
From: Larry J. Esposito <LJE@dceesqs.com>
Sent: Tuesday, March 28, 2017 8:21 AM
To: Comments Mailbox
Subject: Proposed change to Rule 1:40

Dear Judge Grant,

I have been made aware of the proposed change to Rule 1:40 regarding how Family Part mediators will have to collect fees for court referred mediations by filing actions in the Law Division. As a regular Family Part Rule 1:40 mediator, I am opposed to having to file a separate action in the Law Division to collect any unpaid fees. I strongly believe that such a process will act as a deterrent to those mediators who may be willing to serve the Family Part but who don't have the ability or desire to engage in litigation in the Law Division to collect unpaid fees. Many of my fellow mediators do not regularly practice in the Law Division and may think twice about serving on the roster if they believe they will be forced to hire an attorney to litigate in the Law Division for unpaid fees rather than filing an application in the underlying matter in the Family Part before the Judge who entered the order of appointment. The economic mediation of Family Part matters is a tremendously successful program. I thoroughly enjoy working in the program as a mediator and with other attorneys who serve as mediators in my Family Part matters. I respectfully request that the rules committee revisit the process by which mediators can enforce their payment of unpaid fees in a way that doesn't result in having to likely retain counsel to file an action in the Law Division.

Thank you for considering my input.

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