

# THE BARRISTER



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## The new Bar year began at the annual Installation of Officers & Trustees Dinner Dance on May 31, at Trump National Golf Club in Pine Hill.



Newly installed officers & trustees (l-r): Louis R. Moffa, Jr., Second Vice President; Rachael Brekke, Young Lawyer Trustee; John P. Kahn, Trustee;

Brenda Lee Eutsler, Immediate Past President; Gary W. Boguski, President; Jenifer G. Fowler, First Vice President; Casey Price, President-Elect; Carol A Cannerelli, Trustee; Ronald G. Lieberman, Secretary. Not pictured: Eric G. Fikry, Treasurer; William F. Cook, Trustee; Michael J. Dennin, Trustee; Adam E. Gersh, Trustee; and Tommie Ann Gibney, Trustee. See inside for more photos of the festive event!

## Lobsters for Larc!

All members and friends invited to attend

Plans are just about complete for the Young Lawyer Committee's **Fourth Annual Lobster Bake** presented by **Flaster Greenberg** on Saturday, September 21, from 4-8 pm at The TapRoom in Haddon Township and **ALL members and friends are invited.**

In addition to a perfectly prepared, freshly flown-in Maine lobster, the menu includes shrimp, clams, corn on the cob, hamburgers, hot dogs, beer and wine all for just \$75 per person! Not to mention the live entertainment, games and just plain fun for all!

Proceeds from the Lobster Bake will be used to continue the **Scholarship Fund** for disabled students attending the **Larc School** in Bellmawr. The scholarship was established through the Bar Foundation with proceeds resulting in more than \$23,000 being donated to the school from the first three events.

To reserve your place early for this potentially sold out event, use the Lobster Bake flyer in this month's inserts.

## Meet the Judges and Law Clerks Reception September 18

Kick off the new Bar year at one of the Association's most popular events, the "Meet the Judges and Law Clerks" Reception. Plan now to join your colleagues, from 6 to 8 p.m. on Wednesday, September 18th at the Savoy in Pennsauken (formerly the Woodbine Inn). This annual **member-only** event features a two-hour open bar and an abundance of mouth-watering hot and cold hors d'oeuvres.

Use the registration flyer included in this month's inserts to register early and guarantee your place at this traditionally sold-out, **member-only** event.

## Autumn Scramble@Tavistock Monday, September 9<sup>th</sup>



Use Insert & Register Today!

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## Pay Your Dues, Don't Miss Out!

The Association's dues policy states: *Members, whose dues remain unpaid as of **September 1**, will not be entitled to the benefits of membership. As long as dues are outstanding, unpaid members will not be able to attend member-only events, will pay non-member tuition rates for Association-sponsored CLE seminars and events, will be removed from the Barrister mailing list, will not be able to serve on a committee, and will not receive discounts and services provided by Association Partners in Progress.*

*All benefits will be restored when dues are paid in full.*

Paying promptly enables your Association to continue serving you and the community with its many important programs and services. This year's dues structure remains the same as last year.

Think about the many benefits you receive, in addition to a number of reduced member tuition and informative seminars throughout the year, each with New Jersey and Pennsylvania CLE credit: the monthly publication, *The Barrister*; committees that offer opportunities to network with peers while shaping the future of your Association; numerous networking professional and social activities designed to enhance your law practice; discounts on many legal products and services; and much more.

Should you have questions or to use a credit card for payment, call 856.482.0620.

**REMEMBER: The upcoming Meet the Judges & Law Clerks Reception is a Member-only event, which requires that dues be current to attend.**

## THE DOCKET

### Tuesday, September 3rd

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

### Monday, September 9th

*CCBF Autumn Scramble Golf Outing*  
Tavistock Country Club, Haddonfield

### Thursday, September 12th

*Debtor/Creditor Committee Meeting*  
8 am

Bar Headquarters, Cherry Hill

*Young Lawyers' Night at the Phillies*  
7:05 pm game start

Citizens Bank Park, Philadelphia

### Monday, September 16th

*Opening of Court Memorial Ceremony*  
9 am, Court Room 63  
Hall of Justice, 101 South Fifth Street, Camden

### Wednesday, September 18th

*CCBA Board of Trustees Meeting*  
4:30 pm

Colleen's at the Savoy

1444 Route 73 North, Pennsauken

*Meet the Judges & Law Clerks Reception*  
6 – 8 pm

Colleen's at the Savoy

1444 Route 73 North, Pennsauken

### Saturday, September 21st

*Young Lawyers' 4th Annual Lobster Bake*  
4 – 8 pm

The TapRoom, Westmont

### Monday, September 23rd

*Debtor/Creditor Committee CLE Luncheon*  
Noon

McCormick & Schmick's

901 Haddonfield Road, Cherry Hill

### Thursday, September 26th

*CLE on Tap! Seminar*  
*New Jersey Real Estate Closing Procedures*  
3 – 6:15 pm

McCormick & Schmick's

901 Haddonfield Road, Cherry Hill

### Thursday, October 3rd

*Solo Practice 101 –*  
*How to Make it On Your Own – CLE*  
4 – 6:15 pm

McCormick & Schmick's

901 Haddonfield Road, Cherry Hill

## Nominations Sought for Devine Award

The Hon. Peter J. Devine, Jr. Award Committee is accepting nominations for this year's award. The Devine Award is the highest honor afforded to the membership and is bestowed upon a member for distinguished service to the Camden County Bar Association. The Committee is chaired by Louis R. Moffa, Jr., a partner with Montgomery, McCracken, Walker & Rhoads, LLP.

Please use the Devine Award Nomination Form included in this month's *Barrister* inserts to nominate a colleague who has provided distinguished service to the Association and the legal community in Camden County. Nominations must be received by October 18, to be considered.

The award will be presented at the Annual Devine Award Luncheon in January.

## THE BARRISTER

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

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## Tentative Agenda for September 18th Trustees Meeting

A tentative agenda for this month's regular Board of Trustees meeting follows. The meeting will begin at 4:30 pm, at THE SAVOY in Pennsauken immediately preceding the Meet the Judges & Law Clerks Reception. 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

**"Back in the Day"  
will not appear in this issue,  
but will return in October.**

## MEMBER ON THE SPOT



**NAME:** Brian P. Stouffer  
**PRACTICE AFFILIATION:** Walter T. Wolf, LLC, Audubon, NJ  
**YEAR ADMITTED TO BAR:** 2012  
**OTHER BAR ADMITTANCES:** Commonwealth of Pennsylvania

**PRIOR OCCUPATION:** Construction Project Management

**RESIDENCE:** Pitman, NJ

**HIGH SCHOOL:** Perkiomen Valley High School, Colledgeville, PA

**COLLEGE:** Drexel University (Civil Engineering; Architectural Engineering; Construction Management)

**LAW SCHOOL:** Rutgers-Camden School of Law

**WHAT LED YOU TO A LEGAL CAREER:** Honestly, I saw a friend studying for the LSAT, I thought the puzzles were interesting and I decided to take the test myself. Turned out to be one of the best decisions of my life.

