



## New Jersey Association of Professional Mediators

- A. CHECKLIST TO ASSIST GENERAL MEMBERS APPLYING FOR NJAPM ACCREDITATION
- B. DOCUMENTING MEDIATION EXPERIENCE (for 15 Family and Divorce or Civil Case Summaries)
- C. MEMORANDUM ON EVALUATING MEMORANDUM OF UNDERSTANDING (Family & Divorce)
- D. NJAPM STANDARDS FOR ACCREDITATION

NJAPM, 1 AAA Drive, Suite 102, Trenton, New Jersey 08691

Web Site: [www.njapm.org](http://www.njapm.org)

Phone: (800) 981-4800

Email: [inform@njapm.org](mailto:inform@njapm.org)

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### **A. CHECKLIST TO ASSIST GENERAL MEMBERS APPLYING FOR NJAPM ACCREDITATION**

NJAPM will notify you upon receipt of your application. Please allow 30 business days from receipt of that notice for the processing of your application. Contact our office at (908) 359-1184 or (800) 981-4800 if you have not heard from us within this period.

This checklist has been prepared to assist members applying for accreditation. The accreditation process involves reviewing credentials and experience.

I. Education.

Please provide a photocopy of each of your diplomas. We know that they are probably framed and may be larger than 8.5 by 11. Submit a readable photocopy -- reduced to 8.5 by 11 or on 11 by 17 paper. Alternatively, you can supply us with an official transcript from each institution.

II. Professional Experience.

Please submit a photocopy of your professional license. Attorneys admitted to practice in New Jersey may submit a photocopy of the page listing their name in the current New Jersey Lawyers Diary. (Please highlight your name.) Please include a statement describing professional experience and how it is relevant and helpful in the cases which you mediate. Professional experience is evaluated to determine whether a candidate has experience dealing with disputes and the underlying facts and issues.

III. Mediation Training.

Please provide a copy of your training certificates. Please include the name and address and telephone number of the training organization. For family/divorce mediation training, please state whether the training provider was approved by the Association for Conflict Resolution. If we are unfamiliar with the course provider, we may ask you for course outline and other information. We may also contact the provider for information about the course.

If training was not in New Jersey, please provide information about your knowledge of New Jersey law as it applies to the disputes that you mediate.

IV. Mediation Experience.

Please provide documentation of your mediation experience. Please refer to our memorandum on **Documenting Mediation Experience** for either your 15 family and divorce or business and civil case summaries. Case summaries should be about two pages for each case.

If you choose to rely on a Memorandum of Understanding, please review our memorandum on **Evaluating Memorandum of Understanding** for the four MOUs you submit.

If you are applying for Divorce and Family accreditation, please include at least one example of New Jersey Child Support Guidelines worksheets.

Note that the Accreditation and Standards Committee looks at mediation experience. Judicial type settlement conferences, early neutral evaluations, mandatory early settlement panels and the like are generally discounted as mediation experience. Additionally, the Committee looks at the types of disputes, their value and the time spent mediating. Smaller cases, such as those in municipal, small claims, landlord-tenant and special civil part court, are given less weight than divorce cases and complex commercial and business cases.

The Accreditation and Standards Committee treats all submissions concerning cases as confidential. You should therefore delete names, addresses and the like from any actual documents that are submitted.



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### Reminders:

- |   |  |                  |                   |
|---|--|------------------|-------------------|
| 1 | Have you read the NJAPM Standards for Accreditation? | <u>      </u> No | <u>      </u> Yes |
| 2 | Have you completed the entire application?           | <u>      </u> No | <u>      </u> Yes |
| 3 | Have you signed and dated the application?           | <u>      </u> No | <u>      </u> Yes |
| 4 | Have you attached your application fee of \$80?      | <u>      </u> No | <u>      </u> Yes |
| 5 | Have you attached all required documentation?        | <u>      </u> No | <u>      </u> Yes |

If you have questions, you can contact the Accreditation and Standards Committee Chair or any of its members. Phone numbers and e-mail addresses can be found on the NJAPM web site.

Approved by Accreditation Committee -- 11/12/03; Approved by the Board -- 12/3/03



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### **B. DOCUMENTING MEDIATION EXPERIENCE for 15 Family and Divorce or Business and Civil Case Summaries**

In determining whether an applicant for accreditation by NJAPM has sufficient experience mediating, the Accreditation Committee requests the following information about each mediation that the applicant is submitting as demonstrating his or her experience as a mediator.

