



2010 Hon. Peter J. Devine Award winner Carolyn Kornas Karbasian is all smiles as she is presented with her award by CCBA President Linda W. Eynon and Devine Award Committee Chair Louis R. Moffa, Jr.

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Refer to the CLE on Tap flyer in this month's Barrister for details.

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Nominations sought for Judge Gerry Award

The Camden County Bar Association established the Judge John F. Gerry Award to acknowledge the continuing outstanding contributions of a member of the Bar of the State of New Jersey, or a member of the State or Federal Judiciary in New Jersey, to the administration of justice in the State of New Jersey. Recipients of this award exemplify the spirit and humanitarianism of the individual in whose honor this award has been named.

The Camden County Bar Association invites members of the bar and the public to nominate individuals to receive this award. Nominations should be made in writing and sent to: Laurence B. Pelletier, Executive Director, Camden County Bar Association, 1040 N. Kings Highway, Suite 201, Cherry Hill, NJ 08034, no later than May 27, 2011. Nominations may also be emailed to Mr. Pelletier at: lbp@camdencountybar.org.

Camden County...Tastefully Yours!

New Foundation Fundraising event

Camden County ... *Tastefully Yours!* is destined to be the **can't miss** event of the season! Scheduled for 6-10 pm, Friday, April 8th, at the Collingswood Grand Ballroom, we've combined a terrific tasting event into one fabulous and exciting evening of fine wines for your tasting pleasure and terrific silent auction items.

Beat the winter blues and join us for a great evening not soon forgotten. Among the participating restaurants are **Braddock's Tavern, Medford; Bobby Chez, Cherry Hill; The Apron, Haddonfield; William Douglas Steakhouse, Cherry Hill; Kuzina by Sophia, Cherry Hill; and Casona, Collingswood;** with additional restaurants signing on. If you know or represent a local restaurant that you think fits the bill for this event, let us know and encourage them to participate. This is an open event to support the Foundation, so invite your friends, family and neighbors to make it a real party.

There are also marketing/sponsorship packages available for those who really want to get into the spirit, or for those who can't attend but want to be a part of a great event. For information about participation or marketing/sponsorship opportunities, contact Bar Headquarters at 856.482.0620.

Tickets for Camden County ... *Tastefully Yours!* are \$50 pp/\$90 per couple or \$45 pp/\$80 per couple for young lawyers admitted five years or less. Reserve your evening of early spring fun by calling Bar headquarters at 856.482.0620 or by mailing the reservation reply from the flier in this month's inserts.

Bon Appetit! Let the fun begin!

The Docket

Tuesday, March 1st

Young Lawyer Committee Meeting
Noon

Bar Headquarters, Cherry Hill

Wednesday, March 16th

Association Board of Trustees Meeting
4:00 pm

Bar Headquarters, Cherry Hill

New Member Reception
5:45 pm

Bar Headquarters, Cherry Hill

Tuesday, March 22nd

Prepare for the Worst! The Practical Side of Buy-Sell Agreements Seminar
4:00 – 6:15 pm

Tavistock Country Club, Haddonfield

Wednesday, March 23rd

Social Security Committee Meeting
Noon

Bar Headquarters, Cherry Hill

Municipal Court Practice Committee Meeting
4:00 – 5:00 pm

Haddonfield Municipal Court

Thursday, March 24th

NJ Basic Estate Planning Seminar (CLE on Tap for newly admitted lawyers)
4:00 – 7:15 pm

Tavistock Country Club, Haddonfield

Tuesday, April 5th

Young Lawyer Committee Meeting
Noon

Bar Headquarters, Cherry Hill

Friday, April 8th

Camden County... Tastefully Yours!
6:00 pm – 10:00 pm

The Grand Ballroom, Collingswood

Tentative Agenda for March 16 Trustees Meeting

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

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



(l-r) **Jenifer G. Fowler, Esq.**, Eisner & Fowler; **Moderator Carl Ahrens Price, Esq.**, Price & Price, LLC; and **Ellen Naalven**, Executive Director of Planned Lifetime Assistance Network of NJ, presented the CCBA seminar **Special Needs Trusts**, at Tavistock. The program was co-sponsored by the Elder Law, Social Security & Disability Committees.



(l-r) **John T. Wynne, Jr. Esq.**, former Assistant Camden County Prosecutor; **Hon. Thomas A. Brown, Jr., P.J. Cr.**; **Linda Anne Shashoua, Esq.**, Assistant Camden County Prosecutor; **Moderator Dennis Wixted, Esq.**, Zucker Steinberg Sonstein & Wixted; and **Terence Lytle, Esq.**, Assistant Camden County Public Defender, presented the annual **Black Letter Blast on Criminal Law** at Tavistock. The program was co-sponsored by the Criminal Law Committee.

The Barrister

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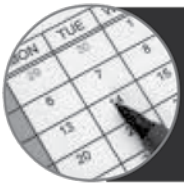
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ATTEND MEETINGS AND FUNCTIONS!



2011 Camden County Bar MCLE Planner

Tuesday, March 22, Tavistock CC

Prepare for the Worst! *The practical side of Buy-Sell Agreements* (2.4 NJ credits*)

This fast-paced, information-packed seminar will detail the *practical AND ethical* sides of Buy-Sell Agreements. A seasoned attorney and an insightful CPA who have been key planning professionals for doing it correctly up-front as well as “cleaning up” when relationships unravel resulting in litigation, will teach you how to protect your most important client – YOU – as well as your paying clients. Learn why it’s important to plan for the worst when crafting a Buy-Sell Agreement for you and your clients. A retired Chancery judge will provide a much needed “view from the bench.”

This is a must attend for transactional attorneys, business litigators, employment attorneys, and anyone who crafts Buy-Sell Agreements or who is thinking about creating a new business or firm start-up. Attendees will leave with useful, practical knowledge and must-have checklists and materials to help them think of everything when creating a Buy-Sell.

New Jersey Credit: This program has been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 2.4 hours of total CLE credit. Of these, 1.0 qualifies as an hour of credit for ethics/professionalism and 2.4 qualify as hours of credit toward certification in civil trial law. The actual credits earned may be less if the course time is less than 120 minutes.

Pennsylvania Credit: Seminar INCLUDES 1.0 hours of ETHICS & 1.0 hours of SUBSTANTIVE credits from the Pennsylvania CLE Board. If you need credit for any other state, notify us when you register.



DWI Roundup – Part Two was the topic of a recent CLE seminar at Tavistock. The seminar was sponsored jointly by the Municipal Court Committees of the Camden and Burlington County Bar Associations. Presenters were **Hon. Steven P. Burkett, C.J.M.C.**, Camden; **Jeffrey Evan Gold, Esq.**, Gold & Associates; and **Moderator Gregory P. DeMichele, Esq.**, DeMichele & DeMichele, P.C.

Thursday, March 24, Tavistock CC

CLE on Tap – NJ Basic Estate Planning (3.9 NJ credits for *Newly Admitted Lawyers*)

Bridge the Gap with CLE on Tap for newly admitted lawyers provides an easy, affordable and enjoyable way for **newly admitted lawyers** to complete the NJ MCLE basic course requirement. This program satisfies one of the required subject areas of the Additional Mandatory Requirements for Newly Admitted Lawyers. (Regulation 201:2) This is the second program in a series of 8 to be offered in the coming months. Each seminar is followed by a happy hour.

APRIL

- 5 Ethics – Birth & Death of a Law Practice **plus** An Update on Privilege, Confidentiality & Conflicts*
- 13 Medicare Set-Asides
- 21 CLE on Tap for Newly Admitted Lawyers: NJ Criminal Trial Preparation

MAY

- 5 Employment Law Update
- 17 Real Estate
- 24 Bankruptcy Ethics
- 26 CLE on Tap for Newly Admitted Lawyers: NJ Municipal Court
- TBD Joint Probate & Trust and Taxation
- TBD Workers' Compensation

* Includes Ethic credit(s)

2011 Group Admission Supreme Court of the United States



Monday, June 20, 2011

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Refer to insert for details.

Be sure to check
this month's inserts

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*New York Law Journal/Legal Intelligencer Polls, 2010; Harvey Research Study, 2010

Foundation Update

Looking Forward to a Taste of Spring



By Joseph A. McCormick, Jr.

March Madness is upon us and Opening Day for the Phils is right around the corner. What could be better? One of the rougher winters in memory is finally ending, so let's talk about spring.

The Foundation is having its own "Spring Fling!" Our inaugural "Camden County... Tastefully Yours" is picking up steam and is now set for April 8th at the Collingswood Grand

Ballroom. Check out the CCBA Website and the E-Barrister for the names of the dynamite local restaurants that are participating to present their signature dishes for your pleasure. This is a great way to sample many of the fine local establishments that you have wanted to get to but just could not make it to. Fine wine will be served and a

silent auction will be held with many excellent offerings. I can even promise that there won't be any snow to contend with that evening.

