



ADR Ethics Through Movies and Television

Justice Marie L. Garibaldi American Inn of Court for ADR

April 13, 2023

Theo Cheng

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Theo Cheng

- Nearly 25 years as a commercial and intellectual property litigator
- Now an independent, full-time arbitrator and mediator
- Focused on commercial, intellectual property, technology, entertainment, and employment disputes
 - AAA Master Mediator
 - Fellow, College of Commercial Arbitrators
 - Member, National Academy of Distinguished Neutrals
- Adjunct Professor, New York Law School
- Past Chair, New York State Bar Association Dispute Resolution Section



Intolerable Cruelty (Universal Pictures 2003)





Potentially Relevant Authority

- New Jersey Rules of Professional Conduct 4.1

Wedding Crashers

(New Line Cinema 2005)





Potentially Relevant Authority

- Model Standards of Practice for Family and Divorce Mediation
 - Standard I. Standard III. Standard IV. Standard IX.
- Model Standards of Conduct for Mediators
 - Standard I.A. Standard II.B. Standard VI.A. Standard VI.C.
- NJ Standards of Conduct for Mediators in Court Connected Programs
 - Standard I.B. Standard I.C. Standard VI.A. Standard VI.C.
- D.N.J. L. Civ. R. 301.1(g)(1)(A) and (1)(C)
- N.J. RPC 1.1



The Mediator with Ice-T (Fox 2021)





Potentially Relevant Authority

- Model Standards of Practice for Family and Divorce Mediation
 - Standard I Standard III.A. Standard IV. Standard VII.
- Model Standards of Conduct for Mediators
 - Standard I.A. Standard II.B. Standard V.A.
- NJ Standards of Conduct for Mediators in Court Connected Programs
 - Standard I.B. Standard II.A. Standard V.
- D.N.J. L. Civ. R. 301.1(g)(1)(A)
- N.J. Rev. Stat. § 2A:23C-8

The Break-Up (Universal Pictures 2006)





Potentially Relevant Authority

- Model Standards of Practice for Family and Divorce Mediation
 - Standard IV.C. Standard IV.D. Standard IV.I.
- Model Standards of Conduct for Mediators
 - Standard II.B. Standard III.A. Standard III.E.
- NJ Standards of Conduct for Mediators in Court Connected Programs
 - Standard II. Standard III.A. Standard III.B.(1).
- D.N.J. L. Civ. R. 301.1(g)(1)(B) and (2)(E)

Life of the Party

(Warner Bros. Pictures 2018)





Potentially Relevant Authority

- Model Standards of Practice for Family and Divorce Mediation
 - Standard III. Standard IV.C. Standard IV.D. Standard IV.I. Standard XI.
- Model Standards of Conduct for Mediators
 - Standard II.B. Standard VI.A.
- NJ Standards of Conduct for Mediators in Court Connected Programs
 - Standard II.B. Standard VI.
- D.N.J. L. Civ. R. 301.1(g)(1)(B)
- N.J. Rev. Stat. § 2C:21-22

Disclosure

(Warner Bros. 1994)





Potentially Relevant Authority

- Model Standards of Practice for Family and Divorce Mediation
 - Standard II.A. Standard III.
- Model Standards of Conduct for Mediators
 - Standard VI.A.5., 6., and 8.
- NJ Standards of Conduct for Mediators in Court Connected Programs
 - Standard IV.A.

The Goldbergs (ABC 2013-present)



SNL - Drug Company Hearing





Potentially Relevant Authority

- Code of Ethics for Arbitrators in Commercial Disputes
 - Canon I.D. Canon I.F.
 - Canon IV.A. Canon IV.B.
 - Canon V.A. Canon V.B.
- Code of Professional Responsibility of Arbitrators in Labor-Management Disputes
 - 1.A.1. 1.C.3. 5.A.1.

Silicon Valley (HBO)





Potentially Relevant Authority

- Code of Ethics for Arbitrators in Commercial Disputes
 - Canon I.D. Canon IV.A. Canon V.A. Canon V.B.
- Code of Professional Responsibility of Arbitrators in Labor-Management Disputes
 - 1.A.1. 1.C.3. 5.A.1.



Q&A

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