



**Judge Charles W. Dortch, Jr.** recently administered the Oath of Office to new **CCBA Trustee John P. Kahn** from Archer & Greiner. Mr. Kahn will complete the term of newly sworn-in Judge Steven J. Polansky, J.S.C.

## 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.

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 2012 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!**



## Sharing the Season with Deserving Kids *Children's Holiday Party set for December 1*

The Bar Foundation's Annual Children's Holiday Breakfast and Party at the Coastline in Cherry Hill has been set for Saturday, December 1, and volunteers are needed to help ensure a festive party for hundreds of less fortunate children from Camden.

Beginning at 9 am, busses will start unloading our special guests for a full breakfast, compliments of the Coastline and its staff, followed by a few magical hours of fun, gifts, and a visit with Santa.

A cast of volunteer attorneys and judges, many in holiday and elf costumes, will 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 photo and a wrapped gift.

With that many gifts to wrap, it takes time and hands! To ensure a beautifully wrapped gift awaits each child, a wrapping party is scheduled for 5 pm on Wednesday, November 28th at Bar headquarters. Volunteer wrappers are needed to assist in wrapping and filling goody bags. If you can't join us on Saturday for the party but want to help, please stop by and help us wrap.

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 or [kdp@camdencountybar.org](mailto:kdp@camdencountybar.org).

### INSIDE

Member on the Spot .....	3
Freedom is My Business .....	5
Bankruptcy .....	6
Adjusting Income Statements Turning Loss Into Profit .....	7
Law Practice Marketing .....	8
Workers' Compensation .....	9
President's Perspective .....	13
Wine & Food .....	14
Back in the Day .....	17
Legal Line to Criminal Law .....	18
Young Lawyer Corner .....	19

## THE DOCKET

### Tuesday, November 6th

*Young Lawyer Committee Meeting*  
12:30 – 2 pm  
Bar Headquarters, Cherry Hill

### Wednesday, November 7th

*Real Estate Tax Appeal 2012*  
4 – 6:15 pm  
Tavistock Country Club  
Haddonfield

### Thursday, November 8th

*The "Brave New World" of  
Foreclosure and Mortgage Modification*  
4 – 6:30 pm  
Tavistock Country Club  
Haddonfield

### Tuesday, November 13th

*Labor & Employment Law Committee  
CLE Luncheon*  
Ethics Issues in Employment Law  
Noon  
Bar Headquarters, Cherry Hill

### Monday, November 19th

*Personal Injury Committee CLE Luncheon  
Better To Be Prepared Than Sorry*  
Noon  
Ponizio's Restaurant, Cherry Hill

### Tuesday, November 20th

*CCBA Board of Trustees Meeting*  
4:00 pm  
The Coastline Bar & Grill  
1240 Brace Road, Cherry Hill

### Tuesday, November 20th

*Fall Frolic to benefit the  
CCBF Children's Holiday Party*  
6 – 8 pm  
The Coastline Bar & Grill  
1240 Brace Road, Cherry Hill

### Thursday, November 29th

*CLE on Tap!  
NJ Family Law*  
3:00 – 6:15 pm  
The TapRoom Bar & Grill  
427 W. Crystal Lake Avenue, Haddonfield

*Young Professionals Happy Hour*  
6 - 9 pm  
P.J. Whelihan's Pub, Cherry Hill

### Wednesday, November 28th

*CCBF Wrapping Party for the  
Children's Holiday Party*  
5 pm  
Bar Headquarters, Cherry Hill

### Saturday, December 1st

*CCBF Children's Holiday Party*  
9 am – Noon  
The Coastline Bar & Grill  
1240 Brace Road, Cherry Hill

## Tentative agenda for November 20, Trustees Meeting

A tentative agenda for this month's regular Board of Trustees meeting follows. The meeting will begin at 4 p.m., at The Coastline 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 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



The Nuts & Bolts of Municipal Court Practice seminar was sponsored by the Municipal Court Practice Committee. Presenters (l-r) **Arnold N. Fishman**, **John S. Kennedy**, **Hon. Robert T. Zane, III**, and moderator **Gregory P. DeMichele**.

## THE BARRISTER

Published monthly, except July and August, by the Camden County Bar Association.

### President

Brenda Lee Eutsler  
1702 Haddonfield-Berlin Rd.  
Cherry Hill, NJ 08033

### Second Vice President

Jenifer G. Fowler  
76 E. Euclid Avenue, Ste. 101  
Haddonfield, NJ 08033

### President-elect

Gary W. Boguski  
199 6th Avenue  
Mt. Laurel, NJ 08054

### Treasurer

Louis R. Moffa, Jr.  
457 Haddonfield Road,  
Ste. 600  
Cherry Hill, NJ 08002

### First Vice President

Casey Price  
35 Kings Highway East,  
Ste. 110  
Haddonfield, NJ 08033

### Secretary

Eric G. Fikry  
301 Carnegie Center, 3rd Fl.  
Princeton, NJ 08540

### Executive Director

Laurence B. Pelletier  
1040 N. Kings Highway, Suite 201, Cherry Hill, NJ 08034

### Board of Trustees

#### 2013

Charles C. Bratton, II  
Carol A. Cannerelli  
Adam E. Gersh  
John P. Kahn  
William Tobolsky

#### New Jersey State Bar Trustee

Arnold N. Fishman

#### Immediate Past President

Louis R. Lessig

#### Ombudsperson

Robert G. Harbeson

#### 2014

Gregory P. DeMichele  
John J. Palitto, Jr.  
Louis G. Guzzo  
Michael V. Madden  
Justin T. Loughry

#### ABA Delegate

Richard A. DeMichele, Jr.

#### Editorial Board

John C. Connell  
Warren W. Faulk  
V. Richard Ferreri  
William Groble  
Peter M. Halden  
James D. Hamilton, Jr.  
John J. Levy  
John G. McCormick  
Casey Price  
Brenda Lee Eutsler (*ex-officio*)

### Editorial Offices

1040 N. Kings Highway,  
Suite 201  
Cherry Hill, NJ 08034

Views and opinions in editorials and articles are not to be taken as official expressions of the Association's policies unless so stated, and publication of contributed articles does not necessarily imply endorsement in any way of the views expressed.

### Advertising

856.482.0620  
kdp@camdencountybar.org

Periodicals postage paid at Cherry Hill, NJ and additional offices (USPS 712 - 480).

Classified Advertising Rates: \$30 per insertion

Annual Subscription Rate: \$50

**Be an active participant  
in YOUR professional  
organization.**

**ATTEND MEETINGS  
AND FUNCTIONS!**

## OUT AND ABOUT

### Meet the Judges & Law Clerks



Judge Orlando  
& Russ Depersia



Mark Oddo  
& George Horiates



Elijah Johnson,  
Ashley Shapiro  
& Mike Pinsky



Tony LaRatta  
& Tom Hagner



Andy Kushner  
& Mark Kancher

## MEMBER ON THE SPOT



### Erica Klazmer

**PRACTICE AFFILIATION:**  
Commercial Litigation and  
Intellectual Property

**YEAR ADMITTED TO BAR:** 2012

**OTHER BAR ADMITTANCES:** Pennsylvania

**PRIOR OCCUPATION:** Went to law school right after undergrad.

**RESIDENCE:** Cherry Hill

**HIGH SCHOOL:** Cherry Hill East

**COLLEGE:** The College of New Jersey

**LAW SCHOOL:** Cardozo School of Law

**WHAT LED YOU TO A LEGAL CAREER:** Legal class in high school

**BEST PERSONAL/PROFESSIONAL ATTRIBUTE:**  
My ability to learn quickly and adapt to any situation

**WHAT I DO TO RELAX:** Dance (jazz, hip hop, tap, swing)

**HOBBIES:** Dance (jazz, hip hop, tap, swing), tennis, and traveling

**FAVORITE RESTAURANT:** La Locanda

**FAVORITE TV SHOW:** *Smash*

**FAVORITE MOVIE:** *Phantom of the Opera*

**FAVORITE AUTHOR/BOOK:** *The Fountainhead*, Ayn Rand

**FAVORITE VACATION PLACES:** Italy and Spain

**FAVORITE WEBSITE:** [www.travelzoo.com](http://www.travelzoo.com)

**FAVORITE MUSEUM:** Hearst Castle

**FAVORITE WEEKEND GETAWAY:** New York City

**ENJOY MOST ABOUT PRACTICING LAW:**  
The ability to help others and truly make a difference.

**MOST ADMIRER PERSON AND WHY:**  
Bob Fosse since he is one the most innovative American choreographers.

**WHEN AND WHERE HAPPIEST?**  
Spending time with family and friends.

**GREATEST LESSON LEARNED FROM PRACTICE OF LAW:**  
Flexibility is key as well as being able to adapt to any situation.

**PERSON YOU'D MOST LIKE TO DINE WITH:** Andrew Lloyd Webber

**LIFE'S HIGHLIGHTS:** Deciding to become a lawyer.

**GREATEST ACCOMPLISHMENT:**  
Having a diversity of experiences both professionally and personally.

**#1 PROFESSIONAL GOAL:**  
To learn as much as I can about the practice of law.

**#1 PERSONAL GOAL:** To lead a happy and healthy life.

**LIFE EXPERIENCE(S) WITH GREATEST IMPACT:**  
Traveling and deciding to attend law school

**ADVICE TO YOUNG LAWYER:** Networking is key.

**HOPE TO BE DOING IN 10 YEARS:** Partner or In-House Counsel

**FAVORITE QUOTATION:** "Life is not about waiting for storms to pass, it is about learning how to dance in the rain."

Every 70  
seconds,  
someone,  
somewhere in  
the world is  
getting served.

*By us.*



# Guaranteed

Subpoena Service, Inc.

*"If we don't serve it, you don't pay"®*

Anywhere in the U.S.A.

S.Jersey Offices: call 856-202-1997; 609-488-3985  
800-776-2377 **1-800-PROCESS** fax: 800-236-2092  
info@served.com      www.served.com



Voted BEST PROCESS SERVER in NJ, NY, PA and CT 2009-2012!!





# Freedom Is My Business\*

## Coming Out

By Arnold Fishman  
www.fishmanandfishmanlaw.com

After all these years it is time for me to escape the confines of the closet. I am a Social Democrat! (There I said it and I am glad). While there can be disagreement as to what that means, there can be no argument that it excludes what is the abysmal state of our current policonomic\*\* affairs. I confess that with much trepidation, because I am aware that the reflexive response to Capitalism, as a moral value in America, is on par with the knee-jerk reaction to baseball, motherhood, and apple pie.

Lets talk first about Capitalism. The mantra of market-driven “*laissez-faire*” Capitalism is: “Price is determined in the market place through the interaction of supply and demand.” The validity of that axiom is dependent upon the existence of three unstated preconditions. They are: 1) an infinite number of sellers; 2) an infinite number of buyers; and 3) perfect knowledge. The unlimited number of sellers is required to prevent a situation, like the DeBeers diamond cartel, where a group of sellers collaborate to control the supply in order to artificially inflate the cost. The unlimited number of buyers is required to prevent a giant buyer like Wal-Mart from dragooning sellers in order to unnaturally drive down the price. And the perfect knowledge prerequisite is obligatory to insure that the parties on both sides of the transaction are bargaining over the same thing (e.g. only I know the bucket has a hole in it). With all that on the table, it becomes clear that *laissez-faire* Capitalism exists only as an ideal.

