



# The Barrister

Published by the Camden County Bar Association



**VOL. 58, NO. 3**

**November 2009**

**www.camdencountybar.org**



L-R, (front row) Louis R. Lessig, Dawnn E. Briddell & Shawn C. Huber. (back row) Jeffrey R. Johnson, William F. Cook, Mark Cairra, John V. Petrycki, Jr., Michael J. DePiero, Joseph M. Nardi, III & Richard A. DeMichele, Jr.

## CONGRATULATIONS!

CCBA President Rick DeMichele moved the admission of 9 Association members before the Justices of the Supreme Court of the United States in Washington, D.C. on Monday, October 19<sup>th</sup>.

The CCBA's next group admission ceremony will be scheduled soon. Don't miss this "experience of a lifetime." Look for the date and registration flier in an upcoming Barrister to sign up for our next trip to D.C.

## Medal of Honor

The New Jersey State Bar Foundation is soliciting nominations for its 2010 Medal of Honor Award. Awards are given annually to lawyers and law-related professionals, as well as lay people, who best exemplify either or both of the following criteria:

Significant contribution to the advancement or improvement of the justice system or the betterment of the legal profession in New Jersey;

Professional excellence as demonstrated by accomplishments in the law; or service to the profession and the community during their careers.

To nominate a lawyer and/or a non-lawyer for this prestigious award, contact Kathy at Bar Headquarters, 856.482.0620 or [kmc@camdencountybar.org](mailto:kmc@camdencountybar.org) for a Nomination Form. Nominations are due no later than Friday, January 8, 2010.

## Adopt-A-Family For the Holidays

*'Tis the season of sharing*

Share your good fortune and make the holidays special for an underprivileged family in the City of Camden by "adopting" a deserving family at this special time of year. The Public Benefits committee is asking for your support of this year's Adopt-A-Family program. Our goal is to bring the joy of the season to 100 families and with your help we can do it!

Adopting a family is easy! You can choose to provide food and gifts for a small, medium or large family. Although you will not meet the family in person, you will be provided with the ages of the children, their clothing sizes, and in some cases, their Christmas "wish list." All you have to do is shop, pack, and deliver your donations to St. Joseph's Pro Cathedral Church in Camden on Wednesday, December 23<sup>rd</sup>.

In addition to gifts, we are also asking that you include enough food for Christmas dinner. The amount you spend is up to you, and everything is appreciated.

St. Joseph's Pro Cathedral Church helps needy families throughout the year, regardless of creed, and your generous support will help brighten the holidays for those most in need in our community. We are thrilled to be working with St. Joseph's again this year, and look forward to meeting or surpassing our goal of 100 adopted families.

We urge all Bar members to consider adopting a family in 2009 either through their firm or individually. Your participation is guaranteed to make you feel wonderful, and it's tax deductible!

Refer to the flier included with this month's inserts for contact information for adopting YOUR family, and thank you!



## Recommendations for District IV Ethics Committee

The Association has received a request from the NJ Office of Attorney Ethics to forward recommendations of high quality attorneys and/or public members to serve on the Supreme Court's District IV Ethics Committee. Recommendations are due by November 30.

The only requirement for serving on the committee, other than character, is that members either live or work in Camden County. Attorneys must be admitted to practice at least five years as of September 1, 2010.

If you are interested in being recommended to sit on the District IV Ethics Committee, or wish to nominate someone for a seat on the committee, call or email Kathy at Bar Headquarters for a nomination form, 856.482.0620 or [kmc@camdencountybar.org](mailto:kmc@camdencountybar.org)

## Christmas Breakfast & Party

*Sharing the Season with Deserving Kids*  
*Volunteers needed for very special event*

Since 1987, the Camden County Bar Foundation's Annual Children's Holiday Breakfast and Party has been a highlight of the Holiday Season for hundreds of less fortunate children, from infants to young teens, who are treated to a magical day of food, fun,

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## The Docket November 2009

**Tuesday, November 10<sup>th</sup>**  
*Young Lawyer Committee Meeting*  
Noon, Bar Headquarters

*Elder Law & Disability Committee Luncheon (1<sup>st</sup> in Series)*  
Noon, The Tap Room, Haddon Township

Bar Foundation Trustees Meeting  
4 pm, Bar Headquarters

*Association Executive Committee Meeting*  
5:30 pm, Bar Headquarters

**Thursday, November 12<sup>th</sup>**  
*Commercial Debtor/Creditor Relations Committee Meeting*  
7:45 am, Bar Headquarters

**Monday, November 16<sup>th</sup>**  
*Interplay between Bankruptcy & Family Law Seminar*  
4 – 6:15 pm, The Mansion, Voorhees

**Tuesday, November 17<sup>th</sup>**  
*Starting Your Own Firm Seminar*  
4 – 6:15 pm, The Coastline, Cherry Hill

*Fall Frolic '09*  
6 – 8 pm, The Coastline, Cherry Hill

**Wednesday, November 18<sup>th</sup>**  
*Elder Law & Disability Committee Luncheon (2<sup>nd</sup> in Series)*  
Noon, The Tap Room, Haddon Township

*Association Board of Trustees Meeting*  
5 pm, Bar Headquarters

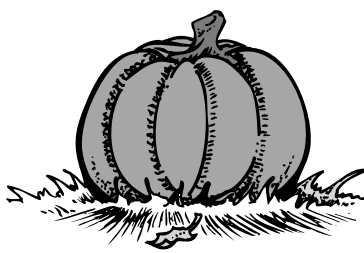
**Thursday, November 19<sup>th</sup>**  
*Becoming a Rainmaker Seminar*  
4 pm – 6pm, The Mansion, Voorhees

*Criminal Practice Committee Meeting*  
3 pm, Hall of Justice, Courtroom 36

**Friday, November 20<sup>th</sup>**  
*Social Security Committee Meeting*  
Noon, Bar Headquarters

**Monday, November 23<sup>rd</sup>**  
*Introduction to Municipal Court Practice Seminar*  
4 – 6:15 pm, The Mansion, Voorhees

**Monday, November 30<sup>th</sup>**  
*UM/UILM Seminar*  
4 – 6:15 pm, The Mansion, Voorhees



**Tentative agenda  
for November 18, Trustees Meeting**  
A tentative agenda for this month's regular Board of Trustees meeting follows. The meeting will begin at 4 p.m., at Bar Headquarters in Cherry Hill. All meetings are open to the membership. Anyone interested in attending should notify and confirm their attendance by calling Bar Headquarters at 856.482.0620.

- I.** Call to Order
- II.** Minutes from Board Meeting of 10.21.09
- III.** Treasurer's Report
- IV.** President's Report
- V.** Executive Director's Report
- VI.** Membership Committee Report
- VII.** Young Lawyer Committee Report
- VIII.** Standing Committee Reports
- IX.** Foundation Update
- X.** NJSBA Update
- XI.** New Business (if any)
- XII.** Old Business
- XIII.** Adjourn



## The Barrister

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## At A Glance

### November

#### November 16: Interplay Between Bankruptcy & Family Law

In these difficult times, so often economic distress is accompanied by marital issues. The areas of overlap between the bankruptcy practice and the matrimonial practice are many and are frequently misunderstood. The CCBA's Commercial Debtor/Creditor and Family Law Committees are pleased to jointly sponsor a program to address issues relative to the interplay of bankruptcy and matrimonial law such as the impact of the automatic stay upon support, equitable distribution and counsel fee obligations, the impact of the bankruptcy Trustee's abandonment of a claim upon parties to a pending divorce action, the dischargeability of equitable distribution and counsel fees obligations, and much more.

Join our panel of experts for up to date information on this very timely topic.

#### November 17: Starting Your Own Practice

You have made a life decision to start your own practice. Whether you are going after it alone or you are starting with partners, protecting your practice and your assets through insurance seems like a jumbled maze of foreign information. Where do I start? What do I need? How much do I need? What should I budget? These questions are not that uncommon for the new firm.

