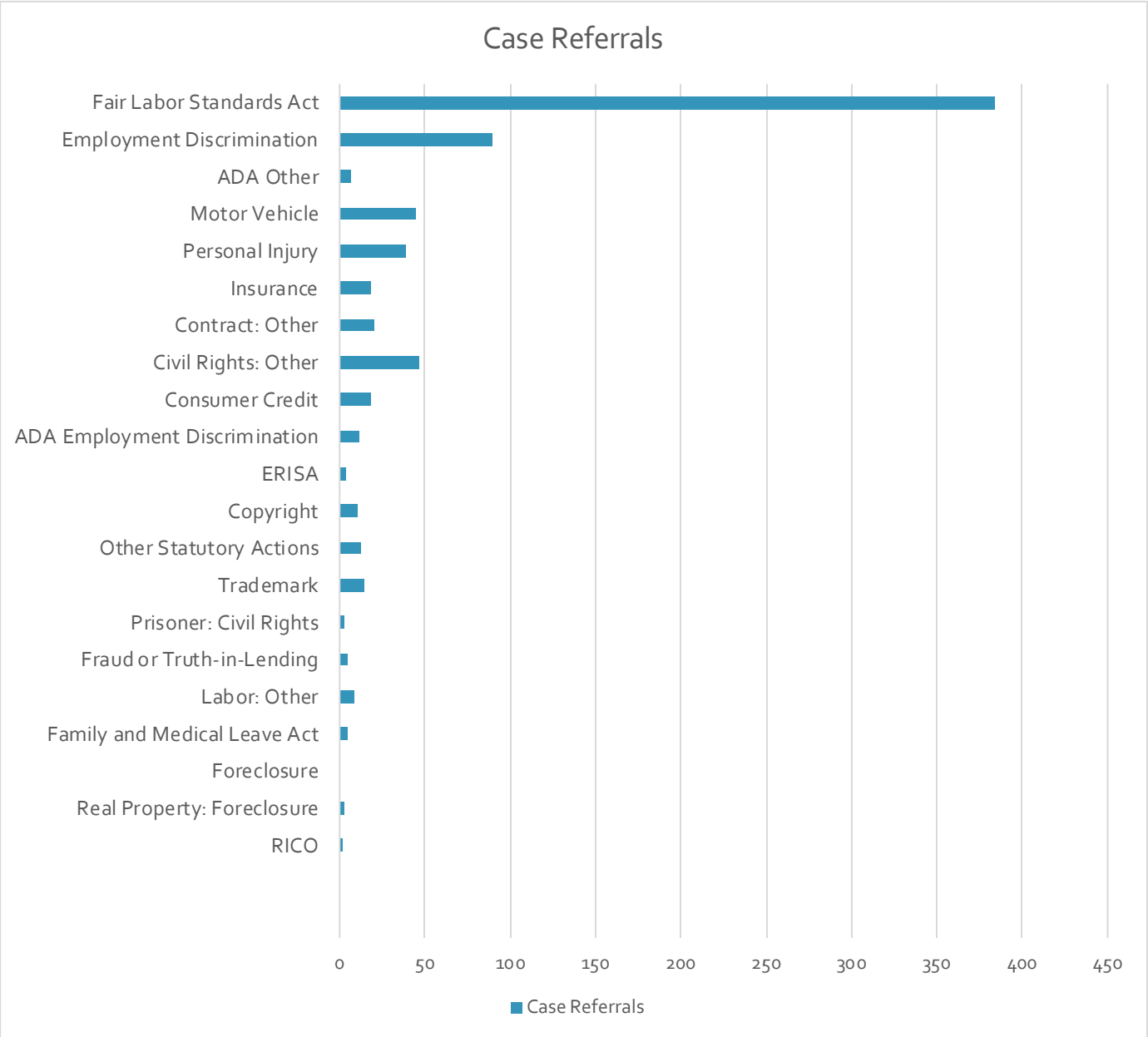
REQUESTS FOR AND LOCATION OF MEDIATION

Parties may request mediation by appealing to the referring judge. The referral becomes active when so ordered by the Court. 71% of cases referred to mediation in 2025 were made at the request of the parties. This is a 2% increase from the previous reporting period.

