

THE BARRISTER



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Jack Gerry LeGoff, Judge Mariano and Lou Lessig present a \$1,000 Judge John F. Gerry Memorial Scholarship award to **Jacquelyn A. Suarez**.



U.S. Magistrate Judge for the District of New Jersey, John J. Hughes (ret.), was the man of the hour at the 18th Annual Judge John F. Gerry Award presentation at Tavistock. (L-R) Gerry Award Committee Chair **Judge John B. Mariano, (ret.)**, Bar Foundation President **Louis R. Lessig**, **Judge Hughes**, Judge Gerry's grandson **Jack Gerry LeGoff** and **Mrs. John F. Gerry**.

Ragner E. Jaeger was the recipient of a \$1,000 Judge John F. Gerry Memorial Scholarship award presented by **Judge Mariano** and **Lou Lessig**.

**Holiday
Cocktail
Party**
December 16th
Members Only

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*Season's Greetings
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 yours a happy, healthy, safe holiday season and a bright and prosperous New Year.

Happy Holidays!



THE DOCKET

Tuesday, December 3rd

Young Lawyer Committee Lunch
12:30 – 2 pm
Bar Headquarters, Cherry Hill

*Practice Tips for Succeeding
in the Appellate Division*
4 – 6:15 pm

McCormick & Schmick's
Haddonfield Road, Cherry Hill

Wednesday, December 4th

*3rd Annual December Murder Mystery
Ethics Seminar*
4 – 6:15 pm

Tavistock Country Club, Haddonfield

Wednesday, December 4th

*Wrapping Party for the
Children's Holiday Party*
5 pm

Bar Headquarters, Cherry Hill

Saturday, December 7th

Children's Holiday Party
10 am – 1 pm
Coastline Bar & Grill

1240 Brace Road, Cherry Hill

Monday, December 16th

CCBA Board of Trustees Meeting
5 pm

Tavistock Country Club, Haddonfield

CCBA Holiday Party

6 – 9 pm

Tavistock Country Club, Haddonfield

Thursday, December 19th

Ethics Seminar

4:30 pm

Friday, December 20th

Adopt A Family Drop Off

8:30 – 10:30 am

St. Joseph's Pro Cathedral Church, Camden



Congratulations to Subranni Zauber, LLC, the winner (and South Jersey Legal Services, Inc. nominee) of the New Jersey State Bar Association's 2013 Pro Bono Award. Subranni Zauber has provided pro bono services to SJLS for many years through The Pro Bono Bankruptcy Project and through direct bankruptcy referrals through SJLS. Subranni Zauber often contacts SJLS throughout the year and volunteers to accept additional cases, often requesting at least ten new cases at a time. Subranni Zauber has been instrumental in helping to reduce the wait of clients who often need assistance immediately. Subranni Zauber has proven its commitment to the delivery of quality legal services to the poor by the countless hours of service donated to SJLS. Scott M. Zauber, Esq. accepted the award on behalf of the firm at the 2013 Pro Bono Conference held at the New Jersey Law Center on October 29, 2013. Pictured from left to right are Jeanie Wiesner, Esq. of Subranni Zauber, Michelle T. Williams, Esq. Director of Pro Bono Services and Centralized Intake at SJLS and Scott M. Zauber, Esq.

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Views and opinions in editorials and articles are not to be taken as official expressions of the Association's policies unless so stated, and publication of contributed articles does not necessarily imply endorsement in any way of the views expressed.

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 5 pm, at Tavistock Country Club in Haddonfield. 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 Previous Meeting
- 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

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FOUNDATION UPDATE

What Made You Smile As a Child for the Holidays?

By Louis R. Lessig

The holiday season is upon us once again. Did you ever travel at the holidays? As I think back to my childhood I can recall all sorts of trips, but the ones that stick out tend to be the times when things did not go exactly according to plan. Did that ever happen to you? One in particular that sticks out in my mind was a trip one year to Disney. Now for those of you who might be unaware, I am a big fan of Disney World, so the thought of going on a school break down to the Happiest Place on Earth sounded like a fantastic idea to me at the time. A week out of the house, running around the parks, warm weather, a chance to escape from school, all good. I can recall packing all of my summer clothes that had been put away at home and just wanting to see Cinderella's Castle in the distance and unwind.

Off went the Lessig clan, through airport security without a hitch. I can remember being on the transportation to the hotel and thinking that I was almost there. As you might expect it was with a great amount of anticipation. When we pulled up to the hotel there were cast members in period clothing for the holidays, roasting chestnuts over an open flame. The scene from the window of the bus seemed nice, but I wondered if they were hot in their winter attire. That was until I got off the bus and realized that the cold air from New Jersey had followed us to Florida and I was freezing in my T-shirt. I quickly understood that these cast members were the only warm people around because Florida was experiencing an unusual cold spell that rendered almost all of our packed clothing useless. Suffice it to say that we bought a few sweatshirts and warm clothes that trip, as well as one pair of leather gloves that my father bought for himself. Gloves that miraculously are in my coat pocket today. Despite the cold weather, it was still a wonderful vacation and one that I obviously still remember today.

What do you remember about your childhood? I am sure that you have a memory that brings back a smile from your younger days. I

would encourage you to hold on to that fond memory as I mention a few things that are going on with the Foundation. Of course we all support the Children's Christmas Party at the Coastline which will take place on Saturday December 7th. But there are even more ways that you can help impact the life of a child in need and bring them a smile, just like the one you have in your mind. How? Well, by supporting the coat drive this year. All we ask is that you send a check to the Foundation for the *Coats for Kids Campaign* in an amount of at least \$30. As always, all of our proceeds will go to purchase a new coat for an elementary school student in Camden.

But wait, there is more! Once the holidays are over and you are trying to figure out what to do until the weather gets warm again, the Foundation has your answer. On Friday evening March 7th at the Collingswood Ballroom the Foundation will be bringing you an event that is not to be missed! In this trifecta we begin with a Taste of South Jersey where area restaurants will be sharing a taste of what they have to offer. You want more? OK, at the same time and place we will be playing games to support our Foundation via a Casino night, complete with table games and prizes. But, I am not done yet! Because what would a winter event be without wine tasting?!? Have I finally wet your whistle? Well, I have to tell you that while we are working diligently right now to finalize all of the details, I will be providing more information in the future, but this is the winter event that you are going to want to be at and go ahead and bring a friend or two because all of the proceeds will benefit the Foundation and our philanthropic efforts.

As Hanukkah comes to a close and we move toward Christmas and New Year's may you have a happy and healthy holiday season. I look forward to seeing everyone in 2014, especially on March 7th to support our Foundation and hear what story you thought of when you read this article.

CLE Seminar



Practice Tips for Bankruptcy was the topic of the day at a recent CLE seminar. Presenters included Standing Chapter 13 Trustee **Albert Russo**, moderator **Ellen McDowell**, **Carrie Boyle**, **Douglas Stanger** and **William Wright**.

The Probate & Trust Committee



The Probate & Trust Committee presented its 12th Annual Forum *Hot Trends in Estate Litigation* at its November luncheon meeting. Participants included Committee Co-Chair **Glenn Henkel** with Kulzer & DiPadova, and **Steve Mignogna**, **Melissa Osorio**, **Don Craig** and **Tony LaRatta** from Archer & Greiner.



