



Nominating Committee Announces Officer and Trustee Slate

The Camden County Bar Association Nominating Committee has nominated the following candidates for terms beginning June 9, 2012:

President Brenda Lee Eutsler	2nd Vice President Jenifer G. Fowler
President-elect Gary W. Boguski	Treasurer Louis R. Moffa, Jr.
1st Vice President Casey Price	Secretary Eric G. Fikry

Member, Board of Trustees (Ending 2015)

Eric A. Feldhake
Ronald G. Lieberman
Ellen M. McDowell
Jerrold N. Poslusny, Jr.
Carl Ahrens Price

Member, Board of Trustees (Ending 2014 to complete term of Eric G. Fikry)

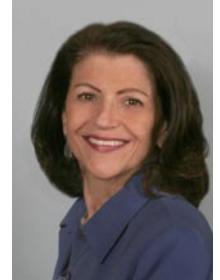
John J. Palitto, Jr.

Young Lawyer Trustee

Michael J. Dennin

Questions about the nominating process should be directed to Bar headquarters at 856.482.0620.

Brenda Lee Eutsler to be Installed as 86th Bar President



Friends and colleagues from the bench and bar will gather on the campus of Rutgers University in Camden on Saturday, June 9th for the Foundation's annual installation of Association and Foundation Officers & Trustees Dinner Dance to witness Brenda Lee Eutsler become the 86th President of the Camden County Bar Association. Brenda will receive the oath of office from her husband, James Herman, Esquire, while the Hon. M. Allan Vogelsson (Ret.) will administer oaths to Foundation President, Linda W. Eynon, and the Association's officers and trustees. The evening, sponsored in part by The Ferrara Law Firm, Environmental Resolutions, Inc. and other area firms and businesses will feature delectable cuisine and dancing to the exciting sounds of Bob Bernardo Productions with DJs Bobby B, Disco Bob and Chris.

Brenda, a partner with the law firm of Asbell & Eutsler, P.A., in Cherry Hill, succeeds Louis R. Lessig, Brown & Connery, LLP in Westmont, and will serve a one year term beginning on June 9th. Current Bar Foundation President, Richard A. DeMichele, Jr., a partner in the law firm of DeMichele & DeMichele, P.C. in Haddon Heights, will turn over the reigns of the Camden County

Bar Foundation, the Association's charity partner, to past CCBA President Linda W. Eynon, Legal Counsel for Horizon NJ Health in West Trenton.

"It is a tremendous privilege for me to serve the 2,300 members of the Camden County Bar Association as its 86th President. I never dreamed such an honor was possible when I strolled along Broadway with my Grandpop in my childhood. Returning to my hometown of Camden City and my alma mater, Rutgers University, for my installation is humbling and amazing," said Brenda. "I congratulate Lou Lessig on his successful year as our 85th President. I look forward to working with our fantastic team of officers and trustees in addressing the desires and concerns of our members," she added.

Assuming new duties will be Gary W. Boguski, President-elect; Casey Price, First Vice President; Jenifer G. Fowler, Second Vice President; Louis R. Moffa, Jr., Treasurer; and Eric G. Fikry, Secretary. New and reappointed Association trustees include: Eric A. Feldhake, Ronald G. Lieberman,

Continued on Page 9

Don't Delay, Renew Today!

See Page 3 for Details

Annual Children's Picnic June 2

Volunteers needed for important community event

The Camden County Bar Foundation's annual Summer Picnic for disadvantaged children will have an entirely new look and feel this year as we move to the Picnic Pavilion and "Fun Zone" at Campbell's Field.

This annual rite of spring provides a day of games, pony rides, contests, barbeque fare and great fun in the sun for hundreds of disadvantaged kids in Camden County. And for those who wish, tickets to watch the Riversharks take on the Somerset Patriots at 1 pm.

Some are coming back. Many are coming for the first time. But every child is guaranteed a day full of happy memories on Saturday, June 2nd from 10 am – 1pm., RAIN or SHINE.

Members of the Public Benefits and Young Lawyer committees will be on hand to help run the event; however, additional volunteers are needed and always welcome. To participate or for more information, please call or email Bar headquarters – 856.482.0620, info@camdencountybar.org.

Financial support for the Picnic is provided in part by Bar members who include the Foundation check-off when paying their dues, and proceeds from events throughout the year.

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The Docket

Tuesday, May 8th

CCBA Executive Committee Meeting
8 am
Bar Headquarters, Cherry Hill

*Lawyers Without Rights,
Opening Reception*
6 – 8 pm

Camden County College, Rohrer Campus
Rt. 70 & Springdale Rd., Cherry Hill

Wednesday, May 9th

through Thursday, May 17th

Lawyers Without Rights Exhibit
Hours vary by day

Camden County College, Rohrer Campus
Rt. 70 & Springdale Rd., Cherry Hill

Wednesday, May 9th

*E-Discovery & Social Media in Litigation
Practical, Legal & Ethical Issues*
4 – 6:15 pm

Tavistock Country Club, Haddonfield

Thursday, May 10th

*Probate & Trust Committee Luncheon
The Use of ADR in Trust & Estate Matters*
Noon – 2 pm

Tavistock Country Club, Haddonfield

Wednesday, May 23rd

CCBA Board of Trustees
4 pm

Bar Headquarters, Cherry Hill

Friday, May 25th

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

Thursday, May 31st

CLE on Tap! NJ Municipal Court
3 to 6:15 PM
TapRoom & Grill, 427 W. Crystal Lake
Ave., Haddon Township

Tentative Agenda for May 23, 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

GERRY AWARD NOMINATIONS CLOSE

May 25, Deadline Nears

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, who exemplifies the spirit and humanitarianism of the individual in whose honor this award has been named.

Members of the bar and the public are invited 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 25, 2012. Nominations may also be emailed to Mr. Pelletier at: lbp@camdencountybar.org.

Barrister

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Camden County Bar Association

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NOTICE TO THE BAR**Pro Bono Representation in Federal Court**

The United States District Court for the District of New Jersey, Camden Vicinage, is seeking law firms to volunteer for the Court's Pro Bono program. For over one hundred years, the district courts have relied upon local attorneys to volunteer their time on cases few attorneys would otherwise accept. A majority of the cases are constitutional, arising under federal and state civil rights acts, and brought by indigent, incarcerated litigants. The assigned judges in these cases will determine whether appointment of counsel is appropriate. The legal issues commonly involve the Fourteenth, Fifth, Fourth and Eighth, and sometimes the First Amendments to the United States Constitution.

Attorneys are reimbursed for reasonable and necessary litigation expenses, such as subpoena fees, witness fees, attendance fees for stenographers, deposition transcripts, expert fees, requests for production of records, or a showing of good cause for any other necessary expense. Appointed attorneys may apply to the presiding Judge or Magistrate Judge during the litigation or within a reasonable period thereafter for reimbursement of expenses reasonably incurred in connection with the litigation.

What does this mean to you? Each appointment contains many reasons for acceptance. For the new lawyer and young associate just beginning a career, each case provides the opportunity to appear in court and to develop the skills necessary to be a successful attorney; to the seasoned attorney, it is the continuing contribution you can make to our system of justice.

We encourage your law firm to consider accepting a pro bono representation. Full details can be found on our website at www.njd.uscourts.gov and in Appendix K to the Local Civil Rules. To volunteer or request more information, please contact Dee Seksnel at 856.757.5075 or Dolores_Seksnel@njd.uscourts.gov.

ROBERT B. KUGLER
United States District Judge

Don't Delay, Renew Today!

Dues notices for the 2012-13 membership year have been mailed and are payable by June 1. Paying promptly ensures that your Association continues to serve you and the community with its many important programs and services.

As a CCBA member you receive numerous benefits, which more than justify the cost of dues:

- A wide array of affordable, convenient and informative CLE seminars, all offering New Jersey and Pennsylvania CLE credits.
- Discounted tuition and special offers on the many CLE programs available online through the Camden County Online CLE Learning Center.
- Our monthly publication, *The Barrister*.
- Committees that offer opportunities to network with peers while shaping the future of your Association.
- Professional and social activities designed to enhance your law practice.
- Discounted rates for conference room rental.
- An online Member-to-Member Referral service.
- Discounts on many legal products and services, and much more.

