

Gorman Named Camden County's Professional Lawyer of the Year



Following a review of nominations received from the membership, the CCBA's Committee on Professionalism has selected **Ann M. Gorman** the 2013 Camden County Professional Lawyer of the Year.

Deputy Director of South Jersey Legal Services in Camden, Ann will receive her award at the annual Professionalism Awards Luncheon on October 17th at the Imperia in Somerset.

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 Ann! You are truly deserving of this special award.

Come Frolic With Us! Fall Frolic set for November 26th

It's fall and time to frolic! Get into holiday celebration mode and join colleagues and friends from the bench and bar at the Coastline for one of the Foundation's most popular events — **Fall Frolic!**

Each year, the Coastline opens its doors to Association members, their staffs, clients, families and friends for a two-hour party featuring a hot buffet and even hotter dance music. Once again, we will frolic at the Coastline from 6 to 8 p.m. on Tuesday, November 26th, and **We Need You To Join Us!**

Alcoholic Control Commission regulations require a minimum charge per drink so your \$15 ticket *includes* a drink on us!

Your Support is Important!

- Fall Frolic proceeds are used to purchase gifts for Santa to give to more than 200 disadvantaged children on December 7th at our annual Children's Christmas Breakfast & Party, also hosted by the Coastline.
- Our average cost over the past 5 years to treat the children was \$6,200.
- Your support helps reduce the cost of a not-to-be-forgotten day!

So, Come Frolic with Us and Invite Your Colleagues, Friends and Clients!

To purchase tickets, please send a check to:

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

To pay by credit card or for questions, call bar headquarters at 856.482.0620, or email Kathy at kdp@camdencountybar.org.

Honorable John J. Hughes (ret.) to Receive Gerry Award October 29

United States Magistrate Judge for the District of New Jersey

The Honorable John J. Hughes (ret.) has been named the 2013 recipient of the prestigious Judge John F. Gerry Award. The award will be presented at the 18th annual Gerry Award event on Tuesday, October 29, at Tavistock Country Club. This year's event features a three-hour upscale cocktail party with food stations and a cash bar. Judge Hughes will receive his award during a brief formal program, at which time the 2013 Judge John F. Gerry Memorial Scholarship(s) will also be presented.

"Judge Hughes' long and very distinguished record of public service exemplifies the same dedication reflected in the life and times of Judge Gerry and serves as a shining example for all of us in the legal profession," said retired Superior Court Judge John B. Mariano, who chairs the Gerry Award Committee. "Judge Gerry is certainly looking down with pride knowing that Judge Hughes will receive the award that bears his name." Those words were echoed by Camden County Bar Foundation President, Louis R. Lessig who stated "Judge Hughes is exceptionally well respected throughout the legal community. Anyone who knows Judge Hughes would certainly agree that he is most deserving of this prestigious award."



SAVE THE DATE

Fall Frolic!

November 26
The Coastline Bar & Grill

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THE DOCKET

Tuesday, October 1st

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

Thursday, October 3rd

*Solo Practice 101 –
How to Make it On Your Own*
4 – 6:15 pm
McCormick & Schmick's, Cherry Hill

Thursday, October 10th

*Representing Physicians
in Today's Legal Quagmire*
4 – 6:15 pm
Tavistock Country Club, Haddonfield

Wednesday, October 16th

CCBA Board of Trustees Meeting
4:30 pm
Bar Headquarters, Cherry Hill

Tuesday, October 22nd

Professionalism Day Seminar
2 – 4 pm
Courtroom 63, Hall of Justice, Camden

Wednesday, October 23rd

Practice Tips for Bankruptcy
4 – 6:15 pm
McCormick & Schmick's, Cherry Hill

Professionalism Day Program

4 – 6 pm
Mitchell H. Cohen Federal Courthouse,
Camden

Thursday, October 24th

CLE on Tap! NJ Civil Trial Preparation
3 – 6:15 pm
McCormick & Schmick's, Cherry Hill

Tuesday, October 29th

*Judge John F. Gerry Award
& Scholarship Presentations*
2013 Recipient – Hon. John J. Hughes (ret.)
6 – 9 pm
Tavistock Country Club, Haddonfield

Tentative Agenda for October 16th Trustees Meeting

A tentative agenda for this month's regular Board of Trustees meeting follows. The meeting will begin at 4:30 pm, at Bar Headquarters. All meetings are open to the membership. Members interested in attending should notify and confirm their attendance by calling Bar Headquarters at 856.482.0620.

- I. Call to Order
- II. Minutes from Previous Meeting
- III. Treasurer's Report
- IV. President's Report
- V. Membership Committee Report
- VI. Executive Director's 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

MUNICIPAL COURT COMMITTEE NOTICE

The CCBA's **Municipal Court Practice Committee** will meet at 4 pm on Wednesday, October 30, at the Haddonfield Borough Hall. Arnold Fishman, Esq. will present a program on ***Effective Cross Examination of a Police Officer in a DUI Trial.***

1 hr(s) of CLE credit will be available to all who attend for a nominal fee of \$10.

Attendees who wish to receive the CLE credit, must register in advance in order to receive the materials for the presentation. **Materials will not be available at the door.**

To register please contact Denise at Bar Headquarters at 856.482.0620, or dkw@camdencountybar.org.

Contact Gregory P. DeMichele, Esq. with additional questions at 856.546.1350 or gpd@southjerseylawfirm.com.

THE BARRISTER

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

Really Making the Plaintiff Whole

I was just finishing up a damages report where I wanted to make sure counsel was aware of New Jersey's 2003 discrimination case, *Ferrante v. Sciarretta*. (There the jury awarded \$895,207 for economic damages, emotional distress, pre-judgment interest and attorney's fees with the Plaintiff moving post judgment for additional monies. The Court then awarded the Plaintiff yet an additional \$107,000 for the negative tax impact from the jury award). Thus, I thought it was a good time to remind the Camden County Bar that taxes do pervade every case you're handling.

Many attorneys already know that an employee shown to have been subjected to workplace discrimination is entitled to recoveries which include compensatory damages (i.e. back pay of lost wages and front pay for lost future wages) as well as punitive damages caused by the employer's misconduct. They realize that a prevailing plaintiff will often receive such back pay and/or front pay in a single, lump sum amount pushing the recipient into a much a higher tax bracket. This, in turn, often results in a higher tax burden as opposed to its receipt spread out over a number of years. In an effort to "make the injured party whole," Courts have typically attempted to remedy this predicament by fashioning awards, albeit

with the help of expert financial/accounting testimony (that be us), which will often mitigate the excess taxes now due.

In *O'Neill v. Sears Roebuck & Co.*, a 2000 age discrimination case from the U.S. Court for the Eastern District of Pennsylvania, the judge gave the plaintiff an enhanced award to make up for the "negative tax consequences" of receiving in a single year a lump sum award for back and front pay. I believe the logic was rather straight forward—the regular income tax burden incurred on the pay received each year (i.e. spread out) would have been that much less than the tax burden on a single lump-sum representing accumulated lost compensation. Interestingly, the Court expressed that it was the statutory goal to allow the plaintiff to keep the same amount of money as if he had not been unlawfully terminated. The judge decided that this goal requires reimbursement for the reduced amount of front pay money that the plaintiff had to invest as a result of higher taxes, as well reimbursement for higher taxes he must pay on his back wages caused by getting his money in a lump sum.

