



Mediation News

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Fall, 2011

New Jersey Association of
Professional Mediators

80 Veronica Avenue
Somerset, NJ 08873

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Upcoming NJAPM Events

NJAPM MEDIATION

8-Hour Basic Skills
Crowne Plaza, Monroe Township
Thursday, November 10, All Day

NJAPM 18th ANNUAL CONFERENCE

The Imperia Hotel, Somerset, NJ
Saturday, November 19, All Day

NJAPM GENERAL MEETING

NJ Law Center, New Brunswick,
Wednesday, December, 14
6:00 – 8:30 PM

Please Visit Website for
Updates & 2012
www.njapm.org
800-981-4800

NJAPM 18th Conference, Nov. 19th **Mediation: Bringing Peace to the Family,** **the Community & the World**

NJAPM conference committee, co-chairs Risa Kleiner and Pam Zivari, along with committee members Eunice Salton and Sig Silber, invite you to NJAPM's 18th annual conference: "Mediation: Bringing Peace to The Family, The Community & The World." NJAPM President, Carl Cangelosi says that the conference is a "must attend" event with great speakers, lots of choice in break-out sessions, and time to talk with colleagues. The conference will be held at The Imperia, Somerset, New Jersey on Saturday, November 19th.

The conference will feature Joanna Martinson Jacobs, head of the Office of Dispute Resolution at the U.S. Department of Justice, and our own F. Peter Phillips.

Registration begins at 8:30 AM, followed by a continental breakfast. After opening remarks by conference co-chairs, and the NJAPM president, Ms. Jacobs will speak about her recent experiences in Pakistan. She will be followed by three breakout sessions:

- Ten Tips for Better Employment Mediations—for the Neutral and the Advocate.
- Everything Can Always Be Better: Planning for Personal and Professional Change.
- Exploring Successful Techniques to Mediate Post-Judgment Financial Planning Issues.

FEATURED SPEAKERS



Joanna Martinson Jacobs and F. Peter Phillips

After a networking lunch, Hon. John Harper (Ret.) will provide an update on the court's mediation programs. Peter Phillips will address three corporate/community mediations in Peru, the Philippines, and Nigeria. There will also be three afternoon breakout sessions:

- Mediation to Resolve Corporate and Community Conflicts.
- The Wonderful World of School-Based Peer Mediation.
- A New World: Navigating the Revised Presumptive Mediation Program.

Judge Harper and Robert Lenrow will close out the day with a presentation on mediation ethics. The conference is scheduled to end at 4:15 PM.

The conference qualifies for 6.8 NJ continuing legal education credits including 1.2 Ethics credits.

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



Mediation News

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Membership in NJAPM is open to all interested individuals with annual dues of \$100. 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.

Editor's Column

by Anju D. Jessani, MBA, APM



Prior to starting my mediation practice in May of 1997, I worked in a number of very comfortable corporate positions. In my last position, my employer provided free lunch, on-site medical care, six weeks of vacation annually, limousine service if you worked past 7 PM, annual bonuses, and the list goes on.

As I started my own business with sole responsibility for everything from acquiring clients, conducting the mediation, fixing my computer, and vacuuming the carpet, I was fortunate to read the book *We are All Self-Employed* by Cliff Hakim. The book was instrumental in changing my mindset. While I got to set my own schedule, choose my own clients, and do work that reflected my own values, it was also my responsibility alone to create client demand and to provide excellent service.

As I talk with new mediators about their practices, there are important lessons from the book that are applicable. When mediators bemoan that the court is not referring them cases, it is time to take a step back. An employed mindset suggests that the court program should change in a way that benefits me. A self-employed mindset suggests that I will take responsibility for obtaining work. Relying on a court program for 100% or even 50% of your referrals is inadvisable. Mediators need to work develop practices independent of the court, or any one client. Additionally, few new mediators should be quitting their day jobs; rather, they should endeavor to transition their careers as they grow their mediation practices.

With regarding to making

ourselves more marketable, I was pleased that at our October 19th general meeting, Carl Cangelosi, and our board spoke about some of NJAPM's initiatives to help our members learn how to fish. Between accreditation standards that are being revised, the listserves, our civil and upcoming divorce apprenticeships, and our numerous meeting including our upcoming annual conference, the organization strives to meet member needs I believe that for \$100 in general member dues, NJAPM provides at least ten times that value to members who choose to utilize our services.

As you read through this newsletter, I hope that our articles, all provided by members, also prove useful to you. This issue includes an overview of our upcoming conference, a summary of our October 19th general meeting by Carl along with his divorce case law update, an overview of internet marketing resources by Armand Bucci, mediation news from New York by Leona Beane, five steps to mediating pension assets from Catherine Ross, and reports from various NJAPM committees. We also have a touching tribute former NJAPM President, Vivian Wells, who passed away on October 5th.

