

**LAURA A. KASTER, ESQ.**

Arbitrator & Mediator

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Via email comments.mailbox@njcourts.gov

Glenn A. Grant JAD

Acting Administrator Director of the Courts

Comments on Arbitration Qualification & Training

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Dear Judge Grant:

I am a full-time arbitrator and mediator in New Jersey and am on the panels of the AAA, CPR, FINRA, as well as the New Jersey Courts. I am a past president of the New Jersey State Bar Association's Dispute Resolution Section, the current president of the Justice Marie L. Garibaldi Inn of Court and a member of the Supreme Court's CDR Committee. I write here exclusively in my personal professional capacity.

There is a current perception that the New Jersey judiciary is hostile to arbitration in general. It is important to the State's commerce to reverse this perception and especially to make sure that the Court's own administered programs are and are perceived to be well thought out and completely fair.

There are two aspects of the current proposal that are problematic from a real world perspective. The notion that the outcome of commercial matters, largely governed by statewide law and judicial decisions and turning on contractual provisions, should vary from county to county is not supportable. For that reason, there is no legitimate basis for limiting commercial arbitrators to those who have practiced in specific counties. In addition, there is an appearance of unfairness and preference toward retired judges created by requiring practitioners to be limited to counties but permitting retired judges to practice statewide as arbitrators. It is quite important that the judiciary not favor, by appointment or by rule, its own former members. Therefore, if the county requirement is perceived as key to the arbitrator's ability, that requirement should be applied to retired judges as well as to all other arbitrators.

I submit this comment respectfully with an eye toward enhancing arbitration and the reputation of the New Jersey Court system.

Respectfully,

Laura A. Kaster

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