**BEST PERSONAL/PROFESSIONAL ATTRIBUTE:** I developed my best attributes from the sport of wrestling: hard work, dedication, strategy and the ability to deal with success and failure.

**GREATEST FAULT:** I'm too critical of myself.

**WHAT I DO TO RELAX:** I work on my house.

**HOBBIES:** Playing with my dog, working out, reading, hiking, watching and playing sports

**FAVORITE RESTAURANT:** Chima, Brazilian Steak House, Philadelphia

**FAVORITE TELEVISION SHOW:** Everything on HBO. That channel bats 1.000 in my book.

**FAVORITE MOVIE:** Too many to name.

**FAVORITE AUTHOR/BOOK:** The book I'm reading now, *Into the Wild* by Jon Krakauer, is pretty darn good.

**FAVORITE VACATION PLACES:** Love to travel, always looking for new experiences.

**FAVORITE WEBSITE:** www.waltertewolf.com

**FAVORITE MUSEUM:** The Galleria dell'Accademia in Florence, Italy; home of "David" by Michelangelo.

**FAVORITE WEEKEND GETAWAY:** The beach or the mountains, depending on the season.

**ENJOY MOST ABOUT PRACTICING LAW:** Resolving a matter and shaking hands with a satisfied client.

**MOST ADMIRER PERSON AND WHY:** Walter T. Wolf, Esquire, because he has been a lawyer for over 50 years and still practices with

enthusiasm and genuine interest in the law and he willingly takes the time to share that passion with me.

**WHEN AND WHERE HAPPIEST?** Tough question! In all honesty, the first thing that popped into my head—Boy Scout camp.

**CHERISHED MEMORIES:** Laughing with friends and family.

**GREATEST FEAR:** Losing my memory at a young age.

**ALTERNATE CAREER CHOICE:** Construction Project Manager or Engineer

**GREATEST LESSON LEARNED FROM PRACTICE OF LAW:** You don't gain respect through your degrees or licenses. Respect can only be earned through your actions.

**PERSON YOU'D MOST LIKE TO DINE WITH:** My father, Edwin Albert Stouffer. He passed away when I was ten years old and I would give anything to have a conversation with him now, man to man.

**PET PEEVE(S):** People who weave side to side when they are walking down the sidewalk. It's a weird one, I know, but it drives me nuts.

**LIFE'S HIGHLIGHTS:** Hiking the northern-most 60 miles of the Appalachian Trail, playing football on Friday nights in high school and my sister's wedding in Jamaica.

**GREATEST ACCOMPLISHMENT:** Making it through five years of Division I wrestling at Drexel University!

**#1 PROFESSIONAL GOAL:** Earn the admiration of my peers and clients and earn a good enough living to provide for my family.

**#1 PERSONAL GOAL:** To be a great husband and father, one day.

**LIFE EXPERIENCE(S) WITH GREATEST IMPACT:** Adversity builds character. I've battled through plenty of adversity.

**ADVICE TO YOUNG LAWYER:** Get involved! Opportunity knocks for those who put themselves in a position to hear it.

**HOPE TO BE DOING IN 10 YEARS:** Ten years is a long ways away and life is unpredictable. Whatever it is, I hope to be giving it my all and approaching it with a positive attitude.

**FAVORITE QUOTATION:** "You know, sometimes all you need is twenty seconds of insane courage. Just literally twenty seconds of just embarrassing bravery. And I promise you, something great will come of it." – *We Bought a Zoo*

## Opening of Court Memorial Service Set for September 16th

### CCBA pays tribute to departed friends & colleagues

Members and former members of the Camden County Bar Association who passed away during the past year will be remembered and memorialized at the Bar's annual Opening of Court Memorial Ceremony at 9 am, Monday, September 16th in Courtroom 63 of the Hall of Justice in Camden.

All Bar members, family and friends are urged to attend the ceremony, which will be presided over by Assignment Judge Faustino J. Fernandez-Vina. A coffee and pastry reception immediately follows the ceremony.

"The Annual memorial ceremony is one of our Association's oldest and most meaningful traditions," said Jim Hamilton, chair of the Memorials Committee. "It is the one opportunity we have as an Association to come together and pay our

respects to the memory of cherished friends and colleagues who are no longer with us. I urge Bar members to take the time and make every effort to join us on September 16th."

Those being memorialized and remembered, as of the date of publication are: John M. Armstrong, Hon. Adam Beloff, Joseph A. Carmen, Sr., Mark Cunningham, John Lack, Emmanuel Liebman, Ruth Ann Mandell, Joseph A. Maressa, Sr., Mark Schwartz and Carl W. Slemmer, Jr.

As in past years, Tate & Tate Certified Shorthand Reporters in Medford will donate their services to transcribe the proceedings and provide a complimentary transcript to the families of the deceased.

## LEGAL LINE TO CRIMINAL LAW

# Summer Review

By Howard C. Giffert, Assistant Camden County Prosecutor

After the annual two month hiatus during July and August, *The Barrister* resumes publication with the September issue. A brief review of notable appellate rulings in criminal law over the summer is therefore in order.

The Appellate Division issued a significant Fourth/Fourteenth Amendment decision in *State v. Wright*, \_\_ A.3d \_\_, 2013 WL 3820695. The court applied the third-party intervention exception to the warrant requirement.

In *Wright*, the defendant's girlfriend, Evangeline James, advised her landlord of a water leak in the kitchen ceiling of her apartment. The following morning, the landlord entered the apartment with a plumber. James was not present at the time.

The landlord and plumber observed a large hole in the kitchen ceiling with water dripping from the hole. They also observed marijuana and cocaine in the apartment. The landlord promptly called the police.

The landlord showed the drugs in the apartment to the responding police officer. The officer summoned additional officers. They called Evangeline James and asked her to return to the apartment. After advising Ms. James of her *Miranda* rights and obtaining her written permission to search the apartment, officers seized marijuana, cocaine, CDS production materials, a gun and illegal ammunition.

Following a three day suppression hearing, the trial court found the seizure of the evidence to be legal. The defendant pled guilty to the charges. On appeal, he challenged the manner in which the police seized the evidence.

The Appellate Division held that the evidence had been lawfully seized, in part under the third-party intervention doctrine. As set forth by the court, the doctrine applies when a private actor discovers evidence of a crime during an intrusion into the defendant's property. The private actor may admit the police to view the evidence and thereafter take appropriate action. The court discussed two limits on the doctrine. First, the private party's entry into the defendant's property must itself have been lawful. Second, the police may not exceed the scope of the private actor's intrusion that led to the police involvement.

As applied in *Wright*, the viewing of the evidence by the police at the invitation of the landlord was appropriate under the third-party intrusion doctrine. Evangeline James' written consent authorized the subsequent extensive search of the apartment and seizure of evidence.

In a significant Fourth Amendment case of first impression, the New Jersey Supreme Court held that a search warrant is required to obtain cell phone location information from cell service providers. *State v. Earls*, 2013 WL 3744221. In *Earls*, the defendant was suspected of committing residential burglaries. The defendant's girlfriend assisted the police in the investigation. The police subsequently received information that the defendant learned of his girlfriend's assistance to the police, that he had threatened her and that he had his girlfriend with him. There was a history of domestic violence in the relationship.