This seminar, sponsored and presented by CCBA Partner in Progress USI Affinity, will provide a roadmap through the maze of these questions. A panel of experts from USI Affinity will be on hand to educate you on the process, tell you where to go for help and answer your questions. In fact, this seminar will be valuable to any firm who just wants to understand the process better whether new or established.

#### November 19: Becoming a Rainmaker

Want to discover how top attorneys are "recession proofing" their law firm and growing in a tough economy?

Want to learn how to apply proven internet marketing and social media strategies to drive more business to your practice?

If you answered yes to either one of these questions, this seminar, co-sponsored with the NJSBA and the Rainmaker Institute, will give you the tips and information you need to successfully market your practice.

#### November 23: Introduction to Municipal Court Practice

The Camden County Bar Association's upcoming seminar, "Overview of Municipal Court Practice" is scheduled for November 23, 2009 from 4:00-6:00 at the Mansion. The speakers will provide practical tips for representing clients in all stages of a municipal court case, from initial demand for discovery to trial tactics.

The seminar will include a comprehensive review of the new municipal court rules and case law. The speakers will discuss how to successfully file and argue various motions such as a motion to suppress, motion for post conviction relief and motion to dismiss for failure to comply with discovery requests.

Finally, the seminar will address various defenses that should be raised in municipal court, such as the defendant was not advised of the right to Independent Chemical Testing (*State v. Howard*), as well as provide valuable advice on how to effectively preserve your clients' rights for appeal.

#### November 30: UM/UIIM

Ever been confused by a complicated UM/UIIM claim? Well, join the club . . . the CCBA's upcoming CLE "club" that is, for an enlightening seminar on various topics in the UM/UIIM realm. Back by popular demand, this seminar (last offered in March 2008) will provide an in-depth analysis of coverage issues, UIM claims strategies, and situations involving bad faith and pre-judgment interest from the perspectives of both the plaintiff and the defense.

This is a must-attend seminar for any attorney who handles motor vehicle claims anywhere in New Jersey. Our presenters have over 30 years of combined experience handling UM/UIIM claims in the South Jersey legal community, and they will provide an informative and easy to understand tutorial on New Jersey's UM/UIIM law.

Don't let UM/UIIM issues scare you away from being an effective lawyer. Attend this seminar and learn! If that doesn't entice you to register, perhaps the reciprocal PA CLE credits will be enough to get you seated for this can't-miss seminar.

#### CLE Materials:

Seminar materials are available in three formats: compact disk, email or paper packets. To assist the CCBA in its efforts to control costs and respect the environment, it is strongly suggested that seminar participants request materials either on a compact disk or via an emailed pdf.

#### CLE Payment Policy:

Seminar registration fees must be paid by cash, check or credit card, prior to the seminar. Anyone who must be billed will be charged an additional \$25 to cover the administrative costs associated with billing. Seminar presenters are also responsible for paying the Pennsylvania CLE credit fees. This policy applies to both pre-registrants and walk-ins.

#### CLE Financial Hardship Policy:

The Continuing Legal Education Committee of the Camden County Bar Association may, at its discretion, waive the course fee for any attorney, member or non-member, who wishes to attend an Association seminar, but for whom the cost would be a financial hardship.

Requests for tuition waiver will not be accepted at the door. Requests for tuition waiver, along with an explanation of hardship, must be received in writing at least 10 days before the seminar via FAX to 856.482.0637.

The payment of Pennsylvania Credit Fees is the responsibility of the attorney

#### CLE Cancellation Policy:

Full refunds will be given to registrants whose cancellations are received at least 48 hours before the program begins. No refunds will be granted thereafter.

Substitute attendees, however, are welcome to attend. Pay at the door registrants are held to the same policy as prepaid registrants, and will be invoiced if cancellation is not properly received. Seminar materials will be provided to registrants who do not attend.

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## NJSBA REPORT – Kudos To The Court

by Arnold N. Fishman

In last month's article, I was critical of the New Jersey Supreme Court for the way it treats attorneys. (At a Minimum The Barrister Oct. 2009) This month, I would like to compliment the Court for the way it treats the public, which, after all, is its true constituency. Recently, in State v. Pena-Flores, 198 N.J.6 (2009), the Court declined to remove the element of exigency from the requirements for a warrantless search of an automobile. Had it done so, it would align New Jersey with the majority of jurisdictions, including the Federal Courts. Instead, our Court elevated a telephonically secured warrant to the same status as any other warrant. Now, all motor vehicle searches conducted when the motorist is stopped, even for a minor infraction, will be scrutinized closely as to the existence of exigency so as to excuse an electronic warrant. Law enforcement experienced a collective shudder. When you contemplate the number of warrantless seizures made, you can imagine a system overwhelmed by volume.

In the Pena-Flores opinion, the Court envisioned a diverse Task Force to grapple with the details.

..., we will establish a Task Force, including representatives of the Attorney General, the Prosecutors, the Public Defender, the defense bar, and the judiciary, to address the practical issues involved in obtaining telephonic and electronic warrants. The Task Force will study the telephonic and electronic warrant procedures and make practical suggestions to ensure that technology becomes a vibrant part of our process. That will include recommendations for uniform procedures (including forms), equipment, and training, along with an evaluation scheme once it is underway.

Thus was born the Electronic Search Warrant Committee. The AOC appointed the Honorable Richard Williams, former acting AOC Director, to be its Chair. I have the privilege of serving as one of the two members selected by the NJSBA. I am there, presumably, to view this process from the point of view of the Municipal Court practitioner. That is where I spend my life. From my point of view, it will make my living so much more difficult, but it is never the less the right thing to do.

In addition to State Troopers and attorneys, the Committee is heavy with judges - both trial and appellate. We have met and broken down into three subcommittees dealing with: 1) Administrative Issues - what rules must be amended and what record(s) must be created for evidential and statistical purposes; 2) Human Resource Issues - to whom do you apply and before whom do you move to suppress; and 3) Technology Issues - the hardware, software, format, security, and retention questions. Each of these areas is fraught with problems. Those subcommittees have met and reported back to the Committee at large. Our next meeting is scheduled and our assignments are clear. Judge Williams is herding his cats so that a report will be forthcoming.

I think the Court is creating a scenario so that when this process is implemented, a search without a warrant will be so rare as to be legally insignificant. The impact of virtually all searches being under the auspices of a warrant is to reverse the burden of proof in most motions to suppress. The number of successful motions will

severely atrophy, but the number of applications will grow geometrically. The Court, anticipating the strain this flood of applications will have on our judiciary, has issued marching orders to its troops. The opinion answered the State's argument "that, in reality, obtaining such a warrant is a difficult and time consuming effort, in the main because judges are not always instantly available, by saying [t]here may be problems in developing an effective scheme to obtain warrants electronically or telephonically, but quick access to a judge should not be one of them." In saying this, the Justices have made clear their commitment to the public even at the expense of their fellow judges. Our Court seems to be leading the way to a future where, at long last, a neutral judicial officer will be firmly positioned between the state and the individual. This is the basic promise of the Fourth Amendment. It might be a bumpy road, but getting there has got to be worth the journey.

Kudos to the Court!

The following is a summary of actions taken at the September 18, 2009 meeting of the New Jersey State Bar Association Board of Trustees at the New Jersey Law Center in New Brunswick. This summary does not constitute official minutes.

### Lawyers in Transition

Nearly 70 people attended the New Jersey State Bar Association's "Suddenly Solo" event for lawyers in transition. The event was a successful start to efforts to reach attorneys struggling due to the economy. Another event will be held in December in Livingston in conjunction with the Essex and Morris County Bar Associations. The Association is looking for additional opportunities to sponsor the sessions around the state.

### Law Center Construction:

This month, work began on a \$6 million project to update and overhaul the 20-year-old New Brunswick building that serves as a focal point for the state's legal community and residents in search of guidance on legal issues. Open since 1987, the facility now serves over 15,000 residents and 25,000 lawyers each year. It is also home to a half-dozen organizations that are central to the state's legal community. When complete next spring, the Law Center will be outfitted with state-of-the-art communications technologies; hotel-style workstations for visitors; videoconferencing in all conference rooms capable of showing live and archived broadcasts of educational seminars via the Internet; and have a mock courtroom

### Meeting with Attorney General:

Association executives will meet with New Jersey Attorney General Anne Milgram at the end of the month to discuss matters of interest.