Not only does *laissez-faire* Capitalism exist just in our imagination; let us not overlook the role that government plays in our lives. While in one sense it is true that I have built my business, in another sense government has been my partner. The roads that my clients drive on to get to my office, the police and firefighters that protect that office, the zoning enforcement that permits my use and excludes incompatible neighbors are all taxpayer-supported emoluments of

my success. From the grid that delivers the electric to the person who delivers the mail, coordinated collective action is required. And where would lawyers be without the courts?

Less obvious but even more important are the strategic decisions made at each level of policonomic authority. Tax and trade policies as well as a myriad of other laws, resolutions, ordinances, regulations, executive orders, and judgments have a pervasive impact on all economic activity. By way of example, mortgagees can't reorganize and students can't discharge their debts, but corporations can renege on their pensions in bankruptcy. Banks are bailed out while homeowners are still under water. The government is enjoined from negotiating lower prices for your medicine while you are prohibited from buying them abroad. In a world where some people go hungry, not only do we feed corn to our animals now we are, by legislative fiat, “feeding” it to our cars. From the cereal that graces your breakfast table to the cotton in the shirt that covers your back, countless subsidies abound. The judgments made by business entities, from sole proprietorships to multinational corporations—whether to hire or fire, whether to move the factory or stay put, whether to increase production or let inventories decline, whether to buy, merge or sell the division, whether to pay a dividend or retain a surplus etc.—round out the picture.

Closer to home, I can remember, before no fault, when people had to lie their way into a cause of action for extreme cruelty in order to get a divorce, and child support was meted out by the length of the chancellors foot rather than according to guidelines, when the Uniform Commercial code harmonized a gaggle of separate statutory schemes, and when Title 2A, the Criminal Code, which preserved common law crimes, morphed into Title 2C that abolished them thereby making all crimes statutory. Every real estate settlement included a lawyer representing the mortgagor and a check from the title company to the buyer's attorney as a “gratuity” (think kickback) for placing the insurance through that particular agency. Who (besides me that is) can remember automobile negligence

cases before a tort threshold? First, there was a series of increasing dollar amounts—which only served to inflate the medical bills—much to the glee of the treating physicians. Then came the verbal threshold. Now a plaintiff can survive on the question of liability and get no caused on the issue of damages. If you don't think that was a game-changer, just ask someone who lived through it. Whole industries and even entire segments of our economy come and go at the pleasure and whim of our elected and appointed officials. The responses by the bar in this dynamic environment have transformed the practice of law. We went from a profession dominated by general practitioners to one of specialists within my tenure.

Now lets turn to Democratic Socialism. I believe in a well-regulated market economy with a robust public sector and a government responsive to the aspirations of its citizens in its commitment to policies that would: 1) foster personal freedom and the inviolability of human rights as a means to, rather than an obstacle to, achieving a pervasive climate of individual and collective security in an atmosphere of world peace; 2) environmental sustainability and the amelioration of the wounds we have inflicted on our home planet as a path to, rather than an impediment to, economic prosperity; and 3) a benevolently strong and tightly woven social safety net as an integral element of, rather than an intolerable burden upon, a more just and humane society for our chosen tomorrow.

If that is not what Democratic Socialism is, then that is what it should be. And regardless of any labels, this is what I believe. The economy needs regulation because history should have taught us that the confluence of American ingenuity, our renowned tendency toward excess, and the rapacious greed of some of the players, forcing others to follow suit, would conspire to produce disastrous results. Also, regulation would insure that the wealth generated by our incredible economic engine is more evenly distributed, so that we have the customers that have the buying-power to purchase what we produce.

*Continued on Page 10*

**Please support our advertisers!**

## BANKRUPTCY

# What is the Proper Date for Valuing Property of the Estate?



By Ellen M. McDowell

Bankruptcy practitioners often refer to a Chapter 7 liquidation case as affording an opportunity to present to the trustee and the Court a “snapshot” view of the Debtor’s assets and liabilities as of the date the bankruptcy petition is filed. This concept is derived from Section 541(a) of the Bankruptcy Code, which provides, in part, that the Debtor’s estate is made up of “all legal or equitable interests of the debtor in property as of the commencement of the case.” A recent opinion by Judge Novalyn Winfield of the Bankruptcy Court for the District of New Jersey is instructive in reminding careful lawyers that the “snapshot” analogy may not always prove to be reliable.

In *In re Celentano*, Chapter 7 Case No. 10-22833, the Debtors owned two properties: their primary residence in Westfield, which they valued at \$830,000, and a home where Mr. Celentano’s mother resided. The opinion focused mainly on the Westfield property.

The primary cause of the Debtors’ financial problems was a loan that the Debtors guaranteed relating to their investment in a limited liability company, Warren 8, LLC. The Debtors’ guaranty of the Warren 8 loan was secured by a second lien on the Debtors’ primary residence in Westfield. Warren 8 defaulted on the loan and at the time of default the balance due was \$4.3 million.

Warren 8, LLC filed its own Chapter 11 bankruptcy petition and in that case, the Celentanos and the other guarantors negotiated a

reduction in their personal liability to just \$250,000 conditioned on their ability to assist in the sale of Warren 8’s property to the benefit of the lender, TRCB.

When the Celentanos filed their Chapter 7 case, they had not yet satisfied the condition negotiated in the Warren 8 bankruptcy that would have resulted in the reduction of their liability to TRCB. Accordingly, they accurately represented on their bankruptcy schedules that they owed in excess of \$4.3 million to TRCB. They listed the TRCB obligation as a claim secured by a second mortgage on their residence. They also scheduled the amount due on their first mortgage as \$400,000.

As of the date of the Celentanos’ bankruptcy filing, there was no equity in the personal residence because of the totality of these liens. The Debtors’ view was that there was, in fact, significant negative equity as follows:

\$ 830,000	fair market value
( 50,000)	costs of sale
( 400,000)	first mortgage
<u>(4,313,472)</u>	<u>TRCB mortgage</u>
(\$3,883,472)	equity

In addition to their ownership interest in Warren 8, the Debtors also had business interests in other companies. It therefore took several months for the trustee appointed in their case to analyze whether there was equity in the business and personal assets. Eighteen months after the bankruptcy petition was filed, the trustee learned that the Debtors had succeeded in satisfying the condition that permitted their liability

*Continued on Page 10*

## GETLEGAL .com

817.358.2103 | 610.757.8411

WEBSITES • SOCIAL MARKETING • APPS • LEGAL DIRECTORIES



Webby Award: 2009 and 2008 for Best Legal Websites





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

# Adjusting Income Statements Turning Loss Into Profit

Suppose that a company's income statement shows that the business lost money—but you know the company is successful and providing a good lifestyle for the owner. How can this be? The reported earnings may just need to be normalized. Nearly every valuation requires financial statement normalizations (adjustments) that result in an impact on the valuation techniques we as business appraisers consider and apply. Such normalizations are typically financial transactions of a non-recurring, non-operating or non-market nature. They are adjustments to the financials for items not representative of the present going-concern status of the business.

Prior to preparing valuations of a business enterprise, the valuation analyst must frequently make these types of adjustments to the financial statements of the entity. The ultimate goal of the adjustments is to accurately reflect the entity's financial position as of the valuation date as well as its "normal" results of operations for the periods being analyzed. The goal is not to "correct" the financial statements; rather, it is to present them as an outside investor would look at the entity. In fact, among the first and most important steps in the valuation of a business is making adjustments to the income

statement—from GAAP (Generally Accepted Accounting Principles—no, not Generally Accepted Abo Principles) or Tax Based Accounting reported earnings to normalized, or adjusted, earnings. Normalized earnings are generally used as the basis for analyzing a company's earnings performance and to compare that performance to other companies in the industry. The following case illustrates this point.

## Case Study: Tax E. Vader Enterprises

For valuation purposes, reported income may require several adjustments to determine the appropriate earnings. While some of the adjustments are clear-cut, others require an expert's judgment as to whether they should be made and, if so, in what amount. For instance, Tax E. Vader Enterprises manufactures auto parts to convert standard sports cars to automatic transmissions. During the initial document request phase, the valuator learns that on its 2011 financial statement the company reported an \$80,000 loss. During the discovery phase, the expert learns:

- The company uses the last-in, first-out (LIFO) method to value its inventory. Its LIFO reserve was \$400,000 at the beginning of the year and \$500,000 at the end of the year.
- Payments of \$15,000 to Mrs. Tax E. Vader for "bookkeeping" services are included in office salaries when, in fact, she did not prepare any books or records for the company.

- The company has paid Mr. Tax E. Vader a significant bonus each year, primarily to pay out all of the income and to reduce the company's tax obligation.
- Mr. and Mrs. Tax E. Vader received extra benefits, including profit sharing (\$28,000), auto leases for family members unrelated to operations (\$17,000) and travel and entertainment (\$12,000).
- The company has a policy of expensing all repair and maintenance items under \$2,500. Individual invoices for such capital expenditures totaled \$20,000.
- The estimated economic useful lives of the property and equipment are longer than the tax lives used for depreciation on the books.
- The company entered into a lease January 1, 2011, with the sole shareholder, Mr. Tax E. Vader, for its office and warehouse (20,000 square feet total) at a rate of \$2 per square foot above the market rate.

As the table below shows, several adjustments were needed to obtain a more accurate picture of the company's earnings. However, forensic accounting techniques involve more in-depth analysis to help in understanding such adjustments to income statements and their implications for a business.

*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](http://www.aboandcompany.com) or by calling 856-222-4723 for their newsletters or updates.*

Sales	\$ 10,000,000
Cost of Goods Sold	<u>(6,825,000)</u>
Gross Profit	3,175,000
Selling, General & Administrative Expenses	<u>(3,255,000)</u>
Net Loss	\$ (80,000)

### Adjustments:

To change cost of goods sold to FIFO from LIFO inventory reporting	\$100,000
To add back amounts paid to Mrs. Tax E. Vader	15,000
To adjust Mr. Tax E. Vader's salary from actual to reasonable	245,000
To add back extra perks received by Mr. and Mrs. Tax E. Vader	57,000
To add back all capitalized items that were expensed	20,000
To record depreciation to economic cost from actual	75,000
To record rent from actual to market	<u>40,000</u>

552,000

Adjusted Earnings

**\$472,000**



**LARGEMOOR**  
FILM & DIGITAL  
SERVICES

Providing Expert Legal Photographic  
Services Since 1946

- Video Tape Depositions – Day in the Life
- Accident Scene Photography
- Slip & Fall – Personal Injury Photography
- Courtroom Exhibits & Displays
- Prints from X-Rays
- On-Site Executive Portraits
- Prints from all Digital Media
- Free Local Pick-Up & Delivery

**856.963.3264 FAX 856.963.2486**

email:[largemoor@aol.com](mailto:largemoor@aol.com)  
[www.largemoor.com](http://www.largemoor.com)

**LARGEMOOR**  
FILM & DIGITAL  
SERVICES

## LAW PRACTICE MARKETING

# The Fourth Quarter Push: How to End 2012 with an Uptick to Your Practice



By Kimberly Alford Rice

It's hard to believe that we are in the last quarter of 2012 with the holidays right around the corner. What you do in the next several months

could very well determine how successful your practice will be in 2013, and beyond.