Now, more than ever, your membership in the CCBA provides the value-added benefits you need in today's economic climate.

Renew your membership, or join today, and support our mission to ensure that the Camden County legal community remains the finest in New Jersey.

Brenda Lee Eutsler Participates in ABA Bar Leadership Institute

Joining over 300 other emerging leaders of lawyer organizations from across the country at the American Bar Association's Bar Leadership Institute (BLI), March 14-16 was CCBA President-Elect Brenda Lee Eutsler, a partner with Asbell & Eutsler in Cherry Hill.

The BLI takes place annually in Chicago. It offers incoming officials of local and state bars, special focus lawyer organizations and bar foundations the opportunity to confer with ABA officials, bar leader colleagues, executive staff and other experts on the operation of such associations.

Eutsler joined ABA President Wm. T. (Bill) Robinson III of Florence, KY and ABA President-Elect Laurel G. Bellows of Chicago, IL in sessions on bar governance, finance, communications, and planning for a presidential term.

Various ABA entities briefed the participants on resources available from the ABA for local, state, national, and specialty bar associations and foundations.

The BLI is sponsored by the ABA Standing Committee on Bar Activities and Services and the ABA Division for Bar Services as part of the Association's long-standing goal of fostering partnerships with state and local bars and related organizations. Collaborating ABA staff entities included the Division for Media Relations and Communications Services.



CCBA President-Elect Brenda Lee Eutsler, ABA President-Elect Laurel G. Bellows, ABA President Wm. T. (Bill) Robinson III and Burlington County Bar President-Elect Janice L. Heinold at the Bar Leadership Institute in Chicago.

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*NY Law Journal and Legal Intelligencer Polls, 2011; Ct. Law Tribune Poll, 2011; Harvey Research Study, 2010

NJSBA UPDATE

The Third Branch



By Arnold Fishman

Last month I thanked Governor Christie for giving me a subject to write about almost every other month. Well, he has outdone himself. This is two months in a row. In his latest assault on my delicate sensibilities, the other two branches are complicit. The legislature has conspired with the executive to give the judiciary the power to

print its own money, and the Administrative Office of the Courts is loving it.

A bill on the fast track to becoming law, gives the courts the power to raise filing fees to create a fund to finance almost sixty million dollars of projects. While there is some chump change for a few other programs that have no business being connected to this legislation such as improving the State Police Laboratory, the two biggies are e-Court and Legal Services. e-Court involves electronic filing, storing and access to the courts of the State of New Jersey. Legal Services, of course, attempts to provide representation to those who are in need. Being a luddite, I cannot express an opinion on the value of e-Court, but those whose opinion I value assure me that, once I get the hang of it, I will love it. The catch is that “once you get the hang of it” part. I point out that I only intend to practice law for another fifty years. But, for the sake of argument, I am willing to assume that it is a worthwhile and inevitable innovation. Legal Services, of course, stands out as a commitment of our government to refuse to abandon the rights of those who would otherwise be unable to vindicate them. So what’s the problem?

The problem is that, call it what you will, this is a tax on the users of the system. The users of the executive don’t pay for the many services provided, and those who benefit from the laws passed by the legislature are not called upon to ante-up for their reward. We the people have determined that some governmental services are so important and so beneficial to civilization in its entirety that they should be paid for by society as a whole. The best analogy I have heard is that it is like asking only those households with children in our schools to pay school taxes. Educating the next generation is good for each and every one of us, and its cost is shouldered by all. An efficient court system and easy access to it is good for each and every one and, likewise, its price should be borne by all.

The AOC in its sixty-page report “New Jersey e-Court The Future of Justice in New Jersey” dated October 2011 proves my point over and over again. In its introduction entitled “The Vision” Chief Justice Rabner states, “New Jersey e-Court ... will foster public safety, aid economic growth, improve the quality of life in our communities, and protect the vulnerable of our society.” The report concludes:

The timely resolution of these civil disputes and criminal justice matters are integral to the order of our society and the public’s confidence in government’s ability to maintain the health, safety, and welfare of its citizens.

...

[A] decline in the quality of justice... adversely affects the lives of all New Jerseyans.

...

[T]he true return on investment for funding the development of New Jersey e-Court information system remains improved quality of life, enhanced

outcomes, and timely efficient justice services for the people of our State.”

...

[I]t will help to make New Jersey a preferred place to live and do business.

While it is being opposed by the organized bar, these increased fees should not be framed as being imposed on lawyers. In all industries, every such user fee is passed on to the ultimate consumer. Businesses whose bills are not paid, landlords whose tenants won’t pay the rent, tenants whose landlords won’t fix the toilet, people injured in accidents, partners in failed marriages, parents whose former spouses won’t support their children, citizens mistreated by government, etc. will pay the freight and struggle to pass it on. Those unable to do so will be the losers. Those unable to afford it will be shut out.

An additional problem is that giving the judicial bureaucracy the power to determine its needs and raise its own funds to satisfy them is not only bad policy, it violates the separation of powers enshrined in our constitution. Our elected representatives, who are routinely subjected to the scrutiny of the ballot box, should exercise the power of the purse strings. Those who are appointed, and upon good behavior destined for tenure, are poor repositories of that awesome authority. The cost of the judicial branch and the cost of Legal Services should remain general budget items and the responsibility of society at large.

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CRIMINAL LAW

Would Trayvon Martin receive Justice under New Jersey's "Duty To Retreat"?

By Robert C. Wolf Esq., Liebling, Malamut & Sunkett, LLC

Many are outraged by the tragic death of a young African-American male carrying skittles and an iced tea, while some think that, once again, the Court of Public Opinion bi-passed the justice system and wrongly convicted a good neighborhood watch-captain. No matter what camp you find yourself in, it seems everyone has some opinion about the Trayvon Martin case. This seems like a good time to brush up on New Jersey's "Duty to Retreat" law, and take a look at how it compares with Florida's right to "Stand your Ground."

Two things stand out in N.J.S. 2C:3-4, the New Jersey statute defining self defense, and it's Florida counterpart, section 776.012 Fla. Stat. (2010) as they would apply to the Trayvon Martin case. First, in New Jersey, the use of deadly force in self defense is not justifiable "if the actor knows he can avoid the necessity of using such force with

complete safety by retreating..." Contrast that to Florida's criminal code, which states that "a person is justified in the use of deadly force and does not have a duty to retreat..." when it is necessary to "...prevent imminent death or great bodily harm." Depending on your State, the difference between New Jersey's "duty to retreat" and Florida's right to "stand your ground" could be the difference of a lifetime.

The second area of relevance in both statutes begs the question, what if George Zimmerman provoked Trayvon Martin? Would he still have the right to stand his ground in Florida? The answer is no. Section 776.041 of the Florida Criminal code titled, "Use of force by aggressor" does in fact impose a duty to retreat on the actor if it is found that he or she provoked an attack. The section states that the "stand your ground" defense "is not available to a person who initially provoked the use of force against himself . . ." So even if Mr. Zimmerman is truthful that Trayvon Martin attacked him,

if it was a provoked attack, he still must show that he "... exhausted every reasonable means to escape." 776.041(2)(a), Fla. Stat. (2010).

There are two exceptions to that rule. First, if the person claiming the defense did in fact exhaust every reasonable means to escape, he can then use deadly force in self defense even if he provoked the initial attack. 776.041(2)(a) Fla. Stat. (2010). Second, deadly force can be justified despite provocation only if the actor "withdraws... and indicates clearly to the assailant that he or she desires to withdraw and terminate the use of force, but the assailant continues or resumes the use of force." 776.041(2)(b) Fla. Stat. (2010). In other words, according to Florida law, if Mr. Zimmerman provoked an attack by Trayvon Martin, he had a duty to retreat unless, in good faith, he clearly indicated that he wished to withdraw, in which case he once again had the right to stand his ground.

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Developments Regarding the Completed Operations Exclusion



By William H. Tobolsky, Esq.