### Social Media:

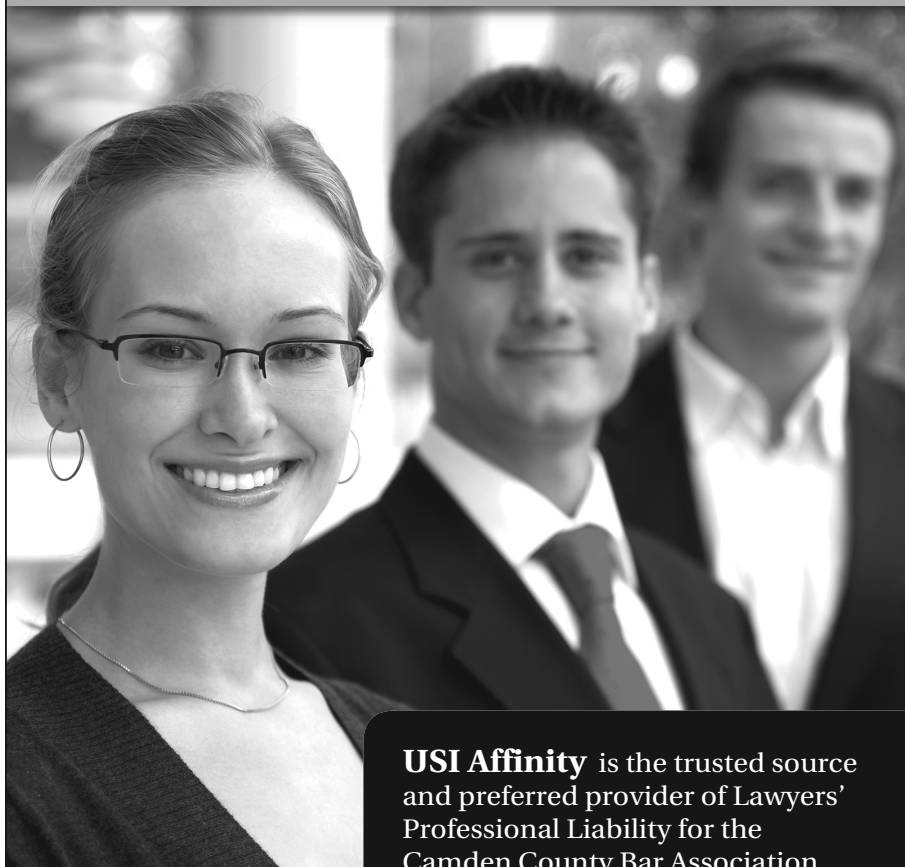
The Association continues to adopt social media tools to keep members informed. It now has a Facebook page, YouTube channel and Twitter account.

### Ethics 20/20:

President-Elect Richard Steen attended the American Bar Association Annual Meeting in Chicago this summer and reported a commission was established to examine ethics issues, dubbed Ethics 20/20. Early reports are that multidisciplinary practice will be a focus of the committee. The Association strenuously opposed the concept when it was raised several years ago, and stands ready to get involved when the issue is renewed.

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## Perceptions of Race and Gender in the Courts:

The Board voted to comment on the Supreme Court's Committee on Women in the Courts recent report on race and gender issues. The Board applauded efforts to keep the dialogue moving forward on this important issue, and urged the courts to create specific methods and deadlines to adopt changes suggested in the report and develop a way to evaluate progress.

## Amicus Matters:

The Board of Trustees voted to participate in *Stengart v. Loving Care*, focusing on the issue of maintaining the attorney-client relationship as sacrosanct.

## By-laws Change:

The Board granted permission to the Family Law Section to change its mission statement to reflect its role as a statewide leader on issues facing families.

## Mid-Year Meeting:

The Mid-Year Meeting in San Francisco begins Nov. 3. All of the programming is now set and participants can earn up to six continuing legal education credits. The Board adopted a formal policy for reduced pricing for judges to attend the Association's Annual and Mid-Year Meetings.

## Judicial Vacancies:

As of Sept. 1, there are 34 vacancies in the state courts.

## Ethics Volunteer Program:

The state Office of Attorney Ethics is starting a pilot program aimed at resolving complex cases, in the event of a backlog. It is a two-phase program that places experienced attorney volunteers, primarily those with experience in the criminal justice system, with successful district ethics committees to learn the process. Attorneys who continue to the second phase will have primary oversight responsibility for certain non-financial complex cases.

## Upcoming Events:

President Allen A. Etish will attend State Bar nights at several county bar associations, including those in Burlington, Passaic and Cumberland counties. In addition, the Association is holding a member reception on Oct. 1. The Board also agreed the Association would cosponsor the upcoming events, "Pathways to the Judiciary" and the "Annual Minority Judges Reception."

## New Member Benefits:

The Board voted in favor of new member benefit programs offering discounts on subscriptions to NJ Biz newspaper, IKON document processing and copier equipment and service, and Nets and NJ Devils tickets.



**HOT OFF THE PRESS** by William Tabalsky

NJ Courts do not exercise exclusive jurisdiction over question of whether separate arbitration proceedings are to be consolidated

**Horton v. DeLuca**

Plaintiff Horton owned a condominium development in Cherry Hill. Defendant JJ DeLuca is a construction manager and general contractor. Their written contract provided for American Arbitration Association dispute resolution. DeLuca hired subcontractors. These written subcontracts also provided for mandatory AAA arbitration of disputes between GC DeLuca and the various subcontractors.

Horton terminated DeLuca's contract. DeLuca then initiated an arbitration claim against Horton for non-payment with the AAA, Construction Rules. Horton counterclaimed for improper construction. DeLuca responded, and also initiated a separate AAA arbitration against the subcontractors for contribution and indemnification. The subject matter of Horton's counterclaims and DeLuca's separate claims were substantially the same. Rule 7 of the American Arbitration Construction Rules provides that the AAA may consolidate "related" arbitrations where permitted by the law or the agreement of the parties. If the parties do not agree, the AAA will appoint a separate single arbitrator to rule on the issue. In this case, DeLuca made an application for consolidation. The AAA appointed a separate arbitrator to rule on the application, and the day before the ruling was due, Horton filed a Complaint in Burlington County General Equity, before Presiding Judge Hogan, seeking preliminary and final injunctive relief to bar DeLuca from seeking consolidation of the arbitrations from the American

Arbitration Association. Horton's argument relied entirely on N.J.S.A. 2A:23B-10 and inferences therefrom. The relevant portion of the statute provides:

a. Except as otherwise provided in subsection (c.) of this section, upon application of a party to an agreement to arbitrate or to an arbitration proceeding, the Court may order consolidation of separate arbitration proceedings as to all or some of the claims...

Various conditions to this judicial authority are then specified. No where does the statute specify that the arbitrators themselves have this power.<sup>1</sup>

DeLuca argued that nowhere does section 10 forbid remand to the arbitral forum. Moreover, section 10 is not one of those provisions which is explicitly made non-waivable by statute. Comment 3 to section 10 of the Uniform Arbitration Act suggests that vesting statutory jurisdiction in the courts over the consolidation issues does not necessarily imply removal of all concurrent jurisdiction from the arbitral forum. Finally, there is the strong preference for arbitration codified in N.J.S.A. 2A:23B-6 and all the old chestnuts.