On three occasions during the night, the police obtained contemporaneous information from the defendant's cell service

(Continued on Page 10)

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# We're Always Asked – What Exactly is a “Forensic Accountant”?

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

According to Webster’s Dictionary, “FORENSIC – *Belonging to, used in or suitable to courts of judicature or to public discussion and debate; pertaining to or used in legal proceedings or argumentation.*” “Forensic accounting” provides an accounting analysis that is suitable to the court which will form the basis for discussion, debate, and ultimately dispute resolution.

As defined by The Accountant’s Handbook of Fraud & Commercial Crime, “Forensic and investigative accounting is the application of financial skills and an investigative mentality to unresolved issues, conducted within the context of the rules of evidence. As a discipline, it encompasses financial expertise, fraud knowledge, and a strong understanding of business reality and the working of the legal system. Its development has been primarily achieved through on-the-job training, as well as experience with investigating officers and legal counsel.”

Forensic accountants are trained to look beyond the numbers. Because of our training and skills, many companies and their attorneys often use CPAs as experts in such accounting, financial and economic matters.

One key reason for retaining the expertise of CPAs in doing such due diligence or performing forensic services revolves around our ethical duties and responsibilities. CPAs must adhere to a rigorous code of ethics

for all engagements, which includes the requirement to be **objective**. Would you not want to seek the assistance of an expert who follows the AICPA’s Code of Professional Conduct Rule 102 requiring that “...CPAs in the performance of **any** professional service shall maintain objectivity and integrity shall be free of conflicts of interest and shall not knowingly misrepresent facts or subordinate his or her judgment to others?”

CPAs have a duty to credibly analyze facts within our area of expertise and derive supportable conclusions based on these facts. Forensic accountants are generally well-rounded professionals with broad exposure to many industries and even more business environments. Still, we go through a constant learning phase, which keeps us forever on our toes. Throughout a forensic engagement, the CPA retained typically wades through voluminous amounts of financial and accounting information. Much of this data can be confusing and disorganized. In an entrepreneurial or small business, such data is often absent of traditional accounting controls, which might help to ensure the accuracy of the data provided. Use of a CPA or forensic accountant seasoned in such engagements must interpret this accumulated data in a logical, reasonable and accurate manner.

Many of us have developed a specific expertise in performing dispute resolution and other consulting services. Clients, as well as the banking, insurance, judicial and legal community, increasingly call upon forensic accountants to provide technical assistance, arbitration or expert testimony on financial accounting matters, business valuations, structuring buy-ins and buy-outs, divorce, estate controversies, insurance claims and other forensic/investigative analysis covering a wide range of topics and industries. Like many of my colleagues, we operate in a supportive capacity to attorneys, judges, adjusters and clients in providing ongoing facilitation in the negotiation and/or litigation process. Forensic accountants assist attorneys to strengthen their cases by clarifying language and economic concepts, preparing useful exhibits and reports, and testifying as an expert witness.

In presenting our findings, forensic accountants share a difficult job. We must exercise all of our professional judgment and skill to maintain an unbiased and fair presentation of the financial facts. The concept of fairness is a guiding principle and forensic accounting experts must make a conscientious effort to remain objective in our evaluations of information and in our presentation of testimony (even if retaining counsel might desire more one way or the other). Ask any of the seasoned forensic accounting colleagues practicing in South Jersey—myself, Mike Saccomanno, Howard Silverstone, Jim Stavros, Don DeGrazia, Frank Pelosi, Stacey Udell, Steve Swartz, Sharon Bishop and quite a few more—we universally chime in “...we are **not advocates** except to advocate **OUR** position.”

Alas, while results are typically stated numerically, the appearance of precision is often displayed but, actually, the exercise of judgment is usually required in most such engagements. Credible and competent accountants may obtain differing results from the same data because of the frequent need in such financial determinations to select among equally acceptable economic or accounting principles, methods of analysis, techniques and procedures. Terminology is not sufficiently precise to avoid unintended usage and this can sometimes lead to faulty understanding of accounting positions.

Thought for the day? Speak to a forensic accountant. While it may not cost you just to talk over a matter, it may cost you more not to!

Some of the more common credentials/designations?

- ABV – Accredited in Business Valuation (American Institute of CPA’s)
- CVA – Certified Valuation Analyst (National Association of Valuators and Analysts)
- CFF – Certified in Financial Forensics (American Institute of Certified Public Accountants)
- CFE – Certified Fraud Examiner (Association of Certified Fraud Examiners)
- ABO – Call me if you’re having trouble figuring this one out.

*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](mailto:marty@aboandcompany.com) or by calling 856-222-4623.*



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## NJSBA UPDATE

By Linda W. Eynon

Welcome back to the Bar Association from summer break. I hope everyone had a great summer, albeit

hotter and wetter than anything we have had in years. And, of course, way too short!

I have the privilege of succeeding Arnold Fishman as the Camden County Trustee to the Board of the New Jersey State Bar Association (NJSBA). Notice I said succeed, as Arnie is irreplaceable and I could never fill his shoes. A highly respected Trustee, he worked tirelessly for both the Camden County Bar and the NJSBA. His leadership, wisdom, dry wit, kindness and that smile, will be missed in the Board rooms of both the Camden County Bar Association and the NJSBA. But Arnie is still close by, and I know we will see him at events.

The NJSBA is off to a running start. In May, Ralph Lamparello was sworn in as Association President. I'll share more of that evening with you in just a minute. At the July meeting, after a hotly contested election and run-off, Thomas Prol returned to the Board of Trustee's as second vice president and Christine Amalfe became an at-large trustee.

William Mergner, Jr., and Heather Suarez became section and committee trustees.

In addition, the trustees selected Camden County's own Former Supreme Court Justice, John Wallace, as the association's professional lawyer of the year. This prestigious award will be given to Justice Wallace, who is now with Brown and Connery, at the Commission on Professionalism in the Law's annual luncheon on October 17th.

In light of the continued issues surrounding our judiciary (*e.g.* vacancies, commentary on decisions) and given the NJSBA's core belief in the strength and integrity of our judicial system, the trustees agreed that the association must continue to strongly advocate for judicial independence. Therefore, President Lamparello announced that he would form a special committee to examine the issue of judicial independence and develop recommendations about how to educate the public on this and encourage those in Trenton to preserve the role of the Judiciary as an independent and equal branch of government.

Finally, as mentioned, I would like to share with you a moving piece from Ralph Lamparello's Installation. In his Installation speech, Ralph celebrated the New Jersey Lawyer, who he defined as "dedicate(ing) themselves, not just to improving the system of justice and practice of law, but to improving their communities and the lives

of those around them." In highlighting the New Jersey Lawyer, Ralph told the stories of a number of lawyers from around the state, including two lawyers from Camden County, Michael Ferrara and Joe Walsh. I believe it is important to share their stories, not of what these two great trial lawyers have done in the courtroom, but what they have done outside the courtroom.

