



Thomas R. Curtin to Receive Gerry Award October 20

Past State Bar President receives prestigious award

presented at the 14th annual Gerry Award dinner on Tuesday October 20, at the Westin Hotel in Mount Laurel. Beginning with an open bar cocktail reception sponsored by Graham Curtin, A Professional Association at 6 p.m., the award will be presented during the dinner, which begins at 7 p.m. The 2009 John F. Gerry Memorial Scholarship recipient will also be announced and presented

with a check during the dinner. Master of ceremonies for the dinner and awards presentation will be former United States District Judge Stephen M. Orlofsky, who also chairs the Gerry Award Committee. In addition to his emcee duties, Mr. Orlofsky will take the podium to provide introductory remarks for Mr. Curtin.

Continued on page 6

Thomas R. Curtin, Esquire has been named the 2009 recipient of the prestigious Judge John F. Gerry Award. The award will be



McCormick Named Camden County's Professional Lawyer of the Year

Association Immediate Past President Joseph A. McCormick, Jr. has been named the Camden County 2009 Professional Lawyer of the Year. McCormick, a partner with Weinberg & McCormick, P.C. in Haddonfield, will receive his award at the annual Professionalism Awards Luncheon on October 22 at the Hyatt

Continued on page 15



It's Fall, Time To Frolic

Sharing the Joy of the Holidays on November 17



Jump-start the holidays with colleagues, staff, clients, friends and family while sharing the joy of the Holiday Season with disadvantaged kids from Camden at the Bar Foundation's most popular social event – **Fall Frolic '09** – 6-8 p.m., Tuesday November 17, at the Coastline Restaurant & Bar on Brace Road in Cherry Hill.

Coastline owner and friend of the Bar, Chris Mourtos, is again opening his heart and his doors to the Bar Foundation to ensure another great evening of "frolicking" for Bar members and their guests. **All** proceeds from Frolic ticket sales will be used to purchase toys for the Public Benefits Committee's *Kids Christmas Breakfast & Party w/Santa* on Saturday, December 5th, hosted again by the Coastline.

Enjoy 2 hours of open bar, hot buffet, hot music, and dancing all for only \$15 per person (law students free!). Thanks to Chris's continued generosity, **100%** of the ticket price will be used to bring happiness and joy to deserving kids from Camden, along with a visit and gift from Santa.

Don't miss this great evening of networking, camaraderie, and just plain fun for a good cause!

Law Practice Management Committee Established

At its September meeting, the Board of Trustees approved the creation of the Law practice Management Committee, co-chaired by Casey Price and Kimberly Alford Rice. The goal of the committee is to provide CCBA members with essential

Continued on page 5

IN MEMORIAM

The Association was saddened to learn of the passing of CCBA member William R. Bostic, Esq., on September 10. Bill served 12 terms as Committeeman-at-Large, the Camden County Board of Social Services and was the attorney for the Zoning Board.

We extend our condolences and sympathies to Bill's family and friends. He will be missed.

Lawyers in Transition Kick-off Set

First meeting set for October 15

The Camden County Bar Association and its leadership are well aware of the issues and, in many cases, the pain that our members are experiencing in the current economy. Recognizing the challenges that we are facing, the Association will launch "Lawyers in Transition" (LIT) on October 15, at 4 p.m. at Bar Headquarters. This

Continued on page 8

INSIDE

Calender	2
At A Glance	3
Municipal Court Law	4
To the Editor	5
Presidents Perspective	12
Wine and Food	13
Legal Briefs	14
New Members	15
Verdicts in the court	16
Abraham Lincoln	18
Young Lawyers Corner	21

The Docket October 2009

Monday, October 5th 11 am
Autumn Scramble – Golf Outing
Scotland Run Golf Course

Wednesday, October 6th Noon
Young Lawyer Committee Meeting
Bar Headquarters

Tuesday, October 13th 5 – 6 pm
Association Executive Committee Meeting
Bar Headquarters

Wednesday, October 14th Noon
Elder Law & Disability Committee Luncheon
Bar Headquarters

Thursday, October 15th 4 – 5 pm
Substance Abuse Committee Meeting
Bar Headquarters

Lawyers in Transition Kickoff 4 pm
Bar Headquarters

Monday, October 19th 4– 6:15 pm
Do's & Don'ts of Settling a Class Action Seminar
The Mansion, Voorhees

Tuesday, October 20th 6 pm
Judge John F. Gerry Award Dinner
The Westin, Mount Laurel

Wednesday, October 21st 4 pm
Association Board of Trustees Meeting
Bar Headquarters

Thursday, October 22nd noon
Professional Lawyer Luncheon
New Brunswick

Medicare, Medicaid & Governmental Liens in the Settlement Process Seminar
4 - 6:15 pm
The Mansion, Voorhees

Tuesday, October 27th 4– 6:15 pm
Civil Practice Update Seminar
The Mansion, Voorhees

Young Lawyer Committee Happy Hour
6– 8 pm
The Pour House, Westmont

Wednesday, October 28th Noon
State of the Probate Court & Surrogate's Office in Camden County Luncheon
The Tap Room, Haddon Township

Thursday, October 29th 4 - 6:15 pm
Land Use & Real Estate – The Basics Seminar
Camden County Boathouse, Pennsauken

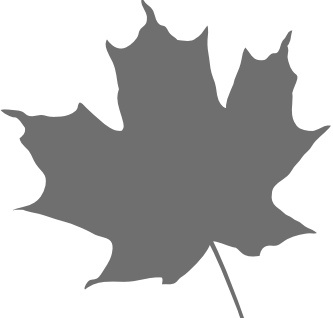
Friday, October 30th Noon
Social Security Committee Meeting
Bar Headquarters

Tentative agenda for October 21, Trustees Meeting

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

- I.** Call to Order
- II.** Minutes from Board Meeting of 9.16.09
- III.** Treasurer's Report
- IV.** President's Report
- V.** Executive Director's Report
- VI.** Membership Committee Report
- VII.** Young Lawyer Committee Report
- VIII.** Standing Committee Reports
- IX.** Foundation Update
- X.** NJSBA Update
- XI.** New Business (if any)
- XII.** Old Business
- XIII.** Adjourn

Statement of Ownership, Management, and Circulation	
FOR THE WEEK ENDING OCTOBER 19, 2009	
1. Publication Title	The Barrister
2. Issue Date	October 2009
3. Number of Issues Published Annually	12
4. Annual Subscription Price	\$40
5. Number of Copies of This Issue Published	1,000
6. Total Number of Copies (Sum of 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100)	1,000
7. Paid and Unpaid Subscriptions	0
8. Paid and Unpaid Advertising	0
9. Paid and Unpaid Circulation	0
10. Paid and Unpaid Distribution	0
11. Paid and Unpaid Other	0
12. Total Paid and Unpaid	0
13. Total Paid and Unpaid (Sum of 7, 8, 9, 10, 11, 12)	0
14. Total Paid and Unpaid (Sum of 13 and 12)	0
15. Total Paid and Unpaid (Sum of 14 and 13)	0
16. Total Paid and Unpaid (Sum of 15 and 14)	0
17. Total Paid and Unpaid (Sum of 16 and 15)	0
18. Total Paid and Unpaid (Sum of 17 and 16)	0
19. Total Paid and Unpaid (Sum of 18 and 17)	0
20. Total Paid and Unpaid (Sum of 19 and 18)	0
21. Total Paid and Unpaid (Sum of 20 and 19)	0
22. Total Paid and Unpaid (Sum of 21 and 20)	0
23. Total Paid and Unpaid (Sum of 22 and 21)	0
24. Total Paid and Unpaid (Sum of 23 and 22)	0
25. Total Paid and Unpaid (Sum of 24 and 23)	0
26. Total Paid and Unpaid (Sum of 25 and 24)	0
27. Total Paid and Unpaid (Sum of 26 and 25)	0
28. Total Paid and Unpaid (Sum of 27 and 26)	0
29. Total Paid and Unpaid (Sum of 28 and 27)	0
30. Total Paid and Unpaid (Sum of 29 and 28)	0
31. Total Paid and Unpaid (Sum of 30 and 29)	0
32. Total Paid and Unpaid (Sum of 31 and 30)	0
33. Total Paid and Unpaid (Sum of 32 and 31)	0
34. Total Paid and Unpaid (Sum of 33 and 32)	0
35. Total Paid and Unpaid (Sum of 34 and 33)	0
36. Total Paid and Unpaid (Sum of 35 and 34)	0
37. Total Paid and Unpaid (Sum of 36 and 35)	0
38. Total Paid and Unpaid (Sum of 37 and 36)	0
39. Total Paid and Unpaid (Sum of 38 and 37)	0
40. Total Paid and Unpaid (Sum of 39 and 38)	0
41. Total Paid and Unpaid (Sum of 40 and 39)	0
42. Total Paid and Unpaid (Sum of 41 and 40)	0
43. Total Paid and Unpaid (Sum of 42 and 41)	0
44. Total Paid and Unpaid (Sum of 43 and 42)	0
45. Total Paid and Unpaid (Sum of 44 and 43)	0
46. Total Paid and Unpaid (Sum of 45 and 44)	0
47. Total Paid and Unpaid (Sum of 46 and 45)	0
48. Total Paid and Unpaid (Sum of 47 and 46)	0
49. Total Paid and Unpaid (Sum of 48 and 47)	0
50. Total Paid and Unpaid (Sum of 49 and 48)	0
51. Total Paid and Unpaid (Sum of 50 and 49)	0
52. Total Paid and Unpaid (Sum of 51 and 50)	0
53. Total Paid and Unpaid (Sum of 52 and 51)	0
54. Total Paid and Unpaid (Sum of 53 and 52)	0
55. Total Paid and Unpaid (Sum of 54 and 53)	0
56. Total Paid and Unpaid (Sum of 55 and 54)	0
57. Total Paid and Unpaid (Sum of 56 and 55)	0
58. Total Paid and Unpaid (Sum of 57 and 56)	0
59. Total Paid and Unpaid (Sum of 58 and 57)	0
60. Total Paid and Unpaid (Sum of 59 and 58)	0
61. Total Paid and Unpaid (Sum of 60 and 59)	0
62. Total Paid and Unpaid (Sum of 61 and 60)	0
63. Total Paid and Unpaid (Sum of 62 and 61)	0
64. Total Paid and Unpaid (Sum of 63 and 62)	0
65. Total Paid and Unpaid (Sum of 64 and 63)	0
66. Total Paid and Unpaid (Sum of 65 and 64)	0
67. Total Paid and Unpaid (Sum of 66 and 65)	0
68. Total Paid and Unpaid (Sum of 67 and 66)	0
69. Total Paid and Unpaid (Sum of 68 and 67)	0
70. Total Paid and Unpaid (Sum of 69 and 68)	0
71. Total Paid and Unpaid (Sum of 70 and 69)	0
72. Total Paid and Unpaid (Sum of 71 and 70)	0
73. Total Paid and Unpaid (Sum of 72 and 71)	0
74. Total Paid and Unpaid (Sum of 73 and 72)	0
75. Total Paid and Unpaid (Sum of 74 and 73)	0
76. Total Paid and Unpaid (Sum of 75 and 74)	0
77. Total Paid and Unpaid (Sum of 76 and 75)	0
78. Total Paid and Unpaid (Sum of 77 and 76)	0
79. Total Paid and Unpaid (Sum of 78 and 77)	0
80. Total Paid and Unpaid (Sum of 79 and 78)	0
81. Total Paid and Unpaid (Sum of 80 and 79)	0
82. Total Paid and Unpaid (Sum of 81 and 80)	0
83. Total Paid and Unpaid (Sum of 82 and 81)	0
84. Total Paid and Unpaid (Sum of 83 and 82)	0
85. Total Paid and Unpaid (Sum of 84 and 83)	0
86. Total Paid and Unpaid (Sum of 85 and 84)	0
87. Total Paid and Unpaid (Sum of 86 and 85)	0
88. Total Paid and Unpaid (Sum of 87 and 86)	0
89. Total Paid and Unpaid (Sum of 88 and 87)	0
90. Total Paid and Unpaid (Sum of 89 and 88)	0
91. Total Paid and Unpaid (Sum of 90 and 89)	0
92. Total Paid and Unpaid (Sum of 91 and 90)	0
93. Total Paid and Unpaid (Sum of 92 and 91)	0
94. Total Paid and Unpaid (Sum of 93 and 92)	0
95. Total Paid and Unpaid (Sum of 94 and 93)	0
96. Total Paid and Unpaid (Sum of 95 and 94)	0
97. Total Paid and Unpaid (Sum of 96 and 95)	0
98. Total Paid and Unpaid (Sum of 97 and 96)	0
99. Total Paid and Unpaid (Sum of 98 and 97)	0
100. Total Paid and Unpaid (Sum of 99 and 98)	0



