

BARBARA BYRD WECKER
OF COUNSEL

NEW JERSEY SUPERIOR COURT APPELLATE DIVISION JUDGE (retired)
Mediation & Arbitration, Trial & Appellate Consulting

Work History: Of Counsel, Greenberg Dauber Epstein & Tucker, PC, 2007-present; Judge, Superior Court of New Jersey, Appellate Division, 1996-06; Judge, Superior Court of New Jersey, Civil, Criminal and Family Divisions, 1985-96; Attorney, Law Offices of Barbara Byrd Wecker, Westfield, New Jersey, 1978-85; Adjunct faculty member teaching Appellate Advocacy at Rutgers School of Law, Newark, 1978-81; Associate Attorney, Lowenstein Sandler, 1974-78; Teacher and Guidance Counselor variously between 1962 and 1967 in Missouri and Michigan.

Education: Hunter College High School, New York, NY (National Merit Scholar, 1958); Cornell University (BA, Government, Phi Beta Kappa, Mortarboard-1962); University of Missouri at Kansas City (MA, Counseling, Ford Foundation Fellow-1964); Rutgers University School of Law, Newark (JD, with Honors-1974; Law Review Editorial Board and Competition Chairman); University of Virginia School of Law (Master of Laws in the Judicial Process, Graduate Program for Judges-2005).

Judicial Experience: As a New Jersey state court trial judge who presided over both jury and non-jury matters for more than ten years and served on the Appellate Division (New Jersey's statewide intermediate appellate court) for an additional ten years, Judge Wecker tried and decided appeals in numerous complex commercial cases, including business and partnership breakups; employment discrimination, whistleblower and civil rights claims; insurance coverage issues (including environmental coverage, trigger of liability issues in toxic tort and hazardous waste coverage, professional liability and errors and omissions coverage, bad faith refusal to settle, fidelity and surety bonds, large deductible and self-insured retention programs, agency/broker and primary/excess issues); medical, healthcare and pharmaceutical issues (including hospital and nursing home reimbursement rates, physician staff privilege and medical practice group disputes); property, construction and boundary disputes; products liability actions involving serious personal injury and including pharmaceutical warning and preemption issues; professional malpractice; class action certification; and other civil tort actions.

As a New Jersey Appellate Division judge for ten years, Judge Wecker's written opinions for the court covered a wide variety of subjects (see above). Several opinions on complex commercial issues, insurance coverage, employment discrimination, tort and child custody and visitation questions were adopted in full or widely quoted by the New Jersey Supreme Court. Published opinions are available on Westlaw and Lexis.

Alternative Dispute Resolution Experience: Private mediation, arbitration and consultation in complex trial and appellate matters since retiring from the bench in 2006; AAA sole arbitrator and member of three-arbitrator panels, 2008 to present; New Jersey court-

approved mediator, qualified under New Jersey Rule 1:40; Certified Mediator for the United States District Court for the District of New Jersey.

Representative arbitrations include complex, multi-million-dollar commercial contract disputes, law firm partnership and restrictive covenant cases, hospital privilege issues and employment discrimination, whistleblower and sexual harassment claims.

Mediation experience includes employment-related cases (discrimination and retaliation claims, wrongful discharge, whistleblower disputes and contract claims), professional and business partnership disputes, commercial contract disputes, commercial and residential real estate matters, construction contract issues, insurance coverage, brokerage fees, and professional negligence, among others.

Private practice experience: As a practicing attorney before joining the bench, several years at a large commercial firm almost entirely involved complex commercial litigation. Thereafter, private practice included substantial employment discrimination and tort litigation, including products liability and defamation claims, as well as family law matters involving financial and child custody issues. Both before and after judicial service, private practice experience has included advising physicians and physicians' groups on issues including professional liability, partnership relations, staff privileges, consulting agreements and hospital contract matters.

Other Experience: English and Social Studies Teacher, Maple Park Junior High School, North Kansas City, MO 1962–64; Teacher/Counselor, Hazel Park, MI 1964–65; Detroit, MI Project R.E.A.D. 1965–66; Supervisor of Student Teachers, Kean College, Union, NJ, Fall 1969.