In *Ferrante v. Sciarretta*, the Judge held that a former employee who recovered a jury award for economic damages under New Jersey's Law Against Discrimination (LAD), was entitled to yet additional monies to compensate her. The Judge determined that the tax liability for her substantial jury award exceeded what her tax liability would have been had she not been constructively discharged and had continued to receive her regular annual wages. This Court obviously reached similar conclusions as did the O'Neill Court by recounting the overriding goal of compensatory damages in employment discrimination cases—"to make the victims of unlawful discrimination whole by restoring them, so far as possible ... to a position where they would have been were it not for the unlawful discrimination."

Fast forwarding to 2009, the U.S. Court of Appeals for the Third Circuit decided in *Eshelman v. Agere Systems Inc.*, that a trial judge may "gross up" a back pay award in order to offset additional taxes that the plaintiff will owe on the lump sum award. While this decision may have been a boon to plaintiffs' lawyers litigating in the particular federal districts (i.e. for New Jersey, Delaware, Pennsylvania and the Virgin Islands) who can use the argument to increase their clients' total awards, the jurisdictional split from other

circuits makes the issue ripe for a Supreme Court decision.

Wouldn't it be nice if we could remedy such by just bringing back "income averaging" which I recall as being one of the arrows in my quiver of tax planning strategies? This was a federal tax code provision for people with widely varying income from one year to the next. It allowed people who receive little income one year and substantially more the next year to reduce their tax liability by spreading out the tax bite on the huge sum over a three-year period. Alas, the 1986 Tax Reform Act abolished income averaging for all taxpayers except farmers, fishermen and certain qualifying retirees who cash out their retirement plans.

Thank you, Alan Schorr, Esq. (although not the attorney on the case I was involved with) for confirming that *Eshelman* remains good law (in this Third Circuit as well as New Jersey State Courts) for the proposition that "a district court may, pursuant to its broad equitable powers granted by the ADA, award a prevailing employee an additional sum of money to compensate for the increased tax burden a back pay award may create." As of the writing of this article, the case has been cited 91 times, with only one negative comment, which did not relate to the tax consequences.

The Court in *Ferrante* concluded that because the plaintiff does not suffer the adverse tax effects until after the jury awards lump sum damages, a post-trial motion is the appropriate vehicle to obtain the tax relief. The Court stated:

The negative tax consequences of a jury award are not an issue that is readily subject to determination by a jury. This is true because the precise amount of the award is unknown until the verdict. The jury would not have the expertise to project the tax liability on their award, that is, to apply the appropriate tax rates and/or the alternate minimum tax computations. These calculations require expert analysis. Therefore, post-trial application is the only viable procedural mechanism to consider this issue.

Time to call your friendly forensic accountant or economist.

Martin H. Abo, CPA/ABV/CVA/CFF is a principle of Abo and Company, LLC Certified Public Accountants – Litigation and Forensic Accountants. The firm is a Partner in Progress of the Camden County Bar Association. With offices in Mount Laurel, NJ and Morrisville, PA, Marty can be reached at marty@aboandcompany.com or by calling 856-222-4623.



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LEGAL LINE TO CRIMINAL LAW

Recent Changes to the Graves Act and Other Gun Legislation

By Margaret M. Butler, Office of the Public Defender, Camden Trial Region

The New Jersey Legislature was busy this summer with new gun legislation. Over 30 bills related to guns and gun control have been making their way through the legislative process.

Most notably, On August 8, 2013 P.L. 2013 Chapter 113, Senate No. 2804 was signed into law by New Jersey Governor Chris Christie effective immediately. The bill created a number of changes to the Graves Act, amending both N.J.S. 2C:39-5 and N.J.S. 2C:43-6.

Under the new law, unlawful possession of a handgun (2C:39-5b) remains a second degree offense, but the minimum sentence, under 2C:43-6c, has increased. Previously the minimum period of parole ineligibility was to be between one-third and one-half of the sentence imposed or three years, whichever is greater. The amended law requires that the minimum period of parole ineligibility be one half of the sentence imposed or 42 months, whichever is greater. Prior to August 8, 2013 the minimum sentence upon conviction of unlawful possession of a handgun was five years with a mandatory three year period of parole ineligibility; it is now five years with a mandatory 42 month period of parole ineligibility.

The new law includes an additional section under 2C:39-5j. This creates a new offense similar to certain persons under 2C:39-7, whereby a violation of subsections a. (possession of a machine gun), b. (unlawful possession of a handgun), c. (unlawful possession of a rifle or shotgun) or f. (unlawful possession of an assault firearm) with a previous conviction of any offense enumerated in 2C:43-7.2, which is any crime under the *No Early Release Act*, is a first degree crime.

The law now includes unlawful possession of an assault firearm to the list of crimes for which Graves Act sentencing applies.

Air and spring guns remain third degree offenses but the statute has been changed to indicate that the mandatory minimums do not apply. Similarly, the mandatory minimum no longer applies to unloaded shotguns and rifles. In the statement accompanying the bill, the legislature has made it clear that it is their understanding that the bill would not preclude a defendant convicted of unlawful possession of an unloaded rifle or shotgun or a BB gun, air gun, or spring gun, from being eligible for participation in a pretrial intervention program.

On August 8, 2013, Governor Christie signed ten other pieces of gun legislation into law and vetoed only one, a ban on .50 caliber weapons. The following reflects new legislation with implications for the practice of criminal law:

- A3796 provides a 180-day window from the date of enactment for persons to dispose of certain unlawfully possessed firearms, including any violations of 2C:39-5b, unlawful possession of a handgun
- S1279 upgrades the penalty for unlawfully transferring a firearm to an underage person. This bill specifically amends N.J.S.2C:39-10e to increase the offense from a third degree to a second degree and imposes a five year mandatory period of parole ineligibility for any convictions thereof. This statute is effective October 1, 2013, unlike the others which were effective as of August 8, 2013.

Continued on Page 8

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Some Thoughts on Interest Rates, Taxes and Structured Settlements: Analyzing What is Best for the Client

by Thomas D. Begley, Jr., CELA

Since The Great Recession, the Federal Reserve has reduced interest rates and kept them low as a means of stimulating the national economy. Most economists believe that this strategy is effective in achieving its goal. However, one casualty is the structured settlement industry. Since 2008, sales of structured settlements have declined by 22%. The problem is that in purchasing a structured settlement now, the plaintiff is locking in historically low interest rates for a long period of time. There are a number of other considerations in determining whether or how much of a personal injury settlement to structure. These include:

- **Lifetime Payment.** A structured settlement can guarantee the plaintiff a lifetime income to cover living expenses. The amount of the income can be flexible.
- **Creditor Protection.** A structure can guarantee an income stream that is free from the claims of the injured person's creditors until receipt.
- **Family Members.** A structured settlement can guarantee income to spouses and minor children of the plaintiff.
- **Fiscal Restraint.** The structured settlement makes it more difficult, although not impossible, for the injured plaintiff to squander the money prior to its being received. The plaintiff still has the right to sell the structured settlement on the open market, but if the structure is combined with the trust, such resale becomes virtually impossible.
- **Rated Age.** If a plaintiff has medical conditions warranting the establishment of a rated age that is higher than the plaintiff's actual age, the periodic payout from the structure can be considerably higher. This maximizes the settlement for the lifetime of the plaintiff. The insurance company assumes the full risk of the plaintiff outliving the rated age.

