



Don't Forget Your Dues!

Dues notices for the 2012-13 Bar year were mailed in April and are payable now. Paying promptly allows your Association to continue serving you and the community with its many important programs and services.

Another good reason to pay your dues on time is the Board of Trustees policy, which states:

Members whose dues remain unpaid as of September 1, 2012, will not be entitled to the benefits of membership. Unpaid members will not be able to attend member-only events, will pay non-member tuition rates for Association-sponsored CLE seminars and events, will be removed from the Barrister mailing list, and will not receive discounts and services provided by Association Partners in Progress, and retail partners. Members who remain unpaid as of January 31, 2013 will be dropped and required to reapply for membership.

All benefits will be restored upon receipt of full payment of dues.

So pay your dues and continue to take advantage of all that your CCBA membership offers. The first Members Only event of the season, the Meet the Judges & Law Clerks reception, will be held in September, and your dues must be paid in full to attend. We also begin the new season of live CLE seminars in September, all of which offer New Jersey CLE credits. Dues must be paid in full to receive the 30% member savings on seminar tuition.

For questions or to use a credit card for payment, call Bar Headquarters at 856.482.0620.

Genworth Signs On

New Partner in Progress

The Association is proud to welcome **Genworth Financial Home Equity Access, Inc. (Genworth)**, one of the nation's largest Reverse Mortgage lenders, as its newest *Partner in Progress*. The company is helping seniors improve the quality of their lives by providing safe, secure Reverse Mortgage loans that can play a positive role in maximizing their retirement assets.

Genworth is a division of Genworth Financial, Inc., a Fortune 500 company with a presence in more than 25 countries. For more than 137 years, Genworth has helped seniors achieve financial security and independence through a variety of innovative products such as long term care insurance, retirement income strategies, Medicare supplement insurance and cash access solutions. Genworth is committed to educating seniors about how a Reverse Mortgage loan may be able to help meet their financial and personal needs in order to truly change their lives.

Partners in Progress is an initiative to provide Camden County Bar Members and their clients with substantial discounts on products and services directly related to

the practice of law and personal needs. In essence, an exclusive member benefit to make the practice of law cheaper and easier.

The concept is simple but the rewards are many. Selected *partners* make a significant financial contribution to the Association in addition to providing a valuable members-only discount on products or services that members use in their practices. Basically, a win-win-win arrangement—members receive valuable benefits, partners receive an opportunity to reach the membership, and the non-dues income generated helps us keep annual dues at their current low level.

The success of this program lies in the ability of the Association to demonstrate appreciation for our partners by supporting them. Your help will be immeasurable to our success. So look for the *Partners in Progress* Logo in the Barrister Partner ads for Abo & Company, BIRE Financial Services, GetLegal.com, Susquehanna Bank, USI Affinity, and our newest Partner, Genworth Financial Home Equity Access to learn what they can do for you.

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Busso von Ahvensleben, Consul General, Consulate General of the Federal Republic of Germany at the U.N., Ralf Weidemann, Honorary Consul of the Federal Republic of Germany in Philadelphia were welcomed to Camden County and the *Lawyers Without Rights – Jewish Lawyers in Germany Under the Third Reich* exhibit opening reception by CCBA President **Louis Lessig**.

Diary This Date!

September 8th
The TapRoom



3rd Annual

Lobster Bake

The Docket

Tuesday, June 5th

Young Lawyer Committee Meeting
Noon – 2 pm
Bar Headquarters, Cherry Hill

Friday, June 8th

Social Security Committee Lunch
Noon – 2 pm
Bar Headquarters, Cherry Hill

Saturday, June 9th

Installation Dinner Dance
5:30 – 11 pm
Rutgers University, Camden

Monday, June 11th

*Supreme Court of the United States
Camden County Group Admission*
Washington, D.C.

Tuesday, June 12th

CCBA Executive Committee Meeting
8 am
Bar Headquarters, Cherry Hill

Wednesday, June 20th

CCBA Board of Trustees
4 pm
Tavistock Country Club, Haddonfield

Judge Rand Retirement Party

6 – 9 pm
Tavistock Country Club, Haddonfield

Thursday, June 21st

*Residential Real Estate –
Insurance Issues Seminar*
4 – 6:15 pm
Tavistock Country Club, Haddonfield

Thursday, June 28th

*CLE on Tap! NJ Trust & Business
Accounting and Law Office Management*
3 – 6:15 PM
TapRoom, 427 W. Crystal Lake Ave.,
Haddon Township

Tentative Agenda for June 20th Trustees Meeting

A tentative agenda for this month's regular Board of Trustees meeting follows. The meeting will begin at 4 pm at Tavistock immediately preceding the Judge Rand Retirement Reception. 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. Membership Committee Report
- VI. Executive Director's 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

Barrister

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**ATTEND
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Get Involved and Shape the Future of Your Association

A major benefit of your CCBA membership is the opportunity to serve on one of the many Association substantive law committees. Committee participation offers you a voice in the future of YOUR professional organization. As a new Bar year begins, committee appointments will be one of the first official acts of President Brenda Eutsler. **Let Brenda know how you want to be involved!**

Use the committee call list included in this month's inserts and return it to Bar Headquarters with your committee choice(s) indicated. Committee involvement is important to the future of the Association, and a terrific way to meet and network with fellow lawyers, judges and other members of the legal community. The strength of your Association depends upon the strength and activities of its committees.

Out & About

Cocktails & Conversation



Carl Gregorio, Judge Kelley, Dave Epler & Ken Roth



Kevin Bright & Steve Polansky



Ryan Nolan-Davis, Judge Fernandez-Vina, Melissa Hirsch, Judge Silverman-Katz, Chris Chancler & Matt Baker



Scholarship Recipients Christopher Archer, Ryan Peters & Larry Luongo

Lawyers Without Rights Reception



Judge Snyder & Chief Justice Rabner



Magistrate Judge Williams



Mark Gertel, Rick DeMichele & Jim Herman



Judge Fox & Judge Delaney

Enjoy Your Summer!

Barrister Takes its Annual Hiatus

This is the final Barrister until we resume publication with the September issue. We hope it has been an interesting and informative Barrister year for you, our readers, and we look forward to continuing the tradition next year.

The Barrister Editorial Board appreciates the efforts of all who have taken the time and interest to provide columns for our readers month after month, and extends its gratitude to all of our regular columnists.

In addition to the regular columns that appear, the Barrister is fortunate to receive a number of interesting articles throughout the year from various Bar members. To those of you who pen these articles, thanks and keep 'em comin'!

This is YOUR bar publication, written for and by members of the Camden County Bar Association and we're always looking for a fresh idea for a new regular column and additional articles on various topics. We would especially appreciate substantive articles from our committees as they meet and work throughout the year. We invite submissions from ALL Bar members.

Please remember that submissions are due on the first of the month prior to publication, i.e. August 1, for the September issue, etc. Articles should be no more than 500-600 words, 12 pt. type, double-spaced and forwarded as an email attachment in MSWord or WordPerfect format to lbp@camdencountybar.org.

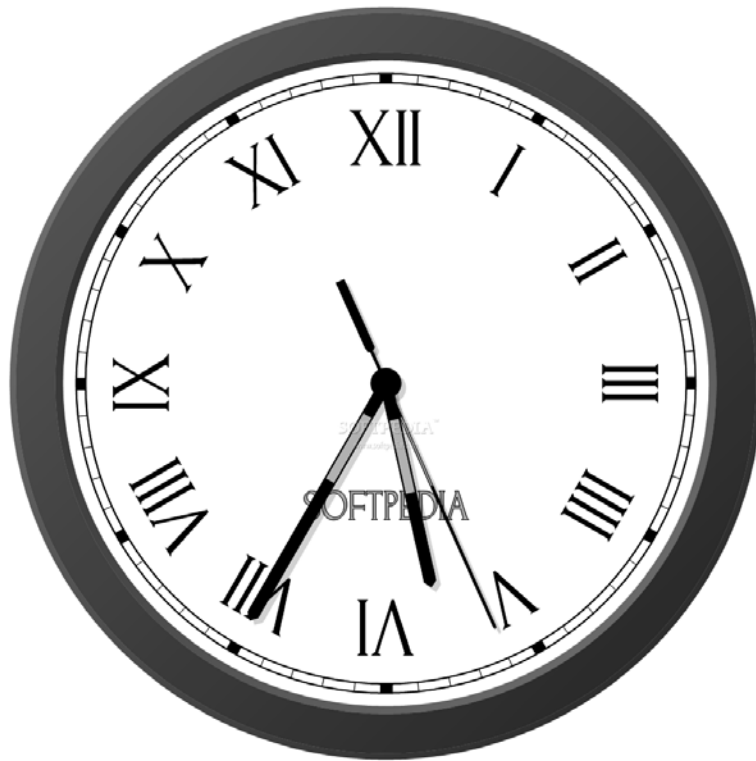
For additional information on submitting articles for publication, please contact Bar Headquarters at 856.482.0620 or via email to lbp@camdencountybar.org.

