

AABANY 2025 Fall Conference CLE

**Mediation and Cross-Cultural Considerations:
How Attorneys Can Incorporate Both into their Practices**

New York Law School

Saturday, September 27th, 2025

10:45 AM – 12:15 AM

Speakers

Alla Roytberg, Attorney Mediator, Roytberg Traum Law and Mediation, P.C.

Maxine Park, Attorney Mediator, Park Law and Mediation

Hon. Patricia Brimais-Tenemille, Support Magistrate, NY Courts

Moderator

Rachel Ji-Young Yoo, Partner, Yoo Law Group, LLC; Co-Chair, AABANY's Alternative
Dispute Resolution Committee

Mediation and Cross-Cultural Considerations: How Attorneys Can Incorporate Both into their Practices

Moderator: Rachel Ji-Young Yoo

Speakers: Maxine Park, Alla Roytberg, Patricia Brimais-Tenemille

Saturday, September 27, 2025|10:45 A.M.-12:15 P.M.

PROGRAM AGENDA

10:45 -10:50 am **Welcome & Introduction**

10:50-11:00 am **Overview of Mediation and Attorney Roles**

led by Moderator

- What is Mediation?
- When Mediation is Often a Good Choice?
- How Attorneys Fit into the Mediation Process

11:00-11:15 am **How Attorneys Can Improve Client Outcomes through Mediation**

led by Maxine Park

- The Challenge of Heavy Court Caseloads
- Unlocking Opportunities for Stronger Agreements
- Delivering Positive Results for Clients

11:15 -11:35 am **Best Practices for Legal Consulting & limited-Scope Representation**

led by Alla Roytberg

- How Playing the “Hero” Benefits Your Legal Practice
- Unbundled Services: Best Practices
- Mediation Support: Pre-Mediation Consultation
- Mediation Support: Background Consulting & In-Session Presence
- Post-Mediation: Review Attorney & Court Submission

11:35-11:50 am **A View from the Bench – Support Magistrate Perspectives**

led by Patricia Brimais-Tenemille

- A view from the bench - perspectives from a Support Magistrate
- The difference between a settlement conference and a mediation session

11:50 am-12:10 pm **Why Mediation May Be Better for Culturally Diverse Clients**

All panelists contributed

- The Cultural Dilemma in Divorce
- U.S. Legal System's Approach to Assimilation
- Best Interest of the Child Standard
- Limitations of Cultural Consideration in Court
- Lack of Cultural Intelligence as Barriers to Compliance and Understanding
- Consequences of Court-Directed Decisions for Underrepresented Community

12:10 - 12:15 pm Q&A

NY CLE Credit

- 1.0 Areas of Professional Practice (Transitional and Non-transitional)
 - 0.5 Diversity and Elimination of Bias (Non-transitional ONLY)

Mediation and Cross-Cultural Considerations: How Attorneys Can Incorporate Both Into Their Practices

Mediation and the Role of Attorneys: A View From Divorce Mediation Attorneys
September 27, 2025

Program Chair: Rachel Ji-Young Yoo, Esq.



**NY State Council on
Divorce Mediation**



**Asian American
Bar Association
of New York**

Welcome and Introductions



Rachel Ji-Young Yoo
New Mediator



Maxine Park
Transitioning Litigator



Alla Roytberg
Experienced Mediator



Patricia Brimais-Tenemille
Support Magistrate

Mediation and Attorney Roles



Rachel Ji-Young Yoo, Esq.

ryoo@yoolaws.com

What is mediation?

- **Confidential**
- **Facilitative**
- **Flexible**
- **Voluntary**
- **Neutral**



Mediation is often a good choice:

- **Preserves Relationships:** Supports ongoing cooperation in family, workplace, and business disputes
- **Cost-Effective:** Significantly lowers legal fees compared to litigation or arbitration
- **Confidentiality:** Ensures privacy by keeping sensitive matters out of the public record
- **Flexible Solutions:** Allows creative, tailored resolutions beyond rigid court rulings
- **Reduces Stress:** Provides a calm, less adversarial environment

Note: There may be times when mediation might not be appropriate.

How do attorneys fit into the mediation process?

- **Advisor & Advocate:** Evaluate settlement offer
- **Strategist:** Identify client interests/potential compromise areas
- **Support during Session:** Speak on behalf of clients
- **Drafting the Agreement:** Ensure the mediated settlement agreement is clear
- **Post-Mediation Role:** File court paperwork properly
- **Ethical and Practical Considerations:** Uphold informed consent, etc.