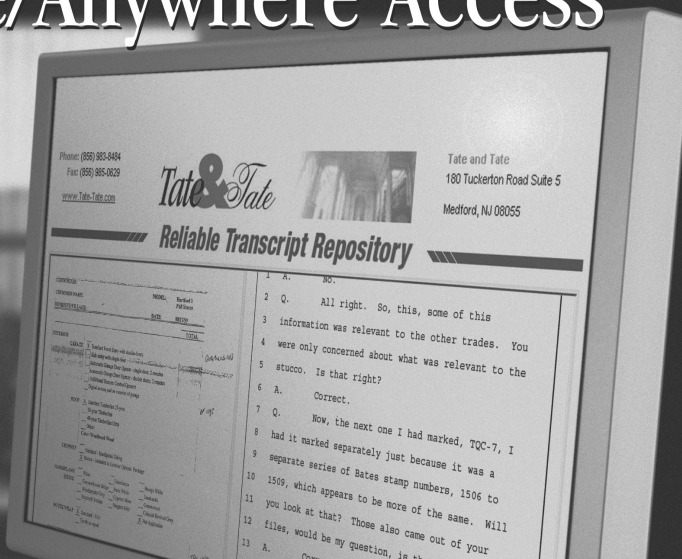
Judge Hogan sided with DeLuca, and held that section 10 of the New Jersey Arbitration Act did not preclude the American Arbitration Association from deciding whether two arbitrations properly before it might properly be consolidated under its Construction Rule 7. Since

the entire controversy turned upon the interpretation of N.J.S.A. 2A:23B-10, Judge Hogan dismissed the Verified Complaint with prejudice.

The Appellate Division affirmed October 21, 2009, essentially for the reasons cited in the well-reasoned opinion of Judge Hogan. 2009 N.J. Super Lexis 228, A-1041-08T2.

1 At the time of Judge Hogan's decision on October 6, 2008, there were no published decisions that addressed this question. On October 21, 2008, Biber Partnership, P.C. v. Diamond Hill Joint Venture, LLC, 404 N.J. Super. 96 (App. Div.) addressed the factors which should govern the court's discretion, but not the question of whether the court or the arbitral forum should be making the decision.

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*The Barrister*



## Marketing Matters

### Start Marketing on Day One: What Associates Need to Know First of Two-Part Series

By Kimberly Alford Rice

Graduating law students have completed their rigorous training, taken and passed the bar exam, and begun their first “real” job as a new associate attorney. Now is the time to begin developing key behaviors and ways of thinking which will prove essential to their success as a lawyer. Key areas are in business development and marketing. Starting on day one, new lawyers can sow rich seeds for their professional futures.

Practicing law in a highly competitive, quickly changing, and 24/7 global economy, lawyers no longer have the luxury of simply being a smart and skilled legal practitioner. Lawyers who genuinely desire to succeed recognize this reality and are prepared to take bold steps early in their careers to learn how to become self sustaining in their practices and develop their own clients.

Below are the first six of twelve initiatives new lawyers may take to building a healthy client roster:

**Cultivate a helpful spirit, or service attitude.** That is, genuinely having the desire to help others whether or not it will benefit you directly. When interacting with others, turn on your radar for ways to help in some small, meaningful way; this mindset will help you learn what it means to be of (client) service. Developing this positive behavior will go a long way in nurturing long-lasting relationships. It takes a conscious effort on your part

to create this new discipline.

**Develop a “marketing mindset”** in all aspects of your life, everyday. Adjoining a service attitude, developing a marketing mindset involves proactively looking for ways to increase your visibility among “target audiences,” build your credibility and reputation, and incorporate various marketing activities into your routine. Instead of thinking you must take off your lawyer hat to put on your marketing hat, combine them into one. Invite a former law school classmate who just started at a firm across town to a ballgame, an art exhibit, or some other activity you enjoy. While you root for your team, learn about your friend’s firm and the areas of law she/he handles.

The more you train yourself to think strategically about everyday activities as prospective business development opportunities, the more you will create those opportunities. It often starts with the “giving to get” service attitude.

**Get and stay connected.** Starting with law school classmates, find software to help you organize and build a contact list. It is critical to your success to foster these contacts. Presumably, your schoolmates are now employed in private practice, in government positions, in corporate in-house counsel positions, or even non-profit positions.

Maintaining an ongoing relationship provides the opportunity to not only nurture longstanding relationships but also for prospective business development opportunities when your friend’s firm/company is unable to handle a matter, for whatever reason.

Include former clerkship colleagues (including the judges), internship, friends and family, law professors, client contacts with whom you regularly work, and anyone else with whom you should maintain contact.

Craft a “**30-second commercial or elevator pitch**” of who you are and precisely what you do. Consider the “commercial” as a way to quickly and succinctly communicate your personal brand.

Avoid stating “I’m a xx lawyer.” That is your job title, not who you are in total. Start with “My name is x and I help x.” If you practice delivering your commercial frequently, you will be surprised at how natural it will become.

**Develop New Relationships.** Take advantage of every opportunity to meet new people. Make a point of having lunch with a colleague in another practice area (including partners) once a week. Volunteer to help out wherever your talents and skills would be best suited. Possibilities include speaking with summer associates or researching and writing articles for a firm newsletter.

Focusing externally, become active in an organization. Often, chambers of commerce have young professional programs for those just starting out. Local bar associations have young lawyer divisions for that same purpose. Check these out and develop friendships. It will help take the edge off much of the uncertainty and stress of being a new lawyer.

**Create and maintain a professional biographical profile.** A biographical profile is used to describe your credentials and legal focus. Profiles are used on law firm websites, in promotional materials, in proposal packages, and are a useful way to provide a sense of how you are building your career. While it may be early to actually declare a law concentration, it is useful to at least identify a general area of law in which you are interested (i.e. general litigation or commercial real estate). It can always change as you move forward.

It is important to update the profile (in print as well as online) often as you develop experience and become more active in business development activities such as publishing articles, presenting educational seminars, or becoming active in business, trade or legal groups.

In the second installment of this article, I will outline the remaining six practical steps new associates may take on their first day as a practicing lawyer to begin promoting and marketing themselves for a prosperous career.

*Kimberly Alford Rice is a CCBA member and principal of KLA Marketing Associates (www.klamarketing.net), a business development advisory firm focusing on legal services. As a veteran law marketer of twenty years, Kimberly has helped numerous law firms and hundred of lawyers develop critical business development and marketing strategies which lead to new clients and increased revenues*

*(This article is scheduled to appear in the November 23<sup>rd</sup> issue of the New Jersey Law Journal).*



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# WINE & FOOD

October 2009  
By Jim Hamilton



Last month, we discussed a few wines from the formidable Michael Skurnik Wines portfolio. I hope a wine or two piqued your interest and, just as importantly, you were able to find some at your favorite wine shop. As always, recommending wines being made available to the trade can be frustrating to readers whose favorite retailer may not have attended the tasting or did not find a wine sufficiently compelling to buy.

This month, I will feature a few wines I think may be of interest to you that come from the growing portfolio of David Bowler Wine. David Bowler began his wine distribution company in New York City in 2003 after working in wine retail and wholesale, including six years at Michael Skurnik Wines. I had the pleasure of sampling a bevy of wines from producers David represents, and found some value-priced wines that may (or may not) be ordered by area stores to fill the increasing need to inventory inexpensive, quality wines.

**2008 Sandy Cove Sauvignon Blanc** is made by the talented New Zealand winemaker, Allan Scott, for David Bowler to sell as a part of his private label collection. You may recall that this practice has been used to good effect by other quality conscious distributors to enable them to utilize their contacts to create good wines they can sell inexpensively (and presumably at a nice profit). The grapes for this wine come from the highly regarded Marlborough region located at the tip of New Zealand's south island. It offers prototypical New Zealand Sauvignon Blanc grapefruit and grassy herbs, but in a ripe style that is rounder than many while retaining the penetrating attack that you may seek from this type of wine.

A quality winemaker from France's Alsace region, Bernard Schoffit, produces many wines desired by aficionados of Riesling, Gewurztraminer and Pinot Gris, the three grape stars of the region. However, he also fashions one of the best wines made from the relatively obscure Chasselas grape variety. The **2008 Schoffit Chasselas Vieilles Vignes** is exuberantly fruity and slightly off-dry, with a bounty of ripe white fruit flavors that compensate with their juiciness for the wine's simple structure. It is an uncomplicated, easy

drinking wine that invites tasters to guess the varietal.