I've outlined a few tips below that top rainmakers have shared on how they leverage the end of the year to grow their practice.

## 1. Maximize Opportunities to Connect.

The fourth quarter is filled with holiday gatherings which create an inherent reason to reach out and connect with your clients, referral sources, and highly value prospects. Call existing clients and wish them a happy holiday season ahead. Invite referral sources to holiday events. Send out holiday greetings and/or holiday e-blasts. Reaffirm your appreciation for the opportunity to work with them in 2012. Reassure them that

despite recent economic turbulence, you are looking out for their interests and are always available to answer any questions they may have.

**2. Ask for Referrals.** Though some lawyers find it difficult to do, remind clients that you gladly accept referrals and appreciate the opportunity to lend your help. There are plenty of people struggling, unsure of what their options are in today's economic climate so let them know you are a resource they can turn to—whatever their situation. If you do not have the immediate answer, your clients know that you'll get them.

## 3. Double Down on Your Marketing Efforts.

There's no better time than fourth quarter to automate the processes for your marketing initiatives as you head into 2013. We all experience how life gets in the way sometime and, without fail, we get really busy, over-scheduled and over-committed, especially as we head into the fall and winter holidays. That is when it is too easy to overlook or allow

high impact marketing initiatives to fall between the cracks. Don't let it happen again this year.

Put a plan in place to ensure that you have all systems "go" for your firm to remain visible and stay top of mind. Look ahead now at the targeted networking opportunities (those that put you in front of qualified prospects and high impact referral sources) coming up in the next few months and pencil the dates on your calendar. Then, keep the commitment and attend with a professional networker's mindset.

Circulate website content assignments among your attorneys so everyone is contributing and no one attorney bears all the responsibility of generating fresh content which is super important to a high performing web presence.

Along those same lines, draft a few blog posts to "drip" out between now and early January. Blog posts need not be more than 300 words and can be as

*Continued on Page 19*

## Abo and Company, LLC

CERTIFIED PUBLIC ACCOUNTANTS / LITIGATION & FORENSIC CONSULTANTS

We are proud to be a Partner in Progress of the Camden County Bar Association.

Let us know if you:

- Need our technical experience and professional insight for projects on accounting, tax, valuation, investigative or litigation support;
- Need help with estate or trust tax returns;
- Would like us to confidentially assess your own personal tax situation or run multiple scenario tax projections for you;
- Have a company or individual you'd like us to meet with;
- Would like any of the numerous articles and handouts of particular interest to lawyers and law firms at Abo and Company, including:
  - Presentation entitled "The Financial Side of a Law Practice—What They Forgot To Tell You in Law School"
  - Presentation to the National Employment Lawyers Assoc-NJ on "Law Firm Collections and Receivable Tips"
  - Labor & Employment Law Section of the New Jersey Bar's seminar "Use of Experts in Employment Cases"
  - The National Business Institute (NBI) at their two days of seminars entitled "Accounting 101 For Attorneys"
  - NYC, NJ, Camden County and Chester County PA Bar seminars on "Buy-Sell Agreements" (includes our 122 point checklist on buy-sells)
  - The Sharper Lawyer's seminar entitled "Practical Strategies to Improve Your Law Firm's Bottom Line"
- Abo and Company's "Inventory of Personal Assets—Financial and Estate Planner"
- Abo and Company's 88 point "Attorney Trust Accounting Checklist"
- Abo's Hitlist to Consider in the Buy-Sell Valuation and Formula
- Memo on C-Corporation vs. LLC or S-Corporation
- IRS Audit Technique Guide on Attorneys and Law Firms
- Checklist for those serving as Executors
- Sample Reconciliation of Income Tax Return with Actual Disposable Income

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

Martin H. Abo, CPA/ABV/CVA/CFE (marty@aboandcompany.com)

Patrick Sharkey, CPA/MST/CSEP (pat@aboandcompany.com)

### New Jersey

307 Fellowship Rd., Ste. 202 • Mt. Laurel, NJ 08054  
Phone: 856-222-4723 • Fax: 856-222-4760

### Pennsylvania

6 E. Trenton Ave., Ste. 5 • Morrisville, PA 19067  
Phone: 215-736-3156 • Fax: 215-736-3215



[www.aboandcompany.com](http://www.aboandcompany.com)



## WORKERS' COMPENSATION

# Suing A Workers' Compensation Carrier For "Bad Faith"

By Marci Hill Jordan

In the recent case of *Stancil v. ACE USA*, the Supreme Court of New Jersey considered whether an injured employee may sue his employer's workers' compensation carrier for pain and suffering caused by the insurance carrier's willful delay in paying for medical treatment. Unfortunately the Supreme Court's answer was "NO."

The case arose out of a workers' compensation claim filed by Wade Stancil after he was injured in 1995. He received benefits from the carrier (ACE) and in 2006 the workers' compensation Judge determined that Mr. Stancil was totally disabled. Thereafter Mr. Stancil filed a motion for payment of outstanding medical bills. During the motion hearing, the workers' compensation Judge commented that ACE had a history of failing to make payments when ordered to do so. The motion was granted on September 12, 2007, and the Judge warned ACE against any further delay in payment. The parties returned to court on October 29, 2007 because the bills had not been paid. The Judge found that the failure to pay the bills was a willful violation by ACE and issued an order awarding counsel fees to Mr. Stancil's attorney and ordering ACE to pay the bills immediately. The workers' compensation Judge commented that he had exhausted all remedies available to him to enforce the order, and suggested that Mr. Stancil seek further relief in the Superior Court.

In 2008 Mr. Stancil had additional surgery and psychiatric treatment. His physician attributed the need for additional treatment

to delay caused by ACE's failure to pay medical bills in a timely manner. Thereafter Mr. Stancil filed suit in Superior Court claiming that ACE had required him to attend examinations with physicians of their choosing, yet refused to provide the treatment that their own physicians recommended, to his detriment. Mr. Stancil's complaint in Superior Court alleged that the workers' compensation court's Orders for treatment were ignored by ACE, causing him pain and suffering, and a worsening of his condition.

The attorney for ACE filed a motion to dismiss the complaint arguing that the Workers' Compensation Statute does not allow for such "bad faith" suits against workers' compensation carriers, and that the only remedy available to Mr. Stancil is that which is available in the Workers' Compensation Act. The trial court granted ACE's motion to dismiss and stated that recent amendments to the Workers' Compensation Act were enacted to address this type of situation. The Appellate Division affirmed for the same reasons as the trial court, and rejected Mr. Stancil's alternative argument that the employer can be sued under the Workers' Compensation Statute's intentional wrong exception.

The Supreme Court of New Jersey granted certification for the limited purpose of determining whether "an employee who suffered a work-related injury has a common-law cause of action for damages against a workers' compensation carrier for its willful failure to comply with court orders compelling it to provide medical treatment when the delay or denial of treatment causes a worsening of the employee's medical condition and/or pain and suffering." After a review of the statutory amendments enacted by the Legislature in 2008—that adopted a remedy allowing workers' compensation judges to use contempt powers against recalcitrant carriers—the Supreme Court held that an injured employee does not have the common law right to sue a workers' compensation carrier for pain and suffering because of the carrier's delay. The Courts stated that the Legislature had considered this type of situation in 2008 when it amended the Workers' Compensation Act, and rejected certain penalties in favor of granting contempt powers to workers' compensation judges. The Court felt that allowing law suits for pain and suffering would open the flood gates for injured workers to sue in Superior Court instead of pursuing their cases in the Division of Workers' Compensation, and would "obliterate the Legislature's system of workers' compensation..." In short, the Court did not find it necessary to fashion an alternative way for injured workers to address their problems with carriers other than through the workers' compensation court.

As a workers' compensation practitioner, I disagree wholeheartedly with the decision of the majority in *Stancil*, and believe that the dissenting opinion by Justin Albin hit the nail precisely on the head. The cases where one could potentially sue for the pain and suffering that Mr. Stancil experienced are few and far between. Workers' compensation carriers delay daily in payment of benefits to workers causing extreme hardship, however it is not that often that carriers **wilfully refuse to obey the Order of a Worker' Compensation Judge**. The Supreme Court should have allowed a common law cause of action for pain and suffering in the few cases where a carrier wilfully refuses to obey a Judge's order. As Justice Albin opined, "This case represents a carrier's intentional and unilateral shredding of the social compact embodied in the Workers' Compensation Act... I do not believe that the Act was intended to protect a carrier that displays absolute contempt for the law, thus causing disastrous consequences to a worker within its charge."



## A Star of ADROPTIONS®

MEDIATION/ARBITRATION/MOCK TRIALS

**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.

Suite 1100  
Two Commerce Square  
2001 Market Street  
Philadelphia, PA 19103-7044

Phone: 215-564-1775  
800-364-6098  
FAX: 215-564-1822

adroptions.com

**ADROPTIONS®**  
Settling Cases Since 1993

Please call Mike Carney at (215) 564-1775 to submit your case for Justice Wallace.

## BANKRUPTCY

# What is the Proper Date for Valuing Property of the Estate?

Continued from page 6

to TRCB to be reduced from \$4.3 million to \$250,000. At that point, the trustee concluded that there was equity in the Westfield property that should be liquidated for the benefit of creditors.

In furtherance of his position that the Westfield property held value for the estate, the trustee requested that the Debtors permit him access to the Westfield property for an inspection. The Debtors refused. The trustee then filed a motion to compel the inspection and the Debtors filed opposition to the motion and their own motion to compel the trustee to “abandon” his interest in the property on the basis that there was no equity in the property as of the petition date.

In support of their motion to compel abandonment, the Debtors argued that the petition date is the appropriate benchmark for valuation and urged the Court to adopt the “snapshot” approach to their dispute with the trustee. They pointed out that while there is not consensus on this issue, various courts have used the petition date as the proper date for valuation.

One of the opinions cited by the Debtors was *In re Young*, 390 B.R. 480 (Bankr. D. Me. 2008). In that case, the court referred to the 2005 changes to the Bankruptcy Code contained in BAPCPA (the Bankruptcy Abuse Prevention and Consumer Protection Act), as support for its decision to value the Debtors’ real estate as of the petition date. Those changes included a modification to Section 506 of the Code, which provides permits bifurcation of an otherwise secured claim if the value of the collateral is less than the balance owed; the claim is deemed secured in the amount of the value of the property comprising the collateral but the remaining balance is deemed to be an unsecured claim.

The 2005 changes to the Code added the following language to Section 506:

If the debtor is an individual in a case under chapter 7 or 13 [11 USCS §§ 701 et seq. or 1301 et seq.], such value with respect to

personal property securing an allowed claim shall be determined based on the replacement value of such property *as of the date of the filing of the petition* without deduction for costs of sale or marketing. With respect to property acquired for personal, family, or household purposes, replacement value shall mean the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined.