If you have a proposal for an original article of approximately 600 words, please contact me at ajessani@dwdmediation.org. Thank you again to all those who contributed to this issue.

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

Q & A with NJAPM's Board

by Carl J. Cangelosi, JD, APM



In response to an invitation from the program committee, NJAPM's board of directors took part in a Q & A session at the October 19th general meeting. The full slide presentation can be found on NJAPM's website, and photos from the session are on page 12 of this newsletter.

The meeting was well attended and there were lots of questions from the members. I hope that members were able to take away that the Association is doing well and that the board is working hard for the benefit of its members.

NJAPM Mission

We started the presentation with the five-part mission of the Association:

1. Fostering excellence in the field of mediation;
2. Promoting mediation as the preferred method of dispute resolution;
3. Encouraging and providing mediation education to the public, the government and the professions;
4. Training and accrediting professional mediators; and
5. Protecting the public through a Code of Ethics and Standards for mediators.

With regard to point four, I discussed that not only was our training best in class in New Jersey, but also that we have substantially increased revenues to the Association from our offerings. Further if we didn't offer these trainings, then those interested in mediation would take it from, among others, ICLE.

I also described how the board works, specifically talking about how meetings are open to all members and that we are always looking for members to volunteer on committees, some of whom might join the board

and eventually become officers of the Association.

NJAPM History

George Hays, one of the founding members of NJAPM, and President from 2001-2003, talked about the formation of NJAPM in 1992 and the early years of the Association. He described how NJAPM was instrumental in establishing mediation as a separate and distinct profession by working with the legislature to write and introduce a mediation bill. He noted that the first conference was in 1994 with approximately 60 people in attendance, compared to more than 150 at last year's conference.

Board Member Presentations

Anna Delio, Vice President and Membership Chair, presented slides on membership and its growth listing the general meetings, discounts on trainings and seminars and liability insurance at attractive rates as among the many benefits of belonging to NJAPM.

Marv Schuldiner, Treasurer, provided slides showing that the Association is financially healthy with an accumulated surplus that is available for worthwhile expenditures. Suggestions on how to prudently spend the surplus were solicited.

The program committee asked the board to talk about how professional mediators can use NJAPM to benefit themselves and their practices. Risa Kleiner, Executive Vice President, listed APM credentials, general meetings, annual conference, seminars, trainings, other programs, and the listserv as key benefits. Katherine Newcomer, Peer Groups Chair, talked about the various ways that the peer group

meetings are important to our members.

Bob McDonnell talked about accreditation—why it is offered and what it means to the public and our members. He discussed the recently established APM standards committee that is reviewing the current standards for accreditation. In response to questioning I said that the accreditation committee is currently without a chair and that I would give us a failing grade with respect to promptly processing accreditation applications. Since the presentation, Nick De Metro volunteered and was approved as the new chair of the accreditation committee.

Part of the presentation dealt with new initiatives that the board has approved or is considering to assist its members' practices. The most exciting is a new divorce apprenticeship. This program is the work of Risa Kleiner and Anna-Maria Pittella, NJAPM Secretary. Anna-Maria described that the program would involve the use of accredited divorce mediators with new mediators and couples with incomes below a specified level. The program should be in place by the end of January.

Your Thoughts?

We, the board, enjoyed conducting this presentation, and we hope that if you attended, you found the presentation useful. If you have any questions or comments on the presentation, please e-mail me at ccangelosi@njmediation.org.

Carl Cangelosi, JD, APM is NJAPM president. He practices divorce and civil mediation in Princeton and Plainsboro, and also serves as NJAPM's director of divorce mediation training.

Internet Marketing Resources for The Business Owner

by Armand Bucci

In this article, I've compiled a number of marketing websites, some of which offer newsletters you can subscribe to at no cost. The sites are broken down by how marketing intense they are. This article will cover those that are written for the general public

I've stayed away from those websites and newsletters that are mediation specific as most of you already know about them. In all cases, if you decide to subscribe to any newsletter you will occasionally receive e-mails looking to sell a book, seminar, webinar or other item associated with that site.

Duct Tape Marketing

(www.ducttapemarketing.com) – This is one of the easier sites to follow and understand. John Jantsch writes assuming the reader knows little or nothing about marketing. One thing the site offers that most others don't is a podcast. As with many sites they offer books and programs you can buy. In this case there is a program and book that you might want to consider. The Small Business Marketing System is one of the more comprehensive programs out there and includes a manual and audio CD for most any aspect of marketing a business. He offers several books; one that I like is "The Referral Engine – Teaching Your Business to Market Itself". As I have written before the ultimate situation is to have all new business come from referrals and this book will help you do that.

