



Mediation News

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Spring 2019

New Jersey Association of
Professional Mediators

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Montclair, NJ 07042

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Upcoming NJAPM Events

NJAPM GENERAL MEETINGS

Monthly, Dates TBA

6 PM at NJ Law Center, New Brunswick

NJAPM CIVIL AND DIVORCE SEMINAR

The Imperia, Somerset, Saturday, 6/15

6-HR DIVORCE MEDIATION SUPPLEMENT

Rutgers Atrium, Somerset NJ

9:00 AM — 4:30 PM, Thursday, 6/20

NJAPM Annual Outing

Somerset Patriots Baseball, Thurs., August 1

40-HOUR DIVORCE MEDIATION TRAINING

Rutgers Atrium, Somerset NJ

Fall Dates TBA

40-HR CIVIL MEDIATION TRAINING

Rutgers Labor Center, New Brunswick1

Fall Dates TBA

NJAPM Annual Conference

The Imperia, Somerset, NJ

Saturday, November 16

Please Visit Our Website For Updates

www.njapm.org

800-981-4800

Fifth Annual Civil & Divorce Seminar

Saturday, June 15, 2019



Gabrielle Strich



John Sands



Colin Rule



Lawrence Jones

Co-chairs, Anju D. Jessani and Katherine Newcomer invite members and the public to attend our fifth annual civil and divorce seminar, *Leading Technology, Tools, and Techniques for Professional Mediators*, on Saturday, June 15 from 8:15 AM to 4 PM at the Imperia in Somerset

After a light breakfast and a welcome by president, Gabrielle Strich, our plenary session will include:

John Sands: *Strategies for a Successful Career in Mediation.* John's clients include an impressive list including Major League Baseball, the NFL, the NHL, Fortune 500 companies, and governmental agencies.

Colin Rule: *The Current Status and the Future Online Dispute Resolution and Demonstration of ODR Tools.* The guru of online dispute resolution, will talk about trends in ODR and will provide demonstrations of ODR tools.

Lawrence R. Jones: *Civil and Family Topics Ethics Presentation.* Jones is a former NJ Superior Court Judge who retired in 2017. During his time on the bench, he wrote 62 opinions, endeavoring to fill gaps in case law.

Following a networking lunch, we will have concurrent afternoon interactive mediation workshops.

Civil/Business Workshops

- *What Attorneys/Parties want from Mediators and What You Should Want from Them* with Felicia Farber, moderator, and panelists John Sands, Patricia Barasch, and Jed Marcus.

- *How to Implement Free/Low Cost Technology Tools (including ODR) to Expand Your Mediation Practice* with Colin Rule and Marvin Schuldiner.

Family/Divorce Workshops

- *Life After the One-Third Alimony Rule of Thumb Died and Other Tax/Divorce Changes* with David Carton and Tony Prinzo.

- *2019 Legal Update on Divorce Cases* with Bruce Matez.

- *21st Century Solutions for Parenting, Especially When Parents Strive for 50/50* with Lynn Norcia, moderator, and panelists Bill Donahue, Joan Geiger, and Dr. Eileen Kohutis.

The registration fee is \$165 for members, \$125 for students/government, and \$185 for others until 5/31, with \$20 more after 6/1. The seminar qualifies for 6.8 CPE/CLE credits including 1.0 ethics credit. APMs receive 5.66 NJAPM CE hours. The seminar meets the AOC's 4.0 hour annual requirement for roster 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 © 2019, NJAPM.

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



We publish two newsletters each year, one in the fall to coincide with our annual conference, and the other in the spring to coincide with our annual civil and divorce seminar.

Please register for the June 15 seminar which features John Sands on *Strategies for a Successful Career in Mediation*, Colin Rule on *The Current Status and the Future Online Dispute Resolution*, and Lawrence Jones on *Civil and Family Ethics*. We also have afternoon workshops that will help you retool your mediation practice.

With this newsletter, we mark the midpoint in our fiscal year. Gabrielle Strich can attest that leading NJAPM is a full-time job in addition to her day job. Please support her and the board's efforts by volunteering to assist NJAPM.

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

- Joey Novick, a New Jersey lawyer, mediator and improv comedian, suggests that if you want to be a better mediator, you consider taking an improvisation class. Improv skills such as basic story-telling and collaborative problem solving can enhance your mediation skills.

- Diana Longo talks about how bringing a Certified Divorce Financial Analyst® to your mediation can add value for your clients.