(emphasis added).

Judge Winfield rejected the Debtors’ contention that the *Young* case compelled her to value the estate’s interest in the Westfield property as of the petition date. She pointed out that other courts have determined that any increase in value of estate property during the pendency of the case inures to the benefit of the estate, not the debtor. See for example *In re Paolella*, 79 B.R. 607 (Bankr. E.D. Pa. 1987) (“Because sale does not generally, if ever, occur simultaneously with formation of a bankruptcy estate, Section 541(a)(6) mandates that the estate receive the value of the property at the time of sale. This value may include appreciation or be enhanced by other circumstances creating equity which occur postpetition.”); *In re Siegel*, 204 B.R. 6 (Bankr. W.D.N.Y. 1996) (“In the balancing of burden and benefit, this Court must recognize that values are seldom static over time and circumstances. Even when the identification of an estate interest is fixed as of the date of bankruptcy filing, its value to the estate may fluctuate during the period of estate administration . . . Section 544(b) looks generally to value for the estate, without focus upon the immediacy of any return.”)

In light of this precedent, Judge Winfield found that the equity created in the Debtors’ residence by virtue of their work on the Warren 8 estate inured to the benefit of their creditors, not to the Debtors themselves. Accordingly, she denied the Debtors’ motion to compel the trustee to abandon his interest in the property.

*In re Celentano* is instructive to bankruptcy attorneys. It is a good reminder that until property is abandoned or the case closed, the nature of Chapter 7 debtors’ interest in the assets constituting property of their bankruptcy estates cannot be conclusively determined. Bankruptcy practitioners should keep this in mind when advising their clients as to the likelihood that the trustee will abandon property, particularly if that property could increase in value if the case takes more than a few months to administer.

## Freedom Is My Business\*

### Coming Out

Continued from Page 5

The strong public sector will smooth the boom and bust of the private economy. When consumers stop spending and private employers stop hiring, government can step in to save the day. It is at those times that investment can be made in the magnificent infrastructure projects that distinguish developed from third world countries. Those ventures create jobs that cannot be outsourced, stimulate demand, and produce consumers and taxpayers that empty the shelves while reducing our staggeringly swelling national debt.

The governmental policies enumerated—liberty with safety, survival with comfort, empathy with fairness—on behalf of a brighter future will result in a rich and rewarding life not only for our posterity but also for us. We could rest content that we are keeping faith with our responsibility to help create a better world. As the proverb reminds us, “We do not inherit the world from our parents; we borrow it from our children.”

Who could oppose these ideas and on what basis? Aren’t we all in that same closet? I’ve always imagined I wasn’t alone.

\**Freedom Is My Business* was the byline of the late Martin Margolit, long-term editor of the Barrister. It is in honor of his memory that I employ it.

\*\* Our blended political/economic system.

Send comments to: [arnold@fishmanandfishmanlaw.com](mailto:arnold@fishmanandfishmanlaw.com)

## Judge M. Allan Vogelson (Ret.)

### Alternative Dispute Resolution

Mediation • Arbitration • Case Management • Special Master  
Neutral • UM/UIM • Investigations • Hearing Officer  
State and Federal Mediation and Arbitration Qualified

**PARKER McCAY**  
ATTORNEYS AT LAW

For more information, contact M. Allan Vogelson, P.J.S.C. (Ret.)  
at 856-985-4060 or [avogelson@parkerMcCay.com](mailto:avogelson@parkerMcCay.com)

Mount Laurel, NJ Lawrenceville, NJ Atlantic City, NJ

WWW.PARKERMCCAY.COM

# “Social” Networking at Its Finest!

The annual Meet the Judges & Law Clerks Reception attracted over 200 members of the bench and bar to the Camden County Boathouse on September 20 for an enjoyable evening of back to the bar-year networking, camaraderie and introductions. The surroundings were beautiful, the crowd was lively and everyone enjoyed the evening. Invited guests included Judges and law clerks of the Superior Court, United States District court for the District of New Jersey, and Workers' Compensation Court.



Ian Sirota & Jeff Brenner



CCBA President Brenda Eutsler & CCBA President-Elect Gary Boguski



Robert Johnson & Judge Vogelson



Tom Isler, Rebecca Jaffe & Chief Judge Simandle



Jessica Wachstein & Lisa Only



Judge Holden, Judge Rodriguez, Maureen Behm & Krysten Connon



Judge Blue, Elan DiMaio, Jeffrey Novack, Matt Kolkot & Judge Meloni



Frank Tedesco, CCBF President Linda Eynon & Dennis Blake



Justin Loughry & Judge Axelrad



Eric Foley & Mike Miles



Mark Esposito & Surrogate Jones



Jim Hamilton, Judge Rand & Judge Kelley



Sarah Bachner & Tina Sampson



Pat Monaghan, John Cirrincione & John Keating



## VERDICTS IN THE COURT

*Superior Court of New Jersey*

VERDICT: No Cause (9/6/12)  
Case Type: Auto  
Judge: John T. Kelley, J.S.C.  
Plaintiff's Atty: Alfred Falcione, Esq.  
Defendant's Atty: Brian Doyno, Esq.  
L-4749-10 Jury (7)

VERDICT: Liability Verdict \$9916.55 Against Defendant (9/6/12)  
Case Type: Personal Injury  
Judge: John A. Fratto, J.S.C.  
Plaintiff's Atty: Arthur E. Ballen, Esq.  
Defendant's Atty: James P. Carfagno, Esq.  
L-892-10 Jury

VERDICT: Settled During Trial (9/11/12)  
Case Type: Auto  
Judge: Deborah Silverman Katz, J.S.C.  
Plaintiff's Atty: William Colarulo, Esq.  
Defendant's Atty: Everett Simpson, Esq.  
L-4544-10 Jury (7)

VERDICT: No Cause (9/11/12)  
Case Type: Contract  
Judge: George S. Leone, J.S.C.  
Plaintiff's Atty: Pro Se  
Defendant's Atty: Bryan Lindsay, Esq.  
L-6001-10 Bench

VERDICT: Damage Verdict: \$1,343,360.81 Against Plaintiffs Gary & Eileen Adams and Lyle Fegal (9/19/12)  
Case Type: Contested Will - Fraud  
Judge: Mary Eva Colalillo, J.S.C.  
Plaintiff's Attys: Gary & Eileen Adams, Pro Se  
Defendant's Attys: Steven Mignogna, Esq., Robert Williams, Esq. & Melissa Osorio, Esq.  
CP-194-09 Bench

VERDICT: No Cause Damage Verdict: \$0 Against Defendant (9/19/12)  
Case Type: Auto  
Judge: John T. Kelley, J.S.C.  
Plaintiff's Atty: Jeffrey Stern, Esq.  
Defendant's Atty: Tonja Riotta-Seybold, Esq.  
L-1316-10 Jury (6)

VERDICT: No Cause (9/20/12)  
Case Type: UM/UIIM  
Judge: John A. Fratto, J.S.C.  
Plaintiff's Atty: Vincent A. Campo, Esq.  
Defendant's Atty: Rachel Vicari-Haninczak, Esq.  
L-5056-10 Jury

VERDICT: No Cause (9/21/12)  
Case Type: Professional Malpractice  
Judge: Michael G. Millenky, J.S.C.  
Plaintiff's Atty: Eric Weitz, Esq.  
Defendant's Attys: Mark Petraske, Esq. and Timothy O'Brien, Esq.  
L-3131-10 Jury

VERDICT: No Cause (9/26/12)  
Case Type: Auto  
Judge: John T. Kelley, J.S.C.  
Plaintiff's Atty: Thomas Gosse, Esq.  
Defendant's Atty: Jennifer Hinderman, Esq.  
L-3671-10 Jury (7)

VERDICT: No Cause (9/28/12)  
Case Type: Medical Malpractice  
Judge: Louis R. Meloni, J.S.C.  
Plaintiff's Atty: Andrew Swain, Esq.  
Defendant's Attys: Jay Blumberg, Esq. and Karen Savage, Esq.  
L-4321-08 Jury

## Firmly committed to your practice.

We have everything you need to help your practice succeed.

- Business Checking Choices
- Business Lending Solutions
- FREE Access to TD Bank BusinessDirect Online Banking
- Longer Hours & Weekends to Fit Your Schedule
- TD EscrowDirect – 24/7 Online Access to Your Escrow Accounts

To learn what TD Bank can do for your business, call 1-888-751-9000 or connect to [www.tdbank.com/commercialbanking](http://www.tdbank.com/commercialbanking).

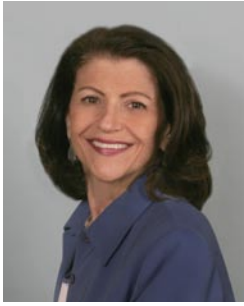
**TD Bank**

America's Most Convenient Bank®



**OPEN ANY SMALL BUSINESS CHECKING ACCOUNT AND RECEIVE FREE BUSINESS CHECKS**





# PRESIDENT'S PERSPECTIVE

by Brenda Lee Eutsler

## Making a Difference... One Child at a Time

My usual route when I leave the parking lot next to the Hall of Justice in Camden is to head straight on Mickle Blvd to 676 to 295 to return to my office. However, on Monday morning, October 1, 2012, I made a left onto 5<sup>th</sup> Street and headed towards Federal Street. I could never have imagined the impact of an unintended change in direction.

As I approached the traffic light on Federal Street, I was awestruck by the scene in Roosevelt Park. Arrays of small wooden crosses were rising from the ground. I could see hand-printed wording on the crosses which I assumed were names and dates. There were several people walking silently among the crosses. The solemn scene remained in my mind's eye throughout the day and beyond.

I assumed the crosses represented victims. My first thought was victims of breast cancer because the Komen Walk for the Cure had taken place over the weekend before. I learned later that day and from a Courier Post article the next day that the crosses represented the 48 homicide victims in Camden City since the first of this year. The victims ranged from gang members killed by other gang members, drug dealers killed by other drug dealers, adults in the wrong place at the wrong time, innocent children killed by cross fire and children killed by their own parents or other family members—the unthinkable, the unimaginable! One child, Dominick Andujar, died September 2, 2012 protecting his sister from an intruder in their home. The crosses were made and painted by community and religious volunteers as part of the "Stop Trauma On People" (S.T.O.P) campaign.

Just two weeks before on September 19, 2012 and two blocks down from Roosevelt Park, I attended a lunch meeting of The Camden County Mentoring Institute at the Cathedral Hall of the Immaculate Conception on Market Street. There were close to 200 people at the lunch. The speakers were Rev. Dr. W. Wilson Goode, former Mayor of Philadelphia, NJ Attorney General Jeffrey S. Chiesa, the Hon. Charles W. Dortch, J.S.C. and Camden Police Chief John Scott Thomson. The speakers shared their encounters with troubled youth and the importance of trusted role models to guide youth towards positive activities rather than them just hanging out on the streets and becoming easy prey for negative influences. In 2000, Rev. Goode started a faith-based program in Philadelphia for mentoring children of incarcerated parents. The program is now national in scope. The resounding cry from all of the speakers was the same as the S.T.O.P campaign—the courts, the community and religious organizations must join together to stop the trauma and despair being inflicted upon the youth of not just Camden City but throughout Camden County.

