



Mediation News

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Spring 2018

New Jersey Association of
Professional Mediators

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Upcoming NJAPM Events

NJAPM GENERAL MEETINGS
 4/25, 5/23, 6/27, 7/26, 8/22, 9/26, 10/24, 11/21,
 & 12/19, NJ Center, New Brunswick

NJAPM ANNUAL CIVIL & DIVORCE SEMINAR
 Imperia, Somerset
 Saturday 4/16

40-HOUR DIVORCE MEDIATION TRAINING
 Forsgate Country Club, Monroe Township
 4/21, 4/22, 5/20, 6/2 & 6/3

6-HOUR & 8-HOUR CIVIL MEDIATION SUPPLEMENT
 Location TBD
 June 7

6-HR DIVORCE MEDIATION SUPPLEMENT
 Forsgate Country Club, Monroe Township
 9:00 AM — 4:30 PM, Wed., June 13

40-HR CIVIL MEDIATION TRAINING
 Rutgers Labor Center, New Brunswick
 Visit Website for Scheduled Dates

Please Visit Our Website For Updates
www.njapm.org
 800-981-4800

NJAPM Annual Civil & Divorce Seminar Saturday, April 14, 2018



Newcomer Stevens Cangelosi Jones Isaacs Lerner Urbach Sirot Slater

NJAPM's 4th Annual Civil and Divorce Mediation Seminar will focus on successful mediation techniques. The seminar, open to all interested parties, is scheduled for Saturday, April 14, 2018 from 8:00 AM to 4:00 PM. at The Imperia, 1714 Easton Avenue, Somerset, NJ 08873.

Conference co-chairs, Katherine Newcomer, Esq., and Nicholas Stevens, Esq., will set the tone for the conference by acknowledging the professionalism and expertise of this year's presenters. NJAPM President, Carl J. Cangelosi, JD, APM, will provide an update on the "State of the Association".

Featured speaker, The Honorable Lawrence R. Jones (Ret.), will speak on the intangible aspects of a successful mediation conference. During his seven years on the Superior Court bench, he wrote 62 opinions, endeavoring to fill gaps in case law or interpret existing family law. Hanan M. Isaacs, Esq., APM, and Nicholas Stevens, Esq., mediation ethics presentation will include ethical dilemmas and role-plays that will leverage Judge Jones' presentation.

Following a networking lunch, there will be breakout workshops for civil and divorce mediators.

Civil mediation workshops, led by Jonathan Lerner, Esq. and Nicholas Stevens, Esq. include:

- Handling information exchange throughout the mediation process.
- Case analysis of a partnership dispute.
- Mediation dilemmas Q & A.

Divorce mediation workshops introduced by Katherine Newcomer, Esq. include:

- Mediation of a separation or divorce between parents of children with autism or other developmental disabilities with Judge Jones.
- Tax update on changes in the tax law that will impact divorcing and divorced families with Jeffrey Urbach, CVA, CFE, CPA/ABV/CFF.
- Navigating the pitfalls of college choice and financial aid for separating and divorced clients with Steven Sirot and David Slater of the College Benefits Research Group.

Registration of \$150 for members, and \$170 for non-members includes breakfast, lunch, and conference materials. At the door registration is \$175. The seminar qualifies for 5.2 NJ Continuing Legal Education Credits and fulfills the NJ 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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Membership in NJAPM is open to all interested individuals with annual new member dues of \$125 prorated from 10/1. The views expressed in this newsletter reflect the opinions of individual contributors and do not necessarily reflect the opinions of NJAPM. Please contact the Editor at ajessani@dwdmediation.org for permission to reprint articles, and for submission of manuscripts for publication. We reserve the right to edit copy submitted. All rights reserved. Copyright © 2018, NJAPM.

Editor's Column by Anju D. Jessani, MBA, APM



We publish two newsletters each year, one in October to coincide with our annual conference, and the other in April to coincide with our annual civil and divorce seminar. Please register for the seminar which features many talented members including featured speaker, Lawrence R. Jones (Ret.) who will speak on the intangible aspects of a successful mediation.

With this newsletter, we also mark the midpoint in the NJAPM fiscal year. Carl Cangelosi noted in the fall, he took the presidency with the intention of only serving one-term, having previously served as NJAPM president from 2010-2012. Therefore, this issue's President's column, is his last. We look forward to his accomplishments in the remaining months, and thank him for his contributions to NJAPM.

As well as our regular columns and updates from NJAPM committees including education, membership and peer groups, we include the following articles:

- N. Janine Dickey reviews some of the basics of mediation that set it apart from litigation and arbitration. In this issue she focuses on the characteristic of self-determination.
- Lynn Norcia compares three different categories of divorce mediation in New Jersey: private mediation, custody and parenting court mediation programs, and R 1:40 court ordered economic mediation.
- I address, from a mediator perspective, some tax-related child and alimony issues in light of the new tax bill.

We also include:

- A summary of NJAPM video resources.
- Some surprising mediation quotes.