About.com

(<http://marketing.about.com>) – About.com offers hundreds of topics to choose from including marketing which is written by Laura Lake. Laura is a marketing consultant who

has written "Consumer Behavior for Dummies". This is another site that is an easy read for the non-professional marketer but can go over your head on some articles. I have not seen any e-mails from this site looking to sell a book or webinar and there is nothing for sale on

The Nice Thing About Website Marketing Information Is That This Is Something That You Can Set Up And Not Have To Pay Attention To On A Daily Basis. Much Of It Can Be Automated...

the site.

As with most sites there is an archive section on the homepage with topics such as marketing tools, public relations, target marketing, event and seminar marketing and market plans and strategy. A recent article on the homepage is "What to Wear For the Cameras" which includes a section on how to avoid the 3 major mug shot mistakes. You could spend a whole week just on this site.

Rain Today

(www.raintoday.com) – This site is more than just marketing, including topics on sales, general management and client relations management (CRM). There are several people that contribute to the site, including Toby, Chief Corporate Culture Officer (aka The Office Dog). The main writer is Mike Schultz who has written several books including "Professional Services Marketing".

Some of the topics on the current homepage include how to get client testimonials, how to be more productive in the office and how to kill the sales conversation. I know most people don't want to or don't know how to "sell" but it's good to learn a few sales items because you do have to sell your services to prospects.

Web Marketing Today

(www.wilsonweb.com) – In today's technical times your website is now a standard part of your marketing plan. The site's editor is Ralph Wilson who has published many academic papers which he makes available. There are several contributing columnists that specialize in such areas as social media, web content and search engine optimization (SEO). There are archives you can search by topic plus videos that can be viewed at your leisure.

* * * * *

The nice thing about website marketing information is that this is something that you can set up and not have to pay attention to on a daily basis. Much of it can be automated to alert you of anything that needs your attention and reports can be found with a couple of keystrokes.

Next time we will discuss the more detailed marketing sites, with an eye to what sources marketing professionals refer to in their work.

Armand Bucci is a regional account manager specializing in the health care services industry. He has been a member of NJAPM for over a decade, and previously served as NJAPM treasurer. He specializes in civil mediation, and is located in Voorhees, NJ. E-mail him at armandbucci@alum.drexel.edu.

Mediation News from New York by Leona Beane, Esq.

I'm an attorney, mediator, and arbitrator in New York, a mediator in New Jersey, and also a mediator in North Carolina. I'd like to bring to you some news from New York.

Uniform Mediation Act

Unfortunately, New York State still has not adopted the Uniform Mediation Act (UMA). Each January, two of the legislators (one from the Senate and one from the Assembly) introduce the UMA, which would become Article 74 of the Civil Practice Law & Rules (CPLR), if adopted. But the bill does not go any farther. Then, two years later, the same process. The New York State Bar Association has included as a top priority project to have the UMA adopted into law.

Revised Uniform Arbitration Act

New York has also not been able to adopt the Revised Uniform Arbitration Act (RUAA). Several bar association committees agreed to a consensus version. However it has not been adopted into law in New York State. A few years ago, the NYS Trial Lawyers Association (an organization composed primarily of personal injury attorneys) had written in opposition. I and a few other members of the Executive Committee of the NYS Bar Association arranged for a meeting with a few

members of their Executive Committee. After our discussions and our explanations of arbitration, they had agreed to re-consider their prior position paper, but wanted to wait until there was a new bill introduced in the legislature, and they would then have further discussions with us. A new bill has not yet been introduced. Thus, New York has not yet adopted the RUAA.

Court Mediation Programs

There are several different court mediation programs that have arisen in recent years. The Commercial Division in several of the counties contains a Rule wherein the court signs an Order, directing the parties to mediation. The first such program was adopted in New York County in 1996. The Rule did not provide for compensation for the mediators. Attorneys served as mediators to obtain more experience and exposure to the mediation world. In June 2008, the Commercial Division in New York County amended its rules, wherein mediators worked pro bono for the first 4 hours of actual mediation time (the initial pre-mediation stage, including initial telephone conference was not compensated). After the first 4 hours of actual mediation, the mediator was entitled to charge the parties \$300 per hour for each hour

thereafter. Several of the Commercial Divisions in the other counties have also adopted this rule.

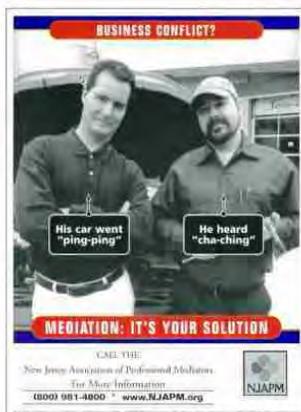
In the Federal court, Eastern District of New York, mediator's services for many years had been pro bono. In 2009, that was changed, and now mediators are entitled to be paid the sum of \$600 for the first 4 hours of mediation service, and thereafter, the rate of \$250 per hour for additional mediator services.

