

POLICIES AND STANDARD OPERATING
PROCEDURES
FOR THE
CIVIL MEDIATION PROGRAM

*Approved by the Judicial Council
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Hon. James R. Zazzali, Chief Justice

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NOTICE

This manual is intended to provide procedural and operational guidance for New Jersey Judiciary staff in the management of cases within their area of responsibility. The manual was prepared by staff of the AOC Civil Practice Division with the assistance of Automated Trial Court Services staff. It is intended to embody the policies adopted by the New Jersey Supreme Court, the Judicial Council and the Administrative Director of the Courts, but does not itself establish case management policy. It has been approved by the Judicial Council, on the recommendation of the Committee on Complementary Dispute Resolution and the Conferences of Civil Presiding Judges and Civil Division Managers, in order to promote uniform case management statewide and, as such, court staff are required to adhere to its provisions.

While the manual reflects court policies existing as of the date of its preparation, in the event there is a conflict between the manual and any statement of policy issued by the Supreme Court, the Judicial Council, or the Administrative Director of the Courts, that statement of policy, rather than the manual, will be controlling. Other than in that circumstance, however, this manual is binding on court staff.

Statement to accompany Operation Manuals
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STANDARD OPERATING PROCEDURES FOR THE CIVIL MEDIATION PROGRAM

INTRODUCTION

Mediation is a dispute resolution process in which an impartial third party - the mediator - facilitates negotiations among the parties to help them reach a mutually acceptable settlement. The major distinction between mediation and arbitration is that, unlike an arbitrator, a mediator does not make a decision about the outcome of the case. The parties, with the assistance of their attorneys, work toward a solution with which they are comfortable. The purpose of mediation is not to decide who is right or wrong. Rather, its goal is to give the parties the opportunity to (1) express feelings and diffuse anger, (2) clear up misunderstandings, (3) determine underlying interests or concerns, (4) find areas of agreement, and, ultimately, (5) incorporate these areas into solutions devised by the parties themselves.

The New Jersey Supreme Court Committee on Complementary Dispute Resolution developed a mediation program for use in Civil, General Equity and Probate cases. It began as a pilot July 1, 1995. Following submission of an evaluation report, the Supreme Court approved the program for permanent status effective September 1, 1998. The civil mediation program is governed in particular by *Rules* 1:40-4 and 1:40-6. Thus, in all counties, the court can require the parties to participate in at least two hours of mediation, at no charge, in any type of Civil, General Equity or Probate case.

In order to test more widespread use of mediation, the Supreme Court had authorized Cumberland, Gloucester, Hudson, Mercer, Salem, and Union Counties to operate Presumptive Mediation Pilot Programs. In June 2002, following review of an evaluation report, the Supreme Court authorized expansion of this program to at least four additional counties. Since that time, the pilot has been implemented in Bergen, Burlington, Camden, Essex, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex and Warren Counties. In these pilots, twelve specific case types are automatically referred to mediation not later than 90 days from the filing of the first answer. However, professional malpractice cases are referred following a case management conference.

The following case types are referred to presumptive mediation:

- 005 - Civil Rights (excluding suits filed by prisoners)
- 618 - Law Against Discrimination
- 156 - Environmental Litigation
- 399 - Real Property
- 599 - Contract/Commercial Transaction
- 699 - Tort
- 607 - Other Professional (not Medical Malpractice)

509 - Employment
608 - Toxic Tort
305 - Construction
302 - Tenancy

The only difference between the Presumptive Mediation Pilot Program and the Statewide Mediation Program is that, in the former, the presumptive case types are ordinarily always sent, if answered, to mediation. In the other counties, judges always have the discretion to send these cases and any other cases to mediation as well. Moreover, judges in the presumptive mediation pilot counties have the authority under *R. 1:40-4* to send any other cases to mediation at any time.

HOW MEDIATION WORKS

A copy of the court rules relating to mediation appears in the appendix. Parties and their attorneys in cases referred to mediation are required to participate with a sense of urgency and in good faith in two hours of mediation before any party may opt out. The two hours include preparation time, an organizational telephonic conference and a mediation session lasting at least one hour. The purpose of this is to expose attorneys and their clients to the mediation process and educate them regarding how it works. In the pilot program, the court will assign a mediator to each case on a rotating basis from the approved roster of mediators. An effort is made particularly to match the mediator's expertise to cases. In the other counties, cases can be assigned to a mediator from the roster. However, some judges may also explore the possibility of referring the case to mediation with counsel and may attempt to have counsel agree on the mediator to be selected prior to the case being referred. If the court selects the mediator, counsel may nevertheless jointly stipulate in writing within 14 days of the date of the Mediation Referral Order as to the name of any other individual agreed upon to serve as mediator in the matter, whether or not he or she appears on the roster. The roster is accessible on the Judiciary's Internet Homepage at www.judiciary.state.nj.us. Within the 14-day period, the stipulation must be filed with the court and served upon the individual initially named as mediator by the court. In the event that such a stipulation is filed, the mediator designated by the parties shall follow all terms and conditions specified in the Order. According to *R. 1:40-6(c)*, the court may in the Mediation Referral Order stay discovery for a specific or an indeterminate period of time. In the pilots, discovery is not stayed and cases are sent to mediation for a period not to exceed 90 days.

The mediators serve free for the first two hours of mediation as previously defined. Thereafter, if the parties opt to continue with the mediation process, they share the fees and expenses of the mediator equally on an ongoing basis, subject to court review to create equity. However, the fees and expenses of the mediator may be waived upon the court's determination on motion of a party that the party satisfies the requirements of *R. 1:13-2(a)* (*i.e.*, is indigent). A motion is unnecessary if the party is represented by a legal aid society, a legal services project, private counsel representing indigents in cooperation with any of the preceding entities or counsel assigned by the court to represent an indigent person. It shall be the responsibility of the mediator to make arrangements directly with counsel or *pro se* parties for payment of these fees. However, under *R. 1:40-4(b)*, a mediator who has not been paid may apply to the court for an order directing delinquent parties to pay and imposing appropriate sanctions. In this regard, see the discussion that follows regarding the specific procedure to be followed.

Within 35 days of the Mediation Referral Order or of the date of the filing of the parties' stipulation naming a different mediator, and on five days' advance notice from the mediator to the parties, the assigned or party-designated mediator shall hold an organizational telephonic conference. The purpose of the conference is to explain the mediation process, set ground rules, schedule the mediation session(s) and identify those persons with negotiating authority needed to participate in the mediation process in order to bring about a resolution of the case. Whether or not the Order of Referral to Mediation stays formal discovery, the mediator may facilitate the informal and focused exchange of materials needed by the parties so that all sides are comfortable proceeding to the mediation table. Mediators are required to provide the court with a faxed status report 35 days from the referral of the case to the mediator advising whether the telephonic conference has been held, including the agreed-upon deadlines for the informal exchange of information and materials and the dates of the mediation. In the non-pilot counties, some judges schedule follow-up conferences to confirm how mediation is proceeding and to deal with any case management issues that may have arisen. A copy of the status report form appears in the appendix. If the status report is not sent, the court may send a reminder warning that if a report is not sent, the judge may take further action. A copy of the warning notice appears in the appendix.

Following the telephonic conference with the mediator, each party must submit to the mediator a brief statement of the case not exceeding five typed pages in length. This statement of the case may at the direction of the mediator, but need not, be served upon the other parties to the case. All documents prepared for mediation shall be confidential.

The fact that one or more parties has withdrawn from mediation after the first two hours need not prevent the mediation from continuing among the remaining parties. If mediation cannot be completed within 90 days, the mediators must contact the court via use of a faxed report and provide cogent reasons justifying an extension. The form must be faxed prior to the expiration of the 90-day period. A copy of the form appears in the appendix.

Unless otherwise agreed to by the parties and the mediator, the only public record of a mediation session shall be signed agreements incorporated into consent judgments or any settlements placed on the record. The mediator shall decide the degree of participation of additional persons deemed necessary to facilitate the mediation process. Counsel and the parties, including individuals with complete settlement authority, must attend mediation unless specifically excused by the mediator. When mediation is concluded, the mediator must submit a completion of mediation form to the court.

CONDUCT OF MEDIATION PROCEEDINGS

Rule 1:40-4(e) governs the conduct of civil mediation proceedings. This rule provides that mediation must begin with an opening statement by the mediator describing the purpose of mediation and the procedures used in the process. Non-party witnesses may be heard in the discretion of the mediator and other non-parties may be permitted to attend only with the consent of the parties and the mediator. Multiple sessions may be scheduled. The rule further provides that attorneys and parties have an obligation to participate in the mediation process in good faith and with a sense of urgency.

STAY OF DISCOVERY

Rule 1:40-6(c) authorizes the judge to stay formal discovery during the mediation process, for a specific or indeterminate time period. Although the rule provides judicial discretion to stay discovery, in practice this is rarely done because the case continues to age. The fact that discovery has not been completed is not grounds for postponing mediation. Whether or not discovery is stayed, mediators nevertheless work with the parties prior to the mediation session to ensure that all needed materials are informally exchanged. In the Presumptive Mediation Pilot Program, discovery is not stayed.

PLEADINGS AND MOTIONS FILED DURING MEDIATION STAY

Although some Orders of Referral to Mediation may contain a stay of formal discovery, parties must always have access to the court even while mediation is pending. Consequently, staff must accept pleadings, motions and other documents presented for filing during the pendency of the mediation stay.

ROLE OF COUNSEL AND LITIGANTS IN MEDIATION

Attorneys and their clients are required to make a good faith effort to proceed *with a sense of urgency* and cooperate with the mediator. They should engage in constructive dialogue regarding ways to meet client interests in a mutually acceptable settlement. Attorneys should prepare their clients prior to mediation by explaining what will happen and what the roles of attorneys and clients are in the process. They should also agree on who will be the principle spokesperson in presenting the party's view early in the mediation session. For example, attorneys may make brief opening summaries of the issues as they see them, but clients should also be given an opportunity to speak. When it comes to discussing terms of settlement, the litigants must play an active part, for it is their case and their settlement. During this process, attorneys should provide counsel on the advisability of settlement options, suggest options and be available for any other consultation with their clients.

CASES TO WHICH MEDIATION IS SUITED

Mediation has been used successfully in a broad range of cases that exhibit characteristics such as: the parties have an ongoing business or personal relationship or have had a significant past relationship; communication problems exist between the parties; the principal barriers to settlement are personal or emotional; parties want to tailor a solution to meet specific needs or interests; cases involve complex technical or scientific data requiring particular expertise; the parties have an incentive to settle because of time, cost of litigation or drain on productivity; the parties wish to retain control over the outcome of the case; or the parties seek a more private forum for the resolution of their dispute. While there is not any case

type that could not potentially benefit from mediation, commercial, construction, employment, environmental and Law Against Discrimination (LAD) cases, and certain General Equity and Probate cases are particularly suited to mediation because they tend to exhibit some of the characteristics described above.

LEMON LAW CASES

The Supreme Court has approved a statewide pilot program that will allow counsel and *pro se* parties in “Lemon Law” cases (*N.J.S.A.* 56:12-29 et seq.) filed in Superior Court to choose the complementary dispute resolution (CDR) modality to be used for the particular case. This pilot program started statewide on January 1, 2006 and applies to all Superior Court “Lemon Law” cases answered subsequent to that date.

Under the program, following the filing of the first answer, all counsel and *pro se* parties will be sent a notice providing them the opportunity to select whether the case should go to mediation pursuant to *Rules* 1:40-4 and 1:40-6, non-binding arbitration pursuant to *R.* 4:21A et seq., or voluntary binding arbitration pursuant to guidelines approved by the Supreme Court and posted on the Judiciary’s Internet website at www.njcourtsonline.com. Failure to affirmatively choose a CDR modality will result in the case being referred to mediation no sooner than 90 days after joinder.

MEDICAL AND PROFESSIONAL (NON-MEDICAL) MALPRACTICE CASES

In *Ferreira v. Rancocas Orthopedic Associates*, 178 *N.J.* 144 (2003) and *Knorr v. Smeal*, 178 *N.J.* 169 (2003), the Supreme Court directed that a case management conference be held within 90 days of the service of an answer in all malpractice actions. Because of these requirements, professional malpractice cases should not be sent to mediation until after the conference is held or waived in accordance with the procedure previously outlined. At that conference, the court is to address all discovery issues, including whether the plaintiff has served an Affidavit of Merit upon the defendant, as is required by *N.J.S.A.* 2A:53A-26 to –29.

After considerable discussion, a majority of the Conference of Civil Presiding Judges agreed that the Court-mandated case management conference must be:

- conducted by a judge in all professional malpractice cases, and memorialized in a case management order pursuant to *R.* 1:2-6,
- unless all counsel consent to waive the conference, and
- agree that the Affidavit of Merit has been provided and that the defendant waives objections to its adequacy, and
- the above-mentioned consent, agreement and waiver are memorialized in a consent order

signed by all counsel and the judge. *(2/24/04 Conference of Civil Presiding Judges' meeting as approved at the April 2004 SCAC)*

MEDIATION BY RETIRED JUDGES

A retired judge may not accept fee-generating court-initiated appointments, including appointments to serve as a mediator except as set forth below.

A retired judge may accept fee-generating court-initiated appointments as a mediator in the Statewide Civil Mediation Program, and in the Court-approved presumptive mediation pilot program, provided that the retired judge meets the experiential and training requirements set forth in *Rules* 1:40-12(a), 1:40-4(d)(1) and 1:40-4-12(b) and provided that the retired judge agrees to be subject to the same conditions that are applicable to all other mediators in the program, *e.g.*, providing the first two hours of mediation at no cost to the litigants pursuant to *R.* 1:40-4(b) and the Court-approved Mediator Compensation Guidelines. See AOC Directive #07-04. **NB:** The directive currently references the former three free hours and is being revised to conform with the amendment to *R.* 1:40-4(b).

This is not intended to preclude a retired judge from accepting a fee generating position as a mediator where the parties to the case initiate the appointment, select the retired judge who is to be appointed, establish the fee arrangement, and the court's only participation is to memorialize their agreement in an appropriate order. Such memorialization shall be approved and signed by the Assignment Judge or designee.

Retired judges interested in being added to the Judiciary's roster of mediators for Civil, General Equity and Probate cases should submit a completed application to Michelle V. Perone, Esq., Chief of Civil Court Programs at the AOC's Civil Practice Division, P.O. Box 981, Trenton, NJ 08625. In the application, the retired judge must indicate in which counties he or she would be available to serve as a mediator and in what subject areas; the retired judge's name would then be included on the appropriate on-line subrosters, listed alphabetically. A trial judge may not go through the roster/subroster to select a particular mediator out of alphabetical order, nor may he or she go through the list to pick a retired judge/mediator out of turn. See AOC Directive #07-04, a copy of which appears in the appendix.

In entering orders that refer a case to a retired judge on the roster, staff should use the OH9, OS9 or OR9, whichever is appropriate. If the parties select a retired judge not on the roster, staff should use OT1. These referrals must be approved by the Assignment Judge or designee and the order should indicate that the judge was selected by the parties.

TIME FOR MEDIATION REFERRAL

The earlier that a case can be referred to mediation, the greater the likelihood that parties can resolve their dispute at cost savings to themselves and the court. Parties should feel they have enough information to discuss the dispute, which may mean that some information exchange should be completed before the

mediation session(s). Mediators can also help the parties to determine just how much informal discovery is needed. Even if full discovery has been completed, settlement negotiations have been unsuccessful, or the parties are close to a trial date, the mediation process may still help the parties reach a mutually acceptable agreement.

SCREENING CASES FOR MEDIATION REFERRAL

Judges are encouraged to refer expanded numbers of cases, particularly those involving fee-shifting or a fund in court, to early mediation. To facilitate this effort, ACMS has been programmed to provide a weekly report of eligible cases. A sample of the report, CVB0001 - the Mediation Eligibility Worksheet, can be printed each week from RMDS. A sample appears in the appendix. The report is sorted by team and case type for ease of review and is only available for cases in the Law Division, Civil Part, insofar as General Equity does not use a Case Information Statement with separate case types.