There are great photographs from NJAPM events including the 2017 Annual Conference held on November 4 and featuring Noelle Mylenko on the subject of *What's Trust Got To Do With It?* There is also a class photo from the fall 40-hour divorce mediation training, as well as photos from recent NJAPM meetings.

The nominating committee is just completing its work in selecting a slate of officers and directors for the 2018-2019 year. We were fortunate to have members who expressed an interest in director positions, and hope that many more of you will consider a position on the board in the future. Our director positions are three year terms. As you can see on page 2 of this newsletter, every year, two positions become available. If you need more information, please contact chair of the nominating committee, Andrew Smith at als.smithesq@gmail.com.

Thank you to all the contributors to this issue of *NJAPM Mediation News*. If you have an idea for an original article for our fall newsletter between 650 and 1300 words, please email me a one paragraph proposal. Please also email me photographs from NJAPM events. I can be reached at (908) 303-03, or by email at ajessani@dwdmediation.org.

Anju D. Jessani, MBA, APM, served as NJAPM president from 2005-2007. Her practice, Divorce with Dignity Mediation Services, established in 1997, has offices in Clinton and Hoboken. Anju also serves on the R 1:40 Economic Roster of Mediators and is the is a lead instructor for NJAPM's divorce mediation training programs. She can be reached at www.dwdmediation.org.

Message from the President

Carl J. Cangelosi, JD, APM



The last six months have been very positive for the Association as can be seen from the list of significant achievements. There has been one over-riding failure. First the achievements:

- **Established a divorce mediation observation program.** Under this program, there will be website page where experienced divorce mediators will offer to permit new or less experienced mediators to observe a divorce mediation.
- **Approved a member resource section for the website.** This section of the website will contain useful documents such as sample MOUs, agreements to mediate, intake forms, and just about everything else that mediators use in their daily practice.
- **Provided webinars on a monthly basis.** These have been very successful and are now attracting a national and international audience giving NJAPM and those participating in the webinars exposure outside of New Jersey.
- **Enlarged the website mediator search function.** The search function had been limited to only accredited members. The search will now include a majority of our general members hopefully generating business for them.
- **Eliminated most requirements for officers of the association.** In the past most officers had to be APMs and had to have served on the board for one year. These requirements have been eliminated so the association can now select those most interested and most qualified to be officers.

- **Established an Ad Hoc Committee regarding civil mediation.** Civil mediators face a very challenging market resulting from few cases being referred for court mediation. David Reilly is chairing a committee to look at the reasons and possible remedies for this situation.
- **Issued an RFP for management company services.** Management services cost more than NJAPM generates through dues. This situation cannot continue. We are well into the process of picking a management company with the goal of reducing our costs while, at a minimum, not sacrificing any services.
- **Established a social media program.** We have instituted a social media program to inform and educate the public about NJAPM and the benefits of mediation. It is a long term project but we should all benefit.
- **Live streamed a general meeting.** Members in the south and north have complained about the location of the general meetings at the Law Center in New Brunswick. The solution is to live stream the meetings so that those who live too far can participate in real time.

These are real and significant achievements. They have been marred by one significant failure: the inability to bring online a new website.

By way of background, the contract for new website was signed September 7, 2016. The implementation phase was turning the design and turning it into a fully functional website. It started February 23, 2017 and was to be completed

within eight weeks or approximately the end of April 2017. As of today, the provider has not delivered a functioning website.

Besides being a major embarrassment, the failure to have a new website has prevented the implementation of several of the most significant achievements, i.e., the searchability of general members, the divorce mediation observation program, and the resource section, from being implemented.

Meanwhile, the existing site is failing. It is based on an old version of Drupal, a “content management framework” that can be used like WordPress, that is no longer supported. It needs to be updated. Even the *mediator search*, which is an essential function, is not working properly.

The dilemma is how much longer to persevere with the new website to get it functioning properly or how much to invest in the old website to make it functional and attractive. There is no simple or right answer. So the frustration continues and our members do not get the features listed above that depend on a new website.

A lot has been accomplished since the start of the current fiscal year on October 1, 2017. We still have a lot to do, and plan to do these tasks as quickly as possible. Stay tuned.

Carl J. Cangelosi, JD., APM started his term as NJAPM President on 10/1/17, having previously served as president from 2010-2012. Carl is the founder of NJAPM's 40-hour divorce mediation class, and continues to serve as an instructor for this and other NJAPM training programs. He has a divorce and civil mediation practice in Plainsboro. Please visit Carl at www.njmediation.org and carl.cangelosi@gmail.com.

MEDIATION: FUNDAMENTAL CHARACTERISTICS

by N. Janine Dickey, Esq., APM



Mediation is a widely used and growing dispute resolution process in federal, state, municipal, community and private forums throughout the United States. Parties, however, often lack a basic understanding of the unique characteristics that set mediation apart from litigation and particularly from arbitration.

This series of articles reviews these basic characteristics, their benefits, as well as governing laws. In this issue, we focus on self-determination, with more topics to be covered in upcoming issues.