- Lynne Strober and Tony Prinzo discuss how to calculate alimony in New Jersey since the elimination of the federal tax deduction of alimony for settlement agreements executed after December 31, 2018.

- NJAPM's response to the AOC in support of New Jersey Court roster

mediators being paid half their market rate for the first two hours of mediation as opposed to no fees for the first two hours.

There are great photographs from NJAPM events including the annual conference. There is also a class photo from the fall 2018 40-hour divorce mediation training.

The nominating committee just completed its work in selecting a slate of officers and directors for the 2019-2020 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.

If you received this newsletter in the mail and there is asterisk next to your name, that means your membership expired on 9/30/18, but we included you in this mailing as a courtesy. Please renew your membership at www.njapm.org to continue to enjoy the benefits of NJAPM and to support the organization.

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) 303-0396 or 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 lead instructor for NJAPM's divorce mediation training programs. Her website is www.dwdmediation.org.

Message from the President

Gabrielle Strich, Esq., APM



I am just past the middle of my first year as President of NJAPM. My first priority was to get a new working web site and I am pleased to inform you that this has been accomplished!

NJAPM Website Update

The new web site which has the same address as the old site (www.njapm.org), allows searches for all listed mediator members by zip code or by name. In the past, only accredited members were searchable.

General Members can now also be searchable, and can also have a one page web listing with its own URL; previously, only APMs had these benefits. General Members need to fill out the brief application showing they have completed a 40-hour training course and met the educational criteria. The fee to be listed is only \$75 annually for General Members, pro-rated for the time remaining in the fiscal year through 9/30/19.

We are now working on improving registration for training, conferences and other events.

General Members Get Listed

Please claim your listing as follows: Go to www.njapm.org welcome and follow the tutorial. It will give you an opportunity to register. Once you register, you must log in. You will need to create a new password, as the old one for the old website will not work.

At that point, you will have the opportunity to submit your listing. The email will go to our management company, C3. You will get an email back letting you know that C3 knows you submitted your listing. C3 will then send you an email to claim your listing; please do so. You will then be able to modify your listing; please do not use all caps.

Please fill out General Members Searchable Requirement Form to request to be listed on the web site for the public to see. Email it to Suzanne English, our membership chair at suzannee@me.com and also pay the fee to be listed. If you have any questions or problems getting listed, please send an email to Suzanne.

Accredited Members, Claim Your Listing

Accredited Professional Mediators (APMs) get listed as soon as they have claimed their listing. Go to the website, login with our new password and follow the tutorial. APMs' higher annual dues cover listing and search fees, so there are no additional steps needed to be searchable. You should review your listing to ensure it is current.

NJAPM Events

Since 10/1/18, we have held a successful annual conference (see page 11), completed fall and spring civil/business and family/divorce trainings, and sponsored a board strategic planning meeting. We also continue to sponsor general meeting, peer groups, webinars and special events.

Other NJAPM Benefits

In addition to our website, meetings and events, there are other advantages to NJAPM membership including advanced trainings, apprentice and mentor programs, mediation advocacy, access to liability insurance, and CLE and mediation continuing education credits. I encourage members to explore all our benefits.

Thanks to All Our Volunteers

Nothing would have been accomplished this year without our board members. Serving on the board is often thankless, but is critical for an effective organization. I extend my

thanks to committee chairs and members, peer group leaders, and other volunteers for their hard work.

Seeking New Volunteers

David Reilly has volunteered to chair a civil mediation committee that will interface with the court on its civil mediation programs, and will help NJAPM develop civil mediation opportunities. David needs a co-chair and volunteers.

Diana Longo has volunteered to chair our marketing committee and is seeking committee members. If you have an interest, please contact Diana at dlongo@innovativedivorce.com.

We are seeking a chair and volunteers for our social media committee and also need more members on our program committee to arrange our monthly meetings. Please contact me if you are able to volunteer.

In volunteering, your visibility within the mediation community will help you build your own practice as you help NJAPM.

Questions about NJAPM

If you have a question or concern, please reach out to the person who is handling the area in question with a copy to me (see page 10). It is my intention that the members of NJAPM will feel the board listens to them. We want to make NJAPM an even stronger organization.

Gabrielle Strich, Esq., APM, with an office in Cranbury, NJ is qualified to mediate and serve as an attorney in New Jersey and Pennsylvania for family, business, employment and labor, elder and estate, probate and business law cases. She has been a member of NJAPM for over 20 years. Her website is <http://strichlaw.com/> and she can be reached at gstrich@strichlaw.com.