Smith Construction installs stucco on the curb-side wall of Jones Office Building. Six months later, during a severe rain storm with high winds, the stucco falls off the wall, landing on a pedestrian. Rainwater seeps into the Jones building causing structural damage and a six-week loss of rent during repair.

Smith purchased Comprehensive General Liability (CGL) coverage which requires “an occurrence” or accident as the cause of the damage, and excludes from coverage “completed operations,” the cost to replace the stucco which Smith was contractually required to install.

Pedestrian sues Jones and Smith for bodily injury. Jones sues Smith for breach of warranty, defective workmanship, and negligence. Jones sues Smith for indemnification and contribution, and for Jones’ costs of repairs and lost rental.

Smith demands coverage from its carrier which declines both legal defense and indemnity, asserting that an “occurrence” did not cause the damage. Smith files a declaratory judgment action for coverage.

Can mere poor workmanship constitute an “occurrence?” The states are split.

Pennsylvania continues to say no. Standard policy language defines an occurrence as an “accident,” an unexpected event caused by bad luck. To construe negligent workmanship to be an unexpected accident would transform CGL coverage into a performance bond. Moreover, expected events, such as rainfall, do not constitute an “occurrence” because they are not unexpected, even if they result in damage to the interior of a building, an area beyond the completed operations zone.

New Jersey since at least 1979 holds that faulty workmanship which causes injury to a person or to property beyond the completed operations zone of work is a covered occurrence even if the damage develops gradually rather than suddenly.

In other states other wrinkles develop depending on whether the insured, or its subcontractor, caused the damage, and in the apportionment of progressive damages.

Which state’s substantive law will apply? A declaratory judgment suit for policy interpretation is a suit in contract, not a tort suit arising from the underlying occurrence. For contract cases most states follow the “governmental interest” test.

First, if the parties understood a particular site to be the location of the insured risk, the law of that state will apply unless it is shown that some other state has a superior interest in the outcome. If operations in only one state are covered, a site-specific risk may be inferred.

Continued on Page 15

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

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Factors to Consider in Valuing a Closely Held Business

(Yep, that even includes your law practice)



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

What follows are but some of the ideas taken. Many owners of closely held businesses assume they have a pretty good idea of their businesses' value. Often an owner may decide his or her company's value based simply on cash flow and profit margin. While determining the value of a closely held business may appear to be a straightforward process, it is actually quite complex, involving consideration of numerous factors. A valuator should understand their impact and, more important, know how to combine them to derive a reasonable, well-supported value.

Not to confuse you in the titling arena with alphabet soup, when I refer to a "Valuator" I'm generally referring to a professional with one or more of the following designations:

- ABV (Accredited in Business Valuation – American Institute of Certified Public Accountants)
- CVA (Certified Valuation Analyst – National Association of Certified Valuators and Analysts)
- ASA (American Society of Appraisers)
- ABO (Just seeing if you're paying attention – I'm one of a limited few with this designation)

The data that a valuation professional relies on will vary from one case to the next. Common documents include:

- Historical financial statements
- Business plans and financial projections
- Advertising and professional literature
- Bank loan agreements
- Backlog information
- Income tax returns
- Asset appraisals
- Long-term contracts
- Leases
- Buy-sell agreements
- Price lists, procedures manuals and other internal documents used to manage the business

After gathering background information, a valuator normally visits the company's facilities and interviews management. The

visit can take from a few hours to a few days and may require follow-up visits to fill in information gaps.

The valuator may search for information regarding the company and its industry to add to this foundation, including:

- Industry data
- Economic forecasts
- Rates in the financial markets
- Pricing data from acquisitions of similar businesses
- Relevant pricing data from public equity markets

To give you an idea of the factors a valuator typically considers, here's a brief overview.

Competition

Fundamental to a determination of a closely held company's value, competition encompasses a number of categories, including the company's:

- Relative size compared with other businesses in its industry
- Relative product or service quality
- Product or service differentiation from others in the industry
- Market strengths
- Market size and share
- Competitiveness within its industry in terms of price and reputation
- Copyright or patent protection of its products

Management Ability

Is management skilled and experienced enough to keep the company at the top of its game for the foreseeable future? Several factors can indicate management ability:

- Accounts receivable, inventory, fixed asset and total asset turnover
- Employee turnover
- Condition of the facilities
- Family involvement, if any
- Quality of books and records
- Sales as well as gross and operating profit

Financial Strength

Consideration of financial strength entails a number of ratios, including a company's:

- Total debt to assets
- Long-term debt to equity
- Current and quick ratios
- Interest coverage
- Operating cycle

Profitability and Stability of Earnings

Another important factor is the financial stability of the company, as revealed by its profitability during its operating history, including:

- The number of years the company has been in business and its sales and earnings trends
- The life cycle of the industry as a whole
- The returns on sales, assets and equity

Other Factors

As if this were not enough, the valuator also should consider the economic conditions in which the company is operating, including the broad industry outlook and the impact of various Internal Revenue Service (IRS) rulings and court cases that may affect the company's value. In addition, the valuator will often analyze restricted stock studies and the values of comparable companies to determine their relationship to the company's value. Intangible factors such as goodwill value and noncompete agreements can be significant as well.

Finally, the valuator needs to determine the discount or capitalization rate of the company, specify what percentage of the company is being valued, and take into account any marketability or minority interest discounts.

Putting It All Together

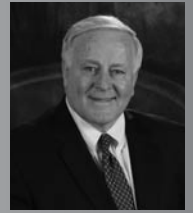
Perhaps the most difficult part of the entire process is knowing how to combine all of these factors in a meaningful way to reach a value that will aid in withstanding challenges by potential buyers, the IRS, dissatisfied partners or others. A valuator with professional training, experience and expertise should be able to accomplish this.

The above article was retrieved from the "E-mail alerts" disseminated to clients and friends of Abo and Company, LLC, and 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.



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For more information about how USI Affinity can help your firm, please contact me, Jack Fleming, at 201-489-3834 or jack.fleming@usiaffinity.com

Brenda Lee Eutsler to be Installed as 86th Bar President

Continued from Page 1

Ellen M. McDowell, Jerrold N. Poslusny, Jr. and Carl Ahrens Price. Michael J. Dennin will serve as Young Lawyer Trustee.

Brenda brings an impressive resume to her presidency. She concentrates her practice in the areas of estate administration, probate and fiduciary litigation, estate planning and guardianships. She served as Co-Chair of the Association's Probate & Trust Committee for ten years, and is presently an Adjunct Professor at Rutgers University Law School in Camden and Faculty Advisor for the Estates & Trusts Society. She frequently speaks at seminars and conferences held by state and county bar associations and civic organizations. Brenda has served as a member of the District IV Ethics Committee and is currently a member of the New Jersey Supreme Court's Roster of Qualified Mediators.

Prior to becoming a lawyer, Brenda was a paralegal and served as Deputy Surrogate of Camden County, during which time she and then Surrogate, Bruce MacNaul, founded H.O.P.E. (Helping Other People Evolve, Inc.), an education and support group for widowed persons. While teaching paralegals, she and several of her students founded the South Jersey Paralegal Association and served on the Supreme Court Committee for Paralegal Education and Regulation.

Brenda devotes considerable time to fundraising efforts for charitable organizations. She is a former Chairperson of the South Jersey Chapter of the March of Dimes and served for several years as Chair of the Chapter's Annual Sports Awards Banquet. She is also active with Dooley House in Camden which serves the needs of children and families with HIV/AIDS and other fragile illnesses. She formerly served as Co-Chair of the Bar Foundation's Public Benefits Committee which holds an annual picnic and Christmas breakfast with Santa for the children of Camden, and Co-Chair of the Foundation's annual Autumn Scramble Golf Outing. In 2011, Brenda received the Good Neighbor Award from the Camden County Chapter of the American Red Cross for her advocacy on behalf of the elderly and families.

Brenda is admitted to practice in New Jersey, Pennsylvania, the United States District Court for the District of New Jersey and the United States Supreme Court.

Congratulations, Brenda! We look forward to another great bar year.



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CRIMINAL LAW

Would Trayvon Martin receive Justice under New Jersey's? "Duty To Retreat"?