- Name of matter/names of the parties (you may use initials if you feel names must be kept confidential).
- Docket number (if appropriate).
- Names of counsel and whether they attended the mediation sessions.
- Issues in dispute.
- Amount in dispute if a business or commercial case.
- Mediation agreement and other documents signed by the parties.
- Number of mediation sessions held and dates of each session.
- Whether the parties attended in person, through counsel or by telephone or other means.
- Number of hours spent in session and number of hours spent on the matter out of session.
- Description of the mediation model used:
  - Facilitative - Joint Session
  - Facilitative – Caucus sessions
  - Transformative
  - Therapeutic
  - Evaluative
  - Other
- Summary of the primary mediation techniques you used
- Copies of documents produced by the mediator (settlement agreement, memorandum of understanding, letter summary, summaries of facts/information, property settlement agreement, etc.)
- If a court referral, a copy of the document (letter or order) making the referral and whether it was for mediation, discovery master, fiscal agent, arbitration, etc.)
- Description of the result (full resolution, partial resolution, no resolution, other).
- Brief evaluation of the mediation.
- *For Divorce and Family Accreditation, please also include at least one set of child support worksheets.*

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### **C. MEMORANDUM ON EVALUATING MEMORANDUM OF UNDERSTANDING (Family and Divorce)**

In determining whether the four (4) submitted memoranda of understanding sufficiently demonstrate equivalent experience in the field of Divorce and Family Mediation as required in section 3.3 of the Standards for Accreditation, the Accreditation Committee will evaluate the submitted memoranda using the following questions. Attorneys should note that submitting property settlement agreements in lieu of memorandum of understanding would not normally suffice.

- ◆ Does the MOU state its purpose? Was the scope of the mediation defined? Was it to resolve all issues or specific issues?
- ◆ Does the MOU give the background of the parties and the family? Are any special needs of the parties and children stated?
- ◆ Are the premises upon which the understandings are based stated? Does the memorandum give the reviewing attorneys sufficient information to draft a property settlement agreement and the complaint for divorce? The information summarized should be sufficiently detailed to assure the parties and their reviewing attorneys that all necessary information has been provided.
- ◆ Does the MOU contain all the facts (names, dates, children, real property, vehicles, personal property (by reference), businesses, pensions, deferred investments, other investments, custodianships (if any), account numbers, balances, etc.) including description of all non-marital assets of either party (with reasons for so classifying them)? Has supporting documentation concerning the assets and liabilities been attached? Have income tax returns been exchanged and attached? *It is recommended that a list of supporting documentation be included with each MOU and with the four sample MOUs submitted.*
- ◆ Does the MOU identify and provide facts about each of the assets and liabilities? Has each asset and liability been analyzed as to title, whether subject to equitable distribution, value, how value was determined, date of acquisition, tax issues and other relevant information? Are the parties' reasons for including or excluding assets and liabilities stated?
- ◆ Parenting Plan – To the extent relevant and appropriate are the following issues addressed? Where the children will live, how they will divide their time between parents, vacations, holidays, parenting arrangement, emancipation, transportation between households, relocation/moving, religion, custody, etc.
- ◆ Child Support – Has a Child Support Worksheet been prepared? What is the income set forth on the child support worksheet based upon (tax returns, wage statements, estimates, etc.)? Are reasons for deviating from the NJ Child Support Guidelines stated (if the parties do not want to follow the guidelines)? Have the following issues been addressed? Providing health insurance, dental care and dental insurance if available and sharing unreimbursed medical expenses in excess of \$250 per child per year, special needs, if any, of the children, work related day care, sharing extraordinary expenses, reapplying the child support guidelines or cost of living increases, paying for college, trade school or other post secondary education, child support during post secondary education. *Please include at least one set of child support worksheets.*
- ◆ Marital Lifestyle - Has marital lifestyle been sufficiently documented based on the earnings of the parties, the length of the marriage and other circumstances? Does the MOU state whether the parties will be able to maintain comparable lifestyle to the marriage and/or to each other after the divorce?
- ◆ Alimony – Has this issue been addressed? If there is alimony, what kind of alimony is it to be and what are the agreed upon terms (how much will be paid per month, when it starts, when it ends, any special payments (e.g. when bonus or commission is received). If there is a significant different in incomes and alimony is waived, is there an explanation?



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- ◆ Health Insurance – future health and life insurance for both spouses and the children been addressed?
- ◆ Life Insurance: Have the parties addressed life insurance for the benefit of the children and the name of the person who will act as trustee. If there is long-term or permanent alimony, has life insurance for the dependant spouse been addressed?
- ◆ Taxes – How will income taxes be filed? Which party will claim the tax exemptions for the children? How will current federal & state tax liabilities be paid? Etc.
- ◆ Other issues – Counsel fees, religious divorce, etc. Have these been addressed?

You may submit your certificate indicating your Advanced Practitioner Member status with at least one example of New Jersey child support guidelines, status in lieu of the four MOUs. Any person who is currently an Advanced Practitioner Member of the Association for Conflict Resolution shall be considered to have satisfied the requirements for accreditation in divorce mediation upon completion of at least 16 hours of training in New Jersey family and divorce law and submission of one example of New Jersey child support guidelines.

Approved by Accreditation Committee -- 11/12/03; Approved by the Board -- 12/3/03

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### D. NJAPM STANDARDS FOR ACCREDITATION

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#### **1. Procedures:**

The Accreditation and Standards Committee shall develop procedures for reviewing and evaluating applications for accreditation.

