



Mediation News

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New Jersey Association of
Professional Mediators

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Upcoming NJAPM Events

NJAPM GENERAL MEETINGS (6-8:30 PM)

New Jersey Law Center, New Brunswick
10/21, 1/21, 2/11, 3/23, 4/20, 5/18

40-HR DIVORCE MEDIATION TRAINING

Forsgate County Club, Monroe Township
All Day, 10/17, 10/18 11/1, 11/7 & 11/8

BASIC CIVIL MEDIATION TRAINING

Rutgers Labor Center, New Brunswick
All Day, 10/18, 10/19, 10/25, 10/26, & 11/8

FUNDAMENTALS OF MEDIATION

Forsgate Country Club, Monroe Township, 11/12

NJAPM ANNUAL CONFERENCE

The Imperia, Somerset, Saturday 11/14

CIVIL CASE MANAGEMENT TRAINING

Rutgers Labor Center, New Brunswick
TBD, 12:30 PM — 5 PM

Please Visit Our Website For Updates
& 2015 –2016 Schedule

www.njapm.org
800-981-4800

NJAPM's 22nd Annual Conference Setting the Stage and Managing the Show Saturday, November 14, 2015



Lee Jay Berman



Paul Kresinger



Harrie Samaras



Nicholas Stevens



Marvin Schuldiner

Need some new approaches to mediation? How about solutions to impasse and much more? Katherine Newcomer, Esq. and Megan Oltman, Esq., invite NJAPM members and the public to register for a day of learning and networking at NJAPM's 22nd annual conference set for Saturday, November 14, from 8:15 AM 4:30 PM at The Imperia in Somerset. The conference will feature five well-respected practitioners:

Lee Jay Berman, a Certified Mediator with the International Mediation Institute will provide the keynote speech "Impasse is Fallacy" at the morning plenary session. He will also lead an afternoon breakout session on "The Mediator as Coach". Lee served as Director of the "Mediating the Litigated Case" program at the Straus Institute for Dispute Resolution at Pepperdine University School of Law.

Paul D. Kreisinger, LCSW, Attorney and Mediator, will share his insights on "Relationally Disordered Couples" during an afternoon breakout session.

Harrie Samaras, Esq., who serves as a full time arbitrator and mediator for U.S. and international commercial disputes including business, intellectual property and technology issues, will discuss "Mediation Advocacy for Commercial and Technology Disputes" in an afternoon breakout session.

Nicholas Stevens, Esq. and Marvin Schuldiner, MBA, APM will co-present on "Mediation and Ethics" to conclude the conference. Both are experienced mediators and trainers, with deep knowledge of ethics rules in mediation, especially related to New Jersey.

The conference includes breakfast, lunch and a conference manual. The member registration fee is \$150, if paid by 10/15, and \$175 after that date. We also have student pricing.

The conference qualifies for 6.0 CPE and MCLE credits, including 1.5 ethics credits. APMs receive 5.5 NJAPM CE hours. The conference also fulfills the AOC's 4.0 hour annual requirement for mediators.

For more information or to register, please visit www.njapm.org.



Mediation News

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Editor's Column

by Anju D. Jessani, MBA, APM



NJAPM presidents usually serve two, one-year terms. Andrew Smith starts his second term on October 1, with the start of our fiscal year. Andrew has a vision of outreach for the organization. I look forward to seeing the implementation of his plan and the opportunity for more mediation work, especially for civil mediators.

This issue of the newsletter features the announcement of our annual conference. Conference co-chairs, Megan Oltman and Katherine Newcomer, have planned an exciting day featuring five respected practitioners. The conference provides an opportunity to see old friends and make new ones!

In addition to our regular columns from NJAPM committees including education, membership and peer groups, something unique happened this issue. I received articles from members talking about their mediation cases. They speak about how they assisted their clients navigate the emotional landscape of their conflict:

- Roz Metzger outlines how she approached a removal case in mediation. The ultimate result was that the parties entered into a consent order where mom moved, and dad would follow shortly.

- Pat Westerkamp shares metaphors he uses in his mediation practice. See how he uses Howard Johnson's Wonderful World of 28 Flavors to show clients how they can design their own resolutions.

- Marla Moss outlines in case that involved a love triangle, assault, negligent supervision by an employer, false arrest and imprisonment. And the case settled!

- Donna Bahnck shares her secrets to mediating Superstorm Sandy dis-

putes. I particularly like her suggestion that pictures that take a broader angle of the area for context, and then close up, are invaluable

- Anna Alexander retells the humorous story of friends, Sinclair and Edwards, and the sale of a cottage gone wrong, under the title "A Day in the Life of a Civil Mediator."

There are great photographs from last year's annual conference, our June Civil and Divorce Mediation Training Seminar, the annual Somerset Patriots ball game outing, and NJAPM's 40-hour divorce mediation training.

