

D.N.J. LBR 9019-1. Mediation: Mediator Qualifications and Compensation

(a) **Register of mediators.** The clerk must maintain a [register](#) of persons designated by the court to serve as mediators in the mediation program.

(b) **Mediation program administrator.** The chief bankruptcy judge will appoint a judge of this court to serve as the administrator of the program. The administrator will receive applications for designation to the register of mediators, maintain the register, track and compile reports on the program, and otherwise administer the program.

(c) Qualifications and training of mediators.

(1) An applicant to the mediation program must:

(A) have at least 10 years of professional experience in their field of expertise;

(B) certify that they are in good professional standing in their field of expertise;

(C) for applicants who have little or no mediation experience, participate in a mediation training program, either provided or approved by the court, and with the following components:

(i) a mediation skills course for a minimum of 20 hours, followed by

(ii) an advanced mediation skills course for a minimum of 20 hours; and

(iii) for a new mediator, observe mediations conducted by an experienced mediator, or conduct a mediation observed by an experienced mediator;

(D) for applicants who have extensive mediation experience, defined as having conducted a minimum of 100 mediations, but who have little or no experience in the bankruptcy field, participate in a training program covering basic bankruptcy principles;

(E) complete a minimum of 4 hours a year of continuing mediation training;
and

(F) agree to accept at least one *pro bono* mediation appointment per year.

(2) An applicant may seek a waiver of the training or mediation experience requirements from the program administrator where an acceptable substitute for the required training or mediation experience is provided.

- (d) Application.** Each applicant must submit to the administrator a statement of professional qualifications, experience, training, and other information demonstrating the mediator's qualifications.
- (e) Court certification.** The court in its sole and absolute discretion may grant or deny an application submitted under this Rule. If the court grants the application, the applicant's name will be added to the register for a three-year term, subject to removal either voluntarily or for cause, as the court may determine. At the expiration of the term, the mediator may apply to renew the appointment for another three-year term, which the court, in its sole and absolute discretion, may grant or deny.
- (f) Compensation.** A mediator must be compensated at a reasonable hourly rate, as agreed to in writing by the parties prior to commencement of the mediation, and may be reimbursed for expenses, as agreed to by the parties. The register will include each mediator's customary hourly rate for mediation services. Court approval of a mediator's fees and expenses is not required. A party in interest objecting to compensation of a mediator must file an objection and request for hearing on notice to the mediator and parties to the mediation.
- (g) Expenses.** The parties must share equally in the fees and expenses of the mediation, unless otherwise agreed or ordered by the court.
- (h) *Pro bono* mediator.** If, before the mediation commences, the court determines that a party to a matter assigned to mediation cannot afford to pay the fees and expenses of the mediator, the court may appoint a mediator willing to serve *pro bono* as to that party.

2015 Comment

This Rule is new. It supersedes the court's General Order Adopting Mediation Procedures dated November 20, 2013.

2016 Comment

This Rule has been amended to eliminate the requirement of filing a fee application even if part of the fees and expenses sought are from the bankruptcy estate.