In the Federal court, Southern District of New York, there is no provision for compensation for mediators. Just recently, an additional 125 mediators were approved because many of the Southern District's cases will be sent to mediation sooner, such as employment discrimination cases.

More to Come

In a later article, I will write about additional aspects of news from New York.

Leona Beane is an attorney in New York, and an arbitrator and mediator in New Jersey and New York. She serves on the Executive Committee of the NYS Bar Association's Dispute Resolution Section since its inception in June of 2008. She is the author of Chapter 26, Mediation in the New York Lawyer's Deskbook, published by the NYS Bar Association. Leona Beane can be reached at LBMEDIATEADR@aol.com.

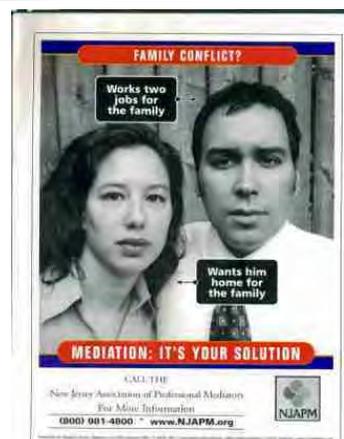


What's on Your Wall?

NJAPM Poster Campaign

A good supply of posters is still available. Please visit our website at www.njapm.org to view all 10 posters. E-mail your order to inform@njapm.org. Posters are free to NJAPM members and the general public.

Suitable for Framing!



Five Steps to Mediating Pension Assets & Providing More Value to Your Clients by Catherine A. Ross, Esq., APM

Experienced mediators seeking to enhance their mediation skills and provide more value for their divorce mediation clients will want to take these steps regarding the equitable distribution of pension assets. Pension assets can be complicated and will best be addressed by mediators who have completed a minimum of the introductory 40-hour mediation class and have some divorce mediation experience. Co-mediation or working with a mentor mediator is helpful in new areas.

1. Identify and describe the individual retirement assets the parties have, even if they are each keeping their own. Often clients are resistant to providing this kind of detail, especially if they are predisposed to a resolution of “we each will keep our own.” They hope to save effort and time with their mediator to save money. Explaining that a detailed and well reasoned agreement has better chance of being enforced and gaining their agreement that “You both want your agreement to be upheld, right?” usually opens the door to further discussion or a homework assignment for them to return with their list and copies of statements and information they have about each pension asset. Many people know very little about their own retirement assets and may need education and assistance to gather this information. An MOU with specific retirement asset detail is a sign of a thorough and professional mediation. It is more likely to successfully pass through attorney review. It is less likely to stimulate questioning from a well meaning judge when the uncontested divorce is being completed. Clients save time and money when MSA’s and pension distribution orders are subsequently prepared.

2. Help clients determine whether each asset will be divided in kind or whether some other distribution of value better meets their goals. Distributing a portion of every asset to the other spouse when there are multiple assets may be “safe” and simple because each ends up with an appropriate portion of each of the marital retirement assets. The transaction costs add up with multiple asset distributions. More often each spouse prefers to keep what is in his or her own name and make one or two “net” distributions to effectuate the overall desired equitable distribution.

3. Discuss these assets by category to avoid comparing apples and oranges. Separate out formula based plan assets from cash based plan assets. Government retirement plans (i.e., PERS, TPAF, PFRS, FERS, CSRS) and older corporate plans are examples of formula based plans. Benefit statements for these employees show the years of credited service and projected monthly or annual benefit. The Plan booklet states the formula. These benefits can be divided by present offset or by deferred distribution and involve complicated valuation and decisions concerning pre and post retirement survivorship. These are generally pre-tax assets. Their value is different than the accumulated contributions paid in by the employee. 401(k), 403(b), SEP IRA and other deferred compensation plans are examples of cash based plan assets. IRA’s, Thrift Savings Plan and TIAA-CREF plan assets can also be treated like cash based plan assets. The statement balance is the cash value. Is the value pre or post tax? After tax assets (i.e. Roth IRA’s, Roth 401(k)’s) are worth more dollar for dollar than pre-tax

assets. Most plans require a separate court order to effectuate distribution, whether it is a QDRO, COAP, or other form of Domestic Relations Order. IRA’s can be divided without a separate court order IF the parties’ MSA contains sufficient specificity.

4. Involve other professionals as resources for retirement assets and distribution arrangements. Knowledgeable mediation friendly attorneys provide valuable client (and mediator) education, obtain pension appraisals from pension experts, review retirement plans for features such as early withdrawal options, survivorship options, and analysis of more complicated offsets for pension buyouts, marital home equity buyouts or when cashing out as soon after the divorce is entered is part of the desired mediated outcome. CPA’s and pension experts are also helpful in one or more of these areas including valuation of the marital and non-marital parts of retirement assets. Your MOU can contain all the information and decisions needed by the professional who prepares the QDRO or other Court order for distribution.

