



The Barrister

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www.camdencountybar.org



Vogelson & Mitnick to Receive Devine Award

Retired Judge & Past CCBA President to be honored at January 29th Luncheon

With 95 years of legal practice between them, Judge M. Allan Vogelson (ret) and Past CCBA President (1980-81), Harvey M. Mitnick, Esq. have been named recipients of the Association's 2009 Honorable Peter J. Devine, Jr. Award. Judge Vogelson, of Counsel for Parker McCay, and Mr. Mitnick, senior partner in the Haddonfield firm of Mitnick, Josselson, DePersia and Baker, will receive their awards at a luncheon in their honor on Friday, January 29, at the Crowne Plaza Hotel's Riverside Pavilion in Cherry Hill.

Established in 1981 in honor of the popular Judge Devine, bar president in 1967-68, the Devine Award is the Bar Association's most prestigious award. It is presented annually by the Association in recognition of distinguished service to the Association and its members.

The festivities get underway at Noon with a cash bar networking reception followed by lunch and the award presentation beginning at 12:30 p.m.

"As legal professionals, Judge Vogelson and Mr. Mitnick are committed to their practices, clients, the Bar Association and the community. They exemplify the dedication that the Judge Devine Award was meant to recognize, which makes them both very deserving recipients" said Louis R. Moffa, Jr., who chairs the Devine Award selection committee.

Judge Vogelson served as a presiding judge for the Camden County Superior Court for more than 12 years until his retirement from the bench in 2006. He was presiding judge of the Camden County Superior Court's Civil Division for eight years, and was subsequently appointed as presiding judge of that Court's Chancery Division. He served in that capacity until his retirement. Prior to his appointment as presiding judge, he served as a judge for Camden County's family and criminal divisions.

Judge Vogelson received his law degree from Rutgers University School of Law - Camden, and his bachelor's degree from Temple University. He was in private practice in Camden and Haddonfield, from 1965 to 1991. During that time, he served as solicitor or counsel to numerous public entities, and held various government posts, including serving as a member of the New Jersey State Legislative Reapportionment Committee, Director on the Camden County Board of Chosen Freeholders, and a member of the Camden County College Board of Trustees.

Judge Vogelson is admitted to the New Jersey Bar, the U.S. **Continued on page 5**

Association Officer and Trustee Nominations Open Have a voice in your Association's future!

The Association's Nominating Committee is seeking nominations for the offices of president-elect, first vice president, second vice president, treasurer, and secretary, and for five Board of Trustees openings. The Board seats are for a term of three years beginning on June 1, 2010 and ending in May 2013.

"With over 125 years of history, tradition and success, we're looking to keep the Association vibrant and in the forefront of services to the

Continued on page 5

Save the Date . . .

**FRIDAY
FEBRUARY 26, 2010**

**WINTER TRIFECTA
A FUNDRAISER**

**CASINO NIGHT! ♦ WINE TASTING!
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Details & Reservation form in this month's inserts and on our website.
www.camdencountybar.org

Dues Unpaid?

Members whose 2009-2010 dues are unpaid as of January, 2010 will be officially dropped from the Camden County Bar Association and will forfeit the benefits associated with membership.

If dropped from the Association, it will be necessary for you to submit a new application for approval by the Board of Trustees should you desire to resume your membership in the future



The Municipal Court Committee recently sponsored the CLE Seminar *Introduction to Municipal Court Practice* at the Mansion. Presenters included: (l-r) **Matthew V. Portella, Esq.**, Portella & Bjorklund, Haddon Heights; Moderator/Presenter **Gregory P. DeMichele**, DeMichele & DeMichele, P.C., Haddon Heights.

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**The Docket
December 2009**

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 Luncheon – Roth IRA
Conversions*
Noon, Bar Headquarters

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

Tuesday, January 19th

*Collection Law Seminar - I've Got My
Judgment, Now What?*
4 – 6:15 pm, The Mansion, Voorhees

Wednesday, January 20th

Association Board of Trustees Meeting
4 pm, Bar Headquarters

Thursday, January 21st

Black Letter Blast on Criminal Law Seminar
4 – 6:15 pm, The Mansion, Voorhees

Monday, January 25th

Starting Your Own Practice Seminar
4 – 6:15 pm, The Mansion, Voorhees

Tuesday, January 26th

17th Annual Bankruptcy Conference
4 – 7:15 pm, The Mansion, Voorhees

Friday, January 29th

Hon. Peter J. Devine Jr. Award Luncheon
Noon, Crowne Plaza, Cherry Hill



Be an active participant in
YOUR professional association.
ATTEND MEETINGS & FUNCTIONS!

2010
Group Admission

**Supreme Court
of the
United States**

Monday, June 14, 2010
See inserts for details
and reservation form



**Tentative agenda
for January 20, 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 12.16.09
- 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

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FUNCTIONS!**

At A Glance

December

At-A-Glance: January CLE Seminars

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

Tuesday, January 19:

Collection Law

I've got a judgment-now what? Now you need to attend this seminar!

No matter what type of law you practice, winning isn't victory unless you get your client paid. A judgment is just a piece of paper unless you know how to collect the debt. Learn the art of collecting on your judgments from Robert L. Saldutti, an attorney specializing in bad debt, retail, commercial, credit, financial and consumer collections.

There has never been a better time for attorneys to negotiate settlements for clients struggling to manage large or small financial obligations. Your clients could be saving money and restoring their credit even in the present troubled economy, if you present creative offers to judgment creditors. Andrew Finberg of Wismur & Finberg, LLP will describe his process for consulting with individuals facing bankruptcy, foreclosure and other asset seizures.

Wonder what the Judge sees when reading post-judgment motions by debtors? Think you know how to respond? Hear from the Honorable Michael J. Kassel, J.S.C., following his recent term serving as the sitting Special Civil Part Judge in Camden County Superior Court.

With this panel of experts, this is a must-attend seminar!

Thursday, January 21:

Black Letter Blast on Criminal Law

Been a little remiss in keeping up with the steady flow of Criminal and Constitutional cases flowing from the prolific pens of our Appellate Division and Supreme Court? Not quite up to date on the latest criminal statutes devised and promulgated by our impeccable elected representatives? Confused by the latest Administrative regulations and edicts from the almighty Administrative Office of the Courts? And, perhaps most importantly, are you going to need credits (points) for our new Continuing Legal Education requirements soon to be mandated by the Supreme Court?

Have no fear, Black Letter Blast is near. The famed annual Black Letter Blast reconvenes at the Mansion with another all-star panel!

Don't miss:

- Judge Brown's annual "State of the County Justice System" address;
- APD Terry Lytle's review of the 2009's leading Criminal and Constitutional Cases;
- AP John Wynne's farewell summary of the latest Criminal Statutes, Rules, Regs, etc;
- Dennis Wixted's sentencing alternatives, divertment programs, work release, etc; and,
- Linda Shashoua's discussion of Professional Ethics and the Criminal Law.

As usual, you will leave with terrific seminar materials chocked full of valuable information you will be able to use throughout the year, so we strongly suggest that you request your materials on a CD. Reserve your place soon since an overflow crowd is expected.

Remember, non-attendees will be publicly reviled in the next edition of The Usual Suspects.

Tuesday, January 26:

17th Annual Bankruptcy Conference

In today's economic climate, knowledge of bankruptcy law is more important than ever to all practitioners, which makes the Annual Bankruptcy Conference a "must-attend seminar" for anyone practicing in the bankruptcy courts either occasionally or on a regular basis.

Conference presenters are experts in their fields who will present a program featuring current case law including federal and state cases of particular interest to the bankruptcy practitioner. With a special focus on the four bankruptcy cases pending before the United States Supreme Court, attendees will receive a first hand report from U.S. Bankruptcy Judge Burns who is scheduled to attend the oral argument for *Milavetz, Gallop & Milavetz, P.A. v. United States*, the case challenging the debt relief agency provisions of BAPCPA.

The Bankruptcy Conference is your opportunity to be on the cutting edge of current trends, issues and rules that will impact your practice and ensure that you are providing your clients with the most up to date counsel.