Also appearing in the appendix are case screening guidelines.

USING ACMS TO REFER CASES TO MEDIATION

Appearing at www.aoc.judiciary.state.nj.us/manuals/civildiv.htm are detailed ACMS procedures for identifying, referring and tracking cases sent to mediation for both the Civil Part of the Law Division and for General Equity, and describing the RMDS reports related to mediation. Sample mediation-related RMDS reports appear in the appendix. It should be noted that because General Equity judges may want to tailor the Order of Referral to Mediation to meet the unique needs of each case, ACMS does not generate an Order in General Equity cases. Nevertheless, when cases in General Equity are referred to mediators on the roster, when coding these Orders in ACMS, staff should use code OS9 if no stay of discovery is imposed and OH9 if discovery is stayed. If cases are referred to mediators not on the roster, as will be discussed, code OT1 should be used.

ASSIGNMENT OF CASES TO NON-ROSTER MEDIATORS

The court may not, absent an express request by the parties, refer a case in the Civil Mediation Program to an individual whose name does not appear on the roster of approved mediators. However, if the parties decide to select a non-roster mediator, that mediator is not bound to provide the first two hours of service free. However, if the individual agrees, which he or she is not required to do, to abide by the provisions of the Statewide Mediation Program including serving free for the first two hours, staff must notify the Administrative Office of the Courts in advance of generating an OH9 or OS9 from ACMS. If the mediator, including a retired judge or the Office of Dispute Settlement, is unwilling to serve according to the terms of the program, staff should *not* use an OH9 or OS9. Rather, an OT1 must be used and this must be

approved by the Assignment Judge or designee as required by *R. 1:40-11*. If the non-roster mediator does agree to abide by the provisions of the Statewide Mediation Program (including serving free for the first two hours) and in order to provide the required advance notice to the Administrative Office of the Courts, staff should contact Nanette Lind in the Civil Practice Division, by e-mail or telephone at (609) 943-5584.

MEDIATOR'S FIRST CONTACT WITH COUNSEL/PARTIES

A form letter has been developed by the Conference of Civil Presiding Judges for use by mediators upon receipt of a case assignment. The letter reminds parties that they have been ordered by the court to participate in mediation, that they must pursue mediation with a sense of urgency and that the court is monitoring the progress of the case. The letter also advises them concerning compensation. A copy of the letter appears in the appendix.

MEDIATOR CONFLICT

If, after the entry of the Order of Referral to Mediation, the court is advised by the mediator, counsel or one of the parties that a conflict exists, the court must reassign the case to a new mediator. This is done by entry of an OR9 (amended Order of Referral to Mediation). If the original Order of Referral stayed discovery (*i.e.*, was an OH9), the amended order will likewise stay discovery and the user must readjust the deadline of the stay in ACMS. If the original order of referral contained no stay of discovery (*i.e.*, was an OS9), the amended order generated by ACMS will likewise contain no stay of discovery.

SUBSTITUTION OF MEDIATOR

The parties have 14 days from the entry date of the mediation referral order within which to substitute another individual to serve as a mediator. That individual can be another mediator whose name appears on the roster or can be anyone else on whom the parties agree. If the individual being substituted agrees to abide by the terms of the original order, no new order needs to be entered.

If the parties want to substitute another individual or entity that does not agree to abide by the terms of the original order, such as, for instance, the Office of Dispute Settlement, the original order of referral to mediation should be vacated and the parties must prepare a new order. If the case is being referred to a non-court dispute resolution provider, such as the Office of Dispute Settlement, that order must be approved by the Assignment Judge or designee, as provided by *R. 1:40-11*. It should also be recorded in ACMS as an OT1 so as not to be incorrectly picked up in the Statewide Mediation Program monthly statistics. If the person selected is a retired judge, the substitution must also be memorialized in a new order, and coded as an OT1 in ACMS and this must also be approved by the Assignment Judge or designee.

REMOVAL FROM MEDIATION

Following the referral of a case to mediation, any party may make a motion pursuant to *R. 1:40-6(d)* to remove the case from mediation. If the motion is granted or if the court on its own motion, *e.g.*, following a conference determines to remove the case from mediation, this must be recorded in ACMS under code XM7.

REPRESENTATION AT MEDIATION BY OUT-OF-STATE COUNSEL

RPC 5.5(b)(3)(ii) permits a party to be represented at mediation by an out-of-state attorney who has not been admitted *pro hac vice* under limited circumstances, that is, provided that the representation is on behalf of an existing client in a jurisdiction in which the lawyer is admitted to practice and the dispute originates in or is otherwise related to a jurisdiction in which the lawyer is admitted to practice. See *RPC 5.5(b)(3)(ii)*.

REPRESENTATION OF CORPORATIONS AT MEDIATION

R. 1:21-1(c) prohibits, with specific exceptions, a business entity other than a sole proprietor from appearing or filing any paper "... in any action in any court of this State except through an attorney authorized to practice law in this State." Therefore, corporations must be represented by counsel at every mediation.

SUSPENSION OF MEDIATION

If, following the referral of a case to mediation, the mediator notifies the court that other events (*e.g.*, specific discovery or motions) must occur before mediation can be meaningful, the court can suspend the mediation. Staff should ask the mediator a specific deadline date for the suspension period. Thereafter, the matter should be diaried to that specific date. The period of the suspension should be a reasonable time and no indefinite suspensions should be permitted.

Suspensions may also occur prior to the referral of a case to mediation at the time when a case appears on the mediation eligibility worksheet. The procedures that staff should follow in doing this can be found on the InfoNet at www.aoc.judiciary.state.nj.us/manuals/civildiv.htm.

TERMINATION OF MEDIATION

According to *R. 1:40-4(f)*, the mediator or a participant *may* terminate the session if (1) there is an imbalance of power between the parties that the mediator cannot overcome, (2) a party challenges the impartiality of the mediator, (3) there is abusive behavior that the mediator cannot control, or (4) a party continuously resists the mediation process or the mediator.

The mediator *shall* terminate the session if (1) there is a failure of communication that seriously impedes effective discussion, (2) the mediator believes a party is under the influence of drugs or alcohol, or (3) the mediator believes continued mediation is inappropriate or inadvisable for any reason.

SETTLEMENT PRIOR TO COMPLETION OF MEDIATION

If a case settles after the entry of the order referring a case to mediation, but prior to the completion of mediation, the case should be disposed of on ACMS by use of code XM6 (“settled prior to mediation”).

COMPLETION OF MEDIATION

Mediators must promptly complete and submit to the court a Completion of Mediation form. A copy of the form, which appears in the appendix, is sent out in the ACMS-generated package with the Order of Referral to Mediation. It is important to note that the form must be dated commensurate with the date mediation was completed rather than the date on which the form is completed.

If the Completion of Mediation form indicates that the case is only partially resolved (XM2) or that mediation is unsuccessful (XM3), the case must be returned to the trial calendar. Sometimes the mediator may also check (XM4) indicating that although the case was not resolved entirely, the plaintiff will submit a case management consent order which, when submitted, may streamline the completion of formal discovery.

If an OH9 Order of Referral to Mediation was entered and discovery was stayed during mediation and mediation is unsuccessful in resolving the case, the amount of time during which the parties were stayed from pursuing formal discovery must be restored. This is done by extending the original discovery end date by the period of the actual days stayed. ACMS is programmed to do this automatically upon referral of the case to mediation. If the parties complete mediation prior to the expiration of the stay, staff should be sure to readjust the discovery end date so that parties are not provided with excess discovery time.

MINIMUM QUALIFICATIONS FOR MEDIATORS

Eligibility for inclusion on the mediator roster is determined by a subcommittee of the Supreme Court Committee on Complementary Dispute Resolution. Applicants must complete an application form. A copy of the form appears in the appendix and also in an interactive format on the Judiciary’s Website at www.judiciary.state.nj.us.

All applicants must successfully complete a minimum of 18 hours in an approved mediation course meeting the standards of *R. 1:40-12(b)(4)*. Effective September 3, 2002, all new applicants must also be mentored by an experienced mediator (who has been approved by the AOC to serve as a mentor) in at least five hours in at least two Superior Court cases. Individuals may obtain a waiver of the mentoring requirements from the AOC on the successful demonstration that they have previously served as a mediator in at least five cases in the Superior Court (other than in the Special Civil Part) or in a comparable mediation program or have satisfactorily completed at least 10 hours in an approved advanced mediation course. Attached in the appendix are mentoring guidelines approved in July 2003 by the Supreme Court.

Rule 1:40-12(a)(3) also requires applicants to possess the following educational and mediation experience:

1. Juris Doctor (or equivalent law degree) or
Advanced Degree in Business, Finance, or Accounting, or
Advanced Degree in a field of expertise in which the individual will practice mediation (*e.g.* engineering, architecture, mental health) or
State Licensure in the professional field (*e.g.* CPA, Architect, Engineer) and evidence of successful mediation of at least two cases within the last year.
Recent mediation experience is waived if mediation training was completed within the first five years.
Or
2. Undergraduate degree and evidence of successful mediation of at least ten cases involving subject matter cognizable in the Superior Court.

Applicants must also have at least five years of professional experience in the particular field of expertise. See *R. 1:40-12(a)(3)*.

ANNUAL CONTINUING EDUCATION

All mediators must attend a minimum of four hours of annual continuing education. See *R. 1:40-12(b)(3)*. They must file proof of attendance annually with the AOC Civil Practice Division, P.O. Box 981, Trenton, NJ 08625. According to *R. 1:40-12(b)(3)*, time actually spent mentoring by approved mentors can be applied towards satisfaction of the annual continuing education requirements.

MEDIATOR TRAINING COURSE CONTENT

Rule 1:40-12(b)(4) prescribes the content of the basic mediation skills training. It provides that such a course in basic mediation skills 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.

Rule 1:40-12(b)(3) requires the mediator's annual four-hour annual continuing education course to

cover at least one of the following:

- reinforcing and enhancing mediation and negotiation concepts and skills;
- ethical issues associated with mediation practice; or
- other professional matters related to mediation.

MEDIATOR FACILITATING COMMITTEE

A committee has been established to provide assistance to civil mediators with questions or problems concerning a particular case and to judges with questions about referral of a particular case. A copy of the committee roster appears in the appendix and on the Judiciary's Website at www.judiciary.state.nj.us.

COMPENSATION OF MEDIATORS

The first two hours of mediation are provided to the parties at no cost. The first two hours include the mediator's preparation, an organizational telephonic conference and an initial mediation session of at least one hour. After the first two hours, any party may opt out of mediation but if the parties decide to continue, the mediator's hourly rate applies. *Rule 1:40-4(b)* provides that the parties shall equally share the fees and expenses of the mediator, "subject to court review and allocation to create equity." The rule further provides that the share of the fee of an individual determined to be indigent in accordance with *R. 1:13-2(a)* must be waived by the mediator. Finally, the rule states that the failure to pay the mediator may result in an order by the court to pay and the imposition of appropriate sanctions.

The Conference of Civil Presiding Judges has developed a streamlined procedure for handling non-payment of a mediator. The unpaid mediator may simply fax a letter to the court detailing the facts. Upon receipt of the letter the court will contact the delinquent party and if payment is not promptly made, the court may *sua sponte* issue an Order to Show Cause. A sample Order to Show Cause form appears in the appendix. Also appearing in the appendix are mediator compensation guidelines approved by the Supreme Court to be effective September 1, 2006.

CONFIDENTIALITY

Unless the parties otherwise agree, no disclosure made by a party during mediation shall be admitted as evidence against that party in any civil, criminal, or quasi criminal proceeding. A party may, however, establish the substance of the disclosure in any such proceeding by independent evidence.

A mediator has the duty to disclose to a proper authority information obtained at a mediation session on the reasonable belief that such disclosure will prevent a participant from committing a criminal or illegal act likely to result in death or serious bodily harm. No mediator may participate in any subsequent hearing

or trial of the mediated matter or appear as witness or counsel for any person in the same or any related matter. A lawyer representing a client at a mediation session shall be governed by the provisions of RPC 1.6. See *R. 1:40-4(c)*.

MEDIATOR STANDARDS OF CONDUCT

The Supreme Court has approved Standards of Conduct for Mediators in court connected programs. These standards apply to all court mediators. A copy of the standards follow.

Preamble, Scope, and Purpose: These standards of conduct are intended to instill and promote public confidence in the mediation process and to be a guide to mediators in discharging their professional responsibilities. Public understanding and confidence are vital to a strong mediation program. Persons serving as mediators are responsible for conducting themselves in a manner that will merit the confidence of parties, members of the bar, and judges. These standards apply to all mediators when acting in state court-connected programs.

Definition of Mediation: Mediation is a process in which an impartial third party neutral (mediator) facilitates communication between disputing parties for the purpose of assisting them in reaching a mutually acceptable agreement. Mediators promote understanding, focus the parties on their interests, and assist the parties in developing options to make informed decisions that will promote settlement of the dispute. Mediators do not have authority to make decisions for the parties, or to impose a settlement.

- I. Principle of Self-Determination:** A mediator shall proceed with the understanding that mediation is based on fundamental principle of self-determination by the parties. Self determination requires that the mediation process rely upon the ability of the parties to reach a voluntary agreement without coercion.
 - A. A mediator shall inform the parties that mediation is consensual in nature, that the mediator is an impartial facilitator, that any party may withdraw from mediation at any time as specified in *R. 1:40-4(a)* through (e), and that the mediator may not impose or force any settlement on the parties.
 - B. The primary role of the mediator is to facilitate a voluntary resolution of the dispute, allowing the parties the opportunity to consider all options for settlement.
 - C. Because a mediator cannot personally ensure that each party has made a fully informed choice to reach a particular agreement, a mediator should make the parties aware of the importance of consulting other professionals, where appropriate, to help them make informed decisions.

- II. Impartiality:** A mediator shall always conduct mediation sessions in an impartial manner. The concept of mediator impartiality is central to the mediation process. A mediator shall only mediate a dispute in which there is reason to believe that impartiality can be maintained. When a mediator is unable to conduct the mediation in an impartial manner, the mediator must withdraw from the process.

