

**From:** [Howard Wiener](#)  
**To:** [Comments Mailbox](#)  
**Subject:** [External]Proposal to Require Submission of Arbitration Statements in Advance  
**Date:** Wednesday, October 19, 2022 2:25:12 PM  
**Attachments:** [image001.png](#)

---

I have been a R4:21A arbitrator in the Hudson, Union and Middlesex vicinages for several years. I have been certified by the Supreme Court as a Civil Trial Attorney since 1995. Since the beginning of the Covid court closures I have been using the Zoom platform to conduct arbitration hearings. I use the following procedure. When I get the list of cases from the arbitration administrator, I send an email to counsel informing them that the arbitration will be conducted on Zoom at a specific time. I have found that spacing them at ½ hour intervals is sufficient in virtually every case. I request that arbitration statements be submitted 3 days before the arbitration. Most lawyers comply. I read all submissions prior to the hearing and based upon the statements I complete the narrative section of the award. At the hearing I invite the lawyers to suggest changes to the narrative. Having had the opportunity to read the submissions in advance, I am able to become familiar with the factual disputes (if any) and render an award. Counsel are welcome to share the Zoom invitation with clients if there will be testimony. My one gripe is that some lawyers, particularly for plaintiff's submit voluminous records, diagnostic tests and bills that are no necessary for arbitrations. Having the arbitration statement in advance creates more work for the arbitrator but I think the award is more meaningful. I think 3 days in advance is sufficient.

I believe that remote arbitration is better than in person. When in person, lawyers often have to wait for more than an hour to be heard. It can be longer if counsel have to be in different courts at the same time. When in person, the cases are assigned as arbitrators are available and there is no time to read the arbitration statements. Using Zoom, the lawyers may not agree with an award, but they cannot complain that the arbitrator was not familiar with the case.

Thank you for the opportunity to offer my comments.

**Howard N. Wiener**

TOBIN KESSLER GREENSTEIN CARUSO WIENER & KONRAY

136 Central Avenue

Clark, NJ 07066

☎ Office: 732-388-5454

☎ Fax: 732-388-8711

✉ Email: [hnw@teamlaw.com](mailto:hnw@teamlaw.com)

Please consider the environment before printing this email



*Confidentiality Notice*

This electronic transmission and any files or documents transmitted with it are private and confidential and are solely for the use of the addressee. It may contain material which is legally privileged. If you are not the addressee or the person responsible for delivering it to the addressee, be advised that you have received it in error and that any use of it is strictly prohibited.

