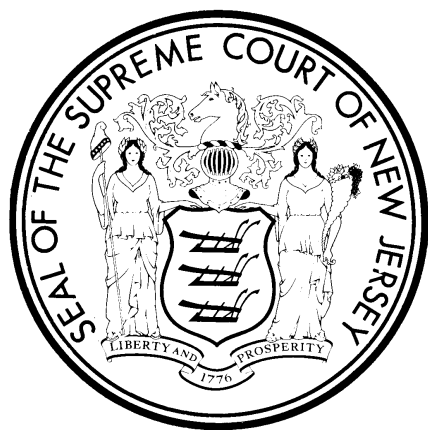


**Report of the New Jersey Supreme Court
Committee on Complementary Dispute Resolution**



**2019-2021
RULES CYCLE**

December 17, 2020

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I. INTRODUCTION

By way of [Notice to Bar dated August 26, 2019](#), Acting Administrative Director Glenn A. Grant, J.A.D. announced the merger of the Supreme Court Committee on Complementary Dispute Resolution ("Committee") and the Arbitration Advisory Committee effective September 1, 2019. The Committee will retain its odd year two-hear reporting and appointment cycle (commencing September 1, 2019 through August 31, 2021).

The Court's decision to merge these two Supreme Court Committees was to ensure consistency in how these groups address similar and overlapping goals, to provide the opportunities for professional mediators and arbitrators to learn from each other, and to maximize the strengths of their respective areas of expertise. The updated charge for the 2019-2021 term is to: (1) conduct a statewide inventory and review of all CDR programs in the Civil and Family Divisions of the Superior Court, as well as local initiatives underway or proposed for the Municipal Courts; (2) enhance the collection of statewide data regarding the participation in and success of CDR programs; (3) recommend a uniform, statewide approach to addressing the qualifications of court appointed neutrals; and (4) expand the protocols for resolution of complaints against mediators and arbitrators. This merger and the designated charges will ensure the Judiciary will continue to have access to analytical information to objectively measure the efficacy of our mediation, arbitration, and other facilitated settlement programs.

Four subcommittees were created to focus on each of the four charges. The status of the work of the subcommittees is set forth in the 'Matters Held for Consideration' section of this report.

The Committee recommends that the Supreme Court adopt the proposed rule amendments contained in this report. The Committee also reports on other issues reviewed on

which it concluded no rule change, or a non-rule recommendation was appropriate. Where rule changes are proposed, deleted text is bracketed [**as such**], and added text is underlined **as such**.

No change to a paragraph of the rule is indicated by ". . . **no change**."

II. PROPOSED RULE AMENDMENTS

A. Proposed Amendments to Rule 1:40-12. Mediators and Arbitrators in Court-Annexed Program

1. Proposed amendments to remove “classroom” when referring to trainings

The Committee recommends removing the word “classroom” when referring to trainings in light of the increasing accessibility of and reliance on remote technology together with the expectation that the Judiciary will continue to promote efficient use of technology to provide trainings in the future. This amendment will also allow training providers the discretion to offer in-person, virtual, or hybrid training programs.

2. Proposed amendments to eliminate time limitation for law clerk training

The Committee further recommends amendments to eliminate reference to the time in which the law clerk training must be presented. At the inception of the mediation training for law clerks (circa 1992), law clerks were mandated to complete a 12-hour Law Clerk Mediation and Conciliation Training. During the 2017-2019 Rules Cycle, the Court approved a reduction in the training to six hours, which became effective September 1, 2019. Since that time, and in response to surveys regarding the law clerk and a re-design of the training to a virtual format due the COVID-19 pandemic, the Committee’s recommends eliminating any reference to a specific number of training hours and to relabel the training to Law Clerk Settlement Negotiation Training. This will give flexibility to consider survey results and program needs on an ongoing basis to determine the appropriate curriculum for law clerks without the need to conform to a time in which the curriculum be presented.