CHARACTERISTIC #1 SELF-DETERMINATION

GOVERNING AUTHORITY

Federal and state statutes governing Mediation, are to a great extent fashioned after the *Model Standards of Conduct for Mediators*.^{*} These were enacted to serve three primary goals:^{**}

1. Guide the conduct of mediators;
2. Inform mediating parties; and
3. Promote public confidence in mediation as a process for resolving disputes.

The characteristic of self-determination fundamentally sets mediation apart from litigation and arbitration. Model Standard # I: Self-Determination states:

A mediator shall conduct a mediation based on the principle of party self-determination.

Self-determination is the act of coming to a voluntary, uncoerced decision in which each party makes free and informed choices as to process and outcome.

Parties may exercise self-determination at any stage of a mediation, including mediator selection, process design, participation in or withdrawal from the process, and outcomes.

SIGNIFICANCE & BENEFITS

Self-Determination at the process design stage permits me as your mediator to work with the parties and counsel to uniquely tailor the mediation process for optimal results.

I consider the substantive nature of the dispute, complexity of issues, amount in controversy, overlap and differences of interests when multiple parties are involved, optimal timing and any particular needs of parties and counsel.

Unlike arbitration and litigation, Self-determination during the negotiation stage permits parties to play a significant participatory role and to interact directly and confidentially with me as your mediator. This promotes a greater respect for and ultimate effectiveness of the mediation process.

Significant involvement is particularly attractive to sophisticated parties who are often “deal-makers” in their own right.

Additionally, verdicts in litigation and awards in arbitration are often appealed, leading to further delays and costs. The buy-in inherent in mediated resolutions generates party adherence to terms and ultimate party/client satisfaction.

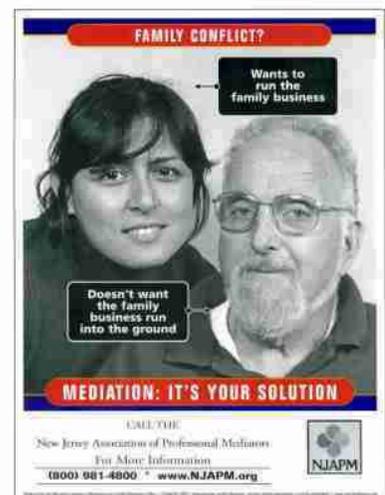
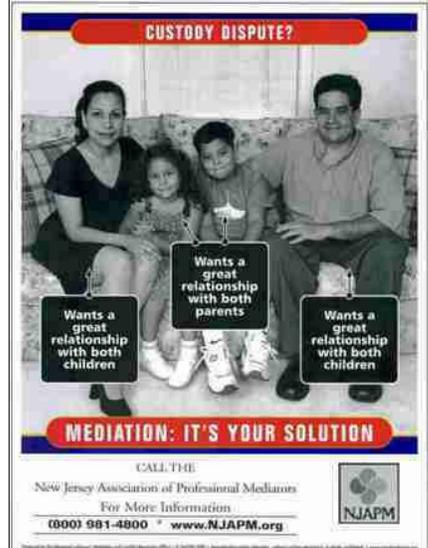
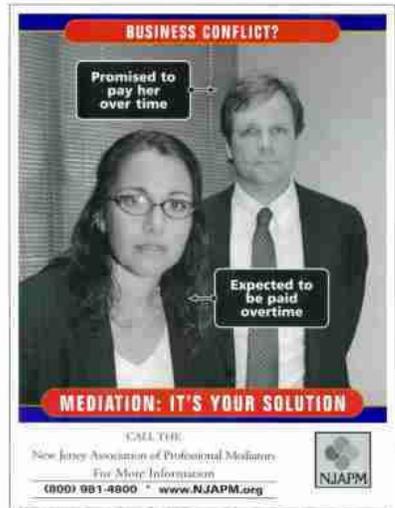
^{*} Prepared 1994, rev'd 2005 by American Arbitration Association, ABA Section of Dispute Resolution, and Association for Conflict Resolution

^{**} Model Standards of Conduct for Mediators - Preamble

N. Janine Dickey, Esq., APM, focuses her practice on commercial, small business, construction and employment matters, with an office in Bridgewater. She is the recipient of the 2015 ADR Practitioner of the Year award from the Dispute Section of the NJSBA. Her website is <http://accreditedmediation.com>.

NJAPM Posters

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Divorce Mediation & the 2018 Tax Overhaul

by Anju D. Jessani, MBA, APM



The goal of this article is to demystify how to address some tax-related child and alimony issues in light of the new tax bill (from a mediator perspective).

Please also take advantage of training opportunities on the new tax law. Jeffrey Urbach, MBA, CFE, CVA, CPA/ABV/CFP, provided a comprehensive overview of the 2018 tax changes in his NJAPM webinar, and will be conducting a workshop on the new tax law at the upcoming NJAPM Annual Civil and Divorce Seminar on Saturday April 14.