Why Mediation Can Improve Client Outcomes



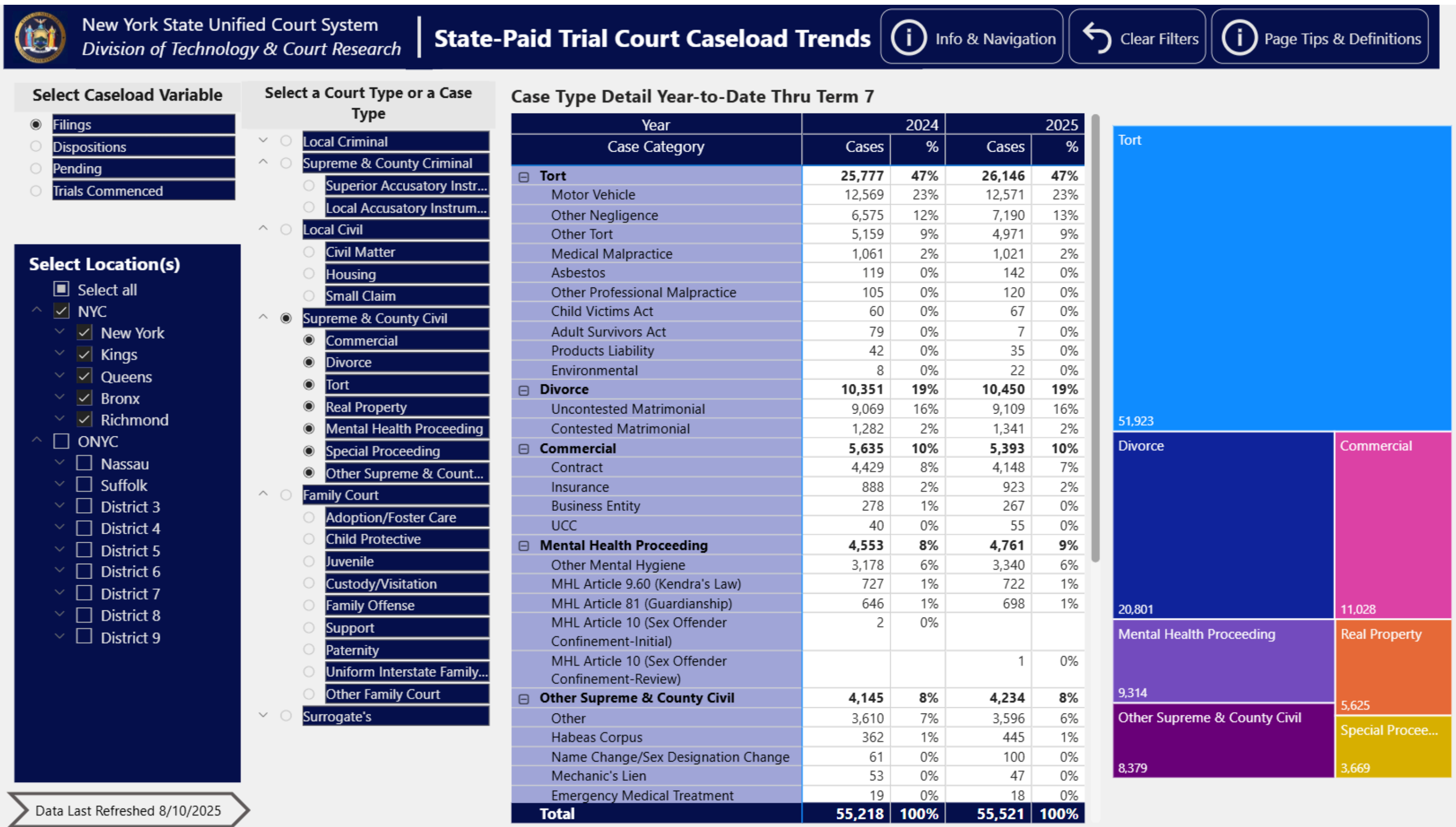
Maxine Park, Esq.

