



NEW JERSEY STATE BAR ASSOCIATION

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September 1, 2023

Hon. Glenn A. Grant
Administrative Director of the Courts
Attn: Proposed Amendments to Court Rules 1:40-5 and 1:40-12
Hughes Justice Complex / P.O. Box 037
Trenton, NJ 08625-0037

RE: Proposed Amendments to Court Rules 1:40-5 and 1:40-12 /
Domestic Violence Economic Mediation Program

Dear Judge Grant:

Thank you for the opportunity for the New Jersey State Bar Association to submit comments on proposed amendments to Court Rules 1:40-5 and 1:40-12 in connection with the Domestic Violence Economic Mediation (DVEM) Program. We appreciate the additional time provided to allow for a thorough and thoughtful review of the proposal.

The NJSBA supports the laudable goals of the DVEM Program and the proposed amendments that would support statewide expansion. While the amendments rightfully contain provisions to ensure the safety of program participants and limit interaction of the parties before the mediation, the NJSBA believes that an additional amendment to Rule 1:40-5 is needed.

The Association requests this further change to establish a protocol for the exchange of information between self-represented litigants in advance of mediation and during the mediation process. Without direct guidance, it is unclear how necessary information to support a successful mediation between self-represented litigants would be obtained. For example, if there are self-represented litigants on each side and an appraisal is needed in connection with real estate, pensions or a business, who would be responsible to arrange for the appraisal and facilitate the exchange of information needed for it? Without a clear protocol, the initial economic mediation session may be turned into a scheduling conference for the exchange of documents.

Again, the NJSBA appreciates the additional time provided to allow for the submission of comments on this important issue. The NJSBA stands ready to assist the Judiciary in developing the suggested additional amendment to Rule 1:40-5, and in implementing the statewide program. Thank you again for the consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim McGoughran". The signature is stylized and cursive.

Timothy F. McGoughran, Esq.
President

cc: William H. Mergner Jr. Esq., NJSBA President-Elect
Angela C. Scheck, NJSBA Executive Director