3. Proposed amendments to modify the six-hour course requirement for applicants who received their 40-hour training out-of-state or more than five years prior to application to the roster.

The Committee considered a recommendation to amend R. 1:40-12(b)(8) which in its current form requires mediator applicants to attend a six-hour course if they have received their 40-hour training out-of-state or more than five years prior to application to the roster. Because such applicants are very few and far between, these courses are not being offered due to the low enrollment of those in need of the training. Additionally, when the trainings are initially scheduled, they are frequently cancelled because of low enrollment. In comparison, R. 1:40-12(b)(2) requires rostered mediators to take an annual four-hour continuing training. This course is offered frequently due to high participation.

The Committee discussed and recommends proposed amendments to R. 1:40-12(b)(8) which would divide the six-hour training into the already existing four-hour training, supplemented by a two-hour training, which may be offered as a live virtual training. The Committee believes that by breaking the six-hour training into two separate trainings, with the two hours offered remotely, it will enable providers to offer this course more frequently than in its current format. The Committee recommends the combined trainings be required to be completed within one year. The Committee further recommends the combined trainings include content on how to conduct mediation in a virtual setting and on the Standards of Conduct for Mediators in Court-Connected Programs.

Therefore, the Committee recommends the following amendments to R. 1:40-12.

1:40-12. Mediators and Arbitrators in Court-Annexed Programs

(a) Mediator Qualifications . . . no change.

(b) Mediator Training Requirements.

(1) General Provisions. All persons serving as mediators shall have completed the basic dispute resolution training course as prescribed by these rules and approved by the Administrative Office of the Courts. Volunteer mediators in the Special Civil Part and Municipal Court mediators shall have completed 18 [classroom] hours of basic mediation skills complying with the requirements of subparagraph (b)(3) of this rule. Mediators on the civil, general equity, and probate roster of the Superior Court shall have completed 40 [classroom] hours of basic mediation skills complying with the requirements of subparagraph (b)(5) of this rule and shall be mentored in at least two cases in the Law Division – Civil Part of Chancery Division – General Equity or Probate Part of the Superior Court for a minimum of five hours by a civil roster mentor mediator who has been approved in accordance with the “Guidelines for the Civil Mediation Mentoring Program” promulgated by the Administrative Office of the Courts. Family Part mediators shall have completed a 40-hour training program complying with the requirements of subparagraph (b)(4) of this rule; and unless otherwise exempted in this rule, at least five hours being mentored by a family roster mentor mediator in at least two cases in the Family Part. In all cases it is the obligation of the mentor mediator to inform the litigants prior to mediation that a second mediator will be in attendance and why. If either party objects to the presence of the second mediator, the second mediator may not attend the mediation. In all cases, the mentor mediator conducts the mediation, while the second mediator observes. Mentored mediators are provided with the same protections as the primary mediator under the Uniform Mediation Act. Retired or former

New Jersey Supreme Court justices and Superior Court judges, retired or former Administrative Law judges, retired or former federal court judges, and retired judges from other states who presided over a court of general jurisdiction or appellate court, child welfare mediators, and staff/law clerk mediators are exempted from the mentoring requirements except as required to do so for remedial reasons. Mediators already serving on the Civil mediator roster prior to September 1, 2015 are exempted from the updated training requirements. Family Roster mediators who wish to serve on the Civil Roster, must complete the six-hour supplemental Civil Mediation training and must comply with the Civil roster mentoring requirement of five hours and two cases in the Civil Part.

(2) Continuing Training. . . no change.

(3) Mediation Course Content - Basic Skills. The 18-hour [classroom] course in basic mediation skills and complementary dispute resolution (CDR) settlement techniques, shall, by lectures, demonstrations, exercises and role plays, teach the skills necessary for mediation practice, including but not limited to conflict management, communication and negotiation skills, the mediation process, and addressing problems encountered in mediation and other CDR resolution processes.