MP@parklawandmediation.com

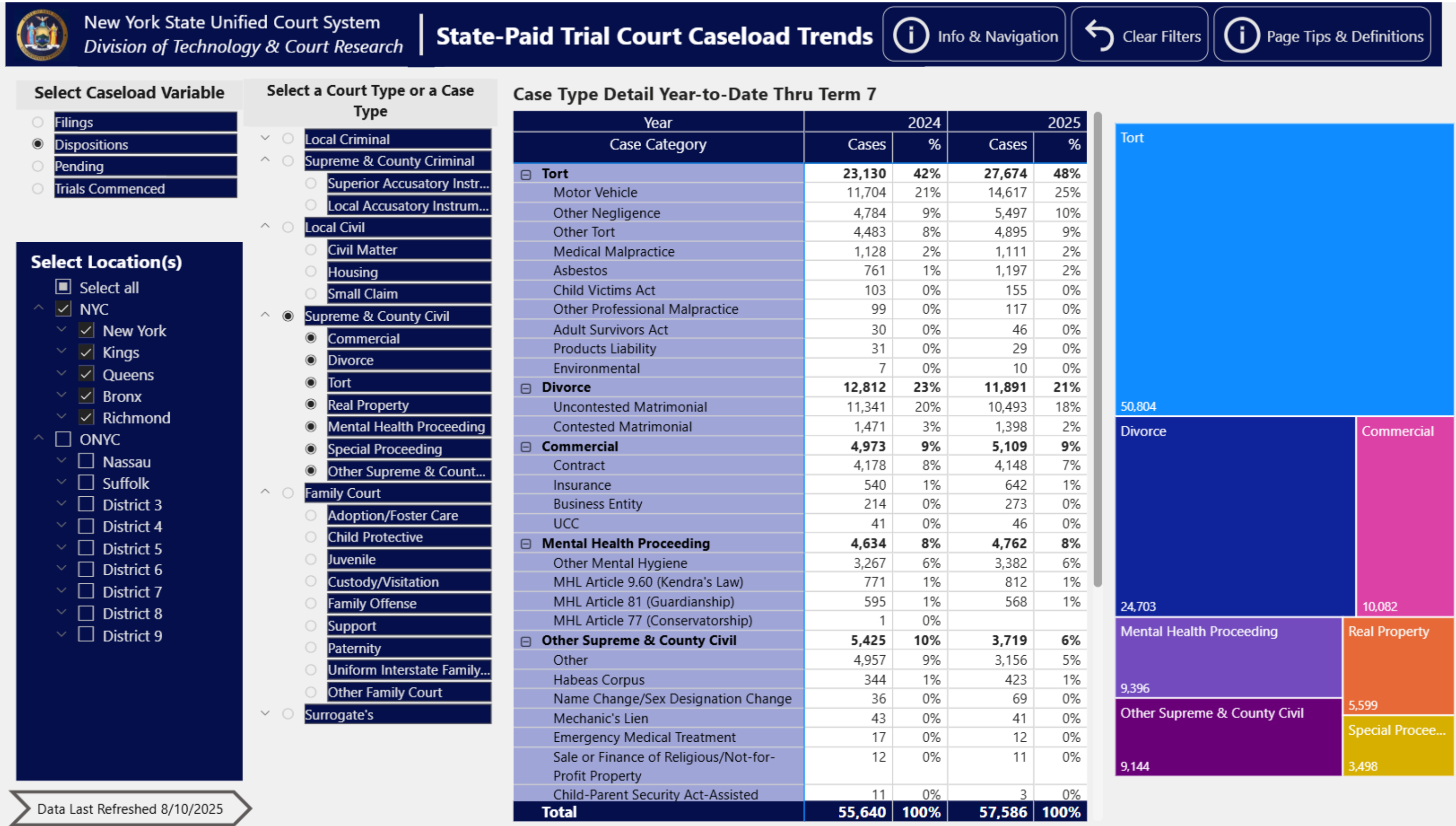
The Reality of Case Volume in the Courts



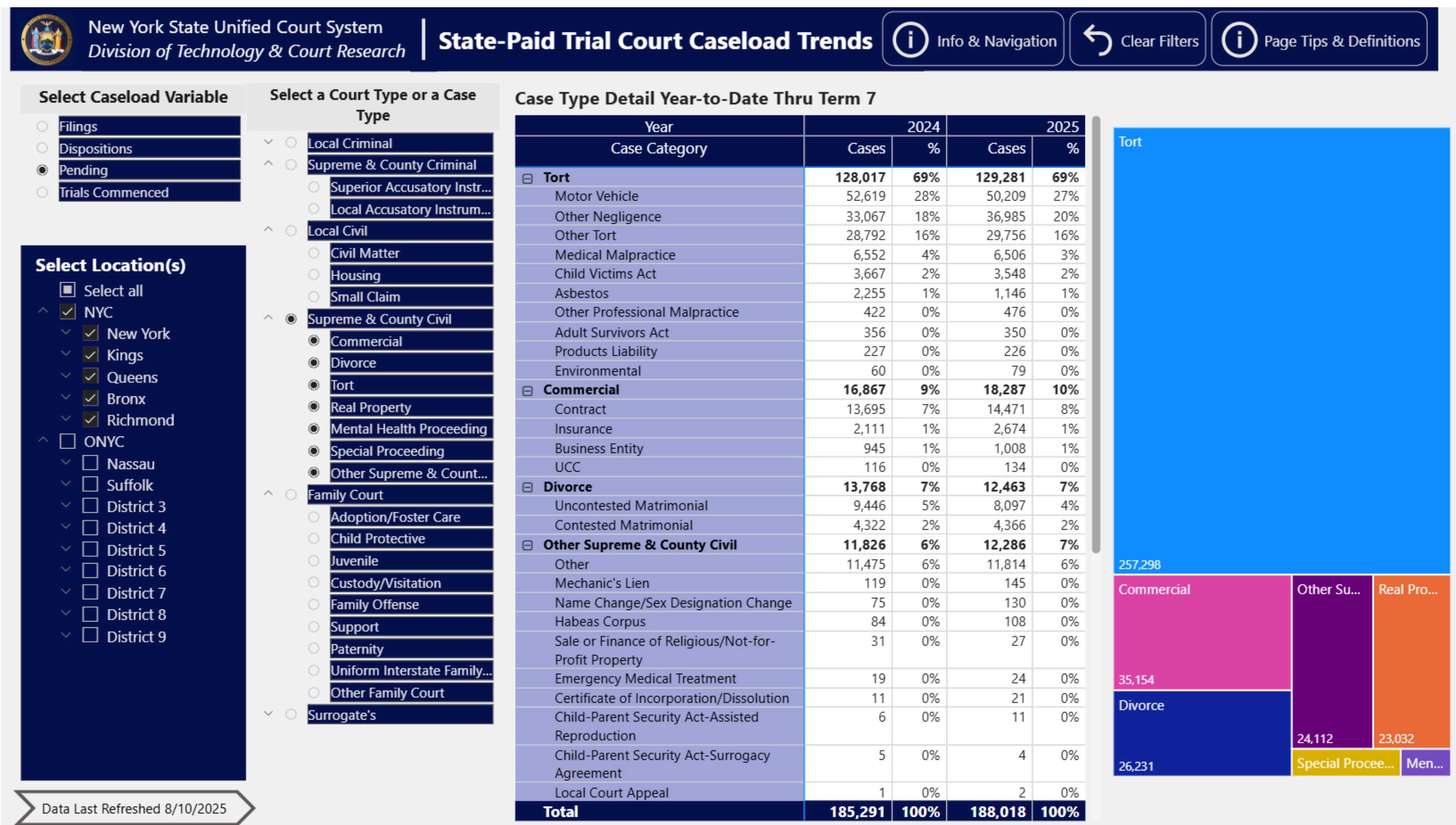
NY Supreme and County Civil Filings for 2024-2025