The venue is great and ticket prices are affordable. This event will be a great place to take your friends for a fun night out. The restaurants will be donating their offerings so that the proceeds can be used to further the charitable goals of the Foundation. We expect that you will discover a new favorite restaurant or rediscover an old favorite. Please save the date and use the insert in this month's Barrister to reserve your place and join the fun.

As a CCBA member, we should take pride in the Bar Foundation and charitable works it performs throughout the year. The Foundation is a local charity addressing local needs since 1968 in the form of student scholarships and help for the under privileged in Camden County. The "Foundation" is there. Won't you help us build upon it? Let's help make a difference.

SPINNING MY WHEELS

Bright Lights, Big City



By Andrew Kushner

Every January, almost without fail, I have trudged through good and bad weather to attend the Philadelphia International Auto Show, in center city. Although on a couple of occasions I have traveled with family members who were in the market for a new car, most years it became sort of a "boys night out," with the Car Show followed by dinner at some unlikely place in Chinatown. While the Philadelphia Show is not one of the premiere places for first time new car displays, like Detroit, there have always been enough new models appearing to make the tour interesting.

After 15 years of attendance, I know the drill, pretty well: The main floor houses all of the common brands; the atrium area has the "exotics" like Lexus, Mercedes, Jaguar, Porsche, and the super car Italians, and the lower level is for collector cars and some of the also ran companies like KIA, Suzuki, and Smart. The main hall is decked with carpeting which mimics a two lane highway and which runs in a large circle around the circumference of the hall. It is nice touch but people generally wander aimlessly around from exhibit to exhibit as befits an event like this one. The Show continues to feature not only the cars but the young female "informational assistants" whose sole job appears to be to smile at all comers and sometimes to step up onto a rotating platform containing a new model and give a 2 minute speech about its attributes.

Despite the familiarity of the Show, there

are always a few surprises. Curiosity leads me to manufacturer displays I would never have thought to visit in a dealer's showroom. For that reason alone, the Show is valuable in reaching potential buyers who would only get the chance to do their preliminary car shopping like this once a year. This is the real value of a car show to the average Joe. In this year's event, our crew was limited to me and one other attendee although the *après* Show dinner was enlarged by the attendance of former State Bar President Etish.

Each year's show has its highlights, whether because of a first time view of a soon to be released model or concept car, and this year was no exception. Therefore, in no particular order and based upon my completely subjective rating system, here are my picks for the 2011 Philadelphia International Auto Show:

2011 Chrysler 300. The original new 300 model, which saved Chrysler's bacon a half dozen years or so ago, has been redesigned for this model year under the tutelage of Fiat. What was a large sedan that could be ordered in various iterations including the hemi V8 model continues in concept with the new model. But the prior generation 300 was a handsome yet unrefined typical American sedan with little subtlety. Without commenting on the ride and handling (of which I know nothing) the prior model did not have any pretensions of aspiring to be a premium automobile. The stylish redesign of this year's model has changed all of that. The 2011 model boasts a new exterior and an

interior redesigned to address the worst failing of American cars in general: interior materials and design. The new model comes with high quality materials and a very "premium" looking interior, indeed. The DOHC V6 in the Limited model produces 292 bhp and the V8 "hemi" remains an option. The Limited model, which was very well equipped, had a sticker price of about \$36,000.

2011 Chrysler 200. Previously known as the Sebring, this model gets the "most improved" award for a car that received last minute updates. Fiat said that it would begin improving the product line immediately and they were not kidding. With only limited dollars available, the 200 is now a creditable car and not just the choice of car rental fleets. If these two cars are an indication of what is to come I look forward to Fiat's stewardship of Walter Chrysler's baby.

Hyundai Equus. Seen at the last year's show as a pre-production model, this sedan is Hyundai's entry into the big leagues in the same manner as Lexus and Infiniti took on the German competition over 20 years ago. The Equus is a large sedan *à la* the Mercedes S Class but with a price over \$20K less. With a list price of \$65,400, the car "Ultimate" model comes with a staggering list of standard equipment and no factory options. Aside from the "normal" standard equipment that you would expect on a premium sedan here are just some of the "standard" items: forward viewing camera, DVD player and LCD monitor, HID adaptive head lamps with self leveling,

LEGAL LINE TO CRIMINAL COURT LAW

Understand the Immigration Implications of Your Client's Case Before You Resolve It!

By: Adam S. Malamut, Esq. and Derek A. DeCosmo, Esq.

As if safeguarding your client's Constitutional rights is not challenging enough – criminal defense lawyers must now, more than ever, be extremely cautious and diligent in the representation of a defendant whose immigration status is suspect (no pun intended). Criminal defense attorneys usually present the first line of defense under these circumstances. In that role, the criminal defense attorney must be aware of the many recent developments in criminal and immigration law and the interplay between these two areas. The recent New Jersey and Supreme Court decisions make it clear that criminal defense attorneys have a duty to competently advise their clients of the immigration consequences of a criminal conviction, or subject themselves to a claim for ineffective assistance of counsel and/or malpractice.

While we attempt to give you a brief overview in this article of issues for which you should be aware, we wholly recommend seeking an opinion letter from an immigration attorney prior to resolving your client's case. An opinion letter can be read into the record, in part, during the colloquy of your client's plea, further insuring he/she understand the immigration ramifications. Short of that, at a minimum, it is sound practice to have your client sign off on the fact that they have read and understand the immigration implications in their case.

In 2009 the New Jersey Supreme Court held that trial counsel's act in providing false or misleading information as to the deportation consequences of a guilty plea constituted ineffective assistance of counsel under the State Constitution. *State v. Nunez-Valdez*, 200 N.J. 129 (2009). In *Nunez-Valdez*, the defendant, a legal permanent resident of the United States, pleaded guilty to fourth degree criminal sexual contact.

The defendant had originally been charged with one count of second-degree attempted sexual assault. The defendant accepted a plea deal wherein he pleaded guilty to one count of fourth degree criminal sexual contact in exchange for a sentence of probation. *Id.* at 131. Shortly thereafter, a United States Immigration Court ordered defendant to be deported to his native Dominican Republic because of his conviction. *Id.* at 132. After being deported, the defendant sought post conviction relief arguing that he would not have accepted the guilty plea if he had known that he would be deported. *Id.* at 138.

The New Jersey Supreme Court recognized that under New Jersey law, the possibility of deportation, like other penal consequences of a guilty plea, is a consequence of which a defendant must have notice before they can knowingly enter a plea. *Id.* at 143-144. Even prior to *Nunez-Valdez*, cases began to acknowledge that some "collateral" consequences, such as deportation, are so devastating that to characterize them as merely "collateral" would distort the constitutional analysis. *State v. Bellamy*, 178 N.J. 127, 138-39 (2003). The characterization of a consequence as direct or collateral alone should not dictate whether a defendant should be advised about it prior to entering a guilty plea. *Ibid.*

On March 31, 2010, the United States Supreme Court held that trial counsel's failure to properly advise a defendant of the deportation consequences of a drug-related conviction was constitutionally deficient under the sixth Amendment. *Padilla v. Kentucky* 130 S. Ct. 1473 (2010).

Given the decisions of the U.S. & New Jersey Supreme Courts, there is no question that the criminal defense attorney has the duty to affirmatively advise his non-citizen

client of the immigration consequences of a guilty plea. The tremendous practical challenge for the criminal defense attorney is determining the immigration consequence in a given case. The immigration consequence can be removal, which is the deportation of the non-citizen to their country of origin, or inadmissibility, which will prevent the non-citizen from obtaining future legal permanent residence in the United States or a visa to return to the United States. At its core, the criminal defense attorney must analyze whether the New Jersey state statute of conviction falls under any of the federal immigration criminal grounds of removability or inadmissibility.

There are numerous criminal grounds that will render a non-citizen removable or inadmissible from the United States. Those criminal grounds of removability and inadmissibility may be grouped into three main categories, which are "aggravated felonies," "controlled substances offenses," and "crimes involving moral turpitude." In many cases it is difficult to determine whether the New Jersey criminal offense will fall under one of the federal criminal categories that carry a negative immigration consequence.

The best guide for a New Jersey criminal defense attorney is found by studying the analytical approach utilized by the federal courts to determine the immigration consequence of a criminal offense. The Third Circuit's recent decision in *Restrepo v. Attorney General U.S.*, 617 F. 3d 787 (3rd Cir. 2010), succinctly set forth the analytical approach employed by the courts, as well as the challenges faced by criminal defense attorneys in attempting to advise their non-citizen clients on the immigration consequence of the guilty plea.

Continued on Page 10

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NJSBA Trustee Update

This Is Not Your Father's Supreme Court



By Arnold Fishman

We all are bombarded by information on various listserves we once thought it would be cool to be on. (Why is a preposition a word not to end a sentence with?) On one of those lists, I

recently received an email that started me thinking*. I was sworn-in in 1965. At that time, every DWI opinion from the Supreme Court on down started with: "due to the senseless havoc, or carnage, or chaos, or slaughter, or catastrophe, or ...". You choose the appropriate word, and then went on to convict and to severely punish the offender.