(4) Mediation Course Content – Family Part Actions. The 40-hour [classroom] course for family action mediators shall include basic mediation skills as well as at least 22 hours of specialized family mediation training, which should cover family and child development, family law, dissolution procedures, family finances, and community resources. In special circumstances and at the request of the Assignment Judge, the Administrative Office of the Courts may temporarily approve for a one-year period an applicant who has not yet completed the specialized family mediation training, provided the applicant has at least three

years of experience as a mediator or a combination of mediation experience and service in the Family Part, has co-mediated in a CDR program with an experienced family mediator, and certifies to the intention to complete the specialized training within one year following the temporary approval. Economic mediators in family disputes shall have completed 40 hours of training in family mediation in accordance with this rule.

(5) Mediation Course Content – Civil, General Equity, and Probate

Actions. The 40-hour [classroom] course for civil, general equity and probate action mediators shall include basic and advanced mediation skills as well as specialized civil mediation training as approved by the Administrative Director of the Courts.

(6) Training Requirements for Judicial Law Clerks. Judicial law clerks

serving as third-party neutral settlers, shall first have completed a [six-hour] law clerk complementary dispute resolution (CDR) settlement negotiation techniques training course prescribed by the Administrative Office of the Courts.

(7) Co-mediation; mentoring; training evaluation. . . . no change.

(8) Mediation Course Content – Supplemental Mediation Training for Civil

and Family Mediators. Applicants to the roster who have been trained in a 40-hour out-of-state mediation training or who took the 40-hour New Jersey mediation training more than five years prior to applying to the roster, and who otherwise qualify under this rule, must further attend [a six-hour supplemental course approved by the Administrative Office of the Courts] six hours of supplemental training. The six hours of supplemental training shall consist of attending the four-hour continuing training set forth in subsection (b)(2) of this rule, and two additional hours, which may be offered as a remote live training. The combined trainings shall be completed within one year. There shall be two distinct supplemental courses, one for family mediators and

one for civil mediators, which shall be approved by the Administrative Office of the Courts. The combined courses shall include, but are not limited to, training in facilitative methods, training on how to conduct mediation in a virtual setting, case management techniques, procedural requirements for an enforceable mediated settlement, NJ Rules and [mediator ethics] the Standards of Conduct for Mediators in Court-Connected Programs, Guidelines for Mediator Compensation (see Appendix XXVI to these Rules), the Uniform Mediation Act (N.J.S.A. 2A:23C-1 to -13), and mediation case law.

(c) Arbitrator Qualification and Training. Arbitrators serving in judicial arbitration programs shall have the minimum qualifications prescribed by Rule 4:21A-2. All arbitrators shall attend initial training of at least three [classroom] hours and continuing training of at least two hours in courses approved by the Administrative Office of the Courts.

(1) New Arbitrators. . . no change.

(2) Roster Arbitrators. . . no change.

(3) Arbitration Course Content – Initial Training. The three-hour [classroom] course shall teach the skills necessary for arbitration, including applicable statutes, court rules and administrative directives and policies, the standards of conduct, applicable uniform procedures as reflected in the approved procedures manual and other relevant information.

(4) Arbitration Course Content – Continuing Training. . . no change.

(d) Training Program Evaluation. . . no change.

Note: Adopted July 14, 1992 as Rule 1:40-10 to be effective September 1, 1992; caption amended, former text redesignated as paragraphs (a) and (b), paragraphs (a)3.1 and (b)4.1 amended June 28, 1996 to be effective September 1, 1996; redesignated as Rule 1:40-12, caption amended and first sentence deleted, paragraph (a)1.1 amended and redesignated as paragraph (a)(1), paragraph (a)2.1 amended and redesignated as paragraph (a)(2), paragraph (a)2.2 amended and redesignated as paragraph (b)(5), new paragraphs (a)(3) and (a)(4) adopted,