Filing Status & Shared Parenting

The new tax approximately doubles the standard deduction, but eliminates tax exemptions. In 2018, the standard deduction amounts will increase to \$12,000 for individuals, \$18,000 for heads of household, and \$24,000 for married couples filing jointly. If a parent were in a 25% tax bracket, being able to file as head of household rather than single would result in a \$1,500 savings.

Head of household is a filing status for single or unmarried taxpayers who keep up a home for a Qualifying Person. A "Qualifying Person" lives with you for more than half the year, except for temporary absences, must be under 19 years of age, or a full-time student under 24 years of age, or permanently disabled.

With 50/50 shared parenting plans and two or more qualifying persons, both divorced parents should be able to file as head of household if each parent claims one child. Clients with 50/50 with one child, should be able to alternate the filing status.

Mediators need to be aware that filing status will be an issue in parenting arrangements, and that more parents will want head of household status. There can be a win-win in

these conversations. The non-custodial parent would have more time with the children, the other parent would have a some more free time. This would result in less overall taxes for the parties, with more money, therefore, available for support or college savings.

Tax Credits and Dependents

If you claim a child under 17 (as of the last day of the tax year) as your dependant, starting in 2018, the Child Tax Credit has been increased to \$2,000 per qualifying child, and the income thresholds for eligibility have been increased to \$200,000 for single and head of household filers, and \$400,000 for married filers. Even if a taxpayer has no tax liability, they can get up to \$1,400 for each qualifying child. Additionally, for 2018-2023, a filer claiming dependant children over the age of 17 (and other non-children dependants), qualifies for a \$500 non-child tax credit for each qualifying dependant.

In 2017, the personal exemption for each qualifying child was \$4,050; at a 25% tax rate, taking the child would result in a savings of \$1,012.50 (plus the child tax credit if you met the income eligibility requirements). The greater attractiveness of the new child tax credit will lead to great bargaining by clients to claim the younger children as dependants.

Post-Tax Alimony Starting in 2019

For payments made under separation and divorce settlements executed after 12/31/18, the new law eliminates the deductibility of taxes on alimony payments. There is no change in tax treatment for payments made in pre-2019 agreements as well as modifications to pre-2019 agreements, as long as their tax treatment is addressed.

Though less common in the past, non-taxable alimony, has been permitted by the tax code. Couples chose this for reasons including the hassle of estimating taxes on alimony, because the non-taxable amount created less sticker shock, or because there might not have been a huge difference in tax rates between the parties to benefit from shifting income to the person with the lower tax rate.

States that have formula driven alimony will have to revise their formula. Because New Jersey has statutory factors, the most significant being need and ability to pay, and because budgets are prepared on an after tax basis, mediators can continue to assist clients in establishing alimony based on budget with ease.

If you rely on a formula to reality check alimony, take the pre-tax alimony estimate and adjust that numbers by a midway point between the payer and payee tax rates to obtain a ballpark 2019 non-taxable alimony estimate. As an example, \$30,000 a year in pre-tax annual alimony, with a 25% tax rate, translates to \$22,500 after taxes.

For clients who might benefit from taxable alimony, completing the divorce mediation early enough in 2018 so that the divorce settlement can be executed prior to 12/31/18 is imperative. Mediators should make clients aware of the divorce timelines.

Anju D. Jessani, MBA, APM, served as NJAPM president from 2005-2007. Her practice, Divorce with Dignity Mediation Services, established in 1997, has offices in Clinton and Hoboken. Anju also serves on the R 1:40 Economic Roster of Mediators and is the is a lead instructor for NJAPM's divorce mediation training programs. She can be reached at www.dwdmediation.org.

Divorce Mediation: Multiple Paths to Resolution

by Lynn B. Norcia, Esq.



When we think about divorce mediation, the timing of the sessions often influences who performs the mediation, as well as the manner in which it is conducted. In New Jersey, there are three types of divorce mediation. The purpose of this article is to compare these three different categories of divorce mediation, based on when they occur in the process of a divorce and highlight mediator qualifications for each category of mediation.

1. Pre-Complaint, Private Mediation in a Private Setting

Private divorce mediation is a growing area of practice in New Jersey. The parties meet with the mediator prior to, or in conjunction with, filing a divorce complaint with the court. The parties to these mediations self-select and are already predisposed to trying to work matters out between themselves as well as to avoid steep legal fees.

Although they may choose this option because it is more economical, this method is not just selected by people with limited incomes. Many of these parties have substantial assets, but recognize the cost savings and the “self-determination” benefit of mediation versus litigation.

Dislike of attorneys and the litigation process can also play into the parties’ decision to choose pre-complaint mediation. Mediations at this stage are frequently conducted without attorneys present.

The mediator may prepare a non-binding summary of agreement reached in mediation that will be incorporated into the clients’ property settlement agreement. The participants in this type of mediation are each advised that the mediator cannot provide legal advice.

Clients are strongly encouraged to retain their own “review attorneys” who will provide individual legal counsel to them throughout the course of the mediation and may assist in finalizing the divorce with the court.