Back then defending a DWI charge was different. The typical prosecution had a Police Doctor instead of a Breathalyzer. Towns would select a physician who would agree to be awakened in the wee hours of the morning to pronounce a person under the influence. Courts were less constrained in the honest exercise of their judgment. Acquittals were common. Appeals to the Law Division were de novo. If you wanted a record, you had to bring your own court reporter. That was before government's three branches entwined in their noble witch hunt to rid the world of the curse of drunk drivers riding off into the sunset to live happily ever after unaware of the vengeance they hath wrought. WHEW!

Now most defendants plead guilty without a lawyer and most of those who are represented also plead guilty. Trials are rare and acquittals even more so. The message the upper Courts sent was eventually received by the lower Courts both loud and clear.

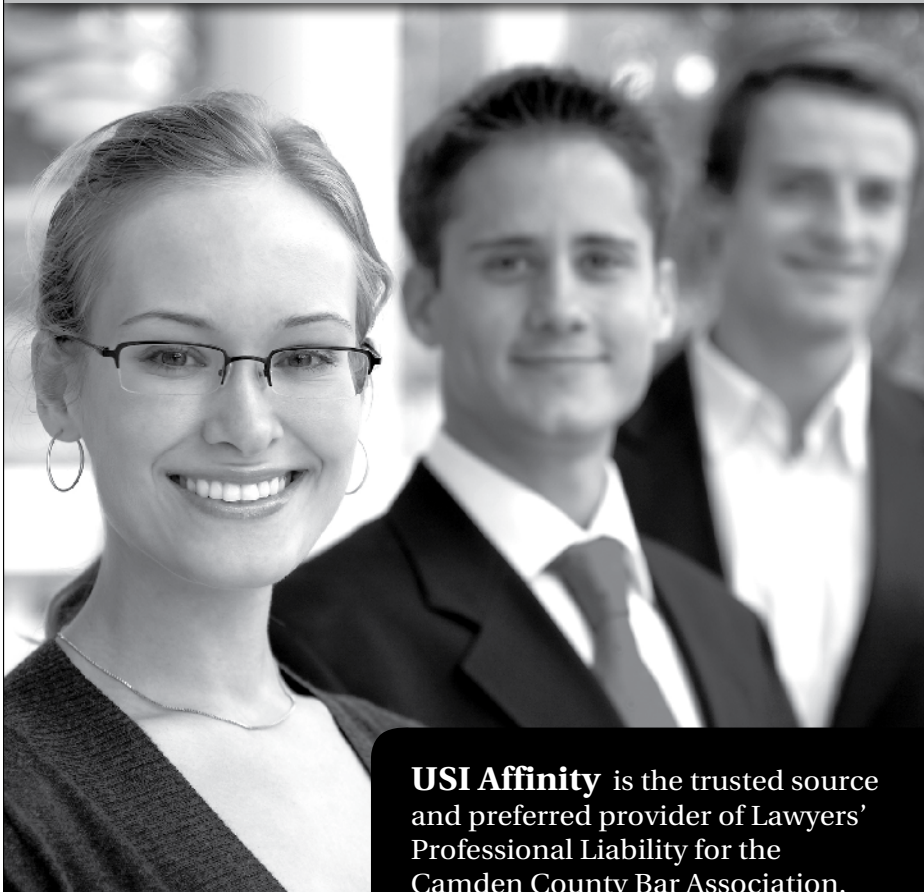
Two local municipal court judges have just made the news and not as they would have wished. They are both facing charges of violating the Cannons of Judicial Conduct. They stand accused of siding with the State in a DWI prosecution. How odd! I know these two judges well. I have appeared before both of them more times than either they or I would care to remember. Their integrity is above reproach and beyond question. What is remarkable about both cases is how their transgressions came to light. In both cases they gave material aid and comfort to the State ex parte and on the record. One went so egregiously far, according to the ACJC, as to refer to the Court and the prosecutor as "we." The fact that this was done on the record is, in my opinion, very telling.

That they did not signal the tape recording to be stopped, is indicative of two things. One is that such alliances are extremely prevalent. Imagine how many times it is done, but just not on the record. And two, they didn't think that helping the State was anything other than God's work. In *State v. Tischio*, the Supreme Court of New Jersey explicitly drafted the judicial branch of government into the army fighting this scourge. They spoke of the Courts and the Legislature acting in concert to remove drunk drivers from our highways. It implemented this wrongheaded

Continued on Page 11

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PROFESSIONAL INSURANCE SOLUTIONS

From a CCBA Partner in Progress

April 15th is Coming But We Aren't Just Concerned About Income Tax Returns!



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

Yep, you also need to consider gift tax returns as they are due at that time (well, actually this year the due date is April 18, 2011). Thus, this may be a very appropriate time to discuss the appraisals you may need to seek for you or for your clients.

IRS regulations detail the information that is necessary to support a proper valuation of gifts reported on a gift tax return so that the taxpayer can avoid an unlimited statute of limitations for inadequate disclosure of gifts. (With an unlimited statute of limitations, the IRS has unlimited time to assess taxes, penalties and interest.) If there is adequate disclosure, there is a 3-year statute of limitations. Under the regulations, to start the running of the statute of limitations, taxpayers must provide the following support for the gift:

- Description of the transferred property and any consideration received.
- Identity of, and relationship between, transferor and transferee.
- The trust I.D. number and copy of the trust document if the transfer is made to a trust.
- Detailed description of the method of determining fair market value of the assets, including relevant financial information and qualified appraisals.

- A statement describing positions taken contrary to published regulations or rulings.
- An explanation of why the transfer is not a gift, if that is the taxpayer's claim.

Although taxpayers are not required to file a gift tax return when there are no gifts for the year to a single donee that exceed the \$13,000 annual exclusion amount, to start the three-year statute of limitation running under the regulations, it may be advisable to file a gift tax return. This would be particularly true when: transferred assets are difficult to value; the transfer involves the right to withdraw property from a trust (Crummey power), or there is uncertainty about whether the gift will be treated as a completed gift.

Not to sound self-serving but the requirements of stating the methods of valuation are met by the submission of an appraisal of the transferred property. The appraiser must:

- Be an individual who holds himself or herself out to the public as an appraiser or performs appraisals on a regular basis; and
- Be qualified to make appraisals of the type of property being valued because of the appraiser's qualifications. Such is described in the appraisal detailing the appraiser's background, experience, education and membership, if any, in professional appraisal associations.

The deadline for filing a gift tax return, IRS Form 709, is typically

Continued on Page 10

Abo and Company, LLC

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Partner Marty Abo recently gave an ICLE seminar entitled *"The Financial Side of a Law Practice—What They Forgot To Tell You in Law School."* The session prepared attendee attorneys for the business of law. They knew how to practice law but wanted to learn how to *make money* doing it. Whether you are a sole practitioner, in a boutique firm, thinking about leaving a firm to start your own, just beginning in the legal profession or have been running your own firm for years, the handouts authored by Marty are available to members of the Camden County Bar by requesting at www.aboandcompany.com. The seminar was full of essential, easy to understand information designed to help you become successful.

Let us know if you:

- Need our technical experience and professional insight for projects on accounting, tax, auditing, valuation, investigative or litigation support;
- 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 any of the many articles and handouts of particular interest to lawyers and law firms published by Abo and Company.

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

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A Devine Luncheon

Despite being a typical cold and blustery January day, the Hon. Peter J. Devine, Jr. Award Luncheon at the Crowne Plaza attracted friends, family and colleagues to honor and congratulate past CCBA President Carolyn Kornas Karbasian as she was presented the 2010 Devine Award, the Association's most prestigious honor.

Established in 1981 in honor of the popular Judge Devine, who served as president of the Camden County Bar in 1967-1968, Carolyn was chosen this year's

recipient in recognition of her long record of distinguished service to not only the Bar Association and its members, but to the community through her work with the Bar Foundation. The Association congratulates Carolyn on receiving this recognition and high honor, and extends its gratitude for her many years of dedicated service.



(l to r) Dave Karbasian, Carolyn Karbasian & Devine Committee Chairman Lou Moffa



(l to r) Eric Dakhari & Trevor Cooney



(l to r) Bob Greenberg, past Devine Award recipients Judge Fox (2005), Judge Colalillo (2001) & Chuck Heusler (1990)



(l to r) Devine Award recipient Andy Kushner (2008), CCBA President Linda Eynon & President-Elect Louis Lessig



(l to r) Past Devine recipients Jim Mullen (1997) and Judge Fratto (1981/2006), John Zohlman, First Vice President Brenda Eutsler & Paul Snyder



(l to r) Ed Borden & Tom Hagner



(l to r) Steve Polansky, Susanne Finiello, Ashley Toth & Paul Snyder



(l to r) Jim Mullen, Rocco DePersia & past Devine Award recipient Harvey Mitnick (2009)



(l to r) Dante Rohr, Rich Grungo, Frank Allen & Ellis Medoway



(l to r) Michelle Badolato & Casey Price



(l to r) Marci Hill Jordan & past Devine Award recipient Al Schwalbe (2002)

LEGAL LINE TO CRIMINAL COURT LAW

Understand the Immigration Implications of Your Client's Case Before You Resolve It!

