

## NOTICE TO THE BAR

### Pilot Program for Mediation of Economic Aspects of Family Law Cases

At its November 19, 2001 Administrative Conference, the Supreme Court approved a recommendation from the Supreme Court Committee on Complementary Dispute Resolution that the four pilot counties that now make economic mediation referrals pre-MESP (Atlantic, Burlington, Ocean and Union) be changed to post-MESP referral. The parties will still be able to request pre-MESP mediation in any particular case in any of the seven counties (also including Bergen, Morris and Somerset). This change is effective January 1, 2002. The Court also approved the extension of the end date of the Pilot from December 31, 2001 to August 31, 2002. By Court order dated December 18, 2001, amendments to Appendix XIX ("Guidelines for Pilot Program Mediation of Economic Aspects of Family Actions") of the Rules Governing the Courts of the State of New Jersey are adopted effective January 1, 2002. These amendments reflect the change of the pilot counties to post-MESP referral.

/s/ Richard J. Williams

Richard J. Williams, J.A.D.

Administrative Director of the Court

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## SUPREME COURT OF NEW JERSEY

### ORDER

It is ORDERED that the attached amendments to Appendix XIX ("Guidelines for Pilot Program Mediation of Economic Aspects of Family Actions") of the Rules Governing the Courts of the State of New Jersey are adopted to be effective January 1, 2002.

For the Court,

/s/ Deborah T. Poritz

Chief Justice

Dated: December 18, 2000

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### APPENDIX XIX GUIDELINES FOR PILOT PROGRAM MEDIATION OF ECONOMIC ASPECTS OF FAMILY ACTIONS

#### Guideline 1. Applicability

The provisions of Rule 1:40, insofar as applicable, as modified and supplemented by these guidelines, shall govern the pilot program in effect in seven [six] counties for the mediation of economic issues raised in dissolution, non-dissolution, and post-judgment actions. In [Bergen, Morris, and Somerset] all pilot counties (Atlantic, Bergen, Burlington, Morris, Ocean, Somerset and Union) an order of mediation referral shall not be entered sua sponte until the parties have participated in the Matrimonial Early Settlement Program. [In Atlantic, Burlington, and Union Counties, the mediation referral order may be entered sua sponte at any time.] In all counties the parties may request a referral to mediation at any time, and the order of referral may then be entered. No matter shall, however, be referred to mediation if a temporary or final restraining order entered pursuant to the Prevention of Domestic

Violence Act (N.J.S.A. 2C:25-17 et seq.) is in effect.

#### Guideline 2. Designation of Mediator.

Immediately upon referral to mediation, the parties shall select a mediator from the vicinage roster or may select any other person they deem suitable. If the parties cannot agree on a mediator within 10 days after entry of the order of referral, the judge will assign a mediator from the roster on a rotating basis.

#### Guideline 3. Program Operations.

After consultation with counsel, the date(s), time(s) and place(s) of the mediation session(s) shall be set by the mediator. Counsel for the parties shall be encouraged to attend the first mediation session and may attend any subsequent session on notice to the other party or, if the other party is represented by counsel, notice shall be given to opposing counsel. The parties shall provide accurate and complete information to the mediator and to each other, including, but not limited to, tax returns, Case Information Statements and appraisal reports. The court may, in the Mediation Referral Order, stay discovery and set times for completion of the mediation.

#### Guideline 4. Mediator Roster.

The vicinage rosters of qualified mediators of economic issues in family disputes shall be maintained by the Administrative Office of the Courts.

#### Guideline 5. Mediator Qualifications and Training.

Qualified mediators of economic issues in family disputes shall have either of the following qualifications:

- A. A Juris Doctor degree or equivalent, admission to the bar for seven years, license to practice law in New Jersey, and a practice substantially devoted to family law; or
- B. An advanced degree in psychology, psychiatry, social work, or an allied mental health field, or business, finance or accounting or licensure as a certified public accountant; seven years of experience in the field of expertise; and licensing by the State of New Jersey if licensure is required for that field of expertise.

Qualified mediators shall have completed 40 hours of a training program in family mediation approved by the Administrative Office of the Courts, or completed a minimum of 25 hours of mediation training with the commitment to complete the remaining 15 hours of specialized training within one year following entry on the roster.

Note: Appendix XIX adopted July 5, 2000 to be effective September 5, 2000; Guideline 1 amended December 18, 2001 to be effective January 1, 2002.