As I write this column, I am preparing to participate in the training for the pilot program in Mercer, Morris, Middlesex, Somerset, Ocean and Essex Counties aimed at incorporating Final Restraining Order (FRO) cases into the mediation process. Led by Judge Dilts (Ret.), the two-day training will explore how economic mediation with an FRO will be conducted, and will sensitize mediators to the dynamics of domestic violence. This is an exciting development for New Jersey mediators.

We have a vibrant mediation community. Please get involved and see how much you can gain from giving. In that vein, if you have an idea for an original article between 600 and 1200 words, please email me a one paragraph proposal. Please also email me photographs from NJAPM events. My email address is ajessani@dwdmediation.org.

Anju D. Jessani, MBA, APM, served as NJAPM president from 2005-2007. Her practice, Divorce with Dignity Mediation Services, has offices in Clinton and Hoboken. She can be reached at www.dwdmediation.org.

Message from the President

by Andrew Smith, Esq., APM



Mediation has proven throughout history to be an excellent means for resolving disputes and reaching agreements. Mediation has much to offer individuals, organizations, and communities that find themselves in disputes.

Former Supreme Court Justice Sandra Day O'Connor said it best, "The courts of this country should not be the places where resolution of disputes begins. They should be the places where the disputes end after alternative methods of resolving disputes have been considered and tried."

As New Jersey's leading mediation association, NJAPM is proud of its role in promoting mediation. This year, NJAPM experienced a number of significant accomplishments and also set the stage for future growth.

Strategic planning is key to the Board and committees, with the goal of developing a 360 degree view of the organization relative to strengths, opportunities, and other factors. Our focus has expanded to leverage opportunities. As part of increasing public awareness of NJAPM and mediation, we have visited governmental and industry groups. We have a team of members representing NJAPM at the League of Municipalities Conference in November 2015, highlighting mediation to hundreds. Other projects are also underway, including new divorce and civil marketing tools.

Many attended our Fundamentals of Mediation, Divorce, and Civil training programs. Feedback from these sessions continues to be outstanding. Quality training is NJAPM's hallmark for those who enter mediation or seek to refresh their skills.

NJAPM's Program Committee provided learning and growth opportunities for mediators about starting a practice, handling client's behavioral issues, growing mediation skills, understanding specialization areas, and more. Upcoming meeting dates for NJAPM general meetings are October 21, January 21, February 11, March 23, April 20, and May 18.

The New Jersey Supreme Court recently published annual omnibus rules amendments, effective September 1, 2015. NJAPM is represented on the New Jersey Supreme Court Committee on Complementary Dispute Resolution (CDR). The Supreme Court made a number of amendments that should be reviewed. You will find the document at: <http://www.judiciary.state.nj.us/notices/2015/n150813a.pdf>.

We want to congratulate members who submitted applications for NJAPM's accreditation. All accredited members are listed on the NJAPM website. In that accreditation is recognized by many individuals and organizations, we encourage all members to work towards becoming accredited.

Our peer mediation groups provide an array of mediation topics throughout the state where members and guests connect and learn. We welcome our newest group, South Jersey Shore Peer Group, who had their inaugural meeting on August 4. Congratulations to Carol Goloff for leading this effort. NJAPM members are in 20 of New Jersey's 21 counties. A peer mediation group is close to you.

NJAPM reconstituted its Employment Mediation Interest Group. Bill Dwyer's leadership has been top-notch in leading the group. Over

twenty members have expressed interest in a Technology Group, which is expected to start in the fall. In addition to Divorce and Civil listservs, three new listservs are now available: Employment, Construction, and Technology.

This year's annual conference will be held on Saturday, November 14, at the Imperia in Somerset, NJ. Co-chairs, Katherine Newcomer and Megan Oltman, are working to produce a memorable experience. The morning keynote presentation features Lee Jay Berman on "Impasse Is a Fallacy." The afternoon workshops include:

- Lee Jay Berman: The Mediator as Coach
- Harrie Samaras: Mediation Advocacy for Commercial and Technology Disputes
- Paul D. Kreisinger: Relationally Disordered Couples

Marv Schuldiner and Nick Stevens will lead an exciting ethics program. This is a conference you do not want to miss.

We thank Jennifer Brandt for her years of service to the Board. We welcome new Board member, Karen Sampson, whose term commences on October 1. Also, congratulations to Karen as a new APM. NJAPM is fortunate to have great members leading committees and groups. I encourage all members to actively volunteer in our organization, and to get to know each other. Each member lifts NJAPM and shines a light on mediation as the preferred choice to resolve disputes.

Andrew Smith, MBA, MFin, Esq., APM is NJAPM President. He is an attorney, civil/commercial mediator, and business consultant. He can be reached at 908-246-9766 or als.smithlaw@gmail.com.

Mediating a Removal Case

by Rosalyn A Metzger, Esq., APM



Ever think a removal case could be mediated successfully? Good! Because it's absolutely possible - I've done it a number of times.