5. Educate yourself so you can educate your clients. Provide more alternatives for mediation solutions and avoid unforeseen problems. Learn more about the retirement assets you see regularly in your mediation practice.

Catherine A. Ross, Esq., APM, provides review attorney, mediation and litigation services for divorce and family matters through the Law & Mediation Office of Catherine A. Ross in Lawrenceville, NJ. Her website is www.ross-ross.com.

Family Law Case Update, Compiled by Carl Cangelosi, JD, APM

Weaver v. Weaver, App. Div.—The trial judge found that pursuant to the property settlement agreement, defendant waived his right pursuant to *Lepis v. Lepis*, to seek a termination of alimony based on changed circumstances. The judge found that defendant's reduced income did not warrant termination of alimony and plaintiff's cross-motion to temporarily modify alimony was an equitable and reasonable solution. The appellate panel affirms, finding defendant has failed to establish that the waiver provision is unfair and inequitable or his reduced income has "substantially impaired" his ability to support himself. Defendant has also failed to establish that plaintiff's economic circumstances have improved so dramatically that a termination of alimony is warranted. May 26, 2011; Not approved for publication. 20-2-2281

Quentzel v. Masse, App. Div.—In this post-judgment matrimonial matter, Quentzel contends that Masse violated the PSA by seeking "non-disclosed debts," "not agreed to be paid" and breached the implied covenant of good faith and fair dealing. The basis for these claims was Masse's use of out-of-network healthcare providers for the children. The panel agrees with the trial judge that Masse's use of out-of-network healthcare providers and late submission of bills did not violate the PSA. The PSA did not limit medical providers to those covered by the parties' insurance. Moreover, the children's healthcare providers were the same as before the divorce. June 1, 2011; Not approved for publication. 20-2-2335

Egber v. Fisher, App. Div.—Plaintiff appeals from an order that required him to pay forty-five percent of his son Justin's college tuition loans, with the balance to be paid by plaintiff's ex-wife. The appellate panel rejects plaintiff's assertion that the judge abused her discretion. Despite plaintiff's assertion that he did not contribute significantly toward his older child's college tuition, and should therefore not be expected to contribute to Justin's, in light of Justin's academic record, had the marriage remained intact, plaintiff in all likelihood would have expected Justin to attend college and would have been paid for it. As to his contention that the tuition is unreasonably high, plaintiff submitted nothing to controvert defendant's argument that the tuition is only \$5000 higher per year than the comparable tuition at Rutgers. Further, the record fully supports the judge's conclusion that plaintiff chose to keep himself isolated from the college selection process in the hope that he could avoid any financial obligation. Finally, on the actual

apportionment, defendant, who earns only one-third of the income earned by plaintiff, has been ordered to pay a greater share of the tuition loans. June 17, 2011; Not approved for publication. 20-2-2577

Rosenstrauch v. Rosenstrauch, App. Div.—Plaintiff appeals from provisions of a final judgment of divorce. She asserts that the judge failed to make adequate findings of fact and erred in the distribution of property, award of child support and alimony, improperly established a quantum of life insurance coverage and failed to set forth certain criteria for emancipation as well as exemptions. The appellate panel affirms in part and reverses in part and remands. While the equitable distribution was based on an equal division of assets, some of those assets no longer exist. On remand, the judge should consider and set forth in detail the relative financial positions of the parties and how that impacts on the alimony award. Further, the judge should revisit the quantum of life insurance required to be maintained by plaintiff, which the court set at \$500,000. The judge should also resolve the dependent exemptions. July 11, 2011; Not approved for publication. 20-2-2849

Brookman v. Bravo, App. Div.—Plaintiff appeals the order directing him to pay \$525 per month permanent alimony to defendant and to continue to pay the mortgage principal and interest and other related shelter expenses required to maintain a jointly held condominium occupied solely by defendant. The panel reverses and remands for further proceedings, finding that the trial court erroneously ignored provision 2 of the parties' property settlement agreement regarding alimony without finding that its terms were unconscionable in considering his motion as a request to modify limited duration alimony rather than considering the alimony issue as a matter of first impression. The court also erred in weighing heavily against plaintiff that he continued to pay support beyond the 24 additional month period agreed to in a prior order. July 8, 2011; Not approved for publication. 20-2-2811

Baker v. Reilly, App. Div.—Plaintiff appeals the order awarding temporary legal and residential custody of his son to Derek and Laura Gorski, the child's godparents, after the death of the child's mother. Because sufficient credible evidence failed to establish that plaintiff was an unfit parent or that exceptional circumstances existed, and plaintiff's presumption of fitness is not defeated by his alleged waiver of custody

while he was stationed in Iraq. Plaintiff held a presumption of custody of his son as the sole surviving biological parent. The matter is remanded for a new hearing at which the judge shall apply the presumption in favor of the natural father. August 17, 2011; Not approved for publication. 20-2-3342