paragraph (a)3.1 redesignated as paragraph (a)(5), paragraph (a)3.2 amended and incorporated in paragraph (b)(1), paragraph (a)4.1 amended and redesignated as paragraph (b)(6), paragraph (b)1.1 amended and redesignated as paragraph (b)(1), paragraphs (b)2.1 and (b)3.1 amended and redesignated as paragraphs (b)(2) and (b)(3), paragraph (b)4.1 redesignated as paragraph (b)(4) with caption amended, paragraph (b)5.1 amended and redesignated as paragraph (b)(7) with caption amended, new section (c) adopted, and paragraph (b)5.1(d) amended and redesignated as new section (d) with caption amended July 5, 2000 to be effective September 5, 2000; paragraphs (a)(3) and (b)(1) amended July 12, 2002 to be effective September 3, 2002; paragraphs (b)(1), (b)(3), and (c) amended July 28, 2004 to be effective September 1, 2004; caption amended and paragraph (a)(4) caption and text amended June 15, 2007 to be effective September 1, 2007; new paragraph (a)(6) caption and text adopted, paragraph (b)(1) amended, paragraph (b)(2) deleted, paragraphs (b)(3) and (b)(4) redesignated as paragraphs (b)(2) and (b)(3), paragraph (b)(5) amended and redesignated as paragraph (b)(4), and paragraphs (b)(6) and (b)(7) redesignated as paragraphs (b)(5) and (b)(6) July 16, 2009 to be effective September 1, 2009; subparagraphs (b)(2) and (b)(4) amended July 21, 2011 to be effective September 1, 2011; subparagraph (a)(3) caption and text amended, subparagraphs (a)(4), (a)(6), (b)(1), (b)(2) and (b)(4) amended, former subparagraph (b)(5) redesignated as subparagraph (b)(6), former subparagraph (b)(6) redesignated as subparagraph (b)(7), new subparagraphs (b)(5) and (b)(8) adopted July 27, 2015 to be effective September 1, 2015; subparagraphs (a)(3) text, (a)(5) caption and text, and (b)(1) text and paragraph (c) amended July 28, 2017 to be effective September 1, 2017; paragraph (a)(3) amended, paragraph (a)(4) caption and text amended, and paragraphs (b)(1), (b)(3), and (b)(6) amended July 29, 2019 to be effective September 1, 2019; paragraph (c) amended July 31, 2020 to be effective September 1, 2020; subparagraphs (b)(1), (b)(3), (b)(4), (b)(5), (b)(6), (b)(8), paragraph (c), and subparagraph (c)(3) amended _____ to be effective _____.

B. Proposed Amendments to Rules Appendix XIX. Completion of Mediation Form

The Committee considered and endorsed recommendations by the Family Division Managers (FDMs) to revise the Completion of Mediation form in Rules Appendix XIX to include instructions as to how and to whom it should be submitted upon completion. Directive #1-07 states that the form must be provided to mediators at the time of the initial referral with instructions on how to complete the form. However, Appendix XIX, the Completion of Mediation form and Directive #1-07 are silent as to how and to whom the completed form should be submitted. The FDMs recommended the form include instructions and a fillable portion to set forth the name, email address, and or mailing address of the court staff to whom the completed form is to be submitted. The FDMs also recommended the form state that a copy be sent to the parties and the vicinages, because they maintain the statistics of the Family Economic Mediation Program. The Committee agrees with the FDMs recommendation and believes they will provide clarity to the process.

The Committee considered removing questions on the form to be consistent with R. 1:40-4(i) and Standard V.A.2. Standards of Conduct. Those questions are: 1) Did the attorney/parties submit proper case summaries? 2) Were the attorneys/parties prepared for the mediation sessions? and 3) Did the parties participate in the mediation sessions? Standard V.A. 2. of the Standards of Conducts states that “[a] mediator shall not communicate to any non-participant information about how the parties acted in mediation. A mediator may report, if required, whether the parties appeared at the scheduled mediation and whether or not the parties reached a resolution.” The Committee recommends all three questions be eliminated, noting this information is not necessary for case management purposes and could potentially violate

confidentiality. Without a clear justification for the necessity of these questions and how it relates to the actual mediation status, the Committee recommends they be removed.

