

NOTICE TO THE BAR

Mediator Compensation -- Report by Committee on CDR -- Requesting Comments

The Supreme Court Committee on Complementary Dispute Resolution has submitted a report and recommendations regarding the compensation of mediators in the Civil and Family court-based mediation programs. The specific question is whether any change should be made to the current requirement in the Rules of Court that mediators in court-based mediation programs provide the first three hours of service without cost to the parties. The Supreme Court has authorized publication of the Committee's report for comment before considering the recommendations therein.

Thus, the Committee's report, in the form of a memorandum from Assignment Judge Linda R. Feinberg, the Committee Chair, is published with this notice. The basic issue, as stated by the CDR Committee, is that "[t]he three free hours has caused considerable numbers of mediators to resign from the program and has unreasonably taxed those who remain on the program rosters." The Committee thus has concluded "at the present time that decreasing the free mediator time to two hours is the most appropriate option." Included as well are proposed amendments to Rules 1:40-4 and 1:40-6, as well as proposed revisions to the mediator compensation guidelines, which the Committee suggests should be included as an appendix to the Rules of Court. Also appended is a minority report from Committee member Robert Margulies, Esq.

Please send any comments on the Committee's report and recommendation in writing by Monday, May 8, 2006 to:

Philip S. Carchman, J.A.D.
Acting Administrative Director of the Courts
Rules Comments
Hughes Justice Complex; P.O. Box 037
Trenton, New Jersey 08625-0037

Comments may also be submitted via Internet e-mail to the following address: Comments.Mailbox@njcourts.gov.

The Supreme Court will not consider comments submitted anonymously. Thus, those submitting comments by mail should include their name and address (and those submitting comments by e-mail should include their name and e-mail address). However, comments submitted in response to this notice will be maintained in confidence if the author specifically requests confidentiality. In the absence of such a request, the author's identity and his or her comments may be subject to public disclosure after the Court has acted on the proposed rule amendments.

The Supreme Court will be acting on these recommendations in June 2006, with any rule amendments likely to become effective September 1, 2006.

Philip S. Carchman, J.A.D.
Acting Administrative Director of the Courts
Dated: March 13, 2006

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