



Mediation News

Volume 19, Issue 1
Fall, 2014

New Jersey Association of
Professional Mediators

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Upcoming NJAPM Events

NJAPM GENERAL MEETINGS (6-8:30 PM)

New Jersey Law Center, New Brunswick
Wednesdays

10/15, 12/12, 1/21, 3/18, 4/15, 5/20 & 6/17

40-HR DIVORCE MEDIATION TRAINING

Forsgate County Club, Monroe Township
All Day, 10/11, 10/12 11/1, 11/2 & 11/8

BASIC CIVIL MEDIATION TRAINING

Rutgers Labor Center, New Brunswick
All Day, 10/19, 10/20, 11/2, & 11/3

8-HOUR BASIC SKILLS MEDIATION

Crowne Plaza, Monroe Township, 11/11

NJAPM ANNUAL CONFERENCE

The Imperia, Somerset, 11/15, All Day

CIVIL CASE MANAGEMENT TRAINING

Rutgers Labor Center, New Brunswick
12/12, 12:30 PM - 5 PM

Please Visit Our Website For Updates
& 2013 -2014 Schedule

www.njapm.org

800-981-4800

NJAPM's 21st Annual Conference Keep C.A.L.M. and Mediate: Creating, Applying, Learning, Managing Saturday, November 15

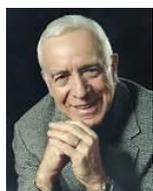
Need some fresh ideas and new ways to approach dispute resolution? Conference co-chairs Karen Sampson and Patricia Bell invite members and the public to register for an exceptional day of information and networking at NJAPM's 21st annual conference, scheduled for Saturday, November 15, from 8:15 to 4:45 at The Imperia in Somerset.

The conference will feature four of the most well-respected practitioners in their respective fields:



Plenary session speaker, **Doug Noll**, acclaimed mediation and legal negotiation skills trainer from Pepperdine School of Law, will discuss

"Micro-Interventions in Mediation - How to Deescalate an Angry Party or Lawyer in 90 Seconds." Attendees will receive a DVD demonstrating his techniques. He will continue his talk in the afternoon breakout, "Refining Your Micro-Intervention Skills" - a hands-on workshop.



Jim Freund, mediator of large business disputes, and retired partner of Sladden, Arps, Slate, Meagher & Flom LLP, will dissect and

elaborate on cases from his book, *Anatomy of a Mediation, A Deal-maker's Distinctive Approach to Resolving Dollar Disputes and Other Commercial Conflicts*. Copies of the book will be given to all conference attendees.



NJAPM member and Chair of the NJSBA Family Section, **Jerylyn Lawrence**, attorney/mediator at Norris, McLaughlin & Marcus, will lead an afternoon breakout session "Alimony Law in New Jersey."



David Dugan, III, an ethics attorney with an office in Marlton, New Jersey, will lead a session entitled "Ethics for Mediators"

- which will explore rules found in a variety of places that govern the personal conduct of attorney and non-attorney mediators.

There are 7.1 CPE and MCLE credits (including 2.0 ethics credits), pending approval for the conference. APMs receive 5.9 NJAPM CE hours. The conference also fulfills the AOC's 4.0 hour annual requirement for mediators.

Breakfast and lunch are included with the registration fee. For more information or to register, please visit www.njapm.org.



Mediation News

A Publication of the
New Jersey
Association of
Professional
Mediators

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Editor's Column

by Anju D. Jessani, MBA, APM



Our fiscal year started on October 1. With that, we see changes to the NJAPM board that our incoming president, Andrew Smith, outlines in his column.

This issue of the newsletter features the announcement of our annual conference. Conference co-chairs, Pat Bell and Karen Sampson, have planned an exciting day featuring four respected practitioners. I look forward to the conference, and to the opportunity to see old and new friends!

In addition to our regular columns from NJAPM committees including education, membership and peer groups, NJAPM members have provided some timely and interesting articles:

- Bob Lenrow delineates changes to New Jersey's alimony laws, and what they mean to family and divorce mediators.

- Pat Westerkamp explains deal or transactional mediation - an especially attractive specialization for business generalists who know how to build, structure, and finance commercial relationships.

- Terri Reicher includes Part II of her article entitled *Conflict at the End of Life*. In this part of her article, she focuses on the response of the medical community.

- John Sands describes his mediation philosophy - what makes his approach unique. You are invited to provide your approach for possible inclusion in our next issue.

- Barbara Weisman expresses praise for New Jersey's CDR programs.

- There are great photographs from events that illustrate the vitality of NJAPM including from last year's annual conference and NJAPM's 40-hour divorce mediation training.

What separates NJAPM from other organizations... including most other dispute resolution organizations, is our fluidity. Due to strict term limits, there is a regular changing of the guard on our board. As we move volunteers up, we recruit other members to fill committee positions. I went back to the NJAPM archives to learn that Marv Schuldiner, NJAPM's immediate past president, joined the board in the fall of 2008 as a director - thus having the longest tenure of those still serving on the board. Anticipating that he will serve for two years in his current position, that means we will have had 100% turnover within eight years. New people bring new ideas, technology, perspectives, talent and changes to the organization. It is also inviting for those joining our organization to know that leadership opportunities will be available to them, if they have an interest in serving the organization.