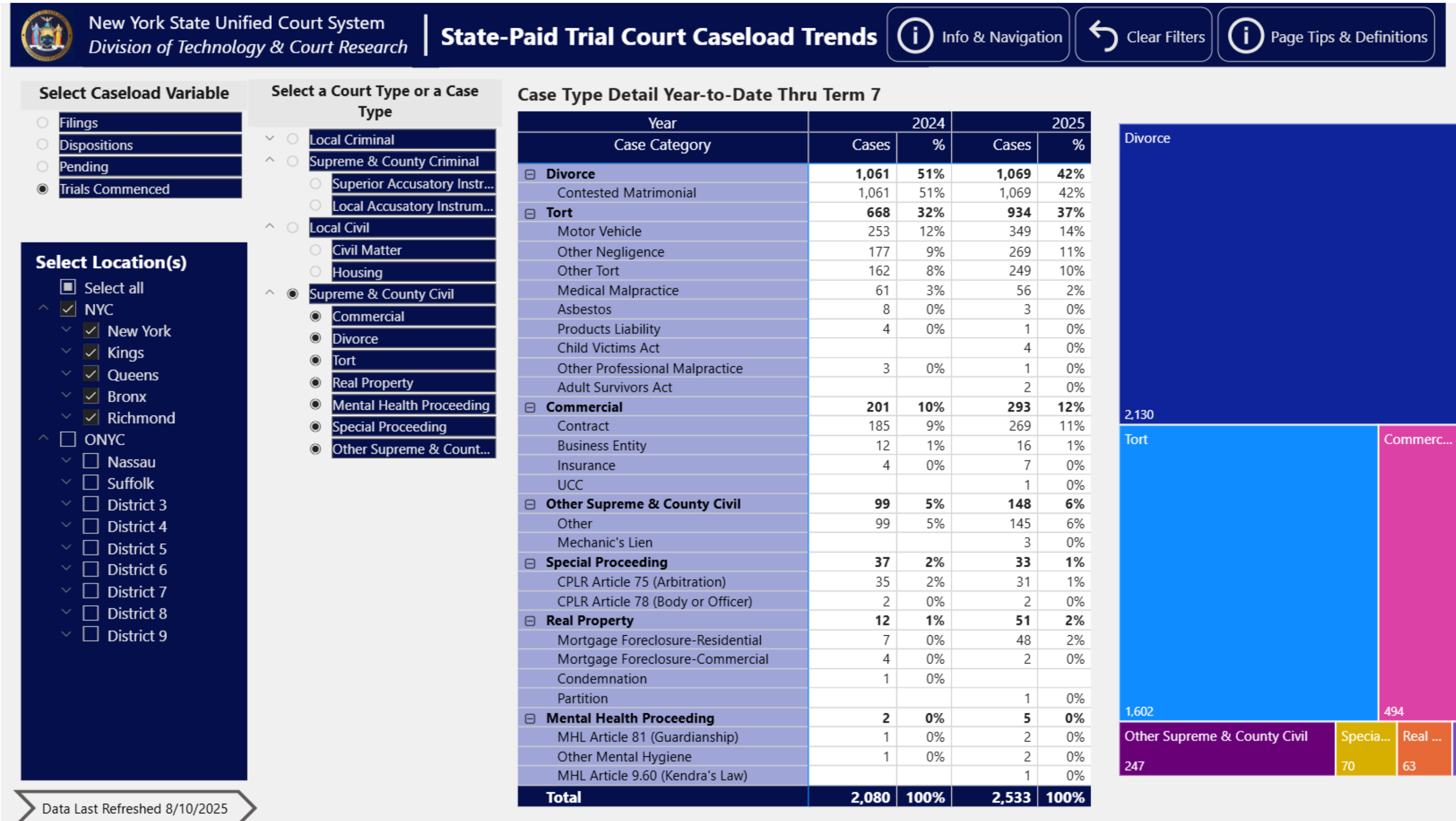
NY Supreme and County Civil Dispositions for 2024-2025