If your experience with Beaujolais is the once eagerly awaited arrival of nouveau wine, you might be surprised how different Beaujolais can be when made by good winemakers with grapes grown in vineyards within one of the ten "cru," or top villages. Some of the more expressive Beaujolais comes from Moulin à Vent (one of the ten "cru"), as exemplified by **2006 Barbet Domaine Grand Moulin**. The wine offers a medium body of strawberry fruit supported by healthy acidity. It is not dense or complex, but if you are looking for an easy going red wine that won't distract you with its tannins, this would be a nice choice. If you prefer a more powerful wine, consider **2007 Domaine du Vissoux Pierre-Marie Chermette Brouilly**. This wine features dark, plummy fruit and a core of loam that is downright bulky as Beaujolais goes. This is an estate that has been a leader in carving out room for small artisans in a region dominated by large houses like that built by the king of Beaujolais, George Duboeuf.

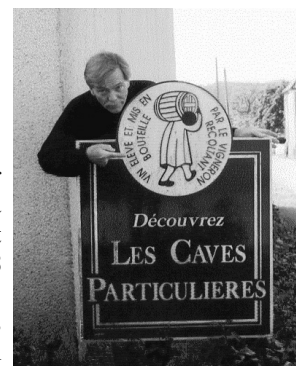
Another meaty wine with the same earthy profile is **2006 Domaine de la tour du Bon Bandol Revolution**. The Bandol wine region is gloriously situated in southern France in the hills overlooking the Mediterranean Sea. Bandol wines are made using the very sturdy Mourvedre grape. Most require cellaring to enable the tannins to come into balance with the fruit. This wine may be considered a baby Bandol, since it blends Grenache, Cinsault and Carignan grapes with a relatively modest 55% of Mourvedre. The wine still flexes Mourvedre muscles, and it also displays that underbrush nuance one finds in wines from southern France. However, there already is a heart of red fruit present that likely will emerge with more flesh as the wine opens in the glass.

If you are a fan of Spanish Garnacha, and find the cost of some of your favorites has risen in

price beyond your comfort level, a wine that may fit the bill is **2008 Masia D Bielsa**. This wine screams Garnacha, with fruit suggesting small, dark berries that have been heavily dusted with cocoa. A touch of coffee grind underlies what ultimately is a large framed, fruit-driven wine.

Finally, staying in the bargain hunter's paradise of Spain, **2008 Clos de Noi Vinyes Velles** is a wine from the Montsant region which cozies up to and around the more famous Priorat wine region. While many Priorat wines have risen dramatically in price, Montsant has yet to fully emerge from its more famous sibling's shadow, and thus typically offers more value. This wine is made from old vine Carignan grapes, and offers distinctive boysenberry, plums and black cherry fruit. There is a mocha overlay to the fruit which adds further interest to a wine that is both solid and well-balanced.

I have avoided the temptation to suggest turkey friendly wines, since it is a topic well-covered by newspaper wine writers, but I hope your Thanksgiving table features all of your favorite foods, faces, traditions and, yes, wines.



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## President's Perspective



This is our second edition of the Barrister in its new format. As with any change, there were some bumps in the road along the way. Many of you may have noticed the late delivery of the October Barrister. On behalf of the Association, I truly apologize for any inconvenience. On a positive note, the late delivery of October Barrister let the Association know two things: one, that an overwhelming number of members truly look forward to getting the Barrister and when it's late, they let us know it; and

two, the Barrister's new format is a hit. Overwhelmingly, our members love the magazine format. Some said it would never get here. Others said it was coming last year or next year. Finally, mandatory continuing legal education or "MCLE" is "almost" here. On October 8, 2009, the New Jersey Supreme Court released a proposed rule 1:42-1. This rule will require 24 hours of CLE credit over a two year period, with a requirement that four of the credits be related to ethics issues. While there still may be changes to the court rule and endless questions regarding the MCLE requirement, one thing has not changed, the best place to get Continuing Legal Education is the Camden County Bar Association.

Our Lawyers in Transition Committee held its first meeting on October 15<sup>th</sup> at Bar Association headquarters. Participants learned effective techniques to manage their careers while looking for a new job. This is a bittersweet report for me. While I am thrilled that the Bar Association is a needed and effective resource for those attorneys in need of help in finding employment, I am equally saddened that any of our members are unemployed or underemployed. Hopefully with the continued success of this program our members will no longer need the Lawyers in Transition Program, but will always see the value of CCBA membership.

It was a particular honor for me to attend two very special events in the month of October. First, I had the pleasure of welcoming members of the Federal Bar to the Gerry Award Dinner. Tom Curtin, a friend and mentor of mine, received the award this year. Attendance at the Gerry Award Dinner was in excess of 150 guests. A special thank you to Gerry Award Committee chair, Steve Orlofsky, who, once again, ensured this program's success.

I also had the distinct pleasure of being with Joe McCormick when he received Camden County's Professional Lawyer of the Year Award from the New Jersey Commission on Professionalism in the Law. Joe was fortunate enough to have his wife and children with him at this event. I am very proud of Joe and after working with him last year, I am convinced that he is deserving of this honor.

Looking forward, if you have not already purchased your tickets for the Fall Frolic you should do so right away. This event benefits the Camden County Bar Foundation and ALL of the proceeds from go directly to fund the Public Benefits Committee's annual Christmas Breakfast and Party at the Coastline on December 5<sup>th</sup>. Tickets are only \$15 and can be purchased by contacting Bar Headquarters. While this is a great

### Not New Just Improved

By Richard A. DeMichele, Jr.

cause to support it is also an excellent opportunity to network with hundreds of attorneys in Camden County. I look forward to seeing everyone at the Fall Frolic.

While I know even the shopping center Santa decorations are seemingly a long time away, I am pleased to announce our annual Holiday party venue has been selected. This year, we will be celebrating the Holiday Season at the Mansion in Voorhees. Please join us on Monday, December 14<sup>th</sup> for our annual holiday celebration. For those who may be wondering, our Holiday party does not conflict with an Eagles Monday Night Football game and this event will be sold out. Remember, the Holiday Party is limited to members and their significant others. If you have not already made your reservation, you should do so today using the Holiday Party insert in this month's Barrister.



The recent CCBA seminar "Medicare, Medicaid & Governmental Liens in the Settlement Process" attracted nearly 100 participants for this very finely topic. (l-r) Moderator/Presenter Carl Ahrens Price, Esq., with Price & Price; Christine L. Hummel, Esq., President, Hummel Consultation Services in Rye, New Hampshire; and Robert F. Brogan, Esq., Chairperson, NJSBA Elder Law Section.



Members and friends of the Young Lawyer's Committee (YLC) visited families at Camden's Anna Sample House on Saturday, October 24, to throw the annual YLC Halloween Party. The children and parents alike were excited to hang out and eat pizza and candy, dance to some spooky songs, and dress up like mummies. Thanks to the volunteers and to Penn Pizza Palace (1 S. Broadway in Camden, 856-757-0055) who provided the pizza at a discount. (l-r) Kimberly Rice, Tim Rice, Austin DuBois, Adam Gersh & Bill Cook. Not pictured, Jennifer Hampton, Rachel & Jamison Licausi.

## Picture Perfect Fall Weather Greets Golfers at Annual Autumn Scramble

The CCBF's Annual Autumn Scramble has raised more than \$150,000 in its 17-year history to help support the Foundation's many community service programs. Many thanks to co-chairpersons Brenda Lee Eutsler and Alan Schwalbe. After a three year sabbatical, the Scramble returned to the beautiful and challenging Scotland Run Golf Club, recognized as one of the top 100 public golf courses in the country.

Special thanks go out to Legal Eagle Ball Sponsor Brown & Connery; Cart Sponsor Summit Court Reporting; Prize & Player snack bag sponsor, CCBA Partner in Progress, Tate & Tate Court Reporters; Sweet treats sponsor Ken Landis Tax Solutions; all of our hole sponsors and our golfers. Another successful outing because of YOU!

(l to r) First place team: Jerry Poslusny & Art Abramowitz and Hal Cohen & Frank Tedesco (not pictured).



(l to r) Second place team: Joe Bernardino, Bob Dintino, Tom Hagner & Larry LaMaina.