I originally met this particular couple when I was doing volunteer Custody and Parenting Time mediation for Somerset County. This was a post-judgment case. We were able to work out a new parenting agreement, but there were underlying issues that remained unresolved that would ultimately become a removal action.

This case was one of those where I liked both parties immensely. Their two boys had lots of interaction with both parents, both of whom worked outside of the home, although the Mom worked from home a good part of the time. Both parents were in the hospitality field.

When the parties completed their mediation in the court system, they looked up my contact information some time later and asked to become private clients. This was a tough case but I was willing to see if I could assist the parties.

Mom had become engaged to another man who lived in Arizona. The Dad had just accepted a terrific job promotion in New Jersey and was devastated over the potential move. He did not want to become estranged from the boys, with whom

he had a warm and loving relationship.

One of the tougher issues pertained to the needs of their oldest boy, who had special needs. The Mom had done her homework and there was a good school and many practitioners in Arizona where she wanted to move who would be available to help their son.

The Dad was a great guy too. He wanted what was best for the boys, but he had just accepted a terrific job in New Jersey. Could he move to Arizona to remain part of the family and find a comparable job out there?

We mediated over several months. Both parties were represented by counsel, although they did not join our sessions. During this time, Mom and the boys would fly to Arizona so that she could spend time with her fiancé. Dad also flew to Arizona to check out the location and see if there was a future for him out there too. We looked at budgets in New Jersey, and budgets for each of them in Arizona. We considered the cost of litigation, and of settling their case. We talked about the fact that there are two costs to every case: one is financial, and the other is emotional.

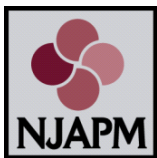
After much heartfelt soul-searching, Dad conceded that his former wife would likely be allowed

to move, even if it took a trial and years for her to be able to leave, so we moved in the direction of helping all parties make the move a healthy choice for all family members. The parties entered into a Consent Order to permit Mom to move to Arizona, and Dad followed as soon as he could wrap up his work responsibilities in New Jersey.

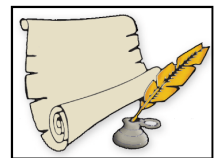
The last contact I had with the couple included word from Dad that he had landed a wonderful job in Arizona, thus allowing him to remain a constant in his boys' lives. Mom got remarried and is living with her new husband and sharing the boys with Dad #1. It was a great resolution to their dilemma because all of the pieces fell into place.

Not all removal cases would go so well. But we worked hard in mediation to be sure that everyone was a part of the planning process, and part of the family's success. I was happy to hear from Mom recently that everyone was doing great and that the boys were enjoying time with both families. So the next time you have a removal case, try mediating the case. You just might be surprised at the result!

Rosalyn A. Metzger, Esq. APM specialized in mediation, collaborative law and parenting coordination, with a practice in Hunterdon County. Her website is www.mediate.com/RMetzger/.



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Metaphors in Mediation

by Patrick R. Westerkamp, JD, APM



Intellectual insights often have their limits in helping parties to reconsider their positions. Once sweet reason's boundaries are reached mediators sometimes resort to other tools, appealing to emotion and/or imagination. Metaphor is one such tool. In making implicit, implied or hidden comparisons between separate concepts, metaphors allow disputants to view their conflict differently. They add power to the discussion. For example, by observing that a party's proposal "seems to be a bandaid, not a solution" the mediator compellingly conveys that the proposed remedy will not cure the underlying issue.

Mediators may want, more frequently, to avail themselves of metaphors. Their use, with or without accompanying stories is a matter of individual style. The following illustrations reflect this author's approach.

Metaphor: A Rainbow of Flavors

Application: Awakening parties to the range of settlements awaiting them in mediation.

Discussion: Mediators typically observe in their openings that parties have a broad--if unseen--array of solutions to resolve their conflict — e.g., mediation gives you the chance to craft a solution that meets everyone's needs and interests.

However, this topic may be more dramatically introduced in referencing a "rainbow of flavors". Consider this alternate: Mediation offers a rainbow of flavors. In court your options are limited to vanilla and chocolate; winning or losing. These default flavors ignore the wide world of possibilities that I learned from my father.

When driving home from Bayville Beach my dad often stopped at Howard Johnson's for ice cream.

This American icon advertised a "Wonderful World of 28 Flavors." In the days before Ben & Jerry's, choosing among Banana, Pistachio, Macaroon, Burgundy Cherry, and the remaining flavors was exciting fun. I happily ate my cone as we continued toward home.

Today, you'll have the opportunity to select your own settlement flavor.

Metaphor: Crossing the Rubicon

Application: Highlighting risky choices

The Legend: In 49 B.C. the Rubicon River separated Julius Caesar's legions from those of his archrival Pompey the Great. Caesar was under strict orders from the Roman Senate not to worsen a deteriorating political climate by attacking Pompey. Until the last moment, Caesar considered whether to retreat, or to cross the Rubicon in a quest to become Rome's ruler. He chose to attack. Once his army forded the river, there was no retreating to the other side.

