



AAA Mediation.org™

**FN-5861606 MN-5861606 LN-5861606,
Esq.**

Hackensack, New Jersey



Current Employer-Title Cole Schotz PC - Of Counsel

Professional Summary Retired New Jersey Appellate and Trial Court Judge, Arbitrator, Mediator, Case Evaluator.

Profession Retired New Jersey Appellate and Trial Court Judge, Arbitrator, Mediator, Case Evaluator

Work History Of Counsel, Cole Schotz PC, 2023-Present; Appellate Judge, Superior Court of New Jersey - Appellate Division, 2013-2022; Trial Judge, Superior Court of New Jersey, 2001-2013; Member, Bray Chiocca Rappaport & Rothstadt LLC, 1990-2001; Partner, Chiocca & Rothstadt, 1989-1990; Partner, Chiocca Rothstadt & Sweeney, 1988-1989; Associate, Cole Geaney Yamner & Byrne, 1984-1988; Judicial Clerk, Hon. Joseph L. Conn, Superior Court of New Jersey, 1983-1984.

Experience Retired from the bench after serving 21 years as a judge with the Superior Court of New Jersey. During the first 12 years, presided as a trial judge over matters assigned by each of the court's various divisions – Civil, Family and Criminal, as well as those specially assigned from the court's Chancery Division. Elevated in 2013 by the Chief Justice of the New Jersey Supreme Court to serve on the state's only intermediate appellate court, until retirement in 2022. Worked collaboratively with the appellate court's other judges to consider matters relating to all areas of the law that arose from orders, judgments and final decisions issued by trial courts, the state's tax court, and administrative agencies.

Prior to appointment to the bench, engaged in private practice for 17 years as a commercial and business litigator. Represented primarily commercial entities and appeared on their behalf in matters arising from contract disputes, business dissolutions, and commercial real estate and tenancy claims, as well as construction litigation.

Mediator Experience Successfully settled hundreds of cases as a trial judge in each division of the New Jersey Superior Court, many involving multiple parties and significant disputes in all areas of the law, including commercial, business, construction, probate, and employment discrimination lawsuits.

Representative Issues Handled as a Mediator Presently handling numerous mediations involving construction, commercial lease, business dissolution, discrimination and probate disputes as well as claims against public entities.

Mediator Style & Process Preferences	<p>When counsel and their clients seek to engage a retired jurist as a mediator, they typically do so to gain the benefit of a trained and experienced judge's evaluation of the parties' positions, which can be considered by the participants when they determine the best manner to resolve their dispute in a quick and efficient manner. The process begins with securing a working understanding of each side's version of the facts and their arguments about the applicable law. To that end, I first conduct a remote conference with counsel to discuss the dispute and the parties' positions. I then ask them to supply me with information as already developed in any pending litigation, supplemented by an additional submission laying out the facts and law, if necessary. In addition, in order to define the parameters of the dispute, I also ask that they submit only to me a confidential settlement statement in advance of our plenary session that is not to be exchanged with the other side. This exercise can save an enormous amount of time if the parties in good faith articulate a position that is well grounded in the facts and law and incorporates the emotional and financial benefit of settlement as compared to litigation.</p> <p>At the ensuing plenary session, I first meet with counsel to determine the level of emotion involved and to answer any questions they might have. Then, where appropriate, I have the parties meet in a relaxed and congenial atmosphere for introductions, to deescalate the situation, and to give them an opportunity to speak. I also reinforce the financial and emotional cost of not resolving the dispute that day and congratulate them on committing to the mediation process.</p> <p>I then separate and meet with each side to obtain additional information about the dispute and the parties' positions through frank, confidential discussions. During those meetings, I encourage the attorney and their client to express their goals and needs. This requires carefully listening to the participants and exploring and testing their positions through meaningful questioning. I also use the time to better educate each side to their opponent's understanding of the facts and their legal arguments, without breaching any communications given in confidence.</p> <p>Once satisfied that I have a good understanding of the parties' needs, suggested settlement offers developed with each party separately are then exchanged through me. If those discussions "hit a wall," I will help the parties reach an agreeable outcome by discussing with each party independently my objective and impartial view of the strengths and weakness of their positions. I do so by first having that discussion with counsel separately, then sharing my views with the client as well, with the goal that they will reconsider their positions and engage in continued discussions that ultimately leads them to a resolution that they define for themselves. Disputes that are not resolved at the in-person session are not abandoned. I will continue to pursue discussions with counsel after an impasse is reached until the matter is resolved or I am convinced that settlement is not possible.</p>
Technology Proficiency	Proficient in use of remote conference software, including Zoom and MS Teams. Willing to conduct remote conferences and hearings.
Education	Rutgers School of Law (JD-1983); Rutgers College (BA, History-1980).
Professional Licenses	Admitted to the Bar: New Jersey (1983); US District Court: District of New Jersey (1983).
Professional Associations	American Bar Association, Dispute Resolution Section; New Jersey State Bar Association, Dispute Resolution Section; Passaic County Bar Association, (former officer and trustee); Bergen County Bar Association; Morris County Bar Association.
Mediation Rate	\$600 Per Hour
Languages	English
Citizenship	United States of America
Locale	Hackensack, NJ

The AAA's Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator's resume. If you have any questions about a mediator's experience or background, you are

encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.