NY Supreme and County Civil Pending Cases for 2024-2025



NY Supreme and County Civil Trials Commenced for 2024-2025



NY County Divorce Filings for 2024-2025



New York State Unified Court System
Division of Technology & Court Research

State-Paid Trial Court Caseload Trends



Info & Navigation



Clear Filters

Select Caseload Variable

- ☒ Filings
- ☐ Dispositions
- ☐ Pending
- ☐ Trials Commenced

Select Location(s)

- ☐ Select all
- ☒ NYC
 - ☒ New York
 - ☐ Kings
 - ☐ Queens
 - ☐ Bronx
 - ☐ Richmond
- ☐ ONYC
 - ☐ Nassau
 - ☐ Suffolk
 - ☐ District 3
 - ☐ District 4
 - ☐ District 5
 - ☐ District 6

Select a Court Type or a Case Type


- ☐ Local Criminal
- ☐ Supreme & County Criminal
 - ☐ Superior Accusatory Instr...
 - ☐ Local Accusatory Instrum...
- ☐ Local Civil
 - ☐ Civil Matter
 - ☐ Housing
 - ☐ Small Claim
- ☒ Supreme & County Civil
 - ☐ Commercial
 - ☒ Divorce
 - ☐ Tort
 - ☐ Real Property
 - ☐ Mental Health Proceeding
 - ☐ Special Proceeding
 - ☐ Other Supreme & Count...
- ☐ Family Court
 - ☐ Adoption/Foster Care
 - ☐ Child Protective
 - ☐ Juvenile

Case Type Detail Year-to-Date Thru Term 7

Year	2024		2025	
	Cases	%	Cases	%
<input checked="" type="checkbox"/> Divorce	2,380	100%	1,484	100%
Uncontested Matrimonial	2,080	87%	1,218	82%
Contested Matrimonial	300	13%	266	18%
Total	2,380	100%	1,484	100%


Divorce


NY County Divorce Dispositions for 2024-2025



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Division of Technology & Court Research

State-Paid Trial Court Caseload Trends

 Info & Navigation

 Clear Filters

Select Caseload Variable

☐ Filings

☒ Dispositions

☐ Pending

☐ Trials Commenced

Select Location(s)

☐ Select all

☒ NYC

☒ New York

☐ Kings

☐ Queens

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☐ Richmond

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☐ Nassau

☐ Suffolk

☐ District 3

☐ District 4

☐ District 5

☐ District 6

Select a Court Type or a Case Type

Local Criminal

Supreme & County Criminal

Superior Accusatory Instr...

Local Accusatory Instrum...

Local Civil

Civil Matter

Housing

Small Claim

Supreme & County Civil

Commercial

☒ Divorce

Tort

Real Property

Mental Health Proceeding

Special Proceeding

Other Supreme & Count...


Family Court

Adoption/Foster Care

Child Protective


Juvenile

Case Type Detail Year-to-Date Thru Term 7

Year	2024		2025	
Case Category	Cases	%	Cases	%
<div> Divorce</div>	3,888	100%	1,871	100%
Uncontested Matrimonial	3,584	92%	1,645	88%
Contested Matrimonial	304	8%	226	12%
Total	3,888	100%	1,871	100%

Divorce

NY County Divorce Cases Pending for 2024-2025



New York State Unified Court System
Division of Technology & Court Research

State-Paid Trial Court Caseload Trends

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Info & Navigation

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Clear Filters

Select Caseload Variable

☐ Filings

☐ Dispositions

☒ Pending

☐ Trials Commenced

Select Location(s)

☐ Select all

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☒ NYC

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New York

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Kings

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Bronx

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Richmond

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ONYC

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Nassau

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Suffolk

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District 3

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District 4

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District 5

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District 6

Select a Court Type or a Case Type

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☐ Local Criminal

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☐ Local Accusatory Instrum...

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^

☒ Supreme & County Civil

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☒ Divorce

☐ Tort

☐ Real Property

☐ Mental Health Proceeding

☐ Special Proceeding

☐ Other Supreme & Count...

^

☐ Family Court

☐ Adoption/Foster Care

☐ Child Protective

☐ Juvenile

Case Type Detail Year-to-Date Thru Term 7

Year	2024		2025	
Case Category	Cases	%	Cases	%
<div><div>☐</div>Divorce</div>	3,579	100%	3,102	100%
Uncontested Matrimonial	2,290	64%	1,707	55%
Contested Matrimonial	1,289	36%	1,395	45%
Total	3,579	100%	3,102	100%

Divorce

NY County Divorce Trials Commenced in 2024-2025



New York State Unified Court System
Division of Technology & Court Research

State-Paid Trial Court Caseload Trends



Info & Navigation



Clear Filters

Select Caseload Variable

- ☐ Filings
- ☐ Dispositions
- ☐ Pending
- ☒ Trials Commenced



Select Location(s)

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 - ☐ Real Property
 - ☐ Mental Health Proceeding
 - ☐ Special Proceeding
 - ☐ Other Supreme & Count...

