

President
Carol A. Sigmond

President-Elect
Michael J.
McNamara

Vice President
Stephen Lessard

Secretary
Megan Davis

Treasurer
Vincent T. Chang

Immediate
Past President
Lew Tesser

Mr. Ray Denton
Supreme Court, Civil Branch, New York County
60 Centre Street, Room 148
New York, NY 10007

December 21, 2016

Re: Request for Comment on Pilot Project for Mandatory Mediation in
Certain Commercial Cases

Dear Mr. Denton:

On behalf of the New York County Lawyers Association's Committee on the Supreme Court (the "Committee"), we write to comment on the above-referenced pilot project for mandatory mediation in certain commercial cases (the "Project").

As a general matter, the Committee (which includes attorneys at firms of varying sizes and specialties) is very enthusiastic about the Project, believing that it could greatly assist the early and cost-effective resolution of certain matters.

To that end, the Committee suggests that the mediation (and the limited discovery permitted by the Preliminary Conference Part dedicated to these matters) proceed on its own, to be *followed by* full discovery and a Preliminary Conference before the IAS Judge in the event the mediation is unsuccessful. The Committee believes that this would allow the parties and the Court to focus only on discovery that may aid in resolution of the matter through mediation and, given the typical lifespan of litigations, would not result in undue delay if the matter proceeds following mediation.

The Committee appreciates the efforts of the Court in proposing this Project, as well as the many experienced mediators who devote their time and resources to these matters. We hope the Project will be a success and continue to expand, and stand ready to assist the Court in this endeavor.

Respectfully submitted,

Craig Kesch and Tom Fini
Co-Chairs, Supreme Court Committee