The location of a mediation session was recorded in 70% of cases where at least one mediation session was held. 95% of recorded cases were conducted remotely.

MEDIATION REFERRAL BY CAUSE OF ACTION

The following chart outlines the referrals to the mediation program by cause of action.



Cases filed under the Fair Labor Standards Act (FLSA) constitute about ten percent (10%) of the total civil filings in the Eastern District. FLSA referrals made up 47% of the mediation referrals in 2025. 384 cases referred to the mediation program were cases arising under the FLSA. 72% of the FLSA matters referred to mediation during the period of this report were resolved prior to or as a result of a mediation session. These cases were mediated by members of the EDNY's specialized FLSA Mediation Panel.

Employment discrimination cases are the second most common type of case referred to the EDNY mediation program. During the period of this report, 90 cases referred to the mediation program were employment discrimination matters. From January 1, 2025, through December 31, 2025, 61% of employment discrimination matters referred to mediation were resolved prior to or as a result of a mediation session.

MEDIATION SETTLEMENT RATES BY CAUSE OF ACTION

Cause of Action (Nature of Suit Code)	Sub-Category	Percentage Settled	Settled	Unsettled	Did not Proceed to Mediation	Pending	Total
Contract Actions							
110	Insurance	71%	10	4	3	1	18
120	Contract: Marine	50%	1	1	0	0	2
150	Contract: Recovery/Enforcement	0%	0	1	0	0	1
190	Contract: Other	42%	5	7	5	3	20
Real Property Actions							
220	Real Property: Foreclosure	33%	1	2	0	0	3
245	Tort Product Liability	0%	0	1	0	0	1
Tort Actions							
330	Federal Employers' Liability	33%	1	2	3	1	7
340	Marine	100%	1	0	0	0	1
350	Motor Vehicle	42%	19	14	9	3	45
360	Personal Injury	52%	12	11	12	4	39
362	Personal Injury: Med Mal	50%	1	1	0	1	3
365	Personal Injury: Product Liability	0%	0	1	2	0	3
368	Personal Injury: Asbestos	100%	1	0	0	0	1
Personal Property							
370/371	Truth in Lending	80%	4	1	0	0	5
380	Product Liability Other	83%	5	1	0	0	6
Civil Rights							
440	Other Civil Rights (including 1983)	60%	15	10	5	2	32
442	Employment	61%	46	30	11	3	90
443	Housing/ Accommodations	67%	4	2	1	0	7

445	Civil Rights: ADA Employment	67%	6	3	3	0	12
446	Americans with Disabilities: Other	93%	39	3	4	1	47
448	Civil Rights: Education	0%	0	1	0	0	1
550	Prisoner: Civil Rights	67%	2	1	0	0	3
Labor & Emp.							
710	FLSA	71%	230	93	33	28	384
751	FMLA	60%	3	2	0	0	5
790	Other Labor Litigation	83%	5	1	2	1	9
791	E.R.I.S.A.	67%	2	1	1	0	4
Intellectual Property							
820	Copyright	75%	6	2	3	0	11
830	Patent	100%	1	0	0	0	1
840	Trademark	55%	6	5	2	1	14
RICO							
470	RICO	50%	1	1	0	0	2
Consumer Credit							
480	Consumer Credit	59%	10	7	0	1	18
Other Stat. Actions							
880	Defend Trade Secrets Act	0%	0	1	0	0	1
890	Other Statutory Actions	40%	4	6	3	0	13
	Totals		441	216	102	50	809

PARTICIPANT EVALUATION OF EDNY MEDIATORS

The ADR Department requests that all counsel submit a post-mediation evaluation to assess each mediator's performance. From January 1, 2025, through December 31, 2025, the EDNY ADR Department received 493 evaluations.