Case Type Detail Year-to-Date Thru Term 7



Year	2024		2025	
	Cases	%	Cases	%
<input checked="" type="checkbox"/> Divorce	142	100%	77	100%
Contested Matrimonial	142	100%	77	100%
Total	142	100%	77	100%

Divorce

Reduce Moving Parts

- **Calendaring**
 - **Parties can Manage the Pace**
- **Statutory Deadlines**

Opportunities for Better Agreements

- **Simple Plain Language** (Reduce legalese)

Example

The parties acknowledge and agree that all assets of every kind, whether tangible or intangible, have been divided between them in full satisfaction of their respective marital rights, and no dispute remains as to ownership or possession. Furthermore, any asset in either of the party's name, without the other party, is agreed to be the sole and separate property of the named/titled party, even if it was acquired or increased in value during the marriage.

...The parties acknowledge that this itemization is provided as examples and is not meant to be exhaustive, and that while the laws affecting marriage and divorce in New York may have allowed for divisions and allocations that may have benefitted one party or the other differently, they mutually waive application of any such laws by choosing to enter into this Agreement.

Opportunities for Better Agreements

- **Creative Joint Solutions**

Example

The parties acknowledge that they will have to mutually agree in order to sell Home X during their lifetime. If they agree to sell, and a sale occurs, they agree to equally share all costs (including any tax liability for transfers and any capital gains) and equally divide the remaining proceeds 50/50. The parties acknowledge and agree that if one of them should predecease the other prior to any sale, the surviving party becomes 100% owner of Home X. In that case, the surviving party, as sole owner, shall have the right to sell, rent or live in Home X as he or she chooses. If the surviving party maintains ownership, he or she shall ensure that Home X is reserved in his or her estate as a bequest to the children.

Positive Client Outcomes

- **Reduce Conflict**
- **Reduce Time**
- **Reduce Cost**

Positive Client Outcomes

- **Achieve Shared Goals**
- **Gain Time**
- **Maximize Value of the Marital Estate**

Best Practices for Legal Consulting and Limited-Scope Representation



Alla Roytberg, Esq.

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“God works wonders now and then, Behold a lawyer an honest man.” — Benjamin Franklin

“A lawyer with his briefcase can steal more than a 100 men with guns.” — Mario Puzo

Why This Is My Favorite Topic

- **Personal passion for the legal profession**
- **The impact lawyers can have on clients and society**

Be a Hero for Your Clients

- **Helps clients save money**
- **Earns a fair income**
- **Empowers clients through legal knowledge and advocacy**

How Being this Hero Benefits your Legal Practice

- **No waste of time**
- **Avoid unnecessary delays in court**
- **Minimize time spent dealing with incompetent or stubborn adversaries**
- **Navigate the court system effectively**
- **No fee collection issues**
- **Streamlined billing processes**
- **Clear communication with clients regarding fees**

Unbundled Services – Best Practices 1

- **Handout – 2011 NYC Bar Best Practices Report**
- **Clearly state the scope of representation and its limits in writing to the client**
- **The limitation on scope must be reasonable enough to ensure that the attorney is able to provide competent legal advice on that particular matter or issue**

Unbundled Services – Best Practices 2

- **An attorney must be mindful of potential conflicts of interest resulting from the attorney's lack of information on the “entire” case**
- **An attorney is still bound by confidentiality, attorney client privilege and all other ethical obligations inherent in an attorney-client relationship**

Unbundled Services – Recommendations - 1

- **The matter should be the area of practice in which you already have experience**
- **Don't agree to “cut corners” to comprehensive representation**

Unbundled Services – Recommendations - 2

If you undertake to represent a client you remain ethically responsible to fully advise that client

- **For example, be wary if the client insists on an hour limit to be placed on the work**
If you cannot adequately do the work in an hour and provide incomplete work as a result, you could be violating your ethical obligations regarding the client and risk a malpractice action
- **If you still decide to take on such a representation, at the very least make sure that your retainer agreement clearly provides that your ability to provide comprehensive advice is severely limited by the scope of representation**
- **The matter should be the area of practice in which you already have experience**
Don't agree to “cut corners” to comprehensive representation

Unbundled Services – Recommendations - 3

Carefully assess a client's ability to perform his/her own work in the case

- If a client has a significant language barrier, that client may be unable to adequately represent himself pro se in litigation or advocate for himself in mediation**
- If a client is very emotional or comes from a background of domestic violence they may be unable to adequately assess their own ability to proceed on their own and may require comprehensive legal assistance**
- If a client is involved in a sophisticated transaction that client may overestimate his/her ability to do his/her own work**

Unbundled Services – Recommendations - 4

Evaluate the potential client's intent in seeking limited scope

- Is the client seeking “unbundled services” to save money or to gain an unfair advantage or to deceive the other side? *You want to make sure that you will not be assisting a client in perpetrating a fraud or a misrepresentation*
- **Document everything in writing.** Make sure that your retainer addresses in detail the limitations in the scope of representation and the fee structure. Review the retainer in detail with the client and, if needed, have a plain-language memo that would summarize the terms **and is also signed by the client.**
- **Make sure to provide the client with copies of these documents.**
- **Adequately communicate the risks of limited scope representation to a potential client. (Limited Scope Retainer handout)**

Mediation – Pre-Mediation Consultation

- **Educate about the process**
- **Provide a substantive legal consultation**
- **Empower self-advocacy in mediation**