The energy and enthusiasm at the mentoring lunch was in stark contrast to the solemnity of the crosses. However, the goal is the same—to encourage people to care, to become involved and to make a difference...one child at a time!

Our board meeting in September was held on the same day as the mentoring lunch. Judge Dortch attended our board meeting to swear in our new Trustee, John Kahn. Judge Dortch spoke briefly about the Camden County Mentoring Institute. His Honor's sincerity, commitment and enthusiasm inspired our board members. During the board meeting, I formed an Ad Hoc Mentoring Committee and board members Justin Loughry, John Palitto and John Kahn immediately volunteered. We met with Judge Dortch in October to explore ways in which our members can give of their time to assist with the youth mentoring program. Due to publication deadlines, further details will be forthcoming via the E-Barrister and the CCBA Website.

Please consider becoming a mentor. We can all make a difference... one child at a time!

**Make  
YOUR association  
work for you!  
GET INVOLVED  
IN A COMMITTEE.**

~ MEDIATOR / ARBITRATOR ~

**Michael Patrick Mullen, Esq.**

*Forty years plus of legal experience with  
seven years as a judge of compensation.*

*Specializing in: personal injury, contract,  
medical and legal malpractice*

**609-923-3672**

1913 Greentree Road, Cherry Hill, NJ 08003  
michaelpatrickmullen@gmail.com



# WINE & FOOD

By Jim Hamilton

Autumn has crept up quite quietly in our region. “Fall” seems a better word for seasonal sports, with the Phillies off their lofty perch and, as of this writing, hockey off the radar. The Eagles certainly have been on the front line, fighting themselves, the minor league referees and, when putting aside the distractions, their opponents. In the world of wine, distributors show off their portfolios to retailers and restaurateurs, each of which are preparing for what again is an uncertain holiday season.

I have been able to attend quite a few of these trade events, focusing my attention on value-priced wines. Among those in the extensive lineups of top-notch distributors Winebow and Frederick Wildman & Sons, I have selected a few to report on this month I thought might merit your buying consideration. Hopefully, some of these wines will find their way to quality wine stores in our area and enable you to taste them for yourself.

Starting with wines brought to us by Frederick Wildman, let me highlight a few entries from Tortoise Creek. I tasted the lineup of 8 wines, some made from grapes grown in France’s Languedoc region and others from different areas of California. My favorites were the **2011 Tortoise Creek Chardonnay Jam’s Blend**, **2011 Tortoise Creek Viognier Le Verger**, **2011 Tortoise Creek Pinot Noir Les Oliviers** and **2010 Tortoise Creek Zinfandel The Chelonian**. The Chardonnay, from California, offers clean and unadorned honeydew and apple fruit. The Viognier from France is crisply citric. The Pinot Noir from French grapes displays relatively rich, peppery red fruit, while the Zinfandel from California has some desirable heft, with a chewy black raspberry fruit profile streaked with graphite and a stony minerality.



A winery from the Gascogne region of France that has been a QPR winner for some time is Colombelle. In particular, the **2011 Colombelle Côtes de Gascogne Blanc** continues this bottling’s success. The wine offers extracted, ripe fruit that shows fresh mown hay and boxwood aromatics that blend well with the overall structure.

Another table wine from France is the **2010 Marc Roman Malbec**. While most consumers associate the Malbec grape with Argentina, and with good reason given the success enjoyed, it long has been planted in southern France. Unlike many bold Argentinean Malbecs, this wine is a soft, easy going wine. It offers a gentle ripeness, and has almost lithe, leathery currant fruit, exhibiting the faint earth notes one expects from the varietal.

The two wines poured from the Spanish producer, Maximo, both were winners. **2011 Maximo Viura** is a nicely textured wine showing spicy lime and apple fruit that crests at the mid-palate to provide a sense of pedigree that belies its price. While the Viura grape often is used as a blending counterpoint to the more aggressive Verdejo varietal much the way Semillon is used to soften Sauvignon Blanc in white Bordeaux, this wine shows that the grape can more than hold one’s attention as a solo act. I also was impressed by the **2010 Maximo Edición Limitada**, a wine fashioned from what probably is Spain’s most famous red grape, Tempranillo. This wine reveals ripe red cherry fruit with touches of cedar, tobacco leaf and toffee, all delivered with a nice grip.

While spending three or four hours tasting at Winebow’s annual Vintners’ Harvest enables even a quick taster to get to a small percentage of the wines offered, I managed to find more than a few best buy wines I can pass along to you. Let us start with a property controlled by the very gifted, and sought after, winemaker, Riccardo Cotarella—La Carraia. As with his “home” estate, Falesco, La Carraia is located in Italy’s Umbria region. The four wines I tasted all were very good, but let me highlight my two favorites. **2011 La Carraia Orvieto Classico** has lively aromatics, a texture as crisp as new linen, a medium

## CONNELLFOLEY

ATTORNEYS AT LAW

MEDIATION | ARBITRATION | SPECIAL MASTER SERVICES | COMPLEX CASE MANAGEMENT



### Francis J. Orlando, Jr.

Retired Assignment Judge,  
New Jersey Superior Court, Camden Vicinage

20 Years Superior Court Judicial Experience

#### Cherry Hill Office

Liberty View Building  
457 Haddonfield Road – Suite 230  
Cherry Hill, NJ 08002  
856-317-7100  
forlando@connellfoley.com

856-317-7100 | www.connellfoley.com

Roseland - New York - Philadelphia - Jersey City - Cherry Hill - Spring Lake

Continued on Page 20

**WELCOME NEW MEMBERS***September 2012***Active (12)****Drake P. Bearden, Jr., Esq.**

Zeff Law Firm, LLC  
100 Century Parkway, Suite 305  
Mt. Laurel, NJ 08054  
P: 856-778-9700

**Edward F. Brennan, Esq.**

Florio, Perrucci, Steinhart & Fader, LLC  
1010 Kings Highway South, Bldg. 2  
Cherry Hill, NJ 08034  
P: 856-853-5530

**Douglas Burke, Esq.**

Stark & Stark  
401 Route 73 North  
40 Lake Center Executive Park, Suite 130  
Marlton, NJ 08053  
P: 856-552-4445

**Christopher Chancler, Esq.**

Mayfield, Turner, O'Mara & Donnelly  
2201 Executive Bldg., Suite 300  
Route 38  
Cherry Hill, NJ 08002  
P: 215-327-1450

**Theresa Concepcion, Esq.**

Archer & Greiner  
One Centennial Square  
Haddonfield, NJ 08033  
P: 856-354-3151

**Ali Homayouni, Esq.**

Law Office of Ali Homayouni  
334 Oakcrest Avenue  
Northfield, NJ 08225  
P: 609-816-5753

**Daury I. Lamarche, Esq.**

Lamarche Law, LLC  
61 Pickwick Drive  
Marlton, NJ 08053  
Phone: 856-626-0506

**Regina McKenna, Esq.**

Madden & Madden, P.A.  
108 Kings Highway East  
Haddonfield, NJ 08033  
P: 856-428-9520

**Patrick G. Monaghan, Esq.**

Law Office of George G. Horiates  
7010 Kaighn Avenue & Rt. 70  
Pennsauken, NJ 08109  
P: 856-665-2085

**Gigio Ninan, Esq.**

2311 Pearsall Avenue  
Bronx, NY 10469

**Kristen Van Arsdale, Esq.**

Brown & Connery, LLP  
360 Haddon Avenue  
Westmont, NJ 08108  
P: 856-854-8900

**Gregg L. Zeff**

Zeff Law Firm, LLC  
100 Century Parkway, Suite 305  
Mt. Laurel, NJ 08054  
P: 856-778-9700

**Public Sector (31)****Aneliya M. Angelova, Esq.**

Superior Court of NJ, Suite 260 A-B  
101 South 5th Street  
Camden, 08103

**Cassandra Minott Berry, Esq.**

25 Gainscott Lane  
Willingboro, NJ 08046

**Stephanie Cantave, Esq.**

Superior Court of NJ, Suite 260  
101 South 5th Street  
Camden, NJ 08103

**Gunnar Caya, Esq.**

623 Pardee Lane  
Haddonfield, NJ 08033

**Sara Cranston, Esq.**

Superior Court of NJ, Suite 470  
101 South 5th Street  
Camden, NJ 08103

**Beth Csontos, Esq.**

39 Evergreen Circle  
Maple Shade, NJ 08052  
P: 732-567-8055

**Timothy Dalton, Jr., Esq.**

Superior Court of NJ, Suite 440  
101 South 5th Street  
Camden, NJ 08103  
P: 856-904-9384

**Sara Delhauer, Esq.**

Superior Court of NJ, Suite 530  
101 South 5th Street  
Camden, NJ 08103

**Cosmas Diamantis, Esq.**

Superior Court of NJ, Suite 340  
101 South 5th Street  
Camden, NJ 08103

**Natalie A. Schmid Drummond, Esq.**

Camden County Prosecutor's Office  
25 North Fifth Street  
Camden, NJ 08102  
P: 856-225-8400

**Madeleine Elkan, Esq.**

Superior Court of NJ, Suite 530  
101 South 5th Street  
Camden, NJ 08103

**Timothy M. Ellis, Esq.**

Camden County Prosecutor's Office  
25 N. 5th Street  
Camden, NJ 08102  
P: 856-912-7404

**Sara Fedorczyk, Esq.**

Superior Court of NJ, Suite 330  
101 South 5th Street  
Camden, NJ 08103  
P: 908-285-1054

**Pamela Fuentes, Esq.**

Superior Court of NJ, Suite 440  
101 South 5th Street  
Camden, NJ 08103

**Katie Hellander, Esq.**

Superior Court of NJ, Suite 220  
101 South 5th Street  
Camden, NJ 08103

**Lisa T. Hibner, Esq.**

State of NJ, Dept. of Children & Families  
50 East State Street  
Trenton, NJ 08625  
P: 609-888-7814

**Maureen Horgan, Esq.**

Superior Court of NJ, Suite 120  
101 South 5th Street  
Camden, NJ 08103

**Elijah Johnson, Jr., Esq.**

Superior Court of NJ, Suite 220  
101 South 5th Street  
Camden, NJ 08103

**Jessica Kolansky, Esq.**

Superior Court of NJ, Suite 640  
101 South 5th Street  
Camden, NJ 08103  
P: 215-407-0072

**Samantha Kugler, Esq.**

Superior Court of NJ, Suite 540  
101 South 5th Street  
Camden, NJ 08103  
P: 856-816-3512

**Megan Kwak, Esq.**

Superior Court of NJ, Suite 440  
101 South 5th Street  
Camden, NJ 08103

**Christopher Long, Esq.**

Superior Court of NJ, Suite 430  
101 South 5th Street  
Camden, NJ 08103  
P: 856-816-6541

**Stephanie Martins, Esq.**

Superior Court of NJ, Suite 570  
101 South 5th Street  
Camden, NJ 08103  
P: 609-636-8166