(l to r) Third place team: Rafael Haciski, and from USI Affinity, A CCBA Partner in Progress, Chuck Robertson, Steve Chaloult & Dennis McGee.



(l to r) Michael Fekete, Bruce Zamost, Jenifer Fowler & Linda Toogood



Baskets & balls galore for the lucky winners!



(l to r) Ladies & Men's Closest to Pin Winners Angela McEwin & Larry LaMaina

## A Very Deserving Recipient Receives the Gerry Award

Following a cocktail hour sponsored by Graham Curtin there was laughter, applause and a few well-placed barbs as guests and speakers gathered to honor Thomas R. Curtin, Esq. at the Bar Foundation's annual Judge John F. Gerry Award Dinner at the Westin Hotel in Mt. Laurel. The Gerry Award is presented in recognition of continuing outstanding contributions of a member of the Bar of the State of New Jersey or a member of the State or Federal Judiciary in New Jersey who exemplifies the spirit and humanitarianism that marked Judge Gerry's life and career.

CCBA President Rick DeMichele welcomes guest to the 14<sup>th</sup>



Gerry Committee Chair, Steve Orlofsky, introduces the 2009 recipient



Mrs. Jean Gerry presents the Judge John F. Gerry Award to Tom

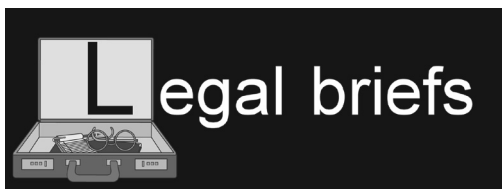
NJSBA President Allen Elish, Judge Michele Fox & Mark Oddo



Judge Katharine Hayden & Judge Jerome Simandle



Three deserving Law students from Rutgers School of Law, Camden each received a \$1,000 scholarship from the John F. Gerry Memorial Scholarship Fund. (l to r) Rick DeMichele, Andrew Linenberg, Mrs. Jean Gerry, Victoria Mercer, Matthew Sykes & Steve Orlofsky.



**Jeffrey S. Brenner, Esq.**, NJLPI, director of U.S. Operations for Intelysis Corp., an international firm providing corporate investigations, computer forensics and background checks, pertaining primarily to the prevention and detection of fraud and white collar crime, announced the new hire of **Christopher Luke** to assist legal clients' forensic investigations. As Digital Forensic Examiner, Luke is part of the firm's U.S. digital forensics team responsible for analyzing and producing electronic evidence in corporate fraud cases via forensic acquisition of data from computers, servers and other electronic equipment.

Luke previously served as the primary forensic analyst at Internet Crimes Group Inc. in Princeton. Prior he served as Rutgers University's computing manager for its School of Arts & Sciences. Formerly, Luke was an infrastructure specialist for the NASD (National Association of Securities Dealers) and NASDAQ (National Association of Securities Dealers Automated Quotations) of the American Stock Exchange.

**The Law Offices of Kevin M. Costello** has amended the firm name to **Costello & Mains, P.C.**

**The Law Office of Gigliotti & Bernstein, P.C.** has amended the firm name to **Gigliotti & Lehrfeld.**

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## Tax Planning

### Touching All The Bases For Vacation Home Rentals

By Martin H. Abo, CPA/ABV, CVA

It happens every fall. No, we're not talking about the baseball season coming to an end. Actually, we are referring to the questions about vacation home rentals that seem to pop up this time of year- either from those who recently "closed-up" their shore homes or those wishing they hadn't just missed another year of having one to use.

**CAUTION:** This is a complex area of the tax law. In brief, there are three basic rules for treating expenses and income in connection with vacation homes. It all depends on the number of days the home is rented versus the days that it is used for personal purposes.

When the personal use of the home exceeds the greater of 14 days or 10% of the days it actually is rented out, special limits apply. In this case, rental expenses-repairs, utilities, insurance, depreciation, and so on-are deductible only to the extent of gross income (less mortgage interest and property taxes attributable to rental use). And you cannot claim a loss on the rental, while net income in excess of expenses is taxable.

When the vacation home is rented out for less than 15 days during the year, there are no tax ramifications. In other words, you don't recognize rental income for tax purposes or deduct rental expense either.

For example, say you rent a beach house in Longport. You and your family use the beach house most of the summer. Then you rent out the place the two weeks after Labor Day. In effect, all of the rental income is tax-free.

**Note:** You still can claim those itemized deductions you would be entitled to if you did not rent at all. That includes mortgage interest (possible subject to certain limitations) and property taxes.

When your personal use of the home does not exceed the greater of 14 days or 10% of the days the home is rented out, the special limits do not apply. All expenses attributable to the rental are deductible - even if you show a loss. Caveat: the amount of the loss may be limited by the passive loss rules (more on this later).

What constitutes a "personal use day" for these purposes? Any day that the home is used by an owner of the family (or family member), someone who pays less than a fair market rental or someone who uses the home under a barter or exchange agreement-even if a fair rental is paid. The amount of time spent at the vacation home doesn't matter. For instance, if you use the home for just one hour, the whole day is considered a personal use day.

However, a day won't count as a personal day if you spend the time cleaning up or fixing up the place. And that's true if even if the rest of the family comes along just for the ride.

How do the passive loss rules affect things? In general, losses from so-called passive activities can only be used to offset income from passive activities. The rental activity of your vacation home, by its very nature, will be considered a passive activity.

But there's still a way to get around the rules. If you "actively participate" in the rental activity, you can use up to \$25,000 of loss to offset non-passive income, such as salary. The \$25,000 offset is available in full if your adjusted gross income (AGI) is below \$100,000. It is phased out until it completely disappears for an AGI above \$150,000.

What constitutes active participation? The requirement can be satisfied by regular, continuous and substantial involvement in the rental activity. Examples: participation in management decisions (such as approving new tenants), arranging repairs, deciding on rental terms, etc. In order to qualify under this exception, you must own at least a 10% interest in the property.

**Note:** The passive loss rules do not come into play at all if your personal use exceeds the 14 days/10% mark. Reason: you can't deduct a loss anyway.

There's more to these complicated rules than first meets the eye. For instance, you generally have to allocate vacation home expenses between personal and rental use. In addition, limits on mortgage interest deductions may apply. Your well advised to confer with your tax advisor who can provide specific guidance for your situation.

The above article was retrieved from the newsletter of Abo and Company, LLC, Certified Public Accountants - Litigation & Forensic Consultants - a CCBA Partner in Progress. With offices in Voorhees, NJ and Morrisville, PA you can check them out at [www.aboandcompany.com](http://www.aboandcompany.com) or by calling 856-489-5559 for their newsletters or updates.

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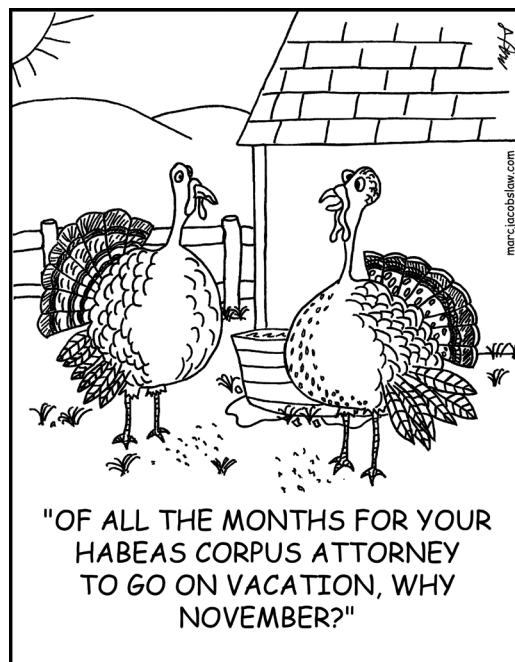
### **Christmas Breakfast & Party** (continued from page 1)

gifts, and a visit with Santa. Once again, Chris Mourtos and his staff at the Coastline in Cherry Hill are opening their doors and hearts to host this special holiday tradition on Saturday December 5, from 9 a.m. to noon.

