

From: [James H. M. Savage, Esq.](#)
To: [Comments Mailbox](#)
Subject: [External]Proposed amendments R. 4:21-A(4)(a) - comments by practitioners
Date: Tuesday, October 11, 2022 8:33:49 AM

Glenn,

I have both served as an arbitrator and as attorney for litigants in arbitrated matters. Rule change is long overdue and should apply to all arbitrations. Electronic submissions should be allowed. 3 days in advance OK. No rebuttal statements permitted. Statements should be limited to 5 pages plus expert reports, police report and the like. I'm not a fan of being handed stacks of treatment records either before or at hearing. Counsel should be expected and able to orally & briefly summarize treatment at hearing and/or present their client on direct. Cross should be strictly limited to one or two key points in dispute on liability and/or damages. Arbitrator should continue to be allowed, but not required, to interject questions if necessary.

Hearing should not take longer than 30 minutes. Negotiations may take place **after** the hearing and before decision issues. {Suspending/delaying arb proceeding to permit negotiations is rarely an effective mechanism for judicial administration. Counsel should be required to make such requests to the assignment clerk or their designee. That should reduce the gamesmanship at arb.} Upon mutual request, as arbitrator, I have taken (a few) matters under advisement for a couple of days. Usually worked out for the better.

On a related subject, I have been assigned to arbitrate passion/provocation matters, intra-family squabbles (mom v. son), associate v. partner employment disputes, none of which belonged in routine civil arbitration. Suggest better screening of such matters by court staff.

Thank you.

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