



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

**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; professional negligence; 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; class action certification; and other 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; American Arbitration Association national complex commercial, employment and payor-provider arbitrator panels and mediator panel; 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 disputes and restrictive covenants, hospital privilege issues, employment discrimination, whistleblower and sexual harassment claims, as sole arbitrator, and as member and chair of three-arbitrator panels.

Representative mediations include employment-related cases (discrimination and retaliation claims, wrongful discharge, whistleblower disputes and contract claims), healthcare industry issues, professional and business partnership disputes, a variety of commercial contract disputes, computer software installations, commercial and residential real estate matters, construction contract issues, insurance coverage, brokerage fees and professional negligence.

***Alternative Dispute Resolution Training:*** National Association of Distinguished Neutrals - Advanced Mediation Training Retreat (Boston, August 22-24, 2013); American Bar Association Section on Dispute Resolution Spring Conferences 2013, 2012, 2009; New Jersey State Bar Association Annual Conferences and CLE 2012, 2011 and 2010; 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, monthly programs; Union County, New Jersey Superior Court Annual Mediation Training 2013, 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 Activities and Associations:***

CURRENT: New Jersey Supreme Court Complementary Dispute Resolution Committee 2009-present; National Association of Distinguished Neutrals (New Jersey Chapter); The Justice Marie L. Garibaldi American Inn of Court for Alternative Dispute Resolution (Board member); New Jersey State Bar Association (Judicial Independence Task Force; Section on Dispute Resolution Board member); American Bar Association (Section on Dispute Resolution); Rutgers School of Law Alumni Association (2006 Distinguished Alumna); American Bar Foundation (Fellow); Retired Judges Association of New Jersey (President 2012-present); National Association of Women Judges; Union County Bar Association; Women Lawyers in Union County.

PAST: Supreme Court Ad Hoc Committee on Continuing Legal Education 2007-09; C. Willard Heckel American Inn of Court (Past President); Supreme Court Civil Practice Committee (chairing the Sub-Committee on Jury Innovations), Family Practice and Criminal Committees; 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; New Jersey State Bar Foundation (Past Trustee); Legal Services of New Jersey, Inc. (Past Trustee); Union County Bar Association (Past Trustee); Women Lawyers in Union County (First President).

**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 Engagements:** Moderator, Peer-to-Peer Program for Mediators, NJSBA Section on Dispute Resolution October 2013; 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.

**Private practice experience (prior to Judicial appointment):** 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 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.

**Citizenship:** United States of America