



The Barrister

Published by the Camden County Bar Association



VOL. 58, NO. 4

December 2009

www.camdencountybar.org



The Commercial Debtor/Creditor & Family Law Committees recently co-sponsored the CLE Seminar *Interplay Between Bankruptcy & Family Law* at the Mansion. The seminar presented and discussed the many areas of overlap and misunderstanding between bankruptcy practice and matrimonial practice. Presenters included: (l-r) moderator **Michael A. Weinberg, Esq.**, Archer & Greiner, P.C., Haddonfield; **Hon. Judith H. Wizmur**, Chief Judge, U.S. Bankruptcy Court, District of New Jersey, Camden; **William J. Thompson, Esq.**, Archer & Greiner, P.C., Haddonfield; **Hon. Marie E. Lihotz**, Judge, Part D, Appellate Division, Westmont; and **Steven R. Neuner, Esq.**, Neuner & Ventura, Marlton.

Season's Greeting to YOU & YOURS!

The Editorial Staff of the Barrister joins with the Officers and Trustees of the Association, Foundation and the Headquarters Team in wishing you and your families a happy, healthy, safe holiday season and a bright and prosperous New Year.

We also pause to remember our courageous men and women in uniform stationed around the globe for their continued service, and wish them a safe and speedy return and a special remembrance for those who have made the ultimate sacrifice to protect the freedoms we enjoy.

Happy Holidays!



NOTICE TO THE BAR

Full-Time United States Magistrate Judge Position at Newark, NJ

The United States District Court for the District of New Jersey has announced that it is seeking candidates for a full-time United States Magistrate in the Newark vicinage.

In accordance with Section 631 (b) (5) of Title 28, United States Code, the Court has established a Merit Selection Panel to assist it in the selection of the full-time United States Magistrate Judge through review of applicants and the making of recommendations to the Court.

To The Editor

Re: *October 2009 Barrister*

Editor:

I am not usually one for writing letters to the editor of any publication, but after reading the excellent legal commentaries in October's Barrister authored by Fred Bor and Howard Gilfert I felt compelled to put pen to paper. I, for one, sincerely appreciate the time, effort, expertise and generosity Fred, Howard and all of the regular contributors to the Barrister. Month after month and year after year the Barrister is filled with articles concerning legal topics, lifestyle and items of general interest. Our lives as Camden County lawyers are enriched each month by the contributions of all of

Celebrate!

HOLIDAY COCKTAIL PARTY

MONDAY, DECEMBER 14TH

THE MANSION

MEMBERS ONLY

In Memoriam

The Association was saddened to learn of the passing of two of our colleagues in November.

John James Timmons, Sr., Esquire, 89, on November 9.

John is survived by his five children and five grandchildren.

Robert M. Capuano, Esquire, 58, on November 14.

Bob is survived by his wife Jeannine E. Muse, his daughter Christine Dickson, his son Michael Capuano and his grandson Liam.

The Association extends its sincere sympathies and condolences to the families, friends and colleagues of John & Bob. They will be missed.

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The Docket December 2009

THE DOCKET

Tuesday, December 1st

Young Lawyer Committee Meeting
Noon, Bar Headquarters

Thursday, December 3rd

Substance Abuse Committee Meeting
4–5 pm, Bar Headquarters

Saturday, December 5th

Children's Christmas Party
9–11 am, The Coastline

Tuesday, December 8th

Hon. Peter J. Devine Committee Meeting
4–5 pm, Bar Headquarters

Local Government Law for Non-Local

Government Lawyers Seminar
4–6:15 pm, The Mansion, Voorhees

Board of Trustees Executive Committee

Meeting
5:30 pm, Bar Headquarters

Wednesday, December 9th

Probate & Trust Committee Luncheon
“8th Annual Hot Trends in Probate Litigation”
Noon, The Taproom & Grill, Haddon Twp.

Thursday, December 10th

Health Law Committee Meeting
8:30 – 9:30 am, Bar Headquarters

Lawyers in Transition

4–5 pm, Bar Headquarters

Monday, December 14th

CCBA Holiday Party (members only)
6–9 pm, The Mansion, Voorhees

Tuesday, December 15th

Ethics Seminar
4–6:15 pm, The Mansion, Voorhees

Wednesday, December 16th

Class Action Practice Committee Meeting
Noon, Bar Headquarters

Association Board of Trustees Meeting

4 pm, Bar Headquarters

Tuesday, January 5th

Young Lawyer Committee Meeting
Noon, Bar Headquarters

Municipal Court Practice Committee Meeting
4–5 pm, Haddonfield Municipal Court

Tuesday, January 12th

Tax Committee Meeting
Roth IRA Conversion, Fred Rosenfeld
Noon, Bar Headquarters

Board of Trustees Executive Committee

Meeting
5:30 pm, Bar Headquarters

Wednesday, January 13th

Fiduciary Accountings Workshop, Session #1
Noon – 1:30 pm, Bar Headquarters

Law Practice Management Committee

Meeting
4 pm, Bar Headquarters



Tentative agenda

for December 16, Trustees Meeting

A tentative agenda for this month's regular Board of Trustees meeting follows. The meeting will begin at 4 p.m., at Bar Headquarters in Cherry Hill. All meetings are open to the membership. Anyone interested in attending should notify and confirm their attendance by calling Bar Headquarters at 856.482.0620.

- I.** Call to Order
- II.** Minutes from Board Meeting of 11.18.09
- III.** Treasurer's Report
- IV.** President's Report
- V.** Executive Director's Report
- VI.** Membership Committee Report
- VII.** Young Lawyer Committee Report
- VIII.** Standing Committee Reports
- IX.** Foundation Update
- X.** NJSBA Update
- XI.** New Business (if any)
- XII.** Old Business
- XIII.** Adjourn

The Barrister

Published monthly, except July and August, by the
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At A Glance

December

At-A-Glance: December CLE Seminars

Check this month's Barrister inserts to reserve your place for these quality seminars

Tuesday, December 8:

Local Government Law for Non-Local Government Lawyers

Many times in the practice of law where lawyers deal with municipalities, they find themselves involved in situations without knowing the basics of local government law practice. This seminar will address those issues to inform non-municipal attorneys about dealing with local government law issues and how to deal with municipalities.

Join our panel of experts as they discuss such issues as The Open Public Meetings Act (OPMA) & the Open Public Records Act (OPRA); Competitive Bidding Laws & Cases; Pay to Play Issues; Different Forms of Municipal Government in New Jersey and more.

This information-packed seminar is a must-attend for practitioners who don't usually practice in Municipal Court.

Tuesday, December 15:

ETHICS – Lawyers & Clients: The Good, The Bad and The Ugly

We don't need to learn about the good involving lawyers and clients. But when the relationship turns bad and then ugly, we need to know our obligations to the client-present or former-before things get out of hand. Clients are not just individuals or entities who walk into your office with a potential matter. Your conduct may create an attorney-client relationship without a writing, without money changing hands and, sometimes, without your knowledge that the relationship exists. When does the attorney/client relationship begin? When does it end?

We may understand completely that we have not undertaken to represent the individual and may not have even charged a fee for the consultation. But the potential client's understanding may be entirely different. How do you protect yourself from that "misunderstanding" turning into a problem?

When more than one individual comes into your office for consultation, or if a representative of an entity, such as a corporation or LLC, seeks your advice on a matter, who is your client and what are your obligations to the entity or the multiple parties? Even more fundamentally, can you ethically represent the entity or multiple individuals engaged in the same legal matter?

When the case is over, when the matter is finished or when the client decides to part company with you, what rights and obligations remain as the attorney and how do you confirm that the termination of representation was ethical and any fee disputes are resolved? Questions, questions, questions. Join us for answers.

To see our CLE policies, visit our website at www.camdencountybar.org

NOTICE TO THE BAR

(continued from page 1)

The appointment is for a term of eight (8) years. The present salary is \$160,080 per year. To be eligible for appointment, the individual must be a member in good standing of the bar of the highest court of any state or the District of Columbia for at least five years, be less than 70 years of age, and not be related to a Judge of the District Court. Any candidate selected will be subject to a full field investigation by the Federal Bureau of Investigation and an Internal Revenue Service audit, after which the Court will make the appointment.

The duties of the position are demanding and wide-ranging and will include: 1) conduct of various pretrial matters and evidentiary proceedings on delegation from judges of the district court; 2) trial and disposition of civil cases upon consent of the litigants; 3) conduct of most preliminary proceedings in criminal cases; 4) trial and disposition of misdemeanor cases.

The committee invites all qualified members of the bar who are interested and who would like to be considered for appointment to submit a completed application no later than December 31, 2009 to the following address: William T. Walsh, Merit Selection Panel, Martin Luther King, Jr. Federal Building & U.S. Courthouse, 50 Walnut Street, 4th Floor, Newark, NJ 07102.

Application forms are available from the Clerk's Office at the above address or on the website <http://www.njd.uscourts.gov/forms/mag-appl.pdf>

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NJSBA REPORT – Mid-Year Meeting

by Arnold N. Fishman

I really enjoy writing a monthly article for the Barrister. What I really hate is not having a clue as to what to write about. I was so looking forward to the December issue because the topic of my article is a no-brainer – the NJSBA Mid-Year meeting. On becoming the voice of the CCBA at the NJSBA, the powers that be made it clear that, in addition to attending the State and County Board meetings, my presence was expected at both the Annual and Mid-Year Meetings. As you should be aware, our Annual Meeting is held in Atlantic City – no hardship there, but the Mid-Year Meeting is held at an exotic spot chosen by the NJSBA President. This year it was to have been Barcelona, Spain. As a general rule, I refuse to travel to a place where I have been before. There are just too many wonderful places to see to go back. Never having been to Barcelona, I was excited about the trip. It was high up on my bucket-list. Well, the exchange rate got so bad that Barcelona had to be scrapped in favor of San Francisco. Now I have done San Francisco, but in deference to the NJSBA President being a local product, I resolved to go. My custom of late is to turn the Mid-Year Meeting into a real vacation by staying on afterwards to explore the area. This year, because our daughter was expecting a child in mid-December, we decided to put the vacation in front of the meeting. We booked three days in Santa Monica and four days in La Jolla. We would then fly to San Fran, attend the meeting, and be home on November 9th – well in advance of her December 14th due date.