PERSONAL INJURY LAW

What Is a Special Needs Trust? When Is It Needed in a Personal Injury Case and How Does It Operate?

By Thomas D. Begley, Jr.

Frequently, in the settlement of a personal injury case the plaintiff is receiving a large settlement. Often, the same plaintiff has significant financial and medical needs that can be met through public benefits. The purpose of a Special Needs Trust is to enable the disabled beneficiary to enjoy the proceeds of the personal injury settlement while at the same time maintaining important public benefits, such as SSI and Medicaid. Some public benefits are means-tested, which means that there are income and asset limits. Other public benefits are not means-tested, which means that the injured plaintiff can have money.

What Public Benefits are Means-Tested?

- **SSI** – SSI is an income stream. In 2013, the income will be \$710 per month. In addition, some states provide a supplement. There is an asset limit of \$2,000 for an individual and \$3,000 for a married couple. Unearned income reduces the benefit dollar-for-dollar. Earned income reduces the benefit by one dollar for every two dollars earned after \$85 per month. Until a child is 18, the income and assets of a parent are deemed to the child.
- **Medicaid** – Medicaid provides broad medical coverage for recipients. Medicaid covers not only acute care, but also chronic care. It should be noted that most private insurance covers acute care with limited, if any, coverage for chronic care. The income and asset limits tend to be the same as for SSI. In many states, if an individual receives SSI, they automatically receive Medicaid.

- **Medicaid Waiver** – Most states have Medicaid Waiver programs that provide coverage similar to basic Medicaid. Many states have an income cap. In 2013 the income cap is \$2,130 per month. Most Medicaid Waivers have an asset limit, but they vary significantly from state-to-state and from program-to-program.
- **SNAP (Food Stamps)** – SNAP provides an Electronic Benefit Transfer (EBT) card to pay for food. The amount depends on household income. There is an asset limit of \$2,000 or \$3,000 if elderly. Income varies with the size of the household. All household members' income is counted.
- **Federally-Assisted Housing** – This is also sometimes known as Section 8. This program provides subsidized rent. The rent is capped at 30% of family adjusted income. There is no asset test. Income must be at or below the Regional Maximum. This varies from region to region.
- **Group Homes** – Many states have group homes for disabled persons. Generally, Medicaid pays for these group homes. The income and asset tests tend to be the same as general Medicaid.
- **CHIP** – The Children's Health Insurance Program (CHIP) provides medical assistance to low and middle-class individuals. The recipient need not be disabled. Only three states have an asset test. There is an income limit that varies from 90% of the federal poverty limit to 350%.

If an individual is receiving means-tested public benefits, a Special Needs Trust is required.

Public Benefits That Are Not Means-Tested

Certain public benefits are not means-tested. These include:

- **SSDI** – SSDI is a cash benefit. The amount depends on the amount paid into the Social Security system. There are no income or asset tests.
 - **Medicare** – Medicare provides medical coverage for hospital, out-patient, and prescription drugs. Generally, Medicare is limited to acute care. There are premiums, deductibles, copays, and maximums per spell of illness. There are no income or asset tests.
- If a person is receiving public benefits that are not means-tested, no special needs trust is required.

What is a Special Needs Trust and How Does it Operate?

- A Special Needs Trust is a creature of statute. These trusts were authorized by Congress in 1993.¹ Essentially, there are seven requirements:
- **Assets of the Individual** – The trust must consist of assets of the individual. The personal injury settlement is an asset of the individual.
- **Under 65** – The individual must be under age 65 at the time the trust is established and funded. A structure in place prior to the individual attaining age 65 can continue afterward.
- **Disabled** – The individual must be determined to be disabled by the Social Security Administration or the State Medicaid Agency.

(Continued on Page 9)



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¹ 42 U.S.C. §1396p(d)(4)(A).



“Words Pay No Debts” (*William Shakespeare*)

“Why Leave Your Legal Fee, Your Money, in Someone Else’s Pocket?” (*Martin Abo CPA*)

“Thanks for the Information, Captain Obvious” (*Benjamin Abo*)

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

Of the three quotes above, the last one from my son Ben, may be the most appropriate in reading my thoughts that follow about managing a firm’s accounts receivable. Perhaps consider these ideas:

- Bill responsively from the outset. Issue invoices as soon as feasible, preferably coincident to the providing of the service. Delaying can lengthen the payment period. In addition, frequently the more credit you extend, the more you must borrow. Shortening the billing cycle while speeding up your collection process can have a profound impact on distributable income to the firm’s partners. While every business is unique, with law firms no different, the average law firm may have 80 days of unbilled work while it typically takes another 60 days to collect those fees even after they’ve been invoiced. You add it up—140 days from the time the services are performed until the payment is deposited and fully available to the firm.

That’s almost five months and if you can cut that “delay” by even just a third, you could free up enough cash for a partner distribution of one and a half months worth of fees!

- So much for averages and trends. A previous *Juris Law Firm Economic Survey* of midsized law firms I saw revealed it took the average firm 72 days to mail the bill and another 76 days went by before that bill was paid—a total of 148 days. A subsequent *LexisNexis Law Firm Economic Survey* showed that figure increasing to 170 days from providing a service to getting paid on it. While I’m not sure where we are as of November 2013, these are still troublesome pieces of data.
- I’ve seen some pro-active firms having a pleasant-voiced administrative person call the client after 10 to 15 days of closing a matter and so billing. The call, effectively a well disguised “customer service” or “public relations” follow-up, is an excellent time to remind the client of their payment responsibilities (diplomatically, of course).

- On a similar note, pay attention to inadvertent delays by the attorney(s) of your firm involved in completion of the matter. Since often you may not be able to final bill before the client receives some final document/notification/follow-up, do not let such files sit on your desk, your associate’s, your para-legal’s or even your secretary’s desk.
- Where permissible, consider requiring:
 - a. Advance Payment
 - b. Evergreen trust deposit
 - c. Payment by credit card
 - d. Installment payment agreement
 - e. Automatic debit memo on bank account
 - f. A standby letter of credit guaranteeing the payment
 - g. Personal guarantees from the client (or even a third party)
 - h. Obtaining a pledge of assets from the client
 - i. Having the client at least pay current invoices on a current basis.

(Continued on Page 18)

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To learn more or to receive any of the above, please contact by phone, fax or e-mail:

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NOTICE TO THE BAR

Whether serving as an arbitrator or representing a litigant, many Bar Association members have experience with the mandatory R. 4:21A arbitration of commercial, lemon law and personal injury cases. While the rejection of awards by filing for a trial *de novo* historically has been high, the value of this step in the litigation of these cases has been recognized by administrators and attorneys alike.

The Camden County Bar Association Complementary Dispute Resolution ("CDR") Committee serves our County as the R. 4:21A-2(b) arbitrator selection committee to assist the Court in maintaining rosters from which arbitrators are appointed to serve. The Committee meets annually as required to review arbitrator performance on both an individual and institutional basis. At its most recent annual review meeting, the Committee decided it had sufficient evidence of individual performance, achieved by review of the evaluations completed by attorneys at the time of the arbitration, to conclude that a procedure for addressing reported deficiencies should be implemented. The Committee is working on the procedure so

that the high quality of arbitration panels can be maintained.