Rest, relax, re-charge and have a great and safe summer! See you in September!

SEMINAR



New Jersey Criminal Trial Preparation was the third program in the **CLE on Tap!** spring series for newly admitted lawyers at the TapRoom in Haddon Township, sponsored by the Young Lawyer Committee. Presenters (l-r) **Albert M. Afonso**, *Afonso & Baker, Cinnaminson*; **Jordan G. Zeitz**, *Law Offices of Glenn A. Zeitz, Haddonfield*; **John T. Wynne, Jr.**, *Helmer, Paul, Conley & Kasselmann, Haddon Heights*; **Eric R. Foley**, *Afonso & Baker, Cinnaminson*; **David E. Deitz**, *Camden County Prosecutor's Office, Camden*.



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NJSBA UPDATE

The Three Stages



By Arnold Fishman
www.fishmanandfishmanlaw.com

Last year at this time my article was about nothing, and that was its title. Accordingly, this article has to be a step up no matter the subject. So here we go. Have you heard the one about the three stages of life? Young, middle age, and you look marvelous. (Badabing!) Being a dues paying member of the latter, has its ups and downs. One privilege is being able to pontificate. Here we go!

Looking back there were three stages in my professional life. At various times, I was preoccupied with totally different goals. Painting with a very broad brush, initially I wanted to learn my craft. The practice of law is an art form. Doing it well requires much skill and extensive training. Watching it gracefully performed is a genuine delight.

Act two was insuring my family's financial security. That, too, is a challenge. It is particularly difficult because of the money trap. It is my observation that when your single objective is to manufacture cash, you become discontented and you miss the point. The point is executing what you learned in stage one. As oxygen is the necessary by-product of the inspiration of carbon dioxide and carbon dioxide the necessary by-product of the respiration of oxygen, wealth is simply a necessary by-product of the skillful execution of the art form.

The finale is paying it forward. If we as members of the Bar want to serve a function worthwhile to society, if we want the world to be a better place because we exist, then we have to make it so. To quote Gandhi, "We must be the change we want to see in the world."

Larry has been complaining about the length of these articles; so, I thought I would keep this one short. Take these thoughts with you on vacation this summer as you plan for the fall term.

I hope you enjoyed the NJSBA Annual Meeting at the Borgata Hotel in Atlantic City in May.

Join us at the CCBA Installation Dinner at Rutgers Camden on Saturday the 9th of June.

See you in September at the Opening of Court.

Send comments to: arnold@fishmanandfishmanlaw.com

2012 Camden County Professional Lawyer of the Year Nominations

Nominations for Camden County's 2012 Professional Lawyer of the Year Award are now being accepted

The Professional Lawyer of the Year Awards are given jointly by New Jersey Bar Associations and the New Jersey Commission on Professionalism in the Law to recognize deserving individuals and focus positive attention on the good works done by members of the legal profession.

The criteria for determining a Professional Lawyer of the Year are:

- A lawyer/judge who is committed to the ideals of professionalism
- Who is well recognized in the legal community for character and competence.
- Who is respected by all and looked upon as a model of professional behavior.

The awards will be presented at the annual awards luncheon on Thursday, November 1 at the Pines Manor in Edison, featuring Chief Justice Stuart Rabner as the keynote speaker.

Selection of the recipient is NOT based on the number of nominations a person received. Each nominee is reviewed by the CCBA selection committee with the recipient determined by who best exemplifies the criteria set forth.

To nominate a colleague for this prestigious award, use the nomination form included in this month's inserts.

NOMINATIONS ARE DUE TO BAR HEADQUARTERS BY 5 PM, FRIDAY JUNE 22.

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CLASS ACTION

Parsing Promotional Puffery from Actionable Advertising

By Kristen E. Polovoy

Lately, legal periodicals seem to have at least one weekly story on a recently-filed putative class action that targets facially-innocuous product advertising: “all natural” iced tea; “100% pure” orange juice; “nutritious” breakfast foods; “fat free” milk; dental products providing “relief within minutes;” and “classic” flavor ice cream. New Jersey consumers have eagerly grasped onto the New Jersey Consumer Fraud Act, *N.J.S.A. 56:8-1, et seq.* (“NJCF”), to test whether advertisers’ efforts to persuade the consuming public are legally cognizable. Even under the consumer-friendly NJCFA, are plaintiffs stretching the statute too far? Here’s a sampling of what New Jersey courts have said recently about this:

Glass v. BMW of North America, 2011 WL 6887721 (D.N.J. Dec. 29, 2011) arose from defendant’s allegedly defective steering system and BMW’s advertisements about its MINI Coopers: “Rated 4 stars in recent crash tests. MINI is ready to serve and protect” and MINI’s power steering is “a powerful ally in the war against loss-of-control.” Plaintiff used the NJCFA to allege these representations were false, misleading, and deceptive. The court granted BMW’s motion to dismiss, finding “the examples of Defendant’s alleged misrepresentations identified in Plaintiff’s Complaint to be mere puffery, and thus not actionable. The NJCFA distinguishes between actionable misrepresentations of fact and puffery. The distinguishing

characteristics of puffery are vague, highly subjective claims, as opposed to specific, detailed factual assertions.” Judge Salas ruled that BMW’s ads were “highly subjective expressions of opinion... Indeed, such statements are routinely made by companies seeking to gain a competitive advantage in their respective industries, and are therefore not actionable... ‘Whether something is the “best” is highly subjective, is always a matter of opinion, and is the type of statement regularly made by companies in promoting their products.’”

Plaintiff in *Beth Schiffer Fine Photographic Arts v. Colex Imaging*, 2012 WL 924380 (D.N.J. Mar. 19, 2012) sued over an allegedly defective “Poli 2” photograph processing and printing machine, where she allegedly relied on defendants’ supposed misrepresentations that the Poli 2 was a “professional grade” machine and was a smaller and cheaper version of the earlier Poli 1 model. After dismissal for failure to plead with requisite specificity, plaintiff’s amended complaint alleged defendants had represented that: Poli 2 was a professional grade machine developed for the professional and commercial photography market; was a smaller and cheaper version of the Poli 1 but otherwise nearly identical; and was a professional grade machine with functionality designed for that market segment. While acknowledging that puffery is non-actionable under common law and

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New Jersey's Anti-Bullying Bill of Rights: A Step Forward or A Step Backward?

By Craig David Becker

As most school law attorneys are aware, New Jersey recently passed new legislation related to bullying under N.J.S.A. 18A:37-13. This law is commonly known as the Anti-Bullying Bill of Rights. As an attorney who devotes the majority of his practice to parents in educational disputes with school districts and juveniles facing criminal charges, I was happy to see new legislation on this issue. Initially, upon review of the new law, I immediately became concerned that the law may not help victims of bullying.

It has been widely recognized that as technology has allowed our world to shrink there have been unintended negative consequences. The new prevalence of social media kids have today makes bullying more severe. Text messages, Facebook, and other media allow bullying to continue away from school and school related activities. Moreover, since comments do not need to be said to someone in person, comments through text messages and Facebook are often harsher than face-to-face comments. Any bullying comments now travel further and can affect students in places far away from their schools. This law has brought bullying, which has existed throughout the ages, to the forefront. As an educational attorney, I have recognized that bullying is a significant problem and extends significantly beyond the extreme cases of suicides as a result of bullying. My experience has revealed that often, juveniles charged with criminal offenses were victims of bullying who responded in a poor way and emotionally could not handle the pressure because of the harassment they were receiving. Bullying also often escalates into extremely dangerous activity and violence. I have heard reports of bullies attempting to light their victim's hair on fire and throw a victim over a balcony. Many students quietly suffer depression and other conditions caused by bullying, and as result they move through their education without properly absorbing the information or building social skills.