Want to be a Better Mediator? Take an Improvisation Class!

by Joey Novick, Esq.



Improvisational Olympics director Del Close once noted, “Every interpersonal situation has a solution in which everyone wins.” The former teacher of comedians/comedy writers John Belushi, Tina Fey, Gilda Radner and Adam McKay was talking about improvisation. However, he might as well have been talking about mediation. Major skills derived of improvisation work very well in training mediators:

- Empathetic active listening;
- Strong narrative storytelling;
- Creating an environment of agreement;
- Collaboration of all parties for a greater goal; and
- Enhance creativity and thinking outside the box.

What is Improvisation

Improvisation, or improv, is a form of live theatre in which the plot, characters and dialogue of a game, scene or story are made up in the moment. Often, improvisers will take a suggestion from the audience to get started.

Improvisation is akin to mediation in which both parties work toward a common goal with a strong environment of agreement in the mediation room. Other aspects include:

- Players act collaboratively to arrive at a solution to the problem;
- Players engage in follow the follower, taking things from each other and making them stronger;
- Players explore and heighten their collaboratively created environment; and
- Players tell stories based on their own unique perspective and life experience. The interaction of the players stories creates a third way that rises above both players, providing them with something higher and greater than themselves.

Improvisation and Mediation

The basic principles of mediation and improvisation, respectively -- *Getting to Yes* and “yes, and...”, share much of the same roots and goals. Del Close noted, “If we treat each other as if we are geniuses, poets and artists, we have a better chance of becoming that on stage.”

The same can be said of mediation: Mediators working at the top of their intelligence and making sure that all participants are treated with respect to look as good as possible. At the core of mediation and improvisation is the goal of collaboration.

Real Life Example

I mediated a landlord-tenant dispute where the tenant had fallen behind on her rent due to a recent job loss. Previously, the tenant had been a leader of a movement to organize other residents into a tenants organization. The landlord viewed the tenant as a trouble-maker and initially appeared unwilling to make any compromises as to rent owed.

It was important for each side to tell their story and engage in empathetic listening before any problem-solving began. I wanted to make sure that the landlord heard from the tenant as to her hardship, subsequent job search, and her need to hold several part-time jobs. I also wanted to make sure that the tenant heard that beyond getting rent, the landlord was very concerned about having a stable tenant base — tenants who respected the property, etc.

Basic story-telling skills and empathetic listening structures were extremely helpful. When the parties are forced to take positions too early before the complete stories are told and listened to, an impossible impasse may result.

Four Key Take-Aways, Improv and Mediation—re. *Getting to Yes*

1. Separate the people from the problem. Separate the relationship issues from the substance of the problem helps to solve the problem;
2. Focus on interests, not positions. Look beyond such hard-and-fast positions to try to identify underlying interests — their basic needs, wants, and motivations. Learn what motivates your partner realizing that people often have many interests;
3. Invent options for mutual gain. Albert Einstein recognized that creativity is more important than knowledge. In mediation, participants devote significant time to brainstorming a wide range of possible options before choosing the best one; and
4. Insist on using objective criteria. Parties should agree in advance about which objective criteria to utilize to settle their differences. For example, they might agree to abide by standards such as market value, expert opinion, or law.

Improv-Mediation Final Thoughts

Quoting Debra Hudson, a certified coach, licensed attorney, experienced mediator professional, and improv comedienne, “Improvisation is intuition in action. As an improviser, you set out to solve a problem with no preconception as to how you will do it. Having the capacity to be present in the moment and be aware of all of the cues and all of the components of the session is the first step in improvisation.”

Joey Novick is a lawyer, mediator and improv comedian. He has trained hundreds of lawyers and mediators in the skills derived of improv, has opened for Jerry Seinfeld and others, and improvised with Robin Williams. He can be reached through his website, www.improvforlawyers.com.

A Resource for Your Mediation Practice: How a CDFA® Can Bring Value to Your Clients

by Diana M. Longo, CDFA®



Money is an emotional experience that affects the quality and overall outcome of your work. It is understandable. Divorce is the largest financial transaction some of our clients will face. Clients may have investments including retirement accounts, pensions, businesses, and rental properties, that require additional financial information. When faced with a complicated property settlement, how do you make sure that it is both equitable and avoids unnecessary taxation? Is it possible that some creativity could help your clients keep more of their own money?