Thanks to all our contributors to this issue of the newsletter. Without content, we would not have anything to publish. We really want your contributions and articles, and are very open to different views. So, if you have a letter to the editor, or an idea for an original article between 600 and 1200 words, please email me a one paragraph proposal. Please also email me photographs from NJAPM events. My email address is ajessani@dwdmediation.org.

Anju D. Jessani, MBA, APM, 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.

Message from the President

by Andrew Smith, Esq., APM



Welcome to a new year of NJAPM commencing October 1, 2014. It is an honor to serve as your president.

As we move into our new year, I thank Marvin Schuldiner for leading NJAPM for the past two years. NJAPM's accomplishments during Marv's tenure as president include achieving a partnership on the Sandy Storm Mediation program, upgrading our listserv, leading the redesign of NJAPM's new website that will be out in the near future, and expanding affiliate programs for NJAPM members. Marv now becomes Immediate Past President and we look forward to his continued leadership.

I thank our immediate past President, Carl Cangelosi, for his many years of service to NJAPM and the board. Carl will remain an integral member of NJAPM and will continue to teach NJAPM's introduction to mediation course.

Also, thanks to Anna-Maria Pittella for her years of service to the board. We look forward to her continued outstanding service as co-chair of the Education Committee.

We recognize outgoing board member, Jerald Harvey, who worked tirelessly in co-chairing NJAPM's accreditation process and revising aspects of the APM accreditation guidelines.

Welcome new board members William Dwyer, Hon. Linda R. Feinberg (Ret.), Michael Lehner, Bruce Waltuck, and Pamela Zivari. Each bring great talent to the board.

In this coming year, NJAPM plans to continue expanding public awareness of mediation as the preferred method of dispute resolution by expanding our marketing efforts. We welcome those who have interest in marketing to join the NJAPM mar-

keting committee. A great marketing opportunity we can all share is delivering high quality mediation service to current and prospective clients.

NJAPM training programs are high quality and second to none. NJAPM offers a range of civil and divorce mediation courses. NJAPM has also expanded its course programs through webinars and will explore expanding training in other areas, including social media and technology tools. Greater understanding and application of social media and technology enhance business efficiency and provides opportunity to grow our mediation practices.

Our program committee provides monthly programs at the Law Center. Attending these programs provides opportunities to explore and learn new ideas to grow our practices and to network. We anticipate another year of programs that will enrich our mediation communities.

Our annual conference in November is co-chaired by Pat Bell and Karen Sampson; both have been working to produce an excellent and memorable event. The featured speaker is west coast mediator, Doug Noll. Other prominent presenters include David Dugan, Jim Freund and Jeralyn Lawrence.

It has been said that a rising tide lifts all boats. We appreciate and value our working with other mediation organizations in the region. We look forward to our informative joint annual meeting and ADR Day with the Justice Marie Garibaldi Inn of Court and the Dispute Resolution Section of the New Jersey Bar.

NJAPM would not exist without its members and the willingness of

our members to serve in various capacities, including on committees. It is also noteworthy that the organization is in its 22nd year and is the state's largest organization dedicated to mediation. The success of NJAPM is in great measure derived through members' service through volunteerism. A review of our NJAPM Newsletters list committee chairs or co-chairs and their service is appreciated by all. The willingness of members to serve is the hallmark of NJAPM and we encourage and look forward to more members volunteering and serving.

I once read a story by Russell H. Conwell, titled "Acres of Diamonds." In brief, the story is about an individual who wanted to sell the land he owned so that he would be free to search for diamonds. After selling his land, he ventured far in his search for those priceless gems. However, he was not successful in his search. It was later discovered that the person who bought his land found a very large and unusual stone in a stream that cut through the land. The land the prior owner had owned and sold was filled with diamonds. Unfortunately, he did not realize what he had beneath his feet "Acres of Diamonds." We want to expand the awareness of mediation so that parties, communities, and society readily appreciate mediation as a value-added gem.

I join you in looking forward to an exciting year and welcome your ideas for the organization.

Andrew Smith, MBA, MFin, Esq., APM is NJAPM President. He is an attorney, civil/commercial mediator, and business consultant. He can be reached at 908-246-9766 or als.smithlaw@gmail.com.

Permanent Alimony is DEAD !!!

Long Live Open Durational Alimony! by Robert J. Lenrow, Esq., APM



On June 30, 2014, the New Jersey Legislature (the General Assembly and the Senate) agreed upon and passed a bill to change the alimony law in NJ (see http://www.njleg.state.nj.us/2014/Bills/A1000/845_S1.PDF). On September 10, New Jersey Governor, Chris Christie signed the bill, which takes effect immediately.

The new alimony law makes some changes and codifies case law so that the general status and law on some issues can be learned by reading the new law. This will be helpful to mediators and clients.

