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## New Jersey Association of Professional Mediators

Carl Cangelosi  
Immediate Past President

March 22, 2019

Glenn A. Grant, J.A.D.  
Acting Administrative Director of the Courts  
Attn: Comments –Amendments to Rule 1:40-4  
Hughes Justice Complex,  
P.O. Box 037  
Trenton, New Jersey 08625-0037

Regarding: Proposed Amended Rule Change to 1:40-4

Dear Judge Grant:

On behalf of the New Jersey Association of Professional Mediators (NJAPM) we are writing this letter in support of the current proposal by the Supreme Court Committee on Complementary Dispute Resolution to amend the mediator fee schedule set forth in Rule 1:40-4.

NJAPM is a non-profit professional organization dedicated to fostering excellence in the field of mediation, promoting mediation as a preferred method of conflict resolution, accrediting professional mediators, and protecting the public through Standards of Conduct. NJAPM also serves as a voice for the professional needs of its members.

As the principal organization representing the interests of mediators in New Jersey, we endorse the proposed rule change which provides that New Jersey Court roster mediators are to be paid half of their market rate for the first two hours of mediation services. Although we would prefer to have the rule provide for payment of all of the approved mediator's time, we recognize that the proposed rule is a reasonable compromise which acknowledges the level of professional services provided by mediators, while also maintaining the public's free access to complementary dispute resolution options.

NJAPM believes that the rule change is beneficial to the public, the judiciary and to professional mediators for several reasons.

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- In order to improve court connected complementary dispute resolution programs and attract the best talent, it is essential that mediators be fairly compensated.
- Court approved mediators invest a considerable amount of time and expense to maintain a high level of skill through training and continuing education and deserve the concomitant professional recognition which includes payment for their services.
- The current two free hour requirement on every single case is a major deterrent to retaining and attracting top mediators. By having the most experienced and best trained mediators in the state on the court roster, the public would have access to a pool of exceptional mediation talent and a superior level of mediation service.
- It is unfair for professional mediators who perform a necessary function for the courts to singlehandedly absorb costs of the litigants. The other professionals utilized for case management and conflict resolution services by the courts, such as special masters and court-appointed experts, are paid. Moreover, mediators are also required to provide facilities and corollary office services and cannot be reimbursed for travel time.
- By adopting this rule amendment, the New Jersey Courts would become more consistent with programs in numerous Federal courts, many of which allow mediators to be paid from the very beginning of the mediator's services.

In summary, we would like to see New Jersey join the ranks of the most nationally recognized mediation programs by attracting and retaining high quality mediators who receive professional recognition. Approval of the subject proposal would advance the goal of improving the civil and family economic mediation programs, thereby providing tangible benefits to the public.

Respectfully,



Carl Cangelosi  
Immediate Past President