- A. When disputing parties have confidence in the impartiality of the mediator, the quality of the mediation process is enhanced. A mediator shall therefore avoid any conduct that gives the appearance of either favoring or disfavoring any party.
 - B. A mediator shall guard against prejudice or lack of impartiality because of any party's personal characteristics, background, or behavior during the mediation. A mediator shall advise all parties of any circumstances bearing on possible bias, prejudice, or lack of impartiality.
- III. Conflicts of Interest:** A mediator must disclose all actual and potential conflicts of interest reasonably known to the mediator. After disclosure, the mediator may proceed with the mediation only if all parties consent to mediate. Nonetheless, if the mediator believes that the conflict of interest casts doubt on the integrity of the mediation process, the mediator shall decline to proceed.
- A. A mediator shall always avoid conflict of interest when recommending the services of other professionals. If requested a mediator may provide parties with information on professional referral services or associations that maintain rosters of qualified professionals.
 - B. Related matters: A mediator who has served as a third party neutral, or any professional member of that mediator's firm/office, shall not subsequently represent or provide professional services for any party to the mediation proceeding in the same matter or in any related matter.
Unrelated Matters: A mediator who has served as a third party neutral, or any professional member of that mediator's firm/office, shall not subsequently represent or provide professional services for any party to the mediation proceeding in any unrelated matter for a period of six months, unless all parties consent after full disclosure.
- IV. Competence:** A mediator shall only mediate when the mediator possesses the necessary and required qualifications to satisfy the reasonable expectations of the parties.
- A. A mediator appointed by the court shall have training and education in the mediation process, and shall have familiarity with the general principles of the subject matter involved in the case being mediated.
 - B. A mediator has an obligation to continuously strive to improve upon his or her professional skills, abilities, and knowledge of the mediation process.
- V. Confidentiality:** To protect the integrity of the mediation, a mediator shall not disclose any information obtained during the mediation unless the parties expressly consent to such disclosure, or unless disclosure is required by applicable rules of law. A mediator shall not otherwise communicate any information to the court about the mediation, except: 1) whether the case has been resolved in whole or in part; or 2) whether the parties or attorneys appeared at a scheduled mediation. Consistent with *R. 1:40-4*, a mediator shall:
- A. Preserve and maintain the confidentiality of all mediation proceedings and advise the parties of the Rule's provisions;
 - B. Prior to the commencement of mediation, reach agreement with the parties concerning the limits and bounds of confidentiality and non-disclosure;
 - C. Conduct the mediation so as to provide the parties with the greatest protection of

- confidentiality afforded by court rule and mutually agreed to by the parties;
 - D. Maintain confidentiality in the storage and disposal of all records and remove all identifying information when such information is used for research, training, or statistical compilations, except minimum identifiers necessary to link research documents; and
 - E. Not use confidential information obtained in a mediation outside the mediation process.
- VI. Quality of the Process:** A mediator shall conduct the mediation fairly, diligently, and in a manner consistent with the principle of self-determination by the parties. To further these goals, a mediator shall:
- A. Work to ensure a quality process and to encourage mutual respect among the parties, including a commitment by the mediator to diligence and to procedural fairness;
 - B. Assess the case and determine that it is appropriate and suitable for continuing the mediation;
 - C. Provide adequate opportunity for each party in the mediation to participate fully in the discussions, and allow the parties to decide when and under what conditions they will reach an agreement or terminate the mediation;
 - D. Not unnecessarily or inappropriately prolong a mediation session if it becomes apparent to the mediator that the case is unsuitable for mediation, or if one or more parties is unwilling or unable to participate in the mediation process in a meaningful manner;
 - E. Only accept cases when the mediator can satisfy the reasonable expectations of the parties concerning the timetable for the process, and not allow a mediation to be unduly delayed by the parties or their representatives; and
 - F. Where appropriate, recommend that parties seek outside professional advice or consider resolving their dispute through arbitration, counseling, neutral evaluation, or other processes.
- VII. Fees for Service:** A mediator shall fully disclose and explain any applicable fees and charges to the parties. Payment for mediation services shall be in accordance with *R. 1:40-4* of the Rules of Court.
- A. Fees charged by the mediator shall be reasonable, taking into account, among other things, the subject area and the complexity of the matter, the expertise of the mediator, the time required, and the rates customary in the community.
 - B. A mediator shall provide parties with sufficient information about fees in writing at the outset of a mediation.
 - C. A mediator shall not enter into a fee agreement in which the amount of the fee is contingent upon the result of the mediation or the financial amount of the settlement.

ADVISORY COMMITTEE ON MEDIATOR STANDARDS

An Advisory Committee on Mediator Standards was established to assist mediators who seek advice on interpretation of the standards. The committee is also responsible for monitoring complaints about mediators received from attorneys or parties in mediation (so as to provide data as to whether a more formal complaint process should be developed in the future). Questions about the standards or requests for clarification from the Advisory Committee may be directed to Kathleen Gaskill, Manager, CDR Programs,

LIMITATIONS ON SERVICE AS A MEDIATOR

Rule 1:40-4(d) sets forth the limitations on individuals who can serve as mediators. It requires that mediators be qualified and trained in accordance with *R. 1:40-12*. It also provides that no one holding a public office or position or any candidate for a public office or position may serve as a mediator in a matter directly or indirectly involving the governmental entity in which the individual serves or is seeking to serve.

The approval of the Assignment Judge is required prior to the mediator being added to the roster for any of the following:

- police or other law enforcement officers employed by the State or any local unit of government;
- employees of any court; or
- government officials or employees whose duties involve regular contact with the court in which they serve.

Additionally, the Assignment Judge has the discretion to request prior review and approval of the Supreme Court of prospective mediators whose employment or position appears to the Assignment Judge to require such review and approval.

EVALUATION

At the conclusion of mediation, the mediator, the parties and the attorneys are asked to complete evaluation forms and return them to the AOC. Copies of the forms appear in the appendix.

SEARCHING THE CIVIL MEDIATION ROSTER ON THE INFONET AND INTERNET

The Judiciary Internet Website now serves as the home of the New Jersey Roster of Mediators for Civil, General Equity and Probate cases. The website, located at www.judiciary.state.nj.us, contains a plethora of information in searchable format on the lawyer and non-lawyer mediators serving the civil courts. For example, suppose an attorney has a construction case in Union County and wants to know about the individuals who handle those cases in that county. All the attorney needs to do is access the website, go to the mediator roster, enter Union County and the area of expertise, click on “submit” and in a few seconds, a list of qualified individuals will appear. If additional information on a particular individual is needed, the attorney can simply click on “profile” and the information will appear. Suppose instead that the attorney’s case has just been referred to mediation by the court pursuant to *R. 1:40-4* and the counsel involved do not

like the particular mediator whose name appears in the Order of Referral to Mediation. The Order provides that counsel have 14 days from the date of the Order within which to stipulate to another mediator. Accordingly, counsel may wish to search the roster on the Internet website to see what other mediators handle their particular type of case in the county of venue. Suppose further that their clients collectively can only afford to pay an hourly rate no greater than \$300 per hour after the first two free hours of the mediator's service. The automated roster can also be searched for rate information. For example, suppose the particular case is a Law Against Discrimination case and is venued in Atlantic County and the attorneys want to select a mediator whose hourly rate is between \$150 and \$300. If they insert the appropriate search criteria, a list of only those individuals who have expertise in Law Against Discrimination cases who handle cases in Atlantic County and charge an hourly rate between \$150 and \$300 will be produced. For judges and court staff, the Judiciary's internal system, the InfoNet, has this same functionality.

UPDATING ROSTER INFORMATION

Whenever a mediator wants to change or update the information on the automated roster, he or she must send a written request to the AOC. A form that can be faxed to the AOC has been developed and appears in the appendix.

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RULE 1:40. COMPLEMENTARY DISPUTE RESOLUTION PROGRAMS

1:40-1. Purpose, Goals

Complementary Dispute Resolution Programs (CDR) provided for by these rules are available in the Superior Court and Municipal Courts and constitute an integral part of the judicial process, intended to enhance its quality and efficacy. Attorneys have a responsibility to become familiar with available CDR programs and inform their clients of them.

1:40-2. Modes and Definitions of Complementary Dispute Resolution

Complementary Dispute Resolution Programs (CDR) conducted under judicial supervision in accordance with these rules, as well as guidelines and directives of the Supreme Court, and the persons who provide the services to these programs are as follows:

(a) "Adjudicative Processes" means and includes the following:

(1) Arbitration: A process by which each party and/or its counsel presents its case to a neutral third party, who then renders a specific award. The parties may stipulate in advance of the arbitration that the award shall be binding. If not so stipulated, the provisions of Rule 4:21A-6 (Entry of Judgment; Trial De Novo) shall be applicable.

(2) Settlement Proceedings: A process by which the parties appear before a neutral third party or panel of such neutrals, who assists them in attempting to resolve their dispute by voluntary agreement.

(3) Summary Jury Trial: A process by which the parties present summaries of their respective positions to a panel of jurors, which may then issue a non-binding advisory opinion as to liability, damages, or both.

(b) "Evaluative Processes" means and includes the following:

(1) Early Neutral Evaluation (ENE): A pre-discovery process by which the attorneys, in the presence of their respective clients, present their factual and legal contentions to a neutral evaluator, who then provides an assessment of the strengths and weaknesses of each position and, if settlement does not ensue, assists in narrowing the dispute and proposing discovery guidelines.

(2) Neutral Fact Finding: A process by which a neutral, agreed upon by the parties, investigates and analyzes a dispute involving complex or technical issues, and who then makes non-binding findings and recommendations.

(c) "**Facilitative Process**" means and includes mediation, which is a process by which a mediator facilitates communication between parties in an effort to promote settlement without imposition of the mediator's own judgment regarding the issues in dispute.

(d) "Hybrid Process" means and includes:

(1) Mediation-arbitration: A process by which, after an initial mediation, unresolved issues are then arbitrated.

(2) Mini-trial: A process by which the parties present their legal and factual conditions to either a panel of representatives selected by each party, or a neutral third party, or both, in an effort to define the issues in dispute and to assist settlement negotiations. A neutral third party may issue an advisory opinion, which shall not, however, be binding, unless the parties have so stipulated in writing in advance.

(e) "Other CDR Programs" means and includes any other method or technique of complementary dispute resolution permitted by guideline or directive of the Supreme Court.

(f) "Neutral": A "neutral" is an individual who provides a CDR process. A "qualified neutral" is an individual included on any roster of neutrals maintained by the Administrative Office of the Courts or an Assignment Judge. Neutral evaluators, neutral fact finders, and settlement program panelists are not required to comply with the training requirements of Rule 1:40-12 or to be on any roster of neutrals maintained by the Administrative Office of the Courts or an Assignment Judge.

1:40-3. Organization and Management

(a) Vicinage Organization and Management. Pursuant to these rules and Supreme Court guidelines, the Assignment Judge of each vicinage shall have overall responsibility for CDR programs, including their development and oversight, continuing relations with the Bar to secure the effectiveness of these programs, and mechanisms to educate judges, attorneys, staff, and the public on the benefits of CDR. The Assignment Judge shall appoint a CDR coordinator to assist in the oversight, coordination and management of the vicinage CDR programs. The Assignment Judge shall maintain, pursuant to these rules, all required rosters of neutrals except the roster of statewide civil, general equity, and probate action mediators.

(b) Statewide Organization and Management. The Administrative Office of the Courts shall have the responsibility (1) to promote uniformity and quality of CDR programs in all vicinages, (2) to monitor and evaluate vicinage CDR programs and assist CDR Coordinators in implementing them; (3) to serve as a clearinghouse for ideas, issues, and new trends relating to CDR, both in New Jersey and in other jurisdictions; (4) to develop CDR pilot projects to meet new needs; (5) to monitor training and continuing education programs for neutrals; and (6) to institutionalize relationships relating to CDR with the bar, universities, the Marie L. Garibaldi ADR Inn of Court, and private providers of CDR services. The Administrative Office of the Courts shall maintain the statewide roster of civil, general equity, and probate action mediators.

1:40-4. Mediation - General Rules

(a) Referral to Mediation. Except as otherwise provided by these rules, a Superior Court or Municipal Court judge may require the parties to attend a mediation session at any time following the filing of a complaint.

(b) Compensation and Payment of Mediators. Parties in Superior Court, except the Special Civil Part, assigned to mediation pursuant to this rule shall equally share the fees and expenses of the mediator on an ongoing basis, subject to court review and allocation to create equity. Any fee or expense of the mediator shall be waived in cases, as to those parties exempt, pursuant to Rule 1:13-2(a). A party may opt out of the mediation process after the mediator has expended two hours of service, which shall be allocated equally between preparation and the first mediation session, and which shall be at no cost to the parties. Fees shall be as determined by the mediator and the parties. Failure to pay the mediator may result in an order by the court to pay and imposing appropriate sanctions.

(c) Confidentiality. Except as otherwise provided by this rule and unless the parties otherwise consent, no disclosure made by a party during mediation shall be admitted as evidence against that party in any civil, criminal, or quasi-criminal proceeding. A party may, however, establish the substance of the disclosure in any such proceeding by independent evidence. A mediator has the duty to disclose to a proper authority information obtained at a mediation session on the reasonable belief that such disclosure will prevent a participant from committing a criminal or illegal act likely to result in death or serious bodily harm. No mediator may participate in any subsequent hearing or trial of the mediated matter or appear as witness or counsel for any person in the same or any related matter. A lawyer representing a client at a mediation session shall be governed by the provisions of RPC 1.6.

(d) Limitations on Service as a Mediator

(1) Mediators shall be qualified and trained in accordance with the provisions of Rule 1:40-12.

(2) No one holding a public office or position or any candidate for a public office or position shall serve as a court approved mediator in a matter directly or indirectly involving the governmental entity in which that individual serves or is seeking to serve.

(3) The approval of the Assignment Judge is required for service as a mediator by any of the following: (A) police or other law enforcement officers employed by the State or any local unit of government; (B) employees of any court; or (C) government officials or employees whose duties involve regular contact with the court in which they serve.

(4) The Assignment Judge shall also have the discretion to require prior review and approval of the Supreme Court of prospective mediators whose employment or position appears to the Assignment Judge to require such review and approval.

(e) Conduct of Mediation Proceedings. Mediation proceedings shall commence with an opening statement by the mediator describing the purpose and procedures of the process. Non-party witnesses may be heard in the discretion of the mediator, and other non-parties shall be permitted to attend only with the consent of the parties and the mediator. Multiple sessions may be scheduled. Attorneys and parties have an obligation to participate in the mediation process in good faith in accordance with program guidelines.

(f) Termination of Mediation

(1) The mediator or a participant may terminate the session if (A) there is an imbalance of power between the parties that the mediator cannot overcome, (B) a party challenges the impartiality of the mediator, (C) there is abusive behavior that the mediator cannot control, or (D) a party continuously resists the mediation process or the mediator.

(2) The mediator shall terminate the session if (A) there is a failure of communication that seriously impedes effective discussion, (B) the mediator believes a party is under the influence of drugs or alcohol, or (C) the mediator believes continued mediation is inappropriate or inadvisable for any reason.

(g) Final Disposition. If the mediation results in the parties' total or partial agreement, it shall be reduced to writing and a copy thereof furnished to each party. The agreement need not be filed with the court, but if formal proceedings have been stayed pending mediation, the mediator shall report to the court whether agreement has been reached. If an agreement is not reached, the matter shall be referred back to court for formal disposition.

1:40-6. Mediation of Civil, Probate, and General Equity Matters

The CDR program of each vicinage shall include mediation of civil, probate, and general equity matters, pursuant to rules and guidelines approved by the Supreme Court.

(a) Referral to Mediation. The court may, sua sponte and by written order, refer any civil, general equity, or probate action to mediation for an initial two hours, which shall include an organizational telephone conference, preparation by the mediator, and the first mediation session. In addition, the parties to an action may request an order of referral to mediation and may either select the mediator or request the court to designate a mediator from the court-approved roster.

(b) Designation of Mediator. If the parties have not selected the mediator prior to entry of the mediation referral order, the court shall in its referral order designate a mediator from the court-approved roster. The parties may, however, within 14 days after entry of the mediation referral order stipulate in writing to the designation of a different mediator. Within that fourteen-day period, the stipulation shall be filed with the Civil CDR Coordinator and a copy thereof served upon the mediator designated by the mediation referral order. A mediator

designated by such stipulation shall comply with all terms and conditions set forth in the mediation referral order.

(c) Stay of Proceedings. The court may, in the mediation referral order, stay discovery for a specific or an indeterminate period.

(d) Withdrawal and Removal from Mediation. A motion for removal from mediation shall be filed and served upon all parties within 10 days after the entry of the mediation referral order and shall be granted only for good cause. Any party may withdraw from mediation after the initial three hours provided for by paragraph (a) of this rule. The mediation may, however, continue with the consent of the mediator and the remaining parties if they determine that it may be productive even without participation by the withdrawing party.

(e) Mediation Statement. The mediator shall fix a date following the telephonic conference for the exchange by the parties and service upon the mediator of a brief statement of facts and proposals for settlement not exceeding ten pages. All documents prepared for mediation shall be confidential and subject to Rule 1:40-4(c).

(f) Procedure Following Mediation. Promptly upon termination of the mediation process, the mediator shall report to the court in writing as to whether or not the action or any severable claim therein has been settled.