There are makes changes in ten major areas. (1) The Legislature abolished permanent alimony and created open durational alimony. (2) There is now guidance on how long alimony should be if it will not be open durational. (3) Alimony may be modified or terminated upon prospective or actual retirement. (4) A payor of alimony who wants to retire early must demonstrate that retirement is reasonable and done in good faith before alimony will be modified or terminated. (5) A rebuttable presumption that alimony terminates upon the obligor attaining full retirement age is created. (6) Full retirement age is defined as "the age at which a person is eligible to receive full retirement benefits under section 216 of the Federal Social Security Act (42 U.S.C. sec. 416). (7) There is new guidance for how applications to modify or terminate alimony in cases with orders or agreements which predate the act should be addressed. (8) There is direction that the assets distributed between the parties at the time of divorce are not to be considered for the purposes of determining an obli-

gor's ability to pay alimony following retirement. (9) There is direction to the courts as to how applications to modify or terminate alimony are to be resolved when income has changed. This includes distinctions for non-self-employed parties and self-employed parties and includes authorization for temporary remedies. (10) The factors to be considered when an application to suspend or terminate alimony is made due to cohabitation are set forth and there is now a statutory definition of cohabitation.

The new rule on the duration of alimony is "for marriages of less than 20 years, the total duration of alimony should not, except in "exceptional circumstance" exceed the length of the marriage."

The new law also amends the alimony statute (see N.J.S. 2A:34 ó 23 <http://law.onecle.com/new-jersey/2a-administration-of-civil-and-criminal-justice/34-23.html>).

Factor 4 is amended. It currently reads "The standard of living established in the marriage or civil union and the likelihood that each party can maintain a reasonably comparable standard of living." Added to this is "with neither party having a greater entitlement to that standard of living than the other."

Added to the existing 13 factors is an additional factor "The nature, amount, and length of pendente lite support paid, if any."

Issues come up during divorce negotiations and post judgment and mediators will need to be familiar with the new provisions. After all, the guides for the court are also guides to the parties when they are resolving such issues through me-

diation. It is the mediator's job to point them out to the parties.

In the days to come, I suggest mediators read the law, one section at a time. Focus on (1) The factors which make up the exceptional circumstances when alimony may exceed the duration of the marriage. (2) The factors for overcoming the rebuttable presumption that alimony terminates upon the payor reaching normal retirement age. (3) The factors to be considered in showing that a planned or actual early retirement is in good faith. (4) The factors to be considered when a party with a pre-Act agreement or order wants to modify or terminate alimony upon reaching full retirement age. (5) The factors to be considered when a payor wants to modify alimony due to a change in income. (6) The definition of cohabitation and the factors to be considered when cohabitation is alleged.

There is insufficient space in this issue of the newsletter to discuss how all the changes in the alimony law may affect mediations. Certainly, they will change how parties interpret the law and how lawyers advocate for their clients. Similarly we can expect many changes from parties mediating. Look for NJAPM programs on the new alimony law to make it easier to become familiar with all of the changes and how mediation will be affected.

Robert J. Lenrow, Esq., APM practices family law and mediation in Paramus. He heads the Bergen area peer group meetings. His email is ceasefiremediation@juno.com.

Deal Mediation

by Patrick R. Westerkamp, JD, APM



Transactional Mediation, less formally known as Deal Mediation, is an often-ignored process, which creates value for business representatives who want to modify existing commercial relationships, or to develop new ones. Rather than resolving conflicts over "what went wrong," deal mediators primarily focus on helping clients build future value.

Assisting labor and management to bargaining successor agreements is the predominant form of transactional mediation in the United States. This process was first recognized as effective during World War II when keeping factories humming was a national priority. Congress understood that bitter disputes over terms and conditions of employment would harm productivity. As a result interest mediation over wages, benefits, hours, and safety became the prevalent method for setting future terms of employment.

Today the Federal Mediation and Conciliation Service (FMCS), through its more than 225 mediators, annually uses mediation thousands of times to assist with the negotiation of successor contracts, and thereby avoid disruptive strikes. FMCS mediators intervene as requested and/or as needed. Their work frequently involves significant dollars, multiple factions, intellectually challenging problems, e.g., health care, and overlapping issues. These mediators are among the best in the nation.

How might transactional mediation be expanded, and marketed to the business community?

James C. Freund made a good start in his book *Anatomy of a Mediation*, PLI (2012). After more than 30-years as a Wall Street dealmaker, Mr. Freund emphasized the value

mediation brings to stalled transactions. He cogently observed, "[T]o call off a deal is no trouble at all, but it requires some real ability to hold together the pieces and accomplish it in a way that satisfies all parties." *Id.* at 30. Many business persons lack this ability. They need help. Professional mediators are resources that are too rarely tapped. Deals which might be saved "sour" with resultant waste of time, effort, and cash.

...deal mediators primarily
focus on helping clients
build future value.