A review of the post-mediation evaluations revealed the following data:

- 76% of respondents indicated that the mediation session had been helpful

- 95% of respondents indicated that they would recommend their mediator to other litigants (a 2% increase from the previous reporting period)
- 95% of respondents indicated that their mediator was prepared
- 86% of respondents indicated that the mediator was able to help the parties engage in a meaningful discussion of the case
- 96% of respondents indicated satisfaction with the mediator's knowledge of the law (a 2% increase from the previous reporting period)

Overall, the responses to the post-mediation evaluations indicate satisfaction with EDNY mediators' skills, legal knowledge, and ability to facilitate meaningful discussion.

MEDIATION ADVOCACY PROGRAM AND PRO BONO MEDIATION

The EDNY ADR Department administers the court's Mediation Advocacy Program (MAP) which seeks limited scope pro bono counsel for pro se litigants referred to mediation or judicial settlement conference.

Between January 1, 2025, and December 31, 2025, 26 cases were referred to MAP, an approximate 65% increase from the previous reporting period. 24 pro se litigants were matched with limited scope counsel (2 declined representation). Both cases sent to a judicial settlement conference with a MAP advocate settled. Of the 14 cases that held a mediation session with a MAP advocate, 71% settled.

Under EDNY Local Civil Rule 83.8 each EDNY mediator is required to conduct a maximum of two pro bono mediations per term, if requested by the Court. During the period of this report, 31 cases were referred to the program for pro bono mediation services. 59% of the cases referred to mediation with a fee waiver settled. This is an increase of 11% from the previous reporting period.

During the period from January 1, 2025, through December 31, 2025, the following EDNY Mediation and MAP Panel members provided their services pro bono:

Rajeev Ananda, Salua Baida, Steven Bierman, William Bell, Matthew Fishbein, Genesis Fisher, Hon. Steven M. Gold (Ret.), Noah Hanft, Kyle-Beth Hilfer, Rebecca Houlding, Michael Kreitman, Sara Kula, Jennifer Lupo, Hon. Roanne Mann (Ret.), Julie Kowitz Margolies, Patrick McKenna, Charlotte Moriarty, Barry Peek, Davida Perry, Nadia Pervez, Charles Platto, Hon. Viktor Pohorelsky (Ret.), Shira Poliak, David Reilly, Alexander Sansone, Martin Siegel, Iyana Titus, Matthew Weinick, Robyn Weinstein, Charles Weiss and David White (Seton Hall University School of Law).

MEDIATION PANEL ADMISSIONS

In 2025, the following individuals were competitively selected for admission to the EDNY Mediation Panel: Eric Brandon, Bart Eagle, Jordana Feldman, Marilyn Kunstler, Rita Sethi, and Robert Whitman.