(g) Compensation of Mediators. Mediators shall be compensated as provided by Rule 1:40-4(b) and Appendix XXVI (“Guidelines for the Compensation of Mediators Serving in the Civil Mediation Program”).

1:40-7. Mediation of Special Civil Part Matters

The CDR program of each vicinage shall include a program for mediating small claims actions and, in the discretion of the Assignment Judge, for mediating landlord-tenant disputes and other such matters as are within guidelines approved by the Supreme Court.

1:40-10. Relaxation of Court Rules and Program Guidelines

These rules, and any program guidelines may be relaxed or modified by the court in its discretion if it determines that injustice or inequity would otherwise result. Factors to be considered in making that determination include but are not limited to (1) the incapacity of one or more parties to participate in the process, (2) the unwillingness of one or more parties to participate in good faith, (3) the previous participation by the parties in a CDR program involving the same issue, and (4) any factor warranting termination of the program pursuant to Rule 1:40-4(f).

1:40-11. Non-Court Dispute Resolution

With the approval of the Assignment Judge or the Assignment Judge's designee, the court, while retaining jurisdiction, may refer a matter to a non-court administered dispute resolution process on the condition that any such mediation process will be subject to the confidentiality provisions of Rule 1:40-4(c). The Assignment Judge or designee may approve such referral upon the finding that it will not prejudice the interests of the parties.

1:40-12. Qualification and Training of Mediators and Arbitrators

(a) Mediator Qualifications

(1) Generally. Unless otherwise specified by these rules, no special occupational status or educational degree is required for mediator service and mediation training. An applicant for listing on a roster of mediators maintained by either the Administrative Office of the Courts or the Assignment Judge shall, however, certify to good professional standing. An applicant whose professional license has been revoked shall not be placed on the roster, or if already on the roster shall be removed there from.

(2) Custody and Parenting Time Mediators. The Assignment Judge, upon recommendation of the Presiding Judge of the Family Part, may approve persons or agencies to provide mediation services in custody and parenting time disputes if the mediator meets the following minimum qualifications: (A) a graduate degree or certification of advanced training in a behavioral or social science; (B) training in mediation techniques and as prescribed by these rules; and (C) supervised clinical experience in mediation, preferably with families. In the discretion of the Assignment Judge relevant experience may be substituted for either a graduate degree or certification, or clinical experience, or both.

(3) Civil, General Equity, and Probate Action Mediators. Mediator applicants for civil, general equity, and probate actions shall have at least five years of professional experience in the field of their expertise, as well as either an advanced degree or an undergraduate degree, coupled in both cases with mediation experience. For purposes of this rule, an advanced degree means a juris doctor or equivalent; an advanced degree in business, finance, or accounting, an advanced degree in the field of expertise in which the applicant will practice mediation, for example, engineering, architecture, or mental health; or state licensure in the field of expertise, for example, certified public accountant, architect, or engineer. For purposes of this rule, mediation experience which, together with an advanced degree, will qualify an applicant means evidence of successful mediation of a minimum of two cases within the last year, provided however that mediation experience is waived if mediation training was completed within the last five years. For purposes of this rule, mediation experience which, together with an undergraduate degree, will qualify an applicant means evidence of successful mediation of a minimum of ten cases involving subject matter otherwise cognizable in the Superior Court within the last five years.

(4) Special Civil Part Mediators. In addition to qualified neutrals on the civil roster, those judicial law clerks, court staff, and volunteers who have completed a course of mediation training approved by the Administrative Office of the Courts may mediate Small Claims actions. In the discretion of the Assignment Judge, such persons may also mediate landlord-tenant disputes and other Special Civil Part actions.

(5) Municipal Court Mediators. Municipal Court mediators shall be approved for that position by the Assignment Judge for the vicinage in which they intend to serve on recommendation of the Municipal Court judge, stating the applicant's qualifications. In considering the recommendation, the Assignment Judge shall review the applicant's general background, suitability for service as a mediator, and any mediation training the applicant may have completed.

(b) Mediator Training Requirements

(1) General Provisions. Unless waived pursuant to subparagraph (2), 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 (4) of this rule. Mediators on the civil, general equity, and probate roster of the Superior Court shall have completed 18 classroom hours of basic mediation skills complying with the requirements of subparagraph (4) of this rule and at least five hours being mentored by an experienced mediator on the roster in accordance with guidelines promulgated by the Administrative Office of the Courts in at least two cases in the Superior Court. Individuals may obtain a waiver of the mentoring requirement from the Administrative Office of the Courts on the successful demonstration that they have previously served as a mediator in at least five cases under R. 1:40-4 or comparable mediation program or have satisfactorily completed at least 10 hours in an approved advanced mediation course. Family Part mediators shall have completed a 40-hour training program complying with the requirements of subparagraph (5) of this rule; and, and judicial law clerks shall have successfully completed 12 classroom hours of basic mediation skills complying with the requirements of subparagraph (6) of this rule.

(2) Consideration of Prior Training. The Administrative Office of the Courts or the Assignment Judge, as appropriate, may waive these basic training requirements for mediators already serving prior to the effective date of this rule upon a determination that the mediator is qualified to continue to serve by reason of background, training, relevant educational and professional experience, and any other relevant factor.

(3) Continuing Training. Commencing in the year following the completion of the basic training course or the waiver thereof, all mediators shall annually attend four hours of continuing education and shall file with the Administrative Office of the Courts or the Assignment Judge, as appropriate, an annual certification of compliance. To meet the requirement, this continuing education should cover at least one of the following: (A) reinforcing and enhancing mediation and negotiation concepts and skills, (B) ethical issues

associated with mediation practice, or (C) other professional matters related to mediation. Mediators who have been approved to serve as mentors under subsection (b)(1) of this Rule may apply the time spent mentoring to satisfy this requirement.

(4) Mediation Course Content - Basic Skills. The 18-hour classroom course in basic mediation skills 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.

(5) 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, divorce 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.

(6) Training Requirements for Judicial Law Clerks. Judicial law clerks serving as mediators shall first have completed either a 12-hour training course prescribed by the Administrative Office of the Courts, an approved course conducted by another institution or agency, or other comparable training. Proof of completion of any training other than the prescribed 12-hour course shall be submitted to the Administrative Office of the Courts for a determination of suitability. The Administrative Office of the Courts shall work with other institutions and agencies to encourage their provision of judicial law clerk mediation training and shall either approve or evaluate that training.

(7) Co-mediation; mentoring; training evaluation. In order to reinforce mediator training, the vicinage CDR coordinator shall, insofar as practical and for a reasonable period following initial training, assign any new mediator who is either an employee or a volunteer to co-mediate with an experienced mediator and shall assign an experienced mediator to mentor a new mediator. Using evaluation forms prescribed by the Administrative Office of the Courts, the vicinage CDR coordinator shall also evaluate the training needs of each new mediator during the first year of the mediator's qualifications and shall periodically assess the training needs of all mediators.

(c) Arbitrator Qualification and Training. Arbitrators serving in judicial arbitration programs shall have the minimum qualifications prescribed by Rule 4:21A-2 and must be annually recommended for inclusion on the approved roster by the local arbitrator selection committee and approved by the Assignment Judge or designee. All arbitrators shall attend initial training of at least four classroom hours and continuing training every two years in courses approved by the Administrative Office of the Courts.

(1) 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.

(2) Arbitration Course Content – Continuing Training. The two-hour biennial training course should cover at least one of the following: (a) reinforcing and enhancing relevant arbitration skills and procedures, (b) ethical issues associated with arbitration, or (c) other matters related to court-annexed arbitration.

(d) Training Program Evaluation. The Administrative Office of the Courts shall conduct periodic assessments and evaluations of the CDR training programs to ensure their continued effectiveness and to identify any needed improvements.

**COVER LETTER TO MEDIATORS
COURT LETTERHEAD**

DATE

Name
Address
City, State, Zip Code

draft

CASE NAME AND DOCKET NUMBER

Dear [Name]:

You have been selected as a mediator in the above captioned case, subject to the parties' joint decision to choose another mediator within 14 days. I have enclosed a copy of the Order of Referral to Mediation for your information. If there is a conflict, please notify [name to be filled in by ACMS] at [telephone number to be filled in by ACMS] **immediately**. Please note that pursuant to the attached Order, you shall hold a telephonic conference with counsel within 35 days of the date of the enclosed Order and on 5 days' advance notice to the parties. Please notify [name to be filled in by ACMS] immediately upon the settlement or upon unsuccessful completion of the mediation of this case or submit a Completion of Mediation form.

If you have any questions or comments, please feel free to contact the court. Thank you for your willingness to serve in this very important program.

Very truly yours,

[name of Civil Presiding Judge]

enclosure

c: List all Counsel and Pro Se Parties

COVER LETTER TO COUNSEL/*PRO SE* PARTIES

COURT LETTERHEAD

DATE

Draft

Name
Address
City, State, Zip Code

CASE NAME AND DOCKET NUMBER

Dear [Name]:

Enclosed is an Order of Referral to Mediation. Please read the terms of the order carefully. Compliance is required. The case may be removed from mediation only upon good cause shown on notice of motion.

This program is in direct response to public concerns that litigation is too often an extremely costly and protracted means to resolve disputes. Although most cases settle, it is only after the expenditure of substantial fees and after long delays. All indications are that early mediation, - a process that brings parties together in search of a mutually beneficial resolution, aided by a trained, neutral facilitator – can resolve most cases quickly, fairly, and at reduced costs, producing client satisfaction. Please note that the services of the mediator are at no cost to the litigants for the first two hours, after which the process can be terminated by either party at will.

Although the enclosed order may provide for a stay of discovery, the mediator is authorized to allow for a limited amount of informal discovery on an expedited basis if that discovery will enhance the effectiveness of the mediation process. Please inform the mediator promptly if in your view some limited discovery will be an essential prerequisite to mediation.

Please review the list of counsel and *pro se* parties copied on this mailing. If you are aware of any other attorneys or *pro se* parties who should be part of the mediation process and added to the courts service list, please contact the court immediately.

You will shortly be contacted by the mediator to schedule the telephone conference required by the order.

enclosure

c: List all other counsel and *pro se* parties

.....VS.....

CIVIL ACTION
MEDIATION REFERRAL ORDER (stay of discovery)

Pursuant to *R. 1:40-1 et seq.*, IT IS on this day of 2002, ORDERED THAT:

1. The parties **and attorneys shall participate in mediation** in good faith and with a sense of urgency. Failure to do so may result in an assessment of costs or other consequences.
2. (Mediator and phone no.) is appointed to serve as Mediator. The Mediator shall serve without compensation for the first two hours which shall include an initial in person mediation session of at least one hour. The mediator shall inform the parties at the initiation of the session of the time accrued to that point. After the initial two hours, unless the Mediator and the parties agree otherwise, the parties shall equally share the fees and expenses of the Mediator on an ongoing basis subject to court review. The mediator shall be compensated at the rate of _____ per hour. Upon submission of the mediator's bills for fees and expenses, the parties shall make prompt payment unless the party's share of the fee is waived pursuant to *R. 1:13-2(a)*. The mediator shall not require the parties to travel an unreasonable distance.
3. The parties may jointly consent in writing within 14 days to substitute any Alternate Mediator and enter into a private fee arrangement, and shall forward notice of same to the Mediator named herein and to the CDR Point Person. The Alternate Mediator shall be bound by all other terms and conditions of this Order and the court's mediation procedures.
4. Immediately upon receipt of this Order, the Mediator shall notify the parties and counsel of the date and time of the organizational telephonic conference. During this conference, the mediator shall explain the mediation process, set ground rules, schedule the mediation session(s), facilitate a focused information exchange and identify those persons with negotiating authority needed by each side to participate in the mediation process and to assist in effectuating a resolution of the case and require their attendance. The mediator shall submit an Initial Status Report to the court no later than 35 days after this referral indicating the procedural status of the case.
5. Any party may withdraw from the mediation process after the expiration of the initial one-hour session. Withdrawal of one or more parties from the mediation shall not prevent the remaining parties from continuing the mediation.
6. Discovery is stayed for a period of _____ days. Mediation shall be completed within 90 days. In the event that mediation cannot be completed within said time, the Mediator must so report to the court.
7. The Counsel and Party List sent to the Mediator and parties by the court shall be updated, as necessary by the lead plaintiff counsel and forwarded to the Mediator and all parties.

J.S.C.

c: Mediator
All Parties/Counsel
CDR Point Person

.....VS.....

CIVIL ACTION
MEDIATION REFERRAL ORDER (no stay of discovery)

Pursuant to *R. 1:40-1 et seq.*, IT IS on this day of , ORDERED THAT:

1. The parties **and** attorneys shall participate in mediation in good faith and with a sense of urgency. Failure to do so may result in an assessment of costs or other consequences.
2. (Mediator and phone no.) is appointed to serve as Mediator. The Mediator shall serve without compensation for the first two hours which shall include an initial in person mediation session of at least one hour. The mediator shall inform the parties at the initiation of the session of the time accrued to that point. After the initial two hours, unless the Mediator and the parties agree otherwise, the parties shall equally share the fees and expenses of the Mediator on an ongoing basis subject to court review. The mediator shall be compensated at the rate of per hour. Upon submission of the mediator's bills for fees and expenses, the parties shall make prompt payment unless the party's share of the fee is waived pursuant to *R. 1:13-2(a)*. The mediator shall not refuse the parties to travel and unreasonable distance.
3. The parties may jointly consent in writing within 14 days to substitute any Alternate Mediator and enter into a private fee arrangement, and shall forward notice of same to the Mediator named herein and to the CDR Point Person. The Alternate Mediator shall be bound by all other terms and conditions of this Order and the court's mediation procedures.
4. Immediately upon receipt of this Order, the Mediator shall notify the parties and counsel of the date and time of the organizational telephonic conference. During this conference, the mediator shall explain the mediation process, set ground rules, schedule the mediation session(s), facilitate a focused information exchange and identify those persons with negotiating authority needed by each side to participate in the mediation process and to assist in effectuating a resolution of the case **and require their attendance**. The mediator shall submit an Initial Status Report to the court no later than 35 days after this referral indicating the procedural status of the case.
5. Any party may withdraw from the mediation process after the expiration of the initial one-hour session. Withdrawal of one or more parties from the mediation shall not prevent the remaining parties from continuing the mediation.
6. This referral to mediation does not stay discovery. Mediation shall be completed within 90 days. In the event that mediation cannot be completed within said time, the Mediator must so report to the court.
7. The Counsel and Party List sent to the Mediator and parties by the court shall be updated, as necessary by the lead plaintiff counsel and forwarded to the Mediator and all parties.

J.S.C.

c: Mediator
All Parties/Counsel
CDR Point Person

SAMPLE COUNSEL & PARTY LIST
SOMERVILLE VS TORBAY INC ETALS
(L 000367 02)

ANNE G. KRELL
LUMMIS KRELL & BAKER
19 NEWTON AVE., P.O. BOX 734
WOODBURY, NJ 08096
(856) 384-6446

PARTY NAME	ATTORNEY	ADDRESS/TELEPHONE #
Howard I Somerville (PF)	Arnold Robinson Robinson & Andujar	2057 Wheaton Ave. P.O. Box 788 Millville, NJ 08332
Torbay Inc (DF)	Richard M. Pescatore Richard M. Pesatore	1055 E. Landis Ave. Vineland, NJ 08360

Guidelines on the Practice of Law by Retired Judges (Revised)

Directive #7-04
(Supersedes #2-97)
Issued by:

May 17, 2004
Richard J. Williams
Administrative Director

This Directive supersedes Directive #2-97 (issued March 19, 1997) and promulgates the revised **Guidelines on the Practice of Law by Retired Judges**. This updated version of the Guidelines reflects revisions to Guidelines 1 and 7.

The Supreme Court has authorized issuance of these guidelines, which illustrate the extent of the restriction upon the practice of law by a retired judge who has retired under the provisions of the Judicial Retirement System Act (N.J.S.A. 43:6A-1 et seq.).