An often overlooked consideration is the tax implication of purchasing a structured settlement. While the tax issues are complex, the plaintiff deserves a careful analysis. Tax factors that must be considered include:

- **Compensation for Physical Injuries or Physical Sickness.** If the settlement is for a claim for physical injuries or physical sickness, the payment to the plaintiff is tax free.¹ Claims for emotional distress are generally not considered physical injuries and are taxable. However, if there is a physical injury resulting from the emotional distress, the settlement may be non-taxable.
- **Tax-Free Income Component.** A payment from a structured settlement includes a return of principal. If the underlying claim is for a physical injury, the principal would be tax free. Each payment also includes a component for income. Again, if the underlying claim is for a physical injury or physical sickness, the income component of the structured settlement is non-taxable.²
- **Medicare Tax of 3.8% on Investment Income.** Beginning January 1, 2013, there is a 3.8% tax imposed on investment income for individual taxpayers with an adjusted gross income in excess of \$200,000 per year or married couples with an adjusted gross income in excess of \$250,000 per year. This tax does not apply to income from a structured settlement. In large personal

injury settlements, this can be a significant consideration. The investment income on a lump sum would be taxed, while the payments from a structured settlement would not be taxed. A useful strategy might be to structure a portion of the settlement and lump sum the remainder. Depending on the situation, a 50-50 balance between lump sum and structure is often desirable.

- **Kiddie Tax.** If a plaintiff is under 18 years of age, the Kiddie Tax generally applies to passive income in excess of \$2,000 earned by a child who does not file a joint return, has at least one living parent (natural or adoptive), and (1) is under 18, (2) became 18 in the given tax year and earned non-passive income constituting 50% or less of his or her support, or (3) is 19 to 23, earned non-passive income constituting 50% or less of his or her support, and is a full-time student for at least five months of the year. Under the Kiddie Tax, the child's income is taxed at the rate of the parents' income. If the parents are in a high income tax bracket, the solution may be to purchase a structured settlement to defer the income until years when the Kiddie Tax no longer applies.
- **Alternative Minimum Tax (AMT).** Legal fees of plaintiffs are often subject to limitations applicable to miscellaneous itemized deductions. Miscellaneous itemized deductions are disallowed in computing a taxpayer's AMT liability. Therefore, if a plaintiff in a personal injury action, not resulting in physical injury or physical sickness, receives a large taxable lump sum award, the plaintiff may be unable to offset the taxable income by deducting legal fees. By structuring the settlement, the taxable proceeds can be received over many years reducing the plaintiff's taxable income in each year, thereby avoiding the effect of the AMT.
- **Emotional Distress Damages.** If a plaintiff receives a settlement for emotional distress that is taxable, he or she can subtract from damages any medical expense incurred as a result of the emotional distress being compensated, so long as the expenses were not previously deducted.³ It is clear that this exception applies to payment for past medical care. It is less clear that future damages paid for an emotional distress claim can be excluded. The solution is to postpone for tax purposes the receipt of compensation until the matching medical care expenses have been incurred. The device for achieving this result is a structured settlement. If the plaintiff is to receive \$200,000 for an emotional distress claim in a lump sum, tax would have to be paid at that time. If instead the plaintiff elects to purchase a structured settlement paying \$10,000 a year for 20 years and that \$10,000 matches each year's medical care expense of \$10,000, it can all be excluded from gross income saving the client thousands of dollars. Such a strategy was approved by the Internal Revenue Service.⁴

¹ I.R.C. §104(a)(2).

² Rev. Rul. 79-220.

³ I.R.C. §104(a).

⁴ P.L.R. 2008-36-019.



FOUNDATION UPDATE

Off and Running!

By Louis R. Lessig

It is a clear, crisp late summer day, the birds are chirping and there is not a cloud in the sky. The only sound you hear is your own breathing, that is until you hear the sweet sound of your driver connecting perfectly with the ball you have just teed up. Watching it sail through the sky in a perfect trajectory towards the green is nothing short of a thing of beauty. For a moment, you even have the thought that perhaps you should put all your clubs away right now and go home because this one perfect shot just made your day and the entire round of golf you are about to play worthwhile.

Of course these thoughts were not just mine, but the thoughts of a plethora of golfers who joined us for this year's Autumn Scramble. There is arguably no better way to start off a Bar Foundation year than with a fun round of golf, and spending the day with friends as we raise money for the philanthropic arm of our organization. This year's event, which was held at Tavistock Country Club, was nothing short of spectacular. With our Partners in Progress,

sponsors and our friends from the Burlington County Bar Foundation, it was a fabulous day for a very worthy cause. Of course, I would be remiss if I did not thank our Golf Committee Chairs, Mark Oddo and Alan Schwalbe as well as our entire Golf Committee. They did a fabulous job putting together a great event.

We have just begun our fun-filled philanthropic year and I encourage every Bar member to get involved in some way to support our many Foundation endeavors.

Our plan this year is to keep you energized and engaged in all of our Foundation events. In fact, our next Foundation event is sure to be a very special evening happening on October 29th as we honor the 2013 recipient of the Judge John F. Gerry Award, the Honorable John J. Hughes, Retired, United States Magistrate Judge for the District of New Jersey. We will also be awarding the Gerry Scholarship(s). The event itself will take place at Tavistock Country Club from 6 to 9 p.m. In addition to being a new venue for this event, it is also a new format which is

sure to increase your ability to network with Judge Hughes, the scholarship recipients and colleagues. The evening will feature a three-hour, upscale cocktail party as well as a brief formal presentation of the 2013 Gerry Award and the John F. Gerry Memorial Scholarship Award(s). Annually, this is a wonderful event in memory of a truly gifted jurist and on behalf of the entire Foundation, we hope that you will join us as we honor Judge Hughes.

But wait there's more...because coming in November at the Coastline is the Foundation's Annual Fall Frolic. This is the event you want to attend to spend some time with colleagues and friends all for a great cause, and kick off the holiday season. So stay tuned for more information on the Fall Frolic, which will take place on the evening of November 26th.

As you can see, our Foundation year is off and running. I am incredibly humbled to have the opportunity to serve as Foundation President this year and I hope you will join the Foundation Board and myself in all of our efforts on behalf of the Foundation.

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Six-Year Statute of Limitations Applied to Claims for Contribution Under the New Jersey Spill Act

By William H. Tobolsky & Sean T. Conley

In a recent case of first impression, the New Jersey Appellate Division applied the six-year statute of limitations (N.J.S.A. 2A:14-1) to claims for contribution under the New Jersey Spill Act (N.J.S.A. 58:10-23.11 *et seq.*). Morristown Associates v. Grant Oil Co., ___ N.J. Super. ___, 2013 WL 4483059 (App. Div. 8/23/2013).

"N.J.S.A. 58:10-23.11g(c) (1) imposes strict joint and several liability on '[a]ny person who has discharged, or is any way responsible for any hazardous substance... without regard to fault...'" *Infra*, 277 N.J. Super. at 490, fn 1.

Plaintiff purchased a small shopping center in Morristown in 1979. One of the tenants was a dry cleaner. Prior to the purchase, the tenant had installed an underground storage tank to hold heating oil for a steam boiler. Owing to poor design and installation, the tank leaked oil at an alarming rate over the next several decades.

The plaintiff asserted that it first became aware of the existence of that tank in 2003, when an adjoining property owner noticed oil in its monitoring well and identified plaintiff's property as the source. Plaintiff had, however, found another leaking tank on the property in 1999. Plaintiff did not follow up at that time by comprehensively assessing its property for contamination.

In 2006, the plaintiff filed a complaint for contribution against the dry cleaner and the oil delivery companies that had supplied the oil, alleging that they had failed to inspect the leaky tank and make repairs resulting in damage. The claims were grounded on the Spill Act, the New Jersey Environmental

Rights Act (N.J.S.A. 2A:35A-1 to 14), and common law negligence.

The defendants filed for summary judgment on several grounds, including the general six-year New Jersey statute of limitations for property damage, N.J.S.A. 2A:14-1. Defendants argued that this statute of limitations applied to claims for contribution under the Spill Act. No published decision of the New Jersey courts had ever directly addressed that issue.