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

NOTICE TO THE BAR

United States District Court for
the District of New Jersey

Vacancies on Criminal Justice Act Panel for the District of New Jersey

Since 1971, the United States District Court of the District of New Jersey has maintained a list of attorneys to be appointed as counsel for eligible defendants pursuant to the Criminal Justice Act (CJA), 18 U.S.C., 3006A. The Court has adopted a CJA Plan, revised as of December 10, 1997 and effective September 11, 1998, which "particularize(s) the requirements of the CJA, the Anti-Drug Abuse Act of 1988 . . . and the CJA Guidelines in a way that meets the needs of the district." In summary, the CJA Plan has established a Panel Selection and Management Committee which meets annually to consider applications for the District's CJA Panel. The District's CJA Panel consists of 100 attorneys, divided by Vicinage who are members in good standing of the Bar of this District, and have trial experience and knowledge of the Federal Rules of Criminal and Appellate Procedure, the Federal Rules of Evidence, the Federal Sentencing guidelines and the Local Rules of both the District and Circuit courts. The CJA Committee selects the 100 attorneys for the CJA Panel based upon merit and experience.

Membership on the CJA Panel is ordinarily for a term of three years. On March 11, 2010, the term of one-third of the members of the CJA Panel will expire. The Court invites all attorneys interested in becoming members of the CJA panel to submit an application to William T. Walsh, Clerk, United States District Court, Clarkson S. Fisher Courthouse, 402 East State Street, Room 2020, Trenton, NJ 08608, on or before January 22, 2010. Applications will also be accepted via email at njcja@njdc.uscourts.gov; located under "CJA." No application will be considered unless it is received and/or postmarked no later than January 22, 2010. The Court, in conjunction with the Office of the Federal Public Defender, the Association of the Federal Bar of the State of New Jersey and the Association of Criminal Defense Attorneys of New Jersey, has arranged annual training programs for new and experienced panel members. It is anticipated that the application and selection process to fill the vacancies for one-third of the CJA Panel will be completed on or before March 5, 2010. Any member of the CJA Panel whose term will expire on March 11, 2010, may apply for reappointment.

All qualified attorneys are encouraged

Continued on page 5



NJSBA REPORT – Change

by Arnold N. Fishman

The *Barrister* has a new printer and format, which caused the due-date for this month's article to be moved up. Having missed the last NJSBA Board meeting (see "Mid-Year Meeting" in the December issue of the *Barrister*), I am out of the loop and cannot think of a law-related topic to write about.

In this space, I try to spare those of you who actually read this column from my opinions on issues outside of matters of interest to lawyers in Camden County. Occasionally, I should be permitted the liberty of ranting and raving. So here I go!

Can there be any doubt that the American people (me included) voted overwhelmingly for change in the last presidential election? That mandate, coupled with control of both houses of Congress, should have been enough to accomplish something meaningful. But no! What do we get? We get business as usual. The solidarity of the "loyal opposition" coupled with the disarray of the majority party underscores that, in our leaders' frenzy to be reelected and to weaken each other, the good of the governed gets lost. Statesmanship is missing because the electorate is uninformed, disinterested, and is encouraged to pander to its own parochial interests.

Top on my list of wanted changes was the ending of the wasting of our precious time, talent, and treasure (i.e. youth, energy, and money) on blowing up our enemies in an effort to create a better world. To quote a line from the Broadway Show *Hair*, "Fighting for peace is like #\$\$-ing for chastity." Or as our Quaker friends so delicately put it, "There is no way to peace; peace is the way." To the extent that our President agonizes over beefing up our deployed forces, to that same extent he ignores his domestic agenda. And isn't it a sure bet that our Commander-In-Chief will capitulate to the military, and authorize an

increase in the troop level in Afghanistan? (He may have done so by the time you read this, and if not, boy is my face red!) The TV show *Bill Moyers' Journal* recently devoted an episode to Lyndon Johnson's devastating involvement in Vietnam. Moyers drew parallels between that quagmire and our present situation. The similarities are striking. And let's remember that people have been trying to subdue the Afghans since Phillip of Macedonia – without success, I hasten to add. Einstein likened insanity to doing the same thing over and over but expecting a different result.

Instead, let's turn our attention to problems much closer at hand. I was shocked and saddened to learn that according to its District Attorney-elect, just across the river in Philadelphia where I grew up and maintain a presence, the leading cause of death for black males under 35 is homicide. We should be directing those assets toward securing the streets of Philadelphia and Camden rather than the streets of Baghdad and Kabul. We should be investing in our broken infrastructure - creating jobs that cannot be outsourced - rather than destroying remote locations that we are legally and morally obligated to repair. We should be concerned with our environment and ameliorating the effects of global warming rather than how to control the enraged friends and relatives of people we kill and torture in remote countries that we occupy. Ponder how Americans would detest a country that made us so impotent that its army could abuse our citizens on our own soil. Wouldn't we call for a complete withdrawal as a precondition to any meaningful dialogue? Are they so different from us?

If we did all that, we would once again be the nation that the citizens of every country would want their country to emulate. We would serve as the exemplar of a state both powerful and just, a world power that puts the welfare of the people first. To the extent that the various governments are responsive to the needs of their people, those governments would have to ensure them a safe, sustainable and humane existence. That's how to build a better world.

Thanks for listening. Next month, it's back to the law. I promise!



Time To Think Barrister Ball!

Spring and another exciting season of Lawyer's Softball will be here before we know it.

Teams wishing to join the 2010 **Lawyer's Softball League** should contact League Commissioner Jeffrey Klinger no later than the **February 15th deadline** at 856.428.5900.

Individual players looking for a team are also welcome to join.

Play Ball!

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Vogelson & Mitnick to Receive Devine Award (continued from page 1)

Supreme Court, the U.S. 3rd Circuit Court of Appeals, the U.S. District Court for the District of New Jersey, and the U.S. Court of Claims.

After retirement, he joined the firm of Parker McCay as of counsel, and focuses his practice on alternative dispute resolution and complex litigation.

Harvey Mitnick, a 1952 graduate of Camden High School, continued his education at The Wharton School where he received a B.S. in Economics. He then went on to graduate from the University of Pennsylvania Law School in 1959, and has been a practicing attorney since 1960 concentrating in Trial Litigation with a specialty in Personal Injury and Matrimonial Law.

Throughout the course of his career, Mr. Mitnick has built an impressive resume. Prior to serving as CCBA President in 1980-81, he was an active member of numerous Association committees, and continues to serve on the Bench Bar, Civil Practice, Family Law and Memorials Committees. He was a member of the District IV Ethics Committee, two years as chair, and served two terms on the Camden County Judicial Appointments Committee, the second term

as chairperson. He was also named Camden County's Professional Lawyer of the Year in 1998.

In 1981, Mr. Mitnick chaired the Camden County Model Bar Program under the auspices of then Assignment Judge Arthur J. Simpson, Jr. The program, was the forerunner of the current arbitration system. During the 1980s, he also chaired the first Camden County Inns of Court program.

Luncheon Reservations are \$45 per person and can be made by calling Bar Headquarters at 856.482.0620 or by mailing the reservation reply from the flier inserted in this month's Barrister. Tables of 8 or 10 are available. Spouses and friends are welcome and encouraged to attend.

Don't miss this opportunity to congratulate and thank our colleagues and friends for their commitment to the Camden County legal community and the community at large.

Association Officer and Trustee Nominations Open (continued from page 1)

legal community and the community-at-large in the ever-changing fast-paced world of the 21st Century" commented Joe McCormick, chair of the Nominating Committee. "I know there are many talented, energetic and creative members in our Association with strong leadership skills. These are the folks who will help us keep our Association strong and vital" he continued. "If you enjoy participating in Association networking programs and seminars and are interested in being a part of the decision-making process, we're looking for you."

Members wishing to be considered for any of the available positions are expected to have the time and means to attend and participate in the monthly Board of Trustee meetings (10), attend and participate in Association & Foundation events and programs throughout the year, and perform other duties that may be assigned by the president.

If you have an interest in helping to shape the future of your Association, and can meet the time commitments outlined above, please send a letter of interest along with a resume to Joe McCormick, Esq., Chairperson, Nominating Committee, c/o Camden County Bar Association, 1040 N. Kings Highway, Suite 201, Cherry Hill, NJ 08034. Current members of the Board of Trustees whose terms expire at the end of this year must also send a letter of interest to be considered for reappointment.

Lawyers who have practiced five years or less at the Bar of New Jersey or are 35 years or younger are eligible for the position of Young Lawyer Trustee or Vice Chairperson of the Young Lawyer Committee. Again, a commitment to attend and chair monthly Young Lawyer Committee meetings, submit a monthly article to the Barrister; and, attend Association Board of Trustee monthly meetings and Young Lawyer and Association events and programs must be made. To be considered for either position, please send a letter of interest along with a resume to Adam Gersh, Chairperson, Young Lawyer Nominating Committee, c/o Camden County Bar Association, 1040 N. Kings Highway, Suite 201, Cherry Hill, NJ 08034. Both young lawyer posts are for a one-year term beginning June 1, 2010.