Guideline 1. A retired judge may be associated in the practice of law with other attorneys. A retired judge's name may appear on the letterhead, on the office door, but not in the firm name. A retired judge may not sign any papers filed in court, including pleadings. In any cases tried by the firm before a jury, the retired judge's name should not be referred to in the presence of the jury. The restrictions on the practice of law by the retired judge are personal and do not extend to those with whom the judge may be associated in the practice of law; R. 1:15-4 does not apply to retired judges. Retired judges should be aware of N.J.S.A. 52:13D-17.2c, which prohibits any representation of, appearance for, or negotiation on behalf of a casino licensee or an applicant to be a casino licensee by a firm, partnership, or corporation with which a retired judge is associated for a period of two years from the date of retirement unless (a) the retired judge is associated with the firm, partnership or corporation in a position considered "of counsel" that does not entail any equity interest in the firm, partnership, or corporation; and (b) the retired judge is screened for that two-year period from personal participation in any such representation, appearance, or negotiation.

Guideline 2. A retired judge may not serve as an attorney in any contested matter in any court of the State of New Jersey. This prohibition includes participating in the actual conduct of any proceeding before the court, appearing at counsel table during the course of a court proceeding, and serving therein either as associate counsel or counsel of record.

Office work in connection with pending or proposed litigation is not prohibited. Thus, pleadings may be drafted, interrogatories framed and answered, and briefs, motions and other papers may be prepared. It is not permissible, however, for the retired judge's name to appear on any papers, including any indication that the judge is "of counsel," "on the brief," or is

connected in any way with the litigation. Similarly, a retired judge may participate in out-of-court settlement discussions, or in the taking of depositions prior to trial, but may not participate in any settlement conference before the court (whether in open court or in chambers), nor should reference be made in any courthouse conferences to the fact that the judge has personally been involved in such negotiations, nor should the judge participate in any court proceeding with regard to any depositions that he or she may have taken.

Guideline 3. Subject to the provisions of Guideline 7 infra, a retired judge is not precluded from serving as attorney for a decedent's estate or as an executor, guardian, trustee, or in any other fiduciary capacity, provided that in any litigation that may develop in the course of the performance of such duties the judge is represented by other counsel, who may be a member of the firm with which the judge is associated. A retired judge may not handle any other uncontested matters in any court, including those that require only approval of ex parte orders or other papers which may be considered pro forma and require little if any exercise of judicial discretion.

Guideline 4. A retired judge may not serve as attorney in any contested or uncontested matters before either State or local administrative agencies, boards, or tribunals exercising a discretionary or quasi-judicial function, except before the Transfer Inheritance Tax Bureau when acting as attorney for the estate and not specially retained. A retired judge may not represent parties before auto arbitration panels.

Guideline 5. A retired judge may not serve as attorney for any person before a District Ethics Committee, a Committee on Character, or any other committee or body appointed by the Supreme Court.

Guideline 6. A retired judge may practice before the federal courts or federal agencies, whether within or without the State.

Guideline 7. A retired judge may not accept fee-generating court-initiated appointments, e.g., appointments to serve as a receiver, condemnation commissioner, guardian ad litem, mediator, arbitrator, or discovery master except as set forth below.

A retired judge may accept fee-generating court-initiated appointments in the following circumstances only:

- (a) as an arbitrator in the statutory or Court-approved arbitration programs, as set forth in R. 4:21A-1 et seq.;
- (b) as a mediator in the Statewide Civil Mediation Program, and in the Court-approved presumptive mediation pilot program, provided that the retired judge meets the experiential and

training requirements set forth in Rules 1:40-12(a), 1:40-4(d)(1) and 1:40-4-12(b) and provided that the retired judge agrees to be subject to the same conditions that are applicable to all other mediators in the program, e.g., providing the first three hours of mediation at no cost to the litigants pursuant to R. 1:40-4(b) and the Court-approved Mediator Compensation Guidelines.

This guideline is not intended to preclude a retired judge from accepting a fee-generating position as a mediator, arbitrator, or discovery master where the parties to the case initiate the appointment, select the retired judge who is to be appointed, establish the fee arrangement, and the court's only participation is to memorialize their agreement in an appropriate order. Such memorialization shall be by the Assignment Judge. A retired judge may accept fiduciary appointments at the specific request of interested family members (e.g., Administrator C.T.A.) provided such appointments do not contravene any of the other restrictions set forth in this Directive.

Guideline 8. It is improper for a retired judge to appear in a New Jersey court as an expert witness (such as to testify as to reasonableness of attorney fees) or in any court as a character witness.

Guideline 9. It is improper for a retired judge to appear in court to testify as an expert witness in legal malpractice cases or as to a standard of conduct by a lawyer in related matters.

Guideline 10. A retired judge may serve as legal adviser to a public agency, if the duties and responsibilities of such position do not contravene these Guidelines. Generally, the role of a retired judge associated with a public agency should be of the same nature as that of a retired judge acting as "of counsel" to a law firm. A retired judge should not act as chief counsel to a public agency (e.g. county counsel), since such a role would directly involve the judge in the conduct of litigation involving the agency. Further, it would be inappropriate for a retired judge to appear at a public meeting as an adviser to a public agency. Such an appearance may give rise to a suspicion that the judge is attempting to use the judge's status to advance the position of the agency.

SCREENING GUIDELINES

1. Review the CIS. If the parties indicate that there is or was a relationship (unless it is a book account (503) or action on a negotiable instrument (511) or that counsel fees are sought by the winner from the loser (*i.e.* a fee shifting case), the matter should be considered for referral to the Statewide Civil Mediation Program at first answer. At initial case entry, the CDR indicator should be manually changed to “m” and the case at answer will come up on the weekly Mediation Eligibility Worksheet. If the party noting that attorney’s fees are sought is a *pro se*, staff should review the party’s pleading to determine if the case actually is founded on a fee shifting statute (*e.g.* consumer fraud). A list of fee shifting statutes is attached.
2. If the case type on the CIS is book account (503) or action on a negotiable instrument (511), the matter must be scheduled for arbitration within 60 days from the close of the applicable discovery period unless it previously went to a court-referred mediation, *e.g.*, at the parties’ request. See R. 4:21A-1(a). . These case types will come up on the Arbitration “To Be Scheduled List”.
3. LAD (618), Civil Rights (005) and CEPA (616) cases should always be considered for referral to mediation after first answer. They are always fee shifting cases. They will automatically come up on the weekly Mediation Eligibility Worksheet sorted by team and case type.
4. If any of the following factors are present, the case should be considered for referral to the Statewide Mediation Program (or Presumptive Mediation if applicable):
 - The case is contract/commercial transaction (599) complex commercial (508) or complex construction (513);
 - the parties have or have had a significant business or personal relationship;
 - the principal barriers to settlement are personal and/or emotional;
 - resolving the dispute is more important than the legal or moral principles;
 - parties want to tailor a solution that meets their specific needs or interests;
 - multi-faceted settlements (*e.g.*, restructuring the deal) are possible;
 - the law governing the dispute is well-established and not challenged;
 - subjective questions of fact (*e.g.*, state of mind, intent) or parties’ interpretation of objective facts exists;

- the parties have an incentive to settle because of time, cost of litigation, or other factors;
- the parties are not represented by attorneys;
- a private valuation process (such as arbitration) has failed to resolve the case.

NEW JERSEY FEE SHIFTING STATUTES

1. 4:13-26.1 Agricultural Cooperative Associations
2. 4:20-8 Agriculture and Domestic Animals - partition fences
3. 4:20-16 Partition fences
4. 5:12-127 Casino control act - sanctions
5. 10:1-7 Civil Rights - Action for Penalty
6. 10:5-27.1 Civil Rights - Law against discrimination (LAD)
7. 11A:2-22 Civil Service - Department of personnel - appeals
8. 11A:10-5 Civil Service - violations and penalties
9. 12A:2A-108 Commercial Transactions - UCC - leases - unconscionability
10. 12A:4A-305 Commercial Transactions - UCC - Funds transfers
11. 12A:4A-404 Commercial Transactions - UCC - Funds transfers
12. 12A:5-111 Commercial Transactions - UCC - Letters of credit
13. 12A:7-601 Commercial Transactions - UCC - warehouse receipts and bills of lading
14. 13:1E-9.4 Conservation and Development - Solid Waste Management
15. 13:17A-33 Hackensack Meadowlands Food Distribution Center Comm'n
16. 14A:12-7 Corporations - dissolution
17. 15A:12-12 Nonprofit corporations - dissolution
18. 17:3B-14 Consumer Credit Transactions - collection costs
19. 17:3B-24 Consumer Credit Transactions - collection costs
20. 17:10B-6 Financial Institutions - building and loan ass'ns, credit unions - loan brokers - Truth in Lending
21. 17:11C-28 Financial Institutions - building and loan ass'ns, credit unions - licensed lenders - Truth in Lending
22. 17:12B-73 Financial Institutions - Truth in Lending
23. 17:16C-42 Retail Installment Sales Act - delinquency or collection charge
24. 17:16C-61.7 Door to Door Retail Installment Sales Act
25. 17:16C-70 Door to Door Retail Installment Sales - Home Repair Financing Act
26. 17:16C-71 Door to Door Retail Installment Sales - Home Repair Financing Act
27. 17:16C-101 Retail Installment Sales - Door-to-door Home Repair
28. 17:16F-7 Mortgage Loans - discrimination
29. 17:16F-18 Mortgage Loans - disbursement from escrow accounts
30. 17:16F-26 Mortgage Loans - damages from failure to pay taxes
31. 17:16K-6 Electronic fund transfers
32. 17:23-26 Insurance Companies
33. 17:23A-20 Insurance Companies - information practices
34. 17:33A-5 New Jersey Insurance Fraud Prevention Act - brokers
35. 17:33A-7 New Jersey Insurance Fraud Prevention Act - insurance companies
36. 17B:32-75 Life and Health Insurance Code - rehabilitation and liquidation
37. 18A:71C-16 Federal Student Loan Program-deduction of overdue loan payment
38. 19:31-29 Election Law - Violations of voter registration provisions
39. 19:44A-22.1 Election Law - Campaign contributions and expenditures reporting act
40. 20:3-26(b) Eminent Domain - Condemnation - Possession of property and vesting of title

41. 20:4-4.2 Eminent domain - Condemnation - relocation assistance - recovery by public agency
42. 26:2H-14.7 Health Care Facilities Planning Act - action against a residential health care facility
43. 26:3-31.8 Local Boards of Health
44. 26:5C-14 Health & Vital Statistics - AIDS
45. 30:4D-7.1 Medical Assistance and Health Services Act - Medicaid - recovery of third party payments
46. 30:4D-17.3 Medical Assistance and Health Services Act - Medicaid
47. 30:13-4.2 Nursing Home Responsibilities and Rights of Residents - Patient's Rights
48. 30:13-8 Nursing Home Responsibilities and Rights of Residents
49. 34:8-57 Employment agencies
50. 40:14A-21 County and Municipal Sewerage Authorities - service charges, liens, and enforcement
51. 40:14A-40 County and Municipal Sewerage Authorities - obligations of sewerage authority
52. 40:14B-46 County and Municipal Sewerage Authorities - action to recover unpaid service charge
53. 40:14B-73 County and Municipal Sewerage Authorities - requirements and obligations of municipal authority
54. 40:55D-10 Municipal Land Use Law - summary action against municipality
55. 40:55D-53 Municipal Land Use Law - summary action for approval of improvements
56. 40:66A-18 Municipalities - Garbage & garbage disposal incinerator authorities - enforcement and collection of charges
57. 40:66A-51 Municipalities - solid waste management authorities - enforcement and collection of charges
58. 40:68A-18 Municipalities - port facilities - enforcement and collection of charges
59. 42:2A-65 Uniform Limited Partnership Law - security for expenses
60. 42:2A-66 Uniform Limited Partnership Law - expenses
61. 42:2B-64 Limited Liability Companies - expenses
62. 45:1-25 State boards of registration and examination - actions to collect or enforce penalties
63. 45:14B-42 Professions regulated by state boards - psychologists - violations; penalties and costs
64. 45:14D-24 Occupations regulated by state bds- public movers & warehousemen persons with ascertainable loss due to unlawful act

65. 45:15-16.47(a) Real Estate brokers and salesmen - action by person who suffers a loss due to failure to comply with act - real estate full disclosure act
66. 45:17A-33 Professions and Occupations -Charitable fund raising -violations and penalties
67. 45:22A-16(b) Retirement community full disclosure act - liabilities and remedies
68. 45:22A-37(a) Planned real estate development full disclosure act
69. 46:8-21.1 Real property - leasehold estates -Return of deposit; expiration of lease or displacement; resumption of occupancy; repayment of deposit; penalty for failure to return
70. 46:8C-2 Real property - mobile home park - action to recover unlawful acts
71. 46:8C-3 Real property - mobile home park - sales
72. 46:8C-19 Real property - mobile home park - powers and duties of homeowners' association
73. 46:18-11.3 Property - Record of & record entries - Instruments affecting mortgages - failure to comply
74. 46:18-11.4 Record of & record entries - Instruments affecting mortgages - liability and costs for cancellation
75. 47:1A-4 Examination and Copies of Public records - Right to Know Act
76. 48:5A-63 Cable Subscriber Privacy Protection Act - liability for disclosure
77. 48:13A-10 Public utilities - Solid Waste collection and disposal - monopolies
78. 49:5-15(b)(1) Sale of securities - corporation takeover bid disclosure law
79. 52:4C-5 Compensation for persons mistakenly imprisoned - damages
80. 52:4D-3 Tobacco Manufacturers' responsibility - violations and penalties
81. 52:13C-36(e) Lobbying - investigation of violations
82. 52:27D-210 DCA - Uniform fire safety act - violations, penalties, enforcement
83. 52:27D-347* DCA - Continuing Care Retirement Community Regulation and Financial Disclosure Act (provider liable for attorneys fees)
84. 55:13B-21 Rooming and Boarding Houses - action for damages
85. 56:3-13.16 Trade names - registration of trade-marks and service marks
86. 56:3A-9 Trade names - music licensing practices - action for injunction
87. 56:6-25 Trade names - motor fuels - action to restrain violation; damages
88. 56:7-32(a) Trade names - unfair cigarette sales act and similar legislation; action to enjoin violation; damages
- N.J.S.A. 56:8-1 et seq. contains the Consumer Protection Act
89. 56:8-19 Trade names - frauds etc. in sales or advertisements of merchandise
90. 56:9-10 Antitrust Act - injunctions
91. 56:9-12 Antitrust Act - treble damage suit
92. 56:10-10 Unfair trade practices -Franchises - injunctions
93. 56:10-29 Unfair trade practices -Franchises - action to enjoin violations
94. 56:11-7 Unfair trade practices - Consumer Credit Transactions - failure to comply
95. 56:11-38 Unfair trade practices- Consumer Credit Transactions
96. 56:11-39 Unfair trade practices- Consumer Credit Transactions-negligence
- N.J.S.A. 56:12-1 et seq. includes the "Lemon Law"
97. 56:12-3 Unfair trade practices -Consumer contracts- failure to comply
98. 56:12-12 Unfair trade practices -Consumer contracts- injunction
99. 56:12-17 Unfair trade practices -Consumer contracts-violation
100. 56:12-42 Unfair trade practices -Consumer contracts-

- 101. 56:12-65* Unfair trade practices -Consumer contracts (attorney fees recoverable if actually incurred and if provided for in lease)
- 102. 56:12-85 Unfair trade practices -Consumer contracts-damages
- 103. 58:10-23.11n Pollution of waters - discharge of petroleum produces, debris etc
- 104. 59:9-5 NJ Tort Claims Act

FORM LETTER FROM MEDIATOR TO COUNSEL AND PARTIES

Dear Counsel and Parties:

As you know, a Court Order has been issued referring your case to mediation pursuant to *Rule* 1:40-4. You are required to participate in mediation for at least two hours, at no charge to you. The two hours during which I may not charge for my time must include reasonable preparation time, an organizational telephonic conference and an initial mediation session of at least one hour. After the initial two hours as previously defined, any party may opt out of mediation. If you decide to continue in mediation, please note that the hourly rate as specified in the Order of Referral to mediation shall apply. Prompt payment of my fees and expenses is expected upon submission of my bill to you or your attorney unless your share of the fee was previously waived by the court pursuant to *R.* 1:13-2(a). Should payment not be promptly made, the court may become actively involved. Please note that the parties, not their attorneys, are responsible for payment.