Rains v. Rains, App. Div.—Defendant appeals from an order that terminated the obligations of plaintiff to pay alimony and maintain life insurance. After defendant's parents died, plaintiff filed a motion seeking termination or modification of his alimony and life insurance obligations based on defendant's inheritance. Although both parties requested oral argument, the motion judge denied the request. In rendering a decision as to the appropriate investment strategy and rate of return as to the inheritance, the court rejected the data submitted by the parties as well as their conclusions as to what rate of return should apply. Instead, the court concluded that the rate of return should be based upon Moody's Composite Index on A-rated Corporate Bonds, a basis determined to be appropriate in *Miller v. Miller*, and conducted its own research to determine the rate of return for such investments. Finding it was error for the court to exercise its discretion to deny oral argument, the appellate panel reverses and remands. September 15, 2011; Not approved for publication. 20-2-3657

Sweet f/k/a Ludwig v. Ludwig, App. Div.—Plaintiff appeals from a post-judgment order that required defendant, her former husband, to pay for eighty-five percent of their son's direct college expenses, \$150 per week while he is enrolled in college and \$200 per week when he is on summer break. Finding no abuse of discretion, the appellate panel affirms. In doing so, the panel rejects plaintiff's argument that because their son already contributes one-third of the cost of his education by virtue of his scholarship and grant, it was an abuse of discretion for the trial court to burden him with any additional financial obligation. The trial court agreed with defendant that their son should be required to obtain all available loans, grants and scholarships to offset the cost of the college expenses to both plaintiff and defendant. September 20, 2011; Not approved for publication. 20-2-3705.

Carl Cangelosi, JD, APM is NJAPM president. He practices divorce and civil mediation in Princeton and Plainsboro, and also serves as NJAPM's director of divorce mediation training.

NJAPM Membership Report by Anna M. Delio, Esq., APM



Greetings from the NJAPM Membership Committee and welcome to the 2011-2012 membership year!

NJAPM is conducting its Fall Membership Renewal Drive. Many of our members took advantage of the early renewal discounts and the ease of renewal through our website. If you have not yet renewed your dues, you may renew and pay at our website, www.njapm.org.

Our organization continues to grow and has many exciting events upcoming in the new including monthly general meetings, the monthly peer group meetings, throughout the state and the annual conference. Like many related professions, our mediation practices can be helped substantially by networking and expanding our lists of contacts

NJAPM leadership continues to look for ways to increase respect for the profession of mediation and improve the quality of mediators in New Jersey, whether civil or family mediators. NJAPM encourages its members to take advantage of the training programs, the general and annual meetings, peer groups and the list-serves—each provides forums for mentoring, advanced training and education for new and experienced mediators.

Are you a new member? Please take a few minutes to review the New Member Orientation. It is a useful and informative reference about

NJAPM for new members. You can find the New Member Orientation presentation at –

<http://www.njapm.org/pg/member/Newmemberorientation13006.pdf>

NJAPM Membership Committee

Any members having questions about NJAPM can contact any of their fellow mediators on the membership committee:

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Gerard Scola
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gerard.scola@yahoo.com

Jerald Harvey, APM
917-841-4222
jeraldharvey@comcast.net

Congratulations New APMs!

Congratulations to Felicia T. Farber and Judge John Harper on earning their Accredited Professional Mediator (APM) status.

New NJAPM Members

Here is a list of the new members who have joined since the summer 2011. If you just joined, watch for your name in our next newsletter.

Welcome new NJAPM members!

Tracey Alexander
Jacqueline Amorelli
Helene Bernstein
Jenny Berse
Heather Brooks
Jen Burgess
Hon. Thomas Dilts (Ret.)
Susan Dubow
Joe Graziano
Chip Hoever
Laura Kaster
Cortney Kelly
Heidi Kiebler-Brogan
Ellen McColl
Robert Newman
Kim Parker
Daniel Schlein
Sally Steinberg
John Stewart

Anna M. Delio, Esq., APM works as a Foreclosure Mediator for the Office of Dispute Settlement, Office of the Public Defender, State of New Jersey. She is an Instructor for NJAPM's Mediation Civil Apprenticeship Training Program, and serves as coordinator for the Superior Court of New Jersey, Special Civil Part's mediation program in Passaic County. She is also Vice President of NJAPM. In addition, Ms. Delio has a solo law practice, and mediates civil and family/divorce disputes in her Kenilworth, NJ office.

Education Committee: Divorce Mediation Apprenticeship Update

The NJAPM Education Committee announces an apprenticeship course for mediators to experience hands on resolution of family matters under the mentorship of an APM. The program will be administered under the auspices of the Education Committee of NJAPM by Risa Kleiner and Anna Maria Pittella.

The apprenticeship will consist of a 20-hour skills course for a graduate of the basic 40-hour course. Approximately 18 hours will be devoted to face-to-face mediation and two hours will be devoted to an orientation meeting and a post-course meeting.