The difficult thing is passing any law regarding bullying as it relates to children (anyone under the age of 18). The words "children" or "juvenile" in and of themselves mean that we are dealing with individuals who have not reached maturity and do not have the social understanding that we wish ourselves to possess. Children can be, inevitably, insensitive and rude due to that lack of maturity. Kids also develop differently. A comment to one student may be perceived as bullying, while to another child, it is normal, friendly communication. In short, any law on bullying has to deal with numerous issues that are hard to define.

My concern focuses on the fact that bullying is hard to define. When the legislature enacts a law in an area that is hard to define, it leads to confusion. The part of the law that I am most concerned with is the description of harassment, intimidation, or bullying. The law states as follows:

"Harassment, intimidation or bullying" means any gesture, any written, verbal or physical act, or any electronic communication that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory handicap, or by any other

distinguishing characteristic, that takes place on school property, at any school-sponsored function or on a school bus and that:

- a. a reasonable person should know, under the circumstances, will have the effect of harming a student or damaging the student's property, or placing a student in reasonable fear of harm to his person or damage to his property; or
- b. has the effect of insulting or demeaning any student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school.

[N.J. Stat. § 18A:37-14]

N.J. Stat. § 18A:37-15, requires that each school district be charged with creating an anti-bullying policy that is no less inclusive than the above definition. The concern that I have is that almost any comment can fit the above description. Unless students walk around displaying the highest degree of political correctness and etiquette, anyone can be found to be a perpetrator of harassment, intimidation and bullying ("HIB").

This concern has been validated in my practice. I have received a flood of calls from concerned parents that their child is now being investigated for bullying, for comments as benign as attaching a nationality to someone's name. N.J. Stat. § 18A:37-13 et seq. requires a school district to investigate each recorded incident of HIB and provide the parents of the students involved an opportunity to challenge the finding, appeal the finding to the school board and potentially, the Commissioner of Education. N.J. Stat. § 18A:37-15 states:

(6) a procedure for prompt investigation of reports of violations and complaints, which procedure shall at a minimum provide that:

(a) the investigation shall be initiated by the principal or the principal's designee within one school day of the report of the incident and shall be conducted by a school anti-bullying specialist. The principal may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation. The investigation shall be completed as soon as possible, but not later than 10 school days from the date of the written report of the incident of harassment, intimidation, or bullying. In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the 10-day period, the school anti-bullying specialist may amend the original report of the results of the investigation to reflect the information;

(b) the results of the investigation shall be reported to the superintendent of schools within two school days of the completion of the investigation, and in accordance with regulations promulgated by the State Board of Education pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the superintendent may

New Jersey's Anti-Bullying Bill of Rights: A Step Forward or A Step Backward?

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decide to provide intervention services, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, order counseling as a result of the findings of the investigation, or take or recommend other appropriate action;

(c) the results of each investigation shall be reported to the board of education no later than the date of the board of education meeting next following the completion of the investigation, along with information on any services provided, training established, discipline imposed, or other action taken or recommended by the superintendent;

(d) parents or guardians of the students who are parties to the investigation shall be entitled to receive information about the investigation, in accordance with federal and State law and regulation, including the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, or whether discipline was imposed or services provided to address the incident of harassment, intimidation, or bullying. This information shall be provided in writing within 5 school days after the results of the investigation are reported to the board. A parent or guardian may request a hearing before the board after receiving the information, and the hearing shall be held within 10 days of the request. The board shall meet in executive session for the hearing to protect the confidentiality of the students. At the hearing the board

may hear from the school anti-bullying specialist about the incident, recommendations for discipline or services, and any programs instituted to reduce such incidents;

(e) at the next board of education meeting following its receipt of the report, the board shall issue a decision, in writing, to affirm, reject, or modify the superintendent's decision. The board's decision may be appealed to the Commissioner of Education, in accordance with the procedures set forth in law and regulation, no later than 90 days after the issuance of the board's decision; and

(f) a parent, student, guardian, or organization may file a complaint with the Division on Civil Rights within 180 days of the occurrence of any incident of harassment, intimidation, or bullying based on membership in a protected group as enumerated in the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.);

If any bullying is found, the law is vague as to how it should be handled. N.J. Stat. § 18A:37-15 further states:

(7) the range of ways in which a school will respond once an incident of harassment, intimidation or bullying is identified, which shall be defined by the principal in conjunction with the school anti-bullying specialist, but shall include an appropriate combination of counseling, support services, intervention services, and other programs,

Continued on Page 15

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- Sample Reconciliation of Income Tax Return with Actual Disposable Income

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

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Join Our Committee and Succeed!

By Michael J. Dennin

Membership in the Young Lawyer Committee (YLC) of the Camden County Bar Association is a must for young and new lawyers. Our group is open to lawyers under 35 years old or lawyers practicing less than 5 years. The group provides opportunities for attorneys to use their enthusiasm and drive to affect real change. Our group provides a mechanism for everyday attorneys to have a positive impact on the people in our County.

We focus on social events, continuing education, and charitable services. These three areas are intertwined. Our social calendar is based around monthly lunch meetings at the Association headquarters. In those meetings we plan, review and talk about upcoming Bar events, discuss issues within the YLC, field questions, organize sub-groups, host guest speakers, and eat a well balanced lunch all within the span of 30-45 minutes. Social events include group Phillies games, joint happy hours with the Philadelphia Bar Association and the South Jersey Young Professionals Association, dinner at Casona, the Bench Bar social, monthly get-togethers after CLE on tap, and of course the Lobster Bake. We discuss job opportunities and welcome input from all members on anything they wish to discuss. Our meetings are rather informal and we encourage openness.

Our continuing legal education arm is highlighted by CLE on Tap. This program is for newly admitted attorneys who are required to obtain their initial education requirements. We meet after the program at the Taproom to unwind and connect with one another. This is a nice networking event in addition to providing needed education. Additionally, we plan seminars throughout the year and members present topics for seminars, moderate, and offer ideas of what they would like to learn. Members can offer their advice and recommendations as to how they like their positions and what it takes to be effective in that particular area of law. We have guest speakers on educational issues and jobs can be found through this membership.

In all the things we do we focus on service and charity. Highlights include our Easter and Halloween holiday parties at the Anna Sample House. Members volunteer their time for a few hours on a Saturday and we hold parties at the homeless shelter in Camden. The shelter is geared toward homeless families and we provide all you can eat pizza, seasonal candy, and of course our go-to magician, Lorenzo. Our Lobster Bake, while being a "social" event, benefits the LARC school. We tour LARC every year and last year provided them with a \$8,000 check to help the school in its' capacity as a mostly self-funded non-profit. LARC is a special needs school serving children and young adults, ages 3-21 with moderate to severe disabilities at no cost to the families. We supported and assisted with the Wills for Heroes program, in conjunction with Rutgers Law, focusing on free estate matters for First Responders. We participate closely with the main Bar Association for the children's holiday gift drives as well as the children's picnic, and serve food to the homeless at the Cathedral Kitchen in Camden.

New lawyers should be well-rounded. Continuing education is now a requirement. Networking and being around our peers outside the

office promotes self confidence. Conversations that take place in that arena help us with cases and give us life lessons. Charity instantaneously benefits people who we do not know and would never know but for our involvement. In our group every member is an equal and we all are available to help one another.

New attorneys face many challenges. Questions arise as to whether we are doing the right thing, saying the right thing, arguing perfectly, and being proper and professional. These questions are justifiable. As a part of our group, we understand that we are in this together and all go through the same struggles. Knowing that we all face the same thoughts and experiences, we can move toward growing as attorneys outside the practice of law. Only then do we realize that being a real person, being involved, is the way to succeed in law and life.

Service is where our profession starts. Being appointed Young Lawyer Committee Chair for the coming year brings with it a responsibility to continue the strong leadership of my predecessors and requires a focus on being genuine. We are all human before we are attorneys. We will continue to be human after our practice has ended. We have signed an oath to be professional in all we do and devote ourselves to service. As a young attorney, the slate is clean. Opportunity is in front of you. We ask that you join the organization this year. You will learn that being able to have a positive influence on the lives of the less fortunate exemplifies our mission and takes us far beyond being a "lawyer."



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CLASS ACTION

Parsing Promotional Puffery from Actionable Advertising

Continued from Page 6

the NJCFA, Judge Walls denied defendants' motion to dismiss: "The [challenged] statements...rise above the level of puffery to the extent that they include specific statements of fact regarding the nature and quality of the product, its suitability for use in a particular market segment, its similarity to earlier products, the existence of a design defect, and the feasibility of repair."