Finally, please also note that the court is closely monitoring that all counsel and parties are pursuing mediation with a sense of urgency. I am required to report on the progress of this case to the court at regular intervals.

Thank you for your anticipated cooperation.

Sincerely,

INITIAL STATUS REPORT OF MEDIATOR

Case Name:

County:

Docket Number:

Mediator Name:

Mediator Telephone Number:

Mediator Fax Number:

To: Civil CDR Point Person (please check appropriate fax number)

- | | |
|--|---|
| <input type="checkbox"/> Atlantic (609) 343-2326 | <input type="checkbox"/> Middlesex (732) 981-2499 |
| <input type="checkbox"/> Bergen (201) 371-1113 | <input type="checkbox"/> Monmouth (732) 677-4369 |
| <input type="checkbox"/> Burlington (609) 518-2826 | <input type="checkbox"/> Morris (973) 656-4104 |
| <input type="checkbox"/> Camden (856) 379-2253 | <input type="checkbox"/> Ocean (732) 506-5398 |
| <input type="checkbox"/> Cape May (609) 463-6465 | <input type="checkbox"/> Passaic (973) 247-8185 |
| <input type="checkbox"/> Cumberland (856) 453-4349 | <input type="checkbox"/> Salem (856) 935-6551 |
| <input type="checkbox"/> Essex (973) 648-7789 | <input type="checkbox"/> Somerset (908) 231-7167 |
| <input type="checkbox"/> Gloucester (856) 853-3429 | <input type="checkbox"/> Sussex (973) 579-0736 |
| <input type="checkbox"/> Hudson (201) 217-5091 | <input type="checkbox"/> Union (908) 659-3596 |
| <input type="checkbox"/> Hunterdon (908) 237-5821 | <input type="checkbox"/> Warren (908) 475-6142 |
| <input type="checkbox"/> Mercer (609) 571-4473 | |

1. The organizational telephonic conference was held on
2. The parties must complete their informal information exchange by
3. An initial mediation session has been scheduled for

4. If any of the above questions have not been answered, please detail.

5. **Please complete if applicable:**

The mediator requires assistance from the court

Dated:

Mediator:

(print or type name)

Note: This form must be faxed to the court at the appropriate county fax number listed above no later than 35 days after the referral of the case to you even if the telephone conference has not been held.

Second Status Report of Mediator

Case Name:

County:

Docket Number:

Mediator Name:

Mediator Telephone Number:

Mediator Fax Number:

To: Civil CDR Point Person (please check appropriate fax number)

- | | |
|--|---|
| <input type="checkbox"/> Atlantic (609) 343-2326 | <input type="checkbox"/> Middlesex (732) 981-2499 |
| <input type="checkbox"/> Bergen (201) 371-1113 | <input type="checkbox"/> Monmouth (732) 677-4369 |
| <input type="checkbox"/> Burlington (609) 518-2826 | <input type="checkbox"/> Morris (973) 656-4104 |
| <input type="checkbox"/> Camden (856) 379-2253 | <input type="checkbox"/> Ocean (732) 506-5398 |
| <input type="checkbox"/> Cape May (609) 463-6465 | <input type="checkbox"/> Passaic (973) 247-8185 |
| <input type="checkbox"/> Cumberland (856) 453-4349 | <input type="checkbox"/> Salem (856) 935-6551 |
| <input type="checkbox"/> Essex (973) 648-7789 | <input type="checkbox"/> Somerset (908) 231-7167 |
| <input type="checkbox"/> Gloucester (856) 853-3429 | <input type="checkbox"/> Sussex (973) 579-0736 |
| <input type="checkbox"/> Hudson (201) 217-5091 | <input type="checkbox"/> Union (908) 659-3596 |
| <input type="checkbox"/> Hunterdon (908) 237-5821 | <input type="checkbox"/> Warren (908) 475-6142 |
| <input type="checkbox"/> Mercer (609) 571-4473 | |

An extension of the mediation referral should be granted by the court for an additional days for the following reasons:

Please complete if applicable:

An extension of the stay of discovery is needed for an additional _____ days in order to

Dated:

Mediator: _____
(print or type name)

NOTICE FOR FAILURE TO REPORT ON TELEPHONE CONFERENCE

Notice

RE: (case name and docket number)

The court has not received a faxed report regarding the status of the organizational telephonic conference within 35 days of the mediation referral, as required by the Order of Referral to Mediation entered in the above-entitled matter

Please note that if the court does not receive the report within 10 days, the matter will be referred to the Judge for appropriate action.

Dated:

c: Mediators
All Counsel
Court File

SAMPLE ORDER EXTENDING MEDIATION

Prepared and Filed by the Court.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION.
DOCKET NO.

PLAINTIFF,

V.

CIVIL ACTION

DEFENDANT.

On the joint application of the court appointed mediator and the parties, and for good cause shown, it is on this ___ day of _____, **ORDERED** that this matter is to be continued in mediation, pursuant to the prior order of the court, for an additional period of ___ days, **on condition that** this continuation of the previous mediation referral order(s) will not interfere with any trial date already scheduled or to be scheduled after the controlling discovery end date (DED).

A copy of this order has been mailed to the mediator indicated below* and he/she is directed to serve a copy of same, within seven days of receipt, upon all parties.

Current DED was/is: _____

Current Trial date is: _____

*Mediator:
cc: CDR Point Person

SUPERIOR COURT OF NEW JERSEY

_____, Plaintiff

_____ DIVISION, _____ Part

vs.

_____ COUNTY

_____, Defendant

DOCKET NO. _____.

CIVIL ACTION

COMPLETION OF MEDIATION FORM

Please complete and return to the court immediately after the mediation is concluded.

Mediation Status:

- XM1 Case resolved
- XM2 Case resolved in part
- XM3 Case unresolved
- XM4 Case management order to be forwarded to court by plaintiff

Date Mediation Completed

Signature

Mediator - please print or type name
under signature

Prepared and filed by the Court

SUPERIOR COURT OF NEW JERSEY

_____, Plaintiff
vs.
_____, Defendant

_____ DIVISION, _____ Part
_____ COUNTY
DOCKET NO. _____.

CIVIL ACTION

ORDER TO SHOW CAUSE

On the Court's own motion, given the attached correspondence received from _____, the Court appointed mediator, and for good cause shown, it is on this _____ day of _____, 20_____, **ORDERED** that plaintiff/defendant _____ show cause before this Court on _____, 20_____, at 9:00 a.m., why a Judgment should not be entered in favor of the Court appointed mediator and against plaintiff/defendant _____ in the amount of \$_____ plus attorney's fees and costs.

IT IS FURTHER ORDERED that any opposition to the allowance of the aforesaid amount to the mediator must be in writing and filed with the Court and served on the mediator no later than_____.

J.S.C.

c: (Party and/or party's attorney)
(Mediator)
(Team Leader)



APPLICATION FOR ADMISSION TO ROSTER OF MEDIATORS FOR CIVIL, GENERAL EQUITY AND PROBATE CASES

LAST NAME		FIRST NAME	MIDDLE NAME	
FIRM/BUSINESS NAME				
FIRM/BUSINESS ADDRESS (No PO Box) STREET:			CITY	STATE
TELEPHONE NUMBER	FAX NUMBER	E-MAIL ADDRESS		

The following information will be used to determine eligibility: (See criteria on back.)

HIGHEST DEGREE ATTAINED	YEAR	AREA OF CONCENTRATION		
NAME OF INSTITUTION		PROFESSIONAL LICENSE(S)—Specify type and when obtained.		
HAVE YOU EVER BEEN DISCIPLINED IN YOUR PROFESSION?	<input type="checkbox"/> YES (If yes, attach explanation.) <input type="checkbox"/> NO	YEAR OF ADMISSION TO PROFESSIONAL PRACTICE	NUMBER OF YEARS OF EXPERIENCE	BAR ADMISSION YEAR (if applicable) New Jersey _____ Other States _____

NUMBER OF HOURS OF MEDIATION TRAINING (Attach additional sheet if necessary.)

Provider(s)	Course Title	Date(s)	Hours
_____	_____	_____	_____
_____	_____	_____	_____

NUMBER OF YEARS DOING MEDIATION	NUMBER OF SUCCESSFUL MEDIATIONS	ARE YOU A COURT, STATE, OR LOCAL GOVERNMENT EMPLOYEE OR A LAW ENFORCEMENT OFFICER? <input type="checkbox"/> YES (if yes, attach explanation.) <input type="checkbox"/> NO
---------------------------------	---------------------------------	--

The following information will be included on the roster if you are accepted:

HOURLY FEE (to be shared by the parties)	COUNTIES IN WHICH YOU WILL ACCEPT CASES
--	---

AREAS OF EXPERTISE FOR MEDIATION (Please check all that apply.)

<input type="checkbox"/> 997 PROBATE	<input type="checkbox"/> 502 BOOK ACCOUNT	<input type="checkbox"/> 513 COMPLEX CONSTRUCTION	<input type="checkbox"/> 608 TOXIC TORT
<input type="checkbox"/> 998 GENERAL EQUITY	<input type="checkbox"/> 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)	<input type="checkbox"/> 599 CONTRACT/COMMERCIAL TRANSACTION	<input type="checkbox"/> 609 DEFAMATION
<input type="checkbox"/> 005 CIVIL RIGHTS	<input type="checkbox"/> 506 PIP COVERAGE	<input type="checkbox"/> 602 ASSAULT AND BATTERY	<input type="checkbox"/> 610 AUTO NEGLIGENCE-PROPERTY DAMAGE
<input type="checkbox"/> 156 ENVIRONMENTAL COVERAGE LITIGATION	<input type="checkbox"/> 508 COMPLEX COMMERCIAL	<input type="checkbox"/> 603 AUTO NEGLIGENCE-PERSONAL INJURY	<input type="checkbox"/> 616 WHISTLEBLOWER
<input type="checkbox"/> 302 TENANCY	<input type="checkbox"/> 509 EMPLOYMENT (other than CEPA or LAD)	<input type="checkbox"/> 604 MEDICAL MALPRACTICE	<input type="checkbox"/> 618 LAW AGAINST DISCRIMINATION
<input type="checkbox"/> 303 MT. LAUREL	<input type="checkbox"/> 510 UM OR UIM CLAIM	<input type="checkbox"/> 605 PERSONAL INJURY	<input type="checkbox"/> 699 TORT OTHER
<input type="checkbox"/> 305 CONSTRUCTION	<input type="checkbox"/> 511 ACTION ON A NEGOTIABLE INSTRUMENT	<input type="checkbox"/> 606 PRODUCT LIABILITY	<input type="checkbox"/> 701 ACTIONS IN LIEU OF PREROGATIVE WRIT
<input type="checkbox"/> 399 REAL PROPERTY	<input type="checkbox"/> 512 LEMON LAW ●	<input type="checkbox"/> 607 PROFESSIONAL MALPRACTICE	

DESCRIPTIVE PARAGRAPH (Please provide a maximum of 50 words about your mediation and other relevant professional experience. This information will be transferred directly to the roster if you are accepted.)

I certify that the foregoing statements made by me are true and that I am in good standing in my profession.

_____ Signature _____ Date

Return this form to:	Michelle V. Perone, Esq., Chief, Civil Court Programs, Administrative Office of the Courts PO Box 981 Trenton, NJ 08625 Or Fax to (609) 777-0844.	Rev. 9/1/06
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ROSTER OF MEDIATORS FOR CIVIL, GENERAL EQUITY AND PROBATE CASES

Criteria for Admission

Eligibility will be determined by a Subcommittee of the Supreme Court Committee on Complementary Dispute Resolution.

Mediation Training

Successful completion of a minimum of 18 hours in an approved mediation course meeting the standards of *Rule 1:40-12(b)(4)* and at least 5 hours being mentored in at least two cases in the Superior Court by an experienced mediator listed on the approved roster of mentors.

List of mentors and guidelines for mentoring program are available on the Judiciary Website www.njcourtsonline.com or will be provided by Administrative Office of the Courts subsequent to submission of application

Education / Mediation Experience (As set forth under *Rule 1:40-12(a)(3)*).

One of the following two combinations of Education and Mediation Experience

- 1) Juris Doctor (or equivalent law degree) or
Advanced degree in Business, Finance, or Accounting, or
Advanced degree in a field of expertise in which the individual will practice mediation (*e.g.* engineering, architecture, mental health) or
State Licensure in the professional field (*e.g.* CPA, Architect, Engineer) and evidence of successful mediation of at least two cases within the last year. Recent mediation experience is waived if mediation training was completed within the last five years.

or

- 2) Undergraduate degree
and evidence of successful mediation of at least ten cases involving subject matter cognizable in the Superior Court within the last five years.

Professional Experience

At least five years of professional experience in the field of expertise as set forth under *Rule 1:40-12(a)(3)*.

Annual Continuing Education

Attendance at a minimum of four hours of annual continuing education as set forth under *Rule 1:40-12(b)(3)*.

Counties in Which You Will Accept Cases

Please note that you are expected to provide facilities to the parties at no cost in each county you list and that you cannot charge for travel time or expenses during the first two hours.

GUIDELINES FOR THE CIVIL MEDIATION MENTORING PROGRAM

1. Following the successful completion of a qualified mediation course of at least eighteen (18) hours, each applicant for admission to the Statewide Roster of Mediators for Civil, General Equity and Probate Matters should attend and observe at least two (2) *R. 1:40-4* mediations of at least five (5) hours total duration. In the event that the two (2) mediation sessions were less than five (5) hours in duration, the applicant, in order to fulfill this requirement, would be required to attend additional sessions until the time requirement is met. Exceptions to this requirement may be made if an individual demonstrates that he or she has completed mediations in at least five (5) cases under *R. 1:40-4* or comparable mediation program or has satisfactorily completed at least 10 hours in an approved mediation course.
2. The mediator/mentor shall be an approved mediator on the statewide roster of mediators who shall certify that they have completed at least fifteen (15) mediations under *R. 1:40-4* or comparable mediation program. The AOC shall solicit volunteers meeting these requirements to serve as mentors. The mediator/mentor list shall be published on the Judiciary's website.
3. The mediator/mentor, in addition to permitting the applicant to fully observe all aspects of the process, shall meet with the applicant to describe the process and approach in advance of the session and to brief the applicant after the session, intending that this process be part of the education. The mediator/mentor shall make available the submissions of the parties and include the applicant on the telephonic conference call.
4. The mediator/mentor shall, no later than the telephonic conference call, obtain the parties' consent to the applicant's attendance during the mediation process. The applicant shall be firmly bound by the standards of mediator conduct, including without limitation, the confidentiality of the process, the conflict of interest provisions, as well the reasonable expectation of the parties.
5. There shall be no charge to the applicant, nor a fee collected by the applicant, for the sessions.
6. Following successful attendance at the mediation sessions of at least five (5) hours duration, the applicant shall certify his/her compliance to the AOC.

GUIDELINES FOR THE COMPENSATION OF MEDIATORS SERVING IN THE CIVIL MEDIATION PROGRAM

These guidelines apply to the compensation that may be charged by all mediators serving in the Statewide Mediation Program for Civil, General Equity, and Probate cases.