Consider a simple example. Max imports mini-flashlights from Turkey. At his Middlesex, NJ distribution center the flashlights are "blister packed" with AA batteries, and labeled for retail sale as store brand merchandise. Max annually grosses \$3-million. Knowing Max wants to retire, Carlie offers to purchase the business and packaging machinery (but not the real estate). She will relocate operations to Mt. Pocono, Pennsylvania where she packages items as store brand merchandise, and will gain from adding flashlights to her product line.

A buyout price was readily reached; Carlie and Max each think they are "getting a good deal." Negotiations, however, stalled over the relocation to Pennsylvania since: A) Max feels badly about his long-term staff being laid-off; B) Carlie needs the new operation immediately transferred to Mt. Pocono; and C) Once the business is sold, Max re-

fuses to give any advice even as a paid consultant. The deal is on the verge of collapse; a seasoned mediator would add value, if only our entrepreneurs knew help was available.

Beyond this example, deal mediation offers a wealth of possibilities, such as: reallocating interests in an enterprise; forming joint ventures; mergers to capture new markets, or better serve existing clients; obtaining goods or services; leasing; contract renegotiations; and setting terms for executive employment.

Finally, deal mediation presents most opportunities for neutrals who come from the world of business, are experienced negotiators, understand finance, have experience in several industries, and are comfortable being evaluative/directive as needed.

Transactional mediation is worth more than a second thought by persons who, having entered the mediation profession, are frustrated by their inability "to break into" the niches (e.g., foreclosures, employment) where conflicts over the decline of existing relationships arise. These "niche" mediators know how and why things go wrong in specific settings, and can suggest helpful remedies.

Deal mediators are a different breed. They are business generalists who know how to build, structure, and finance commercial relationships. Transactional or deal mediation is a worthwhile option that the business generalist who want to mediate should consider.

Patrick R. Westerkamp, of **Westerkamp ADR Services, LLC** in Matawan, New Jersey, restricts his practice to serving as a neutral in employment and labor dispute resolution. He can be reached at westerkampadr@mac.com.

Conflict at the End of Life, Part II — POLST: The Medical Community's Response by Terri Roth Reicher, JD, LLM



For the past several decades, since the U.S. Supreme Court announced its decision in the *Cruzan* case, (See Conflict at the End-of-Life Part I: the *Legal Community's Response*, NJAPM Newsletter Fall 2013, (www.njapm.org/sites/default/files/NJAPM-Newsletter-Fall2013.pdf)) each state has adopted an advance directive statute allowing patients to express their medical end-of-life preferences. The advance directive is a legal document usually prepared by an attorney as part of an estate plan. It is often unavailable or difficult to interpret when requested at a time of medical crisis. Recently, the medical community, acknowledged some of the advance directives' shortcomings, and created a complement to the legal document — the **POLST (Practitioner Orders for Life-Sustaining Treatment)**.

Unlike the advance directive, POLST is a universal medical order, which can only be prepared by a licensed physician (MD or DO) or an advanced nurse practitioner (APN). The use of a POLST is intended in only a very limited set of circumstances. POLST is designed for seriously ill patients, terminally ill patients, or those who are medically frail with limited life expectancy regardless of their age, whereas an advance directive is recommended for all adults regardless of their health status.

Governor Christie signed the NJ POLST legislation on December 21, 2011, which enables patients to indicate their preferences regarding life-sustaining treatment. The original POLST was developed in Oregon, where they continue to lead the U.S. in progressive bioethics reforms. Oregon residents may submit their

POLST to a sophisticated registry in which emergency medical personnel can verify the POLST's validity in less than one minute. A majority of U.S. states either have programs in place similar to the NJ one, or are in the process of instituting a comparable policy. AARP and the American Hospital Association (AHA) support its use. Caveat, the terminology in this field is not consistent. For instance, NY provides for a MOLST, a Medical Order for Life Sustaining Treatment.

POLST becomes a permanent part of the medical record and is valid in all health care settings including the hospital, home, nursing home, extended care facility or hospice. It is intended to guide the action of emergency personnel. An often-used benchmark for the appropriate use of a POLST is *if the healthcare provider would not be surprised if the patient dies within one year*. Although a POLST form does not expire, good clinical practice dictates that a POLST form should be reviewed if the patient is transferred from one medical or residential setting to another, if there is a change in the health or diagnosis, or if the patient's treatment preferences have changed.

According to the Dartmouth Institute for Health Policy and Clinical Practice, NJ has one of the highest national hospital use and intensive care expenditures for patients in their last 6 months of life without a commensurate improvement in outcomes. POLST was developed in response to seriously ill patients receiving medical treatments that were not consistent with their wishes. POLST is intended to be a tool to encourage a very difficult conversation. Nurses, palliative care

team members, social workers and clergy may play an important role in initiating the discussion. The goal of POLST is to give a framework for healthcare professionals to provide the treatments that patients Want and to avoid those treatments that patients Do Not Want.