The Barrister

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

President Richard A. DeMichele, Jr. 313 White Horse Pike Haddon Hts., NJ 08035	President-elect Linda W. Eynon 210 Silvia Street Trenton, NJ 08628
First Vice President Louis R. Lessig 360 Haddon Avenue Westmont, NJ 08108	Second Vice President Brenda Lee Eutsler 1702 Haddonfld-Berlin Rd. Cherry Hill, NJ 08033
Treasurer Gary W. Boguski 199 6th Avenue Mt. Laurel, NJ 08054	Secretary Casey Price 35 Kings Hwy E, Ste 110 Haddonfield, NJ 08033
Executive Director Laurence B. Pelletier	Advertising Kathy Caira 856.482.0620 kmc@camdencountybar.org
Board of Trustees	Periodicals postage paid at Cherry Hill, NJ and additional offices (USPS 712 - 480).
2010 Michelle H. Badolato Carol A. Cannerelli Steven J. Polansky Salvatore J. Siciliano William Tobolsky	Classified Advertising rates \$30 per column inch. Display advertising rates \$18 per column inch.
2011 Ira R. Deiches Eric G. Fikry Jenifer G. Fowler Justin T. Loughry John A. Zohlman, III	Annual Subscription Rate \$40
2012 Ronald G. Lieberman Ellen M. McDowell Jerrold N. Poslusny, Jr. Carl Ahrens Price John F. Renner	Views and opinions in editorials and articles are not to be taken as official expres- sions of the Association's policy unless so stated, and publication of contributed articles does not necessarily imply endorsement in any way of the views.
Young Lawyer Trustee Adam Gersh	
NJ State Bar Trustee Arnold N. Fishman	
Immediate Past President Joseph A. McCormick, Jr. (ex-officio)	
ABA Delegate Richard A. DeMichele, Jr.	
Editorial Board Debbie Carlos Warren W. Faulk V. Richard Ferreri William Groble Peter M. Halden James D. Hamilton, Jr. David Jacoby John J. Levy John G. McCormick Cynthia Sharp Meyers Nancy Morgenstern Elizabeth Pascal Casey Price Richard A. DeMichele, Jr. (ex-officio)	Be an active participant in YOUR professional organization. ATTEND MEETINGS AND FUNCTIONS!
Editorial Offices 1040 N. Kings Highway, Suite 201 Cherry Hill, NJ 08034	

At A Glance

October CLE Seminars

October 19: DO'S & DON'TS OF SETTLING A CLASS ACTION

Look in the newspapers or watch television these days and it seems that there are always announcements regarding class action suits and that you might have a claim.

What do you do if presented with a class action case? What is the first step in the Settlement Approval Process? Who does what to get the settlement approved – defense or plaintiff's counsel?

This seminar will present information to help you ensure that your class action settlement is actually approved.

October 22: MEDICARE, MEDICAID & GOVERNMENTAL LIENS IN THE SETTLEMENT PROCESS

In July 2009, the Centers for Medicare and Medicaid Services (CMS) began enforcing reporting requirements for medical providers with regard to care rendered to personal injury accident victims. This action was taken as an attempt to enforce the requirements of the Medicare Secondary Payor Act. Essentially, Medicare wants to know what it spent on accident victims' cases and what the future medical care, for the injuries suffered in the accident, may be. If you weren't concerned with Medicare liens in the past, this action by CMS should be of concern to you now.

This seminar will discuss how to resolve liens with Medicare and Medicaid. It will disclose the intricacies of creating a Medicare Set-Aside Fund and how to integrate that into a Special Needs Trust when appropriate. It will also discuss how and when to use an IRS Section 468B (qualified settlement fund) trust.

If you are a **personal injury attorney** who is trying or settling a case in which Medicare is involved, or if your client, while not on Medicare at the present time, could be seeking Medicare in the near future, then you need to know what a Medicare Set-Aside Fund is and how to create it. Failure to comply with Medicare's requirements could result in the full amount of your client's recovery being subject to medical payments for care to be provided in the future. Even worse, the attorney, if not careful, could be subject to personal liability for that care.

October 27: CIVIL PRACTICE UPDATE

It's a fact of life – Things Change! This annual seminar features four Judges from the Camden County Civil Division and the Civil Division Manager who will provide the latest information and updates affecting civil practitioners in the areas of discovery, voir dire, best practices and rule changes, with a question and answer period. This annual seminar is always one of the best-attended and is a "can't miss" for all civil attorneys.

October 29: LAND USE & REAL ESTATE — THE BASICS

At some point in the very near future, the real estate market will come back. Then, real estate development will have its own resurgence in that the land for commercial and residential real estate use will be available. With that, Land Use applications will once again be a part of our legal landscape.

A must seminar for experienced Real Estate and Land Use practitioners, attendees will receive cutting edge case law updates and regulations that have been occurring during the lull over the past few years, with an emphasis on COAH and redevelopment law.

CLE Materials:

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

CLE Payment Policy:

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

CLE Financial Hardship Policy:

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

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

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

CLE Cancellation Policy:

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

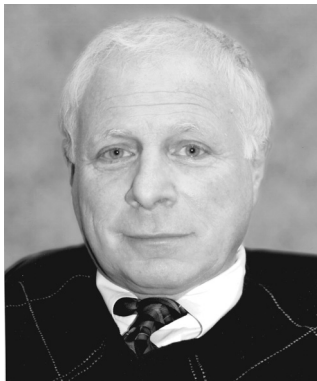
Substitute attendees, however, are welcome to attend. Pay at the door registrants are held to the same policy as prepaid registrants, and will be invoiced if cancellation is not properly received. Seminar materials will be provided to registrants who do not attend.

**Remember to check
this month's inserts!**

MUNICIPAL COURT LAW

LAURICK-PRIMER Part II

By Frederic L. Bor



This is [Part II](#) in a series that hopefully will assist prosecutors and defense counsel when faced with a properly presented [Laurick](#) application. Last month we addressed the procedural framework for such applications; now let's start to review various substantive applications. Keep in context that, with these Motions we are not dealing with a downgrade to a non-moving traffic violation or whether a defendant had his insurance card

in his possession. Instead, defendants and practitioners have increased their focus on PCR applications in light of the strict guidelines for incarceration relative to third offense convictions. While there are several grounds that can be used to attack a prior conviction, by way of PCR, a [Laurick](#) application, if granted, will ordinarily negate subsequent custodial enhancement for conviction of a DWI. [State vs. Conroy](#), a 2008 Appellate Division ruling helps to clarify and identify the impact of a [Laurick](#) application on a subsequent DWI conviction. There are times when the inter-relationship between [Laurick](#) and [Conroy](#) become critical relative to the rights of a defendant.

I recently presented the following facts in a Motion returnable before a very good Judge in Camden County. The facts in my case were very similar to those in [Conroy](#). My defendant had DWI convictions in 1982, 1984, 1992 and now faced prosecution for a 2009 violation. As in [Conroy](#), my defendant was unrepresented by legal counsel at a prior plea acceptance hearing in 1992. Even before applying a [Conroy](#) analysis it was necessary to persuade the Court that the 1992 prior Guilty conviction could not be used for sentencing enhancement. In my case the prior uncounseled 1992 conviction happened to be in the same Municipality as the pending 2009 violation. Also the defendant in my case had never before benefited from a 10 year "step down."

The facts are simple in [Conroy](#) where the defendant had three prior DWI convictions, the last was in 1995. In the case before the Municipal Court, the defendant, Conroy, was charged in 2005 (convicted in 2006 of his fourth DWI offense) more than 10 years after his third offense in 1995. Thus, the Step-Down Rule would seem to have been applicable, but still the 2006 conviction would constitute a fourth offense for sentencing purposes because of his prior convictions. Accordingly, defendant, Conroy, filed a [Laurick](#) application with regard to his first DWI conviction in 1982 in an attempt to avoid incarceration. Conroy's [Laurick](#) application was successful and so his 1982 conviction was not available for subsequent custodial enhancement. Now, on Conroy's plate was whether the 10-year Step-Down Rule on the 2005 offense (as to his 1995 conviction for DWI) would be applicable thus, making any present conviction only a "second offense" for sentencing purposes.

In [Conroy](#), it was all about the timeline of his DWI

convictions within the context of a [Burroughs/Laurick/Step Down](#) analysis. The 2005 violation to which Conroy pleaded guilty in 2006 was his "fourth offense" but because his first conviction was eventually "Lauricked," the 2006 conviction, while a fourth offense would become a "second offense" for incarceration sentencing enhancement only if the sentencing Court applied the 10-year Step Down Rule to a fourth DWI conviction. The argument of counsel before the lower Courts was that in 2006, Conroy would stand before the sentencing Court as a third offender for custodial purposes (after his [Laurick](#) success) and should also be granted the benefit of the Step-Down provision because that 2006 violation had occurred more than 10 years after the 1995 offense. The Municipal Court and Law Division disagreed with Conroy's interpretation of the Step Down Rule.

The reasoning of the State was simple. While, on appeal, it conceded the 1982 DWI was without counsel, its position was the Step Down provision should not apply to a "fourth DWI" conviction. Or, the argument that [Laurick](#) may prohibit the use of an uncounseled DWI conviction, but it "does not erase the conviction from the count of the defendant's prior DWI offenses."

Judge Gilroy reasoned that the operative analysis should be to count offenses within the context of the imposition of the jail sentence; not pure number of violations and convictions. Thus, while Conroy was convicted for a fourth time, he was only a third offender in 2005/6 relative to the imposition of a jail sentence under the enhanced sentencing of the DWI statute. That being the case, the Step Down rule was applied and Conroy was further reduced to "second offender" status for sentencing.

For analytical purposes, the Court also rejected the argument of the State which pertained to the ruling in [State vs. Burroughs](#). As we know, [Burroughs](#) did not involve a Step Down provision but, instead, the manner in which prior offenses were counted and the time frames between multiple convictions. Simply, Burroughs had a conviction in 1982 and 1998; the latter resulted in sentencing as a first offender. Then in 2000 Burroughs was again convicted of DWI and sentenced as a second offender because the Municipal Judge determined that the first offense had been "forgiven." The Appellate Division, however, reversed that finding essentially based upon the notion that a defendant has no vested interest to continue "Step Down" status where there is a subsequent drunk driving offense. Or as the Court eloquently stated, "the earlier offense is not forgiven. Having been granted leniency by virtue of the infraction free lapse of time between the two earlier violations, the offender has received his reward for good conduct and is entitled to no further consideration." In Conroy, the defendant had never had a "step down."

The [Laurick-Conroy](#) construct was correctly applied in my case by a very well thought out decision by a Camden County Municipal Judge. As a predicate, the Court had to conclude that my client's 1992 conviction was not to be used for sentencing enhancement; it did. But that would still leave my client with a third offense 180 day incarceration term unless

To The Editor:

Dear Diary,

I am sorry I have not written stuff down for some time now, but it has been a crazy summer. I will try to catch up.

Today was the annual CCBA Memorial Service for members who died in the last calendar year. I guess I have been going to that ceremony for most of the years I have been a lawyer, I put it on my calendar months in advance. For many years, I had little if any knowledge of the lawyers who had passed on, they were "before my time," but that is certainly not the case now that I have been at this for 36 years. Man, it is just weird to sit and hear the personal histories of lawyers and judges with whom I worked over the years. I could tell you my own stories at this point.

This year, I had to get permission from Judge Todd in Cape May County to be there. Once I explained the ceremony and how I felt about it, he readily gave me permission to come to his court late. Thanks, Judge Todd.

Over the years, I have learned things about our members that were very interesting and humbling. I never knew that Bill Dickey, I met him several times, worked in the old shipyard. Hell, I bet some of our members don't even know there was a shipyard. Here was a man who helped raise his siblings while in school and working. And how about the lawyers who worked day jobs, with families, and then went to law school at night. Wow, what commitment. Not like our spoiled kids, eh?

I guess the point, Diary, is that there were only a handful of us there on Monday the 14th to hear these stories. I tell you, if you added up the judges and family members of the deceased who were there, the number of members there to pay respect was just pitiful.

Hey, I don't want to scold anyone, but Harvey Mitnick was there and the man had a heart attack just weeks ago! Way to go Harv, see you next year for sure.

I guess people just don't care anymore, or don't know how or when to pay respect. Too bad. I hope we can find a way to do better. Till next time, Diary....

Robert Aaron Greenberg, Esq.

September 16, 2009

Dear Friends and Colleagues:

On October 1, 2009, I will be leaving Montgomery, McCracken, Walker & Rhoads, LLP to join the Cooper Health System as General Counsel.

I want to publicly thank my friends and colleagues at the Firm who have been a pleasure to work with.

I also want to thank the member of the bar and their clients for permitting me to work with them in helping resolve their cases. I hope our paths cross again.