Therefore, the Committee recommends amendments to Appendix XIX as set forth in the List of Attachments:

III. PROPOSED NON-RULE AMENDMENTS RECOMMENDED

A. Amendments to the Order of Referral to Post Matrimonial Early Settlement Panel (MESP) Mediation Program promulgated by Directive #1-07

The Committee considered revising the Order of Referral to Post-MESP Mediation Program “Referral Order” promulgated by Directive #1-07 to include the contact information of the court staff to whom the Completion of Mediation Form is to be submitted. Directive #1-07 provides that the Referral Order be signed by the judge and provided to the parties at the hearing. The FDMs reviewed the Referral Order and recommended that it be revised to include a fillable portion to also show the name, email address, and/or mailing address of the court staff to whom the Completion of Mediation form is to be submitted. The FDMs noted that it would be helpful both to litigants and mediators to have the contact information of appropriate staff and would ensure the Completion of Mediation form is returned correctly. The Committee endorsed the FMDs’ recommendations.

Therefore, the Committee recommends amendments to the Order of Referral to Post-MESP Mediation Program as set forth in the List of Attachments:

IV. MATTERS HELD FOR CONSIDERATION

A. Complementary Dispute Resolution Subcommittee

The following is the initial charge assigned to the Complementary Dispute Resolution Subcommittee:

Conduct a statewide review of all CDR programs provided in the Civil and Family Divisions of the Superior Court, including all types of mediation, arbitration, settlement panels, and other facilitated settlement techniques whether performed by court staff, roster neutrals, Judiciary volunteers, attorneys, and/or others. The exploratory review should specifically seek and document responses regarding local initiatives or pilot programs, such as Probate Early Settlement Panels and Family Dissolution (FM) motion mediation programs. It also should include responses to a uniform questionnaire regarding CDR offerings in the municipal courts.

The subcommittee issued surveys to the Family Division Managers, Civil Division Managers, Municipal Division Managers and Chancery Division requesting to be advised of all CDR programs or arbitration programs currently in use in their respective counties. The following CDR programs were identified as being available across the state in Family: Early Settlement Panel (FM docket); Economic Mediation (FM docket); Domestic Violence Economic Mediation Pilot Program (FV docket); Custody/Parenting time Mediation (FD and FM dockets); Child Welfare Mediation (Children in Court dockets); Consent Conferencing; Arbitration; Juvenile Delinquency; and Motion Mediation. The responses also confirmed that that the availability and process for providing CDR programs are not consistent in each county, except for the Domestic Violence Economic Mediation (Pilot) Program. Although the Supreme Court approved the statewide expansion of this program, due to the COVID-19 pandemic, expansion has been paused.

Similarly, the Civil Division reported the following CDR statewide programs: Mediation; Civil Arbitration; Complementary Dispute Resolution in the Special Civil Part (Small Claims Settlement Program– Rule 1:40-7(a)), Landlord/Tenant - Rule 1:40-7(b); 1:40-12(a)(4), Special Civil (DC) – Rule 1:40-7(c)); Non-Court Dispute Resolution; and Mediation of Eligible Residential Foreclosure Cases. The survey results did not reveal any anomalies regarding the practice of these programs throughout the state. The training and guidelines for administering CDR programs are governed by Rule 1:40.

The Municipal Division survey results confirmed that all municipalities participate in the Municipal Court Mediation (MCM) program that is endorsed by the New Jersey Supreme Court. Municipal Courts refer cases involving minor disputes. Mediators are community members who are recruited, carefully screened, trained, and appointed as court volunteers.

The following miscellaneous CDR programs are available in some counties: Probate, Bar Paneling, Expedited Jury Trial, and Summary Jury Trials (SJT).

Finally, it was reported that in the Chancery Division, only two vicinages (Essex and Sussex) reported conducting a mediation program. These two programs draft non-rostered, but experienced practitioners, to assist the court in settlement of cases before those courts.

