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March 17, 2017



Via Regular Mail & Email: comments.mailbox@njcourts.gov

Honorable Glenn A. Grant, J.A.D.

Acting Administrative Director of the Courts

Rules Comments

Hughes Justice Complex: PO Box 037

Trenton, NJ 08625-0037

RE: Proposed amendment to Rule 1:40-4(b) Mediation- General Rules, Compensation and Payment of Mediators Serving in the Civil and Family Economic Programs

Dear Judge Grant:

I have served in the Family Court Mediation program since its inception. With the support of my partners, I have given countless free hours to the program. I say with confidence and humility that I have been assigned and have helped settle more cases in the Bergen County Program than any other single mediator.

It will soon be time for me to leave the stage. I am writing this more for the younger attorney mediators who will be center stage than for myself.

The proposed Rule 1:40-4(b) change will discourage qualified mediators from volunteering for the Family Court Program. It is burdensome enough to collect fees via the current method of OTSC to the Family Part Judge who entered the mediation order, without now having to engage in litigation in the Law Division. Who will compensate the mediator for the time that the Law Division litigation takes from his/her practice?

Further, since the Mediator was appointed by Order of the Family Part Judge, and included in that Order was a provision for payment of fees, why should not the Family Part Judge enforce his/her own Order?

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Without question the Family Court Judge who has overseen the parties' case is in the best position to rule fairly and quickly on the reasonableness of the mediator's fees. Keeping the current OTSC method of having the issue of outstanding fees resolved, allows for a more timely and cost efficient method for the mediator to receive compensation - the mediator, who, I remind you, has already given two free hours to the parties.

Please do not approve the current proposed rule change if you want to continue to have qualified mediators for the Family Part Program.

Thank you for your time and attention.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'Mary Ann Stokes', with a long horizontal line extending to the right.

Mary Ann Stokes

MAS:jan