1. First Two Hours Free: Mediators shall serve free for two hours in a mediation that is court-ordered. The two free hours shall be divided equally between (a) reasonable preparation time, administrative tasks, the organizational telephonic conference, and (b) an initial mediation session. Travel time may not be included as part of the free first two hours.
2. Time Spent Before Initial Mediation Session: At the beginning of the initial mediation session, the mediator shall disclose to the parties the amount of time the mediator has spent in handling the case thus far and also when the two free hours will be expended. If the amount of time spent by the mediator will exceed two hours and if the mediator intends to charge the parties for that additional time should they agree to continue with mediation on a paying basis, then the mediator must advise the parties of this fact prior to commencing the initial mediation session.
3. Substitute Mediators: In the event that the court-appointed mediator has a conflict of interest or is otherwise unable to serve, the court shall appoint a substitute mediator who is bound by all of the provisions of the court order, including providing the first two hours of service free.
4. Alternate Mediators: If the parties select an alternate mediator from the approved roster, other than the mediator appointed by the court, that mediator may charge a negotiated rate fee and need not provide the first two hours of service free.
5. Cost of Organizational Conference Call: The out-of-pocket cost of the organizational conference call shall be shared equally by the parties, unless expenses have been waived or reallocated in accordance with Guideline 9 below.
6. Non-Party Participation: If a non-party is invited to participate in the mediation, which participation must be agreed to by the parties and the mediator, the mediator shall obtain the participating non-party's written consent as to confidentiality and any other matters requested by the parties, as facilitated by the mediator.

7. Continuing the Mediation: At the expiration of the free first two hours as previously defined, including at least a one hour in-person mediation session, any party may elect not to continue with the mediation, which decision must be immediately communicated orally or in writing to the mediator and all parties. In such situation, despite the fact that one or more parties have opted out of mediation, mediation can continue as to those parties desiring to continue to the extent that the mediation can be meaningful without participation by the party or parties that opted out. Only those parties who continue with the mediation beyond the free first two hours shall be responsible for payment of the mediator's fee and expenses. All parties opting to continue mediation after the first two hours as previously defined, shall thereafter equally share the fees of the mediator at the mediator's market rate.
8. Newly Added Parties: The free first two hours are not extended by reason of the addition of a new party to the case. If a new party enters the case after the expiration of the two free hours, that party may agree to participate in the mediation on the same terms as the rest of the parties on a fee-sharing basis.
9. Allocation of Mediation Fees and Expenses: The parties who participate in mediation beyond the "free hours" component shall share the costs and fees of the mediator equally, or as otherwise agreed, subject to an application to the court for an equitable reallocation of the fees. The mediator shall waive the share of the fee allocable to an indigent party as defined in R. 1:13-2(a)
10. Mediator's Expenses: Unless the parties otherwise agree in advance following full disclosure, mediators may not charge for travel costs or time, use or rental of facilities, paralegal expenses, food, photocopying, postage, conference calls or other expenses. Note: The parties are responsible for the organizational conference call as provided in Guideline 5 above.
11. Failure to Appear or Cancel Timely: Parties who previously agreed to continue in mediation and were duly provided with notice of the mediation session but who failed to appear for the mediation session or who cancel the mediation session less than 24 hours in advance are nonetheless responsible for payment of their share of the mediator fees and expenses as allocated pursuant to Guideline 9 above. In the event that a mediation session is canceled because of a party's nonappearance or untimely cancellation, the mediator still may charge a fee; such fee may either be agreed on by the parties in advance or, if not, it shall be the mediator's usual charge for one hour's service and shall be charged to the party who failed to appear or who cancelled untimely.

12. Submission of Mediator's Bills: In the absence of other payment arrangements, mediators should bill the parties following each mediation session for which payment is due. Generally, a mediation session should not begin unless the parties are current in their payments for previous sessions. No retainer fee or advance may be requested by the mediator at any time.
13. Location of Mediation Sessions: Mediators shall provide space for mediation sessions without charge, unless either the facilities will not accommodate the number of participants or appropriate multiple breakout rooms, or there are other special needs or circumstances. In such event, the parties will be responsible for appropriate facility arrangements for the mediation sessions. Unless the parties agree otherwise, mediation sessions shall be held in neutral facilities and not in the offices of an attorney representing one of the parties. The site of the mediation session shall be in the county of venue or in a contiguous county in reasonable proximity and not more than 40 miles to the parties or to the courthouse of venue, unless all parties consent otherwise.
14. Pre-mediation Submissions and Preparation: Mediators can limit the length of the parties' pre-mediation submissions. If a party exceeds the limitations, the mediator has the discretion not to consider any excess materials unless otherwise agreed between the mediator and parties. The amount of time that the mediator spends in pre-mediation preparation should be reasonable in light of the complexity of the issues and the amount at stake. In a complex case, if the parties agree that it is reasonable that preparation, initial administration and the organizational telephone conference should exceed one hour, they may agree to compensate the mediator for such time in excess of one hour before an in-person mediation session is held.
15. Collection of Unpaid Mediator's Bill: A mediator who is not timely paid may send the CDR Point Person in the county of venue a letter by fax detailing the lack of payment. Thereafter, the court will make an effort to resolve the nonpayment, after which the court will issue a *sua sponte* Order to Show Cause why the mediator's bill should not be paid.

Note: Appendix XXVI adopted July 27, 2006 to be effective September 1, 2006.



CIVIL MEDIATOR ROSTER CHANGE/UPDATE FORM

Mediator ID # _____

Name: _____

Address:

Phone #: _____ Fax #: _____

Hourly Fee: _____

Counties of Practice:

Areas of Expertise:

Profile:

Updated ACMS Record _____

Verified Change On Roster

**CIVIL MEDIATION PROGRAM
MEDIATOR FACILITATING COMMITTEE**

Purpose: To provide assistance to mediators with questions or problems about a particular case and to judges with questions about referring a particular case.

For assistance call any of the following members:

Michele M. Fox, Esq.
Ballard, Spahr, Andrews & Ingersoll, LLP
Plaza 1000 – Suite 500
Main Street
Voorhees, NJ 08043-4636
Phone: (856) 873-5522
Fax: (856) 873-9057
E-Mail: foxmm@ballardspahr.com

Robert E. Margulies, Esq.
Margulies, Wind & Herrington
Harborside Plaza 10
3 Second Street, Suite 1201
Jersey City, NJ 07311
Phone: (201) 333-0400
Fax: (201) 333-1110
E-Mail: rem@mwhlawfirm.com

Bonnie Blume Goldsamt, Esq.
25 Pompton Avenue
Verona, NJ 07044
Phone: (973) 857-6220
Fax: (973) 857-6162
E-Mail: bonneblume@aol.com

Suzanne M. McSorley, Esq.
Stevens & Lee
600 College Road East, Suite 4400
Princeton, NJ 08540-0000
Phone: (609) 987-6663
Fax: (610) 371-7927
E-Mail: smcs@stevenslee.com

Carol F. Laskin, Esq.
2090 E. Rte. 70
Cherry Hill, NJ 08003
Phone: (856) 216-0112
Fax: (856) 424-4580
E-Mail: laskincf7@aol.com

Richard H. Steen, Esq.
P.O. Box 2178
Princeton, NJ 08543-2178
Phone: (609) 895-0071
Fax: (609) 895-1437
E-Mail: ricksteen@adrlawfirm.com

Robert MacPherson, Esq.
Thelen, Reid & Priest, LLP
875 Third Avenue
New York, NY 10022
Phone: (212) 603-8988
Fax: (212) 829-2060
E-Mail: rmacpherson@thelenreid.com

Barbara Weisman, Esq.
25 Pompton Avenue
Verona, NJ 07044
Phone: (973) 239-0757
Fax: (973) 239-0786

July 14, 2006

State of New Jersey
ATTORNEY QUESTIONNAIRE
Statewide Civil, General Equity and Probate Mediation Program

FOR OFFICE USE ONLY
DATE RECEIVED:
DATE ENTERED - AOC:

DIRECTIONS: This form is to be completed by attorneys representing litigants in mediation at the conclusion of mediation.

CASE DOCKET NUMBER

COUNTY

DID YOU REPRESENT THE PLAINTIFF OR THE DEFENDANT IN THIS CASE? plaintiff defendant

THE MEDIATOR FOR THIS CASE WAS SELECTED BY: parties / attorneys court / judge

DO YOU THINK THE MEDIATOR IN THIS CASE:

yes no gave you a full opportunity to convey your client's interests?
 yes no was impartial?

yes no was knowledgeable about the law relative to the case?
 yes no understood the issues in this case?

WHAT IMPACT DID MEDIATION HAVE ON THIS CASE?

settled the case moved the case significantly toward settlement added unnecessary steps other
 settled some of the issues clarified positions increased tension

AT WHAT STAGE IN THE CASE DID THE MEDIATION SESSION TAKE PLACE? (Check all that apply)

before any discovery before depositions after experts' reports served
 after interrogatories and document production after depositions after first trial date scheduled

DO YOU THINK THIS CASE WAS REFERRED TO MEDIATION:

too early at about the right time too late

DO YOU THINK MEDIATION IN THIS CASE SAVED MONEY?

yes no

DO YOU THINK MEDIATION IN THIS CASE SAVED TIME?

yes no

WOULD YOU CONSIDER MEDIATION FOR OTHER MATTERS?

yes no

DO YOU THINK THAT MEDIATION:

yes no generally preserves the legal rights of clients? yes no generally results in equitable outcomes?

WHAT SUGGESTIONS DO YOU HAVE TO IMPROVE THE CIVIL MEDIATION PROGRAM?

PLEASE PROVIDE ANY OTHER COMMENTS YOU THINK WOULD BE HELPFUL IN EVALUATING THE EFFECTIVENESS AND QUALITY OF CIVIL MEDIATION.

PLEASE RETURN TO:

AOC - CIVIL PRACTICE DIVISION
BOX 981
TRENTON, NJ 08625
FAX: 609 777-0844

State of New Jersey

LITIGANT QUESTIONNAIRE

Statewide Civil, General Equity and Probate Mediation Program

FOR OFFICE USE ONLY

DATE RECEIVED:

DATE ENTERED – AOC:

DIRECTIONS: This form is to be completed by the litigant at the conclusion of mediation.

CASE DOCKET NUMBER	COUNTY	DID YOU PARTICIPATE IN MEDIATION AS OR ON BEHALF OF THE PLAINTIFF OR DEFENDANT?	<input type="checkbox"/> plaintiff	<input type="checkbox"/> defendant
--------------------	--------	---	------------------------------------	------------------------------------

THE MEDIATOR FOR THIS CASE WAS SELECTED BY:	<input type="checkbox"/> parties/attorneys	<input type="checkbox"/> court/judge	DID YOU HAVE FULL AUTHORITY TO ENTER INTO A SETTLEMENT IN THE MEDIATION OF THE CASE?	<input type="checkbox"/> yes	<input type="checkbox"/> no
---	--	--------------------------------------	--	------------------------------	-----------------------------

DO YOU THINK THE MEDIATOR IN THIS CASE:

<input type="checkbox"/> yes	<input type="checkbox"/> no	Gave you a full opportunity to convey your interests?	<input type="checkbox"/> yes	<input type="checkbox"/> no	Was knowledgeable about the law relative to this case?
<input type="checkbox"/> yes	<input type="checkbox"/> no	Was impartial?	<input type="checkbox"/> yes	<input type="checkbox"/> no	Understood the issues in this case?

WHAT IMPACT DID MEDIATION HAVE ON THIS CASE?

<input type="checkbox"/> Settled the case	<input type="checkbox"/> Moved the case significantly toward settlement	<input type="checkbox"/> Added unnecessary steps	<input type="checkbox"/> Other:
<input type="checkbox"/> Settled some of the issues	<input type="checkbox"/> Clarified positions	<input type="checkbox"/> Increased tension	

DID YOU FEEL PRESSURED TO REACH AN AGREEMENT IN MEDIATION:

<input type="checkbox"/> no	<input type="checkbox"/> yes, by the mediator	<input type="checkbox"/> yes, by the other side	<input type="checkbox"/> yes, by time or money constraints
-----------------------------	---	---	--

DO YOU THINK MEDIATION IN THIS CASE SAVED YOU MONEY?	<input type="checkbox"/> yes	<input type="checkbox"/> no	DO YOU THINK MEDIATION IN THIS CASE SAVED TIME?	<input type="checkbox"/> yes	<input type="checkbox"/> no	WOULD YOU RECOMMEND MEDIATION TO A FRIEND?	<input type="checkbox"/> yes	<input type="checkbox"/> no
--	------------------------------	-----------------------------	---	------------------------------	-----------------------------	--	------------------------------	-----------------------------

PLEASE USE THIS SPACE TO ADD ANY OTHER COMMENTS ABOUT YOUR EXPERIENCE IN MEDIATION:

PLEASE RETURN TO:
 AOC - CIVIL PRACTICE DIVISION
 BOX 981
 TRENTON, NJ 08625
 FAX: 609 777-0844

State of New Jersey
MEDIATION CASE INFORMATION FORM
Presumptive Mediation Program

FOR OFFICE USE ONLY

DATE RECEIVED:

DATE ENTERED - AOC:

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

CASE DOCKET NUMBER	COUNTY	LAST NAME OF MEDIATOR	FIRST NAME OF MEDIATOR
--------------------	--------	-----------------------	------------------------

OUTCOME / NATURE OF AGREEMENT

<input type="checkbox"/> mediation held / full agreement on all issues	<input type="checkbox"/> mediation held / no agreement	<input type="checkbox"/> no mediation held / party failed to attend
<input type="checkbox"/> mediation held / some issues pending	<input type="checkbox"/> no mediation held / parties settled case before mediation session	<input type="checkbox"/> no mediation held / party attended but failed to participate

SOURCE OF REFERRAL	MANNER OF MEDIATOR SELECTION
<input type="checkbox"/> bench referral <input type="checkbox"/> motion / request of plaintiff <input type="checkbox"/> motion / request of defendant <input type="checkbox"/> consent request by both parties	<input type="checkbox"/> assigned by court <input type="checkbox"/> selected by parties

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

NUMBER OF MEDIATION SESSIONS	NUMBER OF HOURS OF PREPARATION TIME	NUMBER OF HOURS IN SESSIONS	NUMBER OF HOURS PAID BY PARTIES
------------------------------	-------------------------------------	-----------------------------	---------------------------------

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

AT WHAT STAGE IN THE CASE DID THE MEDIATION SESSION TAKE PLACE? (note all that are applicable)

<input type="checkbox"/> before any discovery	<input type="checkbox"/> before depositions	<input type="checkbox"/> after experts' reports served
<input type="checkbox"/> after interrogatories and document production	<input type="checkbox"/> after depositions	<input type="checkbox"/> after first trial date scheduled

WAS THE TIMING OF REFERRAL TO MEDIATION APPROPRIATE? too early appropriate time too late

HAD THIS CASE UNDERGONE ANY PRIOR CDR TECHNIQUE? (e.g. arbitration, early neutral evaluation) <input type="checkbox"/> yes <input type="checkbox"/> no	TYPE OF CDR	APPROXIMATE DATE
--	-------------	------------------

IF THE CASE DID NOT SETTLE IN MEDIATION, WHAT WERE THE REASONS? (note all that are applicable)

<input type="checkbox"/> the proper parties with authority to settle were not present	<input type="checkbox"/> issues were too complex	<input type="checkbox"/> one or both parties too entrenched in their positions
<input type="checkbox"/> one or both parties did not mediate in good faith	<input type="checkbox"/> issues were too numerous	

RELATIONSHIP OF PARTIES

<input type="checkbox"/> formal business relationship (eg. partnership, corporation)	<input type="checkbox"/> performance of service contract	<input type="checkbox"/> employee	<input type="checkbox"/> family	<input type="checkbox"/> friend	<input type="checkbox"/> neighbor	<input type="checkbox"/> no ongoing relationship
--	--	-----------------------------------	---------------------------------	---------------------------------	-----------------------------------	--

COMMENTS (Please use this section to note any suggestions, concerns or other comments on the pilot program.)