**Laura Mastroiano, Esq.**

Superior Court of NJ, Suite 340  
101 South 5th Street  
Camden, NJ 08103  
P: 856-952-7792

**Laura Maynard, Esq.**

Superior Court of NJ, Suite 120  
101 South 5th Street  
Camden, NJ 08103  
P: 413-914-1209

**John A. Nicodemo, Esq.**

Superior Court of NJ, Suite 570  
101 South 5th Street  
Camden, NJ 08103

**Alycia Pollice, Esq.**

Superior Court of NJ, Suite 540  
101 South 5th Street  
Camden, NJ 08103  
P: 609-468-7081

**Brian Quigley, Esq.**

Superior Court of NJ, Suite 120  
101 South 5th Street  
Camden, NJ 08103  
P: 908-812-3986

**Matthew Spittal, Esq.**

Superior Court of NJ, Suite 670  
101 South 5th Street  
Camden, NJ 08103

**Lauren Tedesco, Esq.**

Superior Court of NJ, Suite 330  
101 South 5th Street  
Camden, NJ 08103  
P: 609-828-2472

**Sharron N. Williams, Esq.**

Superior Court of NJ, Suite 370  
101 South 5th Street  
Camden, NJ 08103  
P: 267-825-6840

**Law Students (5)****Kendyll Clayton**

76 Somers Avenue  
Egg Harbor Twp., NJ 08234  
P: 609-892-2325

**Adam Klein**

School: Rutgers Camden  
1247 Cardinal Lake Drive  
Cherry Hill, NJ 08003  
P: 856-981-6762

**Philip S. Jaworskyj**

School: Rutgers Camden  
6330 Rogers Avenue  
Pennsauken, NJ 08109  
P: 609-941-4102

**Anthony J. Medori**

School: Rutgers Camden  
46 Yale Road  
Marlton, NJ 08053  
P: 609-760-4503

**Matthew Wizmur**

17 Bretton Way  
Mt. Laurel, NJ 08054



They rely on *US...*

...because we offer comprehensive insurance programs at competitive prices.

We have more than 50 years of experience in administering professional liability programs to members of bar associations. USI Affinity's reputation and market position provide leverage to ensure competitively priced, quality product offerings built for your firms needs.

**Find out why USI Affinity is the right choice for your practice.**



For a **FREE** quote contact  
Jack Fleming, Esquire  
**201-489-3834**  
Jack.Fleming@USIAffinity.com



© USI Affinity 2011

**Liability : Medical : Dental : Vision : Life & Disability**

**...helping you experience financial security through informed decision making.**



**Stuart A. Leibowitz, Managing Partner  
Dennis M. Freedman, Partner  
Joel A. Goodhart, Founder & Partner**

**800-838-BIRE (2473) • [www.birepip.com](http://www.birepip.com)**

Registered Representatives of Sammons Securities Company, LLC Member FINRA/SIPC



# Back in the Day

By Hon. Richard S. Hyland (ret.)

The summer of 1958 provided some important learning experiences which are still memorable today. I had just finished my first year at Penn Law School and was eager to embark on my required nine month clerkship with my brother's law office, as the Socratic teaching method taught little of practical value. For instance, I wanted to attend a deposition (which had sounded important), so I sat in on one involving several attorneys on a Friday after lunch on a beautiful summer day. Only moments after the witness was sworn, a prominent defense attorney fell asleep accompanied by light snoring. When it was over, I concluded that it was something I could readily handle in the future. Nearly everyone smoked at depositions, and large ashtrays were filled to the brim with butts and ashes. If anyone dared to complain about what we now call "second-hand smoke," they would have been tossed out of the room.

I played and was the leader of a Dixieland jazz band and in July had booked a "gig" at "Jack's Grove," just outside of Somers Point. It was a dump and notorious for serving alcohol 24 hours a day. When the bars in Somers Point closed at 2 am, a tsunami of college drunks hit our door shortly afterward. Future judges Pat King and Jack McFeeley worked as "bouncers" and had their first opportunity to establish law and order.

We played on the weekends from 11 pm to 4 am, and I got paid in cash on what was Sunday morning. One time the owner (who was a jerk), had a wad of bills to pay me and began to peel them off in a careless manner. Some fell on the bar, the floor, and in the gutter-like trough that ran around the bottom of the bar. This trough was filled with butts, stale beer, and other fluids of questionable sources. In order to pay the band and myself, I had to get on the floor on my hands and knees to pluck out the soaked bills.

In the previous days, I had been mulling over whether to return to school for my second year because I frankly enjoyed music more. I had never worked harder in order to keep up my grade average for my scholarship, and I was exhausted and burned out. As I drove back home at dawn on the Black Horse Pike (no A.C. Expressway yet) I had an Epiphany of sorts and vowed I would never be humiliated like that again. So I went back to school (not Jack's), graduated and the rest is history.

In August, a college friend was getting married in Clearwater and asked me to be in the wedding party. I took a Trailways bus from Philly through the South to Tampa. It was relevant and a good idea to take along to read on the bus the current best seller "On the Road," by novelist Jack Kerouac.



Hon. Anthony Lario, Hon. Frank Lario & Hon. Charles Rizzi

Before we left Philly, a nicely-dressed, middle-aged black woman got on and sat in the front seat. She stayed there through Maryland, Virginia and North Carolina, but when we hit the South Carolina border she got up to sit in the back of the bus with the other blacks. In 1955, Rosa Parks refused to do so in Montgomery Alabama, and I thought I was seeing history playing out in some ways. In Virginia, a sailor got on with a bottle of whiskey and plopped down next to a skinny white woman of apparent easy virtue. As it got dark, they partied noisily to the discomfort of the other passengers, including a young black girl sitting across the aisle. The woman hollered out to her: "you f\_ \_ \_ \_ \_ n\_ \_ \_ \_ \_ bitch, I'll slit your throat if you make another face at me." You could cut the tension with a knife.

Later, the sailor got off and she then fell asleep, but not before telling the driver and everyone else several times that she had to get off at a certain stop in Georgia. The driver didn't stop there, and went several miles and many minutes later before stopping. He then hustled her off the bus in the middle of a Georgia swamp in the middle of the night, much to the amusement of all, black and white.

No surprise that I flew back on a Constellation with noisy prop engines (no jets yet), rather than a return Trailways trip, even though it was more expensive. I now had a greater appreciation of the evils of segregation from this experience.

In 1966 I served in the Legislature, and was proud to co-sponsor New Jersey's first Civil Rights laws. Please send any comments to me at: rhylandatlaw@aol.com



## LEGAL BRIEFS

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

**Jeffrey L. Dashevsky**, of Haddonfield's Dashevsky, Horwitz, Kuhn & Novello, was a featured presenter for the Pennsylvania Bar Institute's CLE programs, *Trying A Case In State Court From Start To Finish*, and *Pennsylvania's New Joint & Several Liability Law*. Mr. Dashevsky is co-chair of the Phila. Bar Assoc.'s State Civil Litigation Section's, Rules & Procedure Committee. He is a trial attorney, with an LL.M. degree in Trial Advocacy and is a lifetime member of The Million Dollar Advocates Forum.

The law firm of Archer & Greiner P.C. will establish an office in Monmouth County, expanding one of the region's largest law firms. Effective Oct. 1, **Brian M. Nelson** and **Michael P. Supko** will join Archer & Greiner as Partners, and **Christine Giordano Hanlon** will join the firm as Of Counsel.

## LEGAL LINE TO CRIMINAL LAW

# Recent Reforms & Expansion of the New Jersey Drug Court Program

By Gregory Audino

Earlier this year, Governor Christie unveiled a new plan to expand the Drug Court Program in New Jersey. He campaigned throughout the state for legislation to increase both eligibility and participation in the program, which began as a pilot program in Camden County in the mid-1990's. From its inception, the program has focused on reducing the rate of recidivism through the rehabilitation of non-violent defendants who are drug or alcohol dependant by utilizing treatment in lieu of incarceration. While it started small, it has gradually spread to all twenty one counties and new legislation has expanded the program several times throughout the years.

On July 19, 2012, the New Jersey legislature adopted, and Governor Christie signed, Senate Bill No. 881, which instituted several changes to the Drug Court statute, located at N.J.S. 2C:35-14. These changes represent the most significant expansion in the history of the program. The bill dictates that these changes are to take place six months after signing, but, for practical purposes, implementation will begin sooner.

Under the old legislation, prior to admission into Drug Court, a defendant had to apply to the program, and his or her participation was completely voluntary. That application was then submitted to the prosecutor assigned to Drug Court for review to determine if the defendant was legally eligible for Drug Court based on 2C:35-14 and the Drug Court Manual. If deemed not legally appropriate for the program, the prosecutor had "veto" power to reject and bar an applicant from admission. A defendant then had the ability to appeal the prosecutor's decision directly to

the Drug Court Judge, who would then review the "veto" under an abuse of discretion standard.

The new legislation eliminates the prosecutor's "veto" power, and puts the legal eligibility determination within the sole discretion of the judges. After elimination of the "veto," which will not take effect until after the six month period, the prosecutor will review the defendant's application and determine whether the State should object to the defendant's admission to the program. If the State raises an objection, the judge would consider arguments from both the State and defendant before making the final determination.

Additionally, the statute creates a pilot program to make Drug Court mandatory in certain cases. This pilot program will begin in three vicinages which have yet to be determined. However, Camden County will not be one of them. A review of the pilot program will take place prior to statewide implementation. This part of the statute gives judges the power to make admission to the program involuntary for certain defendants. In other words, it gives judges the power to review individual defendants on a case by case basis to determine whether or not they should be ordered into the Drug Court Program. If a judge determines that a defendant is legally eligible, and that they are substance addicted, he or she would have the power to order the defendant into the program independent of the willingness of the defendant to participate.

Accompanying these changes to the process of determining eligibility, the statute opens up eligibility to several offenses which had previously been a bar to admission. Those disqualifying offenses, listed under 2C:35-14a(7), previously include murder,

aggravated manslaughter, manslaughter, kidnapping, aggravated assault, aggravated sexual assault, sexual assault, robbery and second degree burglary. The new legislation eliminates the ineligibility for second degree robbery and second degree burglary. However, these offenses, though not an absolute bar, are subject to a case by case analysis, and would not block admission in a very limited amount of cases. If it is determined that a weapon was used or a victim suffered injury, then admission would be denied. An example of a case in which a person could be admitted to Drug Court with a second degree robbery would be a case where a defendant commits a shoplifting, but during the crime, the defendant pushes someone, such as a security guard, in an attempt to flee the scene which makes it a robbery. In Camden County, such cases have been affectionately referred to as "aggravated shopliftings."

Additionally, while these robberies and burglaries limit admission based on the facts of the case, they are further limited by the fact that they are second degree charges. Previously, the statute severely limited a defendant's admission based on a criminal history which contained second degree convictions. Under the new legislation, these limitations remain unchanged.

Beyond these changes, all previous bars to admission, such as the defendant's possession of a firearm during the present offense or any pending charges, remain in effect.

