

Kelly Quoted On Use Of Mediation To Ease Federal Courts Backlog

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Kenneth J. Kelly, a Member of the Firm and Co-Chair of the Firm's National Litigation practice in the New York office, was quoted on the use of mediation as one possible approach to ease the backlog of the overextended federal appeals court system.

The article, "Vacancies Add To Swamped Appeals Courts' Problems," stated that while the Obama administration's delay in filling the 21 vacant circuit court seats is a cause of the system's backlog of cases, it is only one aspect of the problem. The system also is facing an ever-mounting caseload and the scarcity of available judgeships.

Kelly noted that one possible approach to the problem—increased use of the mediation services offered by the courts—is a good idea in principle, but not always in practice.

"In my experience, settlement or mediation conferences are rarely, if ever, successful," Kelly remarked. "You have a situation where one party has already won and one party has already lost, and that party has very little leverage to force the other side to settle. The attempt to try to settle cases is well meaning, but I don't think I have ever settled a case at one of those conferences."
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People



Kenneth J. Kelly
Of Counsel
Litigation & Business Disputes
New York, Newark
212-351-4606
kkelly@ebglaw.com