Although Caesar won the battle, the resulting discord eventually led to his downfall at the hands of Roman Senators. Using the Tale: Some parties in civil mediations have little doubt about the efficacy of their strategy and tactics. From their positions of neutrality mediators are aware when overconfidence may alienate the counterparty, and forestall a settlement. At an apt moment, a step toward altering this dynamic may be taken by recounting the Rubicon legend and simply asking, "What was Caesar thinking?"

Metaphor: It's Like A Chair Without Legs

Meaning: A simile (type of metaphor) questioning the basis for an idea that appears flawed

Application: For use with an ill-advised position that a party insists be conveyed to an adversary

Using the Simile: Too frequently, claimants want mediators to convey unrealistic first offers. Knowing this quest is counterproductive, and "not being potted plants" (another metaphor) mediators must move the party toward reality. Beginning this difficult conversation with the "legless chair" metaphor is an attention getting device.

Metaphor: Red Pill or Blue Pill

Meaning: The choice between embracing a painful reality (red pill), and the blissful ignorance of illusion (blue pill).

Derivation: The option comes from the 1999 film *The Matrix*, during which the protagonist is offered the choice between a red pill and a blue pill. The blue pill would allow him to remain in the fabricated reality of the Matrix, therefore living the "ignorance of illusion," while the red pill would lead to escape to the real world.

Conclusion: Mediators should consider adding metaphors to their toolbox, especially to address recurring situations that have proved difficult to overcome.

Patrick R. Westerkamp, of **Westerkamp ADR Services, LLC** in Matawan, New Jersey, restricts his practice to serving as a neutral in employment and labor dispute resolution. He can be reached at westerkampadr@mac.com.

Navigating the Landscape of Emotions on the Path To Resolution by Marla J. Moss, Esq.



As a practicing attorney for 30 years and an experienced professional mediator, I am passionate about my work in conflict resolution. This case study illustrates how the mediation process was used to de-escalate an emotionally volatile violent conflict, allow the parties to be heard, and ultimately resolve a seemingly impossible dispute. The effective ADR “tools” utilized included:

- (1) connecting with the parties and counsels on a personal level;
- (2) active listening;
- (3) having knowledge of the subject matter of the dispute and being able to converse in the language of the parties about the legal issues;
- (4) eliciting the underlying interests and expectations of the parties; and
- (5) moving the participants to a fair/balanced discussion and a collaborative resolution.

CASE STUDY – A Love Triangle: Assault, Negligent Supervision by Employer, False Arrest and Imprisonment

FACTUAL BACKGROUND: Two men were involved with the same woman. All three individuals were married. The Plaintiff “boyfriend” was a former bouncer. The Defendant “boyfriend” was a law enforcement officer. The other defendants included: the local police department that arrested and detained Plaintiff (dismissed from the case on motion); defendant boyfriend’s former employer and defendant boyfriend’s homeowner’s insurance company.

The issues involved allegations of personal injury and infliction of emotional distress; negligent supervision by defendant’s employer; and false arrest and imprisonment.

The gist of the matter was that the boyfriends had several heated interactions, first at the marital home of the “girlfriend” and later at the marital home of the primary defendant. On the second occasion the Plaintiff, under the influence of alcohol, rang the doorbell of the Defendant around midnight to tell the Defendant’s wife of the affair. The Defendant fired shots out the window towards Plaintiff.

Defendant then called the local police and told them Plaintiff attempted to run him over. The police arrested the Plaintiff and detained him for questioning. After the Plaintiff advised the police that shots were fired, the police investigated and recovered a bullet at the scene and the Plaintiff was released. The local police department notified Defendant’s employer of the incident; they performed an investigation and determined that the weapon was not registered with them as required. Subsequently, they terminated the Defendant for conduct unbecoming of a law enforcement officer.

After more than a year of legal maneuvering and numerous mediator-counsel communications, the parties were ready for a mediation session.

THE MEDIATION SESSION: The mediation was held at the Plaintiff’s counsel’s office. The Plaintiff was visibly distressed. The Defendant chose not to attend. His counsel, provided by his homeowner’s insurance policy, was present. The first discussion was whether it would be necessary or productive to compel the Defendant to appear. It was clear that he would not cooperate and the parties agreed that discussions should move forward.

I began with private caucuses which allowed the parties to vent and to tell me their expectations for the day. The Plaintiff was seeking a significant amount of monetary damages for emotional distress. The former employer was in a “no pay” position since the Defendant was “off duty”. The homeowner’s insurance company denied liability based on a policy exclusion for Defendant’s intentional acts, but offered a low nuisance value offer to avoid protracted litigation costs. I asked the defense counsels to be open to empathetic listening and to acknowledge to Plaintiff that they understood his pain and suffering.