The Supreme Court Committee on CDR will continue to monitor these programs focusing on the courts providing the same CDR programs and processes to court customers and attorneys statewide when possible.

The Committee seeks permission to carry this issue to the 2021-2023 rules cycle to further consider this issue and to present a comprehensive answer to the Court’s charge.

B. Quantitative Research Subcommittee

The following is the initial charge assigned to the Quantitative Research Subcommittee:

With support from the Judiciary's Quantitative Research Unit and ATCSU, determine the data fields necessary to measuring the effect of Judiciary CDR programs, including but not limited to presumptive mediation and arbitration in Civil cases and matrimonial ESP, economic mediation, and custody and parenting mediation in Family matters. Develop a proposal to capture statewide data showing the participation in and success of some or all CDR programs (with an explanation as to any programs not recommended for statistical assessment at this time).

The subcommittee narrowed its charge into three distinct areas as follows: (1) establish the CDR programs recommended/not recommended for statistical assessment, (2) create questionnaires/forms for each area recommended; and (3) establish a process to ensure completion of forms so that the process results in reliable data.

The subcommittee has identified all the CDR programs in each practice area (Municipal, Family and Civil) and has made preliminary recommendations as to whether there should be a statistical assessment of each program.

The subcommittee is in the process of developing questionnaires and forms for use in assessing mediation programs in Municipal Court and in the Family Court. Civil practice already assesses mediation in Civil, Probate and General Equity matters and in arbitration with questionnaires through Survey Monkey which are filed with and stored by the Civil Practice Division at the Administrative Office of the Courts. The subcommittee has recommended continued use of these forms with no alterations in their current version.

The subcommittee is still considering proposed processes to ensure completion of forms so that the process results in reliable data.

The Committee seeks permission to carry this issue to the 2021-2023 rules cycle to further consider this issue and to present a comprehensive answer to the Court's charge.

C. Qualifications Subcommittee

The following is the initial charge assigned to the Qualifications Subcommittee:

Recommend a uniform, statewide approach to addressing the qualifications of court-appointed neutrals, specifically as to areas of expertise. Note that this item will at some point involve consultation with the New Jersey State Bar Association.

The subcommittee reviewed the qualifications for mediators in the civil and family areas and found that because of the high number of mediators who are attorneys, their minimum qualifications are consistent. However, upon review of the municipal mediation program, the subcommittee acknowledged that because the volunteers are non-attorneys and are representative of the community at large, their backgrounds and qualifications, other than their compliance with the 18-Hour Mediation and Conciliation Training and the annual four-hour continuing mediation education requirement, are disparate.

The subcommittee intends to survey the municipal presiding judges, municipal judges, municipal court administrators, municipal division managers, and the municipal prosecutors to gather information regarding the mediation program. The subcommittee will have at its disposal, demographic information regarding municipal volunteer mediators available in the Volunteer Information Processing System (VIPS), the official repository for Judiciary volunteers, maintained by the Office of Programs and Procedures, at the AOC. The subcommittee will consider the survey information, data from VIPS, and municipal mediation statistics to determine any future recommendations relevant to minimum qualifications for volunteer municipal mediators.

The Committee seeks permission to carry this issue to the 2021-2023 rules cycle to further consider this issue and to present a comprehensive answer to the Court's charge.

D. Initiatives Subcommittee

The following is the initial charge of the Initiatives Subcommittee:

Catalogue recent initiatives of the Arbitration Advisory Committee and determine which projects can be used to inform and guide efforts related to mediation and other non-arbitration forms of CDR, as well as which efforts can be informed and bolstered by prior or ongoing work of the CDR Committee, specifically including the development of statewide protocols for resolution of complaints.