Further, the Court, in determining legal eligibility, must make a finding that "the present offense was committed while the defendant was under the influence of a controlled dangerous substance, controlled substance analog, or

*Continued on Page 20*

**CONIGLIO FAMILY & SPORTS CHIROPRACTIC**  
NJ Top Docs  
New Jersey's Top Healthcare Providers

**FREE Telephone Consultation**  
**468-4200 • 1144 Mantua Pike • Mantua**  
 "Best of South Jersey" for over 8 years  
 Offering Gentle Expert Care • 16 Years Experience  
**Spinal Whiplash Pain Requires Serious Care**

  
 Dr. Barry Coniglio

  
Accepts Most Insurance

  
 Dr. Scott Aumenta

**www.greatspine.com**

**Legal Copy Services**  
[www.triangle4you.com](http://www.triangle4you.com)

**FREE SCANNING**  
**with any print order**  
One per customer. Expires 12/30/2012

Audio & Video Duplication • Exhibits  
 High Speed Copying • Presentation Boards  
 On-Demand Pick Up & Delivery

  
**Full Service Printer**  
 Woodcrest Center  
 Cherry Hill  
**(856) 429-0715**


Serving the  
 Legal Profession  
 for over 20 years



## YOUNG LAWYER CORNER

Many people do not have choice. Being at the holidays, and especially this time this year, we are especially mindful of choice. And we should be. Everyday we make choices. Every minute we make decisions for our clients, for ourselves and family. Some decisions are more important than others. Choices we do not make, that we can make, are most important. Being involved in charity events, CLE and our social network is our lifeblood.

Our Bar offers us numerous choices. It is upon us to act, to decide and do it. There are many things we have done recently and are in our sights. Our final numbers are in from the Lobster Bake and we raised \$10,583.00 for the LARC school. Over 150 friends, colleagues and family chose to fend off the rain and celebrated for the school and children at LARC. By beating our goal, we affected the lives of countless children and adults. Perhaps the most significant part is that this is one of many things we have chosen to do here in the Bar Association.

By Michael J. Dennin

Our Young Lawyers Committee has many good events happening. We welcomed over 25 members this month alone. In the time since the Bake we once again hosted a wonderful Halloween party at Anna's Sample House in Camden. Anna's Sample House is a shelter for mainly women and families in need and in transition. Twice a year we head down to Anna's and bring countless pizzas, seasonal candy with decorations and proudly watch our magician Lorenzo dazzle us for a few hours. Jenny Kasen, our volunteer sub-chair, did a great job of carrying this event through. The audience at Anna's do not have many choices. They benefit for one day, for three hours, by the choice we make. It is the least we can do.

On our social calendar, we have continued with our CLE on tap, participated with the South Jersey Young Professionals Association for their Crawloween joint event, mingled with the Certified Public Accounting Group, and are looking forward to our Philadelphia,

Gloucester, Burlington, and Affinity bars for large gathering after work in Philadelphia on November 8. We encourage everyone to come, details to follow. We are seeing new faces.

By doing many events, by being constantly involved, there is no choice. It becomes secondary and expected. The kids at LARC, the families at Anna's, the young attorneys eager to be involved, the students looking to give back while learning, the homeless in Camden, the parents and children during the holidays, they ALL benefit from the simple choices we make. We became attorneys and it was our choice to apply. However, it is a right. We were chosen to receive a license. Although we are climbing out of a recession, we should examine how fortunate we truly are to be able to pay to join the Association. We have been given much, and we are expected, obligated to give back. We hope to see you, the choice is yours.



## LAW PRACTICE MARKETING

# The Fourth Quarter Push: How to End 2012 with an Uptick to Your Practice

Continued from Page 8

simple as commenting on a development in your area of practice.

Arrange to make client visits in the next few months. Though it may seem like a trivial exercise, research studies show us that clients absolutely love and appreciate a personal visit. And, it is a direct indicator of future work. If your top clients are not local, schedule one trip a month to stop in and personally demonstrate how much you appreciate your client and the opportunity to work with him/her. The goodwill you garner will make it more than worth the disruption to your schedule.

If your clients are mostly local, then contact them this week to schedule a holiday meeting for the same purpose. Get on their calendar before it is booked up.

**4. Take the Road Less Traveled.** Author M. Scott Peck did not promise us that the road would be easy, but rather worth the effort if we dare to stand out and have a deeper journey. Applied professionally, it is not always "easy" to be memorable and develop "top-of-mind" awareness among your targeted audiences—clients, referral sources, and highly valued prospects. Not easy but possible.

The truth is that 80% of most lawyers do not take the extra steps to build a successful practice. Many will focus on looking backwards and lament on all the things they have not done in 2012 and how far behind they feel, or how defeated they are. Many lawyers will simply do just enough to get by—no

more, no less and move forward with their practice stuck in "status quo" mode, indefinitely. They wonder why their client list does not grow, why they are not earning more year after year, and how they feel burned out in the practice of law.

Then, there are the other 20% of lawyers who will step up, stand out, and stay laser focused that will end this year on top, crushing their goals and kick starting 2013 with vigor and renewed sense of purpose.

To which group will you belong? The Top 20 or the bottom 80? What you do in these next few weeks may all the difference.



## LEGAL LINE TO CRIMINAL LAW

# Recent Reforms & Expansion of the NJ Drug Court Program

Continued from Page 18

alcohol or was committed to acquire property or monies in order to support the person's drug or alcohol dependency." See 2C:35-14a(3). The Court must also find that "no danger to the community will result from the person being placed on special probation." See 2C:35-14a(9).

Once the Court determines that a defendant is legally eligible for Drug Court, an assessment must be made whether the defendant is clinically eligible for the program. This includes an assessment made by the Judiciary's substance abuse clinicians. If the evaluation determines that the defendant's substance addiction is legitimate and treatable, then the defendant will be deemed clinically acceptable for admission.

Previously, a clinical disqualifier was if the defendant had a mental health issue related to a thought disorder. Under the new legislation, this is not considered a bar, and must be evaluated on a case by case basis. If a person with one of these disorders is admitted to the program, evaluators and probation officers

must look for treatment facilities which have a mental health component.

As part of this clinical assessment, a treatment plan is formulated. This is based primarily on the person's level of addiction, and includes both inpatient and outpatient treatment options.

When the defendant is determined to be both legally and clinically accepted to Drug Court, the defendant must plead guilty to the open charge in order to be sentenced into the program. If the defendant is admitted based on an open charge, the defendant and the prosecutor must negotiate a plea bargain. This includes the charges to which the defendant will plead guilty and the alternative sentence the defendant would receive should he or she not successfully complete the program. This alternative sentence, with very few exceptions, would call for a term in New Jersey State Prison. If the defendant is admitted based on a Violation of Probation petition, the defendant must plead guilty to the petition, and during

sentencing, the defendant's probation is extended to the full five year term. However, there is no alternative sentence negotiated in these cases. Instead, the defendant could be sentenced to anything within the degree range of the original conviction, much like a normal violation of probation. In either situation, the defendant is ultimately sentenced to a term of five years of special probation with the condition that the defendant successfully complete the Drug Court Program.

Overall, this new legislation represents a dramatic attempt to change how the justice system deals with the ever increasing problem of criminal activity committed by non-violent drug addicted citizens. It aims to help these defendants overcome their addictions, reduce recidivism and rehabilitate them into productive members of society. Based on the previous success Drug Court has had in achieving these goals, the expansion of this program can only be seen as a welcome change to the justice system.

## WINE & FOOD

Continued from Page 14

body and fruit that is citric melon framed and possessing enough acidity to pair well with a variety of foods. On the red wine side of the ledger, the **2010 La Carraia Montepulciano Tizzonero** is a tightly wound wine offering very focused and linear fruit suggesting creamy cassis and Bing cherries complemented by faint sage and olive expressions.

Another wine that, like La Carraia, is a Leonardo Locascio selection is Valle Reale. Leonardo Locascio, the founder and current CEO of Winebow, has a keen eye for quality Italian producers and is one himself. The gold "badge" bearing his name on a label serves to increase one's buying confidence. My favorite of the current Valle Reale wines is **2010 Valle Reale Vigne Nuove Montepulciano d'Abruzzo**. As with the above La Carraia Tizzonero, this wine is made from 100% Montepulciano grapes (not to be confused with Montalcino, as in Brunello di *Montalcino* made from Sangiovese Grosso grapes or, even more confusing, *Vino Nobile di Montepulciano* wines which are also Sangiovese-based). This Valle Reale wine offers rich but tart huckleberry fruit in a medium frame and weight, with

the fruit edged nicely by basil, thyme and what the French call garrigue, a sort of underbrush quality.

**2010 Botromagno Gravina** is the latest release of a wine that has impressed me in the past. It is a blend of two underappreciated grapes, Greco and Malvasia, which combine to good effect. There are spicy aromatics courtesy of the Malvasia, perhaps fennel, allspice and white pepper, with a soft, white flower fragrance as well. The fruit is crisp white peach and white grape oriented, with the overall impression conveyed in an integrated medium body.

I shall be looking to taste and report on some holiday wines next month, so be sure to return.

**DAVID C. EPLER, ESQUIRE**

**HIGH RIDGE MEDIATION CENTER**

**856.627.3200**

[dceplerlaw@aol.com](mailto:dceplerlaw@aol.com)

**Providing Family Mediation Services**

- Custody/Parenting Time Agreements
- Memoranda of Understanding
- Property Settlement Agreements
- Pre-Nuptial & Cohabitation Agreements

**ALSO AVAILABLE TO ACT AS REVIEW ATTORNEY**

### ADR Services

Arbitration ~ Mediation ~ Complex Case Management

**John B. Mariano**

40+yrs Legal Exp. ~17 yrs. Superior Court Judge (ret)

**Tel: 609.314.2031**



*The Law Firm of  
ZELLER & WIELICZKO, LLP,  
is pleased to announce that*

**HARRY CHUNG, Esquire,**

*has become associated with the Firm.*

*Harry Chung was formerly the  
Judicial Law Clerk for the  
Honorable Frederick J. Schuck  
and Extern for the Honorable Jerome Simandle.*

*September 24, 2012*

*120 Haddontowne Court  
Cherry Hill, New Jersey 08034  
(856) 428-6600*

**Sonya M. MocarSKI, MS**  
Vocational Capacity Assessments  
**30 Years Experience**

856-753-1792

Fax: 856-753-7118

smmocarSKidrc@comcast.net

**PAUL SNYDER**

Wealth Management Associates, Inc.

INDEPENDENCE • SERVICE • OBJECTIVITY

- Investment advice & management
- Rollover IRAs
- Company retirement plans
- Stocks, bonds, ETFs
- Mutual funds
- Municipal bonds
- Variable annuities
- Alternative investments

Member, Camden County Bar Assoc.  
856.235.6821

psnyder@wealthmanage.com

Securities offered through Securities America, Inc., member FINRA/SIPC, Paul Snyder, Registered Representative.  
• Wealth Management Associates & Securities are not affiliated companies.

**BANKRUPTCY**

**WIZMUR & FINBERG L.L.P.**

"There is life after debt . . .  
Let us help your clients get there!"