For more information regarding the nominating process, please feel free to contact Executive Director Larry Pelletier at 856.482.0620 or via e-mail at lbpc@camdencountybar.org.

The deadline for consideration of nominations is 5 p.m., Friday, February 5, 2010.

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Marketing Matters

How to Lose a Client in 10 Days, Really?

By Kimberly Alford Rice

I recently attended the American Bar Association Law Practice Management Section's Law Firm Marketing Strategies Conference at which numerous lawyers, marketing partners and other legal professionals from across the country gathered to learn how to integrate key marketing principals into their practices as the profession increasingly focuses on the essential aspect of marketing in the business of law, for both small and large law firms.

Some of the best minds in the law firm marketing arena presented an array of topics to broaden the thinking of how marketing is perceived and utilized in U.S. law firms and how practitioners can incorporate basic principals to strengthen their practices in the current economic climate.

Among one of the speakers was James King, in-house counsel of The Boeing Company in Ridley Township, Pennsylvania. He introduced six ways lawyers can lose a client and steps to avoid those landmines.

First, advice sans counsel. Mr. King asserted that clients do not merely look to their lawyers for advice but rather their insights and wisdom into a particular problem. It is more helpful to counsel a client on the full scope and implications of a problem and possible solutions than it is to simply tell someone

what to do. There is a difference in perceived value from the client's perspective.

Second, a quick way to lose a client is to demonstrate a lapse in integrity. Clients look to their lawyers to earn their trust through action, not just by their pedigree and resume. Once a client discovers she has not learned the complete and utter truth about a matter, regardless of how little or much is at stake, it is difficult to put the genie back in the bottle. Better to keep the lid on this one, real tight.

Third, one of the most frequent client complaints is that their lawyers fail to communicate with them. Because there are so many means of communications available to us, it is a useful practice to speak directly with your clients regarding their preferred means of communications whether by telephone, email, mail, fax or some combination thereof. Whatever a client's preference, adapt your communication style to respond to their needs. This will send a positive message that you are listening to your clients and that you genuinely care about nurturing the relationship.

Fourth, untimeliness is a common problem between lawyers and their clients, and is another way to prompt a client to look elsewhere for their legal services. Often in a corporate environment, in-house lawyers are required to make legal decisions by committee.

A frequent complaint is that their outside counsel does not anticipate this process and, as a result, does not deliver work product in a timely fashion in order to meet their client's needs and accommodate their process. This problem can easily be remedied with direct communication in connection with a client's expectations of how and in what time frame they need to receive ongoing projects.

Fifth, "nickel and dimeing." We all can relate to this peeve. How many times have you phoned your IT consultant regarding a seemingly simple computer glitch and subsequently received an invoice for a 15-minute consult. Most clients expect their lawyers to invoice them for outstanding matters and communications, but it reflects poorly on the lawyer and his perception of the client-attorney relationship if he invoices a client for each and every time they have any contact. In an effort to build a long-term relationship with clients, lawyers would be well served to carefully monitor their billable time and resist the urge to bill for every 6 minutes.

In fact, a powerful way to communicate to clients the value you place on your relationship is to include in your monthly invoice one or two instances where you communicated with the client on a matter but did not charge her. Show the time spent and then beside it, cite no charge. Clients love feeling that they are receiving a few (valuable) minutes "off the clock" with their lawyer.

Sixth, tying into the communications theme above, clients appreciate receiving

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Volunteers Needed for Speed Networking Event at Rutgers-Camden Law School

Looking to connect with other professionals in a fun setting and help law students get a head start on their careers in the process? Looking for a way to help students, but don't necessarily have a job to offer? Rutgers-Camden Law School has an opportunity for you to help law students build skills essential to their finding a job in a challenging market. Come participate in the first Rutgers-Camden Law School Speed Networking Event, on February 18, 2010 at 5:30. The purpose of this activity is to give law students the chance to meet local professionals, gain industry insight, learn about job opportunities and what it takes to become a successful lawyer. The event will give students an opportunity to learn more about practicing law while gaining valuable insights and advice that can help them in their careers. Following the one-hour speed networking session, there will be a short reception where participants can have the opportunity to speak more informally.

We hope you will be interested and available to participate in our Speed Networking Event on February 18th.

To register please go to :

<http://camlaw.rutgers.edu/site/cservices/attorneyreg.html>.

Registration closes on January 15th at 5pm. Questions? Feel free to contact us at careerplanning@camden.rutgers.edu.

some form of "value-added" service through the lawyer's usage of various marketing and communications tools such as newsletters, e-newsletters, legal alerts, blogging, or some other form of communications device. Not only as a means by which to stay abreast of relevant areas of law, clients appreciate hearing from their lawyer and law firm to learn how they are involved in the community, how they are positioned in the marketplace which may potentially lead to deeper connections for your client and their clients.

Lastly, while the six items described above can certainly lead a client to sever a relationship with her lawyer, it is safe to say that if lawyers heed the "Golden Rule" by treating others (in this case, your clients) as you would like to be treated (in a corporate sense, in this instance) fewer clients would decide to change teams, which is a loss to both lawyer and client.

sever a relationship with her lawyer, it is safe to say that if lawyers heed the "Golden Rule" by treating others (in this case, your clients) as you would like to be treated (in a corporate sense, in this instance) fewer clients would decide to change teams, which is a loss to both lawyer and client.

NOTICE TO THE BAR (continued from page 3)

to apply for membership on the CJA Panel. The Panel Selection Committee shall determine membership on the CJA Panel on the basis of merit and experience, without regard to race, color, religion, gender, age, national origin or disability.

Any inquiries regarding the CJA Plan or the application process should be directed to William T. Walsh, Clerk, United States District Court, Martin Luther King, Jr. Federal Building, 50 Walnut Street, Room 4015, Newark, NJ 07102-3595, telephone number 973.645.6697, or William Holland, Director of Court Services, 402 E. State Street, Room 2020, Trenton, NJ 08608, telephone number 609.989.2328.



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WINE & FOOD

January 2010
By Jim Hamilton



Optimists see a financial recovery within reach, which invites rejoinders from some who wonder whether these optimists are able to scratch their feet without bending. Since I type this before the psychological impact of Black Friday sales serves either to embolden or deflate our seemingly all important consumer confidence, it is difficult to know whether the pummeling the wine business has absorbed will ease or continue. One can envision, however, that the bulging pipeline of unsold wines will cause relief valves to be opened further to entice wary consumers to buy.

An example of a recent find was (yes, past tense) **2005 Valdehermosa Joven**, a Spanish wine I liked and bought at more than twice its fire sale price of \$6. Like Amazon.com "lightning deals," one has to be alert and move quickly when wines are released at prices far less than retailers' previous cost. Savvy consumers, or those who trust the judgment of the retailer who grabbed the deal, will buy, and buy in quantity.

I certainly cannot predict what wines might be the next ones to fall into our lap. As always, I simply shall suggest a few wines I think are worth considering because of the value they represent.

Let's start with another entry into the inexpensive sparkling wine lineup, **NV Rigol 1897 Cava Brut**. This wine is offered by Jonathan Newman, the former Pennsylvania Liquor Control Board Chairman whom many credit with advancing that state's government controlled wine culture. After his controversial departure, Jonathan formed Newman Wines & Spirits, which offers this value-priced bubbly. Rigol is a cava that rather deftly combines the crispness one finds in these Spanish sparklers with a layer of ripe fruit, all engulfed by an effusively effervescent mousse.

Another wine new to me that I thought might merit mention is **2007 Snowline Riesling** from the Columbia Valley of Washington State. This wine is simpler and certainly softer than many of the better German Rieslings currently available, but for the fan who likes an easy going, fruity wine

that can be found at less than \$10 per bottle, this may be one to try. The fruit offers subtle nuances of peach and pear, with a slight sweetness that many expect with the varietal. However, it is not by any means a dessert wine, and should pair nicely with many white meat or fish dishes, particularly those accompanied by fruit compote or a sauce.