CDFA® Credentialing

Certified Divorce Financial Analysts® are an alternative means of providing these financial resources to your clients and to your services. Founded in 1993, the Institute for Divorce Financial Analysts provides specialized training to accounting, financial and legal professionals in the field of pre-divorce financial planning. Over the years, they have certified more than 5,000 professionals in the US and Canada as CDFAs®.

Skills of the CDFA®

CDFA® professionals have the skills to do the detailed financial work for you, allowing you to focus on the legal issues at hand. For example, as your clients progress through mediation and make changes, a CDFA professional has the software tools to show you specific net after-tax cash flows given different scenarios. This is particularly helpful when discussing alimony, child support and determining client financial needs.

Role of the CDFA®

The primary role of a CDFA professional is to address the specific financial issues of divorce with data that works to achieve equitable settlements. They assist your client in understand-

ing issues and finding reasonable expectations. This includes the concepts of marital versus exempt property, valuing and dividing property, division of retirement and pensions, spousal and child support, splitting the house, life-style analysis, forensic discoveries, executive compensation analysis and solutions to potential tax problems.

Case Study #1

Jane and John are financially struggling with young children and facing divorce. John has controlled the finances up to now with little input from Jane. The couple did not recognize the critical nature of their financial condition, so the mediator recommended my services as a CDFA® professional. I received banking and credit card statements towards completing a life-style analysis.

My analysis demonstrated the problematic areas of their expenditures. For example, we examined their percentage of restaurant and fast food spending and compared it to their grocery shopping expense. They soon came to terms with Jane's online spending vs. John's over-indulgence on toys for the children.

The couple discovered that they were involved in excess spending on non-essentials as a way to deal with the unhappiness of their marriage. The clients prepared future budgets with realistic expenditures for each party, and were able to move ahead with realistic expectations of support for their divorce.

Case Study #2

Mary and Alex were a couple divorcing after 25+ years of marriage. It was most important to Alex that he continue to provide for Mary. They had amicably decided their division of assets on their own but

requested my advice to prevent possible mistakes. Alex was retired and in pay-status for his pension. Alex said he could not change beneficiaries after receiving benefits, but the couple assumed that Mary would automatically inherit the proceeds.

However, in my review of the plan documents, I discovered that if Alex were die, all remaining benefits would be forwarded to directly to Alex's estate unless there was either (a) Court order or (b) New beneficiary assignments from Alex after the divorce. I was able to assist the clients in completing their paperwork to ensure that as intended, Mary would receive Alex's pension benefits upon his death.

CDFAs® Assist in the Mediation Process

Acting as third-party neutrals, CDFA® professionals facilitate mediation by encouraging clients to review organized sets of information, explore additional options and create voluntary solutions. They educate clients and provide clarity by demonstrating the short and long-term impact of multiple settlement options.

NJAPM is fortunate to have multiple Certified Divorce Financial Analysts® within our membership, each possessing a specialized set of skills. If you wish, you may team with the CDFA professional that best suits your needs by referring to our membership list on our website.

Diana M. Longo, CDFA®, is a Certified Divorce Financial Planner and a mediator with Innovative Divorce Services, LLC, with offices in Fairfield. She has been active in NJAPM since taking NJAPM's divorce mediation training in 2016. Her website is www.innovativedivorce.com and her email address is dlongo@innovativedivorce.com

Calculating Alimony in New Jersey in 2019 and Beyond

by Lynne Strober, Esq., & Anthony (Tony) Prinzo, CVA



In a divorce setting, alimony is probably one of the most challenging issues to address. Rather than utilizing a formula for calculation alimony, New Jersey law relies on fourteen statutory factors that are to be utilized to assess the amount of alimony to be paid/received (see N.J.S.A 2A:34-23). These include actual need and ability of the parties to pay, the age, health of the parties, the earning capacities and educational levels of the parties.

In settlement negotiations including mediation, practitioners often apply a rule of thumb to provide an estimate for the amount of alimony. In New Jersey, our prior “Rule of Thumb” was that the alimony paid (which was tax deductible by the payor, and taxable as income to the recipient) was approximately one-third of the difference in the gross incomes from all sources of each party. This calculation provided an unofficial alimony amount as a starting point from which negotiations might begin.

The rule of thumb is not authorized by statute, or case law in New Jersey. There are cases opposing the use of a formula. However, the unpublished 2011 legal malpractice case of Leslie Smith v. Bette Grayson, where the New Jersey Appellate Division acknowledged the rule as “accepted amongst members of the matrimonial bar.”