A cast of volunteer attorneys and judges will don elf costumes to serve a hot breakfast to our young friends, and lead a carol-sing to get everyone in the holiday spirit.

The children will also be treated to a magic show before Santa (a.k.a. U.S. District Court Senior Judge Joseph Rodriguez) and his sleigh full of goodies arrive. Every child will have a chance to tell Santa what they want for Christmas and then be sent off with a Polaroid photo and a wrapped gift.

No volunteer has ever been turned away from this incredible experience. If you are inspired to make a positive difference in the lives of those who need it most and you can spare several hours, please call or email Kathy at Bar Headquarters, 856.482.0620/[kmc@camden-countybar.org](mailto:kmc@camden-countybar.org).



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## VERDICTS IN THE COURT Superior Court of New Jersey

**VERDICT: No Cause (9/2/09)**

Judge: Robert G. Millenky, J.S.C.  
Plaintiff's Atty(s): David Burns, Esq.  
Defendant's Atty(s): Laurie Tilghman, Esq.  
Jury Trial  
L-5209-07

**VERDICT: No Cause (9/10/09)**

Judge: Michele M. Fox, Esq.  
Plaintiff's Atty(s): Carl D. Poplar, Esq.  
Defendant's Atty(s): L. Patrick Dacey, Esq.  
Jury Trial  
L-4412-05

**VERDICT: \$150,000 Damages to Plaintiff  
(Defendant Liability: 100%) (9/16/09)**

Judge: Ronald J. Freeman, J.S.C.  
Plaintiff's Atty(s): Gary Ginsberg, Esq.  
Defendant's Atty(s): Charles Reynolds, Esq. & David Blee, Esq.  
Jury Trial  
L-597-07

**VERDICT: No Cause (9/22/09)**

Judge: Michael T. Kassel, J.S.C.  
Plaintiff's Atty(s): Gregory Dibsie, Esq.  
Defendant's Atty(s): Lawrence Berger, Esq.  
Jury Trial  
L-3829-07

**VERDICT: No Cause (9/1/09)**

Judge: Michael T. Kassel, J.S.C.  
Plaintiff's Atty(s): Anthony Dimento, Esq.  
Defendant's Atty(s): Jill Teague, Esq.  
Jury Trial  
L-4158-07

**VERDICT: \$15,000 Damages to  
Plaintiff (Defendant Liability: 100%) (9/9/09)**

Judge: Louis R. Meloni, J.S.C.  
Plaintiff's Atty(s): John Underwood, Esq.  
Defendant's Atty(s): Alexa Nasta, Esq.  
Jury Trial  
DC-5131-08

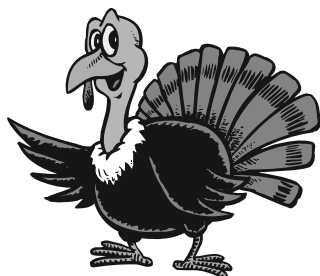
**VERDICT: No Cause (9/10/09)**

Judge: Michael J. Kassel, J.S.C.  
Plaintiff's Atty(s): William Campanale, Esq.  
Defendant's Atty(s): Murianda Ruffin, Esq.  
Jury Trial  
L-1625-07

**VERDICT: No Cause (9/18/09)**

Judge: Frederick J. Schuck, J.S.C.  
Plaintiff's Atty(s): Adam Davis, Esq.  
Defendant's Atty(s): Kristyn Angermeier, Esq.  
Jury Trial  
L-5845-07

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## Abraham Lincoln – Lawyer By John Morelli

Part 3 of 3

### The railroads cause the legal business to boom

In the 1850s, the Illinois legislature chartered railroads, and many of them began construction. These events increased litigation over issues of right of way, stock subscriptions, fencing, and damages to real property. Lincoln generally supported the development of railroads all over the state, but that did not prevent him from opposing the railroad companies in the courtroom. It also did not prevent him from representing the same railroads that he had sued. He became involved in railroad litigation and represented individuals nearly as often as railroad corporations. The Illinois Central Railroad secured his legal services more often than any other railroad, and Lincoln subsequently opposed them in a few cases.

On the frontier, the railroads revolutionized transportation in Illinois. The Illinois Central Railroad established itself as an unpopular bully, damaging the property of landowners and killing livestock. As a politician, Lincoln received passes to travel on the railroad and Central Illinois needed his influences in political circles as well. Lincoln not only successfully represented the Central Illinois, but brought suit against it as well. Of course our modern day Rules of Professional Conduct were not in existence at that time and it was common for parties to switch sides. On the circuit he traveled, Lincoln would often serve as co-counsel with lawyers as well as in an adversarial relationship with those same attorneys in the same court session.

In a very significant case involving the assessment of taxes against Central Illinois, Lincoln was able to achieve a substantial reduction in that assessment. He initially submitted a bill of \$2,000.00

for his services which paled in comparison to the benefit the railroad achieved. When the Central Illinois balked at paying, Lincoln sought the advice of a colleague. He sent a new bill for \$5000 which the Central Illinois refused to pay. Lincoln sued the railroad and received the full amount from the railroad after a jury trial.

Lincoln maintained one of the largest appellate practices in the state. Attorneys living in counties far away from Springfield often referred their Illinois Supreme Court cases to Lincoln.

His residence in the state capital helped him build a strong appellate practice. Lincoln continued to handle a large number of cases before the Illinois Supreme Court during the first few years of his partnership with Herndon. After 1849, the Illinois Supreme Court held court at three different locations—Ottawa, Springfield and Mt. Vernon. Lincoln maintained his appellate practice in Springfield and occasionally traveled to Ottawa for a Supreme Court session. During his twenty-five year law practice, Lincoln and his partners handled 411 cases before the state's highest court. In 1855, a patent case involving the rights to a mechanical reaper for harvesting attracted national attention. Because the case was to be tried in federal court in Chicago, Illinois, the defense sought a prominent local lawyer to appear with the out of state lawyers. Lincoln was given a \$500.00 retainer and invited to join the defense team with the promise of a substantial fee if the defense was successful. Also on the defense team was Pittsburgh lawyer Edwin M.

Stanton, who was to be Lincoln's future Secretary of War and who was well known nationally at the time.

Lincoln went to great lengths in his preparation of the case traveling to the factory to

become familiar with the operation of the reaper. Just prior to trial, the case was transferred from Chicago to Cincinnati. Stanton and the other lawyers on the defense team encountered the tall, gangly Springfield lawyer and refused to walk to the Courthouse with Lincoln. The lengthy brief that Lincoln had prepared was never opened and he was frozen out of all participation in the case. The defense team did not even invite Lincoln to join them for the meals at the hotel. Judge John McLean entertained all the lawyers at a dinner at his home, but Lincoln was not invited.

Lincoln felt humiliated but he did not leave Cincinnati. He attended the entire trial, as a spectator. When the defense prevailed, Lincoln was sent a check for

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## Abraham Lincoln – Lawyer

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his participation, which he returned, saying he had no right to the fee. The fee check was sent back to him with a note that Lincoln had earned it by his preparation. This time he cashed the check.

Rather than be bitter by the treatment he received, Lincoln remarked on the quality of the lawyers he had seen and the fact that he had "a lot to learn". While he admitted to his partner, Herndon, that he had been "roughly handled by that man Stanton", he bore no grudge. When Simon Cameron proved to be a disaster as Lincoln's Secretary of War, Lincoln appointed Stanton to the post. Stanton, who had served in President Buchanan's Cabinet, proved worthy and served honorably.

The expansion of the railroads in the west collided with the river interests and Mississippi transportation. In 1856, a river boat collided with a railroad bridge, sinking the ship, causing the wooden trusses on the bridge to catch fire and the collapsing the bridge into the Mississippi. The lawsuit brought by the owner of the boat against the Rock Island Railway brought into focus the battle between the east-west railroad interests versus the north-south riverboat interests. Norman Judd, general counsel for Rock Island Railway, who had opposed Lincoln's bid for the Senate in 1855 as a Democrat, had now become a Republican. He turned to Lincoln for this high profile case.