The subcommittee reviewed the process for filing [complaints against mediators](#) (established in August 2007) and the proposal by the Arbitration Advisory Committee for filing complaints against arbitrators. The subcommittee is recreating a complaint process that would be inclusive for mediators and arbitrators. Recommendations from the Judicial Council and the Advisory Committee on Mediator Standards will be considered when preparing the final proposal. In addition to the proposal, the subcommittee is vetting a new complaint form while the AOC is taking steps to develop an official repository for filed complaints. In reviewing the complaint processes, the subcommittee also reviewed complaints against mediators and arbitrators and discovered that there have been seven complaints filed against mediators and only one complaint filed against an arbitrator in the last three years.

Following the submission of the complaint process proposal, the subcommittee will focus on the charge to catalogue recent initiatives of the Arbitration Advisory Committee and determine which projects can be used to inform and guide efforts related to mediation and other non-arbitration forms of CDR, as well as which efforts can be informed and bolstered by prior or ongoing work of the CDR Committee. Additionally, the subcommittee will begin to provide demographic information for arbitrators and mediators to ensure the public has access to a robust and diverse cadre of mediators and arbitrators.

The Committee seeks permission to carry this issue to the 2021-2023 rules cycle to further consider this issue and to present a comprehensive answer to the Court's charge.

E. Proposed Amendments to Rule 1:40-4. Mediation – General Rules

The Committee considered recommendations made by the Conference of the Family Division Managers (FDMs) to amend R. 1:40-4 to mandate the filing of the Completion of Mediation form when the parties to the mediation do not reach an agreement, and to change the name of the form to the Economic Mediation Results Form. The FDMs refer to the Completion of Mediation form as the Family Mediation Case Information Statement (FMCIS), although it is called the Completion of Mediation Form in R. 1:40-4(i), Appendix XIX and Directive #1-07.) This form is used in the Economic Mediation Program and is appended to Directive # 1-07, which promulgated Program Guidelines for the Statewide Program for Mediation of Economic Aspects of Family Actions.

Although the Committee initially endorsed the recommendations of the FDMs, it subsequently noted that the proposed amendments unintentionally impact mediation in civil and municipal. For this reason, the Committee intends to further consider this issue in the 2021-2023 rules cycle.

Committee Members and Staff

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Douglas H. Hurd, P.J. Cv., Vice-Chair
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Respectfully submitted,

Hon. Jeffrey R. Jablonski, P.J.Ch., Chair

Dated: December 17, 2020

List of Attachments

A. Rules Appendix XIX – Mediation of Economic Aspects of Family Actions – “Completion of Mediation Form”

Appendix XIX

MEDIATION OF ECONOMIC ASPECTS OF FAMILY ACTIONS – “COMPLETION OF MEDIATION” FORM

A copy of the Completion of Mediation form contained in this Appendix, with instructions on how to fill out the Completion of Mediation form, shall accompany the referral form provided to the mediator during initial contact. Upon the conclusion of the mediation (or if the case is otherwise returned to court) the mediators shall promptly fill out and submit to the court this Completion of Mediation form.

Note: Appendix XIX (“Guidelines for Pilot Program – Mediation of Economic Aspects of Family Actions”) deleted February 6, 2007 and replaced by Directive #1-07. New Appendix XIX (“Mediation of Economic Aspects of Family Actions – ‘Completion of Mediation’ Form”) adopted July 16, 2009 to be effective September 1, 2009; revised _____ to be effective _____.

State of New Jersey

COMPLETION OF MEDIATION FORM

For Mediation of Economic Aspects of Family Law Cases

For Office Use Only

Date Received:

Date Entered:

Directions: This form is to be completed by the mediator when mediation is concluded, or the case is returned to court.