In order to address a negotiation formula for alimony with the new tax law, the authors therefore propose a revised “Rule of Thumb” in this article.

Analysis for a New Rule of Thumb

The goal of a revised rule of thumb, is to leave the parties in approximately the same economic position as before the enactment of the

“Tax Cuts and Jobs Act”. This may be accomplished by tax effecting the alimony amount. In all likelihood, the new number will be less than before the Tax Cuts and Jobs Act was implemented.

Blended Tax Rates for Taxes Due 2019

Upon divorce there are two possible filing statuses: single or head of household. Therefore, in tax effecting the alimony, our blended tax rate only considers these two filing statuses. In looking at the current tax charts, effective in 2018, they appear as follows:

Tax rate	Single Income	Head of Household Income
10%	Up to \$9,525	Up to \$13,600
12%	\$9,526 to \$38,700	\$13,601 to \$51,800
22%	\$38,701 to \$82,500	\$51,801 to \$82,500
24%	\$82,501 to \$157,500	\$82,501 to \$157,500
32%	\$157,501 to \$200,000	\$157,501 to \$200,000
35%	\$200,001 to \$500,000	\$200,001 to \$500,000
37%	\$500,001 or more	\$500,001 or more

There are only seven tax brackets for these two filing statuses. Therefore, these tax brackets provide 49 possible combinations. The following are the averages for the 49 possible combinations:

Tax Rates	10%	12%	22%	24%	32%	35%	37%
10%	10.00%	11.00%	16.00%	17.00%	21.00%	22.50%	23.50%
12%	11.00%	12.00%	17.00%	18.00%	22.00%	23.50%	24.50%
22%	16.00%	17.00%	22.00%	23.00%	27.00%	28.50%	29.50%
24%	17.00%	18.00%	23.00%	24.00%	28.00%	29.50%	30.50%
32%	21.00%	22.00%	27.00%	28.00%	32.00%	33.50%	34.50%
35%	22.50%	23.50%	28.50%	29.50%	33.50%	35.00%	36.00%
37%	23.50%	24.50%	29.50%	30.50%	34.50%	36.00%	37.00%

The overall average of the 49 possible tax combinations is 24.6%. Therefore, to obtain a rule of thumb for settlement purposes, the average blended tax rate of 24.6% would be applied to the calculated annual alimony amount under the old one-third rule of thumb.

Old Rule of Thumb Alimony Calculation with One-Third Rule of Thumb

A. Husband — Annual Income Before Tax	\$200,000
B. Wife — Annual Income Before Tax	\$ 50,000
C. Difference Annually	\$150,000
D. Amount of Annual Alimony (C x 0.333)	\$ 50,000

New Rule of Thumb Calculation Starting 1/1/19

D. Amount of Annual Alimony Under Old Rule	\$ 50,000
E. Alimony with new rule of Thumb (D x (1-.246))	\$ 37,700
F. Thus new Rule of Thumb Formula (E/C)	25%

Using a mean tax rate of 24.6%, alimony is 25% of the difference in incomes.

Calculating Alimony in New Jersey in 2019 and Beyond Continued

(Continued from page 6)

Using Pro Forma Tax Statements

As illustrated by our example, using a two-step formula, our new rule of thumb is that alimony is 25% of the differences in gross incomes. While this is a simplified approach to approximate the amount of tax effected alimony, the prior rule of thumb was a simplified approach as well; the new rule works when the parties are close to a blended federal tax rate of 24.6%. However, the higher the actual blended tax rate for the individual parties, the lower the multiplier for determining alimony.

As settlement negotiations progress, it is suggested that a pro-forma tax returns be prepared, inclusive of the alimony amount in discussion, reflecting each party's deductions and other income. This would provide a more accurate blended rate and confirm whether the rule of thumb should be utilized in a particular case. Practitioners should review the statutory factors as well to determine if the facts of each case require a more tailored analysis.

This rule of thumb analysis is part of the discussion on how to deal with the code change. Others may have a different formula or approach. Our calculation is intended to start a discussion among practitioners and accountants as to the best way to address the Tax Cuts and Jobs Act alimony treatment. It is best to have an accountant review the result to be sure it is in your client's best interest.

Alimony Taxation at the State Level

The prior and new rules of thumb do not consider the state treatment of the taxation of the alimony. As of January 1, 2019, many states, including New Jersey and New York continue to allow for the deductibility of alimony by the payor, while the re-

ipient will still be paying taxes on the amount received. This conflicts with the Tax Cuts and Jobs Act that did away with the tax effecting of alimony on the federal tax return.

