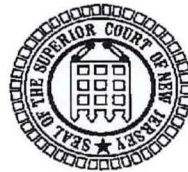


#010

# SUPERIOR COURT OF NEW JERSEY

ROBERT L. POLIFRONI, P.J.Cv.  
CIVIL DIVISION



BERGEN COUNTY JUSTICE CENTER  
10 MAIN STREET  
HACKENSACK, NEW JERSEY 07601-  
7689  
(201) 221-0700, Ext. 25574

April 16, 2019

VIA EMAIL

[Comments.Mailbox@njcourts.gov](mailto:Comments.Mailbox@njcourts.gov)

Glenn A. Grant, J.A.D.  
Acting Administrative Director of the Courts  
Rule Comments  
Hughes Justice Complex; P.O. Box 037  
Trenton, New Jersey 08625-0037

**Re: 2017-2019 Report of the Supreme Court Committee on Complementary  
Dispute Resolution**

Dear Judge Grant:

On behalf of the Conference of Civil Presiding Judges (the Conference), please accept this comment to the proposed amendments to Rule 1:40-4(b) and Appendix XXVI set forth in the report of the Supreme Court Committee on Complementary Dispute Resolution. Specifically, the Conference has significant concerns with the recommendation that parties to mediation should be charged back for the first two free hours of mediation.

The proposed rule is counterproductive to purposes of the Court's Civil Mediation program, which exists in part to provide free services to those who cannot afford private mediation. As an organization, the Judiciary embraces providing equal access to a fair system of justice and offering complementary methods of dispute resolution. As such, the Court decided to offer the initial two hours of mediation services at no cost to the parties. The proposed amendments are contrary to that philosophy in that they would require parties to retroactively pay for the initial two hours at one-half of the mediator's rate if they continue beyond the initial two hours of service. Hence, the two free hours would no longer be free. Moreover, the proposed amendments would not bolster the Civil Mediation program or contribute to the Court's ability to administer justice.

Therefore, the Conference respectfully recommends that the Supreme Court reject the proposed amendments to Rule 1:40-4(b) and Appendix XXVI.

Thank you for your consideration.

Very truly yours,

Hon. Robert Polifroni, P.J.Cv.  
Chair, Conference of Civil Presiding Judges

cc: Conference of Civil Presiding Judges  
Taironda Phoenix, Assistant Director, Civil Practice  
Alexandra Hayes, Attorney, Civil Practice