

#019

---

**From:** Angela Scafuri <AScafuri@bressler.com>  
**Sent:** Tuesday, March 28, 2017 10:21 AM  
**To:** Comments Mailbox  
**Subject:** Proposed Rule amendment to R. 1:40-4(b).

I have reviewed the proposed rule amendment to R. 1:40-4(b) mandating that economic mediators must file an action in Law Division to recover fees from litigatns that do not make payment.

I believe this is a bad idea and will only cause more backlog. For Family Part, mandatory Economic Mediation is a very effective program and does move many cases off the Court's impossibly clogged calendar.

The "method" to get paid, when litigant's decide it is not a priority to pay, has always been to file an application directly with the Judge who appointed you. This has been very effective (and it is fair as the litigant is put on notice and allowed to respond to the application). Usually the filing of such a fee application prompts payment even before the Court is called upon to "rule" on the fee application.

The Economic Mediation program is designed to **CLEAR the Court's calendar**. Allowing mediators to get paid fairly and quickly **encourages** them to serve as Economic Mediators.

Making Mediators file a separate law suit to collect fees will **ADD to the Court's calendar**. Making mediators file a separate law suit may well **discourage** them from serving in this important role.

**Angela M. Scafuri**

Principal

**BRESSLER, AMERY & ROSS, P.C.**

325 Columbia Turnpike, Florham Park, NJ 07932

17 State Street, 34th Floor, New York, NY 10004

P: 973.660.4440 | M: 973.514.1200

[ascafuri@bressler.com](mailto:ascafuri@bressler.com) | [www.bressler.com](http://www.bressler.com)

**BRESSLERAMERYROSS**

---

This electronic message and any attachments are for the sole use of the intended recipient(s). They may contain confidential and/or privileged information or other information subject to legal restrictions regarding disclosure and/or dissemination. If you are not an intended recipient of this message, any review, retransmission, copying, use, disclosure, or dissemination of this message or its attachments is prohibited. If you received this message in error please notify the sender by replying to this message and deleting or destroying all copies of this message and any attachments.

---