The authors propose that parties should consider agreeing to alimony payments being non-taxable to the recipient and non-deductible by the payor for state purposes for consistency, unless an accountant advises otherwise. This will provide uniformity in the amount paid and received. Otherwise, the tax impact of alimony at the state level could skew the amount being paid, since one will be taxable and the other will not, as, the federal alimony amount will be based upon a net number, while the state alimony amount would be based upon a gross number.

To complicate matters, the payor may relocate or may already live in another state. The parties must determine how any other relevant state treats the taxation of the alimony payments. Then, if necessary, an accountant should analyze the impact of the alimony being non-deductible on the federal level, while tax deductible and included in the recipient's income at that state level.

As long as a court order or judgment specifically waives the deductibility of the payments by the payor, and the recipients' obligation to pay taxes on the amount of alimony received for state tax filings, it will be acceptable.

Other Related Issues

The impact of the Tax Cuts and Jobs Act on alimony goes beyond taxability. For example, effective for orders and judgments entered after December 31, 2018, except for those orders modifying a prior order entered before January 1, 2019, and not waiving the deductibility and

taxing to the recipient, the amount of alimony being paid under the new law will not be known to the Internal Revenue Service. Thus, an individual who operates a closely held business, and may not report all their income on their tax returns, may be shielded from Internal Revenue Service scrutiny.

Additionally, since alimony income no longer appears on a recipients' tax return under the Tax Cuts and Jobs Act, it may (usually positively) affect a recipient's entitlement to tax credits under the Affordable Health Care Act (Obamacare), governmental aid, and financial aid for college, and conversely might impact the payor's eligibility for tax credits under the the Affordable Health Care Act. These issues will require consideration in the future and may benefit some parties in ways outside of the alimony arena.

Lynne Strober Esq. is co-chair of Mandelbaum Salsburg's family law practice, located in Roseland. She serves on the New Jersey State Bar Association, Family Law Executive Committee and on the Board of the Barry Croland Family Law American Inn of Court. She can be reached at www.lawfirm.ms and lstrober@lawfirm.ms.

Anthony (Tony) Prinzo, CVA is the owner of Anthony Prinzo, CVA, Forensic Accounting, Business Valuation and Mediation Services. He specializes in matters of marital dissolution, as well as providing services for business disputes, and personal damages. With an office in Cedar Grove, Mr. Prinzo has been named "Best Accountant in Essex County" for three consecutive years. He can be reached at www.anthonyprinzo.com, and tprinzo@anthonyprinzo.com.

NJAPM Response to Rule Change 1:40-4 (Fees)

March 22, 2019

Glenn A. Grant, J.A.D.

Acting Administrative Director of the Courts

P.O. Box 037T

Trenton, New Jersey 08625-0037

Dear Judge Grant,

On behalf of the New Jersey Association of Professional Mediators (NJAPM) we are writing this letter in support of the current proposal by the Supreme Court Committee on Complementary Dispute Resolution to amend the mediator fee schedule set forth in Rule 1:40-4.

NJAPM is a non-profit professional organization dedicated to fostering excellence in the field of mediation, promoting mediation as a preferred method of conflict resolution, accrediting professional mediators, and protecting the public through Standards of Conduct. NJAPM also serves as a voice for the professional needs of its members.

As the principal organization representing the interests of mediators in New Jersey, we endorse the proposed rule change which provides that New Jersey Court roster mediators are to be paid half of their market rate for the first two hours of mediation services. Although we would prefer to have the rule provide for payment of all of the approved mediator's time, we recognize that the proposed rule is a reasonable compromise which acknowledges the level of professional services provided by mediators, while also maintaining the public's free access to complementary dispute resolution options.

NJAPM believes that the rule change is beneficial to the public, the judiciary and to professional mediators for several reasons.

In order to improve court connected complementary dispute resolution programs and attract the best talent, it is essential that mediators be fairly compensated.

Court approved mediators invest a considerable amount of time and expense to maintain a high level of skill through training and continuing education and deserve the concomitant professional recognition which includes payment for their services.

The current two free hour requirement on every single case is a major deterrent to retaining and attracting top mediators. By having the most experienced and best trained mediators in the state on the court roster, the public would have access to a pool of exceptional mediation talent and a superior level of mediation service.

It is unfair for professional mediators who perform a necessary function for the courts to singlehandedly absorb costs of the litigants. The other professionals utilized for case management and conflict resolution services by the courts, such as special masters and court-appointed experts, are paid. Moreover, mediators are also required to provide facilities and corollary office services and cannot be reimbursed for travel time.