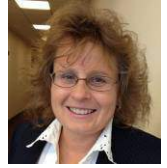
At the joint session, the Plaintiff’s counsel gave a compelling opening statement and spoke particularly about the Plaintiff’s PTSD from military service that had been exacerbated by the violence in this dispute. The counsel for the former employer told Plaintiff that they were sympathetic regarding his distress, but that Defendant was “off duty” and as soon as they were notified of the incident with an unauthorized weapon, he was terminated. They would not pay anything to Plaintiff on the negligent supervision claim. The counsel for the homeowners insurance company acknowledged that living with PTSD is difficult and that many former military personnel who have been in battle are suffering. He thanked Plaintiff for his service. The Plaintiff thanked him tearfully.

RESOLUTION: It took several hours of negotiations with a very emotional Plaintiff and the homeowner’s insurance carrier. The case finally resolved at a number more than three times the original nuisance

(Continued on page 7)

Secrets from Sandy

by Donna Bahnck, Esq., APM



In 2012, New Jersey Gov. Christie and his administration created a mediation process that provided consumers with an option to settle their Superstorm Sandy insurance disputes without resorting to time-consuming and expensive litigation. Having served in the mediation program from its inception, here are suggestions that mediators might find helpful for their Sandy mediations:

Allow the Client to Vent in Caucus: A common complaint by participants is that it is the fault of one particular group why people are still trying to get into their houses and put the storm from over three years ago behind them. They say that it is the fault of the lawyers, public adjusters, inspectors, contractors, mortgage companies, insurance companies, ex-spouses, and FEMA. They indicate with a broad stroke whom they detest the most. Likewise, each of these groups have their own complaints against the homeowners and other participants.

In mediations however, I find that the answer is a mixture of any of the above for why they are sitting there. It is always interesting to see where things went awry. Stay neutral and listen until the blame game is over. Somewhere in the venting is a solution. Use your private caucuses. I tend to see people get to the “sigh moment” faster when they can “tell on” the other party. What is the “sigh

moment”? It’s that point when the emotion has been released and people settle down into committing to the task of getting something done. By allowing venting within a private and confidential caucus, you reduce the chance of the other parties being incited by the parties emotional outbursts — thus setting the stage for a more productive mediation process.

Pictures Are Worth a Thousand Words: Mediations are more about communicating than anything else. Good photographs with a description of where and when they were taken, speed the communication and decision-making process. For example, insurance companies use the term “like kind and quality” in making repair or replacement decisions. Pictures that take a broader angle of the area for context and then close ups are invaluable in deciding which to use, and allow the nature and extent of damages to be easily explained.

Have Them Show Their Work: Probably the most baffling to all sides is figuring out the math. So, like our teachers always said, show your work. If both sides can’t agree on the math, then you know there is a problem. Sometimes you can use the differences as areas of compromise. Once people start dealing in numbers, they switch from emotions to getting down to work, focusing

on the piece of paper to see who got the numbers right. Use that brief moment to then move them to the next step in the process.

Mediations Process Provides a Forum for Education: Parties solve Sandy problems differently with their own terminology and methods of reaching a decision. It is the job of the mediator to build consensus for the result by figuring out which areas require the parties to educate each other and which decision making process best matches the result the parties are trying to achieve. For example, there is a concept within the insurance industry that one cannot recover for a known loss. (i.e., one cannot buy a policy to pay for a loss that already occurred). The industry has been using aerial pictures and property audits to show the conditions of properties. If a roof was in disrepair prior to Sandy, they’ll disclaim, and the homeowner is left with wondering why after Sandy they can’t get a new roof. Here’s where an explanation of the concept and pictures are especially helpful in figuring out whether the known loss exception applies.

Donna Bahnck, Esq. APM is a civil litigator and mediator in Margate, NJ where she serves on the Atlantic County Roster of Mediators, AAA, Court Auto and Contract arbitrations, condemnation panels and volunteers for Community Mediation Services.

(Continued from page 6)

value offer. All parties told me that they were pleased with the mediation process. The session was cathartic for the Plaintiff. He was relieved that he did not have to go forward with a stressful trial. Plaintiff’s counsel was delighted that the case settled since he had a emotional client with a difficult case.

This case illustrates how complex matters with emotional distress claims can be resolved with good faith efforts of counsels who are willing to actively listen. It also highlights how trust can be established by the mediator, and the balancing of competing interests, all of which are essential to reaching a successful resolution

Marla J. Moss, Esq., is Chair of the Dispute Resolution Section of the NJSBA. Her mediation practice is focused on business disputes, employment discrimination, whistleblower cases, professional liability, real estate, and environmental law. Her background includes eight years as General Counsel to a closely held group of small chemical companies. She can be reached at (973) 420-8894.

A Day in the Life of a Civil Mediator

by Anna T. Alexander, MAS, PM



Every case I have done recently seems to have been out of the ordinary. At the end of the day, I shake my head and wonder, "Is this for real?" Here's an example: Sinclair vs. Edwards (fictional names).