On a broader scale, however, the Committee wishes to address the ways the overall experience of litigants and their counsel can be improved. Arbitrators are asked to be mindful of four essential duties they have when scheduled to serve.

1. Initially, to be eligible to sit, all arbitrators must be current in completing the bi-annual training our Court Rules require. Anyone who failed to attend the most recent two hour refresher class should inform the Court or Committee so that you can be removed from the rotation until this obligation is satisfied.
2. It remains critical that if you find you are unable to sit on your scheduled date you *must* arrange for another arbitrator on the approved roster (i.e. commercial, plaintiff PI or defense PI) to appear in your place. The Bar Association maintains the arbitrator appointment schedule on its website, so access to alternative arbitrators is easy. Once you make such arrangements, you should notify a Court Arbitration

Administrator so the proper paperwork can be prepared in advance of the arbitration date.

3. Arbitrators are directed by the Court to arrive by 8:45 am so that panels can be assembled, conflicts resolved and case assignments made commencing promptly at 9 am. Timely appearance for arbitrations is no less important than appearing for any other Court event.
4. Arbitrators must be able to sit uninterrupted until the day's work is completed. It is unfair to the Court, litigants and other arbitrators if someone assigned to a panel also has a case they plan to handle that day, whether for an arbitration or in a courtroom. Similarly, it is inappropriate to have an appointment that will require an arbitrator to leave prior to all cases being heard.

We have a talented and dedicated group of arbitrators serving the interests of justice in Camden County, and the CDR Committee will continue to work to ensure that everyone appearing for arbitrations can depend in all ways on their performance.



By William F. Cook

Civil Practice Corner

Mark your calendars for a "can't miss" seminar on December 3rd, **Practice Tips for Succeeding in the Appellate Division**, at McCormick & Schmick's in Cherry Hill. This seminar will feature Judge Sabatino and Judge Lisa along with Montgomery McCracken's Stacy Fols and Georgette Castner.

Practice developments over the past year in the Appellate Division make this seminar very timely. The Appellate Division's new e-filing system, "eDATA," was rolled out earlier this year. In September, the Appellate Division's emergent duty procedures were substantially modified. And finally, all appellate attorneys should be aware of the Appellate Division's Notice to the Bar from May 1st governing briefing and motion practice. Be sure to attend the seminar on December 3rd to get updated on these latest developments.

Supreme Court Update

Dominating the legal headlines over the past few weeks was Garden State Equality v. Dow, the same-sex marriage litigation. Aside from one's stance on the substantive issues, the case presents an interesting study in the emergent appeal process.

The case was brought in the Law Division before Assignment Judge Mary Jacobson in Mercer County. Briefing on Garden State Equality's summary judgment motion was completed in August, and Judge Jacobson issued her ruling on the motion on September 27th. In the ruling, Judge Jacobson ordered the State to begin permitting same-sex couples to enter into civil marriages on October 21st. Upon issuance of the September 27th Order, the State was faced with the familiar dilemma as to how the case should be preserved for appellate review.

Matters may come to the Appellate Division from a trial court in one of two ways. First, the matter may be appealed as of right to the Appellate Division within 45 days of a "final judgment." The term "final judgment" is defined by R. 2:2-3. In determining whether a final judgment exists, the basic question is whether the underlying order fully disposes of all issues and parties in the underlying case. For example, an order granting summary judgment to some but not all defendants is **not** a final judgment under the rule. A "final judgment" may also include other types of civil orders as set forth in R. 2:2-3. These include an order

granting or denying a motion to extend the time to file a notice of tort claim pursuant to N.J.S.A. 59:8-9 or an order either compelling or denying arbitration. In the meantime, the filing of a motion for reconsideration of the final judgment or order will toll the 45-day appeal period under R. 2:4-3(e).

If the matter does not involve a final judgment, the practitioner's only alternative will be to file a motion in the Appellate Division for leave to appeal. The motion for leave to appeal, or "interlocutory appeal," must be filed within 20 days of the date of service of the order in question under R. 2:5-6. If a motion for reconsideration is filed, the 20-day period will be tolled during the pendency of the reconsideration motion. Critically, the filing of the motion for leave to appeal in the Appellate Division does **not** stay the proceedings in the trial court.

In Garden State Equality, there was no question that the September 27th Order was a final judgment for appeal purposes. The Order fully disposed of all issues and parties for purposes of R. 2:2-3. The State therefore filed its Notice of Appeal on September 30th. However, the mere filing of a Notice of Appeal does not stay the underlying action. Thus, the State was required to move for a stay in the Law Division before it could seek emergent relief at the appellate level.

Crowe v. De Gioia, 90 N.J. 126 (1982), provides the well-settled standard for determining whether a stay is warranted. Under Crowe, the party seeking a stay must demonstrate that (1) relief is needed to prevent irreparable harm; (2) the applicant's claim rests on settled law and has a reasonable probability of succeeding on the merits; and (3) balancing the relative hardships to the parties reveals that greater harm would occur if a stay is not granted than if it were.

In Garden State Equality, Judge Jacobson issued a Scheduling Order on October 1st for briefing on the stay issue, and briefing was completed on October 7th. On October 8th, the State filed a motion in the Supreme Court for direct certification, which is permitted in rare cases where warranted by strong considerations in the public interest. On October 10th, Judge Jacobson denied the motion for a stay, thus perfecting the stay issue for appellate resolution.

On October 11th, the Supreme Court granted the motion for direct certification. By granting the motion, the Supreme Court took jurisdiction over the appeal. The Court's Order imposed an expedited briefing schedule, with briefs due by early December. Oral argument was scheduled for the first week of January. Since these deadlines post-dated the October 21st implementation date under Judge Jacobson's Order, the issue of the stay became paramount.

On October 18th, the Supreme Court issued an Order denying the motion for a stay under Crowe. To be clear, this ruling did **not** address the merits of the substantive issues; it merely denied the motion for emergent relief. Thus, the Supreme Court's ruling did not terminate the appeal. Rather, the appeal was terminated by the State's filing of a letter on October 21st withdrawing its appeal.

The procedural history of Garden State Equality is significant for the future development of the same-sex marriage issue in New Jersey. On the one hand, same-sex marriage advocates obtained a favorable substantive ruling in the Law Division. At the same time, that ruling was not reviewed on the merits by either the Appellate Division or the Supreme Court. The Supreme Court only ruled on the stay motion. Thus, in terms of precedential value, the Law Division's ruling would not appear to carry appellate endorsement, nor would it appear to constitute binding precedent on another Law Division judge. It will therefore be interesting to see how the procedural history in Garden State Equality affects the future development of the same-sex marriage issue in New Jersey.

Contributors Wanted

Anyone interested in volunteering a column for the Civil Practice Corner can contact me at wcook@brownconnerly.com.

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Women Lawyer Alert: Which You Will Show Up in 2014?

By Kimberly Alford Rice

As we head into a new year, consider committing yourself to making it different, better, more fulfilling.

Sure, the life of a female lawyer is nothing if not an exercise in multi-tasking, constant balancing of multiple priorities AND going the extra mile to be acknowledged and rewarded comparable to your male counterparts, but the savvy lawyer understands that her legal career is only as satisfying as she molds it to be.

