

Notice to the Bar

Supreme Court Committee on Complementary Dispute Resolution – Supplement to Previously Published 2004-2007 Report – Municipal Court Mediation

This notice supplements the previously published 2004-2007 report of the Supreme Court Committee on Complementary Dispute Resolution. That report included under Part V, “Matters Held for Consideration,” a discussion of the status of the Committee’s review of mediation of municipal court matters. Set forth here is an expanded and clarified version of that status update on municipal court mediation:

V. MATTERS HELD FOR CONSIDERATION

Municipal Court Mediation Matters

The Municipal Programs Subcommittee has been discussing the need to recommend changes to the caption of Rule 7:8-1 to be consistent with the caption of Rule 1:40-8. The former reads, “Mediation of Minor Disputes; Notice in Lieu of Complaint”, whereas the latter is captioned, “Mediation of Minor Disputes in Municipal Court Actions.” These discussions centered around the question of whether a court has authority to send parties in a dispute to mediation when no action has been filed and no probable cause has been determined. It should be noted that, in its 2004-2007 Report, the Municipal Court Practice Committee has recommended modifying the caption of Rule 7:8-1 to conform to that of Rule 1:40-8 and adding another category of cases that may not be mediated.

The Municipal Programs Subcommittee also began its pilot project to evaluate presumptive mediation in the municipal courts. In this regard, an informational booklet about mediation, four different evaluation forms, a mediation information sheet, mediation session guidelines, a final mediator report, and several other related documents were developed, including a pilot program description. The Conference of Municipal Presiding Judges and the Conference of Municipal Division Managers were kept apprised of the work of the Municipal Programs Subcommittee throughout the development of the pilot program. Mediators and CDR Coordinators were also involved.

The Presumptive Mediation Pilot Program for the municipal courts is an 18-month program. It began on January 1, 2006. Thus, the final work on this pilot will be carried over to the next rules cycle.

/s/ Philip S. Carchman

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