These pre-complaint mediations are often conducted over a series of sessions depending on the parties’ ability or willingness to follow through with “assignments” between sessions, such as the collection of financial information and development of projected budgets, etc.

Mediator Qualifications

Many attorneys, certified public accountants, certified divorce financial analysts, therapists, etc. conduct divorce mediation as one of many services offered through their professional practice. Other mediators in this category have successfully established stand-alone businesses focusing solely on matrimonial mediation.

For private family and divorce mediation, there is no special occupational status, educational degrees required, or mediator training for providing mediation services.

Mediators who conduct private and/or pre-complaint mediations do not need to be listed on the Court Roster. However, being listed on the R. 1:40 Roster is one way for a mediator to show that they have a specific qualification in the field.

Private mediators can also distinguish themselves as a qualified mediator by meeting the standards set by NJAPM for inclusion on the organization’s list of searchable family mediators (pending the new website). These individuals will have completed a 40-hour family

mediation program, are members of NJAPM in good standing, and agree to abide by NJAPM’s standards of conduct. A further credential, conferred by NJAPM after a rigorous evaluation process, is the title of Accredited Professional Mediator (“APM”). Criteria for this accreditation may be found on the NJAPM website along with a list of NJAPM members who have achieved this designation.

There are many qualified mediators who may not have met the specific requirements for being included on the Roster (see 3), or choose not to be on the Roster. Along with Roster mediators, they routinely assist parties in resolving divorce and family issues through private mediation.

2. Custody and Parenting Time Mediation in a Court Setting

For those parties who do not choose private mediation and cannot agree on parenting issues, custody and parenting mediation is typically conducted in a court setting by mediators who are court employees, or court approved volunteers. Equitable distribution and support issues are not addressed in these court mediations. Although practices vary by court vicinage, generally, unless there is a parenting time consent agreement submitted to the court at the time of the first case management conference, the judge will order the parties to attend mediation with a court mediator.

The court mediators usually hold only one session, which is free to the parties and which is usually conducted without attorneys present. Occasionally, the couple will meet with the mediator more than once, to the extent that the mediator’s schedule can accommodate multiple sessions,

(Continued on page 7)

Divorce Mediation: Multiple Paths to Resolution, cont.

(Continued from page 6)

or, in the case of volunteer mediators, if the parties agree to continue with additional sessions. Subsequent sessions with volunteer mediators are generally not free, and are charged at the mediator's hourly rate. See, R. 1:40-5(b).

The mediator usually drafts a Memorandum of Understanding ("MOU") and sends it to the attorneys of record for comment or possible modification. If there is no objection to the MOU, the mediator forwards it to the judge assigned to the case, but it is not incorporated into a court order until the parties have signed the agreement or otherwise consented to its terms.

In some vicinages, the mediators will also handle post judgment parenting disputes.

Mediator Qualifications

The court staff who conduct these mediations must meet the minimum requirements of R. 1:40-12(a)(2), including mediation training and graduate degrees or certification of advanced training in a behavioral or social science.

Many of these individuals also perform the jobs of non-dissolution and Child Welfare mediator, Domestic Violence Hearing Officer, Juvenile Referee, and/or Child Support Hearing Officer.

3. Court Ordered Economic Mediation in a Private Setting

The third type of matrimonial mediation is economic mediation that is ordered by the court after a case has failed to settle at an Early Settlement Panel Conference (ESP). All matrimonial cases are scheduled for ESP after most discovery has been, or should have been completed. The parties appear with their attorneys and are instructed to be prepared to discuss settlement.

If an ESP conference fails to

lead to a settlement between the parties, on that same day, the parties must select an economic mediator and schedule their first mediation appointment. Although the parties are free to select any mediator, if they or their attorneys cannot agree on mediator, the court will select a mediator from the Roster of Mediators of Economic Aspects of Family Law Cases maintained by the court. R. 1:40-5 (b) (2).

These mediations are significantly different from the pre-complaint cases. In these post-ESP cases, the attorneys usually provide their ESP submissions to the mediator, and/or the mediator conducts a conference call with the attorneys, before the first session. The attorneys usually attend the sessions with their clients and the sessions often involve a great deal of caucusing with each side.

One of the advantages of mediation at this stage is that the parties have usually exchanged most, if not all, of their financial information.

One of the disadvantages of conducting these post-ESP mediations, is that the parties are often fairly entrenched in their respective positions and animosity can be running high due to months (or years) of adversarial litigation.

Mediation at this juncture tends to be more "evaluative" than pre-complaint mediation. Often one of the driving factors encouraging the parties to reach a settlement at this point is diminishing financial resources and an imminent trial date.

Mediator Qualifications

To be listed on the Roster of Mediators of Economic Aspects of Family Law Cases a person must meet the requirements of R. 1:40-12. Those requirements include, among others, being licensed in, and having at least 7 years of experience in, one's field of expertise (e.g., law,

finance, psychology); having completed 40 classroom hours of basic mediation training, which includes 22 hours of specialized family mediation training; and having been mentored by a family roster mediator in at least two cases for at least 5 hours. If the mediator is selected from the roster, the mediator must provide the first two hours of services free, usually one hour for preparation, and the first hour of meeting with the clients. R. 1:40-4 (b).