Professional Activities and Associations: Appointed to the New Jersey Supreme Court Complementary Dispute Resolution Committee, 2009-2011 and 2011-2013 terms. Also served as a member of the Supreme Court Ad Hoc Committee on Continuing Legal Education; served for many years on the Civil Practice Committee (chairing the Sub-Committee on Jury Innovations); before appointment to the bench served on the New Jersey State Board of Bar Examiners, the District XII Ethics Committee, and the Complementary Dispute Resolution Committee, all by appointment of the New Jersey Supreme Court.

Rutgers School of Law Alumni Association (2006 Distinguished Alumna Award); The Justice Marie L. Garibaldi American Inn of Court for Alternative Dispute Resolution (Board member); American Bar Foundation (Fellow); American Bar Association (Section on Dispute Resolution); New Jersey State Bar Association (Section on Dispute Resolution Board member); National Association of Women Judges; Union County Bar Association (Past Trustee); Women Lawyers in Union County (First President); C. Willard Heckel American Inn of Court (Past President); New Jersey State Bar Foundation (Past Trustee); Legal Services of New Jersey, Inc. (Past Trustee). Currently President of the Retired Judges Association of New Jersey.

Alternative Dispute Resolution Training: American Bar Association Section on Dispute Resolution Spring Conference 2012, 2009; New Jersey State Bar Association Conference and CLE 2012, 2011 and 2010, including numerous programs on Mediation and Arbitration skills and process; Justice Marie L. Garibaldi American Inn of Court for Alternative Dispute Resolution, 2008-13 (monthly programs); New Jersey State Bar Association Section on Dispute Resolution, regular programs; Union County, New Jersey Superior Court Mediation Training, 2012, 2010, 2009, 2008; American Arbitration Association Webinar, AAA Healthcare Payor Provider Judicial Orientation, 2011; AAA Muscular Arbitration: Trimming the Fat Out of Arbitration, 2011; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards (ACE001), 2009; New Jersey Administrative Office of the Courts Foreclosure Mediation Training, 2009; AAA Arbitration Fundamentals and Best Practices for New Arbitrators, 2008; New Jersey Institute for Continuing Legal Education, Civil Mediation Training Course, 2007.

Professional Licenses: Admitted to the Bar, New Jersey, 1974; U.S. District Court, New Jersey, 1974; U.S. Supreme Court, 1983. Secondary School Teaching License: Missouri (inactive), 1962; Michigan (inactive), 1964.

Publications and Speaking Engagements: PUBLICATIONS: "Avoiding Impasse: A Mediator's Rules to Live By" in DEFINITIVE CREATIVE IMPASSE-BREAKING TECHNIQUES IN MEDIATION (Ed. Molly Klapper, published 2011, New York State Bar Association); Judicial Opinions, NEW JERSEY SUPERIOR COURT REPORTS, Westlaw, Lexis, 1986-2006; Master's Thesis: "Frye or Daubert in New Jersey? It's Not About Labels - It's About Reliability, Validity and Context," submitted in partial fulfillment of the requirements for the Master of Laws degree 2005 (available in the Library of the University of Virginia School of Law); "Res Judicata - Judgment in Suit Between Navajo and Hopi Tribes," 26 RUTGERS LAW REVIEW 909, Rutgers University, Summer 1973.

Speaking: Speaker on Mediation Panel, "Avoiding Impasse," at ABA Dispute Resolution Section Spring Conference 2012, at Garibaldi Inn of Court, March 2012 and at New Jersey Association of Professional Mediators, December 2011; Speaker on Arbitration Panel at NJICLE "ADR Day," June 3, 2011; Appellate Practice Panel for Women Lawyers of Union County, March 2011; Panel, "Arbitration Under Recent New Jersey Supreme Court Decisions," Union County Bar Association, November 2010; Appellate Practice, Union County Bar Association, June 2006; "Trying an Employment Case," New Jersey Judicial College, November 2004; "Appellate Advocacy," Seton Hall University School of Law, 1997, 1998; "Trial of a Lead Poisoning Case," National Lead Litigation Conference, 1996; "Proximate Cause in Professional Negligence Actions," New Jersey Institute for Continuing Legal Education (ICLE), 1996; "Deposition Skills," National Institute for Trial Advocacy, 1995; "Proving Damages," New Jersey ICLE, 1995; "Litigating a Wrongful Death Case," New Jersey ICLE, 1994; "Bill of Rights Forum," New Jersey State Bar Association, 1990.

Citizenship: United States of America