The apprentice will be matched with an APM by the course administrators. Mediations will take place in the office of the APM. Income eligible couples who qualify for this program will be offered a reduced fee for the mediation session to encourage enrollment. The apprentice and the APM will co-mediate. The APM will have primary responsibility for the mediation from beginning to end which will include the preparation of

a Memorandum of Understanding. The APM would serve as a guide through the process and allow approximately 15 minutes after each session to debrief with the apprentice. The apprentice will participate as appropriate and as encouraged by the APM in both the mediation sessions and the preparation of the MOU.

NJAPM will collect the tuition from the apprentice. The APM will collect the portion of his/her fee set by NJAPM from the couple. The balance of the fee would be paid by NJAPM to the APM from the tuition fees upon completion of the course after the submission of the evaluation forms. The course could be offered twice a year depending on enrollment.

Advertisement for the couples will be on the NJAPM website, through each participating APM's individual website and other venues selected by the administrators of the program. The couple will complete a form on the website as to income

eligibility and screened for domestic violence. The APM will also be responsible for further screening the couple for domestic violence. Upon completion of the apprenticeship the APM will provide an evaluation of the progress of the apprentice and the apprentice will provide an evaluation of the APM. The couple will also complete an evaluation as to the mediation process. Appropriate forms will be produced by the Education Committee.

The apprentice will also receive credit towards APM status. The APM would receive 5 credits towards their NJAPM continuing education requirement. Anticipated start date is early 2012

Anyone interested in the apprenticeship opportunity or any APM wishing to consider being a participant should e-mail their information for further information to either: Anna Maria Pittella at pittellalaw@verizon.net or Risa Kleiner at risa@rkleiner.com.

Estate and Elder Mediation Special Interest Group

The Estate and Elder Mediation Special Interest Group, came into existence in October 2010. The group is chaired by Donald D. Vanarelli, Esq., APM.

The mission of the group is to to promote public awareness of elder and estate mediation as the preferred alternative to litigation, provide education in elder and estate mediation to the public, the government and the professions, to protect the public through Standards of Conduct for elder and estate mediators and become a training, education and collegial resource for elder and estate me-

diators in New Jersey.

The group's accomplishments to date include the development of a mission plan, the formation of Marketing and Education subcommittees, and the development of an Elder Mediation Training Program to be held on March 29, 2012.

The group also schedules guest speakers on a periodic basis for the monthly meetings. One of the past speakers included David Ricci from Adult Protective Services.

Future goals for 2012 include additional guest speakers at the monthly meetings, the development

of elder mediation marketing tools and group educational presentations to various organizations in an effort to promote elder mediation.

Group members generally meet on the last Monday of each month at the NJ Law Center at 6:00 pm. For more information, or to become a member, please contact Donald Vanarelli at dvanarelli@dvanarelli.com.

NJAPM Peer Groups

Peer consultation meetings are a great way to get to know your colleagues, to network and to discuss difficult cases with a group of your peers. Accredited members receive one half hour credit for each meeting attended.

Most groups meet once a month, either for breakfast or lunch. They are friendly, informal meetings where members and non-members are welcome. Please also see our website for the Summer 2009 NJAPM Newsletter (in the About NJAPM tab at www.njapm.org) for more information on NJAPM Peer Groups.

If there is no group close to you and you would like to form a peer consultation group, please contact Katherine Newcomer at katherinewcomer@comcast.net.

Watch for NJAPM listserv announcements posted by group hosts. If you would like to attend a meeting in your area, contact the closest group contact person for times and places:

Chairperson, Katherine G. Newcomer, Esq. (Ret.)
908-439-9140; katherinewcomer@comcast.net

Bergen County, Robert J. Lenrow, Esq., APM
201-986-1821; ceasefiremediation@juno.com

Camden/Burlington/Gloucester Counties,
Armand Bucci
856-663-2237; armandbucci@alum.drexel.edu

Essex County, John Montenigro
973-746-9535; infomagician@comcast.net

Middlesex/Union Counties,
Marvin L. Schuldiner, MBA, APM
732-963-2299; marvs@earthlink.net

Monmouth/Ocean Counties, David Leta
732-458-6674; mediation@davidleta.com

Mercer County, Gabrielle L. Strich, Esq., APM
732-438-3880; strichlaw@yahoo.com

Morris County, George Hays, PE, MBA, APM, &
Beverly Hays, MSW, LCSW, DCSW, APM
973-267-9429; hays.mediation@verizon.net

Somerset/Hunterdon/Warren Counties
Contact: Katherine G. Newcomer, Esq. (Ret.)
908-439-9140; katherinewcomer@comcast.net

Vivian Wells, LCSW, APM

With great sadness, we report that our beloved colleague and NJAPM president from 1996 to 1997, Mary Vivian Fu Wells, passed away on October 5, 2011. Vivian, a founding member of NJAPM, had continued to support NJAPM following her presidency. She insisted on attending every NJAPM annual conference. Members remember her as a generous, intelligent and compassionate woman who served as both an educator and role model for others. Vivian was a resident of Matawan.