Many thanks.

Sincerely,

Joel B. Rosen

Law Practice Management Committee Established (continued from page 1)

tools needed for the *business* of practicing law and to help increase revenue, enhance efficiency and improve productivity regardless of practice area, firm size or position within the firm.

The committee will present practice management programming and materials such as: Implementing technology that works; the importance of effective marketing planning; quality of life issues; how to hire and retain associates and more.

Members interested in serving on the Law Office Management Committee should contact Kathy at Bar Headquarters at 856.482.0620, or email kmc@camdencountybar.org

MUNICIPAL COURT LAW LAURICK-PRIMER Part II (continued)

the Court applied the Conroy standard to the 2009 intended "fourth" DWI guilty plea. Instead of simply counting the violations, the Court, in my case, allowed the 10 year "step down" and this, along with the Laurick ruling concerning the 1992 conviction resulted in my client's avoidance of a mandatory 180 day period of incarceration. So my client went from a fourth conviction DWI sentence of 180 days of incarceration to a non-custodial sentence with the utilization of the Laurick-Conroy application.

Fredric L. Bor is a member of the Municipal Court Committee of the Camden County Bar Association and was admitted to the New Jersey Bar in 1972. In addition to his law degree from Rutgers, Fred holds a Ph.D. in Philosophy and two Masters Degrees. He was a Municipal Court Judge from 1979 to 1984 in Gloucester Township, Berlin, Barrington, Woodbury Heights, Waterford, and Pine Hill. Currently, Fred is an Adjunct Professor of Political Science at Temple University.

Thomas R. Curtin to Receive Gerry Award

(continued from page 1)

"Tom Curtin's long record of public service exemplifies the same dedication reflected in the life and times of Judge Gerry," said Orlofsky, "Judge Gerry would be delighted to know that he will receive the award that bears his name." Those words of praise were echoed by Camden County Bar Foundation President, Carolyn Kornas Karbasian who stated "Tom Curtin is universally respected, not only in New Jersey, but also through his leadership and active participation in the ABA. Anyone who has worked with Tom would agree that he is most deserving of this prestigious award."

The Judge Gerry Award is presented annually by the Camden County Bar Foundation to recognize the continuing outstanding contributions of a member of the Bar of the State of New Jersey, or a member of the State or Federal Judiciary, who exemplifies the spirit and humanitarianism for which Judge Gerry is remembered.

Now in its 14th year, previous recipients include: Donald A. Robinson, 1996; Judge William Lipkin, 1997; Judge Dickinson Debevoise, 1998; former Attorney General George F. Kugler, Jr., 1999; Ambassador and former Congressman William J. Hughes, 2000; Judge Stanley S. Brotman, 2001; Judge John B. Mariano, 2002; Judge Joseph Irenas, 2003; Judge Michael P. King, 2004; Chief Judge John W. Bissell, 2005; Joseph H. Kenney, Esq. and posthumously to Chief Judge Edward R. Becker, 2006; Hon. Joseph H. Rodriguez, Senior Judge, United States District Court, District of New Jersey, 2007; and Hon. Joel B. Rosen, former United States Magistrate, 2008.

Mr. Curtin, a shareholder with the firm of Graham Curtin in Morristown, is a member of the litigation group specializing in practice in both Federal and State Courts. He also maintains a practice representing and advising individuals in the fashion, coaching and sports professions.

A 1965 graduate of Fairfield University, he graduated from the University of Notre Dame Law School in 1968 and is a past president of the Notre Dame Law Association. He currently serves as a member of the Notre Dame Law School Advisory Council where he chairs the Order of St. Thomas More.

His bar memberships include the States of New Jersey and New York, United States District Court for the District of New Jersey, the United States Supreme Court, the United States Court of Appeals for the Third Circuit, and United States Court of Appeals for the Federal Circuit.

Mr. Curtin is also an active member of the American Bar Association where he has been a member of the House of Delegates since 1993 and has served as the New Jersey State Delegate to the ABA since 2001. He currently chairs the Steering Committee of the Nominating Committee of the House of Delegates. He is a Fellow of the American Bar Foundation and a past member of the Council of the National Conference of Bar Presidents.

In addition to being a past President of the Morris County Bar Association and former Chair of the Morris County Judicial Selection Committee, Mr. Curtin was President of the New Jersey State Bar Association from 1993 to 1994 and President of the New Jersey State Bar Foundation from 1986 to 1988.

His other State Bar activities include: chair of the New Jersey Commission on Professionalism in the Law from 1996 to 1998; member of the Supreme Court Ethics Committee serving as its Vice Chair from 1978 to 1984; member of the Board of the New Jersey Supreme Court Lawyers Assistance Program from 2006 to 2009; and he currently chairs the Lawyers Advisory Committee of the United States District Court for the District of New Jersey, serves as a Trustee of the Association of the Federal Bar and is a member of the United States District Court for the District of New Jersey Historical Society.

His community service work includes service on the Board of Legal Services of New Jersey since 2005; service on the Boards of the Community Food Bank of New Jersey, the Cancer Hope Network, the Martindale-Hubbell Advisory Board, the National Football Foundation and College Hall of Fame, Saint Clare's Health System, and Morris Catholic High School.

David C. Epler, Esq.

25 YEARS OF FAMILY LAW EXPERIENCE

Family Law Mediation Services through the High Ridge Mediaton Center

Services Include

- Mediation of all family law mediated services
- Preparation of complete settlement agreements
- Preparation of Memoranda of Understanding

Legal services are also available to act as a review attorney for participants in the mediation process, generally without the need of a retainer, and to secure uncontested divorces at the conclusion of mediation.

Mediate, Don't Litigate!

Call: 856.627.3200

Mr. Curtin has three children and four grandsons and resides in Chester Township, New Jersey.

The Judge John F. Gerry Memorial Scholarship Award, established in 2002, will also be presented at the dinner. The award is available to students enrolled at any New Jersey law school. Scholarship recipients have demonstrated academic achievement and genuine financial need, coupled with a verifiable history of and/or a desire to practice in the public service sector.

Tax deductible donations to support the Gerry Memorial Scholarship may be sent to the Camden County Bar Foundation, 1040 N. Kings Highway, Suite 201, Cherry Hill, NJ 08034.

The cost to attend this year's Award Dinner is \$75, with a portion of the ticket price going to the Gerry Scholarship Fund. Reservations may be made by calling Bar Headquarters at 856.482.0620, or by using the flier insert in this edition of the Barrister. Reservations must be received by Monday, October 12.



LARGEMOOR

FILM SERVICE INC.

LEGAL FORENSIC PHOTOGRAPHY

PROVIDING EXPERT PHOTOGRAPHIC SERVICES FOR CRIME SCENES, ACCIDENT SCENES, DISPLAYS, VIDEO DEPOSITIONS, DAY-IN-THE-LIFE VIDEOS, PERSONAL INJURY, EXPERT REPORTS & DISPLAYS.

VIDEO DEPOSITION SPECIAL
\$100.00 PER HOUR
2 HOUR MINIMUM

LARGEMOOR
FILM SERVICE INC.
 128 N. SIXTH STREET
 CAMDEN, NJ 08102
 TEL: 856-963-3264 FAX: 856-963-2486
 email:largemoor@aol.com
 www.largemoor.com

CRIMINAL LAW: Halcyon Days Gone By

By Howard C. Gilfert, Assistant Camden County Prosecutor

Now that summer is only a fond memory, it is time to return to reality and discuss recent developments in our area of practice. Apparently the judges and justices of our appellate courts suspended summer, at least for their law clerks, as the Appellate Division and Supreme Court handed down quite a few criminal opinions while we were enjoying ourselves.

Space, and my reticence to torture the innocent, prohibits an in-depth discussion of all of these opinions. You may, however, find a cursory review of some of the more significant decisions to be helpful. In no particular order and at my complete discretion as to significance, here they are.

Allowing me to pick up where my earlier scintillating article left off: *Miranda Warnings: Once is Enough...or is it?* the Appellate Division issued its opinion in *State v. Wessells*, 408 N.J. Super. 188 (App. Div. 2009). In *Wessells*, the police advised the defendant of his *Miranda* rights and questioned him at the police station in connection with a triple homicide before releasing him. The defendant later claimed that the questioning had stopped because he requested counsel. Nine days later, the police again questioned the defendant at the police station after re-advising him of his *Miranda* rights. During the second interview, the defendant made damaging admissions.

Relying on *Edwards v. Arizona*, 451 U.S. 477 (1991) (where a suspect requests counsel during questioning, the police may not question the suspect further without counsel unless the suspect re-initiates the conversation), the trial court suppressed the second statement. On an interlocutory appeal taken by the State, the Appellate Division reversed and held that the second statement was admissible. The court reasoned that even if the defendant had invoked his right to counsel during the first interview with the police, the break in custody of nine days during which the defendant had ample opportunity to consult with counsel permitted the police to re-initiate questioning and the second waiver of rights was valid.

In *State v. Baum*, 199 N.J. 545 (2009), the court considered whether a defendant may assert his co-defendant's right against self-incrimination as a basis to suppress evidence. While the facts and history of the case are convoluted, the court held that the right to be free from compulsory self-incrimination is a personal right and it cannot be invoked vicariously by a co-defendant.

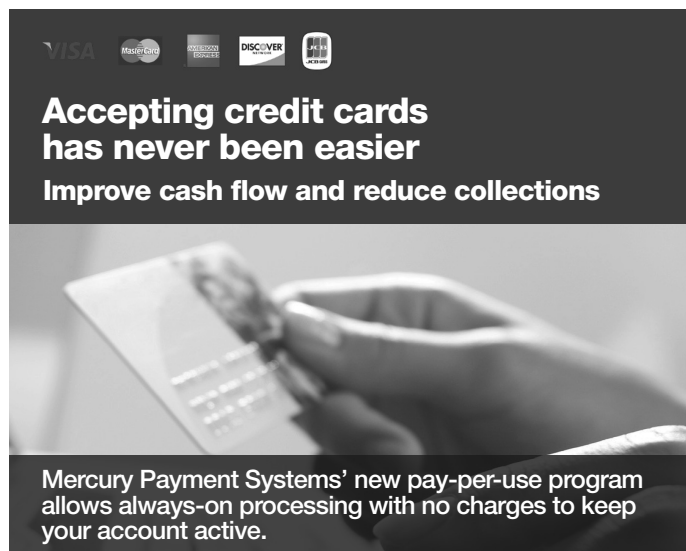
In *State v. Nunez-Valdez*, 200 N.J. 129 (2009), the court considered a PCR petition alleging ineffective assistance of counsel. The defendant, whose exact status was unclear but who was not a United States citizen, claimed counsel had incorrectly advised him regarding the likelihood that he would be deported as a consequence of his guilty plea and that he would not have pled guilty had he known he was likely to be deported as a result of the guilty plea. The Supreme Court permitted the defendant to withdraw his guilty plea. The court also suggested two additional questions be added to the standard plea form advising non-citizen defendants that: 1) a guilty plea to a crime considered an aggravated felony under federal law will subject the defendant to deportation;

and 2) the defendant has a right to seek legal advice regarding immigration status. The court recommended that trial courts question non-citizen defendants on the record regarding their understanding of the deportation consequences of a guilty plea.

In *State v. Fajardo-Santos*, 199 N.J. 529 (2009), the court upheld the decision of the trial court to increase bail on the defendant, who was in the country illegally, after the federal government lodged an ICE detainer against the defendant. The court found the lodging of the detainer constituted a change in circumstances increasing the risk the defendant would fail to appear for trial.

In an opinion further defining the scope of police officers' community caretaking function, the Supreme Court upheld the conviction in *State v. Bogan*, 200 N.J. 61 (2009). In *Bogan*, a 14 year old girl had been offered a ride to school by a family friend. Instead, the man took the girl to an apartment where he molested her. When the defendant released her, the victim reported the incident to a citizen who saw her crying. The victim reported that a young boy had also been present in the apartment. The victim provided a detailed description of the perpetrator and led police to the apartment within a few hours of being molested.

The police officers knocked on the apartment



Accepting credit cards has never been easier
Improve cash flow and reduce collections

Mercury Payment Systems' new pay-per-use program allows always-on processing with no charges to keep your account active.

Electronic payments are fast becoming the payment method of choice. Give your clients the convenience of credit card payments and enjoy the benefits of faster reliable funds.

