

**SECOND MEETING OF THE INTERNATIONAL JUDICIAL DISPUTE
RESOLUTION NETWORK (JDRN)**

MONDAY, 22 MAY 2023 & TUESDAY, 23 MAY 2023

**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK**

Introductory Remarks by JDRN Members on Day 1

Speaker: District Judge Philip M. Halpern from the United States District Court for the Southern District of New York

Next, we will hear from the Southern District of New York. Again, I welcome all of you in person and virtually to our Second Meeting of the International Dispute Resolution Network held here in the United States, and in the Southern District of New York.

Some of you know, because I raised this last year, the Southern District is but one of 94 trial level courts called United States District Courts in each of the 94 Districts, comprising the Federal Courts in the United States. The other Courts system which we have are State Courts. State Courts are unique to each of the 50 states. Because each state is free to organise itself as it sees fit, no two State Courts are identical.

Over the next couple of days, we are going to bring you a variety of speakers to engage you in a number of the processes that we utilise on a regular basis. And indeed, you will hear from some of our Judges and court personnel about Dispute Resolution processes, both here in the Southern District of New York and in our New York State Courts system. For a moment, just a thumbnail sketch because I don't want to impinge or encroach on some of the really wonderful speakers who are going to come and delve into some of these topics.

From a high level, the rules that govern the procedures and all our civil actions and proceedings in the United States District Courts are called the Federal Rules of Civil Procedure. Rule One of the Federal Rule of the Civil Procedure states that the rule should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding. Just, speedy, and inexpensive.

In 2021 in our Court here, there were 11,227 civil cases filed. In 2022, 11,013 civil cases filed. With that large number of filings, we rely, you can see, we need to rely on judicial dispute resolution techniques to resolve a good portion of our caseload. Without it, we would get clogged, and we would get way behind.

Generally speaking, we engage four different types of dispute resolution and in each of which, we will highlight for you with some of the speakers who are going to come and talk to you, to talk to us.

Settlement conferences with the Magistrate Judge are a big portion of our process. The court-annexed mediation programme which is a well-oiled machine here in the Southern District of

New York. We encourage on occasion, third party private mediation, especially for complex or highly confidential business and personal matters. And some of our Judges, many of our Judges, engage with the lawyers in general though, frank earnest discussions about merits, legal principles and the type of case that it is, to encourage the parties to discuss with others or amongst themselves, the need to resolve. Indeed, most Judges here begin that dialogue the very first time we meet with the parties in each and every case. You're going to hear from several of our Magistrate Judges about settlement conferences. The Magistrate Judges serve in the United States District Court and are assigned duties by the District Court Judges in the District in which they serve. Many in our modalities, prefer to talk to Magistrate Judges than Trial Judges so as to avoid the Trial Judge hearing the secrets or the weaknesses, and so we very often engage Magistrate Judges to do so. They do many wonderful things for us. Some of it is the need to get the parties together for settlement. You'll also hear from our Southern District mediation programme Director. We have a fully staffed, well organised mediation office programme within our Southern District Courthouse. The Mediation Director and her staff organise, maintain, and grow the mediation programme. She will give you more details about this.

In 2023, the programme has a roster of 250 trained volunteer mediators who help mediate cases and indeed in some of the instances, they are specialty areas, whether it be real estate, copyright, trademark, patent, or business disputes. She really, Rebecca is phenomenal. This year alone, we referred in our programme 506 cases, 60% of which has been resolved already. When we go around and meet and talk to some of our District Court Judges, who I'm delighted to say, will tell you how they think and what they feel about settlement and other things, and observe some of their proceedings, you will see there is a wide array and a lot of views and a lot of experience on how to approach settlement. It's not to suggest, and I don't want to suggest, that some of our District Court Judges don't engage head on in settlement dialogue. Some of them do and are very comfortable and very competent and successful at it. So rather than take much more of our time this morning, I just want you to know that we have excellent speakers selected to come and talk to you about the variety of dispute resolution techniques we engage here in the Southern District and also some of the techniques that are used in the State Courts system here in New York. And so, I look forward to sharing the information and the speakers with you and engaging with all of you in fruitful discussion. So, thank you.