Continued from Page 6

Mario Restrepo ("Restrepo") is a native and citizen of Colombia and a lawful permanent resident of the United States. *Id.* at 789. In 1994 Restrepo's daughter disclosed to police that on several occasions her father had engaged in improper sexual conduct with her. Police questioned Restrepo about these accusations and he admitted that he first touched his daughter inappropriately in 1990, and he had done so intermittently for the next four years. *Id.* at 789. Restrepo was charged with third degree aggravated criminal sexual conduct in violation of N.J.S. 2C:14-3(a). Under this statutory provision, "[a]n actor is guilty of aggravated criminal sexual contact if he commits an act of sexual contact with the victim under any of the circumstances set forth in 2C:14-2(2) through (7)." N.J.S. 2C:14-3(a). Restrepo pled guilty to a state indictment which charged that he committed aggravated sexual contact in violation of 2C:14-2(2). He was sentenced to 364 days in prison and five years' probation. *Id.* at 789. The primary appellate issue in *Restrepo* for the Third Circuit to decide was whether a non-citizen's New Jersey conviction for aggravated criminal sexual conduct qualified as aggravated felony sexual abuse of a minor within the meaning of the Immigration and Nationality Act ("INA"). The three-judge panel concluded that criminal conduct constituting "sexual abuse of a minor" under the "federal" definition of that term was applicable to the New Jersey conviction. Important in studying the analysis is the fact that the Third Circuit, as it was attempting to ascertain the definition of the phrase, noted that not only is the term not defined, but there are three different definitions sections of the United States Code that define sexual abuse. The court stated the following: "We have carefully examined the text of § 1101(a)(43)(A), the precise context in which its language is used, and the larger framework underlying the statute's purpose. Our inquiry leaves us in a state of interpretive uncertainty, and we are unable to discern the clear and unmistakable intent of Congress with respect to the definition of 'sexual abuse of a minor.'" *Id.* 795.

With no clear definition on which the Court could rely, *Restrepo* determined that it must look to the Board of Immigration Appeals' ("BIA")'s interpretation and determine whether its determination was reasonable. *Id.* at 795. In *Matter of Rodriguez-Rodriguez*, an *en banc* panel of the BIA determined that although "sexual abuse of a minor" was undefined in the immigration statute, the legislature's unmistakable intent "was to expand the definition of aggravated felony and to provide a comprehensive statutory scheme to cover crimes against children." *Matter of Rodriguez-Rodriguez* at 994.

After settling on the Section 3509(a)(8) definition of "sexual abuse of a minor" the *Restrepo* Court moved to the second step of the categorical approach, which required a comparison of the elements contained in the statute of conviction (N.J.S. 2C:14-3(a) aggravated criminal sexual conduct) with the BIA's definition of sexual abuse of a minor (§3509(a)(8)). The categorical approach can be difficult to apply where the state statute criminalizes different kinds of conduct, some of which would meet the INA's definition of an aggravated felony and where some would not. Not all of the conduct criminalized under N.J.S. 2C:14-3(a) would meet the "federal" definition of sexual abuse of a minor.

Section 2C:14-3(a) provides that "[a]n actor is guilty of aggravated criminal sexual contact if he commits an act of sexual contact with the victim under any of the circumstances set forth in 2C:14-2(2) through (7)." N.J.S. 2C:14-3(a). In *Restrepo*'s case, the sexual contact for which he was convicted was the intentional touching of his daughter's breasts and vagina through her clothing. The Court determined that the circumstances set forth in § 2C:14-2(2) through (7) are phrased in

disjunctive form, and, therefore, the Court must identify the specific subsection under which Restrepo was convicted. *Restrepo* at 800.

In this circumstance the Court determined that it should apply the "modified categorical approach" which it articulated in an earlier decision. In *United States v. Stinson*, also decided in 2010, the Third Circuit found that courts are permitted to apply a "modified categorical approach by which the courts may look beyond the statutory elements to determine the particular part of the statute under which the defendant was actually convicted." *United States v. Stinson*, 592 F.3d 460, 462 (3d Cir. 2010).

In applying the "modified categorical" approach the court is permitted to look to the record of conviction which consists of the indictment, judgment of conviction and the plea transcript. The focus of the inquiry is whether conduct that meets the federal definition of sexual abuse of a minor is *necessary* for a conviction under N.J.S. 2C:14-3(a). It is irrelevant that sexually abusing a minor may be sufficient for conviction under the statute; what matters is whether such conduct is *necessary* for such a conviction. In other words, if the offense prohibited by N.J.S. 2C:14-3(a) is categorically *broad*er than the federal definition of sexual abuse of a minor, then the non-citizen's conviction does not render him removable. The *Restrepo* Court concluded that given the breadth of "sexual abuse of a minor" definition, "it is plain that an individual convicted of aggravated sexual conduct under N.J.S. 2C:14-3(a) has necessarily engaged in act within the definition of 'sexual abuse of a minor' provided by Section 3509." *Restrepo* at 800. Therefore, the Court concluded that Restrepo's conviction falls under the ambit of "sexual abuse of a minor," which constitutes an aggravated felony under the INA. *Id.* at 800. In 2004 the Department of Homeland Security (DHS) initiated removal proceedings against Restrepo charging him as removable pursuant to 8 U.S.C. § 1227(a)(2)(A)(iii) under the aggravated felony category for sexual abuse of a minor. *Id.* at 790.

This decision is now frequently cited by DHS prosecutors in immigration removal proceedings. A conviction that is determined to be an aggravated felony for immigration purposes means certain deportation for the non-citizen client. As you represent your clients, keep in mind that not all felonies are "aggravated felonies" as defined by the INA. Accordingly, there may be alternative resolutions for your client which may not trigger automatic deportation. Still, your client (and you) would be best served by retaining an expert in immigration law to co-counsel your case.

Adam S. Malamut, Esquire is a Partner of Liebling, Malamut & Sunkett, LLC. Liebling, Malamut & Sunkett, LLC, is based in Cherry Hill and specializes in the areas of Criminal Defense, Plaintiff Personal Injury & Petitioner Workers' Compensation litigation.

Derek A. DeCosmo, Esquire is a sole practitioner, based in Cherry Hill and specializes in the areas Immigration and Criminal Defense.

From a CCBA Partner in Progress

April 15th is Coming But We Aren't Just Concerned About Income Tax Returns!

Continued from Page 8

the same as for the personal income tax return, Form 1040. If more time is needed to get Form 709 or the appraisal together, we, as CPAs, or other tax practitioners can easily file an extension for you, Form 4868, before the taxes are due. This will extend the deadline for both the donor's/ taxpayer's 1040 and 709 to October 15th (alas, it does NOT extend the payment of any taxes deemed due). Alternatively, Form 8892 can be filed to extend the Form 709 but not the 1040.

The above article was retrieved from the "E-mail alerts" disseminated to clients and friends of Abo and Company, LLC, Certified Public Accountants – Litigation & Forensic Consultants. With offices in Mount Laurel, NJ and Morrisville, PA you can check them out at www.aboandcompany.com or by calling 856-222-4723 for their newsletters or updates.



PRESIDENT'S PERSPECTIVE

by Linda W. Eynon

It's In The Air!

Welcome to March.....spring is around the corner, basketball madness begins and the days are getting longer, sunnier and warmer.

I would like to publicly thank the members of the Criminal Law Practice Committee who recently responded to an email I sent, seeking attorneys to serve as Trustees in winding down the practice of a solo criminal attorney who recently died. This is, by no means, an easy task. So I was very heartened to see the number of attorneys in our Bar Association who willingly stepped up to assist with this.

None of us likes to think about our own immortality. As attorneys, we are taught in law school about selling businesses, wills, advanced directives and estate planning. Yet I know many of us do not prepare for ourselves or plan ahead. Certainly we do not heed our own advice! For attorneys practicing in firms or in the corporate world, generally there is someone to continue the work after an attorney has become ill, incapacitated or has died.

However, for solo practitioners, there is no partner or associate to assume the work or to wind down the practice. Most likely they have already thought about selling the practice in their later years. But what happens to the practice of a solo practitioner, who unexpectedly becomes incapacitated or dies, and no arrangements have been made? As in the case above, the Bar Association is called upon to assist. And while that process continues, clients are often left to scramble to obtain their file and to find another attorney. So, I hope that I

now have the solo practitioners or friends of solo practitioners out there thinking, what can I do? One suggestion to consider is to find someone who would assume the responsibilities of winding down your practice in the event of death or if you become unexpectedly incapacitated. Meet with that person towards the goal of entering into an agreement to provide for this interim step.