- Discounted pricing for Camden County Bar Association members
- Free processing application that runs on your existing computer
- No application fee
- No monthly minimum fee
- Split dial funding for trust and operating accounts



Contact Michael Casamassima at 866-895-7575 or Michael@cardpaynet.com. For more information visit <http://go.mercurypay.com/go/law>



Smart Payment Processing™

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.consumerbankruptcy.com

OFFICES IN
 Marlton, Willingboro, Northfield & Vineland

856.988.9055

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

door. It was answered by an approximately twelve year old boy dressed in his pajamas who reported he was alone. The boy appeared to be nervous and gave inconsistent accounts of the whereabouts of his mother. As an officer spoke to the boy at the doorway, the boy answered the ringing telephone in the kitchen just inside the front door. The boy said his father was on the telephone. The officer asked the boy if he could speak to the boy's father. The boy agreed. The officer stepped into the apartment and, as he spoke on the telephone, observed a man who matched the victim's description of the perpetrator lying on a bed. The man was identified as the defendant. He was arrested and advised of his *Miranda* rights. As the police led him from the apartment, the defendant made some damaging admissions.

The defendant sought to suppress his admissions, arguing that the warrantless entry of the apartment and his subsequent arrest constituted an unreasonable search and seizure. The trial court found the entry permissible under the community caretaking and exigent circumstances exceptions to the warrant requirement. The defendant was convicted at trial and appealed.

The Appellate Division reversed the conviction, finding that the defendant's admissions were the product of an illegal entry and search of the apartment. The court reasoned that because the police were present at the apartment to investigate a crime, the community caretaking exception did not apply.

The Supreme Court held that the police officers' investigative purpose for going to the apartment did not negate the legitimate community caretaking purpose of the first officer who entered the apartment once he found the boy there declaring himself to be alone and in light of the other circumstances. The court held that the officer's observation of the defendant from his lawful vantage point inside the apartment while speaking on the telephone was an example of the plain view doctrine and the resulting arrest of the defendant was appropriate. The court sustained the conviction and the trial court's ruling that the defendant's admissions to the police were admissible at his trial.

The Supreme Court again disapproved of a trial court issuing a *Clawans* charge against a criminal defendant in *State v. Hill, 199 N.J. 545 (2009)*. In *Hill*, the defendant was charged with conspiracy, robbery and related offenses for driving his juvenile nephew and another man to a Newark business which the nephew and the other man robbed at gun point.

By the time of the defendant's trial, the nephew had already been adjudicated delinquent and had served his sentence. During his plea colloquy in the Family Part, the nephew had stated on the record that the defendant knew in advance about the plan to commit the robbery and the intention to use a weapon.

At his trial, the defendant testified that he was completely unaware his nephew and the other man had a gun or that they planned to commit a robbery. Defense counsel represented to the court that the nephew was unavailable as a witness because he had possibly moved out of state and could not be located. Although offered the opportunity to reopen the defense case to call the nephew as a witness or to explain the reason for not calling him as a witness, defense counsel declined to do so.

The trial court instructed the jury that it may infer from the defendant's failure to call his nephew as a witness that the nephew's testimony would have been adverse to the defendant. The defendant was convicted. The Appellate Division expressed reservations about the nephew's availability as a witness under the circumstances, but found any error in giving the charge to be harmless. The Supreme Court reversed the conviction, holding that the charge effectively attributed to the defendant a burden to present evidence of his innocent state of mind. The court cited cases where an affirmative defense has been presented as an example of the limited circumstances under which it may be appropriate for a trial court to issue a *Clawans* charge against a criminal defendant.

For those of you interested in a broader survey of developments in the criminal law during the course of the entire year, I encourage you to attend the CCBA's *Black Letter Blast on Criminal Law* CLE seminar in January where Deputy Public Defender Terry Lytle will present a pithy review of new criminal case law, and other fine presenters will review new criminal statutes and developments in the Code of Professional Responsibility.

Lawyers in Transition (continued from page 1)

program will provide specific programming for those of our members who are not working and who are actively seeking employment. The program will also provide assistance to parents who are returning to work after an absence to raise a family.

Lawyers in Transition will present programs on the skills and talents needed by those who are looking for legal employment. It will focus on skills such as interviewing, networking, resume revision and career counseling as well as handling practical day to day concerns.

If you are a lawyer who could benefit from the Lawyers in Transition program, or know someone who could benefit from the program, please download the Lawyers in Transition application from our website, www.camdencountybar.org, or call Kathy at Bar Headquarters for assistance.

JUSTICE COMPLEX Freedom of Speech?

By Jill M. Tribulas

I am not a Constitutional Lawyer nor have I ever claimed to be. Issues regarding our personal rights get some attorneys so jazzed that it would physically hurt them not to practice in this area but not me. Usually.

I've got something to say about freedom of speech. I have always been an advocate for being able to express oneself in words whether spoken or written. Nothing thrills me more or makes me feel as free as when I am writing something I know has purpose and is maybe even a little controversial. If any part of my writing makes you raise your eyebrows, then good. I'm doing my job. I'm making you think. So, for me to write something suggesting that this very freedom needs to be monitored and censured in some areas is no small deportation from my usual views. But, I cannot be silent in this regard.

By now you know I have small children. Miles is five and Alison soon to be three. I took them to the park late Sunday afternoon so they could run off their excess energy and hopefully ensure an early bedtime—for everyone. There were a brother and sister (about 8 and 11 respectively) swinging and laughing on the swings as all children should. The young girl had an MP3 player or something of the sort (I still listen to CD's) and out of her sweet 11-year-old mouth came some of the most vile trash I've heard in a long time. I would have been surprised to hear some of this language on an episode of "The Soprano's." Her younger brother, who was obviously familiar with the song, didn't need the actual music and sang along heartily with his sister. There they were—really cute kids—swinging and laughing and singing trash; garbage; words whose only possible purpose are to destroy.

By the time they got off the swings my opinion of the two could get no lower, however, the little boy proved to be kind and polite to a younger child and the little girl was respectful to her grandmother. The children really had no idea what they were saying and spreading all over that playground. Most other parents pretended not to hear and I spent most of the

time distracting my kids so they would hear me and not them. If it wasn't so disgusting it would just be absurd. These kids were verbally and happily promoting hate and violence and they had no idea what they were doing.

But words are powerful and eventually our actions catch up with us. Sad to say but unless their choice of music instantly changes dramatically, those kids will not be so sweet two years from now. Imagine them 20 years from now. How can you not? What do you think will happen to those two kids (and the millions of others) who despite the best (or worst) efforts of their parents still hear words like that all day—every day? What are they listening to as they pass you by on the street with their shoulders shrugged and heads hidden under their hoodies? What if they are all listening to music that promotes everything that is evil?

Now, I doubt they are all listening to that crap for if they were, we would all be dead already in my opinion. Have you ever Googled the lyrics for some of the music (I use that term *very* loosely) lyrics out there today? Do it. I'll make it easy for you. Here are some lyrics from Eminem's song "Kill You," *"I'ma kill you! Like a murder weapon, I'ma conceal you, in a closet with mildew, sheets, pillows and film you."* Print them out and read them to your children or grandchildren in lieu of their usual bedtime books. After all, he did write those words for his mother. Yup. I bet it'll be Velveteen Rabbit again.

No one in their right mind would read these words to their kids yet it's OK for the very same words to be in music, right? I mean it's a song. Who could possibly get hurt by listening to someone sing? Songs are really great too because you tend to listen to them over and over and over again until you know every single word, every inhale and exhale; until they finally become a part of you. Do

you know the words to the songs your kids listen to?

Again, I am no expert in this area and I know that different laws apply to minors in an effort to give them greater protection from the immorality in the world. Adults get to censure things their children see and hear at least until they turn 18; then they can freely listen to all the trash they want. Which leads me to my next questions: Why would anyone, 18 or not, ever want to subject themselves to the messages some of these songs portray? What benefit comes from this? What benefit could come from hate and murder and rape and complete disregard for anything that is human?

When you think about it, this type of thinking, these words of hate, abuse and anger imprison the speaker. They sink deep down and are all-consuming—they play a role in every action and decision that person makes in his or her life. No part of their life is safe. So, in essence, the ability to say whatever you want, no matter how vile or repugnant, your so-called *freedom* of speech, can actually enslave you. Ah, the irony of it all.

MEDIATION, ARBITRATION AND APPELLATE PRACTICE CONSULTATION

JOHN S. HOLSTON, JR.
Judge, Superior Court Appellate Division (ret)

Former Superior Court Judge for 23 years with
12 years experience in Civil Division, and
former Appellate Division Judge.

To schedule a Mediation, Arbitration or
Appellate Practice Consultation,
Please contact Mariann at

**HOLSTON, MACDONALD, UZDAVINIS
EASTLACK, ZIEGLER & LODGE
66 EUCLID STREET
WOODBURY, NJ 08096
856.848.5858**

Marketing Matters



Let's Be Clear: Developing New Business Is NOT About Selling

(Second of Two-Part Series) By Kimberly Alford Rice

In our first installment of *Let's Be Clear: Development New Business is NOT About Selling*, I dispelled the myth that to develop new business (i.e. get new clients), lawyers must engage in a process which is perceived to be distasteful and underhanded.

Outlining one of five principles which will lead to new clients, I asserted that principal #1 – *building rapport* and genuine relationships with people who are in a position to retain your services is a much more effective path to follow.

In this second installment of two parts, I will outline the remaining four principles for lawyers to apply in their quest of building a healthy book of business.

Principle Two – Explore the “Action Imperatives/Demand Triggers”

Once you have established rapport with a prospect, and this involves real time and commitment on your part, you will want to initiate a business discussion (not to be confused with a “pitch”) which clearly and specifically outlines the prospect’s business problems and opportunities which is prompting her to purchase legal services. You want to initiate the discovery process of learning what issues the prospect may have and how you may help.

In this conversation, there are some very important rules to follow:

- Think and behave as an equal, not as a salesperson or vendor
- Utilize your empathy skills to “put yourself in your prospect’s shoes”
- Ask probing, open-ended questions which illuminate the prospect’s true business “pain points” which he needs to rid himself of.
- Employ highly-tuned active listening skills and really focus on what the prospect is and is not actually saying.

With every problem (i.e. “demand trigger”) you discover, the more fully you can explore the real impact it has on the prospective client’s business. Often times, one demand trigger leads to uncovering others which builds a sense of urgency for purchasing your services.

An element that lawyers sometimes overlook in business discussions with prospective clients is that absent any real business problems which may be an action imperative to purchase legal services, there are opportunities a prospect may not be thinking of to grow or improve his business. For instance, if a prospective client has a solid computer services business which has grown steadily over the past seven years, one should ask what needs to happen to develop the business online or expand the scope of services he provides, to develop a franchise or open a new location, etc.

Since you have colleagues who concentrate in this particular business sector and have worked with clients in similar situations, and because you know you can deliver superior client service to this prospective client, you may ask “What is keeping you from realizing your business (revenue, profit, or other) goals?” This is a very effective way to zero in on quantifiable issues which will help you move the conversation forward.

Principle Three – Probe for “Action Busters”

Now that you know the action imperatives – business problems which must be solved and/or business opportunities which should not be missed or overlooked, you are in a prime position to find out how tangible, urgent, and personal the demand triggers are which were described to you.

Let’s face it, we only make decisions when we absolutely must. Business owners are no different. To move the conversation forward, you

need to know how motivated and/or committed your prospect is to either solving the problem he articulated and/or to act upon business opportunities which may enable his company to grow, expand or improve. Is he ready to open his checkbook? If not now, what is your prospect’s timeframe?

The second part of probing for “action busters” is answering the question “what is the cost of doing nothing?” What will happen to your prospect’s business if the problem isn’t solved or steps are not taken to grow his business? The answers to these questions will provide insight into how close (or not) the prospect is to actually making the decision to work with you.

With these answers, you can quantify the tangible impact of doing nothing. Will it cost the prospect a lot in litigation fees if the business problem is not resolved quickly? Will she lose competitive advantage if she does not take steps to grow her company? Will she risk a promotion or even her position if company revenues do not grow?

The more astute you are at clarifying the “action busters,” the more likely it is that you will be asked to help solve the problem or exploit the prospect’s business opportunities.

Principle Four – Learn Decision-Making Process

While you may have clearly established the cost of doing nothing for your prospect and created a sense of urgency for retaining your services, you don’t know where the prospect is in the decision-making process of actually purchasing legal services. He or she may not be the only decision-maker. A question such as “What needs to happen in order for us to move forward?” or “What is the best way I can help you?” should provide some sense of the prospect’s process. You may also want to know where you stack up among competitors. A ques-

tion like, "How will you make a selection based on equal competitors?" will provide insight into the factors the prospect is considering in hiring new legal advisors.

Principle Five – Define the Look of Success

Confirm that you and the prospect are on the same page regarding desired outcome. What will success or victory look like? How will you know when it has been attained? Don't assume anything.

Once you learn how the client defines success (i.e. problem resolution or business opportunity exploitation), you may present the constructed solution he is

buying.