Even as law firms still struggle to rebound from the most recent recession, there has never been a more pressing time for women lawyers to take control of their careers and build a solid book of business of their own.

With all the studies and chatter on gender wage inequities, the disparate number of female law firm leaders, and incessant sexual and gender discrimination issues which plague the profession, it is no wonder that female lawyers are packing up and leaving their posts with increased frequency. But, to those who choose to stay, I would say, "you must understand, deeply, that whether you are a solo practitioner or a member of an AmLaw 100 law firm, if you are in private practice, you are a business owner and must regard yourself as a business owner regardless of whether or not you actually have any business of your own.

In order to take control of your legal career, you must become the boss of your own one (wo)man firm: "You, Inc.," and the one thing that "You, Inc." needs is clients. If you are a solo practitioner, you truly understand this completely. No clients, no business. No business, no legal practice.

However, I am often troubled that many attorneys practicing in law firms either proactively decide (professional suicide) or decide by default (no action taken) that as long as firm partners are feeding them work, they're good. These intelligent women (and men as well) are fed the "don't worry about bringing new files in" line by firm partners or they are lulled into complacency as a result of the constant feeding at the trough of the few firm rainmakers. Either way, the long-term career prospects are dim unless these folks somehow have an "aha" moment to realize that increased earning potential and long-term job security is directly linked to developing and growing a healthy book of business.

Unless you have been living under a rock since 2008 when the recession began, you have witnessed law firms implode, explode, and lay off attorneys left and right. The attorneys who remain are the rainmakers and the ones who are "future" rainmakers. No law firm is exempt...none.

It is vital to understand that as a result of the economic changes and the dramatic paradigm shift in legal services there is no longer the age-old lock step tradition of moving from associate to partner in a pre-determined number of years. There is no guarantee that you will remain with the same firm without experiencing a layoff at least once. In fact, there is no longer a guarantee that you will even have a legal job when you graduate law school.

The only way to secure your career and your future with a higher degree of certainty is to move from the "employee" mindset to that of the "CEO of Me" mindset, and take definitive, strategic steps to build a book.

Sadly, here's the dirty little secret that is often hidden: law schools and most frequently law firms do not teach you or prepare you to make that happen. Sure, firms may say they have a healthy mentoring program and/or training curriculum; however, as a practical matter, the intentions may be honorable but the follow through is often disappointing.

If it's going to happen, you must be the captain of your own ship, and make it happen. There are many rainmaking books, classes, and professional trainers/coaches you can retain. Becoming a rainmaker is the only way to have job security—in a law firm or on your own.

Remember, rainmakers are not born—they are made, and you can learn the skills necessary to be successful in your own right.

So, I ask you, will the employee you or the CEO you show up in 2014, and how will that scenario define your next "best" year?

WELCOME NEW MEMBERS

October 2013

Active (5)

Chantal M. Borroum, Esq.

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PERSONAL INJURY LAW

What Is a Special Needs Trust?

When Is It Needed in a Personal Injury Case and How Does It Operate?

Continued from Page 4

- Sole Benefit Of – Distributions from the trust are limited to the sole benefit of the individual. This is often a problem as family members tend to view the trust as the family bank account. A strong trustee is essential.
- Established By – The trust must be established by a parent, grandparent, guardian, or a court. A Self-Settled Special Needs Trust cannot be established by the individual except in the case of a Pooled Trust.
- Payback – On the death of the beneficiary, or upon the termination of the trust during the beneficiary's lifetime, the assets in the trust must be used to repay Medicaid for all medical assistance paid to the beneficiary since birth.
- Irrevocable – The trust must be irrevocable.

Trustee

A professional trustee should always be utilized. Family members often want to serve as trustee. The trustee must be familiar with SSI law, Medicaid law, tax law, have investment expertise, and be familiar with fiduciary standards. The trustee must also be able to say "no" to requests for inappropriate trust distributions. Many states require corporate trustees in all but the smallest of Special Needs Trusts. Most states require an individual trustee to be bonded, which is often difficult if not impossible. Where an individual serves as trustee it is inevitably a question of when, not if, the trust will blow up in

everyone's face. Family members can be appointed as Trust Protectors and given the right to remove and replace the corporate trustee with another corporate trustee. This gives the family members comfort.

Essentially, the trustee makes distributions to third parties who provide goods and services, rather than to the trust beneficiary. A distribution to the trust beneficiary would reduce the SSI payment dollar-for-dollar. Payment to third party providers for goods and services are not considered income, unless they provide food or shelter, in which event the SSI payment is reduced by approximately one-third, but Medicaid continues.

Structured Settlement

If a structured settlement is paid to an individual plaintiff, that would cause a loss of means-tested public benefits. By having the same structure paid into a Self-Settled Special Needs Trust, benefits are preserved. Most states require that the beneficiary of the structure on death be the trust to ensure the Medicaid payback.

Sonya M. Mocarski, MS

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WINE & FOOD

By Jim Hamilton

As yet again we approach the end of a year, it is time to plan for celebrations. For some, it will be holiday-driven parties. For others, it *could* be a rare Eagles home victory... or a Sixers win anywhere. While many people only think of bubbly as a celebratory drink, be it a holiday, birthday or commemoration of the arrival of a new year this can be short-sighted. Sparkling wine really is versatile, and besides, the sound of a popping cork is one of those unique sounds we all should hear more often. For those who feel they should reserve sparkling wine for special occasions, I suggest expanding one's view of what is special. After all, aren't all days important?

Perhaps some people think nothing less than Champagne, i.e. sparkling wine from the Champagne region of France, is worth drinking, but view the cost of such wines too dear for days viewed as ordinary. While

for many reasons Champagne can be expensive, most bottles cost far less than luxury entries such as Dom Perignon or Cristal. Moreover, there are so many worthwhile sparkling wines available from regions other than Champagne that price really should not be a deterrent. Since December is a prime time for buying bubbly, let us talk about some options you may want to consider.

As you know from their market penetration (and, I hope, from reading this column), two countries to which we can look for inexpensive but well-made sparkling wines are Spain for its Cava and Italy and its Prosecco. Cava is generally used to identify Spanish bubbly, but unlike, say, Champagne, which is a single wine district involving contiguous villages with their vineyards, there are many Cava districts scattered



about Spain. Most of the quality producers are in the region in northeast Spain near Barcelona. Unlike Champagne or, for that matter, California, the primary grapes of Cava are not the "traditional" ones known to most consumers, e.g. Chardonnay and Pinot Noir. Rather, there are three indigenous grapes used, often together, to make Cava—Xarel-lo, Macabeo and Parellada (although

(Continued on Page 14)

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PRESIDENT'S PERSPECTIVE

by Gary W. Boguski

By the Numbers

- ! 2,283 number of dues paying members of the Camden County Bar Association as of the last census
- ! 1 ranking of Camden County Bar Association in the State of New Jersey for County Associations' number of dues paying members
- ! 1 ranking of Camden County Bar Association in the State of New Jersey for gross revenue as of 2011
- ! 2 ranking of Camden County Bar Association in the State of New Jersey for County Bar CLE certificates issued
- ! 3 number of employees for Camden County Bar Association. Compared to Essex County, second highest County Bar Association in terms of number of dues paying members, which has 7 employees

The above numbers point out, among other things, the efficiency of our staff.