This year the CCBA started a Senior Attorney Committee to help address issues such as this. For more information on the committee, please contact one of the co-chairs Ken Landis or Carl Price.

On another completely different topic, I had the pleasure of being invited to a private showing of the movie *The Conspirator*, to be released on April 15th. Off I went, with three other past and present fellow CCBA Officers (aka movie critics) to see this movie about the lone woman, Mary Surratt, tried, convicted and hung as a co-conspirator in the assassination of Abraham Lincoln. The movie is produced by the American Film Company and directed by Robert Redford, with a cast that includes Kevin Kline, James McAvoy, Justin Long, Robin Wright, and Evan Rachael Wood. After the movie, the screen writer and the producer from the American Film Company answered questions regarding the film. The history behind the movie as well as the making of the movie was just fascinating. All of us from the CCBA thought the film was well done and we highly recommend it. To watch a trailer of the movie, go to <http://conspirator.the-movie-trailer.com>.

NJSBA Trustee Update

This Is Not Your Father's Supreme Court

Continued from Page 7

crusade by equipping its army of the faithful — non-tenured municipal court judges — with guidelines stripping the prosecutor's discretion to engage in plea-bargaining in any DWI case. Small wonder those two judges behaved as they did.

This email cited recent expressions of our Supreme Court actually improving the legal position of the accused. In *State v. Cummings*, the Court held that refusals had to be proven beyond a reasonable doubt instead of by a preponderance of the evidence as the statute provides. *State v. Chun* found the Alcotest scientifically reliable, but its BAC readings admissible only if a plethora of conditions are met. The required standard statement must be read in a language the suspect understands

according to *State v. Marquez*, and *State v. Ciancaglini* restored the principle that a prior refusal does not enhance a subsequent DWI.

Even the Appellate Division has gotten into the act by breathing life into the operation defense. *State v. Sweeney* made it clear that moving the vehicle was not necessary and *State v. Mulcahy* punished an intention to do so. *State v. Mize* and *State v. Putz* have limited those sweeping Supreme Court pronouncements.

It took a long time for the Supreme Court to change the culture into what we have today; it will take them a long time to change it back. If they were serious about restoring some measure of fairness, a good start would be to rescind the Court created

fiat that removes the discretion every lawyer exercises in all situations. Those guidelines are an expression of mistrust. They cross the separation between the judicial and executive branches of government, and they presume the ability to fly a Court by remote control. That is hard enough to do when you are actually in the cockpit. Being a good judge isn't easy. It will be interesting to see how long it takes for the Municipal Courts to notice that this is no longer your father's Supreme Court.

* The email was sent by CCBA member Jeff Gold. Jeff chairs the NJSBA Municipal Court Section and represented us as an amicus in *State v. Chun* and *State v. Ciancaglini*. Thanks Jeff!

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WINE & FOOD

By Jim Hamilton



During the past few months, we have spent less time discussing particular wines that merit your buying consideration and, instead, have focused on more general wine topics. I would like to say this was part of a well-considered game plan, but, in truth, it was due more to wine trade tasting schedules. It is the opportunity to sample hundreds of wines at one time that enables me to find those I can recommend with the hope they may become available at your favorite wine shop. As you know, that is not always the case, because predicting the wines a store may choose to buy is as perilous as forecasting that six inches of partly cloudy.

Having recently been fortunate to taste an array of wines imported by Marc DeGrazia and Terry Theise and distributed by Michael Skurnik Wines, I once again found more than a few winners you may want to acquire if my brief descriptions pique your interest. I also have bought and enjoyed a few wines I think are excellent values, so let us start off with two of them.

It is always nice when the past impressive effort of a then unfamiliar producer maintains that high level of quality in succeeding vintages. **2006 Alberto Furque Syrah** is the entry level wine from a producer whose 2003 premium wine sold for a song last year. The winery is in Argentina and is brought to our market by Robert Kacher, who has a long-established reputation for sourcing fairly priced, quality wines. This latest effort is both big and brooding, belying its \$12 price. It offers nicely extracted, dark berry fruit which may not have the prototypical gamey nuances one finds in Syrah from the northern Rhone region of France, but still offers a real mouthful of brawny fruit and ripe tannins.

2009 Bodegas Caro Amancaya is the newest, entry level release from an Argentinean winery owned by Bordeaux France's Lafite-Rothschild wine estate. Appropriate for both the estate and the country where this wine is made, it is a blend of 50% Cabernet Sauvignon and 50% Malbec. I enjoyed many bottles of the 2008 Amancaya, and at least early on, this wine strikes me as showing more of the red cassis Cabernet fruit, leaving the earthier Malbec flavors in a supporting role. This very well may change as the wine sheds its baby fat and the Malbec asserts itself.

Let us now turn our attention to a few of the value-priced gems offered to local retailers by Michael Skurnik Wines. As you know from prior columns, probably no one has had as much influence on the resurgence of German wines as the irrepressible Terry Theise. Since the 2010 vintage in Germany was both difficult and small, which will affect both quantity and quality, much attention rightfully is being given to the wonderful 2009s that currently are available.

While I am an unabashed fan of off-dry German wines, we are beginning to see more dry styled wines finding their way to our marketplace. Since many of you may prefer your Rieslings without overt residual sugar, let me suggest some you may want to try. **2009 Darting Dürkheimer Fronhof Riesling Kabinett Trocken** has prickly apple fruit that is at once crisp and lush. It is a wine that is ample rather than austere, as some dry ("trocken" in German) Riesling can be. It may not display Riesling minerality at this stage, but that very well may develop in time if purchasers can resist early consumption. This wine is sold in the increasingly popular one liter bottles.

Like Darting, Kruger-Rumpf is a winery known for its fair pricing, and the **2009 Kruger-Rumpf Schiefer Riesling Trocken** is another entry offering a fine quality-to-price ratio ("QPR"). Unlike the Darting, this wine communicates the slate in the vineyard, offering a steely minerality with good grip and a fruit that is more pithy than fleshy.

Two stellar wines that are "halbtrocken," or half dry, also fall into the easy to swallow pricing category. **2009 Theo Minges Riesling Halbtrocken** is another of the big bottle wines that more than carry its weight. The wine is overtly ripe and fruity, with a profile of peaches and pastry crust. **2009 Dr. Deinhard Dedesheimer Mäuschöhle Riesling Kabinett Halbtrocken** is from an estate that has very quickly rebounded from a period of seeming doldrums. The wine has penetrating minerality framed by very ripe white peach fruit that dances lithely across the palate. **2009 Darting Ungsteiner Herrenberg Riesling Spätlese Halbtrocken** takes fruit having a Spätlese level of ripeness and delivers a wine of verve and tension, yet one abundant with tropical fruit – think mango and pineapple. A final, almost dry wine to consider is **2009 Messmer Muschelkalk Riesling Kabinett Feinherb**. German wine labels continue to confound most consumers, and a few producers are adding to that tradition by using the word "feinherb" to denote what essentially is an off-dry wine (some producers intending to convey that it is slightly less dry than half dry, or halbtrocken). However one labels it, this is a wine that displays its sense of soil well, showing a chalky and loamy profile that dominates the more restrained fruit flavors and, in the process, likely makes the wine seem drier than it really is. It will be a wine that should pair well with a fairly wide variety of dishes, a big plus for those who think German wines are suitable only as aperitifs (not true!).

While temperatures remain cold, we really need to talk about some best buy red wines. As Brunello di Montalcino wines continue to expand their fan base, high prices are driving others for alternatives to this venerable Tuscan wine. One simple option is to buy a so-called "baby Brunello," a Rosso di Montalcino. Essentially, Rosso di Montalcinos are wines that are commonly crafted by Brunello producers from grapes that either because of young vines or questionable quality are not deemed appropriate to age and bottle as Brunello. As with many wines, relying on the producer's reputation may help steer wine buyers to a Rosso di Montalcino, or to seek another alternative for a wine made from the Sangiovese grape, such as Chianti. Both the **2007** and **2008 La Colombina Rosso di Montalcino** are nice options for this category of wine. The 2007 offers more pronounced cherry fruit and spices, while the 2008 veers more toward an earthy, loamy quality laced with graphite notes. Two favorably priced wines from the Mocali winery should be available if you search them out. **2008 Mocali Rosso di Toscana I Piaggioni** is a wine featuring exuberant red fruit, but with its lushness made more complex by layers evoking impressions of game and blood. **2009 Mocali Rosso di Montalcino** is a more extracted wine, with brighter fruit that oozes charm and shows a real depth of flavor.