While the review of applications for accreditation is usually on the submissions of the applicant, the Accreditation and Standards Committee may require any applicant to meet with the Committee or a subcommittee to resolve any issues concerning an applicant's credentials and experience. Any applicant may request a meeting with the Committee or the subcommittee reviewing his or her application.

All submissions to the Accreditation and Standards Committee concerning experience, such as case summaries, memoranda of understanding, property settlement agreements, settlement agreements and the like will be treated as confidential and used only for the accreditation process.

#### **2. Eligibility to Apply for Accreditation:**

All persons applying for accreditation must be current members of the Association in good standing and will be required to satisfy the Initial Requirements for Accreditation set forth below:

#### **3. Requirements for Accredited Professional Mediator (APM) in Divorce and Family Mediation**

##### **Education (a minimum of a Masters level degree or professional license such as one of the following):**

Juris Doctor (or equivalent law degree)  
Advanced degree in mental health  
Advanced degree in business, finance, or accounting  
CPA  
CFP

The education requirement may be waived for mediators who demonstrate substantial mediation experience as part of their employment duties when employed as a neutral, such as mediators employed by government agencies.

##### **Professional Experience:**

Minimum of four years of professional practice in a discipline in which the educational requirement was satisfied.



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### **Mediation Training:**

Completion of an approved divorce and family mediation training course (minimum 40 hours or 18 hours in addition to an approved 40-hour training in another mediation field); training must include at least two hours of training on identification of domestic violence issues.

Mediators who have completed a training course that does not include information about New Jersey law are expected to show knowledge of New Jersey law through experience practicing law in New Jersey or completion of at least 16 hours of education in the divorce and family law, such as courses by the New Jersey Institute for Continuing Legal Education, Rutgers, NJAPM, NJSCPA or other continuing education providers.

### **Mediation Experience:**

Completion of at least 15 cases and 100 hours of divorce and family mediation, with at least 80% of the cases having been mediated face-to-face with the parties.

Up to 48 hours of participation in an approved practicum or internship or in co-mediation with an accredited divorce/family mediator may be counted towards the required hours for mediation experience.

Any of the foregoing requirements may be waived upon demonstration of equivalent experience in divorce and family mediation acceptable to the Accreditation and Standards Committee and the Board of Directors.

Mediators holding Advanced Practitioner Member Status with the Association for Conflict Resolution (ACR) will be considered as having satisfied the mediation training and experience requirements upon completion of at least 16 hours of training in New Jersey family and divorce law.

## **4. Requirements for Accredited Professional Mediator (APM) in Business and Commercial Mediation**

### **Education (a minimum of a Masters level degree or professional license such as one of the following):**

Juris Doctor (or equivalent law degree)

Advanced degree in business, finance, or accounting

CPA

CFP

Advanced degree in a field of expertise in which the individual will practice mediation (e.g. engineering, architecture, mental health, etc.)

State licensure in the professional field

The education requirement may be waived for mediators who demonstrate substantial mediation experience as part of their employment duties when primarily employed as a neutral, such as mediators employed by government agencies.

### **Professional Experience:**

Minimum of four years of professional practice in a discipline in which the educational requirement was satisfied.

### **Mediation Training:**

Completion of an approved business and commercial mediation training course (minimum 18 hours). Mediators who have completed a training course that does not include information about New Jersey law are expected to show knowledge of New Jersey law through experience practicing law in New Jersey or completion of at least 16 hours of education in the applicable area(s) of New Jersey law, federal law or both, such as courses by the New Jersey Institute for Continuing Legal Education, Rutgers, NJAPM, NJSCPA or other continuing education providers.



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Any of the foregoing requirements may be waived upon demonstration of equivalent experience in business and commercial mediation acceptable to the Accreditation and Standards Committee and the Board of Directors.

### **5. Term**

Accreditation is granted for a period of not more than one full year. Renewal after the first period and for each subsequent one-year period is granted only to members of the Association in good standing and only upon satisfaction of Continuing Education Requirements.

### **6. Designation and Title**

Only those persons currently accredited by the NJAPM as an "Accredited Professional Mediator" are authorized to use that title and/or the initials "APM" following their name, and only for so long as they remain currently accredited by the NJAPM. General members may specify that they are "members" or "general members" of NJAPM, but shall not specify accreditation or pending accreditation. NJAPM does not certify mediators, and no implicit or explicit reference to certification should be associated with NJAPM.

### **7. Continuing Education Requirements for Accredited Professional Mediators**

Participation in 10 hours of continuing education every 12 months shall be required of all accredited members in order to maintain their status. At least 5 hours shall be in the field of mediation and the rest in allied fields, such as mental health, law, finance, or conflict resolution.

Attendance at the NJAPM annual conference usually counts for 6 hours.

The program portion of an NJAPM general meeting with a speaker or panel usually counts for 1.5 hours.

Presenting a program at either the annual conference or a general meeting counts for 3 hours.

Members are responsible for maintaining their own continuing education records and to submit them every year.

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