Two friends enter into an agreement for a cottage; Edwards the buyer and Sinclair the seller... a cash deal. The contract was for \$40,000. A \$4,000 deposit was paid, and payments of \$1,000 per month for three years commenced. Upon completion of the payments, the property was to be deeded over to Edwards.

After two years, Sinclair stopped accepting payments. All that remained to be paid was \$12,000. Edwards requested either a refund of what was paid or the deed to the property upon completion of payments. Let the texting begin:

E to E: aug, sep, nov payments are waiting for u. Why did you stop

picking up. Come by or call.

E to E: yr months r wrong. u have not paid this much. Pay it off and you can hv it. Taxes needed to be paid. U did not keep agreement.

And the texts continued until Edwards filed his case for breach of contract. The court ordered the parties to mediation. At mediation, the friends refused to acknowledge each other. Only the lawyers spoke — but what they said, did not satisfy either party. As the mediator, I again explained the process to the two friends. "This is your time to express yourself, say what you believe to be the facts and negotiate."

Both remained firm, as to what was paid, and what was still owed. Sinclair became extremely agitated and angry, so much so, that he yelled out, "This is over and I am going to court."

One of the lawyers was having second thoughts about continuing

the process, but not me. Standing up, I questioned the two of them. "Mr. Sinclair did you keep a record of the cash payments from Mr. Roberts, and how did you report the payments to the IRS?" Then I asked the same of Mr. Edwards. Silence!!!

I followed up with "Mr. Edwards, Mr. Sinclair, what are the chances the judge will ask you the same question I just asked. What is his responsibility to report to the IRS? The two of you own very thriving businesses. Can I suggest that unless you want the IRS in your pockets forever, you try and settle your case."

With that, the two lawyers stood up, one saying, "We'll settle this today." The case settled within the free hour. No, I was not paid!

Anna T. Alexander, MAS, PM practices civil mediation in Essex and Hudson Counties. Her email address is wga9vose@verizon.net.

Education Committee Report

by Risa Kleiner, Esq., APM, and Anna-Maria Pittella, Esq., APM



The Education Committee has planned two fall webinars. Notice of these webinars will be provided on the NJAPM website and via the NJAPM listserv. The webinars will also be recorded and available for members to view at their convenience.

- **APM Webinar:** Targeted for mid-October is "How to Become an APM: Civil and Divorce" with presenters, Marv Schuldiner, MBA, APM, and Nick DeMetro, Esq., APM. There will be no charge and no CLE credits for this webinar.

- **Alimony and Taxes Webinar:** The second webinar will be "Alimony and Taxes" with Jeffrey D. Urbach, CPA. Participants in the 40-hour course and even seasoned mediators often need

input from a financial professional when it comes to these issues. CLE credits will be provided.

Divorce Apprenticeship: The program has received five new client applications. Two couples have been teamed up with APMs and apprentices, and their cases are underway. The three other couples are in the queue and will be assigned shortly. Two new apprentices have recently signed up and APMs are stepping up to the plate to mentor these cases. We hope that more mediators will complete the APM process so that we can increase our pool of mentors — particularly in North Jersey where we have limited coverage.

Your Suggestions / Questions: The Education Committee welcomes suggestions for programs, seminars and trainings. Anyone interested in presenting a program should complete an application form to provide us with the information necessary to assist with facility planning, costs, speakers, topics and CLE credits.

For questions, please consult co-chairs Anna-Maria Pittella or Risa A. Kleiner or committee members, Karen Sampson, Lucille Alfano, Gladys Salazar or Katherine Newcomer.

For more information, please contact Risa at risa@rkleinerlaw.com, or Anna-Maria at pittellalaw@verizon.net.

NJAPM Membership Report

by James Hamilton, Esq., Membership Chair



As vibrant and vital as NJAPM has become under a succession of motivational leaders, there remain opportunities for NJAPM to increase its standing in the ADR community and to expand its roster of members. The Membership Committee views its charge as finding ways to retain current members and attract new members by searching for new ways to inspire seasoned and new mediators.

While perhaps the most visible benefit of membership is our annual conference discussed in other articles in this newsletter, there are many other perquisites of being a card-carrying member of NJAPM. Regional peer groups allow for informational and networking opportunities. Continuing legal education programs enable members to achieve mandatory credits at discounted prices. Gathering with like-minded practitioners of the art of mediation, many of whom are recognized leaders who offer perspectives developed in a variety of disciplines, can serve to expand and enrich your skills.

We are planning to promote the collegiality NJAPM members enjoy through new social programs. Perhaps you would enjoy attending a wine tasting, a concert, a picnic or a cultural outing arranged for by NJAPM. Time and travel considerations may make regional social events more accessible for you. NJAPM is your organization, so any input you are able to offer will be much appreciated.

If you are reading this and have yet to renew your annual membership – please be sure to take the steps required to enjoy the privileges of membership. You may renew on the www.njapm.org website in less than two minutes. If you have already renewed, thank you!

