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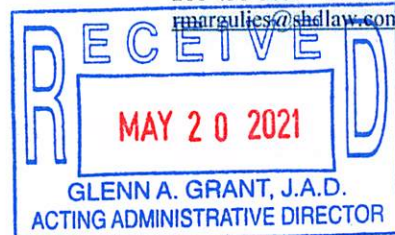
JUSTICE MARIE L. GARIBALDI
AMERICAN INN OF COURT FOR ALTERNATIVE DISPUTE RESOLUTION
STATE OF NEW JERSEY



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May 19, 2021

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

Dear Judge Grant:

We write on behalf of the Justice Marie L. Garibaldi American Inn of Court for Alternative Dispute Resolution. In addition to our educational, mentoring and other professional undertakings, the Inn is engaged in advancing access to and utilization of Complementary Dispute Resolution (CDR) techniques in New Jersey.

It goes, perhaps, without saying that the pandemic has created an enormous backlog of landlord/tenant matters, both pending and sure to be filed, that have the potential to overwhelm the State Court system. In an effort to offer suggestions that might assist in meeting the challenge that this looming crisis presents, we have taken the opportunity to review both your comprehensive and well thought out report entitled "Maintaining Our Communities" and proposals recently offered by others.

There is much good in each of these proposals, but absent from all of them is the utilization of CDR modalities that would enable matters to be grouped together for possible resolution through targeted mediation. We therefore offer two suggestions for your consideration:

First, the sheer number of filed and expected landlord/tenant cases will make it impossible for court personnel, even if supplemented by the initiative to employ law clerks and new hires, to adequately

handle. However, there are approximately 650 trained mediators on the Civil Roster, who are available for utilization in these matters and on whom the court system can and should call upon for their assistance by offering or ordering mediation consistent with *Rule 1:40-4(a)*.

Second, we suggest that this trained cadre of mediators be used in conjunction with outreach to the larger landlord/tenant stakeholders through whom it should be possible to explore whether a mediation protocol can be established for groups or sub-groups. For example, where a significant number of units are either owned or controlled by a single landlord or management company, or where there are tenant groups that represent large blocs of tenants, there would be an efficiency achieved if representatives of the groups could negotiate on behalf of their constituents in the context of mediation.

It should be apparent that landlords with large numbers of tenants are not interested in the prospect of empty buildings, and many tenants will have no place to go. There are a number of factors relating to tenants that may give rise to mediated alternative resolutions including such considerations as whether the tenants are employed or not, are receiving unemployment compensation or not, or have other governmental assistance available. Similarly, there are also factors affecting landlords to be considered in mediation, including business strategies that may be acceptable, such as discounts, taking on a monthly surcharge, renegotiation of rents taking into account the realistic situations of the parties, or available governmental programs.

In summary, the concept that we propose is one that would focus on efficiently resolving groups of cases through mediation by utilizing trained neutrals, thereby substantially reducing the burden that will otherwise be visited upon the courts if these matters were to be handled individually.

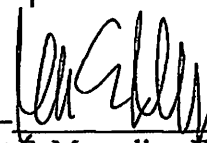
The Garibaldi Inn hereby offers its assistance in designing, on an expedited basis, a mediation process intended to target the looming landlord/tenant crisis.

We are available for dialogue with your Committee or staff as soon as possible.

Respectfully,



Theodore K. Cheng, President



Robert E. Margulies, Executive Director