Continued from Page 6

New Jersey, almost without exception, imposes a duty to retreat and certainly no less in cases where the claimant provoked the attack. N.J.S. 2C:3-4(b)2(a) states that the use of deadly force is not justified where "the actor, with the purpose of causing death or serious bodily harm, provoked the use of force against himself in the same encounter." Did George Zimmerman provoke an attack by Trayvon Martin? Did he provoke an attack with the purpose of causing Martin's death or serious bodily injury? Many believe Zimmerman pursued Martin against the sound advice of the police dispatcher, and thereby provoked a response from Martin. But were his actions designed with intent to kill or seriously injure Martin? In New Jersey, if Zimmerman only intended to detain, but nevertheless provoked an attack by Martin, he might very well still have a valid claim of self defense depending on the ferocity of Martin's actions.

Whether you apply New Jersey or Florida law, if the claimant provoked the attack, there will be a duty to retreat. The only notable difference is that, in Florida, an express intent to withdraw from the contact could restore the actor's right to stand his ground. In New Jersey, no amount of withdrawal will restore a claimants right to self defense if his original intent was to kill or cause serious bodily injury.

Confusing? Perhaps it would be more useful to step away from the Florida Tabloids for a moment and have a look at how self defense is applied to the use of deadly force against home intruders in New Jersey compared to Florida. Sir Edward Coke, English Jurist and member of Parliament, once wrote "A man's house is his castle and fortress, et domus sua cuique tutissimum refugium." The Institutes of the Laws of England (1628). The Latin phrase translates as "and each man's home is his safest refuge." The belief in a homeowners inherent right to protect his castle at all cost is still alive today and it can be found in subsection (c).

N.J.S. 2C:3-4(c)(1) removes the "duty to retreat" in New Jersey so long as the actor has a "reasonable belief" that force or deadly force is "immediately necessary" to protect himself or others in a dwelling against "unlawful force" by an intruder. Not only does this section remove the "duty to retreat," but it also removes the limit on the use of deadly force to responses to danger of a similar level of force. As it is put in the commentary, "deadly force can be used against an intruder based on a reasonable belief that the intruder is about to use unlawful force (c(1)) or inflict personal injury (c(2)(A)) and can be used if the intruder, after demand that he withdraw, disarm or surrender, fails to do so, (c(2)(b))." N.J.S.A. 2C:3-4, comment 13.

Florida goes even further. Section 776.013(1), Fla. Stat. (2010) creates a presumption of reasonableness in an actor that uses deadly force against an intruder so long as the intruder is there forcefully and unlawfully and the actor had knowledge of their unlawful entry. There are no restrictions on the use of deadly force based on the intruder's actions or intent once inside the residence. In fact in Florida, there is presumption that "A person who unlawfully and by force enters or attempts to enter a person's dwelling, residence, or occupied vehicle is presumed to be doing so with the intent to commit an unlawful act involving force or violence." 776.013(4), Fla. Stat. (2010). They even extend the rule to automobiles, unlike New Jersey, which restricts it to dwellings. In Florida, even your car is your castle!

How far is Florida willing to go to protect the right of its citizens to stand their ground? Section 776.085, of the Florida Criminal Code

protects Florida defendants in civil actions from damages arising out of injuries sustained by the plaintiff while he was in the act of committing a forcible felony. The Civil action is stayed pending the outcome of the criminal trial and is only triggered if the plaintiff is found guilty in the criminal court. However, if the defendant prevails based on a defense created by this section, the plaintiff, if incarcerated as a result of the criminal action, "shall, as determined by the court, lose any privileges provided by the correctional facility, including, but not limited to," canteen purchases, telephone access, outdoor exercise, use of the library and visitation.

What kind of civil protections does New Jersey's 2C extend to those who exercise deadly force in self defense after they have complied with their "duty to retreat"? None. In one quick sentence, New Jersey dismisses the idea of extending the criminal protections of Chapter 3 of the 2C code to any civil action. N.J.S. 2C:3-1(b) states, "the fact that conduct is justifiable under this chapter does not abolish or impair any remedy for such conduct which is available in any civil action."

Perhaps it is unfair to paint either State's position on self defense with too broad a brush, but it would seem that while New Jersey's "duty to retreat" law promotes avoiding violent confrontations, Florida's "stand your ground" law and other associated self defense rules promote extra protection to acts of vigilantism. For now, Florida is in the spotlight and it is up to you, the Court of Public Opinion, to decide.

**He's Back!**

Fuoco has retired from the active practice of law, and is now available to both plaintiff and defense counsel for consultation or testimony regarding attorney fee petitions, fee shifting litigation and "reasonableness" of hourly rates.

Contact him to see if his almost 40 years of experience in filing, arguing, *and settling* attorney fee petitions in consumer, civil rights, employment and class action litigation can help your client.

Philip Stephen Fuoco, Esq.

856.354.1100

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Tastefully Yours!

Friday, April 20th was a terrific night for the Camden County Bar Foundation as the Collingswood Grand Ballroom came alive with the tantalizing scents of terrific food, fine wine and good cheer at the Foundation's *South Jersey ... Tastefully Yours!* fundraiser. The evening included a Fine Wine Tasting, scrumptious food provided by 18 local restaurants and specialty shops, exciting silent auction items and of course, the iPad & iPod Touch raffle drawing. Congratulations to Lou Moffa who won the iPad, and Carl Price who won the iPod Touch.



Foundation President Rick DeMichele, Sharon Dostmann, Amy Goldstein & Bruce Hudson



Association President Lou Lessig, Greg DeMichele & Pasquale Guglietta



Barry Rosenberg & Judge Axelrad



Arnie & Temma Fishman



Carl & JoAnn Price, John Wicker



Laura McCarthy & Melissa Jameson



John & Ginny Hargrave



Donna & Lou Moffa, Karen Talarico



Paul Pflumm checks out some of the goodies!



Ron Lieberman, Melissa Mignogna & Megan Feehan



Judges Colalillo & Fox



Paul Mainardi & Fred Levin



Judge & Mrs. Fratto



Judge Axelrad & Ellen McDowell

WINE & FOOD



By Jim Hamilton

Those of you who have tuned into Philadelphia's classical music radio station over the years likely learned not only about the pieces played and their composers, but also about the pleasures of the vine from the Time Out for Fine Wine program that ran literally for decades. During a good part of the program's time on the air I have been privileged to share more than a few fine bottles of fine wine and food with its long-tenured host, Herb Engelbert. After learning the program was being discontinued, I asked Herb if he would answer a few questions I thought you might find interesting and enlightening. Always gracious, Herb agreed.

Q. After over 20 years on our area airwaves, your daily radio spot, Time Out for Fine Wine, has ended its run. Did you originate the idea for the program, or were you recruited to share your wine wisdom?

A. *I was approached by WFLN in 1990 asking if I would do the program. I agreed but decided doing 5 programs a week was too time consuming, so I recruited colleagues who would share the time with me, such as Tom Alberico and John McNulty, and since about 1992 or 1993, Phillip Silverstone. When WFLN was sold in 1997, the new owner changed the format to a rock music station and felt TOFFW was not a good venue for him. (The station folded within a year!) We were on WPEN for a short time; then when WRTI absorbed the major players from WFLN and went to a half classical, half jazz format, we were asked to rejoin them.*

Q. I suspect because the "time out" was brief, and the advice was dispensed so effortlessly, listeners may not have fully appreciated the work put into each spot. On average, how long did it take to research, write and record each presentation?

A. *Some only took about 5-10 minutes, but others took 30 minutes or more. The toughest part was staying within a 60-90 second time frame – I could easily talk longer & in greater depth, but compacting the spot to 90 seconds and keeping it informative and hopefully interesting was always a challenge.*

Q. Were there any programs that stand out as particularly prescient? Did any generate controversy?

A. *Every New Year's I would prognosticate the future. Some predictions actually came true, such as that Chile would become a world class wine producer and Italian wine regulators would give official recognition to what are now called the "super" wines – blends of unapproved grapes (at that time) with the traditional grapes approved by government regulators. Those predictions date back to the early 1990's. Some never happened, such as: there*

would be scratch & sniff or lick advertisements in magazines for different wines, or that microwave ovens would have an "aging cycle" for young wines that needed more cellar time. I think the most interesting "controversial" letter I received was one accusing me of contributing to the downfall of the American family unit by encouraging drinking. The idea was that drinking reduces inhibitions which leads to promiscuity which leads to illicit offspring which cause a breakdown of the family unit. (I did not respond to that letter.)