Observations and Conclusions

The public can benefit from understanding the different services offered and the qualifications of mediators in all three types of New Jersey divorce mediation.

Divorce mediation can be very different depending on the timing of the mediation. It can range from a less formal, more client driven approach, with attorneys acting in an advisory role, to a more formal, court driven approach, with the mediator taking on a more evaluative role. The process changes as the parties face looming trial deadlines and increasing legal and expert fees.

Regardless of when or how the mediation is conducted as well as who conducts the mediation, mediation is usually less expensive, more self-determined and more efficient, and has the potential to achieve better outcomes for families than does traditional adversarial litigation.

Lynn B. Norcia, Esq., is Of Counsel to Starr, Gern, Davison & Rubin, P.C. in Roseland, where she specializes in family law and mediation. She is a director of the NJAPM board, serves as an ESP panelist in Essex County, is on the R 1:40 Court Roster of Economic Mediators, and also serves as a Guardian ad Litem and parenting coordinator. Her prior experience includes as a mediator in the Essex County Superior Court, and as Law Guardian and Deputy Attorney General in child protection cases. www.starrgern.com.

NJAPM Video Resources

From the comfort of your living room or office, you can view NJAPM mediation videos that feature NJAPM members. These videos are both educational and practical.

The webinar effort was started by Katherine Newcomer. Alan Ehrlich and others then spearheaded the initiative. Mitsu Rajda facilitated the live streaming and also recording of a number of general meetings.

If you are interested in presenting a webinar or would like to assist the webinar committee, please contact Carl at carl.cangelosi@gmail.com or (609) 636-1157.

Thanks

Our thank to all the organizers and presenters involved with the NJAPM videos. Please view a video and give us your thoughts.

NJAPM Webinars

These presentations were aired live, primarily on the Zoom platform and were recorded for future viewing.

We have highlighted recent videos and urge members to view the webinars and subscribe free of charge to the NJAPM YouTube channel.

Please go to www.youtube.com and search and then subscribe to NJAPM:

- **Elder Care:** Gabrielle Strich, Esq., APM, is interviewed by Megan Oltman, Esq. on the complex, and not always logical topics of elder care and elder mediation.
- **2018 Tax Reform:** Jeffrey Urbach, MBA, CFE, CVA, CPA/ABV/CFF presents "Tax Cuts and the Job Act" and its impact on divorce settlements, business valuations, and sundry business tax changes.
- **Mediation Career Building:** Carl Cangelosi interviews Randi Albert, JD, and Michelle Weinberg, M.Ed, LMF, on how they built Westfield Mediation LLC, a successful divorce mediation practice, and provide strategies for divorce and civil mediators.

Live Streamed General Meeting on NJAPM's YouTube Channel

- **Impasse Techniques:** In a conversation with Mitsu Rajda, JD, F. Peter Phillips, Esq., discusses how impasse may occur, forms impasse may take, and tools that mediators may use to overcome impasse.

Recorded General Meetings on NJAPM's Website, Member Section, www.njapm.org

- **QDROs:** Charles S. Lunden, CPA/ABV/CFF, CMA. CLU, FLMI, presents the pitfalls and implications of Qualified Domestic Relations Orders, including an overview what a well-crafted order should cover and sample problems.

Member Led Videos on the NJAPM Website, Member Section

- **How Do I Handle A Party Who Says They Won't Pay Alimony** with Carl Cangelosi, JD, APM
- **Equitable Distribution of The Marital Home** with Risa Kleiner, Esq., APM
- **Tax Deductibility Of Alimony** with Marshall Morris, CPA/ABV/CFF
- **Civil/Commercial Mediation Opening Statements** with Robert R. Margulies, Esq., APM and Peter Scarpato, Esq. APM
- **Mediator Styles** with John Sands, JD, APM
- **Impasse** with Felicia Farber Esq., APM



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Prices Starting at Less than \$400 for \$100,000 in Annual Coverage
Proof of NJAPM Membership is Required

For Further Information or to Obtain Application Form,
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NJAPM Divorce Apprentice Program



We are Seeking:

- Couples needing discounted divorce mediation services
- NJAPM Accredited Professional Mediators to serve as mentors
- 40-Hour divorce training graduates desiring hands-on experience

Please Contact Education Committee Chairs:

Risa Kleiner, Esq., APM — risa@rkleinerlaw.com, and
Anna-Maria Pittella, Esq., APM — pittellalaw@verizon.net
or, visit www.njapm.org for more information

NJAPM Membership Report

by Suzanne English, MA, Membership Chair



A warm welcome to these new members who joined NJAPM from 9/20/17 through 3/20/18:

Aime Alonzo-Serrano

Patricia Ames

Jessica Apgar

Barry Boeker

Heather Christensen

Joseph Ciesnicki Jr.