At issue in *Hammer v. Vital Pharmaceuticals*, 2012 WL 1018842 (D.N.J. Mar. 26, 2012), were defendant's advertisements and packaging of Liquid Clenbutrix Hardcore as "certified by science" and a "dietary supplement." Plaintiffs' claims that were "based on statements that Clenbutrix is the world's fastest, hardest hitting fat incinerator and an authentic synergistic blend of ingredients" were dismissed with prejudice as the statements "are mere puffery, not actionable misrepresentations."

Plaintiff claimed in *Steven Robinson v. Hornell Brewing*, 2012 WL 1232188 (D.N.J. Apr. 11, 2012) that he was misled by bottle labels touting Arizona brand beverages as having "All Natural" ingredients, though they contained high fructose corn syrup—which he believed is not a natural ingredient. Relying on *McNair v. Synapse Group*, 2012 WL 695655 (3d Cir., Mar. 6, 2012), Judge Simandle denied Rule 23(b)(2) class certification because plaintiff lacked Article III standing to pursue injunctive relief: "Plaintiff testified...he has no intention of ever purchasing any Arizona product in the future... Therefore, Plaintiff cannot demonstrate that he is likely to suffer future injury from Defendant's labeling practices...[M]erely seeing a label that Plaintiff believes is incorrect or that he believes could

be misleading to others is not the kind of concrete adverse effect or injury necessary to create a cognizable case or controversy required by Article III." Of significance is that the "Court pause[d] to note that, as a result of the controlling precedent in this area, class action plaintiffs pursuing injunctive relief to prevent consumer fraud may, in general, have a difficult time satisfying the demands of Article III standing."

See also *Perri v. Prestigious Homes Inc.*, 2012 WL 95564 (N.J. App. Div. Jan. 2012) (summary judgment because realtor's statements—assuring plaintiff that "there wasn't anything to be concerned with in terms of potential flooding"—were "not a statement of fact that is false...[A]t best, it indicates an idle comment made conveying her opinion about the seriousness of the problem posed by flooding") (citing *Gennari v. Weichert Realtors*, 148 N.J. 582 (1997) (differentiating material misrepresentations from "idle comments or mere puffery").

Although these cases recognize that the consuming public is discerning enough to know that the very purpose of advertising is to convince and persuade—while leaving ultimate purchasing decisions up to consumers (and their comparison shopping / reading of ingredients, etc.)—the tangible and intangible costs to defendants from the Promotional Puffery vs. Actionable Advertising epidemic adds one more item (*e.g.*, mandatory arbitration clauses) to the list of considerations for class action avoidance: *i.e.*, have your clients' marketing department scrutinize carefully the language of their advertisements and product labels.

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Over 140 bar members, law students and clerks came together with members of the Judiciary for the 2nd Annual Bench Bar *Cocktails & Conversation Cocktail Party* at Caffè Aldo Lamberti's in Cherry Hill for a relaxed and enjoyable get together on May 3rd.

Planned as a week night opportunity to relax with colleagues from the bench and bar while enjoying a two hour open bar and mouth-watering party fare, the event replaced the traditional Bench Bar Luncheon and offered the perfect atmosphere for a higher level of conversation and socializing between members of the Bench and Bar.



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WINE & FOOD



By Jim Hamilton

Once again we have reached the end of another publishing season of *The Barrister*, a time when columnists and readers alike look forward to a summer break. By the time this issue reaches your desk, I shall have completed a trip to a wine region that is growing in quality and popularity, the Languedoc and Roussillon areas of south-central France. However, since deadlines demand early copy, I thought we would talk about wines that recently impressed me at several of the Spring portfolio tasting events hosted by distributors.

The wines we most often find from Germany tend to be white wines possessing varying degrees of residual sugar. This causes some people to avoid German wines categorically, believing they are too “sweet,” whether based upon their own consuming experiences or the perception that such wines convey a level of sophistication that is beneath them. Certainly, while the marketplace for quality, off-dry German wines has changed dramatically since the Black and Blue days of yore (you remember the Black Cat and Blue Nun wines), there are consumers who still think German wines, like wine coolers, are neither serious nor deserving of buying consideration by anyone having a modicum of respect for “real” wines. Rather than beseech such wine drinkers to reconsider their views, German wine producers are increasingly attempting to pry dry German wines from the firm grasp of their countrymen to offer more in the American market. Certainly, the success of the Leitz Eins Zwei Dry bottling we previously have discussed proves U.S. consumers will embrace such wines. Another wine to consider, albeit several dollars more than the cleverly named and marketed Leitz wine, is the **2008 Sybille Kuntz Estate Riesling Trocken**. As you may recall, the word “trocken” means dry in German, so when you see this word on the label you will know the wine was fashioned without perceptible residual sugar. This wine offers ripe, almost tropical fruit, a veritable cornucopia that is broad, rich and crisp. It is driven more by its fruit than structure or mineral elements, but it is a clean and flavorful Riesling that will remind many of its Alsace competition.

Another white wine grape that has garnered consumer attention in recent years is Albarino from the Galicia region of northwest Spain. With popularity, prices have crept upward and distributors have looked for ways to deliver good quality Albarino at less than \$15. One entry that may fit this need is **2010 Columna Albarino**. The wine offers the zesty, spicy qualities that enable Spanish Albarinos to pair well with a variety of foods. It displays medium intensity, melon and apple fruit, and a nice, lingering finish. As with many wines now available, this wine addresses the increasing consumer demand for unoaked white wines.

If there is one varietal that became the poster grape for heavy-

handed oak treatment it is Chardonnay. Whether using expensive new French oak barrels, hand-me-downs, or far less expensive oak chips, many wineries catered to consumers who viewed overt oak influence as a measure of quality. Certainly, the cost of newly coopered oak barrels drives up the price required to yield a profit, and oak used in the fermentation and/or aging of wine can be important to success. However, the rumblings of opposition to what many have viewed as the indiscriminate use of oak has caused more than a few winemakers to re-think how they are employing it. At the same time, the need for producers to deliver wines to value-conscious consumers also has led to more unoaked Chardonnay offerings, some of which proudly market their wines as such (“virgin” is one descriptor). A region where unoaked Chardonnay has been the exception rather than the rule is Chablis. As most of you know by now, true Chablis is not some jug wine corrupting the name to appeal to consumers, but rather an official appellation in the northern reaches of France’s Burgundy wine region. If you would like an unadorned Chardonnay from Chablis, one to consider is **2010 Domaine Desvignes**. This is a wine with nice, ripe melony apple fruit yielding to a touch of minerals and flint on the finish. It is affordable and hopefully will be available in our market.



Two other options for French Chardonnays that offer fruit over oak are **2010 Eric Chevalier Chardonnay** and **2009 La Soeur Cadette Bourgogne Chardonnay**. The former wine is from the Nantais region of the Loire Valley which is better known (using the expression relatively) for the production of Muscadet. This is a crisp, medium weight wine offering lean lime fruit framed by a nice acid grip while still managing to leave a sense of roundness on one’s palate. The Cadette is an entry level wine from the Burgundy region that focuses more on the soil, with stone and flint veining a plump

fruit profile of honeydew and Thompson grapes.

A wine type that often is overlooked by even the more acquisitive wine fan is white Bordeaux. Perhaps it lacks the cachet and availability of red Bordeaux, and there is little middle ground between the simple sippers and the pricey collectibles. This, of course, is not necessarily a bad thing, providing the value entries provide quality. One easy-to-like wine I tasted recently is the **2011 Chateau Ducasse Bordeaux Blanc**. The wine’s profile is clean but fleshy, with subtle impressions of creamed corn and soft greens conveyed in a moderately round manner that is more ripe than racy.

As the sun burns brighter, many red wine drinkers turn to cool rosé wines. With their increased popularity, many vintners have jumped onto the rosé bandwagon, which in turn has expanded considerably the flavor bandwidth of the offerings. Some rosés are dark and extracted enough to drink warm as red wines, which may not be what you really are looking for in your rosé. If there is one region in the world that is best known for its rosé wines it is France’s Provence. Indeed, probably the most venerable rosé in pedigree if not value is Provence’s Domaine Ott. A much more affordable option in Provençal rosé is **2011 Houchart Côtes de Provence Rosé**. The pale salmon color belies the texture of this wine. It offers medium weight, a sneaky intensity and fruit of barely ripe strawberries with a touch of watermelon. It is at once refreshing and interesting, simple but charming, and more than suitable for the hot days to come.