Q. If you had to condense such a long body of work into your "top ten" wine tips, what would they be?

A. *#1. Match wines with foods by their intensity, not by their color. #2. Be open to trying a wine you might not know. Discovery is fun. #3-10. Drink what you like with whatever you like, regardless of what the "experts" tell you.*

Q. During your program's tenure we have seen Americans increasingly discovering wine's many virtues. If you had to extol but one, what would it be?

A. *As a pharmacist, I decided that for many of us, wine is the best medicine. The multiple physiological benefits of moderate wine consumption have been substantiated by epidemiologic studies in large populations & lend credence to this belief. (There are some obvious caveats.)*

Q. Whether due to a desire to explore red varietals other than the usual suspects, e.g. Cabernet Sauvignon, Merlot, Pinot Noir or Syrah, or because of economic stresses that force the search for relative bargains, we have seen wines made with the Malbec grape, particularly those from Argentina, enjoying recent popularity. Are there any other red varietals you see capturing the fancy of American drinkers? Similarly, while wine drinkers in our country have not forsaken Chardonnay, many seem to have found Sauvignon Blanc and Pinot Gris/Grigio during the past decade or so. Is

there another white wine varietal you see waiting in the wings?

A. *Among red wines, I think Sangiovese is slowly being mastered in the U.S., especially in Italian-style blends. I'm personally hoping to see Petite Syrah (sometimes spelled Petite Sirah) make a comeback – it can make really interesting, complex wines that are different than Syrah or Shiraz (alternative spellings for the same grape.) Among whites, Viognier might establish a place for itself if it can be presented in the dry style of Condrieu of the northern Rhone Valley rather than as an off-dry fruit bomb. Again on a personal note, I think Riesling is one of the great white wine grapes of the world, but it has to overcome the stigma of past times when it was associated with cheap German wines. I try to work Riesling into many of my dinner parties, especially with appetizers or soups, and it is usually a revelation for my guests.*

Q. Besides being a wine educator, you long have been a wine traveler, including escorting people to far flung wine destinations. From among all your travels, is there one wine region you favor above all others?

A. *I've been conducting wine tours for over 40 years, and I have discovered that every wine producing region in the world has something interesting and sometimes unique to offer. Winemakers are usually gregarious, friendly and interesting people who just love*





PRESIDENT'S PERSPECTIVE

by Louis R. Lessig

Taking a Breath During a Busy Year

As we move into spring your Association has had a lot going on and we are far from done for the year. In addition to a plethora of amazing and economical CLE offerings, we have wished our former Assignment Judge Francis J. Orlando, Jr. good luck as he retired from the bench, we have welcomed in our new Assignment Judge F.J. Fernandez-Vina as well as new presiding judges in Family with Judge Charles W. Dortch, Jr. and Civil with Judge Robert G. Millenky. While you may not be aware, you will be hearing more about the retirement dinner for Judge Charles M. Rand, who has retired from the bench and will likely forget more than most will ever know about family law. Meanwhile, just blocks away we have been fortunate enough to have Judge Jerome Simandle, the new Chief Judge for the federal bench in New Jersey, sitting right here in our county—he has been a wonderful individual to work with and is a big supporter of our Association.

Outside of these larger events, which do not happen very often, in the coming weeks and on the Bar's blog you will be hearing a lot more about your strategic plan and our collective goals for the next few years. In the blog I will go into more detail so every member will have an idea of where the Trustees are focusing and the direction that you the members have charged us with going forward. The chair of the Strategic Planning Committee, Lou Moffa has done a phenomenal job, so stay tuned to see what your Trustees have planned for the foreseeable future. Of course our future does look bright, but in part that is because of our Partners in Progress. These organizations are strong supporters of the Bar. Over the last several weeks I have had a chance to meet with each one individually and I can honestly tell you that each one is interested in continuing to be strong supporters of our Association initiatives, not the least of which is our individual members' success. You will not only see their names listed in the Barrister and elsewhere, but you will see them on committees and certainly at events. The best way that we can all support these Partners is to talk with them when you see them at events and use them where you can within your own office. Together everyone can prosper going forward.

Perhaps one of the most interesting and thought provoking events that we have planned for the Association in years is our Lawyers

Without Rights exhibit. If you have looked in your Barrister, on the Association website or even if you follow me on twitter, you have likely seen the materials for this event. We are partnering with Camden County College, Rohrer Campus, who will be housing the exhibit. The kickoff event will be held on Tuesday May 8th from 6-8 pm. While we are still working on who will be speaking, I can tell you that we have secured the Consul General of the Federal Republic of Germany, Busso von Alvensleben and others are still to be named. The exhibit itself tells the story of Jewish lawyers in Nazi Germany and their individual experiences. It is a moving exhibit that will tour the U.S. in Washington D.C., Cherry Hill, New Jersey and Ohio before it returns to Germany in the fall. We are very excited about this event and there is a strong committee behind it planning all aspects of the exhibit's time here with our Association.

Beyond the kickoff event, the exhibit will remain up through May 17th. We have already reached out and invited schools, community and religious organizations from the area to come and experience the exhibit during this time frame. In fact, some of our very own members will act as tour guides to explain the exhibit and its place in history before the children or other members of the public go through the exhibit. Several schools have already scheduled times to attend. If you are aware of an organization that would be interested in coming to see the exhibit, please have them contact the Bar Association directly. This exhibit is not just for our benefit, but it is also for the benefit of the community at large that we serve every day. This time in world history was not a singular event, but a time when almost everyone was touched in some way. It is a good reminder of what can happen if some of the very rights that we defend on a daily basis are taken away. As a result, I would encourage everyone to take some time out, even if it is between going to or from the courthouse to experience the exhibit and tell your friends and family about it as well. It is not every day that the Association is able to bring to our area an international exhibit for everyone's benefit. It is incredibly exciting to be able to educate both our members as well as the community. On behalf of your Trustees and the Lawyers Without Rights Committee I hope that you are able to stop by and experience this exhibit.

Immigration Letter Opinions For Municipal Court

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LAW PRACTICE MANAGEMENT

What is the Goal of Goal Setting for a Prosperous Law Practice?



Part 2 of 2

By Kimberly Alford Rice

In the first installment of this article, we spoke of the imperative of clear goal setting to advance your business development goals of building and sustaining a profitable practice. In this installment, we will outline step-by-step how to take a blank sheet of paper (or blank monitor screen) to create a blueprint of specific steps to take in the goal-setting process.

Step 1 – Get Clear on What Your Goals Are

Begin by brainstorming potential goals. Think about what you want to accomplish in your practice such as the clients you want to work with, the type of work you want to do more of, the lifestyle you'd like to enjoy. Remember, you can have more than one goal.

Once you have completed your list, think about and jot down why each goal is important to you and why you are motivated to achieve each goal.

Step 2 – Draft Action Steps

This step is the “in the trenches” thinking wherein you outline specific steps you will take to accomplish each goal. I often brainstorm

with my clients step-by-step on how to bring measurable results to each goal. We have found over the years, it is not so much that clients don't know what to do but rather how and in what timeframe to execute upon their specific action steps. In this step, it is best to be as specific as possible.

Step 3 – Devise A Reasonable Timetable

Once you have written down your goals, why they are important to you (your motivation for achieving them) and the specific action steps you will take to achieve each goal, it is very important to write down the timetable for which you will dedicate your resources to accomplishing your goals. This is a crucial step in the goal-setting process.

I provide my clients an Action Plan Worksheet (example below) to facilitate the goal-setting process whereby clients can see at a glance what their goals are, the associated action steps and timeframe for accomplishment. It is a very effective tool to stay on track.