Allow me to end with two wines from Enzo Tiezzi, a small but well-situated estate in Montalcino. The **2009 Tiezzi Rosso di Montalcino** is a lovely wine, featuring ripe, silky red fruit that enjoys an enduring presence after gracing one's palate. There are a number of spice images one conjures while savoring the wine, perhaps ginger, perhaps nutmeg. Whether it is because of the extra year of age or simply a function of the vintage, or both, the **2008 Tiezzi Rosso di Montalcino** shows a different side to the grape and the producer. Where the succeeding vintage is decidedly fruit-driven, the foundation of this wine's flavors is built more on the ground from which the grapes were nourished, featuring impressions of stone, earth and lead pencil shavings that both introduce and escort the plumier fruit flavors that follow.

I will be interviewing Harmon Skurnik from Michael Skurnik Wines in a future issue of *The Barrister*. Harmon should be able to provide a real insider's view of the wild and sometimes wacky world of wine, so stay tuned!

Law Practice Management

Business Development Coaching: Its Time has Come. Are you Ready?

Part 2 of 2

By Kimberly Alford Rice



In the first installment of our article, we outlined key elements and benefits of an effective coaching plan which can lead lawyers to greater success in building a healthy practice. In our second installment, we examine coaching expectations and how lawyers can assess whether they would make a good coaching match.

What Should You Expect?

For those who have ever engaged the services of a personal trainer, you understand the nature of the collaborative relationship and know there is an adjustment period, of getting to know one another and how the trainer will develop a program which works best for you. You understand there are new skills to learn and practice, and you will always enjoy the personal attention and focus you will receive from your coach. The coach and client become partners in achieving the client's success.

We all need some extra help from time to time, particularly in such a hard-charging, fiercely competitive environment. Working with a coach can help alleviate some of the uncertainty and stress of whether or not you are plowing forward in a smart and savvy way in your practice. After becoming more educated and sensitized to constructive business development behaviors and marketing tactics, you will reap the rewards of integrating these new behaviors into your daily practice and they will become second nature. You will become more confident in

your efforts and grow to trust your instincts in existing and new client opportunities.

According to Steve Carrington, Saul Ewing's Director of Marketing, "Our business development training is provided by those who have deep knowledge of the practice groups and everything that is involved. This way, a training discussion can take place with full understanding of our clients, other practices and attorneys and not in a vacuum."

Are You a Good Coaching Candidate?

Whether you are a sole practitioner or head of your firm, engaging the services of a business development coach can serve your purposes of developing and growing your client base. But, are you ready?

You may benefit from working with a business development coach when you:

- think of your practice as your own business
- recognize your practice could be better if you had a focused plan and actually executed it
- have a plan but have not achieved your desired results
- are tired of wasting time on random acts of marketing with few or no results
- want to take your practice and/or your firm to a higher level
- are willing and committed to do whatever it takes to succeed.

For those attorneys who recognize that despite the genuine efforts they are expending (and their marketing departments are making on their behalf), their expectations are not being met, a professional coach can be a useful investment.

What Makes a Successful Student?

All of my coaching clients are highly skilled lawyers, successful in their own right within their firm and community, and are overachievers. They recognize the things at which they excel and the areas which could benefit from outside expertise. In short, they are "teachable." These are the folks who most greatly benefit from a coach. They want to exploit every available tool to help them succeed.

Some of my clients have enjoyed a coaching relationship since they first began their legal career years ago. Over time, we have assessed their changing needs at various stages of their practice, and adapted an appropriate plan which continues to address their ongoing efforts and approach.

One client recently stated, "Practical skills are not taught in law school and rarely within a firm so we are left to our own devices to figure out how to develop new clients. I'm grateful I found a coach early on to enlighten me on the professional way to build client relationships and bring in new business."

Shouldn't you?

Kimberly Alford Rice is Principal of KLA Marketing Associates (www.klamarketing.net), a business development advisory firm focusing on legal services. As a law marketing authority, Kimberly helps law firms and lawyers develop practical business development and marketing strategies which lead directly to new clients and increased revenues. Additionally, Kimberly provides career management services to lawyers in transition. She may be reached at 609.458.0415 or via email at kimberly@klamarketing.net.

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SPINNING MY WHEELS

Bright Lights, Big City*Continued from Page 5*

Navigation with 8" screen, parking sensors front and rear, 17 speaker stereo, *reclining* rear seat, heated *and* cooled front and rear seats, power rear and side sun shades, and adaptive cruise control. One of the national car magazines recently did a comparison test with the Lexus LS460L and, comparably equipped, the price differential was over \$20,000.00. Now whether one chooses to give up the perceived luxury and *cachet* of the Lexus for the Hyundai is an issue but it is now clear that the same turn pulled by the Japanese on the Germans some twenty years ago has now been repeated on themselves by the Koreans.

Audi R8 Convertible. A V10 engine, cutting edge of German technology, a body that won't quit and a \$187,000 ticket price. Enough said.

BMW X6. The answer to the question no one asked. It is a weird looking, bulbous, overblown and expensive cross over with an entry price of almost \$58,000. BMW, Have you no sense of decency? At long last, have you no sense of decency?

Jaguar XJ Series. In 1968 William Lyons, the founder of the marque followed the iconic 1961 XKE ("The greatest crumpet collector known to man.") with his 1968 XJ sedan. So classic a design it was that it continued in production, in some form or another, for over 40 years. Jaguar's catch phrase for years had been "grace, pace and space." But the better known attachment to Jaguar especially in the fifties and sixties was its electrical supplier, Lucas (a/k/a "The Prince of Darkness" or "Why the British Drink Warm Beer"). That's all over now and Jaguar's current corporate minder, Tata Motors of India, has released the forward looking XJ sedan. Did I mention that I love the irony, in this situation, that the British are now owned

by the Colonials, instead of the other way round? But I digress. I attended a pre-introduction event last year at the local dealership and got an even better look at the cars at that time. With a starting price of over \$73,000, this is no entry level sedan. However, looks aside, (which I personally think are striking) Jaguar has produced a sedan that rivals the best of Germany without the dark monochromatic interiors. Although Jaguar has abandoned the retro style of the prior XJ (and the S Type) and stopped trying to move down market with its rebadged Ford Mondeo sedan, it has retained some of what is traditional British car style: Wood and leather in abundance.

Cadillac CTS-V Coupe and Sedan. Here's the formula: An edgy, properly made coupe or sedan with a six speed manual transmission, all wheel drive and, wait for it: a 6.2 liter supercharged engine producing 556 bhp, all for about \$64,000. One can only increase the price if one chooses some of the more pimped out items like a suede steering wheel or "midnight wood" interior. Well, ok, you can get Recaro seats for \$3,400 extra but I doubt the average owner will be taking this car to the track anytime soon. Cadillac was the Standard for the World and then for decades became the automotive Norma Desmond—a tired has-been waiting for its close up. It couldn't recognize that the world had passed it by. No longer. Over the past decade, Cadillac has been the one GM division to reinvent itself through a shrewd mix of product and advertising, gaining thereby a whole new and younger market. There is no better example of American automotive excellence. Welcome back.

These random picks are just a few of the examples of a resurgent car industry both in the US and worldwide. We will inevitably be joining the rest of the world in paying "market price" for gasoline in the not too distant future. So, before we all install our home based 220 volt car chargers in our garages (not necessarily a bad thing) enjoy what may be the last of the golden ages of the internal combustion engine.

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VERDICTS IN THE COURT

Superior Court of New Jersey

VERDICT: Damage Verdict: \$2,730 (1/3/11)
 Case Type: Verbal Contract - Debt
 Judge: Michael J. Kassel, J.S.C.
 Plaintiff's Atty: Pro Se
 Defendant's Atty: David M. DeClement, Esq.
 L-3606-09 Bench
 *Judgment favor of Defendant upon motion to court at end of Plaintiff case

VERDICT: No Cause (1/7/11)
 Case Type: Personal Injury
 Judge: Stephen M. Holden, J.S.C.
 Plaintiff's Atty: Steven Guice, Esq.
 Defendant's Atty: Mary Brennan, Esq.
 L-2685-08 Jury

VERDICT: No Cause (1/11/11)
 Case Type: Auto Negligence
 Judge: Michael J. Kassel, J.S.C.
 Plaintiff's Atty: Edward Crisonino, Esq.
 Defendant's Atty: Darren Hibbs, Esq.
 L-212-08 Jury

VERDICT: No Cause: (1/13/11)
 Case Type: Medical Malpractice
 Judge: Louis R. Meloni, J.S.C.
 Plaintiff's Atty: Michael Mulligan, Esq.
 Defendant's Atty: Domenic DeLaurentis, Esq.
 L-4726-06 Jury

VERDICT: No Cause (1/13/11)
 Case Type: Auto
 Judge: Stephen M. Holden, J.S.C.
 Plaintiff's Atty: Ronald B. Edelman, Esq.
 Defendant's Atty: Lawrence Berger, Esq.
 L-1088-09 Jury

VERDICT: No Cause (1/14/11)
 Case Type: Law Against Discrimination
 Judge: Frederick J. Schuck, J.S.C.
 Plaintiff's Atty: Daniel Silverman, Esq.
 Defendant's Atty(s): Larry Rapport, Esq. & Lisa Scidurlo, Esq.
 L-1965-09 Jury

