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New Jersey Association of Professional Mediators
26 Park Street, Suite 2041
Montclair, NJ 07042
Phone: (800) 981-4800
Email: info@njapm.org
Web Site: www.njapm.org

March 18, 2021

Via electronic mail and first class mail

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



Re: Comments on proposed rules changes regarding mediation

Dear Judge Grant:

The New Jersey Association of Professional Mediators (NJAPM) appreciates the opportunity to submit comments on the proposed rule and procedure changes in the recently published Report of the Supreme Court Committee on Complementary Dispute Resolution for the 2019-2021 Rules Cycle ("The Report"). As the largest organization of mediators in the state, we have a high degree of interest in the work of the Committee and the CDR rules promulgated by the Court.

We would also like to thank the Court again for granting NJAPM a seat on the Committee. We believe our organization and our representative, Richard H. Steen, Esq., provides valuable insights and suggestions to the Committee.

Our comments on the Report pertain to the Committee's recommendation to amend R. 1:40-12(b)(8) which in its current form requires mediator applicants to attend a six-hour course if they have received their 40-hour training out-of-state or more than five years prior to application to the roster.

For the reasons set forth below, we recommend that the proposed rule change be referred back to the Committee to further review the necessary and appropriate training requirements for these applicants

By way of background, the current rule was adopted on July 17, 2015 to be effective September 1, 2015 based on the recommendation of the CDR Committee. At that time, it was recognized that there were a number of subjects in which further education would be necessary for the applicants to be adequately trained in the requirements for roster mediators. After the Rule was adopted, NJAPM developed and offered specialized courses that included the approved curriculum in Civil and in Family Mediation. As far as we are aware, we are the only provider offering these courses.

The Report notes that there are not many applicants who fit the criteria set forth in the rule and that there has been low enrollment in the courses. While the Committee's observation is somewhat true for the Civil mediation applicants -- enrollment has been uneven rather than low -- our supplemental courses for applicants to the Family mediation roster are regularly scheduled, once or twice per year,

with good participation by applicants.

The revisions to the training requirements recommended by the Committee do maintain the six-hour duration, however, we are concerned the curriculum of the four-hour annual advanced training courses combined with only a two-hour training for these categories of applicants is insufficient. The course content of the four-hour advanced training, typically offered twice per year, changes frequently and does not generally provide the basic information that we believe and the Court has determined is important for applicants with out of state training or who have been trained more than five years ago. We do not believe that that, combined with the two hours of additional training is sufficient to adequately address the several topics now covered in the six-hour training including: how to qualify for the Court roster; procedural requirements for the program; compensation guidelines; the Uniform Mediation Act; review of substantive law; and, mediation ethics. Although these topics may be addressed in part, from time to time, in the annual advanced courses, the focus would be on current roster mediators and not on the applicants covered by the rule.

NJAPM shares the Court's interest in a robust and successful CDR program. We appreciate that mediation is frequently a litigant's first and often only exposure to the judiciary. Our mission includes fostering excellence in the field of mediation and providing the best mediation education for New Jersey.

NJAPM again thanks the Court for the opportunity to designate a member to serve on the CDR Committee and to submit these comments on the proposed changes regarding mediation. We look forward to working with the Committee in the development of innovative and successful CDR programs for the citizens of the State.

Respectfully submitted on behalf of the NJAPM Board of Directors,

A handwritten signature in blue ink that reads "Carl E. Peters". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Carl E. Peters, PE

NJAPM President

cc: NJAPM Board of Directors

Richard H. Steen, Esq., NJAPM Judiciary Relations Chairman