Thank you for your interest and support in what now is (gulp!) more than 17 years of *Wine and Food* in *The Barrister*. Enjoy the summer and be sure to “come back” in September.



PRESIDENT'S PERSPECTIVE

by Louis R. Lessig, Esq.

My Time Has Come

It has been a very exciting year to be a part of the Camden County Bar Association, which is clearly Your Home Court Advantage. The year has seemingly flown by, but it has not been without an incredible amount of hard work and tenacity from a number of individuals connected with your Bar Association. When I think back to standing before many of you last June at the Aquarium, trying to decide who among us should be swimming with the sharks to my right and which are right where they should be, it struck me that despite the work involved, to be President of the Camden County Bar Association is both a humbling and rewarding endeavor.

As my term ends I can only hope that both my predecessors and successors will look back at what the Board of Trustees, Officers and myself achieved this year and believe that we made our association better than when we started. Of course, the true test is how you the individual member feels about what we have done for you. Perhaps it was to bring you meaningful, cost effective CLE. To provide you with opportunities to meet and get to know the judiciary at both the state and federal level or give you ways to get involved in the community. For others it may be to provide you with your Barrister and keep you up to date with what is going on in your Bar Association, even if you are to busy to join us at an event, to help you still feel connected. Whatever you have expected or hoped for from your association, I truly hope that we delivered on what you needed. If we have not I would encourage you to reach out and let a Board member know or even contact our Executive Director, Larry Pelletier. We are all here for you.

One of the endeavors the Board sought to tackle this year was creating the Association's strategic plan. On behalf of all the Board of Trustee members I want to thank all of you who participated in our survey earlier this year, as well as to everyone who contributed to the creation of our plan. I am quite confident that our Strategic Planning Committee Chair, Lou Moffa will ensure that going forward our five year plan is utilized and acts as a guide for our Board going forward. So thank you Lou for all of your hard work, I am quite sure that it will pay dividends in the years to come.

This year also marked a first for our Bar Association. An event that was almost a year in the making, but something that the Board supported and came to fruition. Our Lawyers Without Rights: Jewish Lawyers in Germany under the Third Reich Exhibit kicked off last month with remarks being provided by Judge Karen M. Williams, Chief Justice Stuart Rabner, Busso von Alvensleben, Consul General, Consulate General of the Federal Republic of Germany, our own Past President Andy Kushner as well as myself. It was a wonderful evening of festivities and allowed our Bar Association the chance to shine. This stop was the exhibit's only showing north of Maryland. In fact we even had school children come in during the day to learn from the panel display. A special thanks for this project has to go out to Camden County College for all of their assistance and for allowing us to show the exhibit at the Rohrer Campus. Of course, while I thanked each of them at the event, I also cannot go on without thanking everyone on our Lawyers Without Rights Planning

Committee, who worked to make all of this happen. They truly did a fantastic job.

It has been a special year for me personally and I cannot thank enough the men and women with whom I sit on the Board of Trustees. It is an exceptional cross section of our Association and if you are ever looking to become more involved, these are the people to speak with who can talk from experience about what the Bar Association has done for them. It has been a pleasure to work with each of you and I want to take a moment to say thank you for your service and your hard work.

Let I take them for granted (although I do not at all) I think that everyone owes a special thanks to Larry, Denise and Kathy for their continual work on our behalf to make sure we have the best Bar Association in the State. None of what I am writing about now and in fact, even the Barrister in your hands would be possible, but for their efforts and while we may not always say it, Thank you.

Of course, I am sure that Brenda will do a wonderful job and I want to wish her luck in her year as President. It will go fast, so enjoy it.

While the year has been incredibly rewarding, it would not be possible without the support of my two families. First, my partners who have supported all the meetings and time out of the office. Fear not, I am on the way back. Your collective support and encouragement has made this year truly special. I know that I am at the right place for me. My assistant Donna Lupo deserves special recognition because as you probably know, she really does all the work to make this all look easy. Last, but certainly not least is my family Megan, Andrew and now Jonathan. I realize there have been times where I have not been home, but you all supported me and there are no words for how lucky I feel for all of you.

As I complete my term, I will not be far, but it is time for others to lead and lead they will. It has been an honor and a privilege to be your President. It may be a temp job, but as those go, it's a pretty good one. Thank you for the opportunity and I look forward to seeing each of you in the future.

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LAW PRACTICE MANAGEMENT

A Retreat That Can Advance Your Firm

By Kimberly Alford Rice



Does the word “retreat” conjure up a negative picture in your mind? It always has in mine.

Though it is just semantics, studies show that the more a law firm (lawyers and staff) comes together to discuss pressing issues which affect the actual business of the firm as well as to engage in team building and to strengthen camaraderie,

the more successful the firm, regardless of size.

When is the last time your firm put aside its daily work and client demands and came together to discuss and brainstorm the firm’s direction, its future, and common growth goals which extended beyond a partners’ meeting?

With so little time to devote “on” the practice as compared to “in” the actual practice, planning a firm retreat can be a productive way to effectively address challenging issues, focus on developing a strategic business development plan, and build stronger relationships. A successfully custom-designed retreat can aid the firm in re-focusing its efforts and achieve more than it thought possible.

Savvy law firm leaders understand that retreats can be powerful tools which can generate and motivate firm action. It can inspire new strategies, prompt decision making, and serve to secure commitments to take strategic action. A successful retreat can be a catalyst to jump start positive change.

Even the smallest firms and solo practices can benefit by

scheduling a designated period of time (from a half day to several days) to focus exclusively on critical practice issues to advance their firm’s growth. The more successful firms realize the imperative of working on their business to advance it forward.

With the involvement of firm management to develop a clear understanding of the desired accomplishments and a concise agenda outlining the critical issues to be addressed, participating lawyers can often walk away with a renewed sense of direction and commitment to accomplishing common firm goals.

What follows is a brief outline of the components for a power-packed retreat:

- **Engage firm leadership support.** Senior partners and management must be prepared to stand behind retreat goals and ongoing implementation. This is largely a cultural test for driving unity among participants.
- **Create an environment for future thinking.** A properly planned and facilitated retreat is a perfect time and place to get crystal clear about a firm’s short and long-term objectives, the obstacles standing in its way, and concrete actionable steps to take to move the firm forward in its goals.
- **Assemble your Dream Team.** Whether you select successful rainmakers and senior partners to deliver presentations on specific retreat topics, many firms find retaining outside presenters can

Continued on Page 18

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R-041712-F



New Jersey's Anti-Bullying Bill of Rights: A Step Forward or A Step Backward?

Continued from Page 8

as defined by the commissioner;

According to the school district attorney Will Donio of the law firm of Cooper Levenson, "there appears to be no plan to have the Department of Education create a comprehensive set of regulations related to the new law's requirements. If so, the Courts and the Commissioner through case law will have to establish the standards under the law."

An anticipated result of New Jersey's Anti-Bullying Bill of Rights is a flood of bullying claims. Since the law has passed, when I have tried to discuss legitimate claims of bullying by clients, I have received responses from school districts regarding the high number of bullying incidents that they had to deal with in the past month. Actions from the school districts seem to indicate that they are starting to look at bullying complaints as a bureaucratic nuisance and not a real

problem. The Anti-Bullying Bill of Rights leaves the overworked and under-funded school districts with many vague bullying allegations to which to respond. Inevitably, legitimate bullying claims will be lost with the numerous allegations made.

Prior to the passage of the Anti-Bullying Bill of Rights, Federal and State law already had some significant protections for students who were bullied. Students with a disability who received, or perceived that they had received, bullying or harassment that was affecting their ability to receive an education had legal recourse under the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. Section 1400, et seq., Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act ("ADA") 29 U.S.C. Section 794, et seq., N.J.A.C. 6A:14-1.1 et seq., and related state and Federal laws. In certain cases these students have a right to request

action by the School District, which may include in extreme cases placement in a new school on account of bullying. These cases rely on significant proof related to the child's disability, and the child's need for special education and/or accommodations. Students who are being bullied as a result of being in a protected class in New Jersey have significant rights under the laws of discrimination, in accordance with the holding of L.W. ex rel. L.G. v. Toms River Regional School Bd. of Educ., 189 N.J. 381 (2007). Unfortunately, there is no strong protection other than the Anti-Bullying Bill of Rights for non-disabled, non-protected class students.