Welcome New Members

Here is a list of the new members who have joined since August of 2014. If there is a mistake with our list or your name is missing, please let us know. If you joined after 9/15/15, please watch for your name in our next newsletter.

Tam Abitante
Daniel Abraham
Peter Aziz
Jennifer Bates
Wanda Belle
Patrick Bent
Andrew Bestafka
Geraldine Bogan Zielinski
Cynthia Brassington
Michele Brown
Saleemah Brown
Diane Burton
Tara Buss
Peter Calderone
Stacey Callaway
Jann Catto
Elizabeth Chaney
Janet Chavis
Alan Chokov
Victoria Dammer
Donato D'Angelo Jr.
Bernard Daskal
Janice Della Badia
Matthew DeSantis
Dina DiRenzo
Michael Donio
Gerald Eppner
Sandy Estroff
Bradley Ferencz
Dawn Fernandes
Andrew Fischer
Boris Gelfand
Kenneth Gilmore
Rachel Goloff
Marla Guglberger
John Hackett
Timothy Haggerty
Katherine Harris
Rod Herrera
Jennifer Hilligus
Ed Hulit
Ernest Ianetti
Cecelia Illing
Annmarie Jensen
Bonnie Jerbasi

Chuck Jones
Genevieve Jones
Francine Kaplan
Cynthia Kates
Thomas Kehoe
Emily Kline
Kurt Kuhlman
John Lane
Maureen Leonidas Cino
Sebastian Lombardi
Matthew Malizia
Richard Mansdoerfer Jr.
Thomas Margiotti
Jessica Marinaccio
Hugh Matlack
Alexander Melnick
Barbara Murray
Richard Nacht
Lee Ann Newland
Scott Orr
Clifford Pollard
Andrew Poulos Jr.
Susan Preston
Ronald Prusek
Jeannine Quijije
Bonnie Reiss
Sheryl Rizzo
Marybeth Robb
Marnita Robertson
Fabiola Ruiz-Doolan
Laura Russoniello
Karen Schrempp
Matthew Schwartz
Donna Smith
John Stern
John Sykes Sr.
Daniela Talharim
Margaret Taylor-Ulizio
Stephanie Tettermer
Richard Tomko
Jason Tuchman
Maura Tuite
David Tukey
Greysy Valdes
Sam Weiss
Nancy Whatley Griffin
Phyllis Widman
Philip Wild
Andre Woodson

For more information about NJAPM membership, please contact Jim at jimhamilton@dshllaw.com.

NJAPM Peer Groups

by Katherine Newcomer, Esq. (Retired)



Mediators share their insights on cases. You do not need to be a member to attend. Attendees pay for their meal. Contact the group leader to confirm meeting time and location.

Bergen Divorce: Lunch, 1st Wednesday (of the month), 12:30 to 2, Maggiano's, 390 Hackensack Ave., The Shops at Riverside, 70 Riverside Sq., Hackensack. **Bergen Civil:** Lunch, 3rd Tuesday of the month from 12:30-2:00 at Houlihan's, 65 Route 4 West, Paramus. Contact Robert J. Lenrow, Esq., APM, 201-986-1821, ceasefiremediation@juno.com.

Camden/Burlington/Gloucester/South Jersey: Lunch, 1st Wednesday, noon, Ponzio's Diner on Rte. 38 in Cherry Hill. Contact William H. Donahue, Jr., Esq., APM, 609-238-9245, whdonahuejr@gmail.com.

Essex: Lunch on a Wednesday, every other month, starting in Oct.,

12:30 at the China Gourmet, 468 Eagle Rock Avenue, West Orange (just west of Prospect Ave.). Contact Don Steig, 973-761-6099, dbsteig@alum.mit.edu.

Mercer: Lunch, 2nd Thursday, 12:30-2:00, alternating between Olive Garden on Rte. 1 South, Lawrenceville, near Mercer Mall (and members' offices. Gabrielle Strich, Esq., APM, 609-924-2900, info@strichlaw.com.

Middlesex/Union: Lunch, 3rd Thursday, 12:30-2:00, Empire Asian Fusion 435 Main Street. Metuchen Bruce Waltuck, MA. 609-577-1584, brucewcollaboration@gmail.com.

Monmouth/Ocean: Lunch, 1st Thursday, 11:30, Pazzo Restaurant, 141 W Front St, Red Bank. Contact David Leta, 908-278-6335, mediation@DavidLeta.com or Anna-Maria Pittella, Esq., APM, 732-842-6939, pittellalaw@verizon.net.

Morris County: Lunch, 2nd Wednesday, noon, Hunan's Rest., 255 Speedwell Ave., Morris Plains. Contact Beverly & George Hays, APMs, 973-539-5242,

George@HaysMediation.com.

Somerset/Hunterdon/Warren: Breakfast, 2nd Tuesday, 8:30, Readington Diner, 452 Route 22 West, Whitehouse Stn. Lunch, last Tuesday, every other month starting September, 11:45, Panera, 25 Mtn. View Blvd., Basking Ridge. Contact me at 908-625-0043,

katherinewcomer@comcast.net.