The plaintiff argued that the statute of limitations did not apply, relying upon Pitney Bowes, Inc. v. Baker Industries, Inc., 277 N.J. Super. 484 (App. Div. 1994). Pitney Bowes clearly held that the ten-year statute of repose (N.J.S.A. 2A:14-1.1) did not apply to Spill Act claims for contribution. Pitney Bowes noted that the Spill Act was enacted after the statute of repose was enacted and that "[t]here is no provision of any defense available either to a direct or a contribution defendant based on the passage of time." 277 N.J. Super. at 488. Pitney Bowes did not address, however, the question of whether the statute of limitations, in contradistinction to the statute of repose, should be applied.

The plaintiff further argued that a number of statutory defenses are set forth in the New Jersey Spill Act, but a time bar is not included among them. *Expressio unius est exclusio alterius*. The plaintiff also argued that the strong public policy resulting in strict liability under the Spill Act would support the conclusion that the omission of the statute of limitations from the available defenses was not an oversight, and that the legislature intended that no statute of limitations applied.

The defendants distinguished Pitney Bowes and argued that New Jersey courts should follow the applicable federal precedent, which may be found at Reichhold, Inc. v. U.S. Metals Refining Co., 655 F.Supp.2d 400, 446-447 (D.N.J. 2009). Reichhold holds that when a statute providing for a private right of action fails to specifically set forth the applicable statute of limitations, the federal court will select the statute of limitations that is

most analogous to the claim being asserted. Reichhold held that the New Jersey six-year statute of limitations for property damage is most analogous to a claim for contribution under the Spill Act and should be applied.

In Morristown Associates, the Appellate Division found the defendants' arguments to be more persuasive. The court noted that a statute of repose, such as that rejected in Pitney Bowes, cannot be relaxed even for good cause. This would be too harsh and inflexible a result. The other extreme, the failure to apply any statute of limitations at all, is similarly too harsh and inflexible.

The court rejected both extremes and seized the middle ground. While strict application of the six-year statute is too inflexible, the availability of the discovery rule of accrual allows for a compromise result which balances the difficulties of discovery by the plaintiff and the unfairness of the prosecution of stale claims to the defendants.

The discovery rule of accrual equitably tolls the running of the statute of limitations until plaintiff is aware or should be aware of such facts as would at least put it on inquiry notice to investigate further. See Lopez v. Swyer, 62 N.J. 267 (1973).

The availability of equitable tolling does not provide plaintiff a free pass. In this case, the Appellate Division rejected plaintiff's argument that it had first discovered the damage in 2003. The court held instead that plaintiff was put on notice in 1999 of the reasonable possibility that damage would be found when another leaking tank was discovered on the property. The court refused to extend the statute for the four years between 1999 and 2003, holding that this delay in discovery was due to plaintiff's lack of diligence.

The end result: (1) the New Jersey six-year statute of limitations applies to claims for contribution under the New Jersey Spill Act, and (2) the discovery rule of accrual will be applied narrowly, and finally (3) landowners should promptly conduct environmental assessments of their entire property once any contamination is found.

This article is jointly authored by William H. Tobolsky, Esq., and Sean T. Conley, Esq. Mr. Tobolsky is Chair of the Business Law and Litigation Department of Helmer, Conley & Kasselmann, P.A. and can be reached at williamtobolsky@helmerlegal.com. Mr. Conley is an associate in that department.

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LEGAL LINE TO CRIMINAL LAW

Recent Changes to the Graves Act and Other Gun Legislation

Continued from Page 4

- S2468 authorizes the impoundment of motor vehicles for certain crimes and offenses, including if the driver is convicted of a violation of 2C:39-5.
- S2719 has been designated as Anti-Gun Trafficking Act of 2013. This act enhances penalties for certain firearms offenses under N.J.S. 2:C39-9, specifically in circumstances when licensed retail firearms dealers knowingly provide firearms to persons who transfer those firearms to individuals who are disqualified from possessing a firearm. The act makes the offense a second degree crime. Upon conviction of this offense the mandatory period of parole ineligibility is 18 months, but if the "trafficked" gun was ultimately used in the commission of a crime, the mandatory period of parole ineligibility is three years.

There are currently three additional gun bills pending before the New Jersey Assembly which would affect the practice of criminal law in New Jersey if enacted.

- S1133 has been passed by the Senate and is currently before the Assembly Budget Committee. This bill would add certain weapons offenses, including any second or third degree offense under the Graves Act except an unloaded rifle, unloaded shotgun, BB gun, air gun or spring gun to "crimes with bail restrictions" under N.J.S. 2A:162-12 which provides for a presumption that any bail paid by a defendant charged with those enumerated offenses will be in the form of full cash when one of the following conditions is met. The defendant:
 - (1) has two other indictable cases pending at the time of the arrest;
 - (2) has two prior convictions for a first or second degree crime or for a violation of section 1 of P.L.1987, c.101 (C.2C:35-7) or any combination thereof;
 - (3) has one prior conviction for murder, aggravated manslaughter, aggravated sexual assault, kidnapping or bail jumping;
 - (4) was on parole at the time of the arrest;
 - (5) was subject to a temporary or permanent restraining order issued pursuant to the provisions of the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.), was charged with a crime committed

against a person protected under that order, including a charge of contempt pursuant to N.J.S.2C:29-9, and either: (a) is charged with commission of a domestic violence crime that resulted in serious bodily injury to the victim; or (b) has at least one prior conviction for a crime or offense involving domestic violence against the same victim or has previously violated a final restraining order protecting the same victim[.];

The bill proposes the addition of the following condition:

- (6) has two prior convictions for any crime of the third degree under 2C:39-5, Unlawful Possession of Weapons or any crime of the third degree under paragraph (2) or paragraph (3) of subsection b. of section 6 of P.L.1979, c.179 (C.2C:39-7), Certain Persons Not to Have Weapons.

Similarly, S2725 has been passed by the Senate and is currently before the Assembly Law and Public Safety Committee. The bill proposes that possession of an air or spring gun for an unlawful purpose would be a crime of the third degree as opposed to a second degree as it is now. Possession of any other firearm for an unlawful purpose would remain a second degree.

Lastly, S2801 has also been passed by the Senate and is currently before the Assembly Law and Public Safety Committee. This bill proposes that the statute of limitations for prosecution for theft of firearms be increased from five to ten years.

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Picture Perfect Fall Weather Greet Golfers at Annual Autumn Scramble

A sunny mid-70's day greeted over 100 golfers at Tavistock Country Club for the annual Autumn Scramble golf outing on September 9th. Sponsored jointly by the Camden and Burlington County Bar Foundations, proceeds from the annual fall tradition support community service projects and programs sponsored by both Foundations.

Special thanks go out to swag bag sponsors Neuner & Ventura; golf ball sponsor Brown & Connery LLP; golf cap sponsor Susquehanna Bank; \$10,000 Hole-in-One Sponsor Asbell & Eutsler, P.A.; Cart Snack sponsor Ken Landis Tax Solutions; hole-in-one sponsors Lexus of Cherry Hill & Haddonfield Jewelers, and all of our other prize and hole sponsors, and players.