VERDICT: Damage Verdict: \$15,000 High-Low (1/14/11)
 Case Type: Auto
 Judge: Robert G. Millenky, J.S.C.
 Plaintiff's Atty: Michael Foster, Esq.
 Defendant's Atty: Laurie Tilghman, Esq.
 L-5511-08 Jury

VERDICT: No Cause (1/19/11)
 Case Type: Auto
 Judge: Robert G. Millenky, J.S.C.
 Plaintiff's Atty: George Marion, Esq.
 Defendant's Atty: Christine Mercado, Esq.
 L-5322-08 Jury

VERDICT: No Cause (1/19/11)
 Case Type: Tort - Other
 Judge: F.J. Fernandez-Vina, P.J.Cv
 Plaintiff's Atty: Pro Se
 Defendant's Atty: Pro Se
 L-1767-09 Jury

VERDICT: Damage Verdict: \$58,700 (1/20/11)
 Case Type: Auto Damages
 Judge: John A. Fratto, J.S.C.
 Plaintiff's Atty: Jeffrey Stern, Esq.
 Defendant's Atty: Marie Ramos-Wright, Esq.
 L-6160-07 Jury

VERDICT: No Cause (1/25/11)
 Case Type: Auto Negligence
 Judge: Louis R. Meloni, J.S.C.
 Plaintiff's Atty: Dennis Block, Esq.
 Defendant's Atty: Laurie Tilghman, Esq.
 L-1423-08 Jury

VERDICT: Settled During (1/25/11)
 Case Type: Environment
 Judge: F.J. Fernandez-Vina, P.J.Cv
 Plaintiff's Atty: Dennis Crawford, Esq.
 Defendant's Atty: Gary Intoccia, Esq.
 L-782-08 Jury

VERDICT: Liability verdict: 50% Plaintiff; 50% Defendant - Damage Verdict: \$5,000 (1/26/11)
 Case Type: Auto Negligence
 Judge: Michael J. Kassel, J.S.C.
 Plaintiff's Atty: David Rochman, Esq.
 Defendant's Atty: Charles Blumenstein, Esq.
 L-2106-08 Jury

VERDICT: \$2,000 High-Low (1/26/11)
 Case Type: Auto
 Judge: Stephen M. Holden, J.S.C.
 Plaintiff's Atty: David Shrager, Esq.
 Defendant's Atty: Jackie McDonald, Esq.
 L-4916-08 Jury



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The law firm of Ragonese, Albano & Viola, LLC is pleased to announce that **Anthony S. Almeida, Esq.** has become a Partner effective January 1, 2011. Mr. Almeida, who has been with the firm three years, has a wide variety of clients, and specializes in employment law and general litigation. The law firm is now known as **Ragonese, Albano, Viola & Almeida, LLC.**

Capehart Scatchard is pleased to announce that **Thomas A. Clark III, Esq.** joined its Business, Commercial and Litigation Departments in the Mt. Laurel office. A resident of Voorhees, New Jersey, Mr. Clark joins Capehart Scatchard as a Shareholder, having most recently been Managing Partner and a founding shareholder of Cureton Clark, P.C. He focuses his practice in business and commercial transactions, commercial real estate, land use, development and financing and environmental matters.

Attorney **Steven K. Mignogna** of Archer & Greiner, P.C., spoke recently at the nation's leading conference for trust and estate attorneys and professionals, where he helped lead a program on novel types of estate and trust litigation claims. Mr. Mignogna, Chair of the Estate & Trust Litigation Group at Archer & Greiner in Haddonfield, served as a faculty member at the 45th Annual Heckerling Institute on Estate Planning, in Orlando, Fla. Mr. Mignogna helped present "Seven Deadly Claims," a seminar that surveyed the seven most significant types of novel estate and trust claims, including the elements of each, defenses and techniques to use in the planning process to avoid them.

Attorney **Juhan Runne** has been appointed to the Board of Directors of the Lutheran Foundation of New Jersey, the charitable fundraising arm of Lutheran Social Ministries of New Jersey (LSMNJ). The Foundation, based in Burlington, lends financial support to all Lutheran Social Ministries of New Jersey programs.

With great anticipation of the future, and some small regret, **Philip Stephen Fuoco** announces to the tri-county legal community that after 40 years in the practice of complex and class action litigation, he will no longer be accepting new clients or matters. He wishes to thank his colleagues, adversaries and the judiciary for the enlightening, enriching and sometimes entertaining experiences he enjoyed during that time. After a short respite, he intends to return to a more impartial approach to the law through research, writing and consulting.

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Bette E. Uhrmacher was a Judge of the Superior Court of New Jersey for more than 15 years, serving in all three divisions. Seven of those years were served in the Civil Division, where she recently managed the medical malpractice calendar, as well as a complex civil calendar. Judge Uhrmacher has handled a broad spectrum of civil cases as well as handling some probate and general equity matters. For four years, Judge Uhrmacher was Presiding Judge of the Criminal Division.

Prior to joining the bench, Judge Uhrmacher served as the Chief of the Civil Division of the U.S. Attorney's Office for the District of New Jersey. Additionally, she was Attorney-in-Charge of the Trenton U.S. Attorney's Office, and appointed to a Senior Litigation Counsel position. She also served an Assistant U.S. Attorney for the District of Columbia.

Throughout her career, Judge Uhrmacher has been active in Teaching and Continuing Legal Education programs. Currently, she serves as Chair, Haydn Proctor Inn of Court, Monmouth County and is teaching Trial Presentation at Rutgers Law School-Newark.

Judge Uhrmacher has received consistently high ratings from attorneys appearing before her in each of the New Jersey Law Journal surveys of the Judiciary.

Judge Uhrmacher received a JD from the University of Texas at Austin and a BS from Simmons College, Boston, Massachusetts.

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EMPLOYMENT LAW MOCK TRIAL: AN ETHNICITY HARASSMENT MATTER

Program Co-Chairs: Kevin M. Costello, Esq. Evan L. Goldman, Esq.
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THURSDAY, APRIL 14, 2011

8:00 am - 9:00 am Continental Breakfast & Registration – Exhibit Hall
9:00 am - 9:30 am President's Address & Welcome
Michael A. Galpern, Esq. – Cherry Hill, NJ
NJAJ Membership Meeting & Elections
9:30 am - 10:00 am Overview of Mock Trial Issues
Evan L. Goldman, Esq. – Hackensack, NJ
Kevin M. Costello, Esq. – Mt. Laurel, NJ
10:00 am - 11:00 am Plaintiff Opening Statement
Mark C.G. Lawrence, Esq. – Elizabeth, NJ
Defendant Opening Statement
Elizabeth F. Lorell, Esq. – Florham Park, NJ
11:00 am - 11:15 am Coffee Break – Exhibit Hall
11:15 am - 12:30 pm Direct & Cross of Plaintiff
Dennis R. Suplee, Esq. – Philadelphia, PA (Defendant)
12:30 pm - 1:30 pm Luncheon – Exhibit Hall
1:30 pm - 2:30 pm Direct & Cross of Harasser #1
Heidi Ruth Kopelson, Esq. – Cherry Hill, NJ (Plaintiff)
Eric L. Harrison, Esq. – Edison, NJ (Defendant)
2:30 pm - 2:45 pm Coffee Break – Exhibit Hall
2:45 pm - 4:00 pm Direct & Cross Harasser #2
Michael F. Daily, Jr., Esq. – Westmont, NJ (Plaintiff)
Elizabeth F. Lorell, Esq. – Florham Park, NJ (Defendant)
4:00 pm - 5:00 pm Closings
Michael F. Daily, Esq. – Westmont, NJ (Plaintiff)
Dennis R. Suplee, Esq. – Philadelphia, PA (Defendant)
5:00 pm - 6:30 pm Wine & Cheese Reception – Exhibit Hall
8:00 pm - 10:00 pm 3rd Annual Texas Hold'em Tournament
10:00 pm - 2:00 am New Lawyers Section Party