As many of us know, Mike Ferrara served as a naval officer and is a veteran of the Vietnam War. However, what I think many of us don't know is that when Communism imploded in the former USSR, Mike traveled throughout Russia teaching people about home ownership, and what it meant to have a stake in their future. In addition, Mike serves on the board of Amigos de Jesus, a safe haven and home for impoverished children in Honduras, who do not have a family of their own.

Joe Walsh created a free athletic program to help special needs kids play sports. Through the Delran Special Needs Athletics league, more than 45 children now play baseball and more than 110 take part in bowling.

In honoring Mike, Joe and the many other fine lawyers from New Jersey, Ralph's message was clear, "when people need help, you can count on a New Jersey Lawyer"...so we should all "walk a little taller, with our heads held high" and "be proud we are a New Jersey Lawyer."

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# Post-Settlement Options with Respect to a Personal Injury Settlement for a Minor or Incapacitated Person

By Thomas D. Begley, Jr., CELA

Essentially, there are four options with respect to the treatment of settlement funds obtained on behalf of a minor or incapacitated person.

**1. Deposit with Court.** In New Jersey, funds could be deposited in the Surrogate's Court. There are virtually no advantages to this option, but several disadvantages. The disadvantages include:

- Generally, each time money is to be withdrawn an application must be made to the Surrogate for approval by the Superior Court. Courts frequently deny these applications.
- Funds are invested in low yielding Certificates of Deposit.
- At age 18, a minor can withdraw the funds and squander them as the minor sees fit.

In Pennsylvania, funds could be deposited with the Orphans' Court. The advantages and disadvantages are the same as for New Jersey. However, under the Pennsylvania Rules of Civil Procedure<sup>1</sup>, where there is a minor or incapacitated person, a corporate fiduciary must be used if the net settlement to the plaintiff is \$25,000 or more.

**2. Special Needs Trust.** The funds could be deposited into a Self-Settled Special Needs Trust. The funds in the trust are not counted in determining eligibility for means-tested public benefits such as SSI and Medicaid, and these important public benefits can be preserved. The primary disadvantages are:

- *Medicaid Payback.* There is a payback provision to Medicaid on the death of the trust beneficiary. While this may sound harsh, it is usually better than the alternative. The alternative is to "pay as you go" for medical services in which payment is made at full list price rather than the deeply discounted arrangement paid by Medicaid. "Pay as you go" means paying now rather than later. If payment is deferred, those monies can be used for investments and for the basic needs of the trust beneficiary. The beneficiary can take advantage of the time value of money. If there is no money left in the trust on the death of the beneficiary, no payback

is required. If there is extra money left in the trust on the death of the beneficiary after payment to Medicaid, the excess funds can be left to the heirs of the trust beneficiary. There is no payback requirement for SSI.

- *Sole Benefit Rule.* Under the rules of SSI and Medicaid, the funds in a Special Needs Trust are restricted for use of the sole benefit of the trust beneficiary. This means that if other family members benefit from the trust in any way, they must pay a pro rata share. For example, if the trust owns a home and it is occupied by three healthy people and the disabled trust beneficiary, the three healthy people must pay 75% of the expenses of operating and maintaining the home.

If a court is going to supervise the trust, which is always the case in Pennsylvania and sometimes the case in New Jersey, the court will insist on the funds being used for the sole benefit of the person with disabilities whether or not a Special Needs Trust is utilized.

- *Payment to Third Parties.* The Special Needs Trust cannot distribute money to the trust beneficiary. Any such distribution would be considered income causing the beneficiary to lose SSI and Medicaid. The practice is for the trustee to make direct payments to the third parties providing goods and services to the beneficiary. For example, rather than give the trust beneficiary money to pay cell phone charges each month, the trustee pays the cell phone bill directly to the provider.

**3. Settlement Preservation Trust.** A Settlement Preservation Trust is somewhat more flexible than a Special Needs Trust. The disadvantage is that if the trust beneficiary is receiving means-tested public benefits, the assets in the Settlement Preservation Trust would be considered countable resources and cause a loss of those benefits. The advantage is that the administration of the trust may be somewhat more flexible.

- *Payback.* There is no Medicaid payback in cases involving a Settlement Preservation Trust.
- *Sole Benefit Of.* If there is court supervision, which is always the case

in Pennsylvania if the beneficiary is a minor or incapacitated person and which is sometimes the case in New Jersey, then distributions must be made for the sole benefit of that minor or incapacitated person. However, if there is no court supervision, trustees can be somewhat more flexible in benefiting other family members.

- *Payments to Third Party Providers.* Under a Settlement Preservation Trust, direct payment to third party providers is not required. The trust could send the trust beneficiary or the parents or guardian of the trust beneficiary monies each month to be spent on behalf of the beneficiary in accordance with a budget previously agreed upon by the trustee and the family.

**4. Settlement Preservation Trust with Special Needs Provisions.** There are cases where a beneficiary may not be receiving means-tested public benefits at the time of settlement, but may be eligible for them in the future. For example, as long as a child is under 18, he is normally not eligible for SSI and Medicaid, because the parents' income is deemed to the child. However, upon attaining age 18 the deeming stops and the child may be eligible for those benefits. In other cases the child has a medical condition such as heart failure, and may be disabled, but at the time of settlement, may not be disabled in accordance with the definition of disability contained in the Social Security Act (SSA). However, as time goes on, the child's condition may decline and the child may meet the SSA disability standard and a Special Needs Trust may be required to obtain and maintain SSI and particularly Medicaid. The solution in these situations is to establish a Settlement Preservation Trust, which has the advantages outlined above with a provision that the trustee has the right to transfer the funds in the Settlement Preservation Subtrust to a Special Needs Subtrust in the trustee's discretion. The advantage is much greater flexibility. The disadvantages of the Special Needs Trust are deferred until it is determined that the Special Needs Trust is definitely going to be necessary.

<sup>1</sup> RCP Rules 2039 and 2264.



# Continuing Developments in the “Occurrence” Requirement as Applied to the Construction Jobsite

*Zurich Am. Ins. v. R.M. Shoemaker Co. (3rd Cir. 2013)*<sup>1</sup>

By William H. Tobolsky

Liability policies are generally “claims made” (with which lawyers are familiar) or “occurrence.” An occurrence policy requires that an “occurrence” or an “accident” occur during the policy period. Courts often resort to the dictionary for the plain meaning of terms in an insurance policy. Occurrence, which is understood to be an “accident” requires, as defined by Webster’s, “[a]n unexpected and undesirable event” which is unintended. “This implies a degree of fortuity...” Kvaerner Metals Div. v. Commercial Union,<sup>2</sup>

In the context of a contractor’s negligent performance, the damage one small error in an industrial complex can cause is virtually limitless. The judicial interpretation of “occurrence” is in reality not a minute exploration of the “accident.” Instead it is a judicial policy determination setting the boundaries between an uncovered “business risk” and covered losses. The coverage afforded by performance bonds should be paid for in the premiums for a bond, and should not be disguised and spread among all construction projects as overhead through the cost of CGL. An oft-cited discussion will be found at Henderson, “Insurance Protection for Products Liability and Completed Operations—What Every Lawyer Should Know,” 50 Neb.L.Rev. 415, 419 (1971).