This leaves me with the question, is the Anti-Bullying Bill of Rights a step forward or a step back? New Jersey civil rights attorney, Kevin Costello, of Costello & Mains, expressed concerns that the law "will send an incorrect message to school districts in that as long as the school districts complied with the Anti-Bullying Bill of Rights, the district would falsely believe that they are required to take no further steps to protect the student." Despite all of the above concerns, I have noticed one positive outcome of this new Anti-Bullying Bill of Rights. Although it may not be anywhere near as effective as it should be, parents of bullied students finally have a forum and right to express their concerns to the School District. In my experience there are excellent people working in our state's schools. We must hope that these people will take the appropriate time to listen to the legitimate cases of bullying as they are presented through the new law. If the right people receive this information on bullying the law may be a significant step forward. Although the law is not clear on the actions School Districts have to take, they at least have to listen.

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Back in the Day

By Hon. Richard S. Hyland (ret.)

Last month I wrote how wonderful it was to grow up in Camden City, and this month how great it was to practice there in the early days of my career

I started my practice on March 1, 1961 with my brother Bill's firm after serving my 6 month stint with the U.S. Army, but still had to clerk for 3 more months to attain plenary admission and go to court! Now with a paycheck I could buy my first car which was a powder blue Rambler American convertible. I added optional seatbelts which were not mandatory then. American Motors had been rescued from Nash by George Romney, Mitt's father. Of course, on a nice day I would drive in with the top down and leave it that way in the parking lot. Returning after work, I would find a film of soot on the seats spewed from the city's vibrant industries which played havoc with my seersucker suits—the uniform of the day. However, it was a small price to pay to practice in a city that employed thousands of workers with a bright future ahead. I had no premonition of the tragedy that would befall it in only 10 years.

The Wilson building at 130 Broadway was also the location of the prestigious defense firm of Kissleman Devine Deighan and Montano and its brilliant associate, M. Patrick King who had already made his mark as a trial lawyer. Also there were The Law Offices of Samuel P. Orlando who was rumored to have "ice water in his veins" when he tried a case and who billed at the unheard rate of \$50 per hour. Billing at an hourly rate was uncommon and many relied on the County Bar Minimum Fee Schedules in the "Lawyers Diary" as helpful, especially for the novice. Unfortunately, the Supreme Court deemed them as "price-fixing" and they were abolished.

On the same block were a fine men's clothing store, a stockbroker, a card shop, a travel agent and Camden Trust Co. where I did my banking with nary a Chinese food take-out place or a cash-checking operation in sight. Across Market St. was the beautiful Cathedral of the Immaculate Conception which was the see of the Camden Diocese and was frequented for "visits" (as my mother would say) and a noon Mass. The Bar Association sponsored an annual "Red Mass" there which honored the legal profession and a tradition that went back centuries. Many Jewish and Protestant lawyers attended out of respect.

The Calico Kitchen was the favorite place for lunch for lawyers and got so crowded that the owner stood at the door and assigned seats like it was the Latin Casino in Cherry Hill. However, this enabled you to corner an adversary who was ducking your calls.

By the mid-sixties there was a well-publicized increase in the crime rate. For instance, Frank Travaline was a feisty and diminutive solo practitioner with offices on Cooper St. One day a "perp" snuck into his office, took something of value and bolted out the door. Frank charged after him and tackled him with the skill that Eagle cornerbacks could well emulate. After that, buzzers and locks became commonplace and even the doors of the Cathedral were locked depriving many of spiritual solace from a stressful day.

1971 was a watershed year when a riot broke out because of claimed police brutality against the Hispanic community. Buildings were burned, casualties incurred and fear ruled the streets. The Mayor (and later Judge) Joe Nardi was heart-broken because the only thing he loved as much as the city was his alma



mater, St. Joseph's College. Fortunately, Joe Rodriguez (a Brown Connery attorney and now our Federal Judge) came to represent the Hispanic community in settlement negotiations with the City and the two "Joes" resolved matters in a most civil manner which was not surprising since they had known each other since the first grade. Afterwards, their only bone of contention was the relative merits of the St. Joe's and LaSalle basketball teams.

When I sat in the Criminal Division in the old City Hall courthouse I had two matters which hit me quite hard. One case was a homeless man who was caught digging up bricks from a sidewalk and trying to sell them. The other was when the County Jail was ordered to limit the number of inmates it could hold. I met with the bail unit every Monday morning to sort out those inmates to be released after the weekend. One morning it came down to a guy who had chopped his way through the roof at "Broadway Eddie's" or a guy who was found walking down Broadway swinging a Samurai sword. Nothing I had learned at Penn Law School helped me make my decision. As I sat there, I couldn't help thinking of Walt Whitman's inscription on the wall of City Hall—"I saw a city invincible." Alas, poor Camden!

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April 2012

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P: 856-278-7816

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Chris Timpano

School: Rutgers Camden
217 Kings Highway East, Apt. 2
Haddonfield, NJ 08033
P: 609-410-8317

LAW PRACTICE MANAGEMENT

A Retreat That Can Advance Your Firm

Continued from Page 14

- stimulate and motivate your group, sparking new and practical ideas they can use to create positive momentum.
- **Incorporate work and play.** There's no better recipe for firm retreat failure than corralling a group of lawyers and forcing them to feign interest. By infusing a retreat with fun and interactive exercises, lawyers can discover how they can work productively together to create a better firm.
 - **Bring on breakout sessions.** Beyond the larger firm presentations and "state-of-the-firm" speeches, the smaller breakout session is where the real work is done. Folks roll up their sleeves to engage in specific strategic and tactical planning. Often, groups break off into their practice areas to discuss common marketing and industry-specific goals and plans.
 - **Keep it moving with thorough follow up and ongoing implementation.** The successful and productive retreat ignites what is required to affect positive change. Like so many other things in business, it is the follow up and ongoing implementation by which the impact of a retreat is measured. What will change? Who drives the change? One of the greatest retreat objectives is to develop crystal

- clear action steps to support ongoing implementation of initiatives resulting from the work done during the retreat. Establishing specific accountability, reasonable time lines, and measurable accomplishments is imperative to elicit attorney compliance.
- **Maintain the Momentum.** Embracing the hard work, tough decisions and goodwill generated to maintain the momentum following a successful retreat is frequently the most challenging task. To keep the momentum moving forward, firms should

Continued on Page 21

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Legal briefs

We rely on members to provide announcements for the Legal Briefs section. If you have a new member of the firm, you've moved or you or a member of your firm has received an award or recognition for a professional or community activity, we want to know and share it with fellow bar members. Please email your submissions to lbpc@camdencountybar.org.

Capehart Scatchard is pleased to announce that **Craig W. Summers** has joined the Firm's Workers' Compensation Department as Of Counsel in its Mt. Laurel office. He concentrates his practice in the defense of workers' compensation cases representing major self-insured corporations, insurance companies and clients of third-party administrators. Certified as a trial attorney by the Supreme Court of New Jersey in Workers' Compensation Law, Mr. Summers is a member of the New Jersey Self-Insured Association and New Jersey and Camden County Bar Associations.

William H. Tobolsky recently participated in the South Jersey Chapter of Construction Finance Management Association's (CFMA) educational program where he presented "What Could I Have Done to Avoid this Litigation" as part of a panel discussion.

Focusing his practice on business litigation and representing clients in many facets of litigation, he provides counsel to a large array of businesses including regional construction companies, employers representing the manufacturing and service sectors, as well as non-profits, religious institutions and charitable foundations and others in dispute.

The law firm of **Pellettieri Rabstein & Altman (PR&A)** is pleased to announce the opening of its new office located in the East Gate Center in Mount Laurel, which replaces the firm's prior Mount Holly location and will focus on the practice areas of personal injury, products liability, medical malpractice, workers' compensation and family law. PR&A was founded in Trenton in 1929 and currently has over thirty attorneys in its Princeton, Mount Laurel and East

Brunswick locations. As one of the largest law firms in New Jersey, PR&A's areas of expertise include personal injury, medical malpractice, workers' compensation, family law, and business and employment litigation.

Robert A. Baxter, partner with Craig Annin Baxter Law of Haddonfield, was recently inducted as a Fellow of the American College of Trial Lawyers. Fellowship in the College is by invitation-only and after careful investigation, to those experienced trial lawyers who have mastered the art of advocacy and whose professional careers have been marked by the highest standards of ethical conduct, professionalism, civility, and collegiality. Only lawyers who have a minimum of fifteen years of experience can be considered for Fellowship.