Larry Pelletier, Denise Whybark and Kathy DelPrato handle all the work of the Camden County Bar Association AND the Bar Foundation. For a Bar Association of our size, this is extraordinary. It also explains why Larry, Denise and Kathy were required, as part of their job, to grow an extra pair of hands. Many people have asked me over the last few months how the first few months have gone as President of the Association. My standard comments are that it has been fun and challenging, but, also easier than they would imagine because the staff keeps the engine running on a daily basis. We are lucky to have a staff of such hard working, dedicated and talented individuals.

- ! 61 number of women who attended the kick-off luncheon meeting of the newly formed Camden County Bar Association **Women in the Profession Committee** chaired by Brenda Eutsler and Tommie Ann Gibney. The response to the Committee has been overwhelming. At the luncheon, Judges Colalillo, Famular, Baxter and Axelrad all spoke about their experiences early in their careers. It was a great kick-off to an overdue concept for the Bar Association. The Committee welcomes all Women who are interested in participating and also

welcomes all ideas as to how the Committee can work with, support and assist the Women of the Camden County Bar Association.

- ! 1 number of men at the Women in the Profession kick-off luncheon
- ! 25(ish) years for the Foundation Christmas Party for the kids hosted by the Coastline

December is an exciting month for the Bar Association and Foundation.

December 7th is this year's kids Christmas Party at the Coastline. Elves and other helpers are welcome, especially those who hope to put in a good word for themselves with Santa. If you have not experienced one of these breakfasts, I strongly encourage you to come out as it is always one of the most inspiring events of the Foundation.

On December 16th, the Camden County Bar Association will be hosting its annual Holiday Party at Tavistock Country Club. Tickets are \$75/person and \$65 for young lawyers. This function is for members only. Please contact the Bar Association office for details.

December is also the month for our annual Adopt-A-Family Program chaired and run by Marci Hill-Jordan and Michael Ward. Volunteers are needed to adopt families as well as to help at the drop-off site on December 20th when the food, presents and joy are delivered to needy Camden County families. Please contact Marci or Michael for details.

Personal by the Numbers

- ! 2 number of One Direction concerts I have attended
- ! 5 number of members in the One Direction band. Bonus points for any one who can name more than one member of the band
- ! 92 number of days since my last Tastykake (far and away a personal record)
- ! 10 number of pounds semi-unintentionally lost over the last 92 days. This may not be a coincidence.

Committee Kick-off Luncheon



Brenda Eutsler and Tommie Ann Gibney, co-chairs of the Women in the Profession Committee, were all smiles as nearly 70 women lawyers and judges attend the committee kick-off luncheon in October.

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YOUNG LAWYER HAPPENINGS



YOUNG LAWYER CHAIR

'Tis the Season to Give Back

By Rachael Brekke

It was great to see everyone at the Fall Frolic! It's hard to believe we're already wrapping up 2013. **The Holiday Cocktail Party at Tavistock on December 16th** should be a great event to close out another year with friends and colleagues.

Please join us at the **Coastline on December 7th for the Kids' Christmas Party**. I don't know if it is the holiday spirit or the overwhelming volunteers but this event always stands out for me as one of our best. After more than 250 children unload off of the buses from Camden enjoy a nice breakfast, their faces literally light up during the magic show and smiles so big that their cheeks hurt as they sit on Santa's lap to receive their first (and maybe only) Christmas present.

There is one thing I can promise, if you can spare a few hours on this Saturday morning, you will absolutely look forward to this event every year going forward. I say this because it is exactly what happened to me four years ago, and so many of our young lawyers. Please feel free to contact me for more information, or simply stop by and thank me later.

Too often young lawyers tell themselves that they don't have any billable hours or extra cash to spare during this time of year to help the less fortunate. While I understand these struggles, I'm sorry but I cannot accept the excuse. This just means that we have to be more creative!

Here is an idea to get you started—last year I brought the CCBA Kids' Coat Drive to my office. And guess what? A ton of lawyers and staff members were excited to clean out their closets, shop for an adorable coat during their lunch hour, or donate money for the cause. We ended up donating three full bags of children's coats and I dropped them off on my way home from work. If you have a little bit more time I would suggest "adopting a family" with the Hall of Justice and taking the time to buy presents for the children in Camden who would not otherwise have anything to unwrap. Honestly, whatever you can do will make a difference...just do something.

Our Young Lawyer lunches in November and December were great to gear up for the New Year. I want to wish everyone a very Happy and Healthy New Year. Enjoy the holiday season with family and friends, and be sure to rest up because we have an exciting year ahead!

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A Deserving Recipient

A new location and new event format greeted nearly 200 guests for the 18th Annual Judge John F. Gerry Award presentation at Tavistock Country Club. Mid-way through an upscale networking cocktail party, there was laughter and applause as guests and speakers honored The Honorable John J. Hughes (ret.), United States Magistrate Judge for the District of New Jersey.

The Gerry Award is presented by the Camden County Bar Foundation in recognition of continuing outstanding contributions of

a member of the Bar of the State of New Jersey or a member of the State or Federal Judiciary in New Jersey who exemplifies the spirit and humanitarianism that marked Judge Gerry's life and career.

The evening also included the awarding of the Judge John F. Gerry Memorial Scholarship Awards. Jacquelyn A. Suarez, Rutgers School of Law-Camden '15 and Ragner E. Jaeger, Rutgers School of Law-Camden '14, each received a \$1,000 scholarship.



Lou Moffa, Linda Eynon & Andy Kushner



Angelo Genova, Suzanne Brotman & Judge Brotman



John Levy & Judge Thompson



Kerry Rosen & Stacy Fols



Thomas Blewitt, Bill Walsh, Judge Hughes & Judge Faulk



Judge Kugler, Jim Hamilton & Jay Greenblatt



Foundation President Louis Lessig, Frank Allen & Chuck Heisler



Judge Gerry's grandson Jack Gerry LeGoff, Mrs. Jean Gerry & Eric LeGoff



Kathy Gerry Kohlbrenner & Gerry Committee Chair Judge Mariano



Marcy Barratt & Stanley King



Judge & Mrs. Rodriguez, Justice Hoens & Lisa Rodriguez



Maureen Coughlin, Karen Chewning & Judge Williams

WINE & FOOD



Continued from Page 12

increasingly Chardonnay is being included in the blend).

In the past, I have lauded a Cava brought to us by importer Jorge Ordonez, the Vins El Cep wine called Kila Cava. Unlike many inexpensive sparkling wines, Kila is a vintage bottling. This does not necessarily mean such wines are better than non-vintage wines, but simply that the grapes were harvested from a single year rather than multiple years. Naturally, some growing seasons are better than others causing vintage variation, which non-vintage producers seek to avoid in order to keep a “house style.” I am happy to report that the currently available **2010 Kila Cava** is another success. It has that steely penetration of good Cava, and is, perhaps, a touch broader in its texture than the 2009 version. It still possesses a penetrating minerality that helps keep it crisp, and once again possesses a persistent, finely focused mousse (i.e. the bubbles). This wine can outperform bottles that far exceed its sub-\$10 price.