Congratulations to the Scramble winners:

- **1st Place Team:** Jim Turpin, Chuck Kroh, Bill Fisher, Chuck Kroh
- **2nd Place Team:** Larry Wolf, Jack Hall, Adam Bracy, Nick Rounds
- **3rd Place Team:** Michelle Badolato, Dave MacDonald, Chris Tucci, Jeff Johnson
- **Longest Drive Women:** Jenifer Fowler
- **Longest Drive Men:** Earl Miller
- **Closest to the Hole Women:** Joanne Ventura
- **Closest to the Hole Men:** Jim Turpin



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Steve Neuner, Joanne Ventura, Emmet Colazzo



Mike Bryen, Maury Cutler, Bob Harbeson

WINE & FOOD

By Jim Hamilton

As I begin to compose this month's column, I am sitting in a room where the air conditioning unit strains to combat a hot and humid August day. Cleanly constituted white wines are so much easier to contemplate, so discussing some will be easy. At the same time, by the time *The Barrister* finds its way to your desk, cooler weather should prevail, so I will attempt to draw on memories of brisk weather suffered in the past as an aide in discussing some red wines you may want to consider.

Let's start out talking about a white Bordeaux, the **2012 Petit Chapeau Bordeaux Blanc**. The label is one created by a well-regarded importer, Daniel Johnnes, as a vehicle for sourcing grapes and making wines that will fit within the value part of the price spectrum. As with most dry white wines from France's Bordeaux region, the

lead grape in the blend is Sauvignon Blanc, but it is nearly matched by the combined percentage of Semillon and Muscadelle. Those partners to the often aggressive Sauvignon Blanc grape can dull the aggressively grassy qualities such wines present, while also adding some weight and rounder fruit to the impression the wine leaves. There are some grapefruit, Rome apple and white plum notes conveyed in this wine, but make no mistake this is a highly charged wine that will appeal to the lovers of New Zealand Sauvignon Blanc who will appreciate the wine's zip.

As wines made from the Spanish grape, Albarino, become more popular for their versatile food matches, prices from some of the better producers such as **Pazo de Senorans** are escalating. Previously, I



have mentioned with favor the entry level wine from a property I visited this summer, **Zarate**. Another affordable Albarino to consider is **2011 Compania de Vinos Trico Tabla de Sumar**. This is a so called

(Continued on Page 14)



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PRESIDENT'S PERSPECTIVE

by Gary W. Boguski

Be the Head Cheerleader for Your Bar Association

In March I attended the American Bar Association Bar Leadership Institute in Chicago. I traveled with Larry Pelletier as well as Katie Hartman and Kara Edens from the Burlington County Bar Association. The conference was largely a pep rally but I found it to be quite helpful in defining my role as the Camden County Bar Association President as well as thought provoking in terms of goals to set for the year of my presidency.

The President of the American Bar Association suggested four very lofty areas that we as Bar Presidents could take on. The one that stood out in my mind was to work against human trafficking. While no one would dispute that human trafficking is horrible and that it actually does exist in our society, I have the feeling that we, as the Camden County Bar Association, would probably have little impact on that societal problem if we decided to "take it on." I have more modest goals for this year.

First of all, as I have mentioned in earlier columns, I am seeking to continue and perhaps even increase our Association's impact on our communities. As lawyers we are all busy with our practices, our families and our personal interests. No one that I know is sitting around wondering how they can fill their idle time. Nonetheless, we can and should all find the time to give a little back to our profession and society. For many of the lawyers I have met over the years, this is preaching to the choir. The dedication of the lawyers in the Camden County Bar Association, as I have documented previously, is extraordinary. But for those who have not yet dipped their toes into the waters of pro bono or public service, I would encourage you to consider what might interest you and get involved, whether it be helping seniors, disadvantaged children, veterans, first responders, charitable organizations or the like. Find your niche.

In the meantime, I do want to beat the drum about the benefits of membership in the Camden County Bar Association. Again, I am

largely preaching to the choir since most people who are reading this column are already members. But the value of membership in the Camden County Bar Association is significant. From a practical point of view, there is a hefty discount for all CLE seminars. With mandatory CLE being the law of the land, this member benefit by itself can pay for the cost of membership. There are also a number of interactive events available only to members. For example the "Meet the Judges" event last month. There are also discounts available to members for products and services offered by our Partners in Progress. Membership includes a subscription to *The Barrister*, an informative and helpful monthly publication. The Association also has a number of committees that foster the exchange of information and support in the substantive areas of law. Membership also allows access to the members only website which gives additional information to members concerning events, changes in the law and the like. Members also have access to Bar Headquarters for meetings or conference space. Lastly, there is the opportunity to join the Lawyer Referral Service which provides a source of client referrals.

As we head into the fall, there are a number of traditional events on the calendar. Look for information concerning the Children's Christmas party with Santa as well as the Association Holiday party. Information will be provided shortly concerning the Adopt-a-Family Program.

In terms of new events, I am bringing back the tradition of recognizing those lawyers who have been members of the Bar for 50 years. I am also working on a joint party with the Burlington County Bar Association for Valentine's Day.

Finally, "what rhymes with hug me?" If you read that question and scratched your head, that means you do not have a child or grandchild between the ages of five and 20.



Real Estate Ethics – It's Not an Oxymoron, was the subject of this year's Real Estate Committee Seminar. Seminar presenters were **Andy Kushner**, Andrew B. Kushner, LLC in Gibbsboro & **Bob Incollingo**, Law Offices of Robert J. Incollingo in Glendora. **Chuck Resnick**, Law Offices of Charles G. Resnick in Cherry Hill, moderated.

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YOUNG LAWYER HAPPENINGS



YOUNG LAWYER CHAIR

So Many New Young Lawyers – WELCOME!

By Rachael Brekke

After so much excitement at Rutgers Orientation and the Law Clerk Luncheon, we would like to welcome our newest young lawyers this year. I'm confident you will bring enthusiasm and fresh ideas to CCBA.

September was an exceptional month for our young lawyers, packed with networking events and good times with colleagues. We had a great night out at CBP for the Phillies game, Meet the Judges, and the always outstanding Lobster Bake. A big thank you to the Lobster Bake committee—Rachel Licausi, Mike Dennin, Adam Gersh, Mike Madden, and Bill Cook. The 4th Annual Lobster Bake was a huge success, as always, because of your hard work and commitment to the students at the Larc School. Additional thanks to Jeff Medio's family for donating the flowers, Cosmas Diamantis and his sister for baking the cupcakes, and of course, Dave Hasner who has become the official Lobster Bake mascot. We can not forget our set-up and clean-up young lawyers either, thank you! It truly is great to see so many young lawyers working together for such an amazing cause. Great job everyone!

Now on to October—our young lawyer CLE chairs, Drake Bearden and Brian Stouffer, are hosting our first CLE of the season on October 3rd, focusing on Solo Practitioners. Please do not hesitate contacting bar

headquarters for more information. We also have a joint happy hour with Burlington County Young Lawyers and Rutgers Law at the Victor Pub in Camden on October 10. Many of us will be returning to our old law school pub so feel free to spread the word to old law school and study group friends. Just before Halloween, the young lawyers will return to the Anna Sample House to host a Halloween party for the kids. Don't wait until the last minute to buy your costume this year because this event is a blast and the kids in Camden, who may not otherwise celebrate Halloween, really have a great time.

Many of our "seasoned" lawyers probably remember the days when Camden was much different than it is today. While I've heard many stories and seen many black and white pictures, it truly is hard to imagine the old days when "Weinberg Records" was the place to buy music. As I write this, my great-grandmother's cash register sits in the room next to me with so much history in its drawer. I know I do not have the answer to the ongoing struggles in Camden, but what I do know is that we can do better...we can help Camden be better.

I encourage our young lawyers to be involved in the upcoming events that benefit our youth in Camden. Not only is it rewarding, but it is the change we want to see in our future.



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By Hon. Richard S. Hyland (ret.)