At this point, it is essential that you clearly communicate both qualitatively and quantitatively the benefits she will realize by working with you. Create a compelling picture of the solution and the value it brings. For example, by working with you, the client may:

- avert a hefty tax bill of \$250,000
- increase profits by 23% or \$1.6 million by leveraging its new patented technology
- generate 15% more revenue by strategically acquiring a two-person sales team

Key to Developing New Business

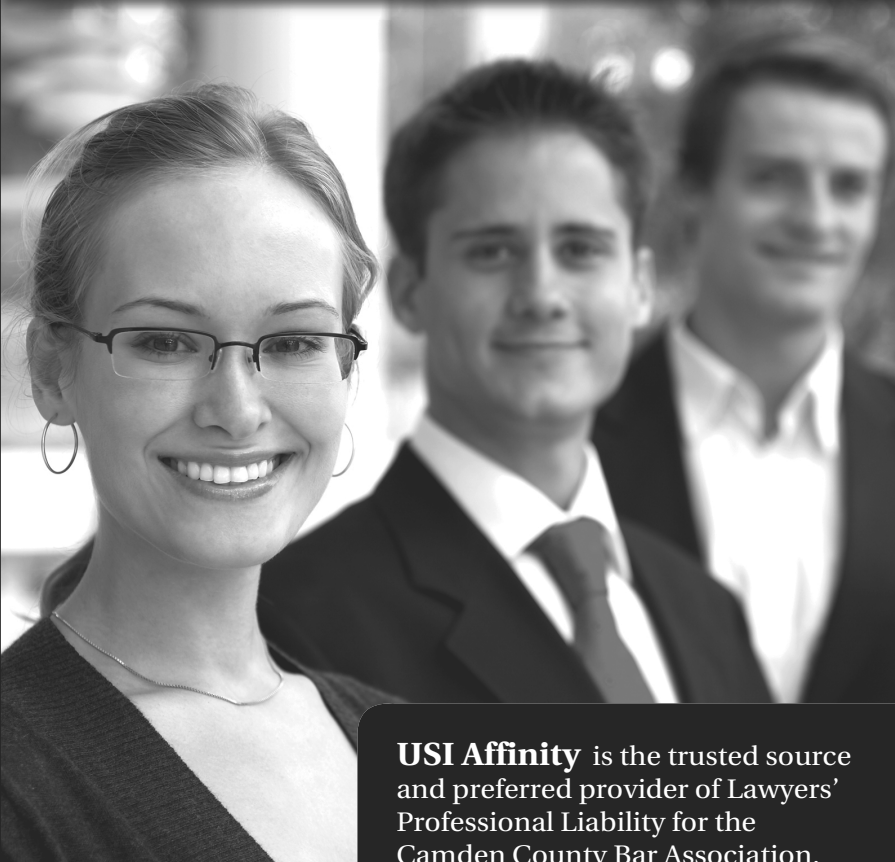
As we have learned, developing new business is not about being pushy, persuasion, coercion or flat out sales. It is about bringing real solutions to new relationships which satisfy business needs by following a prescribed set of activities. When you understand what motivates someone to take action steps and how committed they are to changing their current situation, you are in a good position to facilitate a process of moving towards the right answer and the right action.

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

This article is reprinted with permission from the September 15, 2009 issue of The Legal Intelligencer. Copyright The Legal Intelligencer, Incisive Media. Further duplication without permission is prohibited. All rights reserved.


USI AFFINITY


Lawyers' Professional Liability insurance
you can count on . . .
from a company you can trust!



USI Affinity is the trusted source and preferred provider of Lawyers' Professional Liability for the Camden County Bar Association.

To learn more please contact **Steve Chaloult** at **800.265.2876** or visit our website **www.usiaffinity.com**





PROFESSIONAL INSURANCE SOLUTIONS

ADR Services

Arbitration - Mediation - Complex Case Management

John B. Mariano

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

Fax/Tel: 856.429.8366

Presidents Perspective



I have always been passionate about my service to the bar association. Be it the County Bar, NJSBA or the ABA, I have always been driven to serve our profession. I have other passions in my life as well. Not the least of which is politics. In the same way that I am driven to serve the bar, I am equally compelled to participate in the political process.

Throughout my bar association career I have been very mindful of these two distinct passions and I have been very diligent to keep them separate. I recognize politics can be a hot button, emotional issue which is probably best left for discussion outside our Association. Other bar associations that have taken "political positions" have later come to regret their decisions.

However, with such a critical election, I find myself with the irresistible urge to talk about politics in my Barrister article this month. New Jersey is at a cross roads and we have a very important state wide election upon us. The outcome of this election is crucial for the people of South Jersey and especially the members of the bar. The difference between the candidates is dramatic and clear. It probably comes as no surprise I support a socially conscious, fiscally conservative former prosecutor who has served the profession well and is a role model for all attorneys. My conscience commands me to endorse a candidate.

Yes, I am endorsing Jim Gerrow in this year's election for the New Jersey State Bar Association's General Council Nominating Committee seat. The New Jersey State Bar Association selects its Secretary, and ultimately President, through its nominating committee. The State Bar's General Council is comprised of delegates from all of the counties. The General Council Delegates meet October 16th and elect their person to serve on the State Bar Association's nominating committee which ultimately selects the New Jersey State Bar Association's secretary.

It's a Big Election This Year

By Richard A. DeMichele, Jr.

This year there are two candidates who are seeking to have a vote in the leadership of the State Bar Association. One is Greg Farmer, from Hudson County, and the other is South Jersey's own, former Burlington County First Assistant Prosecutor, Jim Gerrow. I know both candidates are qualified, but only Jim Gerrow can ensure South Jersey has a say in who leads the state bar.

This year, Camden County is blessed to have Allen Elish as our State Bar President. His presidency assured that South Jersey had a voice and a seat at the table of the State Bar Association's executive committee. However, in May, Allen's term will end, and without someone like Jim Gerrow making sure that South Jersey is heard in the selection of the next generation of leaders, I fear we will "lose our voice." As NJSBA President, Allen cannot endorse a candidate but, I know he is passionate about having South Jersey representation at the State Bar Association. I strongly encourage everyone in Camden County and South Jersey to support Jim Gerrow in his quest to become the next member of the nominating committee of the State Bar Association.

Locally, we continue to make great strides. Our Meet the Judges event was its usual success. I was very pleased with the participation from the Judge's and our Association. If you have not already done so, please sign up for our Foundation's Autumn Scramble. This year the scramble is at Scotland Run Golf Club on Monday, October 5th. This event is a major fundraiser for the Foundation and supports all of its good works.

By now you have probably noticed the Barrister is no longer in the traditional newspaper format. Your Board of Trustees decided to switch format to make our publication easier to read and less costly to produce. Please let me know how you like (or dislike) the new format.

Lastly, I would be remiss if I did not elicit the help of our membership in nominating our members for the Peter J. Devine Award. As many of you know, this is the most prestigious honor bestowed by our association. If you know of somebody who is deserving of recognition for outstanding and distinguished service to the bar association as members, please forward your nominations to Louis R. Moffa, Esquire, Devine Award Nominations, c/o Montgomery, McCracken, Walker & Rhoads, LLP, 457 Haddonfield Road, Suite 600, Cherry Hill, NJ 08002.

Remember to check this months inserts!

When it comes to Alternative Dispute Resolution, there is no substitute for experience...

16-Year Judicial Career
 Presiding Judge, Chancery Division and Probate
 Presiding Judge, Civil Division
 Superior Court of New Jersey, Camden County

26-Year Private Practice
 Successful litigator in a highly diversified practice

Judge M. Allan Vogelson (Ret.)

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

PARKER McCAY
 ATTORNEYS AT LAW
 VISION | KNOWLEDGE | RESULTS

Contact M. Allan Vogelson, P.J.S.C. (Ret.)
 at 856-985-4060 or email avogelson@parkerccay.com.
 Marlton, NJ | Lawrenceville, NJ | Atlantic City, NJ
 WWW.PARKERMCCAY.COM

WINE & FOOD

October 2009
By Jim Hamilton



Just when I thought I would have few wines merit reporting to you until the autumn wine trade tasting season began, I was able to attend a tasting in New York City offered by one of my favorite distributors, Michael Skurnik Wines. While the emphasis of this tasting was on Terry Theise's Champagne selections, there were other producers' wines offered. I mention the distributor's name because as I have said many times in the past, one of the safest ways to select a wine with which you are not familiar is to look on the label to see who represents them in our market. While this only works with wines that are imported, rather than domestic wineries that use distributors to help place their wines in restaurants and stores, it still can be a very useful tool.

Let's start the column with a sparkling wine from the Skurnik stable made not in France's Champagne region, but rather Spain. These latest releases represent value-priced Spanish wines for those who blanche at Champagne prices. **2006 Raventos i Blanc Cava Reserva L'Hereu** offers a very bright mouthful of wine that exhibits both yeasty fruity and steely penetration. It shows expansive citric notes balanced by the austerity dry Cavas will usually provide. **2006 Raventos i Blanc Cava Reserva Brut Rosé L'Hereu de Nit** is a new addition to the Raventos lineup, and is explosively foamy in delivering its red cherry fruit. There are undertones of brioche and plenty of weight to this slightly pink bubbly.

If you will accept nothing less than "the real thing" in your sparkling wine, a new entry level wine from Champagne producer, René Geoffroy to consider is the **NV Geoffroy Duc de Rom-et Brut**. This wine is made from all red grapes, 75% Pinot Meunier and 25% Pinot Noir, which gives it both bold, fleshy fruit and hefty, earthy underpinnings. It carries its muscular body gracefully, and will sport what in today's market is a reasonable tariff for its pedigree.

From South Africa, an alternative to French or New Zealand renditions of the grape is the **2008 Uva Mira Sauvignon Blanc**. This winery is situated on the Helderberg Mountains in the Stellenbosch region, and the higher elevation provides a cooler climate. This, in turn, allows the grapes to show a less tropical style, with more of the varietal's characteristic grassiness. It is a lush wine, but has a dry attitude that causes the ripeness to be reigned-in and the overall impression to be simply thirst quenching.

Another fine wine from the splendid 2007 vintage in Germany is the **2007 Von Othegraven Kanzemer Altenberg Riesling Kabinett**. While many Kabinett level wines from this vintage are rich and ripe, and this wine is no exception, there is a real mineral and slate presence befitting the Saar region in which the Altenberg vineyard is located. If you view German wines as too sweet for your use at dinner, you may want to buy a bottle of this wine to challenge that view. The wine's minerality serves to drive the overall impression and invite many different food pairings.

Having met Giorgio Rivetti many times, I have always come away impressed by both his talent and charm. He is a fine ambassador, not only for his estate, but the wines of Italy in general. I tasted through ten wines Giorgio was pouring, and not surprisingly found that all were top quality. However, there were two new wines he made that I want to feature because of their

entry level pricing. **2005 La Spinetta II Colorino di Casanova** features one of the lesser grapes that are indigenous to Italy's Tuscan region. This wine is made from 100% Colorino grapes, and offers lusty black cherry fruit that is tart and yet bracing. There is nothing subtle about this large-framed wine, but it will garner fans of all levels of interest, both for its grape choice and brashness. **2005 La Spinetta II Gentile di Casanova** is another entry into this non-Sangiovese wine project. This wine is made from 100% Prugnolo Gentile grapes, and displays a very ripe profile of prune and mulberry fruit. While it is jammy, it has real grip and structure to enable the wine to remain food friendly.

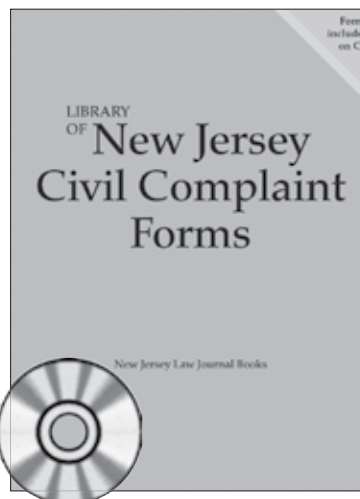
I shall have more recommendations for you next month in *The Barrister's* new and more compact format.



NEW OCTOBER 2009!