Another producer whose wines I have had a good bit of experience tasting, often with the owner, is Raventós i Blanc. While this bottling may not be as widely distributed as others, the **NV Raventós i Blanc La Vidal Camp Cava Brut** is a rather distinctive wine. It delivers real citric flavors resembling a liquid lemon biscuit, with firmly embedded spices—think ginger and allspice. It is compact and lean, but very expressive and clean. A Raventós wine that will sell in the mid-\$20 range, which may be pushing the price envelope a bit for Cava, is the **2009 Raventós i Blanc De la Finca**. This flagship bottling is made with mostly old vine Xarel-lo grapes and features a medium body filled with slate and petrol notes that balance well with steely apple fruit and a white flower zest. Other Cava deserving consideration include those from Castellroig, Naveran, Juvé y Camps, Rigol, Llopart and Marques de Gelida.

Italy's Franciacorta wines from the Lombardy region in some ways represent that country's answer to France's Champagnes. These wines are not nearly as prevalent as the more favorably priced Italian sparkler, Prosecco, but there are a few producers you may find that are well worth exploring. **Bellavista** is one of the best known (relatively speaking) sparkling wines from Franciacorta in our market, and deserves the reputation it has earned. Another that hit

shelves briefly and can still be seen on some is **Le Marchesine**. These wines, both white and rosé, seem to have received at best tepid acceptance, and consequently enjoy bottle age and may be discounted to a sub-\$20 price, making them a real nice buy. However, while the prices of these sparkling wines will be less than most Champagnes, they still may exceed the reach of cost-conscious consumers.

If there is a sparkling wine region that rivals Spanish Cava for delivering good quality at affordable prices it is Prosecco, the name for both the grape and the region in northern Italy where these sparkling wines are produced. My preferred appellation for Prosecco is Valdobbiadene, and that is where the grapes for Bortolotti wines are grown. **NV Bortolotti Prosecco Brut** is a favorably priced and simply enjoyable glass of bubbly. The wine shows a tandem of apple and melon fruit melded with a quinine minerality. While the wine is not in any way plump, it is broad enough to convey an ample body bursting with persistent, tiny bubbles.

Other reliable Prosecco producers one can find locally are the nicely packaged (i.e. nice bottle and label) Loredan Gasparini and Anime, as well as Zardetto and Bisol.

If Champagne pricing is hard to swallow but you want to drink French bubbly, there are a number of other regions in that country to which you can turn. While space does not allow us to explore them in detail, I want to offer an overview so that you know that worthwhile options exist.

While France's Loire Valley is well-known for its Vouvrays, Sancerres, Chinons and Muscadets, there also are some very nice sparkling wines produced, many from the Vouvray region made from the white grape, Chenin Blanc. Among producers to consider are Baumard, Huet, Foureau and Pinon. Another option if you can find it is basic Crémant de Loire. Indeed, one of the true discoveries I stumbled upon, in Philadelphia of all places, is the **NV De Chanceny Crémant de Loire Rosé Brut**. This wine is made from Cabernet Franc, the red grape of Chinon, among other Loire Valley regions, and it offers a real depth of ripe, angular, strawberry fruit in an elegant but vibrant body. A less delicate option from grapes grown in the Loire's Saumur appellation is **NV Bouvet Rosé Excellence**. This is a sturdy rendition of the Cabernet Franc grape, providing power rather than finesse at a price that, depending on the discount, may be less than \$10.

Another fertile French wine field you might mine is Alsace. Crémant d'Alsace wines typically are priced similarly to the sparkling wines of top Loire Valley producers.

Among the Alsace wineries that make bubbly worth trying are Barmes-Buecher, Albert Mann, Lucien Albrecht and Paul Blanck.

If the occasion calls for, and your budget allows, the “real thing,” Champagne, there are some producers that make reasonably affordable bubbly. One of the reliable entry level Champagnes is the **NV Pol Roger Brut**, a wine I recently enjoyed out of the best format for Champagne—magnum. Another is the **NV Charles Heidsieck Monopole “Blue Top,”** which has an elegance in style similar to the Pol Roger. If you like a bit more power in your sparkling wine, **NV Nicolas Feuillatte Brut** may suit your taste. Compared to the Pol Roger or Heidsieck, it has a house style that displays a bit more muscle and fruit. A wine worth searching for is the **NV Marie Hanze Brut** made by the Champagne producer, Nicolas Maillart. Like the Feuillatte, the style strives not so much for crispness, but rather lush, ripe fruit that, key to Champagne as with other wines, is balanced by the wine's acidity. The entry level Champagne from **Pommery** is another winner, one Linda and I repeatedly ordered on our last cruise. A final budget Champagne entry is **NV Duc de Romet Brut Prestige**. This is a wine made by the talented Jean-Baptiste Geoffroy, whose estate-produced wines under the René Geoffroy label can be special. For this label, the wines are made from purchased rather than estate fruit, and they deliver a nice Champagne experience at a price less than \$30. One thing the Marie Hanze and Duc de Romet wines have in common is that the primary grape in the blend is the “step-child” of permitted Champagne grapes, Pinot Meunier. If you are feeling flush and can venture at or just past the \$30 price point, there are some excellent non-vintage offerings from L. Aubry, Marc Hèbrart, Pierre Gimmonet and A. Margaine, to name but a few.

We have run long and still not had time to cover domestic bubbly, German Sekt or Austria's sparkling wines, among many others. Ah, so little time and so many wines... which is what I often say (to myself) when I go down to the wine cellar.

Whatever you choose to drink during the month ahead, I hope it serves to add to the merriment of memorable gatherings. Cheers!

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By Hon. Richard S. Hyland (ret.)

Back in the Day

Last month I wrote about my early days in politics and law. During that time, I met several well known figures who left a lasting impression. For instance, Vice-President Lyndon B. Johnson spoke at a dinner in Mt. Laurel in 1963. I had not been a fan, perhaps put off by his corn pone accent and laborious speaking style. He was bigger than he appeared on TV, and quite imposing in person. I could appreciate how effective he was as a legendary arm twister when serving as the Senate Majority leader. He would usher recalcitrant senators into his office, sit them down on a low sofa with soft cushions, and tower over them to get their vote. No one that night could imagine the horror of the Kennedy assassination and how he was thrust in his place.

The next time he probably was in South Jersey was his nomination (coronation) at the 1964 Democratic convention in Atlantic City. Governor Hughes was a rising star and convinced the National Committee to hold the convention there. It was a disaster for the city and the delegates because of its antiquated hotels and facilities and couldn't begin to host a convention of that size. I doubt that any out of state delegates ever went back.

An even more imposing figure was Philadelphia's Frank Rizzo who had worked his way up from street patrolman to Police Commissioner to Mayor. I met him several times at the private Vesper Club in center city where he would gather with his entourage on Friday nights. He just oozed power and usually wore a well-tailored dark blue suit, a perfectly starched white shirt, and black shoes with a "spit shine" an airborne trooper would envy. When he shook my hand with his paw, it felt like he could crush my feeble fingers or jerk my arm out of its socket. My lasting memory is the famous picture taken while on his way to a formal dinner, dressed in a tuxedo with his night stick jammed in his cummerbund in case there was trouble ahead.