The NJ law provides for a standardized, distinctive bright green POLST form, which was unveiled in 2013 (www.njha.com/media/84188/NJPOLSTFORM.pdf). The form begins with a narrative in which the patient and doctor describe individual goals for care. This encourages personalized expressions such as wanting to attend my grandson's wedding or dying without pain. The next few sections deal with a range of interventions. The medical specifics include preferences regarding: cardiopulmonary attempts, intubation and mechanical ventilation for respiratory failure, artificially administered nutrition and hydration or other medical interventions. In order to be effective, it must be signed by the healthcare provider and the patient or his surrogate.

A properly executed POLST can prevent unwanted or medically ineffective treatment, reduce patient and family suffering and help ensure that patients' wishes are honored. Healthcare professionals who comply in good faith with a POLST receive immunity from civil or criminal liability. The NJ statute provides for a variety of civil fines and criminal penalties if one ignores or fails to honor a valid POLST.

POLST is intended to reduce conflict during one of the most difficult times in life. Though POLST is a relatively new tool, there are areas of dispute that may be anticipated. If the

(Continued on page 7)

My Mediation Philosophy

by John E. Sands, Esq., Arbitrator and Mediator



The mediation process is like the underlying dispute belongs to the parties. My job as mediator is to facilitate their efforts to settle all or part of their dispute on a voluntary basis. Mediation is not a "cookie-cutter" process. Every mediation is different because the participants, issues, and interests differ from case to case. I take my cues from the parties as to what they will need for the process to work effectively.

My involvement begins well before the first mediation session with active case management conference calls to narrow issues, secure necessary information, identify relevant law, and ensure participation of people with authority to settle. I regularly consult with counsel to learn their "takes" on the case, what they think it will take to settle, how I can help to

accomplish that end, any "hot buttons" they think I should avoid (or, for that matter, push) to move matters along productively, and any other confidential information that they think will help me do my job more effectively. During the mediation I am continuously making judgments about what's been working, what's not, and what new concepts and approaches will help the parties identify mutual interests that can provide the basis for settling.

Although "win-win" outcomes are the goal, in the real world the outcome more often is a mutually acceptable level of dissatisfaction. When we do reach settlement, I do not let the parties leave until we have drafted and signed either a full settlement agreement or a detailed memorandum of understanding expressing the agreed terms subject to

counsel's drawing up the required formal documents.

Mediation is hard work, for both the mediator and the parties, who alone settle cases. To say the mediator settled a case is like saying the mill wheel makes a river run. Parties settle cases, and, used effectively by the parties, mediators can help.

John E. Sands, Esq., provides a full range of impartial activities to manage workplace disputes. Please visit <http://sandsadr.com> for more information.

Editor's Note - Want to share your philosophy? Please email to ajessani@dwdmediation.org.

(Continued from page 6)

patient has both a valid advance directive and a POLST which conflict, the most recent document should take precedence. Particular attention is also being paid to guide the actions of the Emergency Medical Services (EMS). Since 1997, the NJ Out-of-Hospital DNR has been in place and honored by EMS. It remains valid. However, there is significant concern that EMS must be educated about the new POLST and honor it as well. Furthermore, unlike a simple DNR, the POLST was created to be highly portable and to be honored across various settings. Those patients who have completed a POLST and are at home, in senior housing, or a nursing facility are encouraged to use the green form and place it by the bedside or on the refrigerator for ease of

visibility especially for EMS personnel. Furthermore the POLST statute provides that a surrogate may sign the form on behalf of the patient. Conflicts may arise as to who has the power to be the surrogate on behalf of the patient.

POLST is intended to create meaningful personal choices regarding one's healthcare. The goal is to provide patient control and promote patient autonomy. POLST hopes to empower the patient by encouraging patients to talk about their wishes and to have the healthcare team respect their ultimate choices. By providing a vehicle that encourages personal action, it may allay fears of losing capacity and the angst of being unable to participate in future healthcare decision-making. This medical order is recognized across all treatment settings and contains

two very important components: (1) the expression of goals of care and (2) a provision for dealing with a range of medical interventions. It is the hope that POLST will further decrease the conflict at the end of life.

Terri Roth Reicher

(www.terreicher.com) holds a BS from the Wharton School, a JD from Vanderbilt University, and is a member of the first LLM class in Health and Hospital Law at Seton Hall University School of Law. She serves as Bioethics Attorney for Chilton Hospital and is an Adjunct Professor of Law at William Paterson University. Ms. Reicher is a trainer for NJAPM, a past officer in the NJSBA DRS, and President of the nationally recognized Marie Garibaldi ADR Inn of Court. She can be reached at terreicher@gmail.com.

NJAPM Peer Groups

by Katherine Newcomer, Esq. (Retired)



Mediators share their insights on difficult cases. You do not need to be a member to attend and there are no fees. Each attendee pays for his/her meal. Contact the group leader to confirm meeting time and location.