Capehart Scatchard Shareholder **Lora V. Northen** recently spoke at the Central Jersey Claims Association meeting in Hamilton. In addition to her responsibilities as Co-Chair of the Workers' Compensation Department, Ms. Northen focuses her practice in the representation of employers, self-insured companies, and insurance carriers. Certified as a trial attorney by the Supreme Court of New Jersey in Workers' Compensation Law, Ms. Northen is a member of the New Jersey, Pennsylvania, Burlington County and Camden County Bar Associations, and is admitted to practice before the United States Supreme Court. Ms. Northen is also a Fellow of the College of Workers' Compensation Attorneys for the American Bar Association.

Joseph L. Messa, Jr., founding attorney of Messa & Associates, P.C., recently participated in the "Fundamentals of Personal Injury" CLE course as a faculty member. The course, sponsored by the Pennsylvania Bar Institute (PBI) and the Pennsylvania Bar Association Civil Litigation Section, offered training in skills related to successfully handling a personal injury case.

Mr. Messa is a member of the Bars of the Supreme Courts of Pennsylvania and New Jersey, the U.S. District Court for the Eastern District of Pennsylvania and the U.S. Court for the District of New Jersey, as well as the U.S. District Court for the District of Colorado, and the First, Third, and Sixth Circuit Courts of Appeals.

He is an active member of the American Association for Justice; American Bar Association; Pennsylvania Association for Justice; New Jersey Association for Justice; Philadelphia, Camden, Burlington County Bar Associations; and the Justinian Society. He has served on the Board of Directors for the Philadelphia Trial Lawyers Association since 2006, and currently holds the leadership position of Assistant Secretary.



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John E. Wallace, Jr. is a retired Justice of the New Jersey Supreme Court. He was appointed to the Superior Court of New Jersey in 1984 and was elevated to the Appellate Division in 1992. He was confirmed to the Supreme Court of New Jersey in 2003.

Justice Wallace served the Superior Court through the Civil Division handling all types of matters. He was admired and respected by both sides of the aisle. The *New York Times* described him as "a sound jurist and a political moderate." Mr. Wallace is counsel to the firm of Brown & Connery, LLP. Justice Wallace has received many awards including the William J. Brennan Citation, the Lawyer of the Year Award from the New Jersey Commission on Professionalism in the Law and the Judge John Gerry Award from the Camden County Bar Association.

Mr. Wallace is a Trustee of the Board of Legal Services of New Jersey and a Board Member of Kennedy University Hospital. He is a member of the University of Delaware Wall of Fame and a member of its Board of Trustees. He has coached youth baseball and football teams for decades.

Justice Wallace served in the United States Army from 1968-1970 earning the rank of captain. Mr. Wallace received his Bachelors Degree from the University of Delaware in 1964 and received his law degree from Harvard Law School in 1967.

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VERDICTS IN THE COURT

Superior Court of New Jersey

VERDICT: No Cause (3/7/12)
 Case Type: UM/UIIM
 Judge: John A. Fratto, J.S.C.
 Plaintiff's Atty: John D. Borbi, Esq.
 Defendant's Atty: Raymond F. Danielewicz, Esq.
 L-2926-09 Jury

VERDICT: No Cause Damage Verdict: \$1,535.20
 Against Defendant on C/C (4/2/12)
 Case Type: Contract
 Judge: Richard F. Wells, J.S.C.
 Plaintiff's Atty: Ellen McDowell, Esq.
 Defendant's Atty: Samuel McNulty, Esq.
 L-4408-10 Jury

VERDICT: No Cause (4/3/12)
 Case Type: Auto Negligence
 Judge: Robert Millenky, J.S.C.
 Plaintiff's Atty: Benjamin Goldstein, Esq.
 Defendant's Atty: Robert Kaplan, Esq.
 L-2031-09 Jury

VERDICT: No Cause Liability Verdict: 0% Against
 Defendant, Damage Verdict: \$0 Against
 Defendant (4/4/12)
 Case Type: Personal Injury
 Judge: Lee A. Solomon, J.S.C.
 Plaintiff's Atty: George Szymanski, Esq.
 Defendant's Atty: John P. Maroccia, Esq.
 L-5545-09 Jury

VERDICT: No Cause Damage Verdict: \$0 Against
 Defendant (4/5/12)
 Case Type: Auto Negligence
 Judge: John A. Fratto, J.S.C.
 Plaintiff's Atty: Robert A. Greenberg, Esq.
 Defendant's Atty: Tanja Riotto-Seybold, Esq.
 L-618-09 Jury

VERDICT: No Cause (4/5/12)
 Case Type: Medical Malpractice
 Judge: John T. Kelley, J.S.C.
 Plaintiff's Atty: Irene McLafferty, Esq.
 Defendant's Attys: Frank Callo, Esq., Sean Buckley,
 Esq., Paul Schaaff, Esq. & Gary
 Riveles, Esq.
 L-2172-08 Jury (8)

VERDICT: No Cause Liability Verdict: 100% Against
 Defendant, Damage Verdict: \$0 Against
 Defendant (4/5/12)
 Case Type: Auto Negligence
 Judge: Lee A. Solomon, J.S.C.
 Plaintiff's Atty: Jason Sunkett, Esq.
 Defendant's Atty: Laurie Tilghman, Esq.
 L-3761-10 Jury

VERDICT: No Cause (4/5/12)
 Case Type: Auto Negligence
 Judge: Richard F. Wells, J.S.C.
 Plaintiff's Atty: John Morelli, Esq.
 Defendant's Atty: Thomas Murphy, Esq.
 L-935-10 Jury

VERDICT: No Cause (4/10//12)
 Case Type: Auto Negligence
 Judge: Richard F. Wells, J.S.C.
 Plaintiff's Atty: Christine Nastasi, Esq.
 Defendant's Atty: Laurie Tilghman, Esq.
 L-2745-10 Jury

VERDICT: Damage Verdict: \$10,000 Against
 Defendant (4/17/12)
 Case Type: Personal Injury
 Judge: John T. Kelley, J.S.C.
 Plaintiff's Atty: Chris Hoffner, Esq.
 Defendant's Atty: Laurie Tilghman, Esq.
 L-3968-10 Jury (7)

VERDICT: No Cause (4/18/12)
 Case Type: Auto Negligence
 Judge: Stephen Holden, J.S.C.
 Plaintiff's Atty: Marc Greenfield, Esq.
 Defendant's Atty: Jessica Adams, Esq.
 L-5220-09 Jury

VERDICT: No Cause (4/20/12)
 Case Type: Auto
 Judge: John T. Kelley, J.S.C.
 Plaintiff's Atty: Keith J. Gentes, Esq.
 Defendant's Atty: Charles Blumenstein, Esq.
 L-22-10 Jury (8)

VERDICT: Liability Verdict: Settled, Damage Verdict:
 \$50,000 in Favor of Plaintiff (4/20/12)
 Case Type: Auto Negligence
 Judge: Lee A. Solomon, J.S.C.
 Plaintiff's Atty: Robert Greenberg, Esq.
 Defendant's Atty: Thomas Murphy, Jr., Esq.
 L-5980-09 Jury

VERDICT: No Cause (4/20/12)
 Case Type: Law Against Discrimination
 Judge: Louis R. Meloni, J.S.C.
 Plaintiff's Attys: Daniel Zonies, Esq. & Michael
 Mullen, Esq.
 Defendant's Atty: John Nolan, Esq.
 L-221-09 Jury

VERDICT: No Cause Liability Verdict: No Proximate
 Cause Against Defendant, Damage Verdict:
 \$0 (4/24/12)
 Case Type: Auto Negligence
 Judge: Lee A. Solomon, J.S.C.
 Plaintiff's Atty: Stephen Forman, Esq.
 Defendant's Atty: Michelle Hodak, Esq.
 L-3552-09 Jury

VERDICT: Damage Verdict: \$14,556.77 Against
 Defendant on CC & \$20,000 Against
 Plaintiff - Net \$5443.23 to Defendant on
 CC (4/25/12)
 Case Type: Tort/Breach of Contract
 Judge: Louis R. Meloni, J.S.C.
 Plaintiff's Atty: Thomas Ehrhardt, Esq.
 Defendant's Atty: Ronald DeSimone, Esq.
 L-2424-10 Bench

VERDICT: Sealed Verdict (4/26/12)
 Case Type: Medical Malpractice
 Judge: Richard F. Wells, J.S.C.
 Plaintiff's Attys: Robert Paarz, Esq. and Kevin
 McCann, Esq.
 Defendant's Attys: Carolyn Sleeper, Esq., Jared
 Silversten, Esq., Stephen Ryan,
 Esq., and David Krolkowski, Esq.
 L-3103-09 Jury

VERDICT: No Cause (5/1/12)
 Case Type: Auto Negligence
 Judge: Robert G. Millenky, J.S.C.
 Plaintiff's Atty: Joseph Walch, Esq.
 Defendant's Atty: Lawrence Berger, Esq.
 L-3526-1 Jury

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A Retreat That Can Advance Your Firm

Continued from Page 18

communicate frequently to highlight successes of initiatives accomplished since the retreat. You may also want to schedule regular check-in sessions and maintain a transparent follow-up and tracking system. There are many effective tools to aid in building on a successful retreat.