Mediation – Background Consulting and In-mediation Presence

- **Decide whether your presence is needed during mediation sessions**
- **Provide in-between consultations and strategy sessions**
- **Assist in discovery and information exchange**
- **Help develop settlement options**

Post-Mediation – Review Attorney/Court Submissions

- **Draft or Review post-mediation legal documents**
- **Submit documents to court on client's behalf**
- **Help client navigate finalization of the settlement agreement through court**

Conclusion

- **Being a good lawyer benefits both clients and practitioners**
- **Integrity, efficiency, and professionalism are key**

A View from the Bench – Support Magistrate Perspectives



Hon. Patricia Brimais-Tenemille

Membership@NYSmediate.org

How Mediation can Support Culturally Diverse Clients



Rachel Ji-Young Yoo
New Mediator



Maxine Park
Transitioning Litigator



Alla Roytberg
Experienced Mediator



Patricia Brimais-Tenemille
Support Magistrate

The Cultural Dilemma in Divorce

- **Clients from centuries-old communities often face divorce/separation in the U.S. legal system.**
- **Deep-rooted traditions regarding gender roles, parenting, and finances may conflict with U.S. law.**
- **Clients wish to honor their heritage and impart these values to their children.**

U.S. Legal System's Approach to Assimilation

- U.S. legal, political, and social systems expect assimilation to American values.**
- Respect for law and legal authorities is a foundational American value.**
- Mutual respect is essential for successful relationships, but courts are often ill-equipped to reciprocate.**
- This can challenge understanding and compliance.**

Best Interest of the Child Standard

- **Custody determinations focus on the “best interest” of the child as defined by judges or court-appointed professionals.**
- **Cultural, ethnic, or religious backgrounds of families are not necessarily considered.**
- **Example: In some cultures, grandparents are often primary caretakers and are included in decision-making, but courts focus only on parents in custody cases.**

Limitations of Cultural Consideration in Court

- **Court personnel rarely recognize or incorporate cultural realities in legal solutions.**
- **Authority of judges may not be recognized by litigants from different cultural backgrounds.**
- **Even when cultural issues are considered, resolutions may be inadequate.**
- **Unique cultural needs of children and families are frequently overlooked.**

Barriers to Compliance and Understanding

- **Overburdened judges may lack time to explore cultural backgrounds and craft tailored solutions.**
- **Litigants may not comply with decisions from judges who do not understand their language or culture.**
- **Judges' personal experiences and cultural backgrounds may be foreign to the parties.**
- **Application of state law may conflict with litigants' sense of morality and justice.**

Consequences of Court-Directed Decisions

- **Decisions are less likely to be followed if litigants feel unheard or misunderstood.**
- **Solutions may not address actual needs or work in real-life practice.**

Mediation as a Solution

- **Mediation provides space and time to listen and understand multicultural parties' needs and interests.**
- **Mediators can help fashion solutions that fit parties' cultural needs while conforming to the law.**
- **Mediation is better equipped to address the complexities of culturally diverse family disputes.**

Closing Comments & Key Takeaways



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**Alla
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**Hon. Patricia
Brimais-Tenemille**
Membership@NYSmediate.org

NYSmediate.org

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Today's Attendees Can Scan QR Code Below Valid Until Dec. 31, 2025



<https://bit.ly/AABANYdiscount>



NYSmEDIATE.org



Faculty Biography

Moderator

Rachel Yoo
Partner Yoo Law Group, LLC
Co-Chair, AABANY's Alternative Dispute Resolution Committee

Rachel Yoo is the founding and principal attorney of Yoo Law Group, LLC, where she focuses her practice on immigration law, family mediation, and international dispute arbitration. She brings extensive experience advising clients in the healthcare, K-beauty, and technology sectors on a wide range of U.S. immigration matters, including temporary and permanent visas for professionals, executives, investors, entertainers, and religious workers. Her practice also includes family-based immigration and removal defense.

Beyond immigration, Rachel is a skilled mediator who helps families resolve disputes related to **divorce, custody**, and other sensitive family issues in a constructive and amicable manner. She also provides strategic guidance in **cross-border arbitration**, assisting both businesses and individuals in navigating complex international disputes. Rachel is on the roster of the New York Supreme Court mediation program.

Rachel currently serves as Co-Chair of the Alternative Dispute Resolution (ADR) Committee of the Asian American Bar Association of New York (AABANY), a role she has held since 2024. She holds law degrees from both the U.S. and South Korea and earned her M.B.A. through a U.S.–Korea international program.

Her professional involvement includes serving on the Advisory Board of the Korea Trade-Investment Promotion Agency (KOTRA). She is a frequent speaker on immigration law and alternative dispute resolution, and has been recognized in New York Metro Super Lawyers – Rising Stars (2018–2025) and Marquis Who's Who in American Law.

Rachel is deeply committed to pro bono service, volunteering with the Safe Passage Project to assist unaccompanied minors in immigration proceedings. Since 2022, she has also been a guest lecturer for Korean law students, offering hybrid courses in collaboration with several Korean law schools.