On the way out, our one-stop flight was canceled and we were put on a direct flight, which, although it left later, was scheduled to arrive at almost the same time. (Had I checked my email that morning, I could have waited at home instead of at the airport.) As departure time approached we discovered we were at the wrong gate and missed the plane. We caught another flight, and, after renting a car in Los Angeles, we finally checked into the Huntley Hotel in Santa Monica. We were pleasantly surprised to find we had been upgraded to a suite. It was very opulent and the local restaurants fine and expensive. We toured the area. We went to Hollywood, Bel Air, Venice and Muscle Beach, walked Rodeo Drive, and visited the La Brea Tar Pits. (It does smell like someone is getting his roof repaired.)

For a long time, I have been in favor of a truce in the “war on drugs,” and believe that denying it to persons who would benefit from its use, immoral. However, medical marijuana, at least as practiced at Venice Beach (where everybody is conspicuously either high or in the process of getting that way), is a sham. There is an open-air storefront on the “Boardwalk” devoted to getting you licensed to indulge. The list of qualifying ailments included things as subjective as pain and insomnia and as pervasive as arthritis and headaches. It was fashioned so as to leave no one (except, of course, out of State residents like me) behind. We were told that for \$100 you got a “medical exam” resulting in a prescription, then for \$25 you got a license, and then for the going price of the drug you were getting loaded legally. What a country!

We drove south to La Jolla where The Lodge at Torrey Pines was memorable. After being advised not to go to Tijuana, we explored the area highlights such as the San Diego Zoo, Balboa Park, saw the soon-to-be on Broadway show Sammy at the Old Globe Theatre. We hiked so far into the reserve that a Forest Ranger had to drive us back. Southern California is beautiful, and its weather is superb. No wonder people flock there.



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6 p.m. – Friday, January 22, 2010
Tavistock Country Club
\$40 per person (includes dinner & gift)
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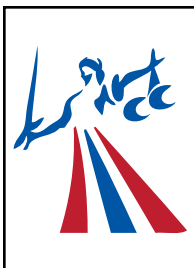
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To The Editor

(continued from page 1)

the Barrister's authors.

For more than thirty-six years now, I along with countless other members of the CCBA, have also had the benefit of the expertise of numerous other

Association members as they shared their knowledge and insights on various legal topics as presenter and participants in the varied continuing education seminars sponsored by the Association. Now that our Supreme Court is requiring continuing legal education as a requirement of practicing law in New Jersey, the value of those presentations will increase dramatically. I am not ashamed to say that over the years I have picked up more than a few tips that made handling a particular case a bit easier because of a Barrister article or Bar Association seminar. In my view our local seminars are as good or better than most of the statewide or national programs in which I have participated. Of course our local presenters are volunteers who donate their time and effort to their brothers and sisters at the Bar.

To my fellow members of the Camden County Bar Association who regularly contribute to the Barrister and to those who take the time to prepare for and present our excellent continuing education seminars I say, "thank you."

Very truly yours,
V. Richard Ferreri

Visit our website often for up to date information and announcements about YOUR association.
www.camdencountybar.org

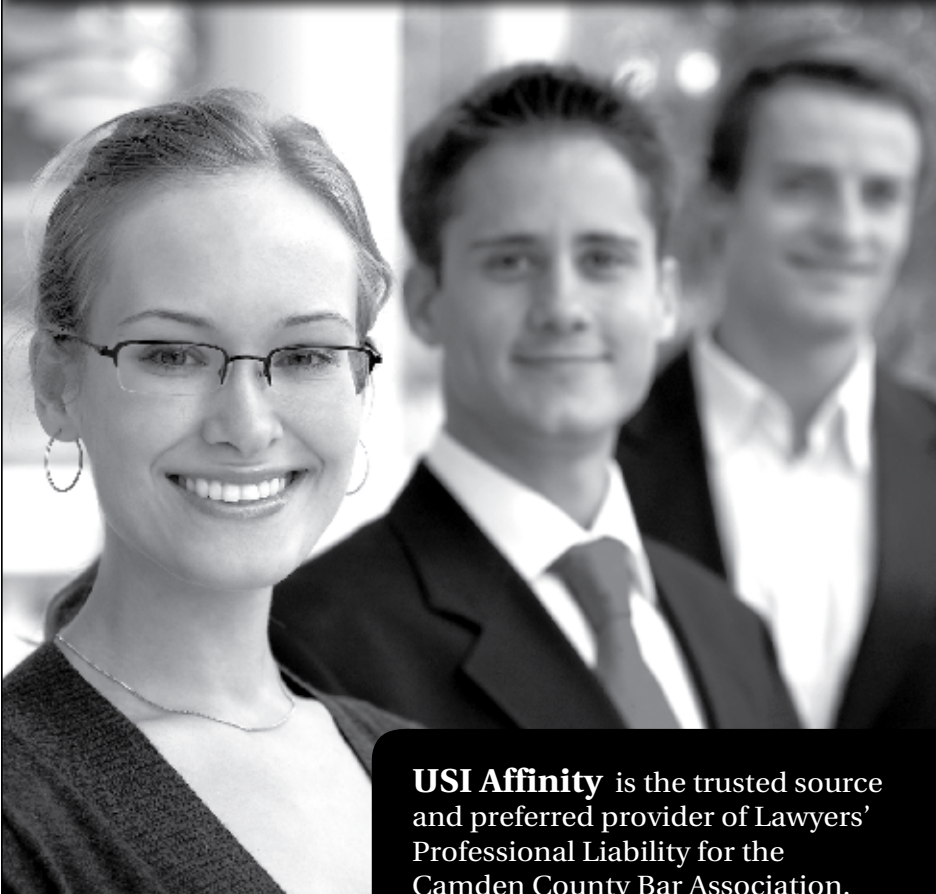


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HOT OFF THE PRESS by William Tobolsky Puppy Dog Liberation And Watering The Tree Of Liberty

An October, 2009 opinion of the Third Circuit in United States v. Fullmer tests the current interpretation of the Brandenburg-based limits of First Amendment protection for political speech.

Defendants were organizers of Stop Huntington Animal Cruelty (SHAC), which targeted Huntington Life Sciences for demonstrations and encouraged political action against its officers, directors, investors, and those who do business with Huntington. Defendants were convicted of conspiracy to violate the Animal Enterprise Protection Act (AEPA) and the Interstate Stalking statute.

Huntington's website said: "We operate within the boundaries of the law, but recognize and support those who choose to operate outside the confines of the legal system.... SHAC does not organize any such actions or have any knowledge of who is doing them or when they will happen, but [SHAC] encourage[s] people to support direct action when it happens and those who may participate in it."

Unlawful actions, such as burglary, theft, economic disruption, cyber attacks, and assault were reported after the fact. Puppy dogs were "liberated." Addresses, license plates, children's schools, etc. were published, just as abortion doctors' home addresses and photos are published on anti-abortion activists' websites. Homes were vandalized, yachts sunk, threatening messages left and people were scared out of their wits.

Defendants could be inferred to have agreed to and performed an overt act to cause "physical disruption" and "economic damages" in vi-

olation of the AEPA. They could be found guilty of conspiracy to commit Interstate Stalking, in that people connected with Huntington were harassed and intimidated. But SHAC's website was political speech within the rubric of the First Amendment. It was intended to contribute to the "marketplace of ideas" and to urge others to action. That many may find it offensive and uncomfortable, that it is provocative, and that it may induce a condition of unrest and stir people to anger is precisely why it is political speech. In Iran, they hang you. In the US, you end up being Rush Limbaugh.

Brandenburg v. Ohio sets the limits of constitutional protection. Speech which encourages others to violence or lawless action at some unspecified time and place falls within the embrace of the First Amendment. Speech which directly incites others to imminent violence crosses the line. A threat to "Water the Tree of Liberty" is standard fare. You need to specify whose blood to be arrested.

The prior standard, created by Justice Holmes in Schenk v. United States, withdrew First Amendment protection from speech which had a "tendency" to cause an evil that Congress intended to prevent. A leaflet which encouraged draftees to assert their legal rights, and which argued that World War I was fought merely to protect Wall Street's anglophile favored few, was found to be in violation of the Espionage Act of 1917. How different our nation would be had Martin Luther King been subjected to these limitations.

Direct incitement is not so clear in Fullmer. Is it a retreat from Brandenburg?

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Marketing Matters

Start Marketing on Day One: What Associates Need to Know

Part two of two

By Kimberly Alford Rice

In the first installment of this two-part series, we outlined six steps young lawyers may take upon beginning their legal careers to build their reputation and professional relationships which will help them build a robust client list. Addressed below are the last six of twelve steps important for associates to pursue in their early days as a lawyer.

- Create and maintain a professional biographical profile. A biographical profile is used to describe your credentials and legal focus. Profiles are used on law firm websites, in promotional materials, in proposal packages, and are a useful way to provide a sense of how you are building your career. While it may be early to actually declare a law concentration, it is useful to at least identify a general area of law in which you are interested (i.e. general litigation or commercial real estate). It can always change as you move forward.

It is important to update the profile (in print as well as online) often as you develop experience and become more active in business development activities such as publishing articles, presenting educational seminars, or becoming active in business, trade or legal groups.

- Leverage the web to help build your reputation and develop new relationships. Start with joining your alumni or local bar association listserv, creating a LinkedIn profile and actively seek connections, and contributing to or starting a blog. One word of advice: whatever online option you choose, follow through and maintain involvement or switch altogether.
- Find a mentor. A key to your long-term success is developing mentoring relationships. Aside from law school, some lessons are best learned by those who have “been there, done that.” It can be very mutually rewarding to learn from another’s insights, experience, and stories. Proactively seek out these relationships.
- Become involved in your firm. Attend firm events to acclimate into a new firm and become acquainted with your colleagues. Partners delight in observing young lawyers getting involved to carve out their “place” within the firm. Show your interest by helping out on a committee,

such as with the summer program or hiring committee. This commitment will reap rewards down the road.