South Jersey Shore: New group for Atlantic & Cape May Counties, 6 PM quarterly at members offices, next mtg. Nov 3, Carol Goloff, Esq., APM 609-646-1333, carol@golofflaw.com

Katherine Newcomer, Esq. (Ret.) provides divorce mediation in Morris & Somerset counties. Her website is www.equalitydivorcemediation.org

NJAPM Committees & Special Interest Groups

NJAPM Committee Name	Chair or Co-Chair	Phone	Email Address
Accreditation	Nick DeMetro	973-747-6428	metrode@aol.com
Annual Conference	Katherine Newcomer	908-625-0043	katherinewcomer@comcast.net
Annual Conference	Megan Oltman	609.947.0784	megan@mercerfamilymediation.com
Civil, Basic Mediation Training	Marv Schuldiner	732-963-2299	marvs@earthlink.net
Communications	Bennett Feigenbaum	973-682-9500	feigenbaum@gmail.com
Divorce, Basic Mediation Training	Anju Jessani	201-217-1090	ajessani@dwdmediation.org
Education Committee	Anna-Maria Pittella	732-842-6939	pittellalaw@verizon.net
Education Committee	Risa Kleiner	609-951-2222	risa@rkleiner.com
Executive Committee	Andrew Smith	908-246-9766	als.smithlaw@gmail.com
Fundamentals of Mediation Training	Carl Cangelosi	609-636-1557	ccangelosi@njmediation.org
Judiciary Relations	Hon. John Harper (Ret.)	973-813-7667	jharper@lauferfamilylaw.com
Legislative Relations	Roger Jacobs	973-226-6663	roger.jacobs@jacobslawnj.com
Long Range Planning	Andrew Smith	908-246-9766	als.smithlaw@gmail.com
Marketing	David Leta	908-278-6335	mediation@DavidLeta.com
Mediator Ethics Review Board	Hanan Isaacs	609-683-7400	hisaacs@hananisaacs.com
Mediator Quality	Marv Schuldiner	732-963-2299	marvs@earthlink.net
Membership	James Hamilton	856-365-7665	jimhamilton@dshllaw.com
Newsletter	Anju Jessani	201-217-1090	ajessani@dwdmediation.org
Nominating Committee	Marv Schuldiner	732-963-2299	marvs@earthlink.net
Peer Consultation / Mentoring	Katherine Newcomer	908-625-0043	katherinewcomer@comcast.net
Programs Including General Programs	Mitsu Rajda	877-744-3944	rmitsu@yahoo.com
Website	Carl Peters	609-751-4104	cpeters@carlepeters.com
Special Interest: Construction	Carl Peters	609-751-4104	cpeters@carlepeters.com
Special Interest: Elder Mediation	Open	-----	-----
Special Interest: Employment	William Dwyer	848-932-2730	wdwyer@work.rutgers.edu
Special Interest: Ombuds	Bennett Feigenbaum	973-682-9500	feigenbaum@gmail.com
Special Interest: Technology	Andrew Smith	908-246-9766	als.smithlaw@gmail.com

NJAPM Photo Gallery

NJAPM Civil & Divorce Mediation Seminar, 6-13-15



NJAPM 21st Annual Conference, 11-15-14

Doug Noll, Keynote, 2nd Row, Ctr.; Jim Freund, Featured Speaker, 3rd Row, Ctr. Outgoing President Marv Schuldiner & Incoming President Andrew Smith, 2nd Row, Rt.



Somerset Patriots Game — NJAPM Annual Social Outing, 8-12-15



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40-Hour Divorce Mediation, Class Photos



Fall 2014 , Day 5, November 8, 2014
(Left to Right)

Back: Prema Roddam, Janice Della Badia, Kristen Klics, Scott Gerson, Melissa Yaeger, Andrews Fischer, Dawn Fernandes & Mark Cherry

Middle: Faith Damian, Marla Guglberger, Kristin Aswad, Robert Goldstein, Diane Grant, Anna T. Alexander, Matthew Van Natten & Santa Dastidar

Front: Carl Cangelosi, Anna-Maria Pittella & Anju Jessani - Instructors, Corrine Spillman & Annmarie Jensen

Spring 40-Hour, Day 5, April 12, 2015
(Left to Right)

Back: Hugh Matlack, Matthew Malizia, Gregory Pasler, Jason Tuchman, Chester Sigafos, Dina DiRenzo, Scott Orr & Richard Tomko

Middle: Carl Cangelosi (I), Carmen Diaz-Duncan, Stacey Callaway, Robyn Ross, Bronwyn O'Neil, Samantha King, Emily Kline, Katherine Harris, Francine Kaplan & David Tukey

Front: Anju Jessani (I), Anna-Maria Pittella (I), Michele Natoli, Allison Holzman, Alison Dunn, Lynda Picinic, Ricardo Casimiro & Michele Brown