Library of New Jersey Civil Complaint Forms

The *New Jersey Law Journal* is pleased to announce the October 2009 publication of *New Jersey Civil Complaint Forms*, a comprehensive library of over 120 complaints (in print and on CD), created, tested and honed by attorney-experts in the fields of:

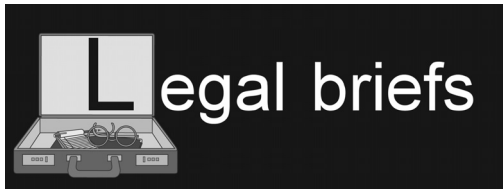


- Employment Law
- Commercial Litigation
- Consumer Fraud
- Environmental Law
- Family Law
- Insurance
- Real Estate
- Tort Law

You can review *Library of New Jersey Civil Complaint Forms* free for 30 days. To reserve your copy at the lowest rate, please call or e-mail Monica Curry (monica.curry@incisivemedia.com) at 973-854-2945 or order online at lawcatalog.com/njcomplaints

New Jersey Law Journal

500+ pages. Regularly 249.95. Prepublication Pricing \$199.95. Save \$50! Order before October 31, 2009



Harvey J. Jacob, JD, LLM (Tax), is pleased to announce the opening of *The Law Offices of Harvey J. Jacob*, at 1814 Route 70 East - Suite 350, in Cherry Hill, NJ 08003. The firm's practice areas include Estate Planning, Wills, Estate Administration Living Wills, Trusts, Guardianships, Contracts and General Law. Jacob's contact information is: Phone: 856.673.4060; Fax: 609.482.8219; E-Mail: HJJESQ@HarveyJacobLaw.net.

Robert R. Kugler, Esquire, a Partner with the law firm of Archer & Greiner, P.C., has been elected to serve as Chair of the Camden-based Symphony in C, the Mid-Atlantic region's only professional training and performance orchestra providing career development services for orchestral musicians. Kugler served as Vice Chair of the Symphony's Board of Directors for several years before being elevated to Chair. A member of the Board of Directors for 18 years, Kugler formerly chaired the Symphony's Development Committee.

Concentrating his practice on complex lending transactions, Kugler has extensive experience with real estate financing, including conduit and synthetic lease financing, as well as tax-exempt financing and financing of health care facilities such as hospitals, nursing homes and continuing care retirement community. He has also specializes in community and condominium association creation and administration and has served as an expert witness in attorney malpractice cases.

Andrew B. Kushner, Esquire announces the opening of **Andrew Kushner, LLC**, 10 Foster Ave., Suite B-3, Gibbsboro. Kushner will focus his practice on Real Estate, Business, Estate Planning and Administration, and attorney representation in all aspects of ethics and disciplinary matters in District Ethics Committees, Disciplinary Review Board and NJ Supreme Court. Contact information: Phone: 856.627.8866; Fax: 856.627.8877; E-mail: akushner@akushnerlaw.com.

Anthony R. La Ratta, Esquire with the Law Firm of Archer & Greiner, P.C. in Haddonfield, has been appointed Chair of the Bylaws and Resolutions Committee of the New Jersey State Bar Association.

La Ratta concentrates his practice in the area of commercial litigation with an emphasis on litigation involving probate matters, estates, trusts, guardianships and fiduciaries. He has represented institutions and individuals in a variety of contexts and has handled cases involving will contests, undue influence, diminished capacity and accountings of estates and trusts. He is a court-approved mediator for New Jersey probate cases.

Cynthia Sharp Myers, Esq., a principal of Sharp Bratton Attorneys & Counselors at Law, with offices in Haddon Heights and Lawrenceville, was recently appointed to the advisory board of the Academy of Special Needs Planners (ASNP), the largest membership organization for attorneys providing services to people with special needs and their families. Sharp Bratton provides estate planning and elder law services to clients in southern New Jersey and Pennsylvania.

Steven K. Mignogna, Esquire a Partner in the Haddonfield office of Archer & Greiner, P.C. has been appointed Chair of the Probate and Fiduciary Litigation Committee of the American Bar Association for a third consecutive year. The Probate and Fiduciary Litigation Committee is part of the ABA's Section of Real Property, Trust & Estate Law, which reviews national developments related to estate and trust litigation, including will contests, surcharge litigation, contested guardianships and conservatorships and alternative dispute resolution.

Mignogna is Chair of Archer & Greiner's Estate and Trust Litigation Group. He focuses his practice in the area of commercial litigation, with a concentration on probate matters, estates, fiduciaries, guardianships and real estate. He has lectured and published locally and nationally. He is also the author of the book, *Estate and Trust Litigation*, and editor and contributing author of *The New Jersey Estate Planning Manual*, both published by the New Jersey Institute for Continuing Legal Education.

Shapiro, Shapiro & Jacob, A Professional Corporation has amended the firm name to **Shapiro & Shapiro, Counselors at Law, A Professional Corporation** as of September 3, 2009.

Pietras Saracino Smith & Meeks, LLP is pleased to announce that the firm has relocated. The new contact information is: Pietras Saracino Smith & Meeks, LLP, 2060 Fairfax Avenue, Cherry Hill, NJ 08003, 856.761.3773, 856.761.3774 (fax).



AFFORDABLE WEBSITES!

Layout and Design by Graphic Artist
Search Engine Friendly

PRICE LIST:

- ◆ \$600 Basic Website (5 pages)
- ◆ Domain Name Registration
- ◆ Email accounts (name@xxx.com)
- ◆ \$40 Monthly Hosting Fee
- ◆ Listings on Major Search Engines

Save \$100
Expires 11/30/09

Jarvis—Marketing.com
Sicklerville, NJ
Website: www.Jarvis—Marketing.com
856-889-7622

Welcome New Members October 2009

Active (17)

Meredith Accoo, Esq.

Alan H. Schorr & Associates, PC

5 Split Rock Drive
Cherry Hill, NJ 08003
856-874-9090
Fax 856-8874-9080

Andrew Archer, Esq.

Law Offices of Mark W. Ford, LLC

PO Box 110
Gloucester City, NJ 08030
856-456-8811
Fax 856-456-8558

James A. Barry, Esq.

Dubois, Sheehan, Hamilton, Levin & Weissman, LLC

511 Cooper Street
Camden, NJ 08012
856-365-7665
Fax 856-963-2864

Joseph Bastianelli, Esq.

12 Flagstone Drive

Sicklerville, NJ 08081
856-885-8259
856-262-1596

Nicole Robin Cohen, Esq.

Briggs Law Office, LLC

300 Walnut Street
Philadelphia, PA 19106
215-925-4632
Fax 215-925-1611

Stefanie Colella-Walsh, Esq.

Green, Lundgren & Ryan

1010 Kings Highway South
Cherry Hill, NJ 08034
856-428-5800
Fax 856-428-9802

Andrew Cupit, Esq.

Law Offices of Andrew T. Cupit

203 West Somerdale Road
Voorhees, NJ 08043
856-783-5680
Fax 856-783-5681

Sarah M. Kaplan, Esq.

1413 Piccard Ct.
Deptford, NJ 08096

Gregory Keresztury, Esq.

Mark S. Guralnick, A Professional Corp.

411 Bloomfield Drive, Suite 5
West Berlin, NJ 08091
856-768-7900
Fax 856-809-0800

Kiera McFadden-Roan, Esq.

Parker McCay

Three Greentree Centre
7001 Lincoln Drive West
PO Box 974
Marlton, NJ 08053
856-985-4046
856-596-9631

Sterlin Rauf, Esq.

Sterling Rauf & Associates, LLC

1101 Route 70 West
Cherry Hill, NJ 08002
856-427-7283
856-216-7283

Helene B. Raush, Esq.

Honig & Greenberg

1949 Berlin Road
Cherry Hill, NJ 08003
856-770-0990
Fax 856-770-8511

Daniel T. Silverman, Esq.

Alan H. Schorr & Associates, PC

5 Split Rock Drive
Cherry Hill, NJ 08003
856-874-9090
Fax 856-874-9080

Elissa Westbrook Smith, Esq.

McDowell Riga, P.C.

46 West Main Street
Maple Shade, NJ 08052
856-482-5544
Fax 856-482-1066

John Gregory Smith, Esq.

The South Law Group P.C.

532 Old Marlton Pike West
Suite 115
Marlton, NJ 08053
856-520-5699
Fax 888-848-8744

Alfred J. Tumolo, Esq.

Law Office of Alfred J. Tumolo, III

602 Little Gloucester Road
Blackwood, NJ 08012
856-656-0336
Fax - Same as phone

Joseph Visalli, Esq.

The Ferrara Law Firm, LLC

601 Lingwood Avenue
Cherry Hill, NJ 08002
856-779-9500
Fax 856-661-0369

Limited Student (3)

Scott Amitrano

Rutgers School of Law
856-354-0900

Rachael Brekke

Rutgers School of Law
856-261-7386

Matthew Schorr

Widener University School of Law
856-874-9090

McCormick Named Camden County's Professional Lawyer of the Year (continued from page 1)

Regency Hotel in New Brunswick.

Sponsored by the New Jersey Commission on Professionalism in the Law, the award recognizes and honors attorneys who are considered by their peers to exhibit the highest professional character and competency, are respected in the community, and are considered to be models of professional behavior.

Congratulations, Joe! You are truly deserving of this special award.



DR. INESANA'S
WELLNESS CENTER LLC
FAMILY CHiropractic CARE
1000 Highway 101 • Philadelphia • Suite 1000
Back • Neck Pain • Headaches • Arm & Leg Pain
Shoulder Problems • Carpal Tunnel • Joint Problems
Painful Swallow • Menstrual Issues • Anxiety • IBS
Joint Problems • Sports injuries • Auto Accident Injuries
Integrative and Holistic Health Care • Free Initial Drop
In • \$100.00 Home Appointments
www.DrInesana.com
856.662.4848
3300 South Ave 2nd • Cherry Hill, NJ 08002

Gerrow Court Reporting Certified Court Reporting

- No Additional Costs for Experts or Traveling
- Reallegal E-Transcripts Available
- Conference Room, Off-Street Parking & Video Conferencing Available
- Free Lunch for All Day Deps in our Office

Visit Our Office at:
1103 Laurel Oak Rd. • Suite 111
Voorhees, NJ 08043
Phone: 856.784.7909 Fax: 856.309.1405
We Accept: Discover, Visa & Mastercard
Florida Office: 305.731.9775

VERDICTS IN THE COURT

Superior Court of New Jersey

VERDICT: No Cause (4/30/09)
Judge:
Plaintiff's Atty(s):
Defendant's Atty(s):
 L-6882-03

Frederick J. Schuck, J.S.C.
Richard Heleniak, Esq.
Jay Blumberg, Esq. & Mary Kay Wysoki,
Esq.
Jury

VERDICT: \$70,000 Damages to Plaintiff (Molded to \$40,511.32)
 50% Plaintiff Liability
 50% Defendant Liability
Judge:
Plaintiff's Atty(s):
Defendant's Atty(s):
 L-8150-06

Robert G. Millenky, J.S.C.
Brian Katz, Esq.
Donald Chierici, Esq.
Jury

VERDICT: \$1,000,000 Damages to Plaintiff (5/13/09)
Judge:
Plaintiff's Atty(s):
Defendant's Atty(s):
 L-4367-05

Faustino Fernandez-Vina, J.S.C.
Gerald Baldino, Esq.
Yves Veenstra, Esq.
Jury

VERDICT: No Cause (5/13/09)
Judge:
Plaintiff's Atty(s):
Defendant's Atty(s):
 L-2664-06

Michael J. Kassel, J.S.C.
Stephen Defeo, Esq.
Mark Cantanzaro, Esq.
Jury

VERDICT: \$1,001 Damages to Plaintiff (5/12/09)
 10% Plaintiff Liability
 90% Defendant Liability
Judge:
Plaintiff's Atty(s):
Defendant's Atty(s):
 L-4950-06

Michele M. Fox, J.S.C.
Lanni Klein, Esq.
Drew Parker, Esq.
Bernard Boglioli, Esq.
Jury

VERDICT: Case Settled During Trial (5/07/09)
Judge:
Plaintiff's Atty(s):
Defendant's Atty(s):
 L-1218-07

Ronald J. Freeman, J.S.C.
Joshua Vanarden, Esq.
Robert Kaplan, Esq.
Jury

VERDICT: No Cause (5/13/09)
Judge:
Plaintiff's Atty(s):
Defendant's Atty(s):
 L-1422-07