Established in the late 19th century, Leonildo Pieropan has a history of producing fine wines in northern Italy's Veneto wine region. While the Veneto is perhaps more famous for its red wines such as Valpolicello Classico and Amarone, the Soave region east of Verona long has been known for its white wines. **2008 Pieropan Soave Classico** is a pretty and cleanly defined wine. There are subtle elements of chalk and salt, with a lightly floral and nutty profile to maintain your interest without competing with simply prepared fish or chicken dishes.

This is winter, when wine drinkers more often think red, so I shall start with a wine that sells for around \$15, recognizing that those seeking sub-\$10 wines may think it too dear. **2007 Bodegas Caro Amancaya** is produced by a partnership of two rather diverse families that border on wine royalty in their respective countries, the Domaine Barons de Rothschild of Bordeaux (which produces among other wines Chateau Lafite Rothschild) and Argentina's Catena family. Amancaya, in a sense is a second wine of this collaboration, and accordingly may represent better value than the headlining Caro wine. Each wine is made from a blend of Cabernet Sauvignon (think left bank Bordeaux) and Malbec (Argentina's red grape king). This is only the sixth Bodegas Caro vintage, and the Amancaya marries the elegance one often associates with Lafite with the ripe fruit we often find with Argentinean Malbecs. The Cabernet's cassis fruit dominates, with only traces now showing of the earthiness Malbec can display.

Staying in Argentina's large and diverse Mendoza wine region, and remaining in the teens in price, another wine having a Bordeaux bent is the **2005 Benegas Finca Libertad**. The Finca Libertad is a large, well-located vineyard, and the healthy portion owned by the Benegas Lynch family is comprised of old vine Cabernet Sauvignon,

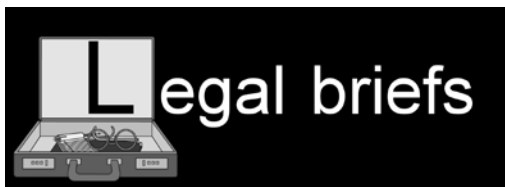
Cabernet Franc and Merlot, the three best-regarded Bordeaux grape varietals. Advising the winery is the

well-traveled, internationally renowned wine consultant from Bordeaux, Michel Rolland. On opening, this wine is not nearly as elegant as the Amancaya; rather, it displays imposing tannins cloaking, but not totally obscuring, impressions of cassis, earth and lead pencil shavings. If bought for current consumption, it likely will benefit from decanting. Otherwise, employ some patience for potential future rewards.

Pinot Noir is one of the trickier grapes to grow and transform into wine, so not surprisingly it is one of the more difficult bottles to buy, especially when seeking good value. A trend among distributors developed over the past decade or so is to create private labels. Distributors use their contacts for grapes and their winemaking friends to produce wines that will fit the need for budget-minded consumers. David Bowler wines calls their entry Johnson Family, and the **2008 Johnson Family Pinot Noir** features wine made from grapes sourced in the famous Russian River Valley of California's Sonoma Valley. It has a medium body, tart Bing cherry and subtle cranberry fruit, some vanilla cream and gentle oak framing.

Let's finish with a grape we don't often talk about, Nero d'Avola. Many consider this popularly grown grape in Sicily to be their best red grape. Because of the warm climate and summer sun intensity, these grapes often are over ripe and show it by making clumsy, high alcohol wines. Restraining the prune qualities, however, enables wines to be crafted that will work with the right dishes. **2008 Colosi Nero d'Avola** is a wine that avoids the baked fruit qualities that so easily can trip up a Sicilian wine. It is not shy by any means, and certainly is filled with red fruits, primarily cherry, but it retains a clean, balanced and nearly nimble touch that keeps it from pounding the palate. !





Capehart Scatchard Shareholder, **Stephen T. Fannon, Esq.** recently spoke at the quarterly meeting of Atlantic County business leaders sponsored by NovaCare in Galloway Township. Mr. Fannon spoke on recent cases in New

Jersey Workers' Compensation, the new rates for permanency in 2010 and the status of emergent motions for medical and temporary benefits.

Albert J. Talone, Esq. has joined the law firm of Flynn & Associates, P.C. located at 2091 Springdale Road, Suite 2, Cherry Hill, NJ 08003.

Malcolm H. Trobman and Robert T. Cohen are pleased to announce the merger of their law practices as of January 1, 2010 which will be known as Trobman & Cohen L.L.C. located at 102 Browning Lane, Suite C-3, Cherry Hill, telephone numbers 856-795-7611 (Trobman) and 856-216-7300 (Cohen). They shall continue to specialize in the practice of real estate and transactional law, including the purchase and sale of hotels, liquor license related businesses as well as other types of businesses, and commercial litigation.

Louis G. Guzzo is pleased to announce the opening of his office, The Law Office of Louis G. Guzzo. The firm is located at 85 N. Haddon Ave. in Haddonfield. Mr. Guzzo will continue to focus his practice on Domestic Relations and Municipal Court Law.



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Code of Professionalism

The Camden County Bar Association has an extensive and proud history of service to the public, to the American justice system and to its members. The lawyers who have the privilege of being accepted as Association members continue a tradition of treating fellow members and the judiciary before whom they practice in a professional and courteous manner. While this professionalism includes demonstrating the utmost of integrity and compliance with the ethical standards mandated by the Rules of Professional Conduct, it goes beyond those fundamental obligations. It represents the higher standard of conduct that makes the profession of law more than a competitive service industry. The legal profession stands at the crossroads of becoming such a large, impersonal and technologically-oriented business that some members lose sight of the traditional values and virtues to which lawyers of the past subscribed.

At a time when the complexities of the law make practicing our noble art increasingly difficult, the Camden County Bar Association and its membership reaffirm their commitment to the standards of professional courtesy. To advance the standards of professionalism and civility, the Camden County Bar Association has adopted the following Code of Professionalism.

1. I will provide my client with objective advice and will endeavor to represent my client's lawful interests as expeditiously and economically as possible.
2. I will advise my client against pursuing a course of action that is without merit and against tactics which are intended to delay resolution of a matter, or to harass or drain the financial resources of the opposing party.
3. I will counsel my client that a willingness to initiate or engage in settlement discussions is consistent with zealous and effective representation and that civility and courtesy during the course of client representation are not a display of weakness, but are virtues upon which our system of justice was founded.
4. I will treat opposing counsel, other lawyers and their staffs, parties, witnesses, the courts and members of the court staff with civility and courtesy. Professional courtesy is a necessity entirely compatible with vigorous advocacy and zealous representation.
5. I will never knowingly misstate facts or law, and will consistently act in such a manner that other lawyers and judges can trust in and rely upon my oral or written word.
6. I will agree to reasonable extensions of time or for waiver of procedural formalities when the legitimate interest of my client is not adversely affected.
7. I will endeavor to consult with opposing counsel prior to scheduling depositions, meetings, or rescheduling hearings, and I will cooperate with opposing counsel when scheduling changes are requested. I will be punctual in honoring scheduled appearances and in providing the earliest possible notice of cancellation of appointments, depositions, or hearings to all concerned parties.
8. In the conduct of litigation or negotiation, I will conduct myself with fairness and dignity, refraining from any course of conduct meant to harass the opposing party. I will not engage in excessive or abusive discovery, and will refrain from advancing groundless objections or committing other acts of rudeness or disrespect.
9. I will be considerate in my communications with others, promptly returning telephone calls and responding to correspondence from clients and other lawyers in a timely manner.
10. While I will be a vigorous advocate on behalf of my client, I always will be mindful that I am an officer of the court, and of the obligation to conduct myself with respect for the court and for my adversaries.
11. In civil proceedings, I will voluntarily withdraw claims or defenses if it becomes apparent that they lack merit, and I will stipulate to non-essential facts as to which there is no genuine dispute. I will cooperate with other lawyers towards the goal of having matters resolved in a prompt and fair fashion.
12. I will not quarrel needlessly over matters of form or style, but will concentrate on matters of substance and content.
13. I will strive to remain current in the areas in which I practice. I will familiarize myself with the Rules of Professional Conduct and adhere to these rules in the everyday practice of my profession.
14. I will be mindful of my obligation to enhance the image of the legal profession in all of my professional actions. I will be so guided in my comments about the judiciary, opposing counsel or the members of any other profession, and in the methods and contents of any advertising I may pursue.
15. I recognize that the law is a learned profession. Among its desirable goals are devotion to public service, improvement of the administration of justice, and the contribution of uncompensated time towards the administration of justice on behalf of those persons unable to afford legal assistance.