EDNY ARBITRATION PROGRAM

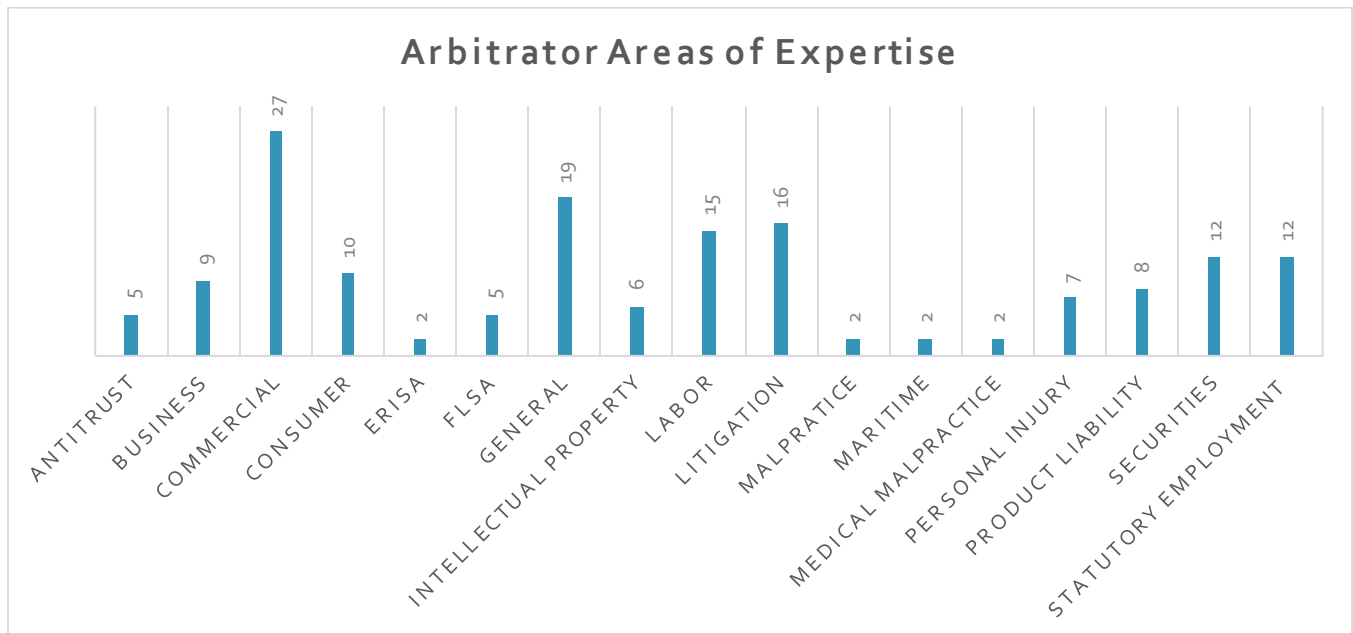
Compulsory arbitration is authorized under EDNY Local Civil Rule 83.7 for cases where money damages do not exceed \$150,000.00 (excluding social security cases, tax matters, prisoner civil rights cases and any action based on an alleged violation of a right secured by the United States Constitution or if jurisdiction is based in whole or in part on Title 28, U.S.C. § 1343). Upon issuance of an arbitration award, there is a thirty-day period during which parties may request a trial de novo.

ARBITRATION PANEL

There are 48 arbitrators on the EDNY Arbitration Panel. EDNY litigants may search for and review biographies for EDNY Arbitration Panel members on the EDNY ADR website at:

<https://www.nyed.uscourts.gov/adr/>

During the period from January 1, 2025, through December 31, 2025, 152 arbitration hearings were scheduled (a 430% increase from the previous reporting period), and nineteen (19) hearings were conducted (a 300% increase from the previous reporting period). The number of cases identified as eligible, cases scheduled for a hearing, and hearings held increased due to a revamping of the Arbitration Program. More cases were identified and included in the process thanks to the work of ADR Coordinator Brennan Frazier. The ADR Department also worked with the Harvard Negotiation & Mediation Clinical Program to study the Arbitration Program and make recommendations for improvement. The ADR Department is now collecting data to help grow and support the Arbitration Program.



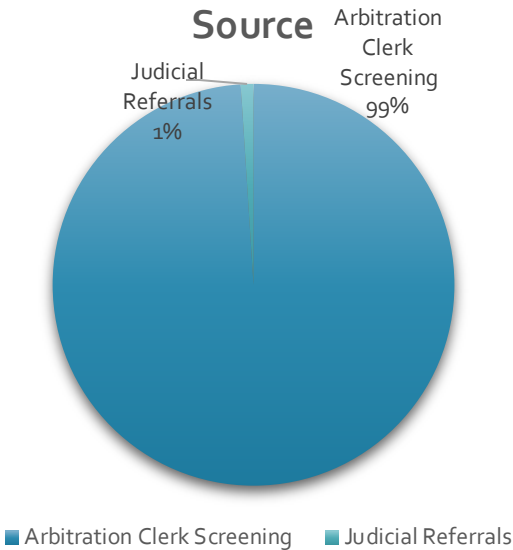
ARBITRATION CASE REFERRAL SOURCES

In accordance with Local Civil Rule 83.7(d), the EDNY ADR Coordinator designates all civil cases for compulsory arbitration (excluding social security cases, tax matters, prisoners’ civil rights cases and any action based on an alleged violation of a right secured by the Constitution of the United States or where jurisdiction is based in whole or in part on Title 28, U.S.C. § 1343), wherein money damages being sought do not exceed \$150,000.00, exclusive of interest and costs.