Peter Clark

Christine Coppola Intile

Michele Coppola-Wilson

Hilary Drucker

Megan Duffy

Margarita Echevarria

Regan Elliott

Joel Ellis

Gwendolyn Gaut

Beverly Harrison

Carolyn Haynes

Edward Hughes

Patrice Ianetti

Hon. Lawrence Jones

Marty Judge

Vanessa Karatzia Pytel

Alan Karmin

James Lloyd

Maurice McLaughlin

Glenn Milgraum

LaGaysha Nelson

Adam Opitz

Scott Orr

Fred Porcello II

David Repetto

David Rosen

Frederick Rosenberg

Leonard Solondz

Tegan Sorvino

Thomas Sowanick

Ray Streker

Adam Tinter

Samantha Tinter

Susan Williams

Lisa Wolman

Olga Zabłudovsky

I invite all members, especially new members, to be part of our Ambassador Program. Ambassadors welcome visitors at meetings, join them at mealtime, and make them feel comfortable. Providing a true feeling of inclusion can make all the difference to a guest. Please contact me at the email below or phone me at (908) 377-9028.

Recently, this committee obtained board approval to expand mediator listing to general members. Previously, only Accredited Professional Mediators (APMs) were searchable on the NJAPM website. To be searchable, a general member must have completed an approved NJ 40-hour course within the past 5 years. If the member's 40-hour training was not in New Jersey or more than 5 years ago, the member must take an approved 6-hour supplemental course. There will be a \$100 fee annually for searchable general members in addition to dues. As with APMs, searchable general members will need to complete 10 continuing education credits a year.

We are also currently working with the board to modify the educational requirements to qualify as an APM.

If you have an issue, you would like to bring to the board's attention, or have a membership issue, please contact me. I also welcome new volunteers to our committee. I look forward to hearing from you, today!

Suzanne English, MA specializes in civil and divorce mediation including insurance cases, and child welfare advocacy from her Summit, NJ office. She also serves on the Board of NJAPM. Her email is suzanne@me.com.

14 Mediation Quotes

1. *Speak when you are angry and you will make the best speech you will ever regret.* Ambrose Bierce
2. *Unless both sides win, no agreement can be permanent.* Jimmy Carter
3. *The most important thing is to hear what isn't being said.* Peter F. Drucker
4. *Peace cannot be kept by force; it can only be achieved by understanding.* Albert Einstein
5. *Peace is not the absence of conflict, but the ability to cope with it.* Mahatma Gandhi
6. *You can't always get what you want, but if you try sometimes, you get what you need.* Mick Jagger
7. *We can work it out. Life is very short and there's no time for fighting and fussing my friend.* John Lennon
8. *Conflict is inevitable, but combat is optional.* Max Lucade
9. *There ain't no good guy, there ain't no bad guy; there's only you and me, and we just disagree.* Dave Mason
10. *Be kind, for everyone you meet is fighting a battle.* Plato
11. *Conflict and resolution are two sides of the same coin.* Haresh Sippy
12. *I love good and caring lawyers who are advocates, who are defenders, who are problem-solvers, and who are peacemakers.* Janet Reno
13. *If we limit the unproductive interactions, we will be able to better focus on productive ones.* Rachel G. Scott
14. *You can stand tall without standing on someone. You can be a victor without having victims.* Harriet Woods

NJAPM Peer Groups

by Katherine G, Newcomer, Esq.



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

Bergen: Divorce Lunch, 1st Wed. 12:30. Civil Lunch, 3rd Tues. 12:30. Both meetings @ Houlihan's, 65 Route 4 W, Paramus. This is the strip mall after sign for 35 Plaza. Robert J. Lenrow, Esq., APM, 201-986-1821, ceasefiremediation@juno.com.

Camden/Burlington/Gloucester/South Jersey: Lunch, 2nd Wed. noon @ BorgerMatez law firm. 1470 Rte. 70 East, Cherry Hill. William H. Donahue, Jr., Esq., APM, 609-238-9245, whdonahuejr@gmail.com.

Essex: Lunch on a Wednesday, every other month, starting in September at 12:30 @ China Gourmet 468 Eagle Rock Avenue, West Orange. Donald Steig, MA, CMC, 973-761-6099, dbsteig@alum.mit.edu.

Mercer: Lunch, 4th Thursday, 12:30, @ Olive Garden on Rte. 1 South, Lawrenceville, near Mercer Mall. Gabrielle Strich, Esq., APM, 609-924-2900, info@strichlaw.com.

Middlesex/Union: In need of new leader. Please contact Katherine Newcomer if you can co-chair this great group. katherinenewcomer@comcast.net.

Monmouth/Ocean: Lunch, 1st Thursday every month, 11:30 AM @ Pazzo Rest., 141 W Front St, Red Bank. 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, 12:30 PM @ Hunan's Rest., 255 Speedwell Ave., Morris Plains. Contact Beverly & George Hays, APMs, 973-539-5242, hays.mediation@verizon.net.