As a condition of membership in the Camden County Bar Association, I agree to abide by and conduct the practice of law in a manner consistent with this Code. Adopted November 1993

President's Perspective



It's the start of the New Year. I am not exactly sure why, but at this time every year, everybody seems to set their New Year's resolutions. Many of the resolutions are noble but unattainable due to a lack of personal discipline. I thought to myself, I could set a New Year's resolution to lose 20 pounds or go to the gym three times a week, or organize (and most importantly, keep organized) my closet. I know from past experience none of these will actually happen. This year I have given considerable thought

as to how to set a New Year's resolution that I would actually be able to keep. One strategy would be to give something up that I don't already do, i.e. smoking. Then the real test to me is not whether I could give up smoking but whether I can go the whole year without starting to smoke. Somehow or another though, this leaves me feeling just a little bit empty.

After considerable thought, I decided I would do something that would not make me skinnier, healthier or more organized, but rather give me new enjoyment and a new perspective on life. I have decided to keep my old concert t-shirts so I have them to wear for future music concerts. Admittedly, at first blush this is bizarre, but let me explain.

This past year I had the opportunity to go to two rock concerts. Going to concerts is something I enjoyed as a teenager and into my college years. However, with the attendance of law school, massive billable hours, children, and a never ending treadmill of activities that they keep me on, it has been many years since I have attended a concert. This year I had the opportunity to see Bruce Springsteen at the Meadowlands. This was a great experience for me to see "The Boss" live in concert. In the 80's when I was going to many concerts, I never had the opportunity to see Bruce Springsteen. Seeing Bruce brought back memories of being a freshman in high school when he last toured. Most memorable for me about the concert was not the music or the stage performance, but rather, a fifty something year old woman in front of me who had a concert t-shirt from 1984. This woman had bought the concert t-shirt and had saved it for over 25 years. Most impressive was not only the condition of the t-shirt but the fact that she was still able to wear it 25

RESOLUTIONS?

By Richard A. DeMichele, Jr.

years later.

I thought this was a unique experience until I had the opportunity to see Ray Davies at the Tower Theater. For those of you who are unfamiliar, Ray Davies is the former lead singer of The Kinks, a "British Invasion" rock band from the seventies. I arrived at the Tower Theater and was standing outside the auditorium in the lobby enjoying a glass of Yuengling when I saw a man who was wearing a Kinks shirt from 1978. While I was impressed with the Bruce shirt that was 25 years old, the Kinks shirt that was over 30 years old really impressed me and got me thinking.

As a kid I had purchased many of these rock concert t-shirts when I attended the shows. I believe I had a David Bowie shirt and a Foreigner shirt to name a couple. Unfortunately for me, I think these shirts were used some time ago to polish a few fenders. Now, when I attend rock concerts I am going to purchase a shirt in the hopes that I live long enough to attend a concert in 30 years just to wear the shirt. Admittedly, I should probably stay away from bands like The Rolling Stones and The Who whose members are significantly older than me. (Let's be honest here, in 30 years I will be 70 years old.) I need to find a band with younger members that will certainly be alive and able to still perform concerts in the next 30 years. I guess I'm going to need a little luck with this one, which is why I think it's a perfect New Year's resolution.

If attending rock concerts and purchasing t-shirts for the sole purpose of wearing them two to three decades later is not your idea of a New Year's resolution, I encourage you to make your resolution to increase volunteer service. That can be to the Bar Association or Foundation. This year's Foundation Christmas Party for underprivileged children was a huge success. This comes as no surprise. There were over three hundred children who, without the efforts of the Foundation and its volunteers, would have little or no Christmas at all. Special thanks to Brenda Eutsler and Linda Eynon who once again made this event not only possible but the success that it was.

Keeping with our holiday tradition, our annual members only Christmas Party was yet another success. The feedback I received from those in attendance was very positive. People seemed to really enjoy the venue, the food, drink and most of all, the camaraderie of our members.

From the looks of things, January will continue to be a busy month. We have numerous CLE programs this month and with the advent of mandatory CLE now is a great time to fulfill your CLE requirements with the Camden County Bar's excellent programming. By way of reminder, all licensed attorneys in the state of New Jersey will have to complete 24 hours of CLE in a two year period. Maybe the best resolution of all is to get your CLE requirements completed before the absolute last minute they are due.

Here's to a great 2010!

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Co-chaired by Linda Eynon and Brenda Eutsler, this year's party will be remembered by our guests for a long time to come!



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Legal Line to Criminal Court Law By John T. Wynne, Jr. BIG, BIG CHANGES AT THE CAMDEN COUNTY PROSECUTOR'S OFFICE

As many of you know, nine Assistant Prosecutors retired in 2009. Stefanie Leibovitz (April); Donna Spinosi (May); Leslie Dicker, Gregory Smith, Mindy Mellits, Michael Chewkanes and John Wynne (November); and Robert Luther and Brian Mulholland in December. (A dance party with very limited speeches will be held Friday, January 22, 2010 at Tavistock Country Club to celebrate these retirements. Call Julie or Kathy at 225-8465 for tickets.)

These retirements have necessitated some huge changes in the office:

SPECIAL PROSECUTIONS SECTION Mark Chase replaced Leslie Dicker as Section Chief. The unit will be staffed by Donna O'Brien, who moved from the Grand Jury Unit.

HOMICIDE UNIT Mary Alison Albright replaced Greg Smith as Section Chief. The unit will be staffed by Ira Slovin, Deputy Section Chief, and Christine Shah, who moved from the Trial Team Unit.

CHILD ABUSE UNIT Howard Gilfert replaced Donna Spinosi as Section Chief. The unit will be staffed by Megan Mullen, who moved from the Trial Team Unit.

DOMESTIC VIOLENCE UNIT Laurie Corson replaced Sally Smith as Section Chief. The unit will be staffed by Tracy Cogan, Deputy Section Chief, Mary Ellen Murphy, who moved from the Trial Team Unit, and Kathleen Delaney, who moved from the Administrative Unit and will also do Megan's Law.

NARCOTICS UNIT Joel Aronow replaced Brian Mulholland as Section Chief. The unit will be staffed by Gary Menchen, Deputy Section Chief, who moved from the Grand Jury Unit and Gregg Perr, who will also work in Major Crimes/Computer Crimes Section.

TRIAL TEAM UNIT Sally Smith replaced Michael Chewkanes as Section Chief and Al Durney replaced John Wynne as Deputy Section Chief. Nevan Soumilas will be Senior Trial Counsel responsible for the trial of serious violent crime cases and Assistant Prosecutor training. In addition to the changes previously mentioned, Matt Spence moved to the Grand Jury Unit and Kelly Testa moved to the Major Crimes/Computer Crime Section. Al Auletta and Elizabeth Doyle from the Juvenile Unit will join the Trial Team Unit staff along with Christopher St. John, who returned from the Division of Criminal Justice, Erin Fay who came from the Cape May County Prosecutor's Office and Peter Gallagher, who came from the Atlantic County Prosecutor's Office. Angela Seixas, Greg Audino, Peter Crawford, Laura Croce, David Deitz, Leo Feldman,

Tamika McKoy, and Lauren Pratter are the remaining members of the unit.

GRAND JURY UNIT Judy Berry replaced Michelle Morgera, who returned to the Major Crimes/Computer Crimes Unit as Section Chief. Dana Petrone moved from the Domestic Violence/Megan's Law Unit to Deputy Section Chief of the Grand Jury Unit and will also handle PTI. The Unit will be staffed by Matt Spence, William Staas, from the Special Prosecutions Unit, and Grace MacAulay who will also handle Drug Court. Additionally two rotating Trial Team Unit members, currently Leslie Sokol and Joseph McNamara are assigned to the Grand Jury Unit.

MAJOR CRIMES UNIT Michele Morgera will replace Joshua Ottenberg as Section Chief. Mr. Ottenberg will return to his duties as Deputy First Assistant and will provide supervision, advice and support to the Narcotics Section and Major Crimes Section. Victoria Shilton, Deputy Section Chief, and Kelly Testa, who moved from Trial Team, will staff the unit.

JUVENILE UNIT Tim Chatten replaced Mindy Mellits as Section Chief. The unit will be staffed by Lauren Wojcik, who moved from the Motion's Unit; Harry Collins, who moved from the Administrative Unit; and three new employees, Carla Fabrizi, Kevin Moran and Gregory Smith.