Robert G. Millenky, J.S.C.
Jeff Stein
Rachel Haninczak
Jury

VERDICTS IN THE COURT

Superior Court of New Jersey

VERDICT:	No Cause (5/21/09)	
Judge:		Frederick J. Schuck, J.S.C.
Plaintiff's Atty(s):		Joel Garber, Esq.
Defendant's Atty(s):		Laurie Tilghman, Esq.
L-4714-06		Jury
VERDICT:	No Cause (5/26/09)	
Judge:		Michael J. Kassel, J.S.C.
Plaintiff's Atty(s):		Joseph Urban, Esq.
Defendant's Atty(s):		Robert Nicodemo, III, Esq.
L-7154-06		Jury
VERDICT:	\$103,897.92 Damages to Plaintiff (5/27/09)	
Judge:		Louis R. Meloni, J.S.C.
Plaintiff's Atty(s):		Adam Greenberg, Esq.
Defendant's Atty(s):		Pro Se
L-443-07		Bench
VERDICT:	Settled (08/03/09)	
Judge:		Faustino Fernandez-Vina, J.S.C.
Plaintiff's Atty(s):		Robert Ross, Esq. & Josh Van Arden, Esq.
Defendant's Atty(s):		Louis Dughi, Jr., Esq. & Jim Stroud, Esq.
L-65-06		Jury
VERDICT:	No Cause (08/06/09)	
Judge:		Frederick J. Schuck, J.S.C.
Plaintiff's Atty(s):		John Pumphrey, Esq.
Defendant's Atty(s):		Laurie Tilghman, Esq.
L-4976-07		Jury
VERDICT:	No Cause (08/20/09)	
Judge:		Robert G. Millenky, J.S.C.
Plaintiff's Atty(s):		Anthony Padovani, Esq.
Defendant's Atty(s):		Michael Jubanyik, Esq.
L-4051-06		Jury
VERDICT:	No Cause (08/25/09)	
Judge:		Michele M. Fox, J.S.C.
Plaintiff's Atty(s):		Blair Lane, Esq.
Defendant's Atty(s):		Beth Chierici, Esq.
L-3314-07		Jury
VERDICT:	Jury Verdict \$175,000	
	Liability: Defendant 75%, Plaintiff 25%	
Judge:		Ronald J. Freeman, J.S.C.
Plaintiff's Atty(s):		Lee Rosenfeld, Esq.
Defendant's Atty(s):		Charles Blumenstein, Esq.
L-1927-08		Jury

Abraham Lincoln – Lawyer

Part 2

EARLY YEARS OF PRACTICE

While in New Salem, Lincoln wrote out simple legal forms for local justice of the peace

Bowling Green, and borrowed law books from Springfield attorney and fellow Legislator John T. Stuart. He did not read law with Stuart as many others did when studying to be a lawyer, but did his reading on his own. Lincoln was licensed to practice law in September of 1836; six months later, in Vandalia (then the state capital), the Clerk of the Illinois Supreme Court entered his name on the roll of attorneys. Early in 1837, Lincoln accepted Stuart's invitation to join him as a junior partner. Over the next four years, they practiced law and Whig politics together. Lincoln learned much about the law from the more experienced Stuart. Their partnership dissolved in 1841, and Lincoln joined Stephen T. Logan, one of the country's most capable and respected lawyers. Logan was a stickler for careful preparation and details, insisting that Lincoln pay closer attention to the finer points of trial and appellate law. Finally, in 1845, upon the amicable termination of his relationship with Logan, Lincoln took his own junior partner, William H. Herndon. The two practiced together until he left Springfield for the White House in early 1861, and their partnership endured, at least in name, until Lincoln's death in 1865.

In 1845, Gibson Harris joined the firm of Lincoln and Herndon as a student and clerk.

Years later he recalled the office this way: "The furniture, somewhat dilapidated, consisted of one small desk and a table, a sofa or lounge with a raised head at one end, and a half-dozen plain wooden chairs. The floor was never scrubbed....Over the desk a few shelves had been enclosed; this was the office bookcase holding a set of Blackstone, Kent's Commentaries, Chitty's Pleadings, and a few other books. A fine law library was in the Capitol building across the street to which the attorneys of the place had access."

In his biography of Lincoln, Herndon described his law partner's habits in the office: "When he reached the office, about nine o'clock in the morning, the first thing he did was to pick up a newspaper,

spread himself out on an old sofa, one leg on a chair, and read aloud, much to my discomfort. Singularly enough Lincoln never read any other way but aloud."

Herndon also observed Lincoln's haphazard approach to office organization: "Lincoln had always on the top of our desk a bundle of papers into which he slipped anything he wished to keep and afterwards refer to. It was a receptacle of general information. Some years ago, on removing the furniture from the office, I took down the bundle and blew from the top the liberal coat of dust that had accumulated thereon. Immediately underneath the string was a slip bearing this endorsement, in his hand: 'When you can't find it anywhere else, look in this.'"

Lincoln is remembered as an outstanding trial attorney and his legend contains stories of his courtroom exploits. Lincoln's legal career did not consist solely in litigation. He maintained a practice that was common for lawyers of that era which included writing deeds, registering land, paying taxes, receiving money, and giving general legal advice. He did in fact have an active litigation practice which included both state and federal trial work. At that time the amount in controversy required for federal diversity jurisdiction was \$500. Clients from major commercial centers such as New York, Boston, St. Louis, and Philadelphia retained Lincoln to represent them in Illinois courts. Lincoln argued one case

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.

As part of this program, we offer a free hour consultation in any tax/valuation/accounting/forensic/business planning arena where our insight, our expertise will be of help professionally or personally.

Let us know if you:

- Need our technical experience and professional insight for projects on accounting, tax, auditing, valuation, investigative or litigation support;
- Need help with estate or trust tax returns;
- Would like us to confidentially assess your own personal tax situation or run multiple scenario tax projections for you;
- Have a company or individual you'd like us to meet with;
- Would like our "122 Review Items To Consider for Buy-Sell Agreements" or "Abo's Hitlist to Consider in the Buy-sell Valuation or Formula" which ICLE and the NYC Bar used in crafting their seminars on Buy-Sell Agreements;
- Would like our handout "Selected Collection Techniques & Tips" presented to National Employment Lawyers Association-NJ Meeting;
- Would like our handout from ICLE's live, on-line program entitled "Tax Aspects of Personal Injury Awards";
- Would like any of the following articles and handouts available from our firm:
 - Attorney Trust Accounting Checklist and Questionnaire
 - Financial and Estate Planner – Inventory of Personal Assets
 - IRS Audit Guide For Lawsuit Awards
 - Special Report by Abo and Company on Dispute Resolution
 - Maximizing Travel, Entertainment and Business Meal Deductions in Your Practice
 - Special Report by Abo and Company on Valuation Issues
 - 50 Deficiencies Noted in Business Plans
 - The Intestate Will (or "Your Will as Drafted by the State of New Jersey")
 - Annual Fiscal Checkup

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

Martin H. Abo, CPA/ABV, CVA (marty@aboandcompany.com)
Patrick Sharkey, CPA, MST, CSEP (pat@aboandcompany.com)

New Jersey

Plaza 1000 at Main Street
Voorhees, NJ 08043
Phone: 856-489-5559 Fax: 856 489-5577

Pennsylvania

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



www.aboandcompany.com

Abraham Lincoln – Lawyer

before the United States Supreme Court when he was in Congress in 1849, and served as the attorney of record in four more throughout the 1850s.

During the 1850s, there were approximately 2,700 lawyers in Illinois, or three for every 1,000 residents. The state's disproportionately high attorney population was a reflection of its dynamic economic and transportation growth. Rapid settlement meant land and debt disputes, and railroad construction brought contract and tort cases. The substantial majority of Lincoln's 5,000 cases were tried in the circuit courts of nearly two dozen Illinois counties, most of them within the large Eighth Judicial Circuit that stretched from Springfield's Sagamon County eastward to Indiana. Twice a year for over 20 years, he spent two to three months riding the circuit in a company with the presiding judge and fellow attorneys. Most of these cases were simple, often relating to disputes over a debt or promissory note, but they comprised the bread and butter of Lincoln's practice

Lincoln was away from Springfield for nearly six months of the year, three months each spring and each fall riding the circuit. He had traveled the Eighth Judicial Circuit in the past but began to spend even more time on the circuit after his return from Congress. By 1849, the circuit had fourteen counties in central Illinois, and

Lincoln was the only attorney, besides the state's attorney and the judge, who traveled the entire circuit. After one county circuit court concluded its business, the circuit judge and the state's attorney left to hold court at the next county seat. Circuits usually consisted of four to ten counties, and a court term lasted from a few days to a few weeks. At its peak from 1841 to 1847, the Eighth Judicial Circuit consisted of fifteen counties. Roads were difficult to travel during rainy weather. Itinerant court members traveled on horseback or by horse and buggy. While in a county seat, they stayed at local taverns, ate at common tables, and shared beds. When travel was particularly hazardous or lengthy, the group stayed at rural farmhouses along the way. By the end of the 1850s, railroads had become a popular mode of transportation, and Lincoln was able to travel to each of the county seats by rail.

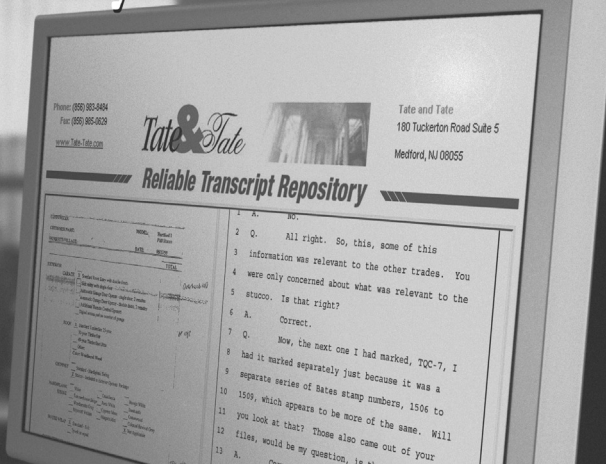
Many county seats along rail lines had grown in population and had hotels in which traveling lawyers and judges stayed.

Lawyers on the circuit had to think fast on their feet. With little or no information about a case beforehand, the case proceeded to trial without any discovery. The lawyer had to communicate the legal issues to a frontier jury and that is where Lincoln honed his speaking skills. He would often begin his arguments by stating his opponents best positions in a logical fashion and then pick them apart point by point.

After a day's session, all of the lawyers and the judge would retire together to the same tavern. Lincoln would dominate the storytelling after dinner. He used that storytelling ability in his legal presentations. The legal ethics of the day were very different from today. Ethics tended to shift with practical concerns. Lincoln was able to mix in personal emotion to appeal to the hearts of the jurors and sway the jury with his stories.

The third and final part of this series will appear in the November issue of The Barrister.

Get "Anytime/Anywhere Access"



Now you can access your transcripts and exhibits anytime, *and from anywhere*, you like...at no additional cost!

With Tate & Tate's new **Internet Repository**, you can access all your transcripts and exhibits whenever...and from wherever...you choose! All your case materials are maintained on a secure server in digital format so they're always available to you via the web. You'll spend less time searching for the materials you need and *far less space* storing them! The best part? Tate & Tate's **Internet Repository** service is FREE, not just for your largest cases—it's FREE for all of your cases! It's just one more way Tate & Tate is continuing to improve our service for you.



The Camden County Bar Association has selected Tate & Tate as a Partner in Progress. Congratulations to the Tate & Tate staff for their efforts in attaining this distinguished recognition.

FREE Members Benefit: Condensed transcripts, ASCII discs, E-mail delivery of transcripts, transcripts and exhibits made available 24/7/365 via Internet Repository!

Tate & Tate
CERTIFIED SHORTHAND REPORTERS

Call 856.983.8484

to begin improving your efficiency with Tate & Tate's new **Internet Repository** service!

TATE & TATE • THE LEXINGTON BUILDING, SUITE 5 • 180 TUCKERTON ROAD • MEDFORD, NEW JERSEY 08055
TELE: 856.983.8484 • FAX: 856.985.0629

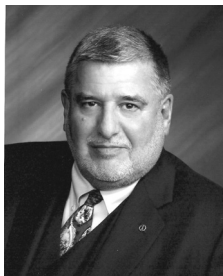
STEVEN R. NEUNER Business Bankruptcy Specialist

THE EXPERIENCE YOU NEED
& YOUR CLIENTS DESERVE

- 20 Years Experience
- ABCC Certified Business Bankruptcy Specialist
- Chapter 7 Trustee since 1987

Available to help with all bankruptcy or debt relief problems: Business or individual; debtor or creditor; Litigation, divorce-related and complex matters invited.

ALL CLIENT RELATIONSHIPS PROTECTED
856.596.2828
sneuner@nv-njlaw.com



NJSBA Trustee's Report At A Minimum

By Arnold N. Fishman
State Bar Trustee for Camden County

I was only 11 when the Supreme Court of N.J. decided that it was in fact (lower case) supreme, but they never let us lawyers forget. See *Winberry v. Salisbury*, 5 N.J. 240 (1950). Recently, after unilaterally determining that there would be mandatory Continuing Legal Education (CLE), the Vernero Committee was formed to provide input only with respect to how it should be fashioned. The Committee virtually ignored the extensive report submitted by the NJSBA. That report contained a thoughtfully detailed plan on the issue of the "bankability" of CLE credits earned prior to unclocking the

final rules. After much prodding, the court revealed that "at a minimum" credits earned can be used to fulfill requirements of Skills and Methods, the various specialty certifications, and foreign jurisdictions. The bulk of us are left to wonder. The NJSBA Board, loaded with people who are good at parsing words, determined to inquire as to whether this meant that everyone else was excluded. The Court inscrutably pointed to the words "at a minimum" and ended the conversation. If the Bench were to be sincere in its professed desire to forge a partnership with the Bar, it would treat us much more deferentially.