ACTION PLAN WORKSHEET			
Goal	Action	Role	Deadline

The best way to break each of the action steps into a reasonable timeframe is to plot out each into a weekly action plan. That is, what

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Developments Regarding the Completed Operations Exclusion

Continued from Page 7

But if the policy provides for operations in multiple states we may not assume that the law of the state where the accident occurred will apply. In that case, designation of the site of the insured risk must be expressly made, and multiple designations of site-specific risk for different locations are permissible.

If no site specific provision in the policy appears, the courts will look to applicable factors to consider in designating the State with the greatest interest. These include the location of the formation of the insurance contract, the place it was negotiated, where it is to be performed, and the location of the accident. The domicile of the insured and the insurer are considered as well.

The place of performance by the insured is the location where the insured maintains its business office, or the location where it mailed premium payments. The insurance company performs in the forum state where it may be required to proffer a defense, which may or may not be the location of the accident. These factors are weighed qualitatively. States vary widely in the nuances of doing so.

The take-home is to be aware of the scope of the occurrence clause in your home state and the states where construction may be performed. Make site-specific designations in your policy endorsements, even multiple designations for different projects. Litigators should consider, prior to filing suit, how the conflict of laws analysis will play out in potential forum states. Select the jurisdiction whose conflicts principles will land you in the substantive law of a state whose policy interpretation principles are favorable to your cause.



(l-r) Moderator Carrie L. Boyle, Scott H. Marcus & Associates, led presenters Linda S. Fossi, Deily Mooney & Gastetter, Jeanie D. Weisner, Subranni & Zauber, and Donna L. Wenzel, Office of the Standing Chapter 13 Trustee in the recently held seminar Chapter 13 - The Nuts & Bolts.



The CLE seminar DWI Review - 2012, jointly sponsored by the CCBA and BCBA drew its usual large crowd. Seminar presenters included (l-r) Dean J. Buono, Municipal Prosecutor Camden/Burlington County Townships, Hon. Steven P. Burkett, Chief Judge for Camden City, moderator Jeffrey Evan Gold, Gold & Associates, Arnold N. Fishman, Fishman & Fishman, and Kevin Flanagan, Former Lt./Head of NJ State Police Alcohol Drug Testing Unit.



(l-r) Brendan Judge & Christopher J. Tucci, both with Connell Foley, discussed Working with Corporate Legal Departments & Best Practices for In-House Counsel at a recent seminar at Tavistock Country Club.



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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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A Pitch for Justice

A Book Review

By John F. Renner

Harold Kasselmann, former Camden County Prosecutor and Partner in Helmer, Paul, Conley and Kasselmann, P.A. has published his first novel – *A Pitch for Justice*. While this is a work of fiction, it is a story that walks you through a legal journey and scandal while intertwining America's favorite pastime – baseball.

The novel portrays a plausible scenario of team animus between the Phillies and the Mets that results in retaliations between the two teams. It ultimately leads the Phils manager to order Phils rookie sensation Tim Charles to throw a bean ball and disable an opponent. Charles is faced with the moral dilemma of meeting a team's expectations by throwing a life changing pitch to disable an opponent versus his own moral code of conduct.

A split second decision can change not only a person's life, but uncover the unspoken rules in the game of baseball. This incident unfurls a national debate regarding the risks of the game, assumption of risk, and accountability to those who may or may not play by the rules of baseball. Who should render a judgment: the judicial system or the commissioner of baseball?

It is left to First Assistant Camden County Prosecutor Jaime Brooks, at the urgent demands of the widow and some in the press, to investigate and determine whether criminal charges should be brought. What was in the heart and mind of Charles when he threw the fatal pitch? The legal defense team for Charles attempts to head off a grand jury presentation, but the stakes are too high. To learn how and why the

CCPO got jurisdiction, you will need to read the novel.

The case is reviewed by a grand jury where major league players and the home plate umpire, as well as video of the game, are played for the grand jurors. The author, who had ample time at the grand jury, gives the reader an inside look into the happenings of that body. An interesting subplot, with a corrupt grand juror, who tried to sell his goods to the defense team, plays a role in this suspense-filled novel.

In a shocking development even for Brooks, the grand jury decides that manslaughter is not enough. As a result, the first criminal murder case in baseball history is brought against not only Charles, but his manager as well.

The indictment causes the baseball world to reflect about the spirit of the game. The commissioner appoints a panel to determine whether the bean ball should be abolished. In subsequent months the box scores reflect fewer batters hit by pitches, and more runs scored.

As anticipation of the trial begins, motions are directed to whether a baseball was used as a deadly weapon. The defense has to decide if calling expert baseball historians and players to establish the unwritten culture of the game including the battle of dominance of the plate and if the theory of assumption of risk could be applied to seek a lesser charge than manslaughter. The defense must also decide whether to seek a change of venue or stay near Philadelphia.

The transformation of the baseball widow Theresa Leyton from a dedicated wife seeking justice to a consumed borderline personality is essential to the subplot of the story. It is interesting from a lawyer's

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Back in the Day

By Hon. Richard S. Hyland (ret.)

Given all the depressing and horrible stories coming out of Camden City on almost a daily basis, younger members don't realize what a wonderful place it was to grow up there, so let me take you on my sentimental journey to back in the day, circa 1950.

Parkside was predominantly Jewish. We lived a "stone's throw" from Beth El synagogue and enjoyed the singing of its wonderful choir on the High Holidays. Legendary Rabbi Kellman on his way home from services would stop to chat with me about my schooling and career plans and he remained a valued friend in later years. By musical contrast, I was intrigued by the dulcet singing of the Gregorian Chant by the Dominican nuns while we attended Sunday Mass at their convent on Haddon Ave, which was all the more mysterious since they were cloistered and hidden behind a screen.

We could walk to all of our schools: Parkside (excellent and innovative), Hatch Junior (our first experience with diversity), and Camden High (the uniquely designed "Castle on the Hill") which graduated many of our area's legal and medical professionals.

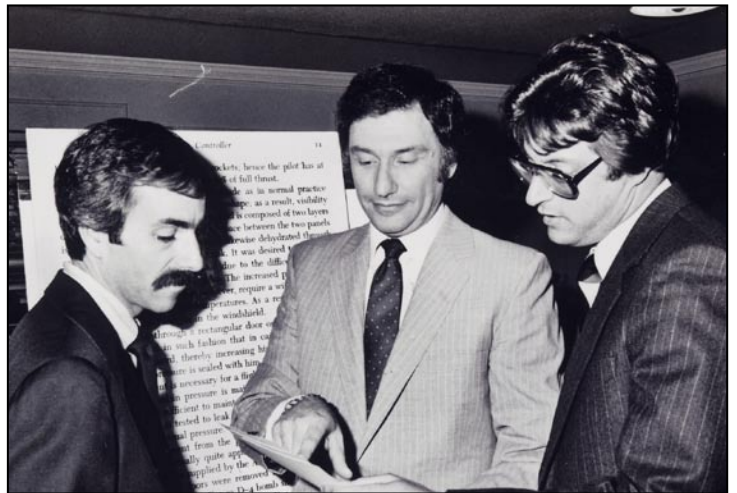
We were also close to beautiful Farnham Park which provided sledding on its hills, ice skating, fishing, swimming, and ample fields for football and baseball using a ball tightly wrapped with black tape. We "chose up sides" and the worst player was relegated to right field. We had no uniforms or cleats and our mothers did not come to watch us which would have been most embarrassing. Occasionally, a foolish teammate would challenge some Polish guys from Whitman Park or Italian guys from South Camden to a match on our home field and we always got thrashed. In later years, these guys were the stalwarts of the high school teams while I and my teammates (and some of them) were elected to the National Honor Society.

Adventures included playing "Cowboys and Indians" (No—not "Native Americans") among the tombstones in Harleigh Cemetery and around May 1st checking the door of Walt Whitman's tomb to see if the wreath from the Camden Communist Party was there. We also took the ferry across the Delaware River to historic Philadelphia to revisit the historic sites my father had taken me to, and walked back on the Delaware River Bridge (not yet the Ben Franklin) without revealing my escapade to my parents.