- Learn effective networking skills. If practices are built on leveraging connections, networking is where the connections are made. Do not underestimate how essential networking is to your success. Seek out training to develop and refine your networking skills. Seriously, it is not just a matter of showing up at a business function and handing out your cards. There are tried and tested methods that are crucial for you to learn.
- Go where clients go. An efficient reputation-building activity is to become involved in a business or trade group which is aligned with either an area of business which is of interest or represents an industry sector for which you do work. If you handle commercial real estate matters, you may want to consider checking out a

construction-related trade group such as the Building Contractors Association of South Jersey, for example. It is here that you will meet and get to know business professionals who have similar business interests as you and may be in decision-making positions. Scope out the organization and get involved.

- Develop important “non legal” skills. Lawyers make or break their careers on the ability to be sophisticated and effective communicators. Developing superior writing and listening skills will help you make persuasive and compelling arguments. The best business developers focus on what their audience is saying, paying attention

to tone, speed of delivery, word choice and non-verbal communication cues.

While it is rare that young associates will develop a highly profitable book of business in their early years, the steps described above, if facilitated regularly, will serve as building blocks and help new lawyers to develop positive habits which certainly lead to effective business development endeavors and bottom-line results.

About the Author:

Kimberly Alford Rice is Principal of KLA Marketing Associates (www.klamarketing.net), a business development advisory firm focusing on legal services. As a veteran law marketer of twenty years, Kimberly has helped numerous law firms and hundred of lawyers develop critical business development and marketing strategies which lead to new clients and increased revenues.

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- Would like our "122 Review Items To Consider for Buy-Sell Agreements" or "Abo's Hitlist to Consider in the Buy-sell Valuation or Formula" which ICLE and the NYC Bar used in crafting their seminars on Buy-Sell Agreements;
- Would like our handout "Selected Collection Techniques & Tips" presented to National Employment Lawyers Association-NJ Meeting;
- Would like our handout from ICLE's live, on-line program entitled "Tax Aspects of Personal Injury Awards";
- Would like any of the following articles and handouts available from our firm:
 - Attorney Trust Accounting Checklist and Questionnaire
 - Financial and Estate Planner – Inventory of Personal Assets
 - IRS Audit Guide For Lawsuit Awards
 - Special Report by Abo and Company on Dispute Resolution
 - Maximizing Travel, Entertainment and Business Meal Deductions in Your Practice
 - Special Report by Abo and Company on Valuation Issues
 - 50 Deficiencies Noted in Business Plans
 - The Intestate Will (or "Your Will as Drafted by the State of New Jersey")
 - Annual Fiscal Checkup

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Remember to check this month's inserts!

WINE & FOOD

October 2009
By Jim Hamilton



I am not exactly sure why calendar pages turn more quickly the older one gets, but it is pretty remarkable that we so quickly have reached this year's ultimate month. Some will find comfort and joy in the holiday season. Others may shuffle Marley-like through the month wearing the shackles of the great recession. Children are fitful sleepers as they dream of wish fulfillment; lawyers toss and turn as year-end client demands and lost bonuses, or jobs, become their nightmares.

It was tempting this month to talk further about bargain priced wines, or the impact the economy is having on distributors forced to mark down wine to make room for new inventory (and we are continuing to see some real deals coming to market). However, the holiday season is a time for tradition, and traditionally, December is a month when wine buyers have bubbly thoughts, be they about Champagnes or sparkling wines from outside that hallowed French wine region.

I asked a number of knowledgeable area wine merchants to tell me one sparkling wine they would be most inclined to recommend to their customers this year. Not surprisingly, there are two lines of thought when suggesting a wine in such difficult financial times. One is that the holidays are a time to splurge, and few wines typify indulging more than Champagne. The other view is that tough times leave little room for luxuries, and lowering sights is in keeping with people's thinner wallets. With only one exception, each of these wine pros selected a different bottle of bubbly.

Charlie Beatty at Canal's Bottlestop on Rt. 70 in Marlton recommends a wine we discussed in a recent column, the NV Gruet Blanc de Noirs. You may recall that Gruet is a family with a Champagne pedigree who came to the United States and chose the mountains of New Mexico as the place to build a sparkling wine facility. This beige label (they also make a Chardonnay based sparkler, a rosé and a demi-sec, which is off-dry) normally sells for around \$14, but Charlie will provide a discount to any readers who let him know you read his recommendation here.

Gary Brady makes the wine selections for the original Canal's store on Rt. 38 in Pennsauken, and his choice

straddles the old and the new. Gary will direct customers to the NV Chandon Brut because it includes the sometimes overlooked grape from Champagne, Pinot Meunier, in a blend with the more familiar Chardonnay and Pinot Noir grapes. Gary relates that Chandon (the American winery established by the large Moët et Chandon Champagne house) is the only remaining French sparkling wine outpost in our country that continues to include this grape in the blend. Gary feels it is a nice alternative to Champagne at a much more favorable cost, roughly \$20 at his store.

Phil Brown at Wine Legend on Rt. 70 in Cherry Hill is taken with NV Duc de Romet, which is made by a cooperative producer, and which he will be selling for around \$27. As anyone who has checked out Champagne prices these days knows, this is a wine region that seems reluctant to recognize the worldwide recession or the dollar's weakened buying power. Finding "real" Champagne worth buying at this price point is a challenge, one that Phil believes this wine meets.

Stan Brown is the wine buyer at Wine Warehouse on Haddonfield-Berlin Road in Voorhees, and Stan's initial reaction to my inquiry was the same as Charlie's - go with the value Gruet offers. However, when asked to offer another prospect, Stan went upscale and selected a wine that has been among my favorites since I first encountered it and recommended it in this column years ago. Chartogne-Taillet has gone from strength to strength as this Champagne house has moved from older to younger generation. Its NV Chartogne-Taillet Cuvee Ste.-Anne is an entry level offering that displays a bold flavor profile, for those who like some heft to their bubbles, and sells for \$39 at Wine Warehouse.

Joe Huber selects the wines for the Canal's Hainesport store on Rt. 38 in Hainesport. Wine buyers need to have a Janus-like view of the marketplace, looking back to the distributors to see what values are available for purchase, and then looking ahead to how wine purchases will be received by the customers to whom the wines must be sold. Joe's recommendation reflects this perspective, since he found a crack in the Champagne market when a well-regarded house dropped its price to a point he believes his customers will view with favor. NV Charles Heidsieck Brut Champagne recently was priced

to retail in the mid to upper \$40s, but Joe now is able to sell for \$37. While it may still be viewed as a splurge for many, Joe expects favorable critical reviews will tempt customers to buy "the real thing" for holiday celebrations.

Walt Mocrytzki is a wine seller at The Wine Cellar located on Branch Pike, just off Rt. 130 North, in Cinnaminson. Walt recently came across an Oregon entry that really impressed him. 2005 Iris Hill is a sparkling wine made from Pinot Noir grapes. Walt finds that it avoids the candied quality that competing wines sometimes exhibit, and offers a spicy earthiness that, along with its modest alcohol level, allows the wine to pair more easily with food. Walt will be selling this wine for under \$20.

Linda and I belong to a wine group that recently celebrated its 20th anniversary. We will gather this month for our annual Champagne dinner, at which we invariably open some very special wines. Although as I write this column we have yet to make our selections, our theme always is "ultimate" Champagnes, such as Krug, Salon, Pol Roger Cuvée Sir Winston Churchill, Taittinger Comtes de Champagne, Veuve Clicquot La Grande Dame and, yes, Dom Perignon, to name but a few. Fortunately, most of us acquired past vintages of these wines when they were more affordable (relatively speaking) than the princely sums now commanded. Nevertheless, these wines represent true year end splurges.

Whether you choose one of the wines the retail wine experts recommend above, or perhaps a favorite Cava, Prosecco, Champagne or other bubbly you have discovered and enjoyed, I hope you are able to open it at a festive occasion. Happy holiday!



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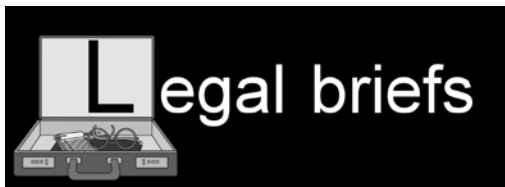
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M. Lou Garty, Esq. has joined The Vassallo Law Firm at 26 Newton Avenue, Woodbury, NJ 08096. He can be reached at 856-382-0383

Jennifer D. Duettra, Esq. recently joined Thompson & Thompson, LLP as an Associate Attorney. She has been practicing law since 2004, most recently with a large, international law firm.

Duettra's law experience includes state and federal civil trial work, primarily in the

areas of construction litigation, contract disputes, fraud, intentional interference with business relations, piercing the corporate veil and collections. She also has extensive experience with arbitrations, and drafting and negotiating construction contracts and related documents for project owners, general contractors, subcontractors and suppliers.

Capehart Scatchard attorneys, Carol L. Jennings, Esq. and Stephen J. Alexander, Esq. recently presented a seminar entitled "Sexual Harassment Training -- Everything You Need to Know" at the Marriott in Mt. Laurel, New Jersey.

Ms. Jennings concentrates her practice in litigation, construction, transportation, commercial and employment areas and also litigates, drafts and provides advise regarding non-competition agreements, non-solicitation and non-disclosure agreements. Mr. Alexander focuses his practice in employment law, tort litigation, and contracts. He provides advice, counseling and training to corporate clients, drafts corporate documents, employment manuals, policies, and agreements.

Dean C. Waldt, Esq. has become a partner in the law firm of Dilworth Paxson, LLP located at Liberty View in Cherry Hill.

On October 17th, the American Inns of Court National Foundation bestowed upon the Thomas S. Forkin Family Law American Inn of Court (AIC) of Cherry Hill the prestigious 2009 Circle of Excellence Distinction. The award was accepted by the Hon. Marie Lihotz, J.A.D. (President); Deena L. Betze, Esq. (President Elect); Richard A. Rotz, Esq. (Vice President); and, Donafaye Zoll, Esq. (Past President) at a gala, black-tie affair in Washington, D.C., hosted by United

States Supreme Court Justice Antonin Scalia.