Lincoln's preparation was meticulous and extensive. The case was tried in Chicago with Supreme Court Associate Justice John McLean presiding. Judd and Lincoln countered the Plaintiff's case by calling six engineers about the safety of the bridge. Lincoln's closing focused on the rapid growth of the west and the need for an east-west railroad. He brought in a wooden model of the riverboat that had crashed to argue it was the boat pilot's carelessness that had caused the crash. The jury deadlocked, 9 to 3 in favor of the railroad bridge. Litigation would continue until 1862 when the U.S. Supreme Court ruled in favor of the bridge.

In 1857, "Duff" Armstrong, the 24 year old son of Jack Armstrong, was charged with murder. Jack Armstrong's wrestling match with Lincoln when Lincoln arrived in New Salem fresh from his father's farm is the subject of many legends. Jack Armstrong was known as the best wrestler in New Salem when Lincoln arrived. A match was soon scheduled between the local

champion and the strong tall stranger. Versions differ as to who won the match. One has Lincoln winning, another Armstrong after an illegal blow, and a third has it as a draw. Whatever the outcome, Lincoln gained the crowd's respect as well as Armstrong's. By the time his son was charged with murder, Armstrong was dead but his wife appealed to Lincoln for help.

The key witness, Charles Allen, swore that he clearly saw how the fight developed from a distance of thirty yards at eleven o'clock in the evening. Lincoln's cross-examination focused on getting Allen to repeat his claim that he had clearly seen what occurred. After locking the witness in to his answer, Lincoln brought out an almanac which indicated that the moon had already set before the fight ensued. Lincoln was allowed to make a personal appeal to the jury about "Duff" Armstrong's father's kindness to him. After the acquittal, Lincoln visited Duff's mother where he told her there was no fee for his services.

In November 1860, Lincoln won the election for the presidency over his political rival Stephen A. Douglas and two other candidates. During the winter, Lincoln wrapped up his legal business and left for Washington in February 1861. According to Herndon's biography, Lincoln wanted the partnership sign to hang undisturbed and "give our clients to understand that the election of a President makes no change in the firm of Lincoln and Herndon." He told Herndon that if he returned he wanted to resume their practice of law "as if nothing had ever happened."

Lincoln used meticulous preparation for his cases. He sought out expert testimony when necessary and used techniques of cross examination that modern day attorneys use as well such as impeachment by contradictory documents.

He was able to use things such as personal appeals to the jury, questions that were arguments and not questions that are not permitted under our modern jurisprudence. He used the tools that were permitted at the time and he used them well to appeal to frontier juries.

Lincoln's practice encompassed the routine things a prairie lawyer did, such as the drafting of deeds and the handling of collection cases, but he also

represented large corporate interests as well. He knew that fees were important and he represented those that could pay for his services while performing pro bono services for those in need. While he was regarded as one of the finest lawyers in Illinois and perhaps the nation, Lincoln knew his own limitations. He was well respected by his colleagues and by the public with a reputation that he earned through hard work.

For his time, and certainly in Illinois, Lincoln was a distinguished lawyer, at the top of his profession. He had achieved a deservedly national reputation as a great lawyer. That reputation endures scrutiny even today.




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By Adam Gersh

## YLC Gets Down to Business

While nearly every lawyer (young or not so young) is interested in growing his or her practice, we can't all grow our practices in the very same way. For example, I recently attended a marketing seminar where the presenter focused exclusively on what to say to get more business from a meeting with the general counsel of a Fortune 100 company. As an associate and a young lawyer, my time would have been better spent making paper airplanes because I don't find myself in meetings with the general counsel of Fortune 100 companies pitching business. Indeed, the typical marketing guidance for lawyers addresses situations that are not familiar to most young lawyers.

Rather than suspending marketing efforts until the general counsel of a Fortune 100 company calls, the YLC is focusing on the unique ways young lawyers can grow their practices. This month, we invited Kimberly Alford Rice, a marketing coach, to join us at our monthly meeting for guidance on ways young lawyers can go about growing their practices. Without giving away Kimberly's secrets, I think it helped each

of us realize what a powerful resource the other 20 or so lawyers in the room could be and how we could work together to help each other grow our respective practices.

The first step to doing this, according to Ms. Rice, is to develop a strong network. To help its members develop their respective networks, the YLC is actively partnering with other young professional groups in Southern New Jersey, using social networking, and spreading the word about all YLC has to offer. In fact, this year, the YLC will be partnering with two other young professionals groups based in South Jersey for fun events that will build strong networks. If you are a young lawyer who is interested in getting involved with the YLC and learning to grow your network and your practice, join us for our next meeting on November 10<sup>th</sup> at noon at Bar Headquarters and connect with us via LinkedIn by searching for the Camden County Bar Association's Young Lawyers' Committee.

The YLC serves the community through charitable events and serves the bar association by sponsoring CLE seminars and planning events. The YLC serves its own members by facilitating relationships between members and other professionals that will help them grow their practices. Better yet, by developing these relationships we can better serve our own clients by referring them to lawyers and other professionals that we know and trust.

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- Would like any of the following articles and handouts available from our firm:
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  - 50 Deficiencies Noted in Business Plans
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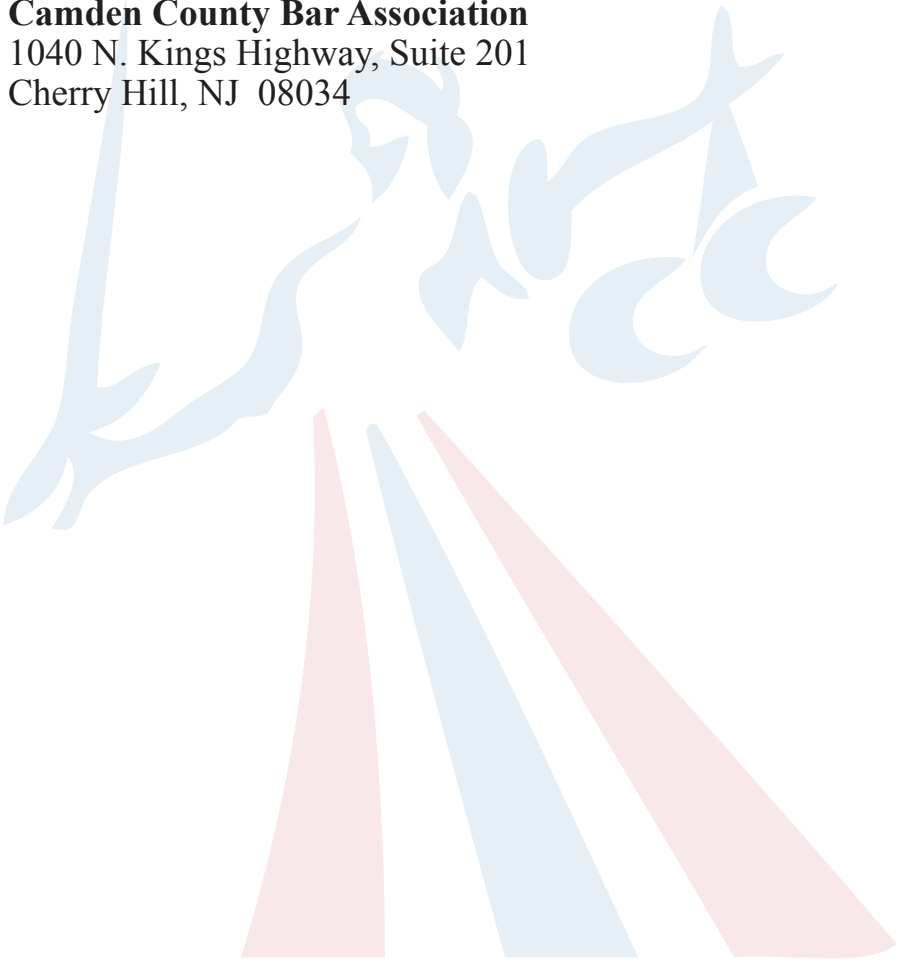
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