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#006

Certainly in virtual arbitrations, the memoranda must be submitted in advance. The reality is that the hearings are likely to remain virtual for the foreseeable future.

The lists of arbitrators and cases assigned to them for any given session are often set up in close proximity to the hearing dates. I have no problem with receiving all memoranda by 5 p.m. the evening before the hearings.

Virtual hearings without memoranda from all parties can never be conducted with the same efficacy and quality of disposition as when the necessary memoranda are submitted.

I have found that it is often the case that memoranda have not been submitted because the matter has been settled or dismissed. The failure to advise of such disposition results in a waste of time and efforts by both the arbitration administrator and the arbitrator.

As a very long-time NJSBA and county bar trustee and/or officer, I will not recommend the imposition of sanctions. The reality, however, is that a position espoused at a hearing which is not included in the memoranda is likely to be given short shrift.

Last but not least, the arbitration per diem has remained the same for about 25 years. It would be nice to see a pay hike of \$50.00-\$100.00 as a token of appreciation, particularly where the arbitrators are now setting up and contacting the parties regarding the scheduling, in addition to conducting hearings and fashioning awards. I do not have empirical evidence but I believe that the additional work, coupled with the ossified per diem rate, has resulted in fewer arbitrators participating in the program.

Respectfully,

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