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NEW JERSEY STATE BAR ASSOCIATION

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May 27, 2015

Honorable Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Hughes Justice Complex
P.O. Box 037
Trenton, NJ 08625-0037

Re: Comments on Report of Ad Hoc Committee on the Arbitration of Family Matters

Dear Judge Grant:

On behalf of the New Jersey State Bar Association (NJSBA), thank you for the opportunity to review and provide comments on the Report of the Ad Hoc Committee on the Arbitration of Family Matters.

As NJSBA representative Amanda Trigg testified last week during the Rules Committees hearing, the NJSBA endorses the report and urges the Court to adopt the recommendations contained therein. At the time of the hearing, the Association was still reviewing the "Minkowitz provisions" in paragraph 13 of both proposed agreements to arbitrate contained in the report, but the Association can now endorse the full report.

The rule changes and standardized forms recommended by the Committee create a consistent framework and significant safeguards for families who want to privately resolve their differences but cannot reach an agreement.

The benefits of the proposed new court rules would include the following:

- consistency in the transition of a case into arbitration;
- transparency to the litigants about the option to arbitrate, as well as their rights and obligations in arbitration;
- equalization of a matter in arbitration to one which is proceeding in trial court; and
- establishment of clear standards and procedures for confirming, vacating and appealing an arbitrator's decisions.

By providing the same rules and forms for everyone to use in the arbitration process, the new proposed rules and forms will manage litigant expectations and reduce later procedural disputes. This will go a long way toward ensuring fairness and consistency in the handling of these matters and toward improving the judicial process for New Jersey's citizens, which is our ultimate goal.

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For these reasons, once again, the NJSBA endorses the recommended rule changes and forms contained in the Committee's report and urges the Court to adopt same.

Thank you, as always, for your consideration of these comments.

Very truly yours,

A handwritten signature in black ink, appearing to read "Miles S. Winder, III", followed by a horizontal line with three short parallel strokes underneath.

Miles S. Winder, III
President

/sab

cc: Thomas H. Prol, Esq., NJSBA President-Elect
Angela C. Scheck, NJSBA Executive Director