*We welcome referrals for  
consultation and representation in  
bankruptcy related matters.*

- Chapters 7, 13 & 11
- Discharge/Stay Violations
- Post Discharge Credit Repair
- Mortgage Foreclosure Relief

[www.consumerbankruptcylaw.com](http://www.consumerbankruptcylaw.com)

OFFICES IN: Marlton, Mount Holly,  
Northfield & Vineland

**856.988.9055**

We are a debt relief agency authorized to help  
people file for bankruptcy relief!

**ADRIENNE JARVIS,  
JD, PHD**

**Welcomes Social  
Security Referrals**

Personalized Caring Service

Bilingual

Complete All Forms  
& Collect All Medicals

**For More Information  
Call: 856.482.2212**

OR

email: [afjesq@aol.com](mailto:afjesq@aol.com)

# See how wide our focus is.

The name you trust for judgment searches can also be counted on for  
nationwide corporate and UCC searches and filing.



Charles Jones® has been one of the most trusted names in judgment searches for almost a century. But did you know that we also focus on corporate and UCC searches and filings? See how clearly the Charles Jones experience, quality and customer service can make even your most complex transaction simple and more cost-effective.

**For more details, call 800-792-8888 or visit [signatureinfo.com](http://signatureinfo.com)**

Home of Charles Jones® & Data Trace™ NJ/PA products and services



SIGNATURE  
INFORMATION SOLUTIONS®

# CLASSIFIEDS

To schedule your classified or display advertising call Kathy at 856.482.0620, email kdp@camdencountybar.org or fax copy to 856.482.0637

## PER DIEM & REFERRALS

### ATTENTION ATTORNEYS

Attorney with 18 years experience available for Motion work, legal research, depositions, and court appearances. Call Miles Lessem, Esq. at 856.354.1435

### REFERRALS INVITED

Attorney with 25 years of Appellate experience invites referrals. Available for arbitrations & per-diem work. R. 1:40 Mediator. Richard C. Borton, Esq. www.bortonlaw.com 856.428.5825

## SERVICES

### RICHWALL APPRAISALS

Jeffrey D. Richwall, SRA Member of the Appraisal Institute. **Tax Appeals - Matrimonial - Estates.** 28 Years of accurate, defendable residential appraisals (856) 396-0000 / jeff@richwallappraisals.com www.richwallappraisals.com

### DIVORCE CONCIERGE

Looking for family law attorneys who are interested in accepting client referrals. I prep, support and

provide resource management to your divorce clients. At no cost to you. Contact Kay Larrabee at womenonthemend@hotmail.com or call #856-628-5272. www.TheDivorceConciergeOfSouthJersey.com

## OFFICE SPACE

### PRIME OFFICE SPACE

Office space, Route 70 Cherry Hill, 800+ sq. ft., private offices, secretarial areas, electric heat and air conditioning included. On site parking. 856.424.7800.

### FURNISHED OFFICE • VIRTUAL OFFICE • WORKSPACE SOLUTIONS

Flexible terms. Rent office space for 1 day, 1 month or 1 year. Fully furnished offices with reception, phone answering, internet, meeting space and conference center. Working from home? Part-time office with friendly receptionist to answer your calls. Mail services available. Conveniently located Class "A" building with all the advantages of an office and none of the hassles. Mt. Laurel. Contact Deborah at 856.273.6900.

### CHERRY HILL OFFICE SUITE FOR RENT

Close to Haddonfield and 295. Two private offices, secretarial/reception area. Use of library/conference room. Parking on premises. Competitive rent. Call 856-428-9111 for details.

### VOORHEES - FOR SALE - REDUCED TO \$275,000

Professional office building - corner. Excellent Location - Rt. 561 Haddonfield-Berlin Rd. Large private parking lot (just over 1/2 acre), 2,700 ft<sup>2</sup>, \$275,000. Please contact: Jo - 609.504.4667

### OFFICE FOR RENT - HADDON HEIGHTS

White Horse Pike within 1 mi. of Rt. 295. Incl. 1 or 2 attorney offices with adjoining secretarial office and work areas. Use of library (NJ Super, Reports, Digest, Statutes, etc.) Ample parking & storage. Call Jay Levin: 856.547.0900

### CHERRY HILL OFFICE SHARING

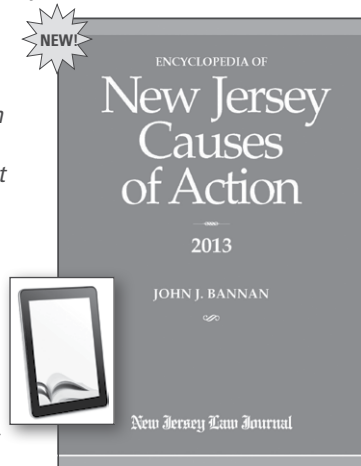
Executive office and secretarial space available to share with established attorneys in well maintained Kings Highway high-rise building. Shared reception waiting area, library/conference room, phone system, internet, LAN and amenities. Call for information 856-667-8868.

# 2013 ENCYCLOPEDIA OF New Jersey Causes of Action

by John J. Bannan

Now issued as an annual paperback and in e-pub format, this is a welcome resource for firms without an extensive library. The author read all published state court decisions from 1947 through the present and all chapters of the state code to compile the essential elements and leading causes for all theories of recovery.

The digital version of Encyclopedia of New Jersey Causes of Action is in e-pub format, with thousands of hyperlinks to the full text of New Jersey cases, statutes and other authoritative content. **\$199.95**



Searchable e-book, in print and digital version!

New Jersey Law Journal  
An ALM Publication



LAW OFFICES OF  
**CHARNY, CHARNY & KARPOUSIS, P.A.**



The Law Offices of Charny, Charny & Karpousis is pleased to announce **MICHELLE F. ALTIERI** has joined our Divorce and Family Law Practice.

Ms. Altieri has focused in the area of matrimonial law for more than ten years and is experienced in all phases of divorce litigation and settlement negotiations, mediations and arbitrations.

1300 Route 73, Suite 211 • Mount Laurel, New Jersey 08054  
856.505.1700 • CharnyLaw.com

Order online at [lawcatalog.com/njbannan](http://lawcatalog.com/njbannan) or by calling 973-854-2945.



# Help Your Clients Enhance Their Retirement Lifestyle With A Reverse Mortgage Loan

Reverse mortgage loans have helped homeowners 62 years of age or older access a portion of their home's equity to:

- Eliminate monthly mortgage payments\*
- Defer Social Security benefits
- Allow time for investment recovery
- Provide a tax-free income supplement\*\*

## Paul Dilks

Reverse Mortgage Advisor

Genworth Financial Home Equity Access, Inc.

**856 723.1225**

Paul.Dilks@Genworth.com



\* You must still live in the home as your primary residence, continue to pay required property taxes, homeowners insurance, and maintain the home according to Federal Housing Administration requirements.

\*\* Consult your financial advisor and appropriate government agencies for any effect on taxes or government benefits.

Genworth Financial Home Equity Access, Inc. 1 Bridge Plaza, 2nd Floor, Fort Lee, NJ 07024 (800) 218-1415. Company NMLS ID# 3313, Loan Originator NMLS ID# 485904 - NJ - Licensed by the N.J. Department of Banking and Insurance, Residential Mortgage Lender License #0801460. (800) 218-1415

R-041712-F



**“There’s a real family atmosphere at our firm — and at Susquehanna Bank.**

Susquehanna has done everything from helping us finance our children’s college educations to wiring money to family members in far-off places. They’ve been endlessly kind to us.”

*Michael P. Madden, Esq. and James J. Madden, Esq.  
Madden & Madden, P.A., Haddonfield, New Jersey*



To learn more about how we helped, visit [susquehanna.net/stories](http://susquehanna.net/stories)

Doing what counts.™ | 800.256.5022 | Member FDIC



Susquehanna Bank





# Don't wait, the time is now!

Register for New Jersey Law Journals 2012  
SUPER SATURDAY CLE YEAR-END DEADLINE programs!

Earn up to  
15 credits,  
including 4  
in ethics

## SATURDAY DECEMBER 1

8:30-4:45 – WOODCREST COUNTRY CLUB, CHERRY HILL

**Adjusting Your Radar to Spot and Address Your Ethical Obligations**

– Sherilyn Pastor

**Annual Review of New Jersey Civil Case Law**

– Prof. Denis McLaughlin

**Business & the Consumer Fraud Act:  
What Activities Generate Liability**

– Paul DePetris

## SATURDAY DECEMBER 8

8:30-3:30 – WOODCREST COUNTRY CLUB, CHERRY HILL

**Game Changers—Seldom Used But Highly Effective Trial Techniques**

– Andrew J. Kyreakakis

**Ethical Considerations to Avoid Malpractice Claims in Handling Litigation**

– John L. Slimm, Michael Donahue, III, and Mark Biel

**Everything You Need to Know About Medical Malpractice Cases, But Didn't Know Who to Ask**

– Abbott S. Brown and William Gold

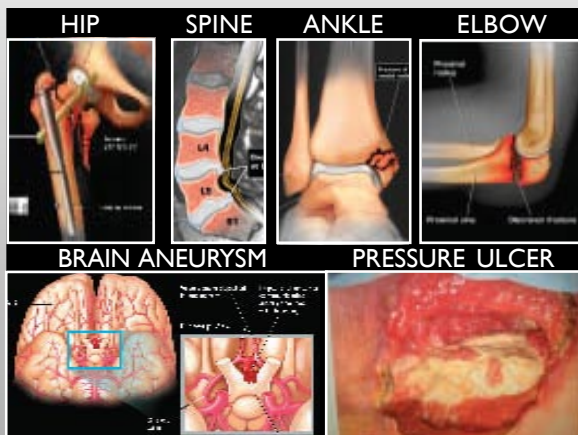
To register go to [www.njlj.com](http://www.njlj.com) and click on the CLE tab

## Law Offices of Andrew A. Ballerini

Accepting Referrals of Serious and Catastrophic Injury Cases Including:

**Nursing Home, Medical Malpractice,  
Product Liability, Truck & Automobile Injuries**

We **RELENTLESSLY** represent our clients using our valuable resources to help prove the significance of **OUR CLIENTS' INJURIES!**



See other exhibits @ [www.ballerinilaw.com](http://www.ballerinilaw.com)



Andrew A. Ballerini

As Certified Civil Trial Attorneys, we have and will pay one third referral fees to those attorneys who give us the opportunity to serve their clients.



Richard J. Talbot

Recent case results include:

- ☐ \$300K Truck/Motor Vehicle Accident
- ☐ \$265K Nursing Home Fall-Fractured Hip
- ☐ \$630K Motor Vehicle Accident w/Bus-Fractured Ankle
- ☐ \$479K Gross Verdict-Slip & Fall on Ice
- ☐ \$275K Heel Pressure Ulcer-15 Day Stay at Nursing Home
- ☐ \$570K Settlements-Defective Product Claims-1.5 Wks. of Trial
- ☐ \$350K Tort Claims Act - Motor Vehicle Accident

CERTIFIED BY THE SUPREME COURT OF NJ AS  
CIVIL TRIAL ATTORNEYS

"Members of the Million Dollar Advocates Forum"

535 Route 38 — Suite 328 — Cherry Hill, 08002

**856.665.7140**