Bergen: Divorce lunch, 1st Wednesday of the month, 12:30 to 2 PM, Maggiano's, 390 Hackensack Ave., The Shops at Riverside, 70 Riverside Sq., Hackensack. Civil lunch, 3rd Tuesday of the month from 12:30 PM to 2 PM at Houlihan's, 65 Route 4 West, Paramus. Contact Robert J. Lenrow, Esq., APM, 201-986-1821, ceasefiremediation@juno.com.

Camden/Burlington/Gloucester/South Jersey Group: Lunch at Noon on the 1st Wednesday of the month at Ponzio's Diner on Rte. 38 in Cherry Hill. Contact William H. Donahue, Jr., Esq., APM, 609-238-9245, whdonahuejr@gmail.com.

Essex: Lunch at Noon on a Wednesday, every other month, starting in Aug. at the China Gourmet, 468 Eagle Rock Ave., West Orange (just west of Prospect Ave.). Contact Don Steig at 973-761-6099, dbsteig@alum.mit.edu.

Mercer: Lunch on the 2nd second Thursday, of each month, 12:30 to 2:00 PM, alternating between Olive Garden on Rte. 1 South, Lawrenceville, near Mercer Mall (9/11 & 11/13/14) and members' offices. Contact Gabrielle Strich, Esq., APM, 609-924-2900, info@strichlaw.com.

Middlesex/Union: Lunch at Empire Asian Fusion on a Thurs., every month, 35 Main St., Metuchen from 12:30 to 2 PM. Contact Marvin Schuldiner, MBA, APM, 732-963-2299, marvs@earthlink.net.

Monmouth/Ocean: Lunch at TGI Friday's, 3492 US 9 Freehold, at

11:30 AM on 9/4, 10/2, 10/30, 12/4, 1/8, 2/5, 3/5, 4/2 & 5/7. Contact David Leta, 732-458-6674, mediation@DavidLeta.com.

Morris County: Lunch at 12 Noon Hunan's Restaurant, the 2nd Wednesday, of the month, 255 Speedwell Ave., Morris Plains. Contact Beverly & George Hays, APMs, 973-539-5242.

George@HaysMediation.com.

Somerset/Hunterdon/Warren: Breakfast at 8:30 AM, 2nd Tuesday of month at Readington Diner, 452 Route 22 West, Whitehouse Stn. Lunch at 11:45 AM, last Tuesday, every other month starting in Aug., at Panera, 25 Mtn. View Blvd., Basking Ridge. Contact me at 908-439-9140, katherinenewcomer@comcast.net.

Katherine Newcomer, Esq. (Ret.) provides divorce mediation in Morris & Somerset counties. Her website is www.equalitydivorcemediation.org.

NJAPM Committees & Special Interest Groups

NJAPM Committee Name	Chair or Co-Chair	Phone	Email Address
Accreditation	Nick DeMetro	973-747-6428	metrode@aol.com
Advanced Annual Civil Mediation Seminar	Nick Stevens	973-403-9200	nstevens@starrgrn.com
Annual Conference	Patricia Bell	908-273-2614	patriciarbell@msn.com
Annual Conference	Karen Sampson	856-439-0068	karensampson@yahoo.com
Annual Divorce Mediation Seminar	Rosemarie Moeller	908-727-3594	rosemarie.moeller@eisneramper.com
Civil, Basic Mediation Training	Marv Schuldiner	732-963-2299	marvs@earthlink.net
Communications	Bennett Feigenbaum	973-682-9500	feigenbaum@gmail.com
Divorce, Basic Mediation Training	Anju Jessani	201-217-1090	ajessani@dwdmediation.org
Education Committee	Anna-Maria Pittella	732-842-6939	pittellalaw@verizon.net
Education Committee	Risa Kleiner	609-951-2222	risa@rkleiner.com
Executive Committee	Andrew Smith	908-246-9766	als.smithlaw@gmail.com
Introduction to Mediation Training	Carl Cangelosi	609-636-1557	ccangelosi@njmediation.org
Judiciary Relations	Hon. John Harper (Ret.)	973-813-7667	jharper@lauferfamilylaw.com
Legislative Relations	Roger Jacobs	973-226-6663	roger.jacobs@jacobslawnj.com
Long Range Planning	Marv Schuldiner	732-963-2299	marvs@earthlink.net
Marketing	David Leta	732-458-6674	mediation@DavidLeta.com
Mediator Ethics Review Board	Hanan Isaacs	609-683-7400	hisaacs@hananisaacs.com
Mediator Quality	Marv Schuldiner	732-963-2299	marvs@earthlink.net
Membership	James Hamilton	856-365-7665	jimhamilton@dshllaw.com
Newsletter	Anju Jessani	201-217-1090	ajessani@dwdmediation.org
Nominating Committee	Marv Schuldiner	732-963-2299	marvs@earthlink.net
Peer Consultation / Mentoring	Katherine Newcomer	908-439-9140	katherinenewcomer@comcast.net
Programs Including General Programs	Mitsu Rajda	877-744-3944	rmitsu@yahoo.com
Website	Carl Peters	609-751-4104	cpeters@carlepeters.com
Special Interest: Construction	Carl Peters	609-751-4104	cpeters@carlepeters.com
Special Interest: Elder Mediation	Donald Vanarelli	908-232-7400	dvanarelli@dvanarelli.com
Special Interest: Employment	Marla Moss	973-785-2282	mjmesq96@aol.com
Special Interest: Ombuds	Bennett Feigenbaum	973-682-9500	feigenbaum@gmail.com

In Praise of NJ's CDR Program and Its Participants, A New Mindset by Barbara Weisman, Esq.