The Forkin AIC meets in Cherry Hill on the 3rd Tuesday of each month from September to June. If you are interested in joining, please contact Berge Tumaian, Esq. at bergelaw@comcast.net

The Thomas S. Forkin Family Law American Inn of Court announces its partnership with the Camden Comprehensive Center for Fathers (CCCF) to provide pro bono legal services to program participants. The CCCF is a multi-phase program for fathers which provides them with parenting skills training and support, support group meetings, workshops, career and educational assessment, case management, mentoring with positive male role models, legal assistance and job education, including: resume development, interview training, how to dress for success, and job search assistance. Bruce P. Matez, Esq. of Borger Jones Matez & Keeley-Cain, P.A. in Cherry Hill received the first referral from the program. For more information about CCCF contact Gloria Smith at 856-963-1311. For more information about the Thomas S. Forkin Family Law American Inn of Court and/or its partnership with CCF, contact Bruce P. Matez, Esq. at 856-424-3444 or bmatez@njfamilylaw.net



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During his sixteen (16) year tenure, he served as a Trial Judge, Assignment Judge and Presiding Judge in Burlington County. He has extensive trial experience in personal injury, medical malpractice, product liability, commercial litigation and insurance matters.

He is one of only a few individuals who has served in all three branches of state government, he was a state legislator in 1974, chief counsel to the governor in 1990 and then a trial judge, capping off his forty-three (43) years in the legal profession.

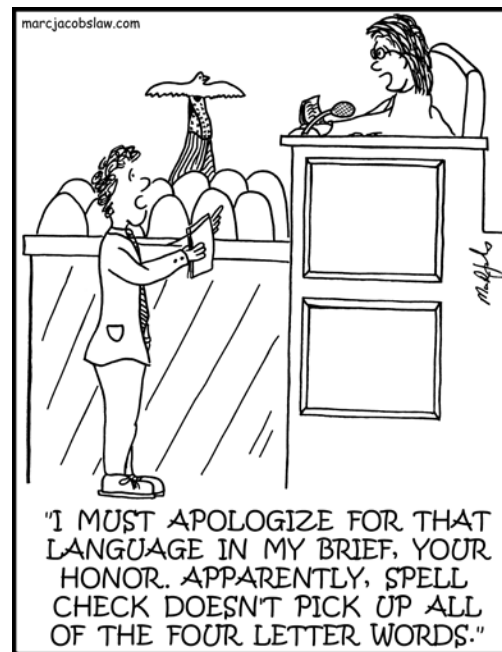
Judge Sweeney received The Distinguished citizen of the Year Award from The Boy Scouts of America in 2008. He is also a member of the Board of Trustees for Virtua Health System.

He received his B.A. degree from LaSalle University in 1963 and law degree from Seton Hall University School of Law in 1966.

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President's Perspective



They come at this time every year. Yes, I'm talking about the holidays and the holiday season. You cannot go to a shopping mall or drive down the business district of your local town without seeing an abundance of "holiday reminders." Just try to look at a light post or store window without seeing a "reminder." Even the Atlantic City casinos have had their holiday decorations up since the second week of November. I guess there is a connection between Saint Nick and games of chance. It seems that everyone

wants you to remember that the joyous holiday season is upon us.

This year, however, I fear the economy being the way it is, the joy for some will be limited or nonexistent. I know that some of our economic indicators (unemployment and interest rates) are showing signs of a recovery. However, I am not so convinced. Without the use of any economic data or indicators, I fear that our economy is still in trouble. I realized this when I was in North Jersey a few weeks ago and was listening to the radio as I drove home. The radio station had a contest: the lucky listener who called in got their rent and utility bills paid. Wow, what a contest, listen to the radio and get your bills paid! At first, it seemed like a novel promotion, but when I thought about it I did not think it was so wonderful. To me, this contest means that there are a large number of people who are very concerned about paying their rent and utility bills and are willing to listen to the radio for the chance to be able to meet their obligations this month. These same people are probably unemployed which gives them the ability to listen to the radio for extended periods of time to win free rent and utilities. For them, I do not think there is great joy this season.

I say this as a reminder to the members of our Association who have been very fortunate. This year, please help us continue to do the good of the Camden County Bar Association and Bar Foundation. Specifically, I am urging you to participate in the children's holiday party which is on December 5th at the Coastline and to participate in the Foundation's Adopt a Family Program. This year we will continue our tradition of caring and help a great number of people who, in all likelihood, need the help now more than ever. I know from personal

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THE HOLIDAYS ARE HERE

By Richard A. DeMichele, Jr.

experience that participation in these two worthwhile events is truly what brings the joy to the holiday season.

Our annual Christmas party this year is December 14th at the Mansion in Voorhees. It will be a great way to share some cheer and network with you colleagues. Tickets are only \$75 - \$65 for young lawyers - and can be purchased by using the insert in this month's Barrister or by calling Denise Whybark at 856.482.0620.

I am sure many of you know we have a new United States Attorney in New Jersey. The Camden County Bar Association, in conjunction with Rutgers University School of Law and the Federal Bar Association, will host a reception to welcome and honor Paul Fishman as he begins his very important work at the US Attorney's office. This event will be sometime in January. Information about this "cannot miss event" will be in next month's Barrister and the e-Barrister.

Have a joyous and safe holiday!

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*Since Mati Jarve and Michael Kaplan are certified by the Supreme Court of New Jersey as Civil Trial Attorneys, we are able to pay referral fees without the necessity of your participation pursuant to R. 1:39.6(d).

Members “frolic” at the Coastline

Bar members, their clients and office personnel, family and friends gathered for another memorable evening of networking, camaraderie, and just plain fun at the Bar Foundation’s popular “Fall Frolic” at the Coastline in Cherry Hill. The Foundation thanks all who supported the event and the good that it will do for the underprivileged kids of Camden, especially Coastline owner Chris Mourtos who donated the bar and buffet. When all was said and done, proceeds totaled more than \$3,000 to purchase toys for the Public Benefits Committee’s “Kids Breakfast & Christmas Party” at the Coastline on December 5th. Enjoying the evening were:



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(l to r) CCBA Trustee Jenifer Fowler & YLC President Adam Gersh



(l to r) Judge Eynon, Linda Eynon, Carol Eynon



(l to r) Kellye Miller & Victoria Mercer



(l to r) CCBA President Rick DeMichele & Bob Greenberg



(l to r) Krista Fiore, Elizabeth Hampton & Phil Kirchner



Judges Donaldson, Mariano and Colalillo take time out to “Frolic” at the Coastline in Cherry Hill for the Foundation’s popular Fall Frolic last month.



(l to r) Dan Zonies & Arnold Fishman

Welcome New Members December 2009

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VERDICTS IN THE COURT

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L-1771-07 Jury Trial
 Judge: F. J. Fernandez – Vina, J.S.C.
 Plaintiff's Atty(s): Eisenberg Rothweiler, Esq.
 Defendant's Atty(s): Daniel Jeck, Esq. & Joshua Swartz, Esq.

VERDICT: 100% Defendant Liability - \$4,785

L-2299-09 Jury Trial
 Judge: Ronald J. Freeman, J.S.C.
 Plaintiff's Atty(s): James Carter, Esq.
 Defendant's Atty(s): Victor Zarrilli, Esq.

VERDICT: No Cause

L-2149-07 Jury Trial
 Judge: Robert G. Millenky, J.S.C.
 Plaintiff's Atty(s): Paul Sonstein, Esq.
 Defendant's Atty(s): Rodd DeWitt, Esq.

VERDICT: No Cause

L-4807-07 Jury Trial
 Judge: Michele M. Fox, J.S.C.
 Plaintiff's Atty(s): Alfred J. Falcione, Esq.
 Defendant's Atty(s): Raymond Danielewicz, Esq.

VERDICT: No Cause

L-3324-07 Jury Trial
 Judge: Michael J. Kassel, J.S.C.
 Plaintiff's Atty(s): Randy Catalano, Esq.
 Defendant's Atty(s): Colleen Ready, Esq.

VERDICT: No Cause

L-5542-07 Jury Trial
 Judge: Louis R. Melon, J.S.C.
 Plaintiff's Atty(s): Ben Goldstein, Esq.
 Defendant's Atty(s): William Hanifen, Esq.

VERDICT: \$30,000 Damages to Plaintiff (No recovery due to \$40,000 credit in UIM Case)

L-1075-08 Jury Trial
 Judge: Frederick J. Schuck, J.S.C.
 Plaintiff's Atty(s): David Schragar, Esq.
 Defendant's Atty(s): Raymond Danielewicz, Esq.

VERDICT: 25% Plaintiff Liability; 75% Defendant Liability

L-1529-08 Jury Trial
 Judge: Michele M. Fox, J.S.C.
 Plaintiff's Atty(s): Richard Hollowell, Esq.
 Defendant's Atty(s): Jacqueline, McDonald, Esq.

VERDICT: 100% Defendant Liability

L-6126-07 Jury Trial
 Judge: Michael J. Kassel, J.S.C.
 Plaintiff's Atty(s): Jason Lomax, Esq.
 Defendant's Atty(s): Rae Voss, Esq.

VERDICT: No Cause

L-8243-04 Jury Trial
 Judge: Louis R. Meloni, J.S.C.
 Plaintiff's Atty(s): John Klamo, Esq.
 Defendant's Atty(s): Robert Brown, Esq.

VERDICT: No Cause

L-5721-07 Bench Trial
 Judge: Michael J. Kassel, J.S.C.
 Plaintiff's Atty(s): Richard DiTomaso, Esq.
 Defendant's Atty(s): Lauri Tilghman, Esq.

VERDICT: No Cause

L-4419-07 Jury Trial
 Judge: Michael J. Kassel, J.S.C.
 Plaintiff's Atty(s): Brian Katz, Esq.
 Defendant's Atty(s): Lawrence Berger, Esq.

VERDICT: No Cause

L-3618-07 Jury Trial
 Judge: Michael J. Kassel, J.S.C.
 Plaintiff's Atty(s): Glen Schemanski, Esq.
 Defendant's Atty(s): Beth Chierici, Esq.

VERDICT: No Cause

L-5206-07 Jury Trial
 Judge: Michele M. Fox, J.S.C.
 Plaintiff's Atty(s): Laurence Bufundo, Esq.
 Defendant's Atty(s): Laurie Grimes, Esq. & Michael David, Esq.

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But “Will It Write”?