The courts limit CGL coverage through a variety of means. First, and the most obvious, is the Completed Operations or Work Product Exclusion, started as a case law doctrine and now codified in standard policy CGL policies. Completed Operations Exclusion, barring coverage for damage to the actual work product that the contractor was contracted

nto perform. If you are hired to put up a wall, and it caves in, you can’t get your CGL carrier to pay the claim that your contracting counterparty asserts against you for the cost of repairing the wall.

Kvaerner goes further, holding that a work site defect in contracted for work can never be an accident or occurrence, because it is always foreseeable even if not intentional. This logic makes little sense: speeding or skidding in an automobile is always a foreseeable occurrence, but it is an accident barring extreme recklessness, *i.e.*, drag racing on Route 295.

The further issue is whether damage to the property or person of a third party is indemnified to the contractor despite the “occurrence” requirement. Pennsylvania says “No” (Kvaerner), New Jersey says “Yes” (Weedo vs. Stone-E-Brick, Inc.,<sup>3</sup> along with California, George, Indiana, Florida, Texas and others. Other approaches are possible; South Carolina, for example, holding that “occurrence” is ambiguous and must be construed against the insurer, ruled that damage to third parties caused by the poor workmanship of a subcontractor (not in contractual privity up the line past its own counterparty) could be an occurrence or accident under appropriate circumstances. Maryland, Kansas and Wisconsin have adopted similar rules. Pennsylvania holds that subcontractor negligence is always foreseeable and never an accident. Miller Capital Ins. Co. v. Gambone Bros. Dev. Co.<sup>4</sup> Under this logic all negligent acts would not be a covered occurrence. The decision is wholly based on a judicially created economic policy.<sup>5</sup>

There are complex choice of law issues to be addressed. Do not simply assume that the insurance law of the state where the incident occurred controls. The construction of a policy is generally governed by the state where the insurance policy was entered into, a whole analysis unto itself. Specialty Surfaces Int’l vs. Cont. CA’s. Co.,<sup>6</sup> (3rd Cir. 2010).

Schuylkill Stone Corp. vs. State Auto Mut. Ins. Co.<sup>7</sup> faced the issue of whether an owner’s third party claim against its subcontractor for contribution to damages to the owner’s customers are covered. The case held that since the contribution claim against the insured subcontractor sounded in tort rather than contract, and because there was no contractual relationship between the injured customers and the subcontractors, that notwithstanding Kvaerner an insurable occurrence had occurred.

Which brings us to Zurich Am. Monmouth County contracted with Shoemaker to construct a jail, and alleged that contractor Shoemaker negligently supervised its own subcontractor, enabling the sub to engage in willful misconduct and resulting in damage to both structural elements and personal property of the County Jail. Merely re-casting a breach of contract claim as negligence will not transform a foreseeable event into an accident. Documents outside the Complaint itself cannot be used to establish that a covered claim was asserted. The elements of an insurable claim must be found within the four corners of the Complaint itself. The court held that the willful misconduct of a subcontractor is always foreseeable to the general contractor (a doubtful proposition), but more importantly noted that in view of Schuylkill Stone that if the underlying claim against the subcontractor had been brought by the County, which was not in contractual privity with the sub, that a more interesting question would have been raised.

## State of the Local Surrogate Courts

was the topic of the day at the Probate & Trust Committee’s Spring Luncheon meeting at McCormick & Schmick’s in Cherry Hill. Panelists included **Cheryl Austin**, Deputy Surrogate for Camden County; moderator **Tony LaRatta**, Archer & Greiner, P.C. in Haddonfield; Camden County Surrogate **Hon. Patricia Egan Jones**; Probate & Trust Committee Co-Chair **Glenn Henkel**, Kulzer & DiPadova in Haddonfield; **Susan McKenna**, Deputy Surrogate for Gloucester County and **Colleen Irwin**, Special Deputy Surrogate for Burlington County.



<sup>1</sup> 2013 U.S. App. LEXIS 6093

<sup>2</sup> 908 A.2d 888, 897-98 (Pa 2004) (underlining added)

<sup>3</sup> 81 N.J. 333 (1979)

<sup>4</sup> 941 A.2d 706 (Pa. Super. Ct. 2007).

<sup>5</sup> An additional issue to address is the faulty workmanship of the insured which causes damage to areas of the owner’s premises, outside the zone of the contracted-for construction, is covered by the Kvaerner rule, or the Weedo rule.

<sup>6</sup> 609 F.3d 223.

<sup>7</sup> 735 F. Supp. 2d 150 (D.N.J. 2010)



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May through July 2013

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**The Hon. Richard E. Hickey, III**, Administrative Supervising Judge (ret.) and Of Counsel to Capehart Scatchard in Mt. Laurel; **Marci Hill Jordan**, Stark & Stark in Marlton; and **Al Schwalbe**, Jacobs, Schwalbe & Petruzzelli in

Cherry Hill, presented the annual Workers' Compensation seminar **Workers' Compensation Update: Case Law and the Medicare Smart Act**.



**New Jersey Landlord-Tenant Practice**, a required course for newly admitted lawyers, was presented as part of the Young Lawyer Committee's *CLE on Tap!* program. **Sonia Bell**, with South Jersey Legal Services in Camden, and **Jules Lieberman**, partner with Greenblatt & Lieberman in Cherry Hill, were the presenters.

## LEGAL LINE TO CRIMINAL LAW

# Summer Review

Continued from Page 4

provider regarding the location of the defendant's cell phone. Using that information, the police located the defendant and his girlfriend in a motel room and seized proceeds of burglaries located therein.

The Court held that cell phone holders have a legitimate expectation of privacy in their location. The police must therefore obtain a search warrant to obtain cell site location information unless an exception to the warrant requirement, such as exigent circumstances, applies in a particular case. The Court remanded the case to the Appellate Division to determine whether exigent circumstances existed.

The decision in Earl is a new rule of law. The Court announced that the ruling applies prospectively beginning on August 18, 2013.

In State v. Tedesco, 2013 WL 3155397, the defendant was convicted by a jury of weapons charges and the murder of a young woman. The defendant reacted violently when the verdict was read and he was charged with additional offenses for his actions. Prior to being sentenced for the murder and weapons offenses, the defendant filed a written waiver of his right to be present at his sentencing hearing under R. 3:21-4(b). The victim's mother and the State opposed the motion.

The New Jersey Supreme Court held that a criminal defendant does not have an absolute right to absent himself from his sentencing hearing. The Court stated that the decision whether to accept a defendant's waiver of his right to be present at sentencing is a matter within the discretion of the trial court. The trial court must determine whether the defendant's waiver of appearance is voluntary, knowing, competent and made with the advice of counsel. The defendant's request must be made in good faith. The defendant must advance specific reasons demonstrating special circumstances to support the waiver of his appearance. Lastly, the trial court must weigh the interests of the public, the victim(s) and the defendant. In order to create the proper record for appellate review, the trial court must engage in a fact-specific analysis on the record.

In Tedesco, the reasons advanced by the defendant to waive his appearance at sentencing were the difficulty of transporting him from State Prison to the court and the safety of himself, staff and other persons in the courtroom. The Court found these interests to be outweighed by the interests of the public and the victim's survivors, particularly in a case where the defendant was convicted of murder.