This short piece is in praise of the participants ó counsel and parties ó who are referred to the Superior Court Complementary Dispute Resolution (CDR) Mediation Referral Program. While the program has been in existence for some time, now ó more than ever, as a program mediator, I have experienced an abundance of true cooperation and commitment to the program and the mediation process.

I have received more pre-initial telephone conference submissions. The initial calls are shorter and more focused. Counsel are more diligent in providing timely pre-mediation

submissions. Attorneys and parties ó get ó what is expected in the session itself ó sharing information as to the law and facts and then entering into serious negotiations.

It seems that attorneys and clients, who are now better prepared by their attorneys for the actual mediation event, have truly discovered the value of mediation. The number of resolutions in cases before me have increased, and even when cases do not resolve, I have time and time again heard expressions of satisfaction with the process ó e.g. òI really learned something in session.ö

It appears that the CDR system may have finally created a new mindset in the State of New Jersey. We are proudly among the first in the nation with respect to CDR and serve as a model for other states. The lawyers and parties in New Jersey have, to their credit, learned to maximize the advantage of the mediation process. It is through the hard work of the mediators in the program that this achievement has been realized.

Barbara Weisman practices law, mediation and arbitration in Verona. She has mediated over 900 cases and arbitrated over 1,300 cases. Her website is <http://weismanadr.com/>.

Education Committee Report

by Risa Kleiner, Esq., APM, and Anna-Maria Pittella, Esq., APM



The Education Committee provides a wide range of quality educational programs to members and also provides continuing education credits for programs.

Seminars: We began 2014 with a seminar on òSafety in Mediation.ö The program offered tips to recognize and minimize potentially dangerous situations. We also provided assistance for the Annual Divorce Mediation Seminar presented by Rosemarie Moeller, and the Annual Advanced Civil Mediation Seminar presented by Nick Stevens.

Webinars: Our focus has been to create webinar-based educational programs. The webinar subcommittee of Katherine Newcomer, Karen Sampson and Gladys Salazar, selected the GoToWebinar platform for webinar delivery. The first webinar featured Anju Jessani on marketing, and the second featured Laura Kaster on civil mediation. The next seminar will feature Jennifer Beer,

author of *The Mediator's Handbook*. Jennifer also appeared on a panel at the 2013 NJAPM annual conference.

The Board voted to offer webinars as a member benefit. Non-NJAPM attendees will continue to pay a fee. There is a charge for all attendees who desire CLE credits.

The Board also voted to provide a modest honorarium for the presenters. We are interested in proposals from members who wish to present a webinar. Please contact us with your ideas.

Divorce Apprenticeship: The program is continuing and cases are coming in slowly. Apprentices and couples who have participated have given very positive reviews. We are exploring other options to offer the program to the public. We encourage participation by potential apprentices who have attended the 40-hour divorce mediation course and potential mentors who are accredited

in divorce by NJAPM.

Continuing Education Credits: NJAPM provides Continuing Legal Education (CLE) credits for attorneys attending its programs. At the request of the Committee, the CLE Coordinator, Megan Oltman, Esq., explored extending the opportunity for credits to other professionals. NJAPM was able to obtain approval as a Continuing Professional Education provider for accountants. Due to strict time frames and criteria of the NASW, we are currently unable to obtain social worker credits.

Manual for Programs/Webinars: We are creating a manual for trainers and presenters as a guide to format content for courses and to provide committee continuity.

For more information, please contact Risa at risa@rkleinerlaw.com, or Anna-Maria at pittellalaw@verizon.net.

NJAPM Membership Report

by Hamilton, Esq., Membership Chair



The Membership Committee views its charge as finding ways to retain current members and attract new members by searching for new ways to inspire mediators to join the organization because of what it will mean for their careers and for mediation as an ever-evolving, and growing, alternative to traditional methods for dispute resolution.

If you are reading this and have yet to renew your annual membership ó please be sure to take the steps required to enjoy the privileges of membership. You may renew on the www.njapm.org website in less than two minutes. What we hope you already have found, and what we plan on demonstrating during the coming year, is that the benefits of membership far outweigh the cost.

While perhaps the most visible benefit of membership is our annual conference, there are so many other perquisites of being a card-carrying member of NJAPM.

Monthly general meetings which include dinner, are provided at no cost to members. These meetings allow members to hear from experts on a variety of mediation topics, and frequently feature NJAPM members.

Regional peer groups allow for informational and networking opportunities as well as case analysis and mentoring.