ADMINISTRATIVE UNIT Cheryl Cohen remains as Section Chief and Rob Uyehara, who moved from the Appeals/Motions Unit, will serve as deputy Section Chief along with Kathleen Higgins.

MOTION'S UNIT two new employees will handle the suppression motions and municipal court appeals, Rachael Minardi and Sheronda Mike.

Newly hired attorneys include:

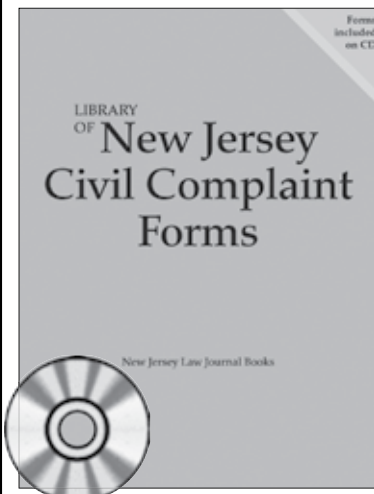
Erin Fay, Rutgers Law – Camden, 2006; Carla Fabrizi, Rutgers Law – Camden, 2007; Sheronda Mike, Rutgers Law – Newark, 2008; Kevin Moran, Widener Law, 2008; Rachael Minardi, Rutgers Law – Camden, 2008; Peter Gallagher, Rutgers Law – Camden, 2005; Gregory Smith, Seton Hall School of Law, 1993; Christopher St. John, Rutgers Law – Camden, 2002.

(DISCLAIMER—All of these "Big, Big Changes" were semi-official at press time, 12/1/09, and as usual, subject to change at a moment's notice).

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Superior Court of New Jersey

VERDICT:
Judge:
Plaintiff's Attys:
Defendant's Atty:
L-5552-06

No Cause (11/05/09)
Frederick J. Schuck, J.S.C.
Suzanne Young, Pro Se
Daniel Distasi, Esq.
Jury

VERDICT:
Damages Verdict:
Judge:
Plaintiff's Atty:
Defendant's Atty:
L-4818-04

100% Liability Defendant (11/18/09)
\$550,000
Michael J. Kassel, J.S.C.
Alan Schorr, Esq.
William Tambussi, Esq.
Jury

VERDICT:
Judge:
Plaintiff's Atty:
Defendant's Atty:
L-6445-07

No Cause (11/17/09)
Robert G. Millenky, J.S.C.
Jordan Irwin, Esq.
Lawrence Berger, Esq.
Jury

Welcome New Members

January 2010

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Legal Line to Municipal Court Law

By Frederic L. Bor

Supreme Court Clarifies Unsafe Operation “Step-Down”

Whether a person is represented by counsel or pro se, a downgrade of a moving violations to “unsafe operation” is a regular occurrence in our Municipal Courts. Without the option of N.J.S.A. 39:4-97.2, a

motorist would either have his case tried, plead guilty to another point violation, or amend to another non-moving offense. Finally, the language emerged from the Assembly Judiciary Committee in 2000 which provided for mandatory points for third and subsequent convictions. The “unsafe operation” statute **Continued on page 17**

motorist would either have his case tried, plead guilty to another point violation, or amend to another non-moving offense.

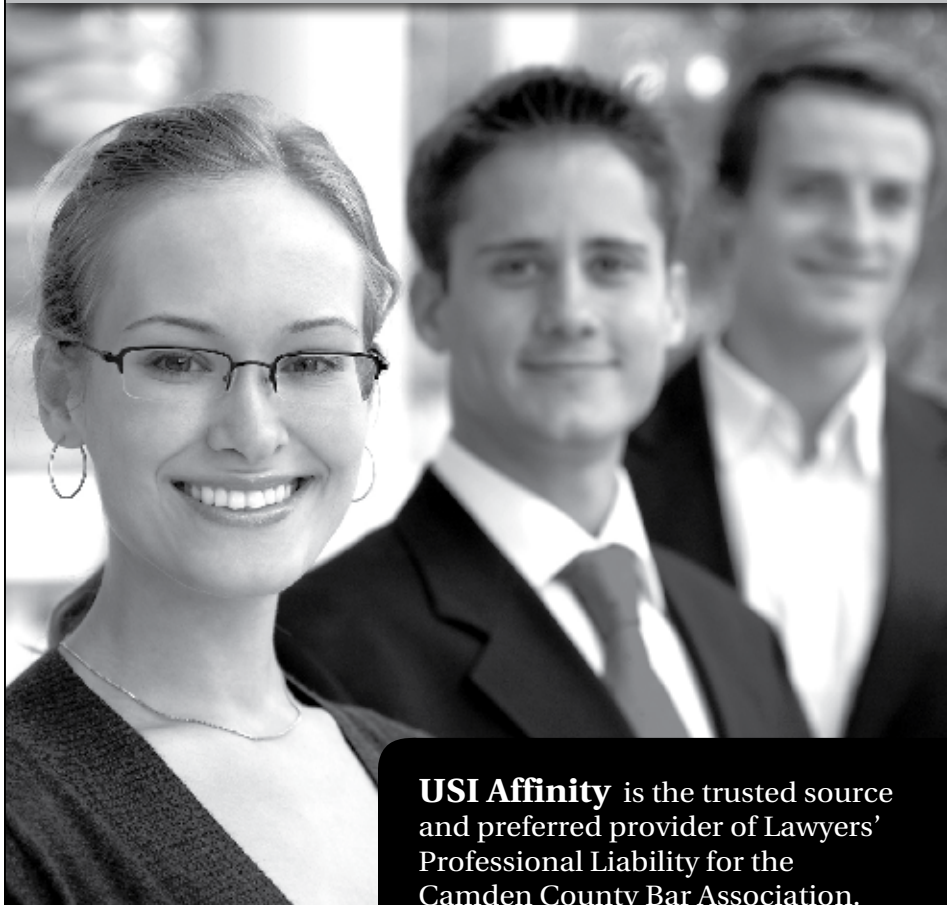
Now that “unsafe operation” has been around for almost a decade, many motorists have utilized this downgrade several times. The result of such circumstance creates the necessity to define the implications of a third or subsequent offense for “unsafe operation” and the consequent assessment of motor vehicle points. By statute, a person convicted of a third or subsequent offense, is assessed four motor vehicle points. However, “an offense committed under this section that occurs more than five years after the prior offense, shall not be considered a subsequent offense for the purpose of assessing motor vehicle points.” Because of the importance of this issue, the Supreme Court, in a unanimous decision, clarified the issue on November 10, 2009, in *Patel vs. MVC*.

Factually, motorist Patel entered a guilty plea to unsafe driving in May, 2002; again in September, 2002; and a third time in June, 2006. Then, in November, 2007, she entered a guilty plea to “unsafe operation,” for a total of four convictions from 2002 through 2007. The Motor Vehicle Commission assessed her four points for her third offense in 2006. When she was assessed an additional four points for the 2007 offense, Patel objected because the fourth conviction occurred more than five years after her first and second offenses in 2002. That being the case, Patel argued that the 2007 offense should be treated as a second offense requiring no imposition of points.

The assessment of points by the MVC was upheld by the Appellate Division in 2008, when the panel determined that an exemption from points only applies where more than five years have elapsed between a subsequent offense and the prior offense. Thus, it looked to Patel’s time differential between 2006 and 2007; not a look back to 2002.

The Supreme Court seemed to have little problem affirming the Appellate Division and the statutory language that an exemption of points only applies if a new conviction is more than five years after “the prior offense,” not “any prior offense.” Justice LaVecchia’s Opinion outlines the legislative history of “97.2.” When under consideration by the legislature, the various committees argued for many nuances which would impact the implementation and penalties associated with this non-moving violation. In lay terms, the legislature considered the option of a non-moving violation, but in turn for this “benefit” the imposition of conditions, including state mandated surcharges. The surcharge of \$250 has turned out to be a windfall for the State and estimated to provide

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Legal Line to Municipal (Continued from page 16)

took effect on July 24, 2000, with great fanfare by Governor Whitman, where she articulated to the public that “a person convicted of a third and subsequent offense would be subject to a fine...and may be assessed motor vehicle penalty points, if the offense occurs within five years of the prior offense.” From this careful analysis, Justice LaVecchia concluded that the statutory language “the prior offense” in subsection (e) refers to the offense immediately preceding a “subsequent” offense such as Patel committed in 2007 herein. That construction affirmed clearly the Appellate Division’s view regarding the interpretation of subsequent offenses.