My favorite of all was Richard J. Hughes who I had the privilege of running with for the General Assembly in 1965 while he was seeking his second term. He had his roots in Burlington City and was really a South Jersey guy without any airs or pretense. A dynamic campaigner, he would rev up audiences like no other when he got going, demonstrating his sincerity and compassion for the less fortunate.



Charles A. Rizzi, John F. Gerry, Assignment Judge Arthur Simpson, M. Patrick King and W. Orvyl Schalick.

After serving two terms, he was appointed as our Chief Justice by our own Bill Cahill, a Republican. The only other comparable service was that of President William Howard Taft who was later appointed Chief Justice of the U. S. Supreme Court. It is only fitting and proper that our Justice Complex in Trenton bears his name.

Hughes' Republican opponent in 1965 was Wayne Dumont, a Senator from an upstate rural county who advocated the passage of a sales tax, rather than Hughes' income tax proposal. He was a man of integrity, but for this, present day Tea Party members would call him

a "Rino." That summer I left my practice and the campaign for the annual two week summer camp training with my National Guard unit at Sea Girt. On break one morning, I called the office from one of the two public telephones on base. (Remember! No cell phones then). As I was finishing my call, I noticed a major using the other phone through the glass and saw it was Dumont who was detailing his campaign and issues for the next weeks. When he hung up I was going to call Dick Hughes and offer the fruits of my eavesdropping. However, my conscience reminded me that he could have used the state phone at his headquarters at no expense to him and no one would be the wiser. I remembered another one of my favorites, Harry Truman, who would buy and lick the stamps for his own personal mail.

In 1972, my brother and I were enthusiastic supporters for Maine Senator Ed Muskie for the Democratic nomination to run against Nixon, and attended a dinner for him at the Rickshaw Inn (now Mercedes-Benz on Route 70). We wanted a picture with this 6'4" guy and overlooked how vertically challenged the Hylands were. He didn't—and graciously said "Why don't we sit down for this one?" We did and got a great picture.

Unfortunately, his quest was finished when he stood up as a good husband, and defended his wife from an alcoholism charge. The pundits claimed he cried in the process and was finished. It was so frustrating, that all of a sudden, our best chance for beating Nixon was whisked away by the media with no recourse for this able and decent man. Please note, the break-in at the Watergate followed shortly after.

Please send any comments to rhylandatlaw@aol.com.

VERDICTS OF THE COURT

Superior Court of New Jersey

VERDICT: No Cause (10/1/13)
Case Type: Auto Negligence
Judge: John A. Fratto, J.S.C.
Plaintiff's Atty: Dan Zonies, Esq.
Defendant's Atty: Rachel Haninczak, Esq.
L-2217-11 Jury

VERDICT: Damage Verdict: \$7494.70 Against Defendant (10/3/13)
Case Type: Book Account
Judge: John T. Kelley, J.S.C.
Plaintiff's Atty: Christopher D'Amore, Esq.
Defendant's Atty: Marcus Dyer, Esq.
L-1672-12 Bench

VERDICT: Liability Verdict: 100% Against Defendant;
Damage Verdict: \$750,000 Against Defendant (10/10/13)
Case Type: Medical Malpractice
Judge: Anthony M. Pugliese, J.S.C.
Plaintiff's Atty: Andrew Rossetti, Esq.
Defendant's Atty: John Talvacchia, Esq.
L-1812-11 Jury

VERDICT: No Cause (10/16/13)
Case Type: Professional Malpractice
Judge: John T. Kelley, J.S.C.
Plaintiff's Atty: Steven Angstreich, Esq.
Defendant's Atty: Sharon Campbell Suplee, Esq. and Herbert Kruttschnitt, Esq.
L-963-11 Jury

VERDICT: No Cause on Permanent Injury; Liability Verdict: 60% Against Plaintiff, 40% Against Defendant;
Damage Verdict: \$0 (10/16/13)
Case Type: UA/UIM
Judge: Anthony M. Pugliese, J.S.C.
Plaintiff's Atty: Daniel Mancini, Esq.
Defendant's Atty: Kimberly Hoehing, Esq.
L-1520-12 Jury (6)

VERDICT: No Cause (10/16/13)
Case Type: Auto
Judge: Deborah Silverman Katz, J.S.C.
Plaintiff's Atty: Danielle Walcoff, Esq.
Defendant's Atty: James Mulroy, Esq.
L-6044-11 Jury

VERDICT: Damage Verdict: \$127,500 Against Defendant (10/17/13)
Case Type: Auto Negligence
Judge: John A. Fratto, J.S.C.
Plaintiff's Atty: Michael McKenna, Esq.
Defendant's Atty: George Amacker, Esq.
L-4541-11 Jury

VERDICT: No Cause (10/17/13)
Case Type: Auto
Judge: Louis R. Meloni, J.S.C.
Plaintiff's Atty: Robert Nicodemo, Esq.
Defendant's Atty: Dan Distasi, Esq.
L-5057-11 Jury

VERDICT: No Cause (10/22/13)
Case Type: Auto
Judge: John T. Kelley, J.S.C.
Plaintiff's Atty: Michael Berger, Esq.
Defendant's Atty: Dominic DeLaurentis, Esq.
L-164-09 Jury (8)

VERDICT: Judgment in Favor of Plaintiff as to the terms of the contract only. No monetary damages awarded for either party. (10/28/13)
Case Type: Tenancy
Judge: John A. Fratto, J.S.C.
Plaintiff's Atty: Mark P. Asselta, Esq.
Defendant's Atty: Anthony Bongiovanni, Esq.
L-1793-12 Bench

VERDICT: Liability Verdict for the Plaintiff (10/28/13)
Case Type: Probate - Remove Executrix
Judge: Mary Eva Colalillo, P.J.Ch.
Plaintiff's Atty: Regina Montague - Pro se
Defendant's Atty: Gail Martinez - Pro se
CP-82-12 Bench

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Capehart Scatchard Shareholder and Executive Committee Member, **Betsy G. Ramos** spoke on "Managing Snow and Ice Liability Issues" at a recent seminar sponsored by the University of Wisconsin – Madison, College of Engineering, Department of Engineering Professional Development. Ms. Ramos focused her presentation on liability concerns in snow and ice removal operations and how public entities can minimize potential for liability. The seminar was held at the Bear Creek Mountain Resort & Conference Center in Allentown, PA. Certified by the Supreme Court of New Jersey as a Civil Trial Attorney, Ms. Ramos is a Shareholder of Capehart Scatchard's Litigation Department in its Mt. Laurel office.

Blank Rome LLP Partner **Nicholas C. Harbist** recently presented at the Seton Hall Law's Healthcare Compliance Certification Program on the topic, "Lyn', Cheatin', Stealin'?"—The Perils of Dealing with Whistleblowers Under the False Claims Act." The program focused on the interaction between the whistleblower provisions of the False Claims Act and Sarbanes-Oxley Act with the federal and state criminal laws, and addressed how companies can protect their interests in the face of whistleblower claims. Mr. Harbist practices in Blank Rome's Princeton and Philadelphia offices and concentrates his practice in complex litigation.