Continuing legal education programs, including the annual divorce and civil training seminars and our new webinars, enable members to achieve mandatory credits at discounted prices. Note that webinars are now offered at no cost to members, with a nominal cost for processing CLE credits.

Social events such as our annual Somerset Patriots game outing, allow our members to have fun together.

Gathering with like-minded practitioners of the art of mediation, many of whom are recognized leaders who offer perspectives developed in a variety disciplines, can serve to expand and enrich your skills.

Welcome New Members

Here is a list of the new members who have joined since the last newsletter. If there is a mistake with our list or your name is missing, please let us know. If you joined after 8/10/14, watch for your name in our next newsletter. Welcome!

Bernadette Antonellis

**Rita Aquilio
Wendy Armour
Rume Azikiwe
Sharon Basich
Denise Benattar
Tinia Bland
Joanne Bochis
Dejaye Botkin
Dana Bowling
Richard Cavanaugh
Jeffrey Cillo
Nadine Davis
Laura D'orsi
Susan Dubow
Lynne Dunn
Sheryl Elias
Suzanne English
Cris Farley
Esther Fendrick
Lauren Franklin
Keven Friedman
Sonia Frontera
Stefanie Gagliardi
Erin Gary
Elena Gonzalez
Kathleen Gorski
Daniel Haloukas
Michele Hart
Darlene Hicks
Rebecca Hoffman**

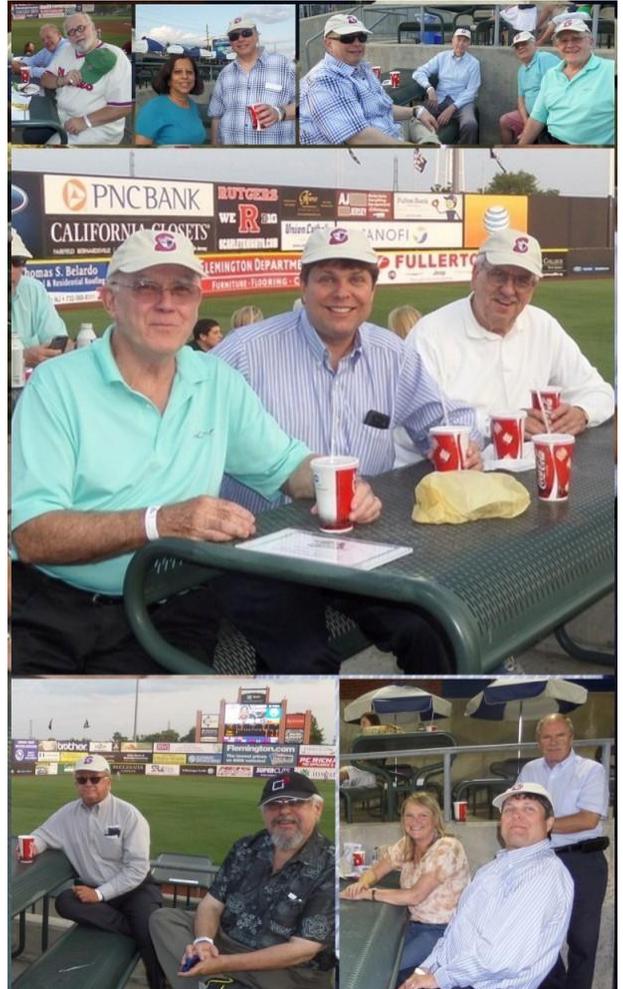
**Rose Marie Iskowitz
Hon. James Isman
C. Catherine Jannarone
Lucille Jengo
Phyllis Klein
Bernice Koplin
James Kozachek
William Kuzmin
Anthony Laporta
Amber Leach
Laura Lipp
Lauren Loschiavo
Melinda Lowell Paltrow
Denise Luckenbach
P. Mark Martini
Jessica Mazur
Lorraine Medeiros
Anita Mente
Roxann Navarra
Michelle Nocito
Peter O'Hare
Eric Ohearn
David O'Sullivan
Clelia Pergola
Andrea Perry
Diane Peyser
Linda Piff
Clifford Pollard
Susan Principato
Roger Radol
Beth Rutkowski
Melissa Ruvolo
Barry Safranek
Allison Santero
Alisha Sawyer
Ruth Sheridan
Devon Smalls
Frank Spada
Corrine Spillman
Katina Stylianou
Joanna Tyrpa
Rose Valdes
William Weber
Barry Wells
Jennifer Young
Katja Ziessler
Karen Zimmerman**

For more information about NJAPM membership, please contact Jim at jimhamilton@dshllaw.com.

NJAPM Photo Gallery



NJAPM 20th Annual Conference 11-17-13



Somerset Patriots Game 8-2-14

NJAPM Meetings



Donald Varano 12-18-13
Special Needs

John Donembo with Mitsu Rajda
Program Chair, 1-15-14
Mediating Construction Disputes

Janel Pfeiffer 4-23-14
Managing Anger

Jody D'Agostini 6-18-14
Divorce Financial Planning

E. Peter Phillips, 2-27-14
Mediating Human Rights



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