It was also interesting that Justice LaVecchia chose to examine an aspect of the Appellate Division Opinion, although not necessary for its determination as to the primary substantive issue. Essentially, the Appellate

Division expressed approval of the MVC’s interpretation that the five-year exception did not apply to third offenses; only to offenses subsequent to the third. That application is simple to understand. Motorist “A” utilizes “unsafe operation” in 2000 and again in 2001. Motorist “A” attempts to downgrade to “unsafe operation” in 2007 as a third offender. The Appellate Division sought to articulate the notion that such exemption could only apply to offenses subsequent to a third conviction. In a very interesting analysis, Justice LaVecchia, although not required by the matter before it, took the opportunity to reject the Appellate Division’s suggestion to the MVC or, as Justice LaVecchia articulated, “absent a more explicit direction from the legislature, to outright deny subsection (e)’s exemption to third offenders, we reject the Appellate Division’s contrary suggestion.” Most interesting is

that the Appellate Division’s “suggestion” was not part of the case in chief before it and was tantamount to an advisory opinion or direction to the Motor Vehicle Commission. The Supreme Court, in an interesting statement of judicial decision making, clearly rejected such suggestion. Thus, practitioners representing clients with a third offense 97.2 would now likely benefit if the second offense was more than five years prior to the third conviction. Interesting how the analysis parallels in some respects the time line analysis that DWI practitioners must follow with regard to Burroughs, Conroy and the Step-Down provisions of the statute.

Fredric L. Bor is a member of the Municipal Court Committee of the Camden County Bar Association and was admitted to the New Jersey Bar in 1972. In addition to his law degree from Rutgers, Fred holds a Ph.D. in Philosophy and two Masters Degrees. He was a Municipal Court Judge from 1979 to 1984 in Gloucester Township, Berlin, Barrington, Woodbury Heights, Waterford, and Pine Hill.

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By Adam Gersh

Beyond Reasonable Doubt

By Sara Canuso

YOUNG LAWYER 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 installment is authored by Sara Canuso, who specializes in helping professionals make strong, positive and lasting first impressions. Ms. Canuso will be offering advice targeted specifically for young lawyers at our Young Lawyer Committee lunch meeting at noon on February 5, 2010 at Bar Headquarters. Please join us.

It is my hope that you never have to battle with reasonable doubt and decide to start your New Year with a New Image and New Mindset. Did you ever notice the power of the word NEW? Research has shown that the word "new" is a very empowering word that gives people the fuel to take action steps to reach their visions. How many times do we hear people say, "I am saving for a new home, a new car; I am going on a diet once the New Year has arrived?" You alone can choose to have a new image and new mindset of how you see your future. I am about to give you five keys to unlocking the doors to your BEST YEAR EVER!

1. Clarity -- Being clear on what you desire is the starting point of all achievement. Sadly, we typically spend more time planning a vacation than we spend planning our future. It is not easy with the phone ringing, kids' games, and deadlines for reports, etc., etc., making it hard to stay focused to map out a plan for the future. I highly recommend taking a day off from all negativity, including your own, to just BE and listen to what your gut and heart are telling you. It is critical to write down your thoughts, plans and actions since this is going to act as a blueprint for building your success. When you are alone with your thoughts you will be amazed at what comes to the surface and how empowered you will be to start to take action and claim what is due you. When drawing up the blueprint be sure to include your personal life as well as your business

life so you may enjoy a balanced feeling within yourself.

2. Confidence -- Self-confidence is the inner feeling of certainty, a feeling that we are worthwhile and valuable. It makes life so much easier and much more fun. It gives us the energy to create our dreams and is essential for empowering our thoughts and actions. If you are lacking confidence than make the choice to get out of your way and live the life you were meant to live.

3. Focus -- This is a major cornerstone for building a foundation for your future and yet very simple to understand. I use the analogy of a famous tightrope walker who never fell off the wire. When asked how he accomplished this he said, "I never look back, down or sideways. I just keep my head held high and keep looking straight ahead." This is how life is since when we think of the past or pay attention to distractions we throw ourselves off balance.

4. Actions -- Your actions are what will have you starting to feel the connection to your dreams and give you a sense of accomplishment. Make a weekly list of the actions needed to take you to your destination. Since I have gotten into the habit of making lists I was amazed at how much I accomplish in just one week. Check off your list, and then form another list weekly. Actions cause reactions which act as a stimulator for further planning.

5. Persistence -- Lack of persistence is one of the major causes of failure. This is where clarity and desire will help you with your persistence and keep you focused. I always suggest placing a few pictures around to see the end result and what persistence will bring in the end. This key is the one that in the end will open more possibilities than you could have ever imagined and give you the freedom to be and have whatever your heart desires.

6. Clothing -- Now that you have all of the above it is time to step into your clothing. Your clothing accounts for up to 80 % of a first impression since approximately that is about how much of your body is covered. If you email me at info@asuitable.com I will forward you a cheat sheet of tips and colors that you can post in your closet.

As much as clothing is a major part of your image, so are the above five steps to creating a life of success. It is my belief that everyone deserves to live a life of freedom and success. Why not use 2010 to have your BEST YEAR EVER?

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The Usual Suspects

by M.V. Pinsky

PRESUMPTION OF INNOCENCE?

“There is less here than meets the eye.”

“The 911 defendants will be convicted and sentenced to death.”

- *Paraphrase of public statements of President Barack Obama and Attorney General Eric Holder in defense of the decision to try the defendants in civil court in New York.*

“I’ll be the judge, I’ll be the jury,” said cunning old Fury; “I’ll try the whole cause, and condemn you to death.”

- *Alice’s Adventures in Wonderland, Ch.3*

“Sentence first – verdict afterwards.”

- *Alice’s Adventures in Wonderland, Ch.9*

“Off with her head!”

- *Alice’s Adventures in Wonderland, Ch.6*

PRESUMPTION OF INNOCENCE?

Dateline: Washington. Defending the Obama Administration’s decision to try four of the accused 911 terrorists in civil court in New York, both President Barack Obama and Attorney General Eric Holder categorically assured the American people that the accused mass murderers would be found guilty and sentenced to die. So much for the presumption of innocence.

As a proud American citizen, I have no sympathy whatsoever for the hairball and his co-conspirators. I am, however, deeply concerned about the American system of justice when the President and his chief law enforcement officer publicly try, convict and sentence the defendants long before the trial commences. How can a fair and impartial jury possibly be chosen and how can a mistrial possibly be avoided? Another interesting question that must be considered is how is the jury to be protected after the verdict is in? The entire jury could, of course, be immediately enrolled in the Federal Witness Protection Program and spend the rest of their lives in hiding but somehow that doesn’t seem fair. In the Scarfo racketeering trial, the Suspect and 16 other defense counsel were forced to accept an anonymous, sequestered jury which resulted in a travesty of justice.

Another fascinating angle to the situation is why some of the terrorists are to be tried in civil court and others in military courts. I listened to General Holder’s muddled explanation hoping to find some clearly defined guideline that would serve as future precedent. The explanation given by General Holder, while basically incomprehensible, appears to establish a rule that if the “man made disaster” (never use the word terrorism) involves murders and such of American civilians within the United States, it is a criminal act and requires a civil trial. On the other hand, if the “man made disaster” occurs over seas or involves military personnel, a military tribunal will suffice. It seems backwards to me but then what does a humble country lawyer from Westmont know?

Would you believe that some cynics hypothesize that the Obama Administration is going to use the civil trials as an opportunity to publicly roast the Bush Administration for its post-911 practices such as rendition and water boarding? These people strongly believe that the decision to try the defendants in civil court had more to do with politics than justice.

The Old Suspect has no idea what Obama and Holder were thinking when making their decision or their public statements. I do not believe this is going to turn out well. I truly hope I am wrong.

AFTER THE FALL:

Dateline: Trenton. A good friend of mine recently likened conditions in Trenton after the recent election to the fall of Saigon. Panic-stricken refugees from the Corzine Administration crowd the rooftops waiting to be picked up by helicopters. Résumé mailers flood the local post offices frantically looking for other public troths to dip their snouts in. And, let us not forget prospective judges from throughout the State whose appointments have been on hold for one reason or another frantically hoping for midnight appointments to the bench. And just think all this is happening in the joyous holiday season.