Some of the most effective retreats we have led were designed to address business development and marketing goals. Depending on the firm's needs, topics which firms benefit addressing in a retreat setting have included:

- Firm wide marketing goal setting
- Practice area and individual lawyer marketing planning
- Client service strategies
- Networking best practices
- Attracting higher quality clients
- Closing the "sale"

One of the most effective strategies for optimizing firm performance is to take a step back from day-to-day client work and bring your team together for a focused retreat that results in moving your firm toward its most important goals. By applying some of these points above, you can transform one high impact event into an instrumental tool for driving greater prosperity and performance in your firm.

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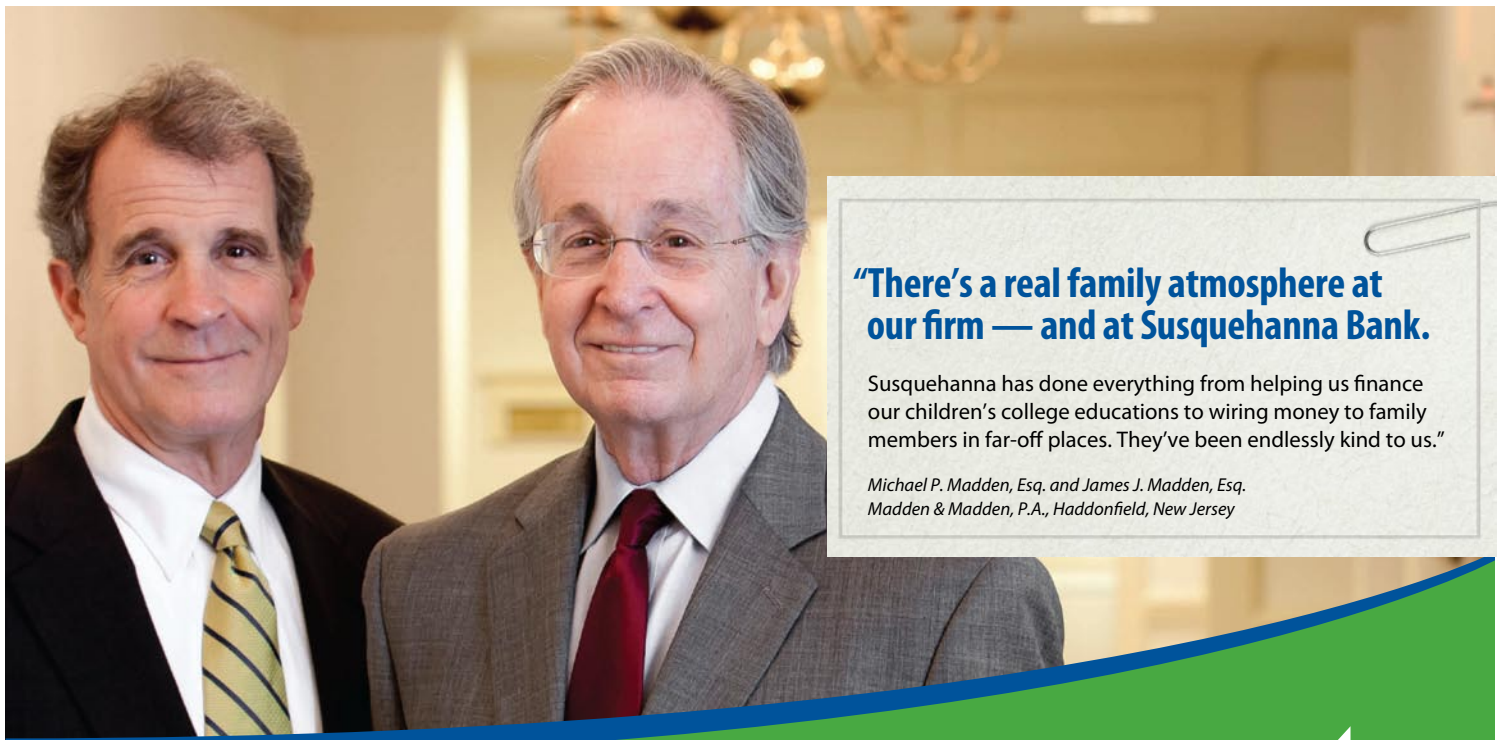
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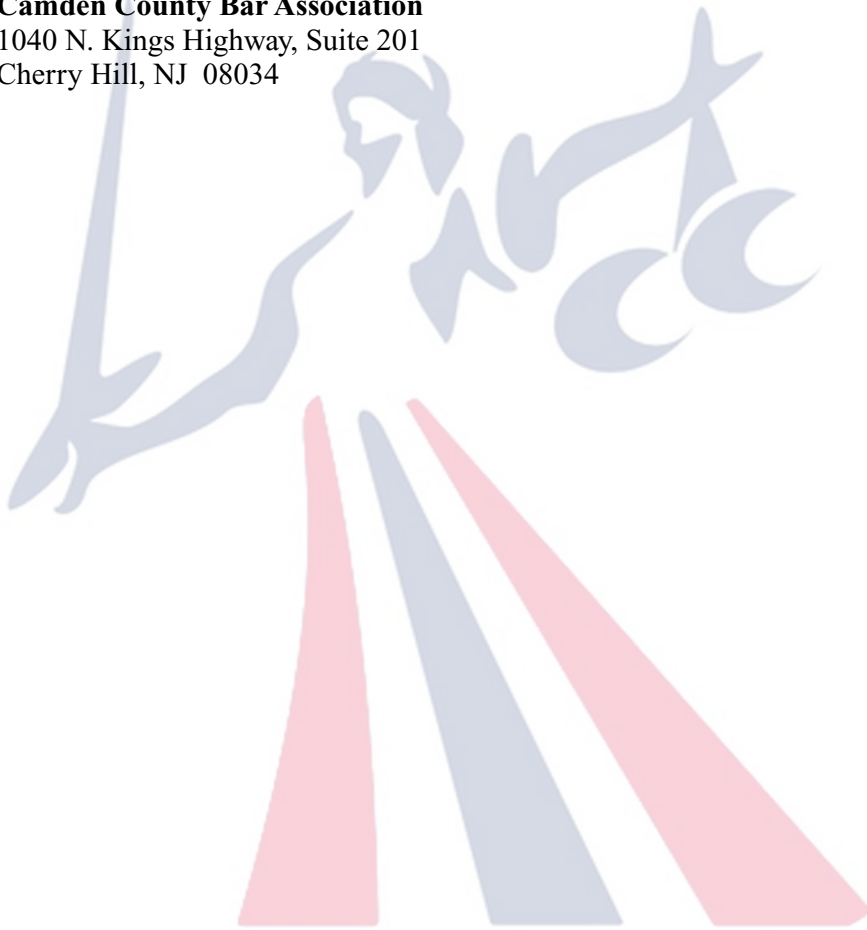
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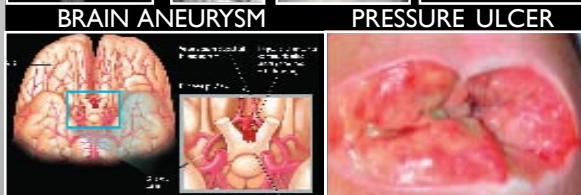
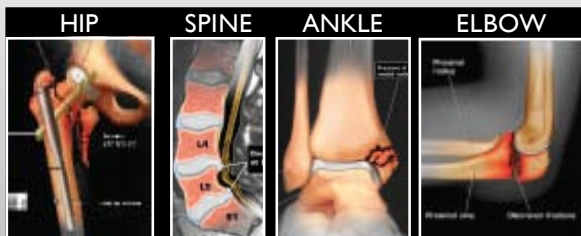


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