EMPLOYMENT LAW WAGES & WINNING

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FRIDAY, APRIL 15, 2011

7:30 am - 9:00 am Continental Breakfast & Registration – Exhibit Hall
9:00 am - 10:00 am Top Ten in Employment Law 2011
Kevin M. Costello, Esq. – Mt. Laurel, NJ
10:00 am - 10:45 am The Perfect Fee Application
Gregg L. Zeff, Esq. – Mt. Laurel, NJ
10:45 am - 11:00 am Coffee Break – Exhibit Hall
11:00 am - 11:45 am Defeating Employment Counter-Claims
Deborah L. Mains, Esq. – Mt. Laurel, NJ
11:45 am - 12:30 pm Luncheon – Exhibit Hall
12:30 pm - 2:00 pm The Crime Wave No One Talks About
Kim Bobo, Author of "Wage Theft in America,"
Interfaith Worker Justice – Chicago, IL
2:00 pm - 3:00 pm Employment Ethics Panel: Multiple Claims, Multiple Issues
Bruce L. Atkins, Esq. – Hackensack, NJ
Kevin M. Costello, Esq. – Mt. Laurel, NJ
Benjamin Folkman, Esq. – Cherry Hill, NJ
Evan L. Goldman, Esq. – Hackensack, NJ
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7:30 am - 9:00 am Continental Breakfast & Registration – Exhibit Hall
9:00 am - 9:30 am Prepping Your Client
Amy Singer, Ph.D. – Gainesville, FL
9:30 am - 10:15 am How to Deal With Dirty Depositions
Mark R. Kosieradzki, Esq. – Plymouth, MN
10:15 am - 10:30 am Coffee Break – Exhibit Hall
10:30 am - 11:00 am Lay Witness, Uninterested Parties & Police
Luis Haquila, Esq. – Teaneck, NJ
11:00 am - 12:30 pm Products, Premises Liability & Auto
Kenneth S. Javerbaum, Esq. – Springfield, NJ
Gerald H. Baker, Esq. – Hoboken, NJ
Christopher M. Placitella, Esq. – Red Bank, NJ
12:30 pm - 1:30 pm Luncheon – Exhibit Hall
1:30 pm - 2:15 pm De Bene Esse & Expert Depositions
Tommie Ann Gibney, Esq. – Haddonfield, NJ
James J. Pettit, Esq. – Cherry Hill, NJ
2:15 pm - 3:00 pm Using Video Deposition Clips in Trial
Raymond A. Gill, Jr., Esq. – Woodbridge, NJ

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Goldsmith, Corides & Rodriguez, LLP Ross Feller Casey, LLP
Englewood Cliffs, NJ Philadelphia, PA

FRIDAY, APRIL 15, 2011

7:30 am - 9:00 am Continental Breakfast & Registration - Exhibit Hall
9:00 am - 9:15 am Intro and Welcome by Co-Chairs
9:15 am - 9:30 am Stempler Notices/Letters
Amos Gern, Esq. – Roseland, NJ
9:30 am - 9:45 am Aortic Dissection
Rosemary E. McGeady, MD, JD – Edison, NJ
9:45 am - 10:00 am Avoiding the Unnecessary Defendant
Michael J. Weiss, Esq. – Cherry Hill, NJ
10:00 am - 10:15 am Establishing Emergency Room Negligence
Through the Triage & ER Nurse
Robert Ross, Esq. – Philadelphia, PA
10:15 am - 10:30 am Handling of Medical Malpractice Cases in Federal Court
Where the Defendant is the USA,
Including Issues Regarding Settlement
Jack Wurgaft, Esq. – Springfield, NJ
10:30 am - 10:45 am Triage of Failure to Diagnose MI Cases
William O. Crutchlow, Esq. – Edison, NJ
10:45 am - 11:00 am Coffee Break – Exhibit Hall
11:00 am - 11:15 am Wrongful Birth
Dennis M. Donnelly, Esq. – Chatham, NJ
11:15 am - 11:30 am Unforeseen Perils & Pitfalls of the Affidavit of Merit
Frank D. Allen, Esq. – Haddonfield, NJ
11:30 am - 11:45 am To Be Determined
To Be Determined
11:45 am - 12:00 pm Hospital Malpractice: Common Themes and Tactics
Abbott S. Brown, Esq. – West Orange, NJ
12:00 pm - 1:00 pm Luncheon – Exhibit Hall
1:00 pm - 1:15 pm Psychiatric Malpractice Cases
Frank Orbach, Esq. – Princeton, NJ
1:15 pm - 1:30 pm Vicarious Liabilities After Cordero
Francisco J. Rodriguez, Esq. – Englewood Cliffs, NJ
1:30 pm - 1:45 pm Nurse / Mid-Wife Liability in OB Cases
Brian D. Drazin, Esq. – Red Bank, NJ
1:45 pm - 2:00 pm The Dreaded Expert: Doing Your Homework Before the Deposition
Patricia M. Giordano, Esq. – Philadelphia, PA
2:00 pm - 2:15 pm Ethics & Economics of Case Selection
Elizabeth Kronisch, Esq. – Florham Park, NJ
2:15 pm - 2:30 pm Ethics of Openings & Closings
Michael S. Berger, Esq. – Haddonfield, NJ
2:30 pm - 2:45 pm Ethical Dilemmas Encountered in
Handling Medical Malpractice Cases
Cynthia A. Matheke, Esq. – Roseland, NJ
2:45 pm - 3:00 pm Ethics of Your Client Relationship in Medical Malpractice Cases
E. Drew Britcher, Esq. – Glen Rock, NJ

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☐ Nursing Home Litigation ☐ Ethics ☐ Technology ☐ Support Staff Personal Injury Law ☐ Mass Torts
Friday – I will primarily attend: ☐ Personal Injury ☐ Criminal Law ☐ Matrimonial Law ☐ Employment Law ☐ Litigation at Sunrise
☐ Medical Malpractice ☐ Ethics ☐ Workers' Compensation ☐ Support Staff Matrimonial Law ☐ Deposition College

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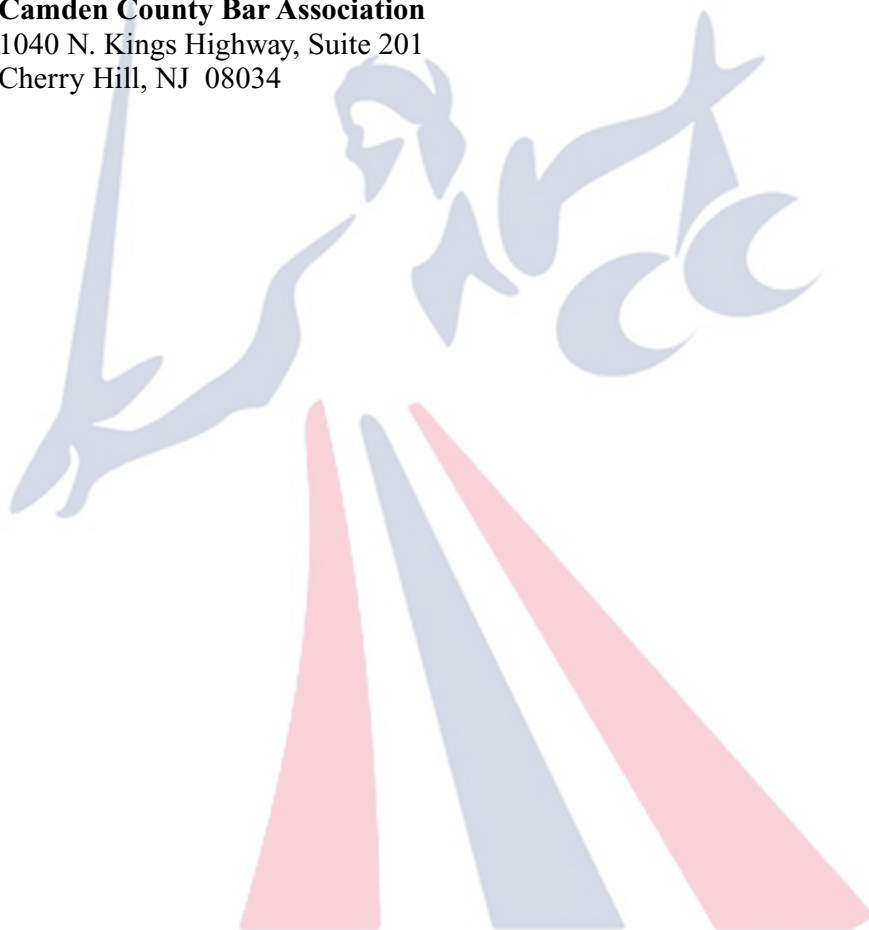
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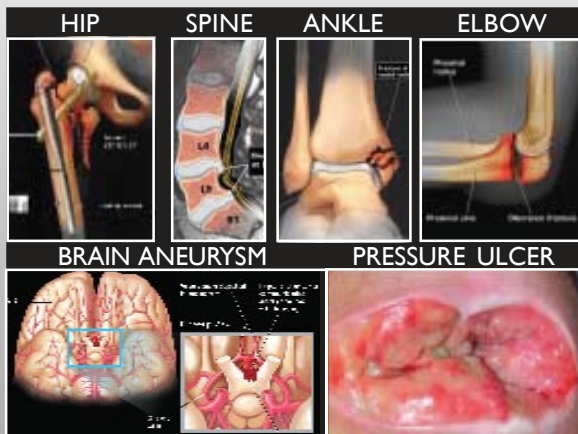


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- ❑ \$188,000 — Fall, 1/2 hour after ice storm
- ❑ \$250,000 Fall, Knee Dislocation - 450 lb. Plaintiff
- ❑ \$525,000 Medical Malpractice

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