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Subject: Mediators' Fees

Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Rules Comments
Hughes Justice Complex
PO Box 037
Trenton, NJ 08625-0037

Dear Judge Grant,

It is my understanding that there is a proposed Rule amendment to R. 1:40-4(b), which would require Economic Mediators who need to make application for fees because one or both litigants fail to pay the mediator start an action in Law Division (Special Civil Part) to collect rather than apply directly to the judge assigned to the underlying matter as has been the usual procedure. **I respectfully object to the proposed rule change.**

Direct motions to compel payment of the mediator's fees have been very effective. As a colleague has noted, usually the filing of such a fee application prompts payment even before the Court is called upon to "rule" on the fee application. I do a fair amount of mediation. My rate is reduced from my usual litigation rate and I often make further concessions regarding the fees in order to keep the costs down. This is in addition to the two-free hours. I also volunteer my time as an ESP panelist (in Union County for over 25 years) and as a Blue Ribbon or ISP panelist in other counties. I would venture to say that many of my experienced colleagues could make similar statements. As I believe others have already said, Mandatory Economic Mediation is a very effective program and does move many cases off the Court's impossibly clogged 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. This will only cause further backlog in the Family Part.

Respectfully submitted,

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