In State v. A.R., 213 N.J. 542, the New Jersey Supreme Court again addressed the issue of video play-backs during jury deliberation. The Court reaffirmed its recent decisions in State v. Burr, 190 N.J. 119 (2008) and State v. Miller, 205 N.J. 109 (2011) holding that when the jury requests to review video-recorded statements introduced in

evidence, the statements must be replayed in open court under the supervision of the trial judge. The Court reasoned that a jury may place undue weight on the video statement(s) if it is afforded unfettered access to the statement(s) in the deliberation room. The Court also reiterated that the trial judge should first ascertain whether a simple readback would suffice and whether, if the jury persists in its request to view the video statement, the jury should also hear associated testimony of the witness on direct and cross-examination.

In Maryland v. King, 133 S.Ct. 1958 (2013), the United States Supreme Court considered the constitutionality of a Maryland statute authorizing DNA collection at the time of arrest for certain serious offenses. Effective on February 1, 2013, New Jersey codified a similar provision at N.J.S.A. 53:1-20.20.

In King, the defendant was arrested for assault. During the booking process, the State collected his DNA pursuant to Maryland's DNA Collection Act. The defendant's DNA was submitted to a database. His DNA was found to match DNA collected during a rape investigation some years earlier. The defendant was prosecuted and convicted of the rape. On appeal, the Maryland Court of Appeals divided sharply, but held that because the defendant's DNA had been collected under the Act without any level of suspicion his DNA might provide evidence of criminal wrongdoing, the routine collection of the DNA at the time of his booking on other charges violated the defendant's rights under the Fourth Amendment.

The United States Supreme Court discussed the legitimate and significant interest of the State in positively identifying arrestees. The majority considered the taking of DNA at the time of arrest to be an extension of other routine booking procedures such as fingerprinting and photographing. The Court balanced the State's interest against the privacy intrusion involved when DNA is collected by way of a buccal swab and, in a 5-4 decision, held the procedure to be reasonable under the Fourth Amendment. The decision of the Maryland Court of Appeals was reversed.



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# A "Bar" Mitzvah to Remember!

## Gary Boguski becomes 87th President of the CCBA

May 31st was a warm, muggy day as nearly 300 members of the bench and bar, family and friends of incoming CCBA President Gary W. Boguski arrived at Trump National Golf Club in Pine Hill to witness the changing of the CCBA guard. Following a lively cocktail party, guests enjoyed a scrumptious banquet and lively entertainment as the new officers and trustees of the Association & Foundation were sworn in by the Honorable Charles W. Dortch, Jr. and the Honorable M. Allan Vogelson (retired).

Special thanks to **Asbell & Eutsler, P.A. and Home Investment Limited** for their sponsorship of portions of the evening.



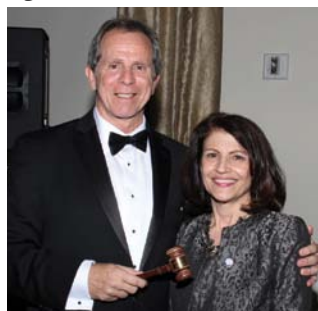
'Nough said!



Newly installed Bar Foundation President Louis Lessig & outgoing Foundation President Linda Eynon.



New CCBA President Gary Boguski and First Lady Patti.



Outgoing President Brenda Lee Eutsler passes the gavel to newly installed President Boguski



Gary Boguski, Brenda Eutsler & NJ State Bar Immediate Past President Kevin McCann



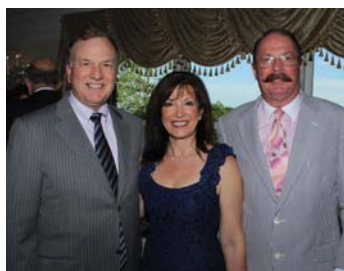
And a "Flash Mob" kicks off the dancing!



Judge Vogelson, Lou Lessig, Gary Boguski & Judge Dortch



Lady Justice with Bob & Tina Tate



Judge Shusted, Rita Shusted & Don Fox



John Eastlack, June & Judge Hickey



Arnold & Temma Fishman and Judge Solomon



Mike Kulzer and Pam & Past President Joe McCormick



Judge & Bonnie Natal, Sandee & Judge Vogelson



"Ladies & Gentlemen . . .the President of the Camden County Bar Association!"

# WINE & FOOD

By Jim Hamilton

While *The Barrister* presses (traditional technology to be sure) were still during the summer, the pounding of rain on roofs often accompanied by thunderclaps made more than enough noise for most. As with our publication tradition, summers tend to be quiet times in the wine industry. Distributors send their representatives on vacations during “shut downs” and retailers lose many of their red wine drinkers to the heat. However, if there is one summer wine type that has blossomed during the past few years, it is dry rosés. Since we have several more weeks of summer ahead, I thought I would begin this column discussing two rosé wines I have enjoyed this year.

**2012 Domaine Lafage Miraflores Rosé** is more than just a pretty bottle. It is a lithe wine offering intense fruit impressions, mostly watermelon, just ripe strawberries and what

the French call garrigue, a subtle earthy, underbrush quality. The wine is initially penetrating, but the flavors gain a certain roundness as they play across the palate. It is a Provençal wine fashioned using Mourvedre as its lead grape, causing it to resemble a Bandol rosé at perhaps half the price. The bottle is elegantly designed, nearly bowling pin in shape, and is closed not with cork or screwcap, but a glass stopper.

**2012 Lafon-Roset** is a play on the estate name, Chateau Lafon-Rochet. This Bordeaux winery has been on a qualitative rise over the past decade as new, young blood has been injected into the viticultural and winemaking efforts. The estate is starting to regain its “4th Growth” standing in the hierarchy of Bordeaux estates established in 1855. As with most “left bank” Bordeaux, the primary grape employed to make this wine is Cabernet



Sauvignon. The color is bolder than the Lafage, and the wine is more substantial in texture and body. This is a rosé for the red wine drinker. It has a brambly, red currant and wild strawberry profile, along with streaks of herbs and minerals, possessing enough muscle to allow it to stand up to barbecue. Unlike the estate’s increasingly costly flagship wine, this rosé is very affordable.

(Continued on Page 16)



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# PRESIDENT'S PERSPECTIVE

by Gary W. Boguski

## Tooting Our Horn

*"I wasn't interested in contributing to a bunch of lawyers."* — David R.

The above quote is the paraphrased response I received from my long-term friend, and former college roommate, at my installation dinner, when I asked him why he did not put an ad in the Dinner Dance Program Book. My friend is a very generous and philanthropic guy. His response brought home to me the fact that the legal profession does not do a good job publicizing the good works routinely done by lawyers individually and collectively. This is a shame, not because it is or should be a priority for us to promote ourselves, but rather to perhaps have some impact on our otherwise negative public image. I believe there is also a benefit to let the public know what is available through the Bar Association and Foundation by way of scholarships, pro bono legal services and the like.

For the naysayers, and for lawyers who are unaware of what we do, here is a partial list of the programs and services through the Camden County Bar Association and Foundation.