Back in the Day

Looking back over 50-plus years, I regret there have been some traditions no longer honored. For instance, in early September there was the formal Opening of Court for the September Term which was presided over by Assignment Judge W. Orvyl Schalick. Flanked on his sides on the same bench were the other sitting judges, far less in number than today. Nowadays, we have so many judges they quickly fill up the jury box in the ceremonial courtroom and spill over on to folding chairs set up by the staff. There were no jury trials in the summer which resulted in a far more relaxed era for trial attorneys. The opening also included the swearing in of the Camden County Grand Jury by Judge Schalick. Preceptors were also given the opportunity to introduce newly admitted attorneys with a brief statement to the judges. With the explosion of the number of new attorneys in following years, the practice was abandoned, along with the formal opening which the AOC deemed did nothing to move cases.

Another tradition was the deference given to senior lawyers by the Court when calling their cases. Lawyers with Chancery cases would usually spend Friday morning sitting through the motion list before Judge John Wick. Certain senior lawyers had their motions heard among the first, regardless of the docket number or when filed. Among them would be Louis Bossle who was a veteran Chancery lawyer. He would file a masterful "canned" equity brief he had polished over the years and could tweak to suit the facts of the present case. Another was Louis Le Duc who was a tall, silver-haired advocate with a patrician bearing consistent with the nobility of his name. He wore pince-nez eyeglasses (from the French—"pinch the nose") on a chain which had been made fashionable by President Theodore Roosevelt.

In my younger days, I wasn't annoyed having my case bumped by one of these gentlemen and enjoyed listening to their eloquent



L-R Ed Menetti, Dick Hyland, Bill Hyland and their musician friends at Woodcrest Bar Outing.

arguments. I also figured that with the passage of time I would enjoy the same courtesy. When I sat on the bench, I applied the same deference and remember extricating a senior who was doing a favor for a non-paying friend from the bottom of my Small Claims list. When I returned to private practice I found that this tradition had been abandoned too for the most part.

It was sad to learn of the demise of the Woodcrest Country Club where we had held our June Outing for decades. Since my clerkship days in 1958, I attended virtually every outing there and had great fun.

Golfers started the day early on its excellent course with tennis and a

dip in the pool in the afternoon. The highlight then was the annual softball game between Joe Nardi's "Naughties" and Tony Bezich's "Beauties." Portly and brilliant defense attorney Sid McCord could be counted on to play catcher. Frank Thatcher was a perennial 2nd baseman and lasted longer than Chase Utley will.

Other stars were Herb Owens, Bob Beck, Jim Mullen, Ed Menetti, Al Scarduzio and Harvey Mitnick. Harvey was a year ahead of me at Camden High and Penn Law and we are nearly octogenarians, but on the weekends he still plays "Seniors" softball games on Sunday, after prior days of golf and tennis while I can just about get out of my way. He is simply amazing!

The cocktail hour was an opportunity to exchange stories, for collegiality and seeing people you hadn't seen since the last outing. Ed Menetti, the Hylands and our musician friends would start the music as per the picture and after a few libations, Ange Malandra would join in and sing countless choruses of "Way Marie," in Italian—of course. After a fine dinner the entertainment would be one of Menetti's classic and hilarious comic routines where he ripped attending judges and any attorneys he didn't care for. The evening was capped off by the awarding of door prizes by Ben and Sam Asbell which was a scam since the judges always got the TVs and other valuable gifts while the rest of us had to be content with windshield ice scrapers from Carl Auerbach's title company.

In my first year I noticed behind a movable partition, some odd looking pool tables. Although covered with green felt, there were no pockets for the balls. The next year I stayed later and saw a rowdy huddle of guys around a table and a light bulb went off in my head. I remembered what actor Claude Rains said about "Rick's Cafe" in the classic movie "Casablanca." He was shocked—shocked that gambling was taking place there.

Whatever took place at Woodcrest that day and night—stayed at Woodcrest!

Please forward any comments to: rhylandatlaw@aol.com

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WINE & FOOD



Continued from Page 10

second wine, which often means the grapes come from vineyards that are younger or less optimally situated, but this also translates into lower pricing. This wine enjoys a round and ripe mouth feel, with good acidity providing structure for apple and melon fruit that is layered with chalky, mineral sensations. If you do not find either of these Albarinos, there are others to consider. One we have discussed before that is reliably good is **La Cana**. Another you might consider is **2011 Columna Albarino**. The fruit here is a bit more linear, with a steely, stony drive buffered by veins of talcum that help deliver a soft ending.

Staying in Spain, let's head to the vinous heartland, Rioja, the most established and probably best known Spanish wine region. One of the venerable producers, founded in 1879, goes by the acronym, "CVNE." Perhaps wisely, they do not use the winery's proper name, Compañía Vinicola del Norte de España. The entry level Rioja is the **2009 CVNE Cune Crianza**. The primary grape in this blend is the lead grape of Rioja,

Tempranillo, and the wine enjoys barrel aging (12 months is required to be called "Crianza") and, as the vintage suggests, also bottle aging before being released. The fruit resembles bright red berries and cherries, with a nice balance between the overt fruit and an acid grip. To add just a touch of complexity, there are subtle mineral nuances along the edges. Another affordable Rioja red is **2009 Cortijo Rioja Tinto Calma**. Again, the star performer is Tempranillo, the most highly regarded red Spanish grape variety, and it delivers ripe, slightly tart cherry flavors along with some lingonberry touches, with the palate perception one of a lithe wine with acid vibrancy that will serve it well as it pairs with food.

I rarely buy a single wine in quantity, preferring instead to mine the ever expanding wine field for new discoveries. However, when a spouse who sees no reason to encourage wine buying asks whether any more of a particular wine can be acquired, I am happy to oblige. Few wine finds over the past year have been so off-the-beaten-track and yet such a good value as **2010 Tikveš Vranec Special Selection**. This steal of a red wine deal is made in the Republic of Macedonia by the renowned winemaker/consultant from France's southern Rhone region, Phillipe Cambie. Vranec is a grape

indigenous to Macedonia, and if you have not experienced it before, you are in the vast majority of wine consumers. Probably due to Cambie's reputation, he was able to convince critic Robert Parker to try the wine, which resulted in a 90 point rating. Add to the score the fact it is imported by the well-regarded Eric Solomon and some wine shops decided it could be more than an unsellable curiosity. Unlike many inexpensive wines that attempt to get attention by delivering jammy, up front fruit, this wine offers a real balance between its wild strawberry, black raspberry and black currant and its acid-driven structure. There also is an undercurrent of spices and earth that provide additional depth to complement the acid-driven enduring finish. While it is a wine that can be appreciated on its own, it really shines when consumed with food. Tikveš also makes a blend, Bela Voda, which marries the Plavec grape with Vranec, and which received an even loftier Parker rating. This wine is decidedly broader and bolder on opening, and needs some time in the glass to tame its exuberance sufficiently to enable it to offer the food compatibility its considerably less expensive stable mate shows out of the bottle. Between Greece's Macedonia region and the neighboring Republic, the exploration of wine frontiers continues!

NOTICES TO THE BAR

From the Supreme Court New Court Filing Requirement

As of November 1, 2013 attorneys will be required to use their Supreme Court-issued Attorney Identification number on each paper they file with the courts.

This requirement is part of a series of the Supreme Court's 2013 Omnibus Rule Amendment Order. This specific requirement is contained in new language added to Court Rule 1:4-1. The full Order can be found on the Court's website at www.njcourtsonline.com.

Attorneys wishing to find their attorney identification number should log on to the Court's website at www.njcourtsonline.com.

