

# President' Message

## Answers to Your Questions!

My term of office as President began on October 1, 2005, and is scheduled to end on September 30, 2007. It has been a pleasure serving the organization and its members, and I look forward in my new role as immediate Past-President, supporting incoming President, Tony Limitone. I thought it might be interesting for my last column as NJAPM President to answer your questions. Here are my responses to questions I received via email.

With warmest regards, Anju

**Question 1:** Do you see a time when mediation will be widely used as an alternative to judicial process and when?

**Answer:** On the divorce side, I see mediation as a viable reality for the majority of divorces, especially with the advent of Irreconcilable Differences as a filing option in New Jersey. With widespread use of the Internet, more clients are getting a fairly realistic view of their rights and responsibilities before they meet with attorneys and mediators, and that is paving the way for wider use of alternate dispute processes. Is there a tipping point – maybe when the current teen generation that has been raised on school peer mediation programs comes of age. On the business and civil side, I see mediation expanding its reach to address situations before lawsuits are filed, and tremendous success in settlement rates through the court mediation programs. Unlike family and divorce, I don't have a vision of private mediation being the default for resolving business and civil disputes, but of course, I hope I am wrong about that.

**Question 2:** Would you comment, from the point of view as a "professional" on the free time contribution of two free hours for each court appointed mediation?

**Answer:** From a personal point of view, I stay on the civil list for Hudson to keep current on the program in my county, and on the Union list, because I like their training, and I believe the people who run the program there are committed to the mediation community. I added my name to the Hunterdon family economic list because I am trying to grow my practice in my Clinton office, and feel the program is good exposure if you are starting out. Staying on the lists is a personal decision. However, the reality is that you can't make a living from the court programs. My business plan does not include revenue from

the court programs, and I limit my participation so that it does not overwhelm my private practice.

**Question 3:** Can you address the lawyer/other professional divide?

**Answer:** I actually feel that it is less a lawyer/other profession divide - than the "professional mediator" versus the hobbyist/dilettante. I hope that NJAPM's Accredited Professional Mediator (APM) designation, and the Association for Conflict Resolution's Advanced Practitioner (AP) status will help reinforce this perception. On a personal level, I do experience some resistance from the legal community as a "non-attorney" - that is often diffused when I speak of my professional experiences as a mediator, as well as a management consultant with Price Waterhouse and a VP with JP Morgan. My MBA also helps to legitimize my position as a someone with financial expertise.

**Question 4:** What difficult situation do you find mediators have to deal with most frequently?

**Answer:** I categorize my difficult cases as either high conflict and/or complex. For the high conflict cases using a collaborative process, using tools such as BATNA (best alternative to a negotiated agreement), WATNA (worse alternative to negotiated agreement), co-mediation, role plays, etc., can help. For complex financial, tax, or legal issues, getting the right answers with the help of attorneys, financial specialists, etc., can help clients come to their answers.

**Question 5:** Ok, you asked for it... The first item in NJAPM's mission statement is "Foster public awareness of mediation as the preferred method of dispute resolution". How is the NJAPM addressing this?

**Question:** Good question and glad to answer it. If you do a Google search of mediation and New Jersey, NJAPM shows up as the first listing. In 2001 we completely revamped our website, and we are looking to update the site in 2008. In 2003, we added annual divorce and advanced civil mediation seminars to our calendar of bi-monthly general meetings, and in 2005, we added introductory training in both Civil (18-hour class) and Divorce (40-hour class) – all these training sessions help raise NJAPM's profile. We have increased our visibility with a conference booth, press releases for almost of all our events and seminars, and in 2007, we released a great poster campaign year with the assistance of

Maryland's Mediation and Conflict Resolution Office (MACRO). At NJAPM's annual planning meeting this past summer, Tony Limitone arranged for a boutique advertising agency to present some strategies, and we are currently working with that company on a positioning campaign for mediation in New Jersey. Stay tuned !

**Question 6:** What can mediators do to increase the use of mediation?

**Answer:** Build their own practices, market themselves, make sure they are continually improving their skills through classes, write articles, give speeches, co-mediate, request feedback from clients, and provide excellent service. Get accredited and credentialed and advertise those credentials so that consumer become familiar with them, and are able to differentiate between dabblers and professionals committed to the field of mediation.

**Question 7:** Did you make any mistakes as President?

**Question:** I made dozens of mistakes, but the one that stands out most was NJAPM's initial decision not to take a position on the Irreconcilable Differences divorce bill because it wasn't a mediation issue. I jumped the gun after reviewing the data from the internet survey for the organization, and issued a release to the organization, trying to get things done in a timely manner. It would have been better to have a meeting or teleconference and hear first hand how strongly some of our members felt about the benefits of the bill. In retrospect, surveys should not take the place of dialogue. Fortunately, so many of our members cared enough to speak up (as my phone bill can attest), that the board reversed its position, and the rest is history.

**Question 8:** How has being President of NJAPM impacted you?

**Answer 8:** My role as president of NJAPM has enhanced my reputation in the mediation and legal community, and has resulted in more referrals from other professionals. However, I have not perceived that the role makes a huge difference to clients who have contacted me directly, or resulted in a significant increase in direct contacts. Because of the approximately eight hours a week the Presidency has demanded, I have devoted less time to marketing and planning in my own practice than in the past. The professional friendships I have made on the board and the organization are ones that are long-lasting, and I definitely recommend getting involved in a dispute resolution organization. Overall, being President of NJAPM has been a tremendous experience. I appreciate all the support I have received from our membership and grateful for this opportunity. It has been a time of great personal growth for me!