PLEASE RETURN TO: CIVIL PRACTICE DIVISION
 BOX 981
 TRENTON, NJ 08625
 FAX: 609 777-0844

**State of New Jersey
ATTORNEY QUESTIONNAIRE
Presumptive Mediation Program**

DIRECTIONS: This form is to be completed by attorneys representing litigants in mediation at the conclusion of mediation.

CASE DOCKET NUMBER

COUNTY

DID YOU REPRESENT THE PLAINTIFF OR THE DEFENDANT IN THIS CASE? plaintiff defendant

THE MEDIATOR FOR THIS CASE WAS SELECTED BY: parties/attorneys court/judge

DO YOU THINK THE MEDIATOR IN THIS CASE:

yes no gave you a full opportunity to convey your client's interests?
 yes no was impartial?

Yes no was knowledgeable about the law relative to the case?
 Yes no understood the issues in this case?

WHAT IMPACT DID MEDIATION HAVE ON THIS CASE?

Settled the case Moved the case significantly toward settlement Added unnecessary steps Other:
 Settled some of the issues Clarified positions Increased tension

AT WHAT STAGE IN THE CASE DID THE MEDIATION SESSION TAKE PLACE? (Check all that apply)

before any discovery before depositions after experts' reports served
 after interrogatories and document production after depositions after first trial date scheduled

DO YOU THINK THIS CASE WAS REFERRED TO MEDIATION:
 too early at about the right time too late

DO YOU THINK MEDIATION IN THIS CASE SAVED MONEY?
 yes no

DO YOU THINK MEDIATION IN THIS CASE SAVED TIME?
 yes no

WOULD YOU CONSIDER MEDIATION FOR OTHER MATTERS?
 yes no

DO YOU THINK THAT MEDIATION:
 yes no generally preserves the legal rights of clients?

yes no generally results in equitable outcomes?

WHAT SUGGESTIONS DO YOU HAVE TO IMPROVE THE CIVIL MEDIATION PROGRAM?

PLEASE PROVIDE ANY OTHER COMMENTS YOU THINK WOULD BE HELPFUL IN EVALUATING THE EFFECTIVENESS AND QUALITY OF CIVIL MEDIATION.

PLEASE RETURN TO: AOC - CIVIL PRACTICE DIVISION
 BOX 981
 TRENTON, NJ 08625
 FAX: 609 777-0844

State of New Jersey

LITIGANT QUESTIONNAIRE

Presumptive Mediation Program

FOR OFFICE USE ONLY

DATE RECEIVED:

DATE ENTERED – AOC:

DIRECTIONS: This form is to be completed by the litigant at the conclusion of mediation.

CASE DOCKET NUMBER	COUNTY	DID YOU PARTICIPATE IN MEDIATION AS OR ON BEHALF OF THE PLAINTIFF OR DEFENDANT?	<input type="checkbox"/> plaintiff	<input type="checkbox"/> defendant
--------------------	--------	---	------------------------------------	------------------------------------

THE MEDIATOR FOR THIS CASE WAS SELECTED BY:	<input type="checkbox"/> parties/attorneys	<input type="checkbox"/> court/judge	DID YOU HAVE FULL AUTHORITY TO ENTER INTO A SETTLEMENT IN THE MEDIATION OF THE CASE?	<input type="checkbox"/> yes	<input type="checkbox"/> no
---	--	--------------------------------------	--	------------------------------	-----------------------------

DO YOU THINK THE MEDIATOR IN THIS CASE:

<input type="checkbox"/> yes	<input type="checkbox"/> no	Gave you a full opportunity to convey your interests?	<input type="checkbox"/> yes	<input type="checkbox"/> no	Was knowledgeable about the law relative to this case?
<input type="checkbox"/> yes	<input type="checkbox"/> no	Was impartial?	<input type="checkbox"/> yes	<input type="checkbox"/> no	Understood the issues in this case?

WHAT IMPACT DID MEDIATION HAVE ON THIS CASE?

<input type="checkbox"/> Settled the case	<input type="checkbox"/> Moved the case significantly toward settlement	<input type="checkbox"/> Added unnecessary steps	<input type="checkbox"/> Other:
<input type="checkbox"/> Settled some of the issues	<input type="checkbox"/> Clarified positions	<input type="checkbox"/> Increased tension	

DID YOU FEEL PRESSURED TO REACH AN AGREEMENT IN MEDIATION:

<input type="checkbox"/> no	<input type="checkbox"/> yes, by the mediator	<input type="checkbox"/> yes, by the other side	<input type="checkbox"/> yes, by time or money constraints
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DO YOU THINK MEDIATION IN THIS CASE SAVED YOU MONEY?	<input type="checkbox"/> yes	<input type="checkbox"/> no	DO YOU THINK MEDIATION IN THIS CASE SAVED TIME?	<input type="checkbox"/> yes	<input type="checkbox"/> no	WOULD YOU RECOMMEND MEDIATION TO A FRIEND?	<input type="checkbox"/> yes	<input type="checkbox"/> no
--	------------------------------	-----------------------------	---	------------------------------	-----------------------------	--	------------------------------	-----------------------------

PLEASE USE THIS SPACE TO ADD ANY OTHER COMMENTS ABOUT YOUR EXPERIENCE IN MEDIATION:

PLEASE RETURN TO: AOC - CIVIL PRACTICE DIVISION
 BOX 981
 TRENTON, NJ 08625
 FAX: 609 777-0844



**State of New Jersey
MEDIATOR CASE INFORMATION FORM
Lemon Law Mediation**

For office use only

Date Received: _____

Date Entered-AOC: _____

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

Case Docket Number	County	Last Name Of Mediator	First Name Of Mediator
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Outcome / Nature of Agreement:

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

Source of Referral:

- | | |
|--|--|
| <input type="checkbox"/> bench referral | <input type="checkbox"/> motion / request of plaintiff |
| <input type="checkbox"/> motion / request of defendant | <input type="checkbox"/> consent request by both parties |

Manner of mediator selection

- assigned by court selected by parties

Date case assigned to mediator	Date of initial mediation session	Date of final mediation session
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No. of mediation sessions	No. hrs. of prep time	No. hrs. in session	No. hrs. paid by party
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- Did the attorneys submit proper case summaries? Yes No
- Were the attorneys prepared for the mediation sessions ? Yes No
- Were the parties prepared for the mediation sessions? Yes No

Was the timing of referral to mediation appropriate?

- too early appropriate time too late

Had this case undergone any prior cdr technique? (e.g., arbitration, early neutral evaluation)

- Yes No

If the case did not settle in mediation, what were the reasons? (note all that are applicable)

- the proper parties with authority to settle were not present
- issues were too complex
- issues were too numerous
- one or both parties too entrenched in their positions
- one or both parties did not mediate in good faith

Comments (Please use this section to note any suggestions, concerns or other comments on the program)

PLEASE RETURN TO:

Civil Practice Division
Box 981
Trenton, NJ 08625
FAX: (609) 777-0844



State of New Jersey
ATTORNEY QUESTIONNAIRE
Lemon Law Mediation

For office use only
Date Received:
Date Entered-AOC:
Docket No.:

DIRECTIONS: This form is to be completed by attorneys representing litigants in mediation at the conclusion of mediation.

Did you represent the plaintiff or the defendant in this case?

- Plaintiff Defendant

The mediator for this case was selected by:

- Parties / Attorneys Court / Judge

Do you think the mediator in this case:

- Gave you full opportunity to convey your clients interests? Yes No
Was knowledgeable about the law relative to the case? Yes No
Understood the issues in this case? Yes No
Was impartial? Yes No

What impact did mediation have on this case?

- settled the case moved the case significantly toward settlement clarified positions
 settled some of the issues added unnecessary steps increased tension
 other

Do you think this case was referred to mediation:

- too early appropriate time too late

Do you think the mediation in this case saved money?

- Yes No

Do you think mediation in this case saved time?

- Yes No

Would you consider mediation for other matters?

- Yes No

Do you think that mediation:

- Generally preserved the legal rights of clients? Yes No
Generally results in equitable outcomes? Yes No

What suggestions do you have to improve this program?

Please provide any other comments you think would be helpful in evaluating the effectiveness and quality of this program.

PLEASE RETURN TO:

Civil Practice Division
Box 981
Trenton, NJ 08625
FAX: (609) 777-0844



**State of New Jersey
LITIGANT QUESTIONNAIRE
Lemon Law Mediation**

For office use only
Date Received:
Date Entered-AOC:
Docket No.:

DIRECTIONS: This form is to be completed by the litigant at the conclusion of mediation.

Did you participate in mediation as or on behalf of the plaintiff or defendant?
 Plaintiff Defendant

Did you have full authority to enter into a settlement in the mediation of the case?
 Yes No

The mediator for this case was selected by:
 Parties / Attorneys Court / Judge

Do you think the mediator in this case:
Gave you full opportunity to convey your clients interests? Yes No
Was knowledgeable about the law relative to the case? Yes No
Understood the issues in this case? Yes No
Was impartial? Yes No

Did you feel pressured to reach an agreement in mediation?
 No Yes, by the mediator
 Yes, by the other side Yes by time or money constraints

What impact did mediation have on this case?
 settled the case moved the case significantly toward settlement clarified positions
 settled some of the issues added unnecessary steps increased tension
 other

Do you think the mediation in this case saved money?
 Yes No

Do you think mediation in this case saved time?
 Yes No

Would you recommend mediation to a friend?
 Yes No

Please use this space to add any other comments about your experience in mediation.

PLEASE RETURN TO:

Civil Practice Division
Box 981
Trenton, NJ 08625
FAX: (609) 777-0844

MEDIATION STATISTICS

REPORT ID: CVC266JB

AUTOMATED CASE MANAGEMENT SYSTEM

PAGE: 1

RUN DATE: 08/31/06

RUN TIME: 22:50

08/2006

VENUE: ATL ATLANTIC

COURT: LCV LAW CVL

1. NUMBER OF CASES REFERRED TO MEDIATION

A) MEDIATION WITH STAY (OH9) ORDER.....	2	
B) MEDIATION WITHOUT STAY (OS9) ORDER.....	1	
C) CONFLICT OF MEDIATOR (OR9) ORDER.....	0	
D) TOTAL NUMBER OF CASES REFERRED TO MEDIATION.....	.....	3
2. NUMBER OF CASES SETTLED PRIOR TO MEDIATION (XM6).....	.....	0
3. NUMBER OF SUCCESSFUL MEDIATION (XM1).....	.....	0
4. NUMBER OF PARTIALLY SETTLED CASES (XM2).....	.....	0
5. CASES UNRESOLVED BY MEDIATOR (XM3).....	.....	0
6. CASES WITH CMO FILED (XM4).....	.....	0
7. NUMBER OF SUBSTITUTION OF MEDIATOR (XM5).....	.....	0
8. NUMBER OF CASES REMOVED FROM MEDIATION (XM7).....	.....	0
9. TOTAL FOR ALL ABOVE DOCUMENT TYPES ENTERED.....	.....	3

MEDIATION STATUS REPORT

PROGRAM ID: CVB0002 AUTOMATED CASE MANAGEMENT SYSTEM
 RUN DATE: 06/29/02
 RUN TIME: 00:47 AS OF - 06/29/02
 VENUE: ATL ATLANTIC
 TEAM: 001
 CASE TYPE: 618 LAW DISCRIM
 MEDIATOR: 0008757165

PAGE: 1
 WEEKLY
 SYSTEM DATE: 06/29/02
 COURT: LCV LAW CVL

CASE DOCKET	CASE TITLE	PRTY TYPE	OS9/OH9 FILED DATE	# DAYS IN MED	OVR DUE	JUDGE	DOC TYPE
L -000931-02	ALLGEYER CAROL L ETAL VS LITTMAN JEWELERS ETAL		06/14/02	15		SPP01	OS9
	ALLGEYER CAROL L	PF	VAN SYOC CLIFFORD L				
	DESOUSA LYNN	PF	VAN SYOC CLIFFORD L				
	FIDUCIOSO MARY	PF	VAN SYOC CLIFFORD L				
	VESPERTINO TAMMIE	PF	VAN SYOC CLIFFORD L				
	LITTMAN JEWELERS	DF	CONFOY KAREN A				
	FRED MEYER STORES INC	DF	CONFOY KAREN A				
	GUENTHER ROGER	DF	<NO ATTORNEY ASSIGN				
	JOHN DOES 1 50	DF	<NO ATTORNEY ASSIGN				
	KROGER CORP	DF	CONFOY KAREN A				
	GUENTHER ROGER	DF	GRAZIANO RONALD A				
TOTAL CASES PER CASE TYPE REPORTED			1				
TOTAL CASES PER MEDIATOR REPORTED							

MEDIATOR ASSIGNMENT REPORT/ACTIVE

PROGRAM-ID: CVB0021

AUTOMATED CASE MANAGEMENT SYSTEM

PAGE: 1

RUN-DATE: 08/31/06

REQUEST-NO: 1

RUN-TIME: 22:45

AS OF 08/31/06

REQ-DATE: 08/31/06

MEDIATOR NAME: ABELES PETER L

TELEPHONE NO: (212)475-3030

STATUS: A

VENUE DOC NUMBER CASE TITLE

CASE TYPE

DISCOVERY END DATE

BER L -007519-05 NELSON VS BERGEN COUNTY JAIL CVL RIGHTS

04/18/07

BER L -002930-06 SGS DEVELOPMENT LLC VS EDGEHILL

CONDOMINIUM ASSOC

REAL PROP

11/25/06

ACTIVE CASES OUT TO MEDIATION BY REF ORDER DATE

PROGRAM-ID: CVB0020
 RUN-DATE: 08/31/06
 RUN-TIME: 22:45
 VENUE: ATL ATLANTIC
 COURT: LCV LAW CVL
 TEAM: 001

AUTOMATED CASE MANAGEMENT SYSTEM

AS OF 08/31/06

PAGE: 1
 REQUEST-NO: 1
 REQ-DATE: 08/31/06

DOCKET PHONE NUMBER	CASE TITLE	CASE TYPE	REF ORD TYPE	REF ORD DATE	STAY UNTIL	DISCOVER END DATE	TEL CONF	MEDIATOR NAME
L -002626-04 609-398-6742	LINDA DILUZIO ET AL VS GREATER WILDWOOD	TORT-OTHER	OS9	03/30/05		09/28/06		M FUSCO
L -002199-05 348-4515	GIOSTRA ROSEMARIE VS CAESARS ATLANTIC	LAWAGAINS	OS9	08/05/05		11/07/06		G WEINSTEIN 609-
L -007801-05 927-9009	DRAUGHN JANICE VS FAIRFIELD RESORTS IN	LAW AGAINST	OS9	05/25/06		04/22/07		J WALDMAN 609-

CASES RESOLVED BY EACH MEDIATOR STATEWIDE – XM1 CASES

PROGRAM-ID: CVB0023 AUTOMATED CASE MANAGEMENT SYSTEM AGE: 2
 RUN-DATE: 08/31/06 – REQUEST-NO: 1
 RUN-TIME: 22:47 AS OF 08/31/06 REQ-DATE: 08/31/06
 MEDIATOR NAME: LORRAINE A ABRAHAM TELEPHONE: NO 201-488-2600 STATUS: A

VENUE	DOCKET NUMBER	CASE TITLE	CASE TYPE	DISPOSITION	DATE
BER	L -002279-05	HEARTLAND PAYMENT SYSTEMS INC VS NEESE		CONTRACT-OTH STL MEDIATION	10/03/2005
BER	L -008433-05	ANZELMO VS MAHWAH TOWNSHIP OF		CONSTRUCTION STL MEDIATION	03/09/2006