Born on September 3, 1925 (Lunar Calendar) in Shanghai, China, her parents were John P. Fu and Shou Jin Zu. She was one of twelve children. Vivian came to the United States in 1948 to study at the Catholic University of America. She earned her MSW with honors in 1950. She was a licensed Marriage and Family Therapist, Licensed Clinical Social Worker and an Accredited Professional Mediator.

Vivian had a practice devoted to family problems since 1971. She also taught at Rutgers, the State University. In addition to serving as President of New Jersey Association of Professional Mediators, she served as President of Central District American Association for Marriage and Family Therapy. Vivian Wells was Trustee Emerita at Rutgers, the State University of New Jersey and served as Vice Chair of the Board of Trustees. She received the honor of "Legend ADR" by the dispute resolution section of the New Jersey State Bar Association for her leadership in the field of conflict resolution.

Vivian Wells' husband, Robert C. Wells predeceased her in 2003. She is survived by her children, Catherine Twanmoh and her husband Jeffrey Charney of Lebanon, NJ and Joseph Twanmoh, and his wife Valerie Hurley Twanmoh of Fallston, MD., and her grandchildren, James Charney, Rebecca Charney, Kai Twanmoh, Darren Twanmoh, and Ross Twanmoh. Her first marriage to Thomas Twanmoh ended in divorce.

If you would like to honor Vivian, you can send a donation in her memory to The Rutgers University Foundation, Mary Vivian and Robert C. Wells Scholarship Fund, 7 College Avenue, Winant's Hall, New Brunswick, NJ 08901.

Committee Chairpersons

Committee	Chairperson(s)	Telephone	E-mail Address
Accreditation	Nick DeMetro	973-747-6428	metrode@aol.com
Annual Conference	Risa Kleiner Pamela Zivari	609-951-2222 973-668-8332	risa@rkleiner.com pamela@pamelazivari.com
Bylaws Committee	Hon. (ret.) Elaine Goldsmith	732-963-2299	jdgebg@verizon.net
Civil, Basic Mediation Training	Marv Schuldiner	732-963-2299	marvs@earthlink.net
Civil, Advanced Mediation	Nick Stevens	973-403-9200	nstevens@starrgern.com
Divorce, Basic Mediation Training	Carl Cangelosi	609-275-1352	ccangelosi@njmediation.org
Divorce, Annual Mediation Seminar	Catherine Ross Frank Palino	609-503-7796 732-634-5100	rossnj@gmail.com fpalino@greenco.com
Education Committee	Anna Maria Pittella Risa Kleiner	732-842-6939 609-951-2222	pittellalaw@verizon.net risa@rkleiner.com
Judiciary Relations	Hon. (ret.) John Harper	973-813-7667	jharper@lauferfamilylaw.com
Legislative Relations	Ed Peloquin	732-940-0520	ejfp@aol.com
Long Range Planning	Carl Cangelosi	609-275-1352	ccangelosi@njmediation.org
Marketing	Open Position	NA	NA
Mediator Ethics Review Board	Hanan Isaacs	609-683-7400	hisaacs@hananisaacs.com
Mediator Quality	Marv Schuldiner	732-963-2299	marvs@earthlink.net
Membership	Anna Delio	201-709-3493	amdesq1@verizon.net
Newsletter	Anju D. Jessani	201-217-1090	ajessani@dwdmediation.org
Nominating Committee	Robert McDonnell	973-709-0188	rmcdonnell@alliance-mediation.com
Peer Consultation /Mentoring	Katherine Newcomer	908-439-9140	katherinenewcomer@comcast.net
Programs/General Meetings	F. Peter Phillips	732-672-3222	peter.phillips@businessconflictmanagement.com
Website/Technology	Marv Schuldiner	732-963-2299	marvs@earthlink.net



Don't Go Naked!



NJAPM has negotiated favorable group rates for arbitrator and mediator liability insurance with Complete Equity Markets. Professional liability insurance is now available for both Accredited and General Members at surprisingly affordable prices starting at less than \$400 for \$100,000 in annual coverage. Proof of NJAPM membership is required.

For further information or to obtain forms, visit our website at www.njapm.org.

NJAPM Photos: October 19th General Meeting, Meet the Board

Photos by Bill Blanchard (www.billblanchardphoto.com)



Carl Cangelosi, NJAPM President



Risa Kleiner, Executive Vice President



Anna Delio, Vice President



Anna-Maria Pittella, Secretary



Bob McDonnell, Immediate Past-President



Katherine Newcomer, Peer Groups Chair