How Writing Sharpens Decision-Making
By Douglas E. Abrams

The 2004 National Football League Draft was fast approaching, and the last-place San Diego Chargers held the first pick overall. Their expected pick, University of Mississippi quarterback Eli Manning, was no stranger to the inner workings of the NFL because his father, former New Orleans Saints quarterback Archie Manning, and his older brother, Indianapolis Colts quarterback Peyton Manning, had preceded him to stardom.

Eli told the Chargers that he would not sign if the team selected him, and he intimated that he would instead re-enter the 2005 draft, expecting selection by another team. Sitting out the 2004-2005 season would mean losing a year’s multimillion-dollar income in his athletic prime, but media reports indicated that the young quarterback also believed he could get a more favorable long-term contract from a team in a major media market.

The Chargers did pick Eli first. To avoid a stalemate that would leave them with nothing to show for the first round, however, they immediately traded him to the New York Giants. The rest, as they say, is history. Just ask any Giants fan about the team’s 17-14 upset victory over the New England Patriots in Super Bowl XLII in 2008.

How did future Super Bowl Most Valuable Player Eli Manning reach his high-stakes decision to spurn the Chargers and threaten spending a season on the sidelines? “Eli did what I have always suggested in making big decisions,” said his father. “I’m a legal pad guy. He took out a legal pad, drew a line down the middle, and put the pluses on one side and the minuses on the other side. It wasn’t even close, so he went with it.”¹

THE DISCIPLINE OF WRITING

This sort of written decision-making also aids Presidents, legislators, judges, lawyers, business people, and others who recognize that the discipline of committing arguments to paper can focus thinking more clearly than mere contemplation or oral discussion can. As author John Updike put it, writing “educates the writer as it goes along.”² Indeed, said California Chief Justice Roger J. Traynor, writing is “thinking at its hardest.”³ “The act of writing,” concluded U.S. Circuit Judge Frank M. Coffin, “tells what was wrong with the act of thinking.”⁴

At least three recent Presidents – Richard Nixon, Jimmy Carter and George H.W. Bush – were also “legal pad guys” who methodically penned longhand lists of pros and cons to marshal their thoughts as they wrestled with major policy decisions.⁵ Other leaders reliant on such lists when mulling over vexing personal and professional decisions include Secretary of State Hillary Rodham Clinton; Secretary of Agriculture Tom Vilsack; Senator Blanche Lambert Lincoln and former Senators Lloyd Bentsen, Sam Nunn, Lincoln Chafee and Paul Simon; former Treasury Secretary Robert Rubin; former Congress member and 9/11 Commission vice-chair Lee Hamilton; former governors Michael Dukakis and Pete Wilson; and World Bank President Robert Zoellick.⁶ Even naturalist Charles Darwin made extensive notes listing the pros and cons of getting married before he proposed to his future wife.⁷

Judges offer a solid rationale for written decisionmaking.

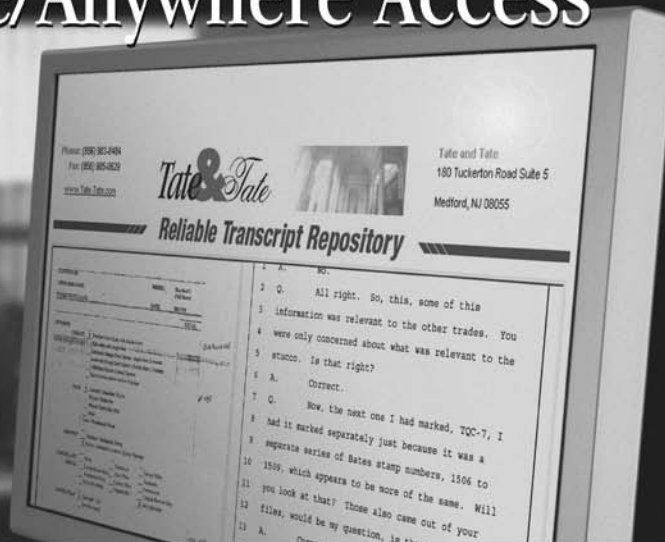
“All of us have had seemingly brilliant ideas that turned out to be much less so when we attempted to put them to paper,” said U.S. Circuit Judge Wade H. McCree, Jr. “Every conscientious judge has struggled, and finally changed his mind, when confronted with the ‘opinion that won’t write.’”⁸

CHOOSING THE FORMAT

Rather than listing pros and cons in two columns to expose tentative decisions that “won’t write,” the decision maker might pen longer passages, or even an informal essay. Hand-written diagrams or flow charts might also help. Felt need and personal preference determine the format because the point-counterpoint is

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The Barrister

normally for the writer's eyes only, unless the writer shares the document with a small circle of advisors or other colleagues.

Regardless of the chosen format, writing can influence not only lawyers' own personal and professional decision-making, but also the advice lawyers provide clients about how to reach decisions on matters within the scope of representation. Some individual and institutional clients adept at problem-solving may already understand how committing thoughts to paper induces careful reflection, but other clients may not.

Written decisionmaking should come naturally to lawyers because it remains fundamental to the American judicial system, and thus to the way law schools teach students to "think like lawyers." In bench trials or actions tried to an advisory jury, Rule 52(a) of the Federal Rules of Civil Procedure requires the court to "find the facts specially and state its conclusions of law separately." Appellate courts commonly hand down decisions with signed opinions (including majority, plurality, concurring and dissenting opinions), per curiams, or unpublished opinions or orders stating reasons. These cornerstones of trial and appellate judging hold lessons fundamental to the everyday decision-making of lawyers and their clients.

Rule 52(a)

The trial court's written findings and conclusions focus appellate review, permit application of preclusion doctrines, and inspire confidence in the trial court's decisionmaking.⁹ But the federal courts of appeals have also recognized a "far more important purpose" of Rule 52(a), "that of evoking care on the part of the trial judge in ascertaining the facts."¹⁰ The Supreme Court has recognized that "laymen, like judges, will give more careful consideration to the problem if they are required to state not only the end result of their inquiry, but the process by which they reached it."¹¹

In *United States v. Forness* in 1942, the Second Circuit gave perhaps the most thoughtful judicial explanation of the prime goal of Rule 52(a).¹² The unanimous panel included Judge Charles E. Clark, the chief drafter of the Federal Rules of Civil Procedure and an acknowledged expert in their meaning and application. Writing for the panel, Judge Jerome Frank said this: "[A]s every judge knows, to set down in precise words the facts as he finds them is the best way to avoid carelessness Often a strong impression that, on the basis of the evidence, the facts are thus-and-so gives way when it comes to expressing that impression on paper."¹³ Judges hold no monopoly on this knowledge.

APPELLATE DECISIONMAKING

The appellate court's full opinion or abbreviated writing shows litigants that the court considered their arguments, facilitates further review on remand or by a higher court, and defines the decision's meaning as precedent.¹⁴ But the written word's capacity to sharpen the decision makers' internal thought processes looms large, as it did in the district court. "The process of writing," says Justice Ruth Bader Ginsburg, is "a testing venture."¹⁵

Chief Justice Charles Evans Hughes found "no better precaution against judicial mistakes than setting out accurately and adequately the material facts as well as the points to be decided."¹⁶ "Reasoning that seemed sound 'in the head,'" U.S. Circuit Judge Richard A. Posner explained decades later, "may seem half-baked when written down, especially since the written form of an argument encourages some degree of critical detachment in the writer. . . . Many writers have the experience of not knowing except in a general sense what they are going to write until they start writing."¹⁷



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CONCLUSION: THE "HUMAN FACTOR"

In *Forness*, Judge Frank acknowledged that "fact-finding is a human undertaking" which "can, of course, never be perfect and infallible."¹⁸ Writing can certainly sharpen thought in everyday decisionmaking, but the outcome depends on prudent use of the writing and other extrinsic sources of information and reason. Listing pros and cons can orient the decision maker, but the list offers no compass pointing ineluctably to the right answer. When President Bush pondered a Supreme Court nomination in 1990, for example, he took a legal pad and carefully penned the pros and cons of naming U.S. Circuit Judge David H. Souter, whose tenure on the Court did not turn out the way the President had anticipated.¹⁹

Because so much professional and personal decision-making involves emotion and other intangibles whose force written words alone cannot capture, the outcome does not necessarily depend on which side of the ledger – pro or con – holds the longer list. Indeed, when Charles Darwin pondered whether to propose to his future wife, his list contained 13 "cons" and only nine "pros," but he married her anyway.²⁰

The "human factor," sometimes called a "gut feeling," may tilt the scale and ultimately carry the day. When Thomas P. Schneider's term as U.S. Attorney for the Eastern District of Wisconsin ended in 2001, for example, he weighed offers to join large influential law firms at handsome salaries, plus friends' suggestions that he cap his 29-year career as a prosecutor by running for state attorney general. "As most lawyers would," reported the Milwaukee Journal Sentinel, "Schneider grabbed a legal pad and divided the page into two columns: pro and con."²¹ Then his wife stepped in. "This is not a legal brief," she told him. "This is your life."²²

And the rest is history, as it was with Eli Manning. Schneider rejected politics and lucrative private law practice to become

executive director of COA Youth and Family Centers, an agency dedicated to improving poor Milwaukee neighborhoods by enhancing opportunities for needy children and their families. "I've always loved working with kids," he says, "What I really care about is how you make a positive difference in this world."²³