357 cases were referred to the EDNY court-annexed arbitration program between January 1, 2025, and December 31, 2025. This was an increase of 350% from the previous reporting period.

99% of the referrals into the arbitration program were made by the ADR Coordinator, who screens each civil case filed in the EDNY for eligibility for the arbitration program. The remaining one percent (1%) of arbitration referrals were issued by the assigned District Judge or Magistrate Judge on a case-by-case basis.

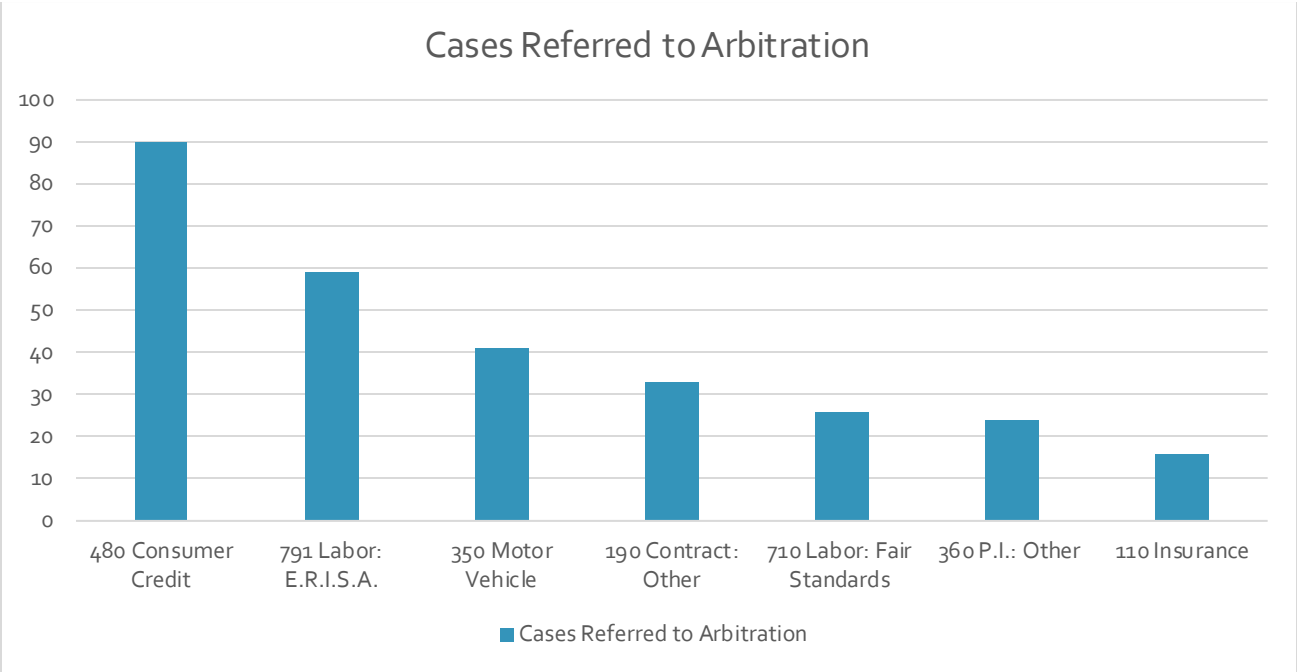
Arbitration Referral Source



ARBITRATION REFERRALS BY CAUSE OF ACTION

The following chart illustrates the types of cases referred to the EDNY Arbitration Program. Consumer Credit, ERISA, and Motor Vehicle cases were the most frequent referral, followed by Contract and FLSA matters.

