



NEW JERSEY STATE BAR ASSOCIATION

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November 15, 2024

Hon. Glenn A. Grant
Acting Administrative Director of the Courts
Rules Comments – AS4 Positions
Hughes Justice Complex / P.O. Box 037
Trenton, NJ 08625-0037

RE: Proposed Rule Amendments to (1) Align with Revisions to Job Specifications for Family AS4 Positions; and (2) To Conform to Legislation Eliminating Uses for Juvenile Referees

Dear Judge Grant:

Thank you for the opportunity for the New Jersey State Bar Association (NJSBA) to submit comments on the above referenced proposal.

The NJSBA is concerned about exempting court staff mediators and judicial law clerks serving in the Family Division from meeting the same qualifications and training requirements as other mediators under Rule 1:40-12. The NJSBA believes that the mediator requirements have been carefully and thoughtfully prescribed to ensure court-annexed mediation sessions are led by qualified, knowledgeable mediators with the aim of resolving the dispute at issue. We urge the Court to ensure that court staff mediators and judicial law clerks be required to meet those same standards; to do otherwise would undermine the laudable aims of the requirements.

The NJSBA further notes that there is a distinction between consent conferences, which are not confidential, and mediation conferences, which are confidential. It would be helpful to ensure that all participants are aware of that distinction at the beginning of either type of proceeding.

Thank you again for the additional time provided to allow for the submission of comments on this proposal, and the opportunity to participate in this important process.

Sincerely,

A handwritten signature in blue ink that reads "William H. Mergner, Jr." The signature is fluid and cursive, with the first name and last name clearly legible.

William H. Mergner, Jr., Esq.
President

cc: Christine A. Amalfe, Esq., NJSBA President-Elect
Angela C. Scheck, NJSBA Executive Director