

241026 LTS Opening remarks

Good morning, Justice Tan Sri Datuk Amar Abang Iskander bin Abang Hashim, your colleagues of the Malaysian judiciary, and distinguished member and observer representatives of the JDRN. It is a delight to be here in person in Kuala Lumpur, renewing acquaintances made last year in New York, when it was my court's privilege to host the Second Annual Meeting, and meeting new colleagues. My Southern District of New York colleague, District Judge Philip Halpern, and I thank the Judiciary of Malaysia for hosting this Third Annual Meeting. We also thank the JDRN Secretariat for its constant attention to facilitating the ongoing work of the JDRN and the arrangements for this Third Annual Meeting. The work of the JDRN over the past year in developing resources has produced valuable results that begin our efforts to expand our sharing of knowledge beyond basic principles of ADR techniques to their application to particular challenges facing our respective constituencies.

I look forward to further blossoming of this work as our collective efforts bring us deeper knowledge of the breadth of areas where alternatives and supplements to adjudicative tools are needed, and the many different contexts in which they can be adapted and applied. The working groups that have been formed provide important opportunities to begin to collaborate on areas of shared needs and interests, allowing us to see the particulars of opportunities and challenges in our respective jurisdictions.

The Early Neutral Evaluation guide and Mediation guide that were approved and posted to the JDRN website last year are valuable resources explaining basic concepts and techniques clearly. The works on Access to Justice, Small Claims and Commercial Mediation that we will discuss in the course of this meeting reflect the input of multiple contributors, from multiple perspectives, on the use of ADR to provide effective access to justice and efficient resolution of particular types of

cases. The Bankruptcy guide that is in progress will, like the Commercial Mediation and Small Claims guides, give us perspective on problems and opportunities that we might not deal with in our respective day to day judicial roles.

As an example of the broadening of my own perspective through participation in JDRN, I note that Mediation, in particular, is a well-established part of the toolkit of the federal courts in the United States, where civil caseloads tend to commercial, intellectual property, financial, statutory and civil rights matters, among others, and most litigants are represented. The development of Mediation and early neutral evaluation capabilities inside our federal court system began in the early part of the 20th century. Since 1998, all federal trial and intermediate appellate courts have been required to offer alternative dispute resolution mechanisms. The Southern District of New York has one of the most robust mediation programs in the country at the

federal trial court level, using both judicial mediators and volunteer lawyers as neutrals; all of the intermediate appellate courts in the country have staff mediators. We have expanded our Southern District capabilities to support ADR for self-represented individuals and are working on capabilities to provide it for prisoners who bring civil claims. In my own work in New York, judicial and volunteer lawyer mediation has been important in resolving many cases. In my special work on the restructuring of the outstanding debt of the island of Puerto Rico, I have been able to put together special teams of federal judges from across the country to mediate major issues relating to the development of restructuring plans, as well as situations involving the resolution of claims against Puerto Rico and its instrumentalities. Their work has been invaluable.

The presentations at the previous meetings of JDRN and work in connection with the guides have opened my eyes to ADR needs and

challenges that are not typical in our federal system. Small claims and high volumes of situations, such as personal injury claims, that present repetitive issues requiring individualized but efficient attention are outside of our specialized federal remit in the United States, yet are key areas for attention of many of our fellow JDRN members. Other members face challenges in providing interactive mediation services to linguistically diverse populations. In the US federal courts, all proceedings must take place in English and the courts are not given funding to provide for interpretation for civil matters. Fortunately, this is not a very significant problem in most of our cases in New York due to the size and subjects of the matters we hear, but my colleague Judge Halpern and I have learned of the challenges that multiple languages and dialects can present for judiciaries that serve more linguistically heterogeneous populations. The JDRN creates invaluable opportunities for such expansion of knowledge and, even more important, the formation of bonds that will enable jurisdictions with similar challenges to exchange ideas, and educate and support each other, and enable all

members to share resources and gain inspiration as we seek to improve access and efficiencies in our own spheres.

I am particularly excited that, at this meeting, we will benefit from deeper insights into the use of ADR here in Malaysia and in Rwanda.

With that, I once again welcome and thank you all for gathering in aid of this important project of connection. I look forward to robust exchanges of information and ideas, and to further thinking about expansion of our membership and resources.