My sisters and father proudly worked at RCA which fostered a family-like workplace. On his way home my father would buy an *Evening Bulletin* which had better sports coverage than Walter Annenberg's morning *Inquirer*. (He had an undisclosed feud with the local NBA owners and blacked out any coverage of the team for the entire season.)

However, my friends could still follow basketball with the Sphas (South Philadelphia Hebrew Association) team. On a 10" black and white TV in 1948, I watched the Eagles win their first NFL title, 7-0 against the Chicago Cardinals (Yes—not the St. Louis or Arizona Cardinals) at Shibe Park in the snow with Steve Van Buren plunging for the score. Little did I realize that I started a habit of watching the NFL on Sundays which continues to the present.

Parkside had a full service business community which included a movie and a tavern known as Donkey's. In our teen years we would hit the movie and then Donkey's where the owner allowed us to drink birch beer and feast on a great steak sandwich which was unique and far superior (and still is) to anything South Philly had to offer. We could go to first-run movies in center city at the Savar (owned by Mike Varbalow's family) and on Sundays the Stanley for stage shows



too, featuring the top entertainment in the country which in those days was the "big bands" like Duke Ellington and Count Basie etc.

Our innocence was shaken on the last day of our 1949 summer vacation when we learned that Howard Unruh had murdered 13 victims in East Camden. At the time Camden was known only as the home of champion boxer Jersey Joe Walcott, but now as the home of the nation's first serial killer. Prosecutor, and later Federal Judge, Mitchell H. Cohen adroitly elicited admissions from him in a pre-Miranda interrogation and he was committed to Trenton State Hospital for the Criminally Insane by saintly Judge Bartholomew A. Sheehan who, upon retirement, became a brother in the Jesuit Order.

Please forward any comments to: rhylandatlaw@aol.co



What a Year

By William F. Cook

This year has flown by like a fastball from Roy Halladay. It's already my last column for the Young

Lawyers Committee. I'm sure this comes as a relief to most. But before my time runs out, please let me brag a little bit about the great work of the lawyers in the YLC this year.

Our 2nd Annual Lobster Bake was a tremendous success. What started as a germ of an idea in Mike Madden's head has now turned into the YLC's premiere event of the year. The YLC raised over \$8,000 for the Larc School in Bellmawr. Suffice it to say that plans are already underway for the 3rd Annual Lobster Bake. Might as well say it now: save the date for September 8th! I thank everyone on our Lobster Bake Committee and everyone in the YLC who made this amazing event possible.

The YLC also continued its long tradition of giving back to the community. Thanks to Mike Dennin, Craig Becker, Jenny Kasen and all of our members, our Halloween and Easter Kids Parties at the Anna Sample House were a total blast. Our members took time out of their busy schedules to give back to those in need. Our volunteers were also in full force at the Kids Holiday Party at the Coastline as well as Adopt-a-Family. I could always count on the members of our group and they always came through.

The YLC hosted many happy hours and seminars for new members through the CLE on Tap program. CLE on Tap is the eight-course seminar program for newly-admitted attorneys. Following each seminar, there is a networking happy hour with the YLC. I thank our members who have assisted with the CLE on Tap program. I encourage all new attorneys to sign up for this program.

Our many programs this year would not have been possible without the generous support and assistance of President Lou Lessig, the Board of Trustees and the Bar Foundation. Lou, on behalf of the entire

YLC, it has been an honor to work with you as Bar President, and many congrats to you for all of this year's accomplishments. Many thanks also to Larry Pelletier, Denise Whybark and Kathy DelPrato for all of their hard work in organizing our YLC events. It has truly been a pleasure to work with all of you. Your work for the YLC and the CCBA is truly remarkable.

Finally, I would like to thank all of the members of the YLC for a great year. Your dedication to the YLC and our Bar Association has truly been an inspiration. You are not just members, but friends. Always believe in this Committee. The YLC is your Committee. It is for you and by you. You are a great group that is full of creativity and imagination. To Mike Dennin, I wish you the very best in your service as YLC Chairperson next year. Under Mike's leadership, I have no doubt that the YLC will be bigger and better than ever.

Have a wonderful summer everyone!



Young Lawyer Corner

LAW PRACTICE MANAGEMENT

What is the Goal of Goal Setting for a Prosperous Law Practice?

Continued from Page 14

you will do each week to bring you closer to achieving your goals. If you break down each action step into minute pieces, you will avoid overwhelm, be more likely to accomplish smaller steps which add up to accomplishing sizable goals, and feel better about the goal-setting process.

One of the pearls of wisdom I impart to clients consistently is the importance of developing a "marketing mindset" in their everyday practice. Instead of taking off your lawyer hat and putting on your marketing hat, discipline yourself to integrate marketing activities into your everyday practice. It's simple if you have broken down your goals into weekly action steps and you diary them on your calendar. This is how you balance your billable and non-billable time...in disciplining yourself to execute on a daily basis just a nugget of your weekly action plan. Sometimes it involves no more than a phone call, jotting off a personal note to a client, or reviewing a presentation outline. Small, simple steps taken every day in incremental fashion will propel you toward accomplishing your greater goals.

Results in building a profitable practice often do not come in big, grandiose actions but rather in the small and steady results which over time accrue into a solid practice.

As a part of devising a reasonable timeframe, you must make appointments with yourself just like you would for client meetings. This is important work that you are doing, so to be successful, you must honor yourself and the work you are doing. Due to the nature of a relationship-building business, there are some elements which you cannot control and that is no more evident than in fostering and

nurturing professional relationships. It is only through consistent and persistent massive amounts of action over a prolonged period of time that you will reap rewards, so stay the course EVEN when there seems to be few results. It will come.

Step 4 - Execute, Execute, Execute

This is where your commitment becomes evident. Are you honoring your goals by staying true to your weekly action plan? Are you taking at least one simple action a day towards accomplishing your goals? Jot it down to stay on track

Bottom Line

Clear goal setting begins with your decision of what you desire to accomplish. Then, it takes a detailed action plan to achieve your client development goals and the discipline and commitment to execute the plan. Not rocket science at all, but still a challenge for so many practicing lawyers. Get up and get going, today.

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Bruce P. Matez, Esquire is expanding his mediation practice to include elder law issues and estate/probate cases (disputes over wills, powers of attorney, intestate estates, etc.).

Begley Law Group welcomes a new attorney to its firm. **Kristen L. Behrens** complements the law firm with her knowledge of finance and trust services. As a New

Jersey and Pennsylvania attorney, she has experience in special needs trusts and personal injury settlement consulting along with trust matters and administration. She a member of the New Jersey, Pennsylvania and Philadelphia Bar Associations.

Ms. Behrens earned her law degree at Drexel University and a Bachelor of Science degree in Business Administration from the University of Mary Washington.

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VERDICTS IN THE COURT

Superior Court of New Jersey

VERDICT: Liability Verdict: 40% Against Plaintiff,
60% Against Defendant; Damage Verdict:
\$855,000 Against Defendant (3/2/12)

Case Type: Personal Injury
Judge: John A. Fratto, J.S.C.
Plaintiff's Atty: Kenneth G. Andres, Jr., Esq.
Defendant's Atty: Norman W. Briggs, Esq.
L-3786-08 Jury

VERDICT: No Cause (3/1/12)

Case Type: Auto
Judge: John T. Kelley, J.S.C.
Plaintiff's Atty: Jeffrey Karl, Esq.
Defendant's Atty: Richard Astorino, Esq.
L-2663-09 Jury

VERDICT: No Cause Damage Verdict: \$0 Against
Defendant (3/6/12)

Case Type: Auto
Judge: Deborah Silverman Katz, J.S.C.
Plaintiff's Atty: Michael A. Mullen, Esq.
Defendant's Atty: Rachel Vicari Haninczak, Esq.
L-541-10 Jury (7)

VERDICT: No Cause: (3/6/12)

Case Type: Medical Malpractice
Judge: Robert Millenky, J.S.C.
Plaintiff's Atty: Irene McLafferty, Esq.
Defendant's Attys: Dominic DeLaurentis, Esq. and
MaryKay Wysocki, Esq.
L-6287-09 Jury