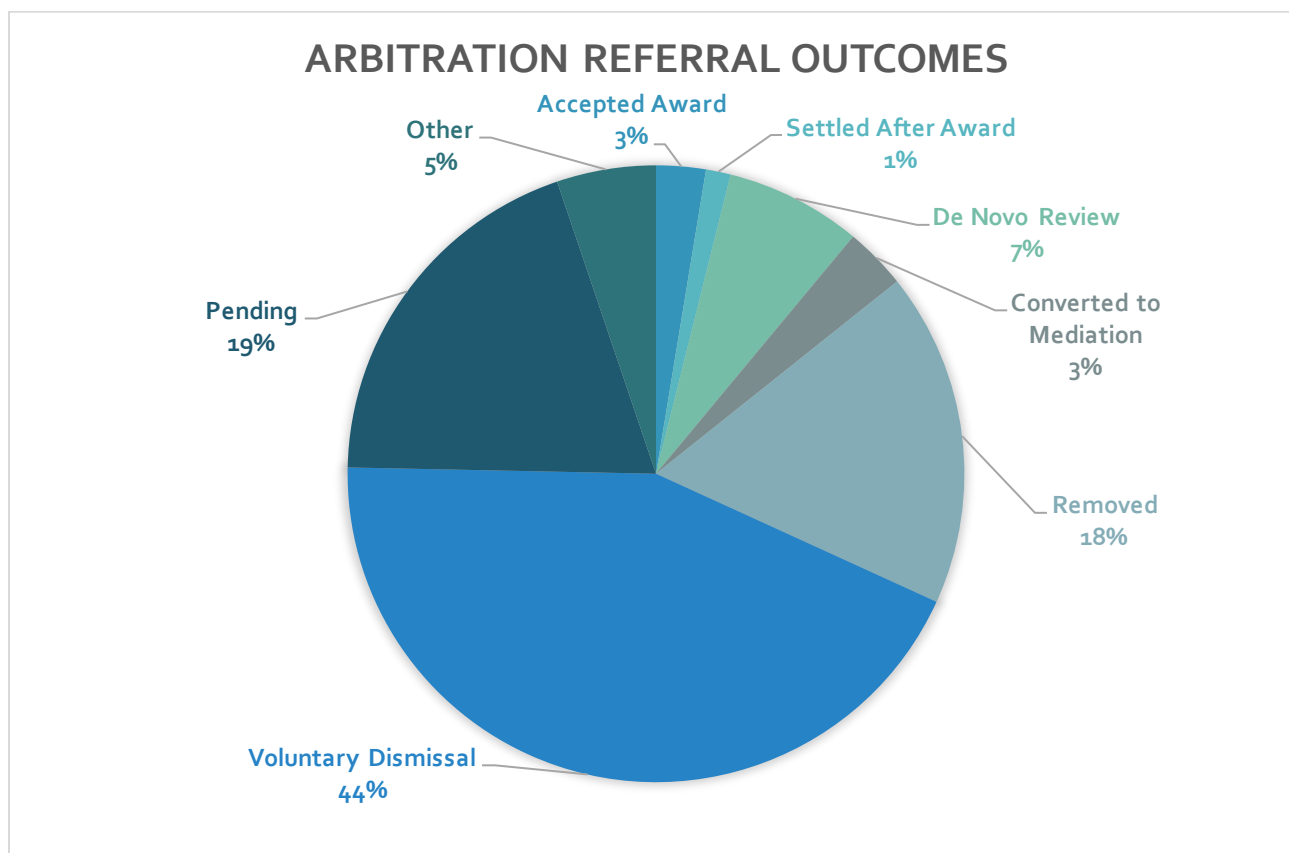
Cases Referred to Arbitration



ARBITRATION OUTCOMES AND CASE STATUS

A referral to the court-annexed arbitration program is effective in encouraging parties to reach early resolution. Of the cases referred to the program where an arbitration hearing was scheduled, 44% were voluntarily dismissed prior to the administration of the arbitration hearing.