ENDNOTES

- 1 Rick Cleveland, Mannings Endure Boos, Slurs and Media Criticism ... and Life Goes On, JaCksoN (Ms) ClarioN-leDger, May 2, 2004, at 1D.
- 2 John Updike Biography and List of Works, http://www.litweb.net/biography/527/John_Updike.html.
- 3 Roger J. Traynor, Some Open Questions on the Work of State Appellate Courts, 24 u. Chi. L. Rev. 211, 218 (1957).
- 4 FRANK M. COFFIN, THE WAYS OF A JUDGE 57 (1980).
- 5 Bob Merry Takes On the Alsop Brothers, Hill, May 22, 1996 (Nixon); Mindy Fetterman, CEO's Advise the President, USA TODAY, June 28, 1991, at 1B (Carter); Susan Fraker et al., B-1 No, Cruise Yes, Newsweek, July 11, 1977, at 15 (Carter); Anne Reilly Dowd, How Bush Manages the Presidency, Fortune, Aug. 27, 1990, at 68.
- 6 Ann McFeatters, Pros, Cons of Clinton Campaign, Patriot leDger (Quincy, Mass.), Mar. 6, 1999, at 31; Judith Nygren, Vilsack Pursues Vision of Strong, Vibrant Iowa, oMaha world Herald, May 30, 1998, at 1; Jane Fullerton, Twins In the House, ark. DEMOCRAT-GAZETTE, June 4, 1996, at 1E (Sen. Lincoln); Donald M. Rothberg, With a War On, Even Democrats Want Bush For President, LEWISTON (IDAHO) MORNING TRIB., Feb. 17, 1991, at 1A (Sen. Bentsen); Eric Schmitt, Even G.O.P Asking Nunn Not To Retire From Senate, N.Y. Times, Oct. 2, 1995, at A10; Chafee Says He'll Consider Switching Parties If GOP Retains Senate Control, BULLETIN'S FRONTRUNNER, June 12, 2001; Lynn Sweet, Why Simon Won't Run, CHICAGO SUN-TIMES, Nov. 15, 1994, at 1; Sharon Walsh, Rubin Will Share Helm at Citigroup, wash. Post, Oct. 27, 1999, at E1; Mike Dorning, Open-Ended Impeachment Investigation Approved By House, ChiCago Oct. 9, 1998, at 1 (Rep. Hamilton); Stuart K. Spencer, Dukakis Picking His Second Place, A. Times, July 3, 1988, at pt. 5, p. 3; Jerry Roberts, Wannabe Wilson Searches His Soul, SAN FRANCISCO CHRONICLE, Mar. 5, 1995, at 7; Joseph Kahn, A Washington Veteran For Labor; A Tested Negotiator For Trade, N.Times, Jan. 12, 2001, at 17 (Zoellick).
- 7 Who Was More Important: Lincoln or Darwin?, Newsweek, July 14, 2008, at 30; Death Of Child May Have Influenced Darwin's Work, Nat'l Public Radio, Morning Edition, Feb. 12, 2009; Cautious Evolution of Charles Darwin, NORTHERN TERR. NEWS (Australia), Feb. 7, 2009, at 20; Mary Harris Russell, View of a Remarkable Scientist, ChiCago Jan. 3, 2009, at 3.
- 8 Wade H. McCree, Jr., Bureaucratic Justice: An Early Warning, 129 Pa. 777, 790-91 (1981). See also, e.g., Frank M. Coffin, supra note 4, at 57; Robert E. Keeton, JUDGING 137 (1990); Ruth Bader Ginsburg, Workways of the Supreme Court, 25 THOS. JEFFERSON 517, 526 (2003); Kenneth F. Ripple, Legal Writing In the New Millennium: Lessons From a Special Teacher and a Special "Classroom," 74 NOTRE DAME 925, 926 (1999); Roger J. Traynor, supra note 3, at 218; Patricia M. Wald, The Rhetoric of Results and the Results of Rhetoric: Judicial Writings, 62 Chi. 1371, 1374-75 (1995).
- 9 9C Charles Alan Wright & Arthur R. Miller, FEDERAL PRACTICE AND PROCEDURE § 2571, at 219-22 (3d ed. 2008).
- 10 United States v. Forness, 125 F.2d 928, 942 (2d Cir. 1942). See also, e.g., Martin Midstream Partners v. Boone Towing Inc., 207 Fed. Appx. 439, 441 (5th Cir. 2006); Chavez Properties-Airport Parking Albuquerque, LP v. Lorentzen, 204 Fed. Appx. 745, 758 (10th Cir. 2006); Davis v. New York City Hous. Auth., 166 F.3d 432, 435 (2d Cir. 1999).
- 11 United States v. Merz, 376 U.S. 192, 199 (1964).
- 12 125 F.2d 928 (2d Cir. 1942).
- 13 Id. at 942.
- 14 Cf. Baker v. Canada (Minister of Citizenship and Immigration), 2 S.C.R. 817 ¶ 39 (S. Ct. of Canada 1999) (L'Heureux-Dube, J.).
- 15 Ruth Bader Ginsburg, Remarks on Writing Separately, 65 133, 139 (1990).
- 16 Charles Evans Hughes, SUPREME COURT OF THE UNITED STATES 64 (1928).

- 17 Richard A. Posner, Judges' Writing Styles (and Do They Matter?), 62 Chi. 1421, 1447-48 (1995).
- 18 United States v. Forness, 125 F.2d 928, 943 (2d Cir. 1942).
- 19 Anne Reilly Dowd, supra note 5, at 68
- 20 William Hartston, Ten Things You Never Knew About . . . Charles Darwin, Express (England), Jan. 7, 2009, at 30.
- 21 Gina Barton, From Courthouse to Social Service Agency, MILWAUKEE J. SENTINEL, Nov. 17, 2002, at 1B.
- 22 Id.
- 23 Id.

Douglas E. Abrams, a law professor at the University of Missouri, has written or co-authored five books. Four U.S. Supreme Court decisions have cited his law review articles. This article was reprinted with the permission of the author.



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By Adam Gersh

YLC Gets Down to Business

YOUNG LAWYER'S CHAIRMAN'S NOTE: I am pleased to present the latest installment in our series of articles on the theme of "what I wish I knew when I was a young lawyer." This month's article on

emotional intelligence is authored by Steven M. Eisner, Esquire, who has been practicing law for more than thirty years. If you would like to find other ways to enrich your professional life, please join us for our next Young Lawyers' Committee lunch meeting at noon on December 1, 2009 at Bar Headquarters.

Emotional Intelligence

By Steven M. Eisner, Esquire

My uncle, Arthur I. Goldberg, who practices law in Garden City, New York, gave me a lot of advice when I passed the bar. I remember a story he related about his experiences as a law clerk and attorney, when he had to deal with a very difficult court employee. My uncle was subjected to miserable behavior and negative comments every time he went to file something, and was often forced to wait an extended period of time even when he was the only person the employee was assisting. Regardless of the clerk's attitude, my uncle always thanked him for his time and maintained a very even-tempered demeanor – I suppose that my uncle recognized that the only thing directly under our control, in any situation, is the manner in which we react. The court clerk, as a result of my uncle's non-reactive behavior, ended up being helpful and solicitous whenever he saw my uncle, and often did more than he was asked to do. Can anyone doubt that the clerk's original attitude was a reaction to the lack of respect which the clerk felt from most of those he served?

When I began practicing in 1977, I don't think that the terms "emotional" or "practical" intelligence even existed. I believe emotional intelligence is a way of trying to anticipate and understand the impact your words and actions will have on the recipient, and

would recommend Daniel Goleman's [Emotional Intelligence](#), and Malcolm Gladwell's [Outliers](#), for an in depth discussion of the subject. Unlike our native intelligence, or IQ, which cannot be increased very substantially, emotional or practical intelligence can be learned. We all need to think about the consequences of our words and actions.

Emotional intelligence or practical intelligence are important in every phase of our lives. A young woman I know, who happens to be an excellent student, was a few weeks away from college graduation when she was advised that she was missing certain prerequisites, and would not be able to graduate. The student was understandably upset, and approached a dean of her college, who was also the supervisor of the student's academic counselor. The student explained to the dean that the student had anticipated the problem and had discussed the prerequisites issue with her advisor, and had been assured that she had fulfilled all requirements. After some apparent consultation and deliberation, the dean sent a terse e-mail to the student, advising the student that she would be permitted to graduate, but that the

accommodation in question was made only for her, and that the dean was disturbed that the student had tried to circumvent certain academic requirements.

In fact, the requirements were contradictory, depending on where the student looked, and the student had acted properly, particularly after consulting with her advisor. Understandably, the student felt slighted, and her connection with the university in question was damaged.

Imagine how different the student's reaction had been if the dean had replied as follows:

You've been an excellent student, and we note that you have been on the Dean's list for the last three (3) semesters. We recognize that some of the information you were given might have been contradictory, and in light of your excellent record, we are going to give you the benefit of the doubt. You've been a credit to our University, and I wish you the best of luck in your career. Please make sure to keep in touch and stop by when you are on campus in the future.

The dean made the right decision by permitting the student to graduate; however, the dean's negative attitude, conveyed by her demeaning remarks to the student, turned what could have been a positive and bonding experience for the student into a negative experience. The dean obviously lacks emotional intelligence. What will that student's reaction be when her alma mater calls looking for financial support – why wasn't the dean thinking of that?

If you expect poor performance from yourself, an associate, or your support staff, you will usually get what you expect. Encouraging people and being positive with them will allow them to flourish. Once you start a cycle of criticism and negativity with an employee or an associate it is very difficult to break that cycle, and more often than not, I believe that the work product you see will get worse and worse.

The legal profession has given me a wonderful career, and has allowed me to develop close relationships with clients and fellow attorneys. There are very few things that I would change, however, one would have been to learn emotional intelligence at a much earlier stage of my career, and to be much more aware of the impact of statements and actions on those around us. I make that recommendation to all of you – awareness of emotional intelligence, and trying to increase your emotional intelligence, will help you succeed in your interactions with clients, court personnel, your partners, associates, and all of your support staff.

Individuals are not interchangeable parts which can be replaced on a whim. Treating people considerately and fairly is a sign of strength; to the contrary, one of the most obvious signs of insecurity or weakness is to belittle and insult colleagues, associates, or adversaries. We are all wired differently, and if my suggestions are obvious to you, you are fortunate in understanding emotional intelligence. For the rest of us, understanding and learning emotional intelligence may take more effort; all of us need to be cognizant of the affect of our words and actions on others. Being aware of those affects will enhance your career and your personal life. Our society has been changed by the recent economic crisis, and the abusive partner in your firm, football coach, or other individual will no longer be afforded the same tolerance.

I wish all of you continued success in your careers.



The Usual Suspects by M.V. Pinsky “Fairly Unbalanced”

“There is less in this than meets the eye.”

“Our ancestors believed in magic, prayers, trickery, browbeating, bullying and dishonesty. I think it would be fair to sum that list up as ‘New Jersey politics’.”