Enabling companies and organizations to achieve their business and policy objectives in a complex regulatory, political and media environment is the mission of **Archer Public Affairs LLC**, (APA) a new governmental and external relations firm created by **Archer & Greiner P.C.** APA, a wholly owned affiliate of Archer & Greiner, was formed to enhance versatility and better target resources in providing clients with policy analysis and advice, strategic planning and advocacy at all levels of government.

Frank D. Allen of Archer & Greiner P.C. has been appointed Chair of the New Jersey State Committee of the American College of Trial Lawyers, widely regarded as the premier trial professionals' organization in America. Founded in 1950, the College is dedicated to maintaining and improving the standards of trial practice, the administration of justice and the ethics of the profession. Membership is limited and by invitation only. As Chair, Mr. Allen leads the New Jersey Committee's effort to organize and implement statewide activities of the College.

Gary L. Borger, partner at Borger Matez was recently interviewed by Dr. Vicki Handfield on divorce mediation. The interview was aired on Talk Exchange Radio (WTER), a business internet radio show broadcasting from South Jersey. The station broadcasts segments hosted by prominent local, regional and national business professionals on industry-specific topics. Guests are local and regional business professionals ranging from employees to CEOs.

In recognition of completing the largest higher education merger in US history, The Camden County Improvement Authority (CCIA), together with Rowan University (Rowan), and other transaction participants, have received The Bond Buyer's National Healthcare Financing "Deal of the Year" award for 2013. **Parker McCay** served as bond counsel to the CCIA/Rowan as part of that transaction. CCIA was the issuer of tax-exempt and taxable debt obligations on behalf of Rowan as part of the comprehensive restructuring of medical education, health sciences education and medical research in New Jersey, the dissolution of the University of Medicine and Dentistry of New Jersey (UMDNJ) and the assumption and subsequent operation of its various medical and dental schools, research institutions, hospitals and ancillary facilities by Rowan, Rutgers University and the newly created University Hospital.

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Continued from Page 5

- j. The application of any excess payments against past due invoices.
- k. C.O.D. or advance payments with respect to new services.
- l. Payment of outstanding invoices before starting new matters.
- Accept credit cards to make it as easy as possible for clients to pay for the firm’s services. Today clients, as well as the lawyers themselves, live on plastic and therefore paying legal bills with credit cards is easy for them. The use of credit cards can be a tool to reduce your receivables and increase your cash flow. Suffice it to say that all credit card companies are not alike. Law firms should confer with their accountants and credit card processing consultant to investigate how a particular bank or company charges them.
- Consider putting a “payment button” on the firm’s web site. Many people like paying their bills online at any hour of the day. By enabling the client to pay through their website, law firms can take advantage of this. Payment can be made by either ACH from the checking account or by credit card. Many credit card companies have this service. Some have no monthly fees or additional transaction fees, as do other payment gateways, such as Authorize.net and Paypal. It is not

necessary to have a “Shopping Cart” to have this capability, nor is it expensive.

- Ensure that lawyers and paralegals submit time and expense entries timely and accurately. Errors, even such as misspelling, file number or grammatical, should be avoided. Have the billing people prepare a schedule in advance of dates they will be running bills, contemplating holidays and weekends. Assign a partner to ensure such timetables are religiously followed. Prompt review and approval of prebills (draft bills) should be mandated with published turnaround times and performance adhered to. All billing professionals and para-professionals should be held accountable. It may even help to distribute pre-bills on differently colored copy paper so they are readily noticed and segregated from other correspondence, invoices, documents, etc.
- Who says billing has to take place right after the end of the month? Establish the billing period to end one to five days prior to the billing frequency you’ve established. For example, if you were billing for the calendar month September, consider billing from August 25th through September 24th. Receipt of these bills from the law firm may better match when businesses and even individuals pay their bills.
- Consider immediately billing the client right after a positive outcome. If you invoice when the client is elated because you’ve negotiated a great settlement or won a motion, they’re more likely to pay and pay quickly.
- Prepare accounts receivable statements at least monthly but do so separate from your actual billing cycle. Also, do not customize

cover letters to coincide with billing.

- Attorneys should send clients a matter update or progress letter separately.
- Suggest emailing of bills in addition to or in lieu of mailed paper bills. Make sure the firm tests e-mail addresses and E-bill formats early on.
- Use window envelopes and include return envelopes with ALL requests for payment (i.e. actual invoices as well as statements).
- Large receivables should be pursued more aggressively before telephoning or pursuing smaller accounts. Do not fall prey to merely working in alphabetical or file number order. *(And that’s not because ABO doesn’t want to be your first billing effort)*
- Not to downplay the role of the law firm’s CPA but, honestly, appreciate that most law firms maintain their books on the “cash basis of accounting” (at least for tax-reporting purposes and often even in the financial statements they submit to their partners or the bank). Thus, neither accounts receivable (fees billed but uncollected) or work-in-process (unbilled and uncollected fees) may be the focus of attention or even revealed to the reader of the financials, often the largest asset of the firm. Such can often mask a receivable problem. One more item, which typically is raised during discussions with your accountant—cash basis taxpayers cannot deduct bad debts (i.e. uncollectable receivables).

Martin H. Abo, CPA/ABV/CVA/CFE is a principle of Abo and Company, LLC Certified Public Accountants – Litigation and Forensic Accountants. The firm is a Partner in Progress of the Camden County Bar Association. With offices in Mount Laurel, NJ and Morrisville, PA, Marty can be reached at marty@aboandcompany.com or by calling 856-222-4623.



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The **Law Office of Matthew V. Portella, LLC** is pleased to announce **Nancianne Aydelotte, Esq.** has joined the firm.



Ms. Aydelotte is the former law clerk to the Hon. Max A. Baker, J.S.C. (ret.). She will focus on the general practice of law with a concentration in criminal defense matters in municipal and superior courts.



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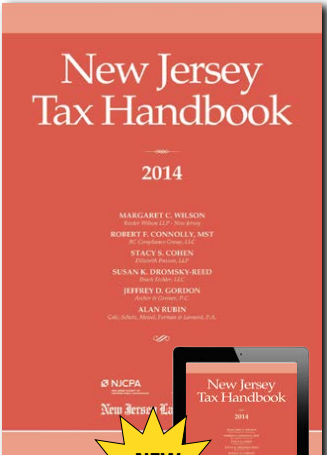
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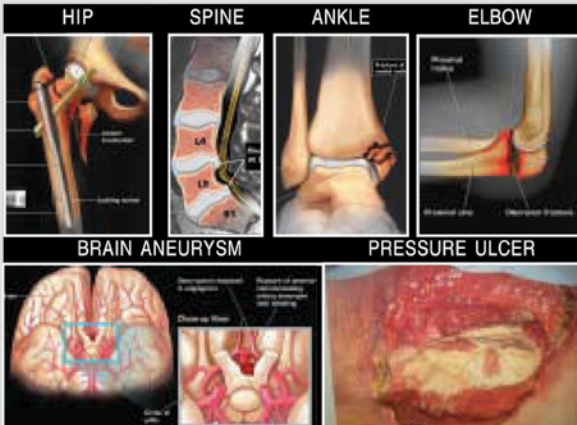
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