VERDICT: Liability Verdict: 38% Against Plaintiff,
Awarded \$110,000. Liability Verdict: 62%
Against Defendant (3/6/12)

Case Type: Auto Negligence
Judge: Richard F. Wells, J.S.C.
Plaintiff's Atty: Michael Foster, Esq.
Defendant's Atty: Michael Berman, Esq.
L-1001-10 Jury

VERDICT: No Cause (3/8/12)

Case Type: Personal Injury
Judge: Lee A. Solomon, J.S.C.
Plaintiff's Atty: Jonathan Ivans, Esq.
Defendant's Atty: Joseph Lowe, Esq.
L-853-09 Jury

VERDICT: Liability Verdict: \$35,000 Against Plaintiff
(3/8/12)

Case Type: Auto
Judge: John T. Kelley, J.S.C.
Plaintiff's Atty: David Hessen, Esq.
Defendant's Atty: Donna M. Jessen, Esq.
L-2174-10 Jury

VERDICT: Liability Verdict: 35% Against Plaintiff,
65% Against Defendant; Damage Verdict:
\$78,000 Against Defendant (3/7/12)

Case Type: Personal Injury
Judge: Louis R. Meloni, J.S.C.
Plaintiff's Atty: David York, Esq.
Defendant's Atty: Michael Dolich, Esq.
L-2018-10 Jury

VERDICT: No Cause (3/9//12)

Case Type: Auto Negligence
Judge: Richard F. Wells, J.S.C.
Plaintiff's Atty: John Klamo, Esq.
Defendant's Atty: Kristin Angermeier, Esq.
L-931-10 Jury

VERDICT: No Cause (3/20/12)

Case Type: Auto Negligence
Judge: Richard F. Wells, J.S.C.
Plaintiff's Atty: Paul Sonstein, Esq.
Defendant's Atty: Thomas Murphy, Esq.
L-2305-09 Jury

VERDICT: Damage Verdict: 240,000 Against
Defendant (3/22/12)

Case Type: Auto Negligence
Judge: John A. Fratto, J.S.C.
Plaintiff's Atty: Michael H. Foster, Esq.
Defendant's Atty: Laurie B. Tilghman, Esq.
L-563-10 Jury

VERDICT: Damage Verdict: \$75,000 Against
Defendant (3/27/12)

Case Type: Auto Negligence
Judge: Robert Millenky, J.S.C.
Plaintiff's Atty: Jeffrey Stein, Esq.
Defendant's Atty: Eric Daniel, Esq.
L-1574-10 Jury

VERDICT: No Cause (3/27/12)

Case Type: Auto Negligence
Judge: Louis R. Meloni, J.S.C.
Plaintiff's Atty: Danielle Walkoff, Esq.
Defendant's Atty: Edward Hoagland, Esq.
L-3815-10 Jury

VERDICT: No Cause (3/27/12)

Case Type: Medical Malpractice
Judge: Richard F. Wells, J.S.C.
Plaintiff's Atty: Derek Layser, Esq.
Defendant's Attys: Richard Amdur, Esq. and William
Theroux, Esq.
L-675-09 Jury

A Pitch for Justice

Continued from Page 16

perspective to observe the interplay between the victim and the prosecutor whose job it is to seek justice and not merely bow to the wishes of the widow.

The trial like so many you have experienced has its problems with extra-judicial comments, illnesses, and juror predicaments, but the experts on both sides make their case. What will the jury decide? What will Theresa Leyton do if it doesn't end with a murder conviction?

I highly recommend this novel to anyone who is even remotely interested in the judicial system and the game of baseball. The echoed words of "play ball" commence a legal, moral, and scandalous journey leading to a suspense-filled conclusion. These answers can only come if you buy the novel on Amazon.com/Kindle or Smashwords which has access to Nook, Apple IPAD, and other devices. For only \$2.99 this is a richly fulfilling look at a unique plot line in our own backyard.



New Jersey Basic Estate Planning was the second 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) Andrew B. Kushner, Andrew B. Kushner, LLC, Eric A. Feldhake & Douglas Madanick, both with Kulzer & DiPadova.



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Wine & Food

Continued from Page 12

to show off their "children" to interested observers (like us). I'm running a tour to Tuscany this year (2012)—for the 4th time, but every time, after a lapse of 8 or more years, there are frequently dramatic changes in the territory (and the players), so it is always a new experience which is only enhanced if someone has been there before. It's never boring or "more of the same thing."

Q. Is there a particular winemaker, or wine experience, that you remember most fondly?

A. There are many. I'll mention just one. I was interviewing Etienne Hugel for TOFFW about "Alsatian wines." He wiggled his finger at me and said Alsatisans are dogs, and his wines are not—he makes "wines of Alsace." I've never forgotten that.

Thanks, Herb, for taking the time to share your insight and experience!



(l-r) John M. Myers, Montgomery, McCracken, et.al., moderator Melanie A. Leney, also with Montgomery McCracken, and Donald Joseph, Rutgers University, presented Ethics: Interviewing Employees at the recent Labor & Employment Law Committee Luncheon.

Welcome New Members

March 2012

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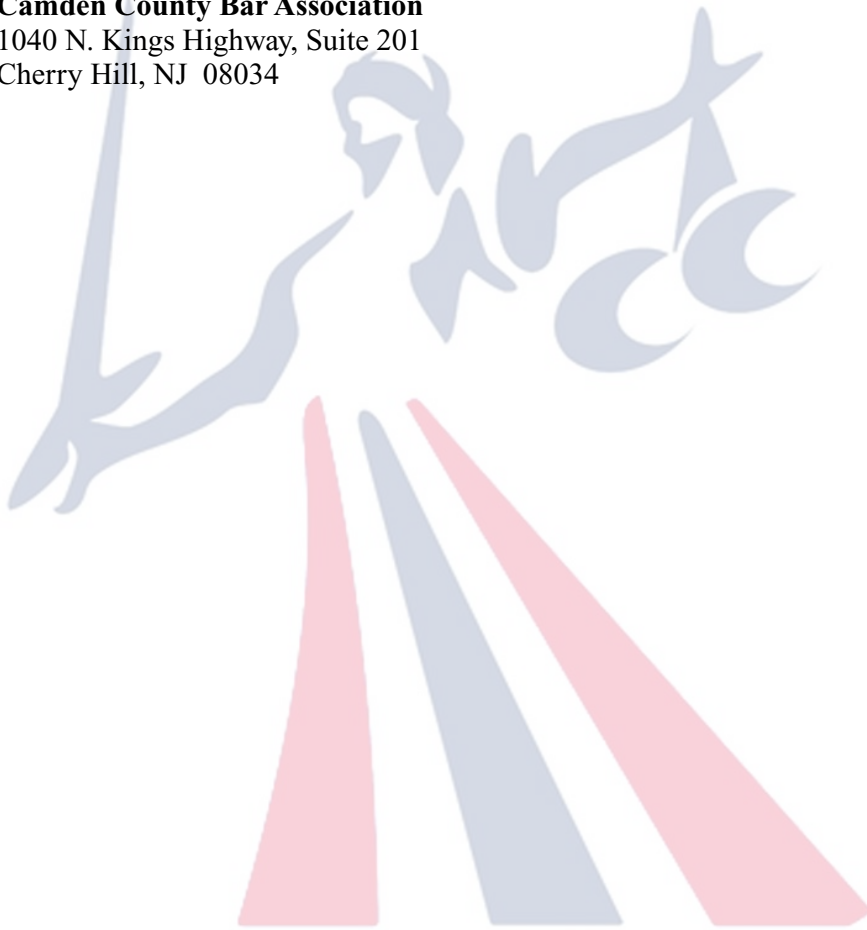
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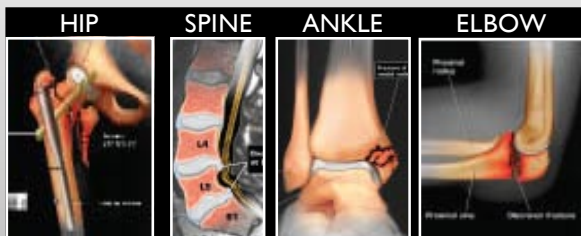


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