❖ **Adopt-A-Family Program.** 100–200 families “adopted” each year by lawyers and law firms who donate food and presents to needy families in Camden just prior to the holidays. This is a well oiled program run by Marci Hill Jordan and Michael Ward along with a host of volunteer lawyer laborers at the collection and distribution site. The generosity of these lawyers and law firms each year has to be seen to be believed.

❖ **Annual Children’s Christmas Breakfast and Party with Santa.** 200–300 disadvantaged children are provided a full breakfast (donated by the Coastline), a magician, a group of oversized elves and, of course, a visit from Santa complete with age and gender appropriate gifts.

❖ **Annual Children’s Summer Picnic.** Early each June 200–350 children are treated to barbeque fare, cotton candy, snacks, music, dance contests, pony rides, hula hoop contests, oversized clowns and countless smiles.

❖ **Senior Citizen Bingo nights** held at various homes and Senior Citizen Centers throughout the County.

❖ **High School Scholarships and Law School Scholarships.** \$20,000 annually given to worthy students.

❖ **Larc School Scholarship Program.** Money raised each year by the Young Lawyer Committee’s Lobster Bake to benefit the Larc School in Bellmawr, a non-profit special education school serving students with a wide range of moderate to severe disabilities.

❖ **Lawyer Referral Service.** Lawyers making themselves available for consultation on a wide range of legal matters for a drastically reduced consultation fee.

❖ **Wills for Heroes.** Volunteer attorneys prepare Wills for First responders, military personnel and the like.

❖ **Children’s SSI Disability pro bono program.** A joint effort with South Jersey Legal Services for the representation of disabled children under the Social Security Supplemental Security Income program.

❖ Various campaigns and drives including **Backpack Patrol, School Uniform Campaign, School Children Coat Drive, Blood Drives, 9-11 Relief, Katrina Relief, Sandy Relief, Mock Trial Program** and others.

❖ **Senior Citizen Legal Consultation.** Volunteers provide free consultation for Senior Citizens covering a wide range of legal problems and issues.

These are just some of the efforts of the Camden County Bar Association and Foundation to give back to the community on a regular if not daily basis. As I mentioned in my last Barrister article, the donation of time, energy and money by the members of the Camden County Bar Association is awe inspiring to me. Can we do more? Probably, but we should all be proud of our profession and our Association.

Changing gears, I want to thank everyone who attended the Installation Dinner Dance and those who supported the Foundation by placing ads in the Program Book or by separately making donations to the Foundation. The Dinner Dance was, from all accounts, not your run of the mill evening. I hope that those who attended had as much fun as I did. In my speech, I mentioned my three favorite things. They were:

1. The love and support of my family and friends
  2. Being able to work with the dedicated and excellent lawyers in the Camden County Bar Association
  3. Salad dressing
- Here is the remainder of the top 10 list
4. Two-ply toilet tissue
  5. Super WAWA 's
  6. Smokey Robinson and the Miracles
  7. Living an hour away from the New Jersey Shore
  8. Tastykakes, especially peanut butter Tandy Takes
  9. The 1992–1993 Philadelphia 76'ers team
  10. The Raiders, the Veggies and the Rock of Lebanon Olympians

In closing, I leave you with this question: What rhymes with hug me?



**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.

# YOUNG LAWYER HAPPENINGS



## YOUNG LAWYER CHAIR

By Rachael Brekke

# Pay it Forward!

September is one of our most exciting months for young lawyers! So snap out of your post-Labor Day weekend blues and pull out your calendars!

While I have been practicing my golf game this year, we need more young lawyers to step up to the tee at the **Autumn Scramble Golf Outing** on **September 9th** this year! I haven't quite figured out how lawyers find the time to play a lot of golf, but it's certainly on my to-do list. Until then, see you all at Tavistock!

Be sure to reserve your Phillies tickets for the CCBA trip to Citizens Bank Park on **September 12th** for a night out with family and friends. We only have 50 tickets so don't miss out and call today! Who knows, maybe it will be a critical game for us to make the playoffs?! Let's be real, probably not, but still just a fun night out on a beautiful night in September. Also, don't forget to meet the incoming law clerks on **September 18th** at **Meet the Judges & Law Clerks Reception**. I think we can all agree that it's always a good idea to introduce yourself to the incoming law clerks as they make their transition into chambers and get lost in the world of ACMS.

Most importantly, mark your calendar for the **Lobster Bake** on **September 21st** at the TapRoom! Last year was an absolute success and this year could not be more exciting. If you are not familiar with the event, the Lobster Bake proceeds are donated to the Larc School, which is a special education school in Bellmawr serving students with a wide range of moderate to severe disabilities. In August, the Larc School graciously invited the young lawyers to tour their facility and appreciate the incredible impact our donations have made over the past three years. Our young lawyers are proud to say that each year the Lobster Bake has donated more than the year before, and I am sure this year will be no exception! Not only is the Lobster Bake a great night out with friends and family, but please take a moment and appreciate the difference the Lobster Bake has made for special education students in Camden County.

Now that your calendars are booked, let's focus on recruiting new members this month! As a follow up to my June article on networking,

our association is only as strong as we make it. Please remind your associates and interns how important it is to join the bar association and attend one of our upcoming young lawyer events!

A few weeks ago the young lawyers hosted an incoming and outgoing law clerk luncheon at the Hall of Justice. With a few sandwich trays from Short Hills Deli and delicious cookies, we were able to recruit all of the incoming law clerks and get them ready for an exciting year ahead. Rutgers Law also welcomed the CCBA Young Lawyers at the 1L Orientation, and the law students were certainly eager to meet local attorneys and learn about how to get involved.

One of the most powerful life lessons my grandfather left for me to realize after he passed was just how important it is to help one another whenever possible. No matter if it takes you five minutes or five hours, if you can do it...do it. He was truly the most selfless person I will ever know. While I could have guessed a few people that would likely consider him a mentor, I can't even begin to count how many have approached me in the past four years and told me that he was their mentor with so many fond stories to share. No matter how busy our lives and careers may get, we must realize that it is the difference we make for others which will define our legacy.

This year, the young lawyers are committed to working with Rutgers Law and establishing a mentorship program for CCBA lawyers and law students to talk about anything and everything. I was blessed to have a great network of support over the years and I certainly intend to pay it forward. I hope you will join me!

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4<sup>th</sup> Annual Young Lawyer Committee



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To benefit the Larc School

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# YOUNG LAWYER HAPPENINGS

## How Do I Read a New Jersey Motor Vehicle Abstract?

By David Hasner

Have you ever gotten a copy of your New Jersey Motor Vehicle abstract, or your client's abstract, and you have been embarrassed because you were unable to read it? Well don't be. I have quickly learned that most clients and many attorneys, including those who handle municipal court work regularly, simply don't know how to read this crucial document. So, without further ado, I will try to clarify for you below.

A typical New Jersey Motor Vehicle Abstract will start with a host of information at the top to identify the driver, such as name, address, date of birth and type of driver's license (basic, commercial, motorcycle etc.) among other information. See "A".