By adopting this rule amendment, the New Jersey Courts would become more consistent with programs in numerous Federal courts, many of which allow mediators to be paid from the very beginning of the mediator's services.

In summary, we would like to see New Jersey join the ranks of the most nationally recognized mediation programs by attracting and retaining high quality mediators who receive professional recognition. Approval of the subject proposal would advance the goal of improving the civil and family economic mediation programs, thereby providing tangible benefits to the public.

Respectfully,

Carl Cangelosi

Immediate Past President

NJAPM Board Nominations

Pursuant to the New Jersey Association of Professional Mediators (NJAPM) Bylaws, the NJAPM Nominating committee presents the following nomination for the NJAPM Board of Directors for the term starting October 1, 2019:

Officers :

President: Gabrielle L. Strich, Esq., APM

Executive Vice-President: Carl Peters, PE

Vice-President: Virginia M. Ruscinski, Esq., APM

Secretary: Felicia Farber, Esq., APM

Directors, Term Expiring 2023:

Richard Steen, Esq., APM,

Lawrence Jones, Esq.

The following continue in their positions on the Board:

Officers:

Treasurer: Tam Abitante, Esq.

(term expiring 9/30/2020)

Directors, Term Expiring 2020

Suzanne English, MA

Lynn Norcia, Esq.

Directors, Term Expiring 2021

Ben Feigenbaum, JD, APM,

Bradley J. Ferencz, Esq.

Nominating Committee

Pursuant to the NJAPM Bylaws, the NJAPM Nominating Committee presents the following nomination for the nominating committee:

Katherine Newcomer, Esq.

Term expiring 9/30/2023

The following continue in their positions on the Nominating Committee:

Anju Jessani, MBA, APM

Term expiring 9/30/2020

Lucille Alfano, MA, APM

Term expiring 9/30/2021

Amber Leach, MBA, CDFA

Term expiring 9/30/2022

The Bylaws provide that additional candidates may be selected by a petition signed by twelve (12) or more members-in-good-standing of the Association. All nominating petitions shall be delivered to the President and the Nominating Committee Chair no later than June 1.

If no additional candidates are proposed, the above slate of officers and directors shall assume their positions on October 1, 2019. If any additional candidates are proposed, the Bylaws provide that an election shall be held for that contested position(s).

Carl Cangelosi, JD, APM

NJAPM Nominating Committee Chair

carl.cangelosi@gmail.com

NJAPM Membership Report

by Suzanne English, MA, Membership Chair



Second Gabrielle Strich's message encouraging members to claim their listings on our new website. Additionally, if you completed a 40-hour divorce mediation training course, or a civil mediation course that satisfied the requirements for listing on the court's civil roster at the time you took your training, you may sign up online to be searchable on our website by paying an additional \$75 annual fee, pro-rated through 9/30. You must have attend a minimum of eight hours of NJAPM sponsored conferences, seminars, general meetings, webinars, and/or peer group meetings annually to be listed.

From 9/15/18 through 4/30/19, the following mediators joined NJAPM. Welcome! If I missed your name, please let me know so I can add you to our next newsletter:

Zafer A. Akin
Raymond A. Batten
Diane Burton
Carol E. Cashin
Catherine Chaffee
Kacey Konwiser Dalton
William P Delisky
Mindey P. Elgart

Elyse T. Giuffre
David Greenfield
Matthew Helfant
Alfonso A. Hernandez
Samuel Obi Kamanu
Lee Graham Karsen, Esq.
Jacob Katz
Bill Kelly
Bryan Koslow
Gillian Kost
Maureen Leonidas Cino
Jeffrey W. Lorell
Ralph J. Marra, Jr.
Heidi W. Neuberg
Giovana Onorato
Cyndi Reeves
I. Jay Safier
John S. Sawicki
Julie Schenk
Rahmaan Simpkins

We look forward to meeting new members at upcoming NJAPM events. I especially hope you can join us on August 1 for our Somerset Patriots baseball game outing. Registration will be on our website.

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 as membership chair. Her email is suzannee@me.com and her phone number is (908) 377-9028.

NJAPM Divorce Mediation Apprenticeship Program



We are Seeking:

1. Couples needing discounted divorce mediation services;
2. NJAPM Accredited Professional Mediators to serve as mentors; and
3. 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



DON'T GO NAKED!