As of the publication of this report, an arbitration award was issued in seventeen (17) cases, four (4) awards were accepted, and de novo review was requested in eleven (11) of those matters. The remaining two (2) cases settled during the 30-day period following the issuance of the arbitration award. 18% of cases were scheduled but later removed from the program and 3% were converted from arbitration to mediation. The outcomes of nineteen percent (19%) of scheduled arbitrations are still pending.



ARBITRATION PANEL ADMISSIONS

In 2025, the following individuals were selected for admission to the EDNY Arbitration Panel: Nydia Shahjahan and Edward A. Vasquez.

ADR PROGRAM OUTREACH, TRAINING, AND EVENTS

ADR Department staff planned, participated in, and attended several programs and training events. These outreach efforts include presentations to the legal community, the dispute resolution community, and the EDNY judiciary to raise awareness about EDNY ADR Department programs and initiatives.

January 28, 2025 EDNY ADR Pro Se Clinic Presentation in Partnership with the City Bar Justice Center's Federal Pro Se Litigation Assistance Project (remote)

February 13, 2025	“Mediator’s Proposal” NJ Inns of Court (remote).
March 10, 2025	Presentation to New York University Law School Advanced Mediation and Dispute System Design Class (remote).
March 17, 2025	Presentation to Brooklyn Law School’s Federal Judicial Externship Seminar (Brooklyn, NY).
April 8, 2025	Presentation to Brooklyn Law School’s Negotiation Class (Brooklyn, NY).
April 23 & 24, 2025	Mediation Mentorship Workshop (Brooklyn, NY).
May 7, 2025	EDNY CLE Interpreters in Federal Court (Brooklyn, NY).
May 20, 2025	“ADR in Federal Court” presentation for NYSBA (remote).
May 22, 2025	EDNY CLE Breaking Bad: Lawyer Behavior in Mediation (remote).
May 28, 2025	Law Student Outreach Presentation (remote).
July 29, 2025	NYS ADR Intern Presentation (Brooklyn, NY)
August 12, 2025	“Court-Annexed Mediation” Presentation to delegation of Brazilian lawyers, judges, notaries, law students and government employees. University of Fortaleza Mediation Program at Columbia Law School. (Brooklyn, NY)
August 12, 2025	“Working with Pro Se Parties” Presentation for JAMS (remote).
August 25-27, 2025	FJC Circuit Mediator Conference (Chicago, IL)
October 16, 2025	Law Clerk Orientation (Brooklyn, NY)

EDNY ADR ADVISORY COUNCIL

Formed in 2017, the EDNY ADR Advisory Council is comprised of members of the EDNY mediation, arbitration and MAP panels. The Council assists the ADR Administrator with panel admissions, the development of ethics guidelines and training for EDNY panelists, designing and implementing initiatives, and envisioning the future of the ADR Department. EDNY ADR Advisory Council Members serve a two-year term and attend six meetings annually. Several Council members extended their term by one year to accommodate the new ADR Administrator.

Members of the 2025 EDNY Advisory Council include:

Howard Adelsberg (2024-2026)
Andrew Berman (2024-2026)
Steven Bierman (2024-2026)
Alida Camp (2024-2026)
Felicia Farber (2024-2026)
Noah Hanft (2024-2026)

Alfreida Kenny (2024-2026)
Michele Kern Rappy (2024-2026)
Sara Kula (2024-2026)
Michael Levy (2024-2026)
Patrick “Mike” McKenna (2024-2026)
Charles Platto (2024-2026)

Jon Probstein (2024-2026)
Debra Reik (2024-2026)
David Reilly (2024-2026)
Nydia Shahjahan (2024-2026)

Mike Stone (2024-2026)
Evan Spelfogel (2024-2026)
Debra Wabnik (2024-2026)
Giulio Zanolli (2024-2026)