I can appreciate the court wanting to be satisfied as to the quality of privately offered courses; however, there is no reason for seminars sponsored by the State and County Bar Associations not to count. There is even less reason

for those organizations to remain in the dark. These volunteer not-for-profit corporations depend on that income to ameliorate the loss of membership dues in these hard times. Our attendance falls. Some attorneys will not be at the mid-year meeting because of this uncertainty. Not only attendees, but also presenters lack assurance that their effort will be rewarded. We are entitled to know if presently earned credits will be approved. A true partnership requires greater sensitivity, at a minimum. There are no minutes from the New Jersey Board of Trustees due to no meeting in August, 2009.

Paul Snyder, Esq.
Providing investment and retirement planning services to
lawyers, their firms and clients.
Wealth Management Associates, Inc.
856.235.6821

Special Civil Part Update

By Barry W. Rosenberg

The Special Civil Part Court Officers' Advisory Committee met on September 9, 2009. The Court now utilizes the services of seven (7) full time Special Civil Part Officers, whose names, email addresses and/or cell phone numbers are as follows:

COURT OFFICER

George A. Cook
Dawn M. Hines
Damon K. Lacey
Cecil Canady
Rick Hailey
Jim Bartie
John Franklin

CONTACT NUMBER

Office: 856.346.0335
Cell: 609.332.7340
Cell: 609.851.4126
Cell: 856.296.4812
Cell: 609.922.2190
Cell: 609.828.8887
Cell: 856.264.6119

E-MAIL

Fax 856.346.0089
dshirre@yahoo.com
dlacey342@comcast.net
ccandy47@aol.com
Qunlimited12566@gmail.com
jbartie@comcast.net
Franklin.johnh@gmail.com

The Civil Division Manager for the Camden Vicinage is George Coan. His assistant, Mary Wiesemann, who supervises all Special Civil Part activity, can be reached at 856.379.2234. The Court requests that Special Civil Part practitioners be award of the following:

The average time to complete a Plaintiff's initial set of Post-Judgment collection instructions is about 45 day.

Bank levies, which are the quickest means of obtaining payment, can take up to 10 to 60 days to effectuate depending upon the response time of the bank. A list of each and every requested bank levy should be provided at the time you submit a request for a Writ of Execu-

tion. It is insufficient to simply request "a bank levy at every bank that is situated in Camden County." At the time you are notified of the assignment of the Writ to a particular Court Officer, you should e-mail the Defendant's social security number to him/her. In Officer Cook's cases, you can fax this information to him at 856.346.0089.

Arrest Warrants are no longer being served by Special Civil Part Court Officers. These assignments are now being handled by the County Sheriff.

Personal Property levies on household furnishings have become increasingly ineffective. Bank levies and Wage Executions are the best options for success.

Court Officers are now making their own disbursements to Plaintiff's counsel. Any funds that were previously paid to the Court Clerk should have already been disbursed to you under the old system.

In Landlord/Tenant cases, the required lock out fees plus mileage are to be paid in cash on the day of the scheduled eviction by the Landlord's representative to the Court Officer who appears.

For further information regarding these or any other Special Civil Part matters, you are encouraged to contact Committee Co-Chairmen, Barry W. Rosenberg, Esquire at 856.428.7111 or Jules Lieberman, Esquire at 856.429.1050.



Young Lawyer Corner

YOUNG LAWYER CHAIRMAN'S NOTE: I am pleased to present the latest installment in our series of articles on the theme of "what I wish I knew when I was a young lawyer." This month's contributor is Carl Ahrens Price with Price & Price in Haddonfield. If you would like to find other ways to enrich your professional life, please join us at noon on the first Tuesday of every month at Bar headquarters for our lunch meetings.

The other day I received a letter from the Burlington County Bar Association. It began, "Congratulations! The Board of Trustees of the Burlington County Bar Association has approved you for Member Emeritus status." I achieved this merely by being a member of the bar for 40 years. I didn't realize I'd been a member that long and, in fact, thought somehow they must have miscalculated. So I picked up the phone and gave them a call. And, to my surprise, I have been a member of the bar for 40 years.

That fact got me to thinking. It's been a long run and the time went by very rapidly. I have many things to look back upon, some of them successes and others failures. I suppose that's true for everyone. In retrospect, my greatest success, however, was in (much to my surprise) the fact that my son decided to become an attorney and ultimately my partner in the practice of law. He allowed me to see, through his eyes and his experiences, what it was to be a young and upcoming attorney. I tried to give him good advice and among the first things I told him was to get active in the Camden County Bar Association. I told him one of my many regrets was the fact that I never was as active in the bar as I could have been. I didn't realize it when I told him that, however, that my involvement and activity in the Camden County Bar Association (and even in the New Jersey State Bar Association) was to change.

Casey's involvement in the bar was substantial and it continues to be so to this day. I realized, as he was becoming active in the Young Lawyers Section and ultimately was elected a trustee, the value and benefits the bar had to offer to young and "old" attorneys alike. The Camden County Bar Association offers a wealth of experience and knowledge to all attorneys. It's there for the asking. It also offers an opportunity to network and to establish friendships that can last a lifetime. And most importantly, it's never too late to take advantage of the opportunities the Bar Association presents. I only wish I knew that and appreciated it when I was admitted to practice in 1970.

Casey and I often talk about the practice of law. I am wont to say on many an occasion it was much easier and much nicer practicing in the early '70s than it is today. The days speed

by. Our commitments to our families and our practices are enormous. There's always something tugging at our coat-tails demanding to be addressed. It's very difficult mixing work, a commitment to our profession and our families. And of all of these there are no doubts that family has to come first. But, in my opinion, it should not come at the exclusion of the other two.



By Adam Gersh

I have only recently come to appreciate what it is to be an "attorney at law." Of course, I practiced law in all the courts for many years. Only recently have I had the opportunity, in conjunction with my son, to limit my practice to a specialized area. And in limiting our practice we have come to appreciate what it is to have the support and understanding of colleagues. Our colleagues in the elder law bar are nothing short of generous, supportive and willing to give of their time and knowledge whenever asked. And they do this without asking for something in return. They give of themselves to make us all better attorneys and better people.

To me that's what being a member of the bar is all about. And the Camden County Bar Association is there for all of us. There is a wealth of knowledge available that I wish I had sought out when I was younger. There are colleagues who are willing to share of their time and their knowledge. They will make it easier for everyone because they have been there, they've done that and they are willing to help you avoid the pitfalls that they made along the way.

One of the highest and noblest things, doesn't that sound trite, the bar can do is to mentor other attorneys. The bar is there as a networking organization. The bar is there for socialization. There's always a program or an activity in which all of us can partake. And those of us who don't partake in the offerings of the bar are missing something. But, you only know you're missing it once you take advantage of what the bar has to offer.

After 40 years of practice and about 10 years of active participation in the Camden County Bar Association (as well as in the New Jersey State Bar Association), I can tell you that being an active member of the Bar Association is part of being a well-rounded professional. The practice of law to many of us is just a job. That's an unfortunate and misguided way to look at the profession. It is a job, no doubt about it. But being an attorney also carries with it a commitment to your colleagues and your community. The Camden County Bar attempts to reach out to all of us and to the community at large to make it a better place to live and to practice.

So, when I think about things I wish I knew when I was a young lawyer, one of the most important things would have been to know just how much the Camden County Bar could have provided to me. And it's never too late to take advantage of those offerings.

FREE

Service of Process!

30 Days

Unlimited Number • No Obligations

• New Jersey Only •

800-672-1952

Fax: 908-688-0885 • E-Mail: info@served.com

GUARANTEED

Subpoena Service, Inc.

Established 1965

WE SERVE ANYTHING — ANYWHERE

- 30 days begin with first piece of process received
- Strikes, Class Action Suits, Attendance Fees, Priority Fees, Filing Fees and Out of State Service not included.
- Offer limited to New Jersey law firms that have never used our services and firms that have not used our services for two or more years.

• **The largest servers of process in the world** •

CLASSIFIEDS

To Schedule your classified or display advertising,
CALL KATHY CAIRA AT 856.482.0620
EMAIL kmc@CAMDENCOUNTYBAR.ORG
OR FAX COPY TO 856.482.0637

Office Space for Rent – Voorhees

Small office space available at the Ashland Hi Speedline. Use of large parking lot, reception area, and conference room. Office is furnished and available immediately. Some per diem work is also available. Call Sal B. Daidone, Esq. at 856-428-6800.

Furnished Office – Marlton

Convenient location, spacious loft for law practice. Use of conference room and facilities. Call: 856-596-1880, ask for Betsy.

Office for Rent – Voorhees

Small Voorhees law firm has furnished attorney office and secretarial station available. Includes use of conference room and kitchen. Great location with ample parking. Call Barbara Riefberg at 856-772-2943.

For Rent – Cherry Hill

57 Kresson Road, 3,000 square feet conveniently located to Haddonfield and 295. Available immediately. Please call 609-410-4678

SHARED USE - HADDONFIELD

Executive size corner office plus secretarial space (possible 2nd office available) in existing law firm suite. Collegial environment with good opportunity for networking. Shared use of 21 x 14 conference room, reception area with full time receptionist, kitchenette, etc. Situated in prestigious multi-tenant, **mid-rise** professional building. Available immediately. Contact: Ben Sepielli @ Farrell & Knight Realty, Inc. 856-429-1770

1,500 SQ. FT +/- HADDONFIELD

Attractive office suite. Bright & airy with wall to wall windows. Situated in a meticulously maintained building with on-site parking. Premium location in the center of town on Kings Highway one block from the High Speed Line station. Creative rental rate. Contact: Ben Sepielli @ Farrell & Knight Realty, Inc. 856-429-1770

1,000 to 5,000 Sq. Ft. -

CHERRY HILL RENTAL

Contiguous office space **totally** 5,000 sq ft divisible to suit tenant. Situated in a one story professional office building totally upgraded. Conveniently located across from Garden State Park Complex. On-site owner/management. Meticulously maintained. Reasonable rental rate. Contact: Ben Sepielli @ Farrell & Knight Realty, Inc. 856-429-1770

Haddonfield – 700 SQ. FT.

Loft style space. Very bright - \$17.15 per sq. ft. NN – Call Owner 609-760-1476

Haddonfield – 2,500 to 7,000 SQ. FT.

Modern 1st floor. Large windowed suite. On site parking. Town center location - \$14.40 per sq. ft. NN – Call Owner 609-760-1476

Haddonfield – 1000 SQ. FT.

1st floor windowed suite. Across from Starbucks. Two entrances - \$19.20 per sq. ft. NN – Call Owner 609-760-1467

Marketing Professional


I have been providing advertising sales & consulting services including writing copy and designing ads for the Barrister for the last 9 years. I also served as a Marketing & Business Consultant for over 25 years. For a Free Consultation Call: Ken Lane at The Phoenix Group 856.983.0403.

Per Diem Atty Will cover entire

state of New Jersey. Civil trials, deps, arbs, motions, draft briefs. 22 yrs exp. 24 hr notice. Veronica Bocco 856.354.6202/guidolaw@usa.net


Office Space for Sale or Lease

Furnished Office Cherry Hill, Convenient location off 295. Spacious 1st floor 1190 Sq. Ft. 2nd Floor 650 Sq. Ft. Furnished Conference Room Great Parking Call 856-266-0207 ask for Nancy



**LAW OFFICES OF
CHARNY, CHARNY
& KARPOUSIS, P.A.**
Divorce & Family Law Group

**Arbitration & Mediation Section
Skilled in Resolution**



Ms. Nancy Gold, Esq.

With more than 30 years experience in Divorce & Family Law, Ms. Gold is a well-respected leader in our legal community and a frequent panelist in complex divorce cases.

Services:

- Binding and Non-Binding Arbitration
- Skillful and Proficient Mediation
- MESP Blue Ribbon Panelist

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

Hold the Date & Celebrate!

HOLIDAY COCKTAIL PARTY

MONDAY, DECEMBER 14TH

THE MANSION

The annual "Meet the Judges & Law Clerks" Reception attracted over 200 members of the bench and bar to the Camden County Boardhouse on September 22 for an enjoyable Autumn evening of networking, camaraderie and introductions at the annual back to the bar year event. 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.

Judges, Law Clerks & Bar Members Adjourn to their Party Chambers

(l to r) Judges Blue, Orlando & Silverman-Katz

(l to r) Janice Patel, Sona Kim, & Lauren Fuiman

(l to r) Rich Grungo, Bill Colarulo & Michael Hackett

(l to r) Alex Kushner & Craig Becker



(l to r) Judge Lihotz & Judge Fox
(l to r) Kevin Haverly, Surrogate Patricia Egan Jones & Mark Esposito

John Smith
123 yourstreet
Anytown USA 12345