- Apologies to Flann O’Brien (1911-1966): The Hair of the Dogma (1977)

Convicted criminal: “As God as my judge, I am innocent.”

Superior Court Judge: “He isn’t; I am; and you’re not!”

- Lord Birkett (1883-1962)

“There are a lot of mediocre people and lawyers, and they are entitled to a little representation on the bench aren’t they? We can’t have all Brandeis’s, Frankfurters and Cordozas.”

- Roman L. Hruska (1904-) In New York Times, 17 March 1970

“I always feel that there should be some comfort derived from any question from the bench. It is clear proof that the inquiring judge is not asleep.”

- Robert H. Jackson (1892-1954): “Advocacy before the Supreme Court: Suggestion for Effective Presentation” (1951)

HAIL AND FAREWELL: Dateline: Camden. Eight – count ‘em – eight Assistant Camden County Prosecutors will be retiring this month after years of distinguished and honorable service. With regret, we note the retirement of Michael W. Chewkanes, Leslie B. Dicker, Stefanie C. Leibovitz, Robert J. Luther, Mindy S. Mellits, Gregory Smith, Donna M. Spinosi, and John T. Wynne, Jr. We wish each and every one of these old friends and adversaries a happy, healthy and well-deserved retirement.

On Friday, January 22, 2010, a momentous and gala joint farewell dinner will be held at Tavistock Country Club and will be open to all. For a mere \$40.00 (which includes dinner and gift), we will have an opportunity to honor some really great people whom we have all known for lo these many years. The Old Suspect urges, cajoles, and entices everyone to attend what is undoubtedly going to be an “affair to remember.”

As an added incentive, the Suspect promises to dance with each and every lady prosecutor and, if necessary, perform a sensual tango with the provocative Dennis Wixted and/or the equally fetching Jeff Zucker.

You must R.S.V.P. with payment by January 8, 2010 to the CCPO in cash or by check made payable to “Camden County Assistant Prosecutors Association.” Direct any questions to Julie Benegar at (856) 225-8466 or Kathy Angelastro at (856) 225-8465.

RESHUFFLING THE DECK: Dateline: Camden. If you’re fretting about who will replace the various Section Chief slots left vacant by the retirements, not to worry, fresh troops have already been designated to fill the vacuums. Our sources, imbedded deep within the bowels of the Prosecutor’s Office, inform us of the following advancements:

1. Trial Chiefs – The shoes of the legendary John T. Wynne will be filled by two experienced and highly-respected Assistant Prosecutors: to wit, Sally Smith and Al Durney. Kudos to Prosecutor Warren Faulk for two excellent choices to fill this crucial position.

2. Domestic Violence – Serene Laurie Corson is a great choice to head up this difficult post. Laurie has the face of an angel and the patience of a saint.
3. Homicide – The beautiful and deadly trial maven Mary Allison Albright moves up the ladder and takes over the Homicide Unit. This appointment was well-deserved and inevitable.
4. Grand Jury – The pride of Moorestown, Judy Berry, was also a natural choice to move up the ladder and her appointment was long a coming and well-deserved.
5. Child Abuse – Spiffy and debonair Howard Gilfert is the new leader of this unit and fits the job like a glove. There is absolutely no truth to the rumor that Gil’s Deputy, the vivacious and fiery Megan Mullen, will be required to wear a bowtie on a daily basis. Gil assures me that Megan will only have to wear the signature bowtie for trials.
6. Narcotics – The key slot of Chief of the Narcotics Section passes to Joel Aronow, who is well-equipped by experience and nature to handle the post. An excellent and logical choice.
7. Juvenile – Tim Chatten has become a fixture in Juvenile Court and, most certainly, would have been a consensus pick of everyone involved in the Juvenile Justice System.
8. Special Prosecutions – The mysterious Special Prosecutions Section is scheduled to be led by the mysterious and special Mark Chase. The activities of this Unit are highly classified but if you have security clearance, Mark is a straight arrow and a pleasure to work with.

The Old Suspect congratulates all of the above individuals and looks forward to working with the new world order.

FRIGHTENING: Dateline: Trenton. A recent report by the Office of Attorney Ethics (OAE) revealed that, as of the end of 2008, one out of every 104 New Jersey citizens is a lawyer. Based on the trend since 1970, by the end of 2010, one out of 100 New Jersey citizens may be a lawyer. By way of example, in 1970, there was one lawyer per 627 New Jersey citizens. Obviously, New Jersey either needs fewer lawyers or more citizens.

ACONUNDRUM: Dateline: Trenton. How does a liberal, democratic Governor with unlimited personal funds lose an election in a deep blue state to a deeply flawed, pro-life, conservative Republican? Was it the beard? The sleeveless sweater vests? The reptilian coldness? The Carla Katz affair? No doubt all of the above played a part but the answer is far more basic. Respectfully submitted, the voters of New Jersey don’t like him, don’t trust him, don’t believe him, and, at long last, don’t want him.

Now that the Governor has returned from vacationing in the Caribbean, at a location few of us could afford, we expect that his luxury condo nestled on the banks of the Hudson overlooking the Manhattan skyline will soon be on the market. After all, now that the State of New Jersey can no longer be of use to Corzine’s soaring ambitions, there is

The Usual Suspects (continued)

little if anything to keep him here. Time to pull up his shallow roots, sever tenuous connections, and move on to bigger and better things. There is a rumor that the Governor will be up for the post of President or Chairman of the Board of Bank of America. To quote the King of England's parting words to the infamous Long Parliament, "In the name of God, just go."

COCKROACHES: Dateline: Trenton. Recently, the Old Suspect has been taking an even closer look at the political scene in New Jersey. Unfortunately, it's much like looking at a sewer from a glass bottom boat. Our politicians are like cockroaches – we can arrest them, indict them, convict them and even step on them, but we can't kill them. No matter how we try, they keep scurrying back in larger and larger numbers to the public trough. We note that on November 12th, our sister State of Pennsylvania returned indictments against two Pennsylvania power Legislators and their henchmen in a complex \$9 million public fraud scheme. While this goes to show that corruption is nationwide, New Jersey still retains a commanding lead in the coveted Boss Tweed Stakes.

KUDOS: Dateline: Camden County. Congratulations to The Barrister and the Camden County Bar Association on its slick, new format. But where's the centerfold - the Lawmate of the Month? The Old Suspect volunteers to head up the search committee. (I know, I know, politically incorrect.)

POLITICALLY INCORRECT: Dateline: Westmont. Shortly after the Fort Hood massacre, our President found it necessary in mentioning

the murders to caution us not to jump to conclusions. I reject his admonition and choose to jump to any conclusions I wish. It is my conclusion that this incident was a pure act of terrorism inspired by religious fanaticism regardless of whether the suspect acted alone or was a madman. Unfortunately, Muslim extremists sow the whirlwind with their hate-filled propaganda and we continue to "reap the wild wind." How do you like that jump and those conclusions, Mr. Obama? Incidentally, I also choose to jump to the conclusion that political correctness enabled the terrorist, Hasan, to continue his military career despite publishing his bloody and fanatic views openly. As more facts emerge from the investigation of the Fort Hood incident, I will undoubtedly jump to more conclusions as politically incorrect as they may be.

JUDICIARY: Dateline: Trenton. Soon to be ex-Governor Corzine has been far too busy to fill the many judicial vacancies throughout the State. Don't be surprised if some of these vacancies suddenly get filled before the Governor's term expires. Remember, a good many things go round in the dark besides Santa Claus. This is New Jersey and there is such a thing as Government by Crony.

THE QUANDRY: Dateline: Trenton. When Governor-elect Chris Christy takes office, a problem will arise in South Jersey for hungry office seekers particularly those seeking judicial seats and there are many. In a nutshell, the problem is who to suck up to? In other words, who are going to be the big Republican movers and shakers and who will call the shots south of the border? With a Democratic Governor, everything was clear. Political and brown-nosing chains of command were manifest. Everyone knew where the power lay and no time was wasted sucking up to the wrong person(s).

At the present time, the situation is fluid and the Old Suspect advises the desperate, hungry and needy to lay back and wait a while. In fullness of time, there will be clarity as the situation stabilizes. Nature and politics abhor a vacuum but there is bound to be some jockeying and infighting first.

For those who wish to speculate, they might consider H.K. in Camden County but don't discount a strong challenge coming out of Republican Burlington County.

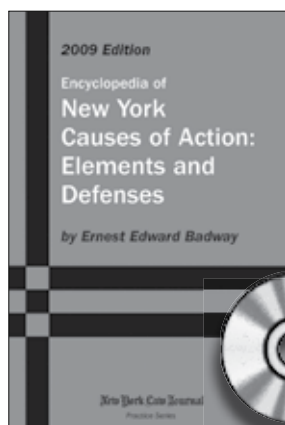
MIRACLE IN MOUNT HOLLY: Dateline: Mt. Holly. Burlington County Prosecutor Robert D. Bernardi and First Assistant Raymond E. Milavsky pulled off a minor miracle when they managed to get reappointed by Democratic Governor Jon Corzine. At that time, the reappointment shocked and enraged Burlington County Democrats who believed it was, at long last, their turn. With the election of a Republican Governor, Bob Bernardi's reappointment seems certain and he will, undoubtedly, retain his strong and trusted right arm, Ray Milavsky. There is no joy in Mudville for the long-suffering Dems.

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Attractive office suite. Bright & airy with wall to wall windows. Situated in a meticulously maintained building with on-site gated parking. Premium location in the center of town on Kings Highway one block from the High Speed Line station. Rental \$1,400/mo., UTILITIES INCLUDED. Contact: Ben Sepielli @ Farrell & Knight Realty, Inc. 856-429-1770

Per Diem Research & Writing

Rutgers Graduate and former Law Clerk with 10 years experience is available for research and writing per diem assignments. Call Cynthia Sozio, Esq. at 856-562-0632 or email: jsozio@comcast.net

Per Diem Atty-

Will cover entire NJ state. Civil trials, deps, arbs, motions, draft briefs. 22 yrs exp. 24 hr notice. Veronica Bocco 856-354-6202/guidolaw@usa.net

Law Office Space For Rent

in "freeway close" Glendora. Two suites to choose from: Office - Office/Breakroom - Reception Area Approximately 506 sq. feet, asking \$1,000.00/month plus security

OR

Two offices (10x11 and 10x12), asking \$500.00/month plus security for both Shared conference room. Easy access to Routes 42, 55, 295 and Turnpike Contact: Suzanne Taylor or Bob Incolingo - 856-234-3800

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Loft style space. Very bright - \$17.15 per sq. ft. NN - Call Owner 609-760-1476

Haddonfield - 1,000 to 7,000 SQ. FT.