Somerset/Hunterdon/Warren: Breakfast, 2nd Tuesday, 8:30 AM, @ Readington Diner, 452 Route 22 West, Whitehouse Station. Also, lunch, last Tues. every other month, 11:45 AM, @ Panera, 25 Mtn. View Blvd., Basking Ridge. Contact me at 908-625-0043. katherinenewcomer@comcast.net.

South Jersey Shore: Atlantic & Cape May Counties, 6 PM quarterly @ members offices, Carol Goloff, Esq., APM 609-646-1333, carol@golofflaw.com.

Union—NEW Civil/Divorce Group: Lunch, 3rd Tuesday every month except July and August, 12:30 PM, @ Grillestone Restaurant, 2377 Route 22 East, Scotch Plains. Tony Prinzo, CVA, at unioncountypeergroup@gmail.com, or Amber Leach, MBA, CDFA, 917-538-6437, amber@leachmediation.com.

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

NJAPM Committees & Special Interest Groups

Accreditation	Virginia M. Ruscinski	732-235-1117	ruscinski@aol.com
Accreditation	Andrew Smith	908-246-9766	als.smithesq@gmail.com
Annual Conference	Carl Cangelosi	609-636-1557	carl.cangelosi@gmail.com
Civil Mediation Training	Marv Schuldiner	732-963-2299	marvs@earthlink.net
Divorce 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	Carl Cangelosi	609-636-1557	carl.cangelosi@gmail.com
Judiciary Relations	Hon. John Harper (Ret.)	973-813-7667	jharper@lauferfamilylaw.com
Legislative Relations	Roger Jacobs	973-226-6663	roger.jacobs@jacobslawnj.com
Marketing	Bennett Feigenbaum	973-682-9500	feigenbaum@gmail.com
Marketing	Marianne McConnell	973-593-4911	mcconnell2@verizon.net
Mediator Ethics Review Board	Hanan Isaacs	609-683-7400	hisaacs@hananisaacs.com
Mediator Quality	Marv Schuldiner	732-963-2299	marvs@earthlink.net
Membership	Suzanne English	908-377-9028	suzannee@me.com
Newsletter	Anju Jessani	201-217-1090	ajessani@dwdmediation.org
Nominating Committee	Andrew Smith	908-246-9766	als.smithesq@gmail.com
Peer Consultation / Mentoring	Katherine Newcomer	908-625-0043	katherinenewcomer@comcast.net
Strategic Planning	Carl Cangelosi	609-636-1557	carl.cangelosi@gmail.com
Website Design	Carl Cangelosi (Interim)	609-636-1557	carl.cangelosi@gmail.com
Special Interest: Construction	Lucille Alfano	732-449-0526	alfanol@aol.com
Special Interest: Construction	Rick Steen	609-895-0071	ricksteen@adrllawfirm.com
Special Interest: Construction	Carl Peters	609-741-4104	ceppels@verizon.net
Special Interest: Elder Mediation	Anna Alexander	973-763-7314	wga9vose@verizon.net
Special Interest: Elder Mediation	Gabrielle Strich	609-924-2900	info@strichlaw.com
Special Interest: Employment	William Dwyer	848-932-2730	wdwyer@work.rutgers.edu
Special Interest: Employment	Andrew Smith	908-246-9766	als.smithesq@gmail.com
Special Interest: Ombuds	Bennett Feigenbaum	973-682-9500	feigenbaum@gmail.com
Special Interest: Technology	Bavinder Gill	848-218-1923	balkqill01@gmail.com
Special Interest: Technology	Andrew Smith	908-246-9766	als.smithesq@gmail.com

NJAPM Photo Gallery, NJAPM 24th Annual Conference Featuring Noelle Mylenko, Saturday, November 4, 2017, The Imperia, Somerset





**New Jersey Association
of Professional Mediators**
26 Park Street, Suite 2041
Montclair, NJ 07042

NJAPM Photo Gallery

NJAPM Fall 2017 40-Hour Divorce Mediation Class Forgate Country Club October 28, 2017

Back Row, (Left to Right): Christine Coppola Intile, Joseph Ciesnicki, Brian Iton, Timothy Jensen, Adam Tinter, Michelle Coppola-Wilson, Tegan Sorvino

Middle Row: Susan Williams, Diana Longo, Burcin Ogrenir, Olga Zabludovsky, Jessica Apgar, Hon. Lawrence Jones (Ret.)

Front Row: Chris Heer, Anju Jessani & Carl Cangelosi (Instructors), Patricia Ames, Jennifer Drake, Scott Mallon



**NJAPM General Meeting, NJ Law Center
October 19, 2017**
Mark Altschuler of Pension Analysis
Consultants, with Mitsu Rajda, JD



**NJAPM's Joint Meeting with the Justice Marie L. Garibaldi Inn of Courts,
Basking Ridge Country Club February 9, 2018**
Lawrence Cutler, Esq., Denise Wennogle, Esq., and Hon. John Harper (Ret.)