

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

- (a) Register of Mediators. The Clerk shall establish and maintain a register of persons (the "Register of Mediators") qualified under this Local Rule and designated by the Court to serve as mediators in the Mediation Program.
- (b) Mediation Program Administrator. The Chief Bankruptcy Judge shall appoint a judge of this Court to serve as the Mediation Program Administrator. The Mediation Program Administrator shall receive applications for designation to the Register, maintain the Register, track and compile reports on the Mediation Program and otherwise administer the program.
- (c) Qualifications and Training of Mediators.
  - (1) Applicants to the Mediation Program must:
    - (A) have at least ten years of professional experience in the field of their expertise;
    - (B) certify that they are in good professional standing in the field of their expertise;
    - (C) for applicants who have little or no mediation experience, agree to engage in a mediation training program, either provided by or approved by the Court, 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;
  - New mediators may opt to observe mediations conducted by an experienced mediator, and may opt to be observed by an experienced mediator while conducting a mediation.
  - (D) for applicants who have extensive mediation experience, defined as having conducted a minimum of 100 mediations, but having little or no experience in the field of bankruptcy:
    - (I) agree to engage in a training program covering basic bankruptcy principles;
    - (II) if a new mediator opts to observe mediations conducted by an experienced mediator, or opts to be observed by an experienced mediator while conducting a mediation, agree to conduct a mediation, with compensation, while being observed by a new mediator, and to observe a mediation, without compensation, conducted by a new mediator.
  - (E) agree to engage in continuing mediation training of a minimum of 4 hours annually;
  - (F) agree to accept at least one pro bono mediation appointment per year.

- (2) A waiver of the training or mediation experience requirements may be obtained from the Mediation Program Administrator where an acceptable substitute for the required training or mediation experience is provided.
- (d) Application to Become a Mediator. Each applicant must submit to the Mediation Program Administrator a statement of professional qualifications, experience, training and other information demonstrating the qualifications required of a mediator.
- (e) Court Certification. The Court in its sole and absolute discretion may grant or deny any application submitted under this Local Rule. If the Court grants the application, the applicant's name shall be added to the Register to serve 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 shall be compensated at a reasonable hourly rate, as agreed to in writing by the parties prior to the commencement of the mediation, and may be reimbursed for expenses, as agreed to by the parties. The Register of Mediators shall include each mediator's customary hourly rate for mediation services. Court approval of a mediator's fees and reimbursement of expenses shall be required if the bankruptcy estate is sought to be charged for any part of the mediator's compensation or reimbursement of expenses. A mediator seeking compensation from the bankruptcy estate must comply with the requirements of D.N.J. LBR 2016-1(a). A copy of the mediator's application for compensation shall be served on each party to the mediation.
- (g) Allocation of Mediation Fees and Expenses. The parties shall share in the costs and fees of the mediation equally, unless otherwise agreed or otherwise ordered by the court.
- (h) Party Unable to Afford. If the Court determines, prior to the commencement of the mediation, that a party to a matter assigned to mediation cannot afford to pay the fees and costs of the mediator, the Court may appoint a mediator who is willing to serve pro bono as to that party.