Modern 1st floor space. Large windowed suite. On site parking. Town center location - \$14.40 per sq. ft. NNN - Call Owner 609-760-1476

Haddonfield - 2 Room Suite

Former law office. Center of town \$675 plus utilities. Call 609-760-1476

Haddonfield - 900 Sq. Ft. Suite

Large work / reception room, plus additional office and support area. Two entrances. \$1,000 plus utilities. Call 609-760-1476

Office space for rent - Haddonfield

Shared use in existing law firm. Includes furnished secretarial space and two offices available. Use of library/conference room and facilities. Ample off-street parking. Call Carole 856-354-6266

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Newly Renovated Private Office Suite In Mount Holly With Parking Across From Court House 13 Garden Street

3 offices with 2 bathrooms and use of conference room. Private off-street parking. Please call (609) 261-7677.

Newly Renovated Private Office Loft In Mount Holly With Parking Across From Court House 13 Garden Street

Private office loft with new paint and hardwood floors. Includes mahogany desk and use of conference room. Private off-street parking. Please call (609) 261-7677.



Foundation Update

By Carolyn Kornas Karbasian

Attention last minute shoppers, the deadline for the Adopt-A Family gift and food drop off is WEDNESDAY, DECEMBER 23rd! The brainchild of Marci Hill Jordan, Esq., this program was established over ten years ago and is chaired by Marci and Michael Ward, Esq. Because the program runs so smoothly, many of us overlook the countless hours it takes to obtain the list of needy families, coordinate the families with the program's participants, write to the over one hundred participants, and ensure that the food and gifts are distributed to the correct family. Thank you, Marci and Mike, for your time, hard work, dedication, and years of service to the Bar and community. If you are able to assist with this program on December 23rd by either unloading the vehicles in the morning or loading the vehicles in the early afternoon, simply show up at St. Joseph Pro-Cathedral, 2907 Federal Street in Camden. It doesn't matter if you have only an hour or two to spare; whatever time your schedule will be permit would be greatly appreciated. We are also in need of volunteers to transport the gifts and food to the homes of the families that same afternoon. Anyone with an SUV or van who can assist should contact Marci Hill Jordan at (856) 874-4443.

Speaking of charitable programs and events, I'd like to thank everyone who purchased a ticket to this year's Fall Frolic. As you know, ALL of the proceeds will be used to purchase toys for this year's children's party, which will be held once again at the Coastline on Saturday, December 5th from 9 am until noon. As always, a fabulous time was had by all who attended the Fall Frolic. I'd like to thank Linda Eynon, Esq., Brenda Eutsler, Esq., and the members of the Public Benefits Committee for the countless hours they have spent already and will continue to spend to ensure that this year's annual children's holiday party is a success. A special thank you to Coastline owner, Chris Mortos, for again generously donating all of the food (not to mention his time and that of his staff) for the 300 + anticipated attendees at upcoming children's holiday party and for the 200 + attendees at the Fall Frolic.

Though the holidays are hectic and calendars are full this time of year, try to take some time out to actually enjoy yourself. If only for an hour or two, get away from the hustle and bustle by joining friends for some good cheer at this year's Holiday Cocktail Party on December 14th from 6 - 9 pm at The Mansion. We will toast to good health, prosperity and happiness! Happy Holidays!



CCBA MEMBERS ARE GIVERS...

Martin H. Abo, CPA/ABV/CVA/CFE

Yep, it's Abo. But not reciting some forensic or valuation insight or ideas. Nope. With the holiday season rapidly approaching what a perfect time of year to remind you, as charitably inclined professionals, to at least think taxes now rather than merely wait for the preparation of your 2009 income tax returns. You see, those attorneys who

incur out-of-pocket expenses while volunteering may be well advised to request any required acknowledgements from the charity well before it's time to actually file your return.

A little bit of background. A charitable deduction is not allowed for a contribution of services (we get this question all the time, from many an attorney, without fail). However, unreimbursed out-of-pocket expenditures made in connection with rendering volunteer services to a charitable organization may be deductible. The expenses are treated as direct payments to the charity, rather than for the use of the organization. To be deductible, the out-of-pocket expenses must be nonpersonal, directly connected with, and solely attributable to providing the charitable services. Thus, expenditures that primarily benefit you that are incurred in connection with a charitable purpose are not deductible as charitable contributions. For example, baby-sitting fees your esteemed president, Rick DeMichele, may incur are just not deductible even if his munificent volunteer work cannot be performed without the expense.

Examples of deductible out-of-pocket expenses include uniforms unsuitable for everyday use, copying charges, office supplies, long distance phone charges, postage, local transportation from your home to the place charitable services are performed, and other travel incurred while providing services for the charitable organization. Travel expenses incurred while away from home, such as meals (subject to the 50% travel and entertainment limitation) and lodging, are deductible only if (a) there is no significant personal pleasure, recreation, or vacation in the travel, and (b) the performance of services is substantial.

You, as a volunteer, incurring out-of-pocket expenses must keep detailed records for those expenditures to be deductible. If the

total of such expenses is \$250 or more for a single charitable activity, you really should have a written acknowledgement from the charity describing the services provided and indicating whether you received any goods or services (including value) from the charity in consideration. The amount of out-of-pocket expenses does not need to be shown on the acknowledgement.

The acknowledgment must be obtained before the earlier of (a) filing the return or (b) the return's extended due date. Thus, you should have the acknowledgment when the return is filed, even if this is before the extended due date. You can't amend a return to include contributions for which an acknowledgment is obtained after the original return is filed.

Bottom Line: It is imperative for you to have all required receipts before filing your return, even if that means extending the return. Although many charities automatically provide written acknowledgements to their donors, except in the case of certain quid-pro-quo donations (where the volunteer received goods or services as a result of the volunteer services), they are not required to do so. Therefore, it is usually you as the donor who is responsible for requesting and obtaining this documentation from the charity. Furthermore, in the case of your volunteering and incurring out-of-pocket expenditures, the charity does not receive a check, so it will often not be aware that the acknowledgement is needed until it is requested.

Abo's Conclusion: Unreimbursed out-of-pocket expenses incurred while rendering volunteer services to a charity may be deductible, but only if the expenses are properly documented and, if the expense exceeds \$250, a proper acknowledgement is received from the charity. This acknowledgement will likely need to be requested by you. If you'd like a sample letter to send to a charity requesting written acknowledgement, feel to reach out to us at 856-489-5559 or marty@aboandcompany.com

Many happy returns!

The above article was retrieved from the newsletters and other information disseminated to clients and friends of Abo and Company, LLC, Certified Public Accountants - Litigation & Forensic Consultants - a Partner in Progress of the Camden County Bar. With offices in Voorhees, NJ and Morrisville, PA you can check them out at www.aboandcompany.com or by calling 856-489-5559 for their newsletters or updates.

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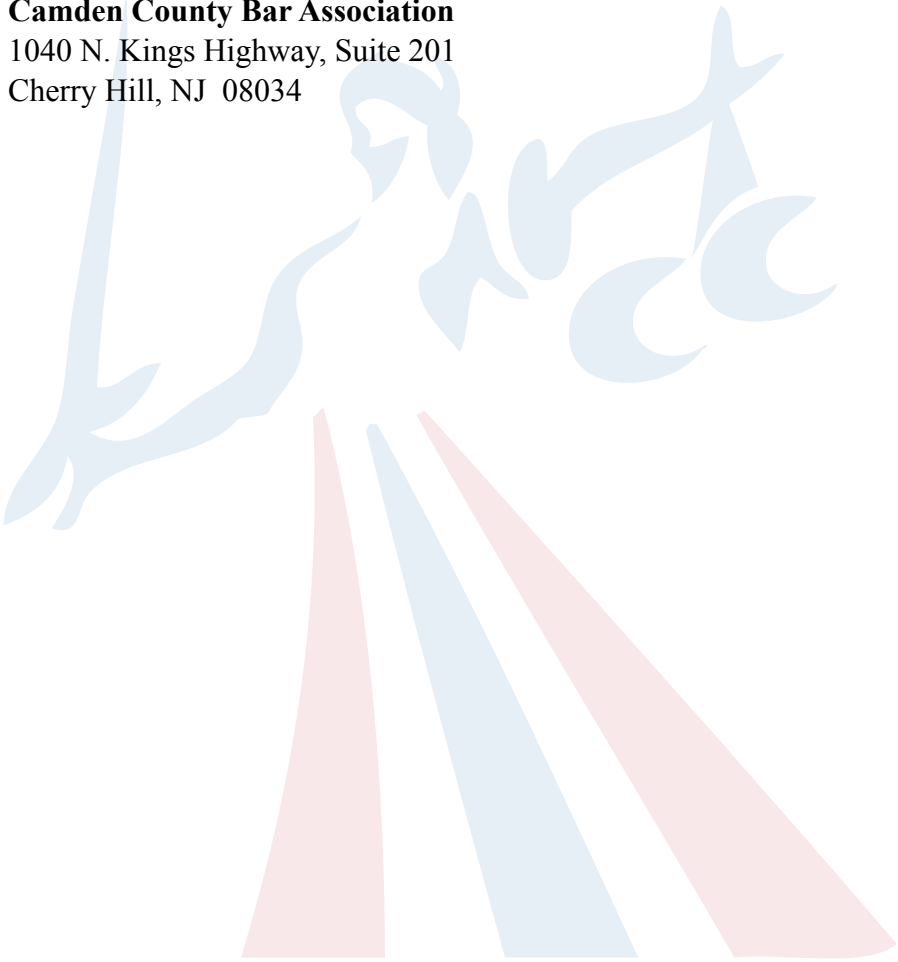
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at 856-985-4060 or email avogelson@parkerccay.com.

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Filing Deadline to Challenge Your Real Estate Tax Assessment in New Jersey is April 1.

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