Liability Insurance Available From Complete Equity Markets

NJAPM Arbitrator and Mediator Liability Insurance for Accredited and General NJAPM Members

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, Please Visit Our Website at www.njapm.org



NJAPM Membership — Join as a General NJAPM Member
Make Checks Payable to "NJAPM" & Mail to:
NJAPM, 26 Park Street, Suite 2041, Montclair, NJ 07042

- Annual Dues are \$125
- Before 6/30/19, Pay \$65 for Membership through 9/30/19
- After 6/30/19, Pay \$125 for Membership through 9/30/20

Please, Either Attach Business Card and Sign/Date, or Complete and Sign/Date

NAME: _____ Firm: _____

ADDRESS: _____

WORK #: _____ EMAIL: _____

MEMBERSHIP TYPE: _____ SIGNATURE: _____ DATE: _____

By using this form to renew your membership, you are certifying that the information set forth in this renewal application, including all attached documentation, is true. You hereby agree to abide by the Standards of Conduct and Policies for the Practice of Mediation in New Jersey, as adopted and promulgated by the New Jersey Association of Professional Mediators.

Dues may be deducted as an ordinary and necessary business expense

NJAPM Posters

Order from www.njapm.org



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. Samantha Tintner, MSW, 201-616-9775, samanthatintner@gmail.com. Civil Lunch, 3rd Tues. 12:30. Robert J. Lenrow, Esq., APM, 201-986-1821, ceasefiremediation@juno.com. Meetings at Houlihan's, 65 Route 4 W, Paramus. This is the strip mall after sign for 35 Plaza.

Camden/Burlington/Gloucester/South Jersey: Lunch, 2nd Wed. noon at 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. New Location in West Orange TBD. Donald Steig, MA, CMC,

973-761-6099, dbsteig@alum.mit.edu.

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

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

Monmouth/Ocean: Lunch, 1st Thursday every month, 11:30 AM at 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 at 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, at Readington Diner, 452 Route 22 West, Whitehouse Station. Also, lunch, last Tues. every other month, 11:45 AM, at Panera, 25 Mtn. View Blvd., Basking Ridge. Contact me at 908-625-0043.

katherinewcomer@comcast.net.

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

Union 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	Gabrielle Strich	609-924-2900	gstrich@strichlaw.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	Gabrielle Strich	609-924-2900	gstrich@strichlaw.com
Marketing	Diana Longo	973227-2200	dlongo@innovativedivorce.com
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	Carl Cangelosi	609-636-1557	carl.cangelosi@gmail.com
Peer Consultation / Mentoring	Katherine Newcomer	908-625-0043	katherinewcomer@comcast.net
Strategic Planning	Carl Cangelosi	609-924-2900	gstrich@strichlaw.com
Special Interest: Construction	Lucille Alfano	732-449-0526	alfanol@aol.com
Special Interest: Construction	Rick Steen	609-895-0071	ricksteen@adrlawfirm.com
Special Interest: Construction	Carl Peters	609-741-4104	ceppels@verizon.net
Special Interest: Elder Mediation	Anna Alexander	973-763-7314	wqa9vose@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	balkgill01@gmail.com
Special Interest: Technology	Andrew Smith	908-246-9766	als.smithesq@gmail.com

NJAPM Photo Gallery

NJAPM 25th Annual Conference, November 17, 2018, The Imperia, Somerset

Gary Weiner “Mediation Techniques and the Empirical Research”

Douglas Frenkel “Workshop on Mediation Techniques”



**NJAPM Fall 2018
40-Hour Divorce Mediation Class
Rutgers Atrium, Somerset
Sunday, October 28, 2018 (Day 5)**

Back Row, Left to Right: Lillian Dobre, Samuel Maldonado, Andrew Vanderweile, Julie Schenk, Scott Pruiksmas, Harlene Ross, Aleksey Tsymbalov

Middle Row, Left to Right: Krishna Patel, Jillian Centanni, Amanda Johnston, Jill Kaplan, Simone Borger, Ariaceliz Ortiz

Front Row, Left to Right: Cyndi Reeves, Sanjana Chatlani, Stephanie Phelan, Julie Stanton, Christine Heer — Instructor

Floor: Anju D. Jessani & Carl J. Cangelosi — Instructors





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

NJAPM Photo Gallery (Cont.)



Family Law Symposium, New Brunswick, January 26, 2019

Union Peer Group Luncheons



NJAPM General Meetings, Edison NJ, 10-24-18 & 3-27-19