Speakers

Hon. Patricia Brimais-Tenemille **Support Magistrate, Rockland and Putnam County Family Courts**

Hon. Patricia Brimais-Tenemille currently serves as a Support Magistrate in the Rockland and Putnam County Family Courts, a role she has held for over a decade. In this capacity, she presides over a broad range of family law matters, including child support, spousal support, and paternity proceedings.

Prior to her appointment to the bench, Hon. Brimais-Tenemille served as a Senior Assistant County Attorney in the Family Court Bureau of the Westchester County Attorney's Office. There, she supervised a team of attorneys and prosecuted cases involving abuse and neglect, termination of parental rights, guardianships, expungements, and child support.

Her extensive legal career also includes leadership and advocacy roles. She was Executive Director of the Westchester County Office of Equal Employment Opportunity and Affirmative Action, and previously worked as a Staff Attorney at Westchester Putnam Legal Services, where she represented clients in cases involving domestic violence, custody, visitation, and other family law matters. She began her legal career as an associate at Abel & Brustein-Kampel, P.C., a law firm focused on divorce and family law.

Hon. Brimais-Tenemille is a Certified Family and Divorce Mediator and has served as a panelist for the New York State Council on Divorce Mediation. She has also been a guest lecturer at Pace University School of Law's "New Directions" program, which supports attorneys re-entering the legal profession.

Her professional service includes board memberships with the Rockland County Women's Bar Association and the Women's Bar Association of the State of New York (WBASNY). She has also been actively involved with the Franklin H. Williams Judicial Commission Advisory Group, the Historical Society of the New York Courts, the National Bar Association, the Metropolitan Black Bar Association, the Westchester County Black Bar Association, the Hudson Valley Hispanic Bar Association, and the Rockland County Bar Association. She currently serves on the Board of Directors for the New York State Council on Divorce Mediation.

In addition to her legal work, Hon. Brimais-Tenemille has taught Family Law, Business Law, and Civil Litigation as an Adjunct Professor at Rockland Community College.

She earned her undergraduate degree from Cornell University and her Juris Doctor, along with a Certificate in International Law, from Pace University School of Law. While in law school, she served as a Senior Associate for the Pace Environmental Law Review, and participated in both the Environmental Litigation Clinic and the Civil Litigation Clinic. She also completed a semester of legal studies at the University College of Laws in London, England.

Hon. Brimais-Tenemille is active in several civic and community organizations and remains committed to public service and the advancement of justice in family law.

Maxine Park, Esq.
Attorney Mediator, Park Law and Mediation

Maxine Park, Esq., has been a matrimonial and family law attorney in New York City for over 20 years. With substantial experience in complex cases that have required extensive discovery, motion practice, trials and appeals, she has recently expanded her practice to incorporate mediation services. Informed by her years of litigation, Maxine is committed to helping families avoid the fraught script of engaging in the conventional court model and is working to guide parties toward well-crafted personalized agreements through mediation.

Maxine earned her J.D. from USC Gould School of Law in Los Angeles and is licensed to practice law in New York and California.

Alla Roytberg, Esq.
Attorney Mediator, Roytberg Traum Law and mediation, P.C.

Alla Roytberg, Esq., is a lawyer, mediator and frequent lecturer with over 30 years of professional experience. Alla was born in Odessa Ukraine grew up in St. Petersburg, Russia, and came to the US as a teenager. Alla is fluent in Russian and English. She graduated from Stuyvesant High School in New York City and then New York University. Alla graduated from Fordham University School of Law in 1991. After practicing law at two major law firms, she founded her own law firm in 1996. Currently the firm has locations in Manhattan, Forest Hills Queens, Nassau County and Southampton.

Alla's practice focuses on all aspects of family and matrimonial law, including representation, mediation, collaborative divorce and work on prenuptial and marital agreements. Her areas of concentration also include general, business and surrogate court mediation, residential real estate representation and general law practice. She frequently addresses the legal needs of the Russian-speaking Community in New York. Her clients range from individuals and entrepreneurs to privately held small companies.

Alla is a member and past President of the Family and Divorce Mediation Council of Greater New York, an Advanced Practitioner Member of the Association for Conflict Resolution, a member of the International Academy of Collaborative Professionals, of the New York Association of Collaborative Professionals and a member of the New York State Council on Divorce Mediation. She is also a founding member of the Academy of Professional Family Mediators and of the Family Section, the Dispute Resolution Section, and the Real Estate Section of the New York State Bar Association and has been a member of various committees at the New York City Bar Association, including the Alternative Dispute Resolution, Matrimonial, Small

Law Firm, and Professional Responsibility Committees, as well as the Task Force on New Lawyers in a Changing Profession. Alla also is a AAA Hurricane Sandy Mediator.

Alla is admitted to the Bars of the States of New York and New Jersey and to the Supreme Court of the United States. In addition to her private practice, she served as the Director of the Small Law Firm Center at the New York City Bar Association from 2006 to 2016 and is currently involved with the Small Law Firms Committee and its various subcommittees including a subcommittee on response to the COVID pandemic and AI regulation. Additionally, Alla is a member of NADP (National Association of Divorce Professionals), of the New Jersey Association of Professional Mediators and of the Pennsylvania Council of Mediators. She has also earned the designations of Senior Mediator, Certified Mediator and Certified Online Mediator from mediate.com.