CASE DOCKET NUMBER	CASE NAME	NAME OF MEDIATOR
---------------------------	------------------	-------------------------

OUTCOME

- mediation held / full agreement on all issues
- mediation held / some issues still pending
- mediation held / no agreement
- no mediation held / parties settled case before mediation session
- no mediation held / party failed to attend

DATE CASE ASSIGNED TO MEDIATOR	DATE OF INITIAL MEDIATION SESSION	DATE OF FINAL MEDIATION SESSION
---------------------------------------	--	--

NUMBER OF MEDIATION SESSIONS	NUMBER OF HOURS FOR PREPARATION	NUMBER OF MEDIATION HOURS
-------------------------------------	--	----------------------------------

DID THE ATTORNEYS/PARTIES SUBMIT PROPER CASE SUMMARIES? <input type="checkbox"/> yes <input type="checkbox"/> no	WERE THE ATTORNEYS/PARTIES PREPARED FOR THE MEDIATION SESSIONS? <input type="checkbox"/> yes <input type="checkbox"/> no	DID THE PARTIES PARTICIPATE IN THE MEDIATION SESSIONS? <input type="checkbox"/> yes <input type="checkbox"/> no
--	--	---

PLEASE RETURN TO: FAMILY DIVISION (designated vicinage staff)

OR FAX TO:

EMAIL TO:

MAIL TO:

A copy of this form shall be returned to the parties upon completion

Note: Form adopted as Appendix XIX July 16, 2009 to be effective September 1, 2009; amended _____ to be effective _____

B. Order of Referral to Post MESP Mediation Program

PREPARED BY COURT:

	SUPERIOR COURT OF NEW JERSEY
Plaintiff,	CHANCERY DIVISION-FAMILY PART
vs.	_____ COUNTY
	DOCKET NO. F _____ - _____
Defendant.	Civil Action
	ORDER OF REFERRAL TO
	POST - MESP MEDIATION PROGRAM

This matter having been opened to the court by Case Management Conference;
_____, appearing for plaintiff, and _____,
appearing for defendant; and good cause having been shown;

IT IS on this ____ day of _____ 20__ ,

ORDERED AS FOLLOWS:

1. This Order is entered pursuant to R.1:40-5(b).
2. The above-captioned matter is hereby referred to the Post-MESP Mediation Program pursuant to R.5:5-6.
3. Post-mediation next event:
_____ ; Date: _____
4. _____ is designated as the mediator. The mediator was selected from the statewide approved list or is a person chosen by the parties to conduct the mediation at the parties' discretion. The mediator shall serve on a *pro bono* basis for the

initial two hours of service, which includes reasonable preparation time (one hour), and the first mediation session (one hour). After the first two hours, the mediator shall be compensated at the mediator's hourly rate, together with reasonable expenses. The mediator's fee shall be paid by the parties as follows: plaintiff ____ % and defendant ____ %. Payment shall be made as billed, unless other arrangements are made with the mediator. Any outstanding bills shall be paid within ____ days of receipt. Either party may opt out of the mediation process after the first two hours.

5. After the first session ordered herein, the date(s), time(s), and place(s) of subsequent mediation session(s) shall be set by the mediator selected or appointed in this matter.

6. The appearance of attorneys at mediation shall be as agreed to by the parties in consultation with the mediator. The court expects and requires all litigants and their attorneys (if applicable) to participate in the mediation sessions in good faith. The parties shall cooperate in providing accurate and complete information to the mediator including, but not limited to, tax returns, Case Information Statements and appraisal reports.

7. Termination of mediation generally shall be governed by R. 1:40-4(f).

8. Upon termination of the mediation process, the mediator shall promptly report to the court in writing as to whether or not the case is settled. If the case is not fully settled, the mediator shall within fourteen days provide the court and the parties notice of which issues are settled and which issues remain open.

9. Unless otherwise agreed by the parties, and subject to R.1:40-4(c), all mediation proceedings shall be confidential and non-evidential. No verbatim record shall be made thereof.

Judge, Superior Court of New Jersey

FIRST MEDIATION SESSION: *

_____ (Date & Time)

* Please provide mediator with parties' Case Information Statements and ESP Statements prior to the first mediation session.

MEDIATOR NAME, ADDRESS AND TELEPHONE NUMBER:

Telephone Number: _____

FAMILY DIVISION STAFF NAME, EMAIL,
MAILING ADDRESS, AND TELEPHONE NUMBER:

Telephone Number: _____