Once on the Court's website, obtain your ID number by following the steps below:

- Scroll over the heading "**Legal**" (beige bar on the top of the page) and select the first option "**Attorney Index**"
- Click on "**Attorney Index**" where you will be prompted to identify and confirm 5 characters (basically confirming that

you are not a computer); then click "**I Accept**"

- You will then be sent to a page in which boxes are allotted to type in your First and Last name; then click "**Search**"
- Your attorney ID number should show up in **blue** on the left-hand side next to your name.

If you have a problem accessing the court's website, your Attorney ID number can also be found above your name on your annual registration statement.

From Judge Charles W. Dortch, Jr.

Effective September 3, 2013, the Non-Dissolution Unit in the Family Division will be relocated to the 1st floor in the Hall of Justice, 101 South 5th Street, Camden, NJ.

All initial applications and modifications for Child Support, Paternity, Custody/Parenting Time and Visitation should be filed at the new location.

Thank you, Charles W. Dortch, Jr., PJFP

From Superior Court – Camden

The Camden Superior Court welcomed new Trial Court Administrator Kelly A. Law on July 1. Law received her law degree from Widener University School of Law in Wilmington, DE and was a law clerk to Superior Court Judge Donald A. Smith Jr.

In 1992, she became an assistant prosecutor with the Burlington County Prosecutor's Office. Law joined the Judiciary in 1998 and managed the Cumberland/Gloucester/Salem Vicinage family division until 2000, when she was named assistant trial court administrator.

From the Family Division

The Family Division of the Camden County Superior Court has relocated the FD/Child Support unit to the main floor of the Hall of Justice. Attorneys and litigants should be directed to the new location for direct filing of all child support matters.

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Remember that child support forms are also available on-line at www.njcourtsonline.com.



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Leadership Presence: Do You Have It and How Can You Get It?

By Kimberly Alford Rice

Leadership presence is the ability to do two things very well. The first is to demonstrate value, whether to one person or to hundreds of thousands of people, in an authentic way. The second is to connect well with your stakeholders. It means being authentic, comfortable in your skin, and effectively communicating your message while connecting with those around you. That's leadership presence.

Present in management research circles exists common myths surrounding the concept of leadership presence:

The first is the myth of "you are who you are." Interpreted—people who have presence are those who are naturally born with it. Truth be told, having leadership presence is essentially about being adaptable and adapting your style to the current situation. The second myth is the idea that leadership presence has but one look. People ultimately mirror their role model leaders and fake it rather than being authentic.

The last myth is that once you have leadership presence, you don't need to do anything else, that there's only one way of being. While you may have a presence that works well in one situation or in one role, as you move on to other roles you need to adapt your presence to that situation. What makes you successful in one situation is not necessarily what will make you successful in another.

To manifest leadership presence, you need to be aware of your audience at all times. To be most effective, you must tailor your approach and communication style to appeal to your particular audience. What works in front of your peers would not work in front

of a jury or group of corporate shareholders. The most important thing is to be aware of your audience needs.

When you speak, you want others to listen, yes? Whether it's a bet-the-company scenario or one in a long stream of communications (discussing a client matter with a colleague), effectively making your point is likely your objective each time you speak.

How you present yourself, how you communicate, how you listen, how you connect, and how you respond to feedback helps create leadership presence. Envision your perfect example of a leader (i.e. Ed Rendell, Hilary or Bill Clinton, Jeff Bezos, or John F. Kennedy). Regardless of your politics, each possesses an indefinable "something" that makes magic as soon as he/she steps onto a stage. Leadership presence is the business version of stage presence. Below are three essential strategies for discovering your leadership presence.

1. Slow down. By using your breath to slow down your thoughts, you will be much more available to the present moment.

This is often the most important step toward developing an effective leadership presence. In our culture of immediacy, everything goes so quickly. Each and every day, we are besieged by urgent demands on our time so that we race from one activity to another, attempting to multitask at every moment. This state of continuous urgency and information overload is amplified by the racing thoughts accompanying the stress and anxiety that arise when we encounter uncomfortable leadership situations.

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Presence arises when you take a deep breath, slow down, and pay attention to what is in front of you. By doing so, you establish a rhythm and pace that helps others slow down and become present; and you attract more effective interactions.

2. Embody presence: Bring all of yourself into a meeting/important presentation, not just your brains. Leaders with real presence are “comfortable in their own skin.” Presence is a holistic experience where our entire being – mind, body and spirit – is engaged, not just our minds alone. At the same time, when a person is fully embodied, she authentically engages with those in her audience, not just their thoughts.

3. The power of the relationship: Place a priority on connecting with your audience rather than your material. This is paradoxical for most people. When asked to give a presentation or speak up in a meeting, their focus is naturally drawn to the subject matter and how to convey it. But the truth is that effectiveness as speakers and leaders is less about what is said and more about who you are and how well you connect with your audience. People respond to a message because of authenticity, humanity, and ability to connect. If a speaker focuses entirely on himself and the material, he creates an experience of separation and is not available to connect with his audience.

Instead, if you give careful thought to why you are speaking, what you want the audience to leave with, and how you can be helpful to them, you will “invite” the audience to join you.

Ironically, when your relationship with the audience becomes the priority rather than yourself, you’ll be less anxious, your thoughts will quiet down, and your audience will trust you more.

Finally, exceptional leaders recognize that they will not get it right each time and when they don’t, they course-correct. This is imperative as it relates to leadership presence and making an impact as a leader.

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Ronald L. Greenblatt, co-founder and managing partner of Greenblatt, Pierce, Funt & Flores, LLC, recently received an award for his service as Chairperson of the Philadelphia Chapter of the Pennsylvania Association of Criminal Defense Lawyers, and a citation from Mayor Michael A. Nutter.

A founding member and Master of the Philadelphia Inn of Criminal Court, Mr. Greenblatt is also a member of the Executive Committee of the Defender Association of the Philadelphia Alumni Association and the Philadelphia and Camden County Bar Associations. Mr. Greenblatt received his law degree from Rutgers University School of Law.

Anthony R. La Ratta, Partner with Archer & Greiner, has been appointed to the Equity Jurisprudence Committee of the New Jersey State Bar Association (NJSBA), which works to improve attorneys' practice before and interfaces with the General Equity Courts of New Jersey. An NJSBA Special Committee, the Equity Jurisprudence Committee provides programs designed to improve the skills of NJSBA members when practicing before the General Equity Courts, and facilitates interaction between the general equity judiciary and the Association. NJSBA Special Committees focus on various areas of substantive law and are formed to meet specific needs of the Association and its membership.

Mr. La Ratta concentrates his practice in the area of commercial litigation with an emphasis on probate matters, estates, trusts, guardianships and fiduciaries. He is a court-approved mediator for New Jersey probate cases.

Michael H. Gaier, Partner with Shaffer & Gaier in Haddonfield recently presented a foreclosure defense seminar to homeowners at the Voorhees Camden County library.

In his presentation he provided in-depth insight into how homeowners who have become delinquent in their mortgage payments have numerous legal options to save their home, either in conjunction with a foreclosure action or with other remedies.

Steven K. Mignogna, Partner and shareholder with Archer & Greiner has been appointed Chair of the Litigation, Ethics and Malpractice Group of the American Bar Association (ABA). At Archer & Greiner he serves as Chair of the firm's Estate and Trust Litigation Practice, and he has served the past two years as Vice Chair of the Litigation, Ethics and Malpractice Group. In addition to his leadership position with that Group, Mr. Mignogna is a former Chair of the ABA's Probate and Fiduciary Litigation Committee. Both the Group and the Committee are part of the ABA's Section of Real Property, Trust & Estate Law.