It doesn’t matter if you are a Democrat or a Republican because in New Jersey it is absolutely necessary that every so often we replace one bunch of scoundrels with another. At the very least, this causes the thousands of lobbyists to regroup and figure out which butts will be most profitable to kiss. Another salutary effect of our periodic elections is to force some politicians out of office before they get indicted. What this state needs is annual elections, more indictments and a good 50 cent cigar.

LUCRATIVE:

Dateline: Stratford. One of our great local newspapers recently revealed that the Municipal Clerk of the Borough of Stratford is earning over \$100,000 per annum. It is simply not fitting that a person earning that princely sum, or to be politically correct, that princessly sum, should bear the lowly title of “Clerk.” The Old Suspect respectfully suggests that the generous town fathers of Stratford seriously consider a new and improved title that will reflect the true importance of such a valuable personage. We respectfully suggest that the position formerly identified as Township Clerk be changed to Township Chancellor. After all, who can criticize Stratford for paying over \$100,000 a year to the Township Chancellor? Image is everything.

LET GEORGE DO IT:

Dateline: Camden. Assistant P.D. George Montoya, South Jersey’s most eligible bachelor, recently returned from an exciting fall vacation in Spain grinning from ear to ear. What George actually does in Spain is a mystery but we know for certain it’s not bullfighting. Informed sources tell us that George charmed the local population and, in particular, the beautiful senioritas. Ole!

JUDICIARY:

Dateline: Trenton. Although nothing is certain in Trenton these days, rumor has it that former counsel for Governor Jon Corzine, Ed McBride, could be nominated for one of the vacant Democratic judgeships still open in Camden County. Our sources inform us that the McBride nomination is meeting no opposition and could happen before Governor Corzine leaves office in January. On the Republican side, former A.U.S.A. George Leone is a frontrunner but his nomination may come after the Christie inauguration. There is another Democratic opening in Camden County and there seems to be quite a bit of pushing and shoving taking place. More later. (Continued on page 21)

The Usual Suspects (continued from page 20)

MOVERS AND SHAKERS:

Dateline: Trenton. Who will be the Republican movers and shakers in South Jersey when the Christie Administration takes office? In a previous column we mentioned H.K. who will certainly be a factor. On one hand, G.P. of Burlington County cannot be ignored. On the other hand, one must remember that Governor-elect Christie is a product of North Jersey, which could easily signal a power shift that will extend at least as far south as Burlington County. Put the name George Gilmore, Esquire, of Ocean County in your memory bank and look for his powerful influence to push its way south in short order.

Politicos from both the R's and the D's in Camden County are hoping to be left alone to continue to do things the tried and tested Camden County way.

COMPASSION:

Dateline: Trenton. The miserable little state of New Jersey can add another feather to its cap. A recent study revealed that New Jersey ranked 42nd worst in distribution of food stamps to its needy citizens. Apparently, only about 55% of those eligible for help actually received a distribution of food stamps. Perhaps Governor Corzine and his Administration were simply too busy trying to keep his now defunct political career alive to attend to the problems of our state's most needy citizens.

NEW YORK, NEW YORK:

Dateline: New York. It looks like the Bloomberg is off the rose. Recent filings verify that Mayor Moneybags Bloomberg spent over \$100 million of his own money to get elected to a third term as New York Mayor. His opponent spent a mere \$11 million and almost pulled off the upset of the century. It should be noted that a good portion of the \$100 million was spent on changing the two term limit law which would have prevented Bloomberg from serving a third term. In the words of the clam digger/philosopher Johnny Potatoes, "them what owns the ball, makes the rules."

LAST REMINDER:

Dateline: Camden. Do not forget that on January 22, 2010, the farewell dinner for all the retiring Assistant Prosecutors will take place at Tavistock Country Club commencing at 6 pm. Incidentally, December 1, 2009 was the last day for Mike Chewkanes, Leslie Dicker, Bob Luther, Mindy Mellits, Greg Smith and the provocative John T. Wynne, Jr. Stephanie Leibovitz and Donna Spinosi, who will also be honored at the party, took their leave a little bit earlier. As my mother Henrietta Pinsky used to say on every possible occasion, "It's the end of an era."

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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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The Young Lawyer Committee recently sponsored the CLE Seminar UM/ UIM at the Mansion. Presenters included: (l-r) Robert R. Nicodemo, III, Esq., Law Office of Robert R. Nicodemo, III, Cherry Hill; Joel R. Rosenberg, Esq., Stark & Stark, P.C., Marlton; and Moderator Stephen M. DiStefano, Esq., Stark & Stark, P.C., Marlton.



The CLE Committee recently sponsored the CLE Seminar Ethics: Lawyers & Clients - The Good, the Bad and the Ugly at the Mansion. Presenters included: (l-r) John M. Palm, Esq., Law Office of John M. Palm, LLC, Gibbsboro, and Moderator /Presenter Andrew B. Kushner, Esq., Andrew B. Kushner, LLC, Gibbsboro.



The Probate & Trust Committee presented the 8th Annual Hot Trends in Probate Litigation, at its December Luncheon Meeting at the Tap Room. Program Speakers were: (l-r) Anthony R. LaRatta, Esq., Archer & Greiner, P.C., Haddonfield; Committee co-chair, Brenda Lee Eutsler, Esq., Asbell & Eutsler, P.A., Cherry Hill; Steven K. Mignogna, Esq., Archer & Greiner, P.C. Haddonfield & Committee co-chair, Glenn A. Henkel, Esq., Kulzer & DiPadova, P.A., Haddonfield.

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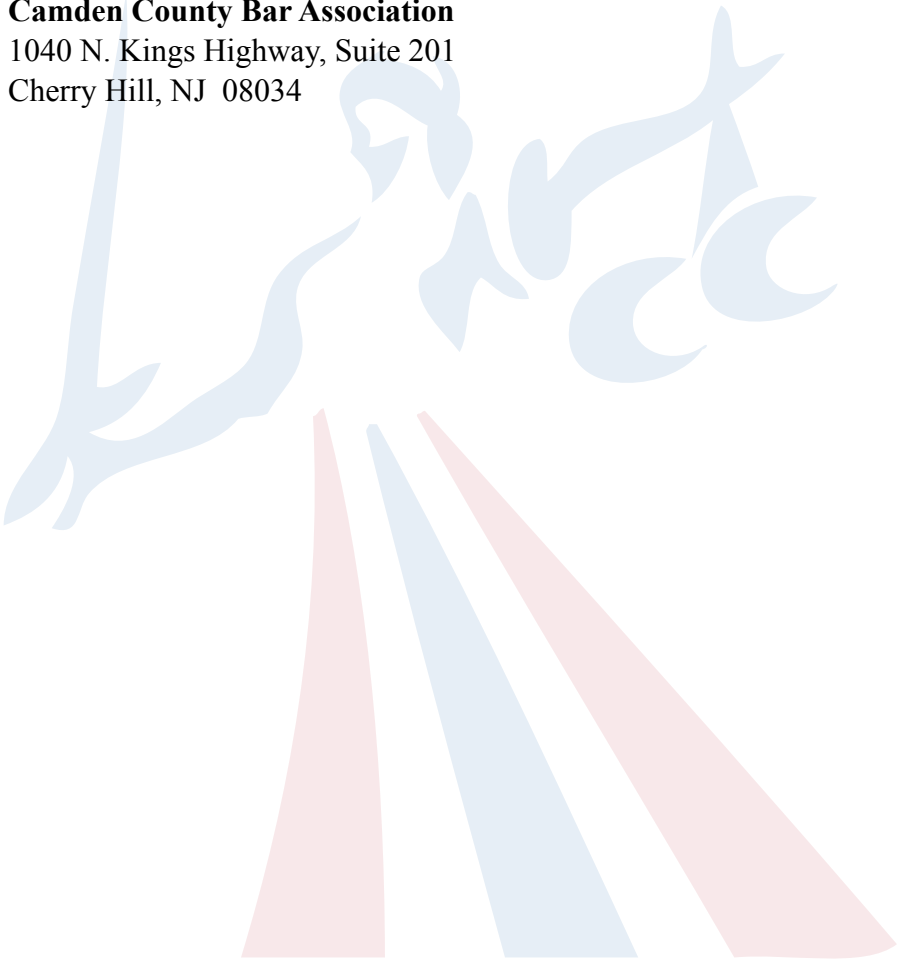
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- Need help with estate or trust tax returns;
- Would like us to confidentially assess your own personal tax situation or run multiple scenario tax projections for you;
- Have a company or individual you'd like us to meet with;
- Would like our "122 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

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

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