Mr. Mignogna 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. Mr. Mignogna is principal author of the treatise, *Estate and Trust Litigation*, and editor and contributing author of *The New Jersey Estate Planning Manual* and *The New Jersey Probate Procedures Book*, all published by the New Jersey Institute for Continuing Legal Education.

Laura L. Ergood, of The Law Office of Laura L. Ergood, LLC recently appeared on www.blogtalkradio.com speaking about the importance of knowing when to include Special Needs Trusts in your estate planning. The "Family Matters" radio show was hosted by Roseann Vanella of Advance Mediation Solutions. Laura focuses her practice on estate planning, estate administration, special needs planning, elder law and employment law. She is also a contributing writer for the 50 and Beyond.com website, operated by Bonnie Joffe and catering to the needs of Baby Boomers.

Laura is a member of the New Jersey State Bar Association and Camden County Bar Association.

Bill Caruso, formerly Executive Director of the New Jersey Assembly Majority Office and Chief of Staff for Congressman Rob Andrews, has joined Archer & Greiner where he will concentrate on governmental and regulatory affairs. He holds

a law degree from Rutgers University School of Law-Camden, and will be a key member of Archer & Greiner's Government Affairs Group, which helps clients achieve business and policy objectives through strategic planning and advocacy.



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VERDICTS OF THE COURT

Superior Court of New Jersey

VERDICT: Damage Verdict: \$140,400 Against Defendant (7/30/13)

Case Type: UM/UIM
Judge: Robert G. Millenky, P. J. Cv.
Plaintiff's Atty: Scott Goldberg, Esq.
Defendant's Atty: Steven Swain, Esq.
L-4528-11 Jury

VERDICT: Damage Verdict Against Defendant: \$1,404 for economic loss; No Cause for all other damages (8/6/13)

Case Type: Auto
Judge: Deborah Silverman Katz, J.S.C.
Plaintiff's Atty: John Eichmann, Esq.
Defendant's Atty: Walter Iacovone, Esq.
L-5343-10 Jury (6)

VERDICT: Liability Verdict: 50% Against Plaintiff and 50% Against Defendant; Damage Verdict: \$15,000 Against Plaintiff, molded to \$7,500 (8/7/13)

Case Type: Personal Injury
Judge: Louis R. Meloni, J.S.C.
Plaintiff's Atty: James Jakobowski, Esq.
Defendant's Atty: Jessica Adams, Esq.
L-201-12 Jury

VERDICT: No Cause (8/20/13)

Case Type: Auto Negligence
Judge: Louis R. Meloni, J.S.C.
Plaintiff's Atty: Scott C. McKinley, Esq.
Defendant's Atty: Everett Simpson, Esq.
L-6086-11 Jury

VERDICT: No Cause (8/27/13)

Case Type: Slip & Fall
Judge: John T. Kelley, J.S.C.
Plaintiff's Atty: Barry Cohen, Esq.
Defendant's Atty: Mary Kay Wysocki, Esq.
L-6361-10 Jury (6)

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Honorable John J. Hughes (ret.) to Receive Gerry Award October 29

Continued from Page 1

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.

Judge Hughes was appointed a United States Magistrate Judge for the District of New Jersey in 1991. He graduated from Delbarton School and received his B.S. in Business Administration and his J.D. from Villanova University. He worked as a law clerk for the New Jersey Department of Law and Public Safety, an associate in the law firm of Sterns and Greenberg in Trenton, and a trial attorney for the New Jersey Public Defender in Essex County and, later, in Hunterdon County. In 1976, he was appointed to open and manage the newly created Trenton and Camden branch offices of the Federal Public Defender for the District of New Jersey where he served as Assistant-in-Charge until 1991. He was the first career Federal Defender in the country to be appointed a United States Magistrate Judge. In 2009, Judge Hughes retired from the bench and joined JAMS, The Resolution Experts, as a private mediator.

He is a former Member of the United

States Judicial Conference Defender Services Committee, a Life Fellow of the American Bar Foundation, a Director for Mobile Meals of Trenton, and was the first judicial advisor to the Joint Administrative Office of the United States Courts/Department of Justice Working Group on Electronic Technology in the Criminal Justice System. He has also served as a trustee for the New Jersey Association of Criminal Defense Lawyers, a member of the Third Circuit Task Force on Equal Treatment in the Courts, and a trustee for both Georgian Court University and the Newgrange School and Educational Outreach Center. Judge Hughes has been a member of the American Bar Association and the New Jersey State Bar Association since 1972.

Judge Hughes was a founding Master of the Seton Hall Inn of Court, a founding Master/first President of the Mercer County American Inn of Court, and has taught at the Intensive Trial Advocacy Program at Widener University School of Law since 1988. Since 2000, he has created CPR for Courtroom Lawyers and Judges, and other trial advocacy programs in electronic form, for presentation to bar associations, inns of court, law firms, government offices, law schools and other groups.

In 1995, he received the first Chief Judge Lawrence A. Whipple Memorial Award for excellence and devotion to law from the New

Jersey Association of Criminal Defense Lawyers. In 2006, he received the Richard J. Hughes Catholic Charities Humanitarian Award, named for his father. In 2007, he was named Professional Lawyer of the Year by the Mercer County Bar Association. In 2009, Judge Hughes received the William J. Brennan Award from the Association of the Federal Bar of New Jersey.

The Judge John F. Gerry Memorial Scholarship Award, established in 2002, will also be presented. 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.

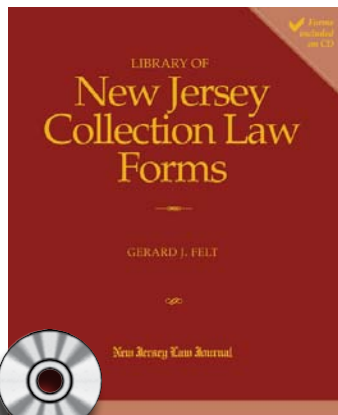
Tickets for the Award Presentation are \$75 in advance and \$85 at the door, with a portion of the ticket price going to the Gerry Scholarship Fund. Reservations may be made by calling Bar Headquarters at 856.482.0620, or by using the flyer insert in this issue of the Barrister. Reservations must be received by Tuesday, October 22.

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The Supreme Court of New Jersey has designated **Tuesday, October 22nd** as **Professionalism Day** throughout the state to underscore the professional obligations of lawyers and judges.

The Camden Vicinage, in partnership with the CCBA, will present a **free seminar from 2 - 4 pm**, which offers **2.0 ethics/professionalism New Jersey CLE credits**.



The U.S. District Court for the District of New Jersey is offering three programs for **Professionalism Day** on **Wednesday, October 23rd** from **4 - 6 pm** at the Federal Courthouses in **Camden, Newark & Trenton**.

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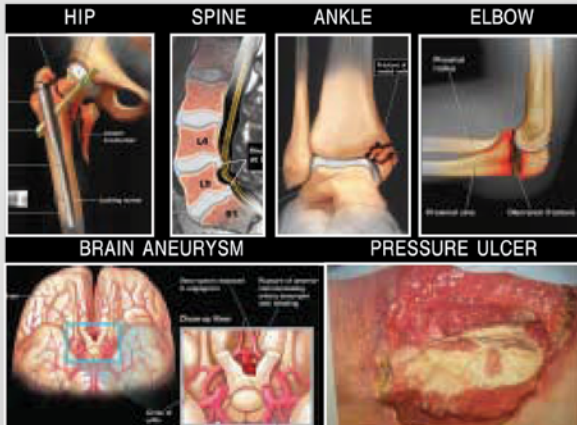
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- \$490K Truck Accident - Lumbar Fusion - Partial Disability
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