Below the identifying information is the Motor Vehicle Abstract, starting from most recent event and working backwards. The information is organized by row, where each new event is listed in a new row.

Starting from the left hand side, the most recent event is listed. It identifies the following:

- 1) "Date that the event occurred" (See "B")
- 2) "Type of event" – which is a 3 digit code and then a singular letter next to it (See "C");
- 3) "Code" – which is a 4 digit code described below (See "D");
- 4) "Event Description" – which briefly describes what occurred (See "E")
- 5) "STA," (See "F") – this is an internal code used by the NJMVC
- 6) "CMV," (See "G") – if there is an x in this column, it means that the violation was committed in a commercial vehicle;
- 7) "HZM," (See "H") – if there is an x in this column, it means that a violation was committed in a vehicle containing hazardous materials;
- 8) "FTL," (See "I") – if there is an x in this column, it means that the violation resulted in a fatality;
- 9) "PA," – if there is a column with a PA and there is an X in it, it means the violation is being appealed;
- 10) "Points, or PTS" (See "J") – designates whether you added or subtracted points on your license due to this event;
- 11) "Posting Date" (See "K") – This is the date that the NJMVC recorded and posted record of the event.

Here is a simplified explanation of each column, what it means and how to read them.

- 1) "Date that the event occurred" (See "B") – Self explanatory
- 2) "Type of event" – which is a 3 digit code and then a singular letter next to it (See "C");
  - A) If it is a **letter, followed by 2 numbers**, that is a **code for a specific township court**; you need to look at the municipal code directory, which will tell you in which township this event occurred. See <http://www.judiciary.state.nj.us/directory/munctadr.pdf> to identify the township of the occurrence.

- B) If the code is something like "SUS" or "RES" or "SEC" or "DMV," that is an event that does not occur in any town, but is likely instituted by the NJMVC. The common ones are:
    - a) SUS – means MVC has taken a suspension action
    - b) RES – means the MVC has taken a restoration action
    - c) DMV – means that the MVC is taking action
    - d) ISS – means insurance surcharge
    - e) CIS – compulsory insurance – usually this comes into play with an accident
- Please see the below picture for a full list of event codes

(Continued on Page 19)

Page: 1 Document Name: U .tiled

AVRSL075 AMM7 CERTIFIED DRIVER ABSTRACT DATE: 01/28/2013  
 OPR: DOBRYAN PAGE: 001  
 AUTOPIC: D2625 19271 03902 NAME: A  
 ADDRESS: NJ 08083 2922  
 LIC EXP DATE: 08/31/2016 CLASS: D ENDR: RSTR:

I CERTIFY THAT ACCORDING TO THE RECORDS OF THE MOTOR VEHICLE COMMISSION, THIS LISTING IS A TRUE COMPUTERIZED ABSTRACT OF THE DRIVER HISTORY RECORD OF THE INDIVIDUAL WHOSE DRIVER LICENSE NUMBER IS LISTED. THE RECORD INCLUDES ACCIDENTS, SUSPENSIONS AND CONVICTIONS FOR MOVING VIOLATIONS.

RAYMOND P MARTINEZ, CHIEF ADMINISTRATOR

EVENT	C	D	E	F	T	M	Z	T	POSTING
MO DA YR	EVENT CODE	EVENT DESCRIPTION	A	V	M	L	S	DATE	K
01-24-13	D17 O	FCIO FAIL TO COMPLY COURT INSTALL ORDER AC						G, H, I	01-24-13
01-18-13	SUS O	0340 OPERATE DURING SUSPENSION PERIOD AC							01-18-13
01-09-13	H02 O	FCIO FAIL TO COMPLY COURT INSTALL ORDER AC							01-09-13
12-07-12	D34 O	FCIO FAIL TO COMPLY COURT INSTALL ORDER AC							12-07-12
12-03-12	H03 O	COFA COURT ORDERED SUSP: FAIL TO APPEAR AC							12-04-12
11-26-12	H03 S	FSFA FAILURE TO APPEAR AC							11-26-12

PF3-END PF7-BACK PF8-FRWD PF10-TOP PF11-BOT PF12-MENU  
 A17C INITIAL RETRIEVAL COMPLETED; SCROLL FORWARD

4-e 1 Sess-1 172.16.1.27 TM040700 1/14

Name: Date: 1/28/2013 Time: 10:18:21 AM

# WINE & FOOD



Continued from Page 12

Since I again was able to attend a tasting of wines that are distributed in our area by Michael Skurnik Wines, including a bevy of 2012 German wines imported by Terry Theise, allow me to focus on a few summer whites you may want to search out and try.

I've written in the past about the beneficial influence Sebastian Strub has had on his family's estate, so I made sure I tasted through the wines Sebastian was pouring. As has been the case since its inaugural bottling, one of the real value wines is the **2012 Strub Soil to Soul**. No matter what you think about the brand name chosen for this entry level wine, it once again offers a lot of wine for the price. This has a real fruit drive to it, with fleshy peaches and dried apricot flavors and only a touch of the minerality that is one of the hallmarks of the vintage. Another German to look for is from another of the new wave of sons taking over for their fathers, Johannes Leitz. I was particularly taken with the **2012 Leitz Rudesheimer Klosterlay Riesling Kabinett**. The long name traditionally employed on German wine labels can intimidate buyers (who might post

"TMI"), which is why so many producers (Leitz included) are working on simplifying things by creating brand names or limiting the information on the front label to the variety and the indication of residual sugar (so this might be Rudesheimer Riesling Kabinett) with the vineyard name placed on the back label).

A German winery new to me is Clemens Busch, now represented in our area by David Bowler Wine. If off-dry Riesling is not to your liking, you may want to search out and try the **2011 Clemens Busch Riesling Trocken**. As you may recall, *trocken* means "dry," and this wine offers vibrant fruit owing to its prickly acidity. However, the acidity is more than counterbalanced by round, peach-like fruit that blends creamy notes with slate and subtle lime nuances. It is at once refreshing and penetrating, suitable for a variety of warm weather fare. **2010 Domaine de l'Enchantoir Saumur Blanc** is a winery begun in 2009 that has just joined the Skurnik portfolio. It offers the creamy, lactic quality one often finds in Chenin Blanc wines, and possesses real definition in a medium frame. There are notes of chalky honeydew melon and white grape fruit delivered with a supple grip.

Since notwithstanding the heat, some people really prefer red wine, let me offer two recent finds. Dry red wine from Portugal continues to gain approval from critics and, not surprisingly then, retailers eager to

accommodate the increased interest. The top region in Portugal is the Douro where Port wines are made and increasingly non-fortified dry wines are being crafted. One of my favorite wine buys last year was the Pó de Poeira mentioned in a previous column. Another that is priced similarly and is worth seeking out is **2007 PV Mutante**. This is an old vine blend of a variety of grape types fashioned by a winery that offers excellent value at various price points. This wine has an elegant delivery of blackberry dominated fruit that is seamless and poised in its balance and integration of texture and structure.

Finally, allow me to suggest a Spanish wine that should be easy to find at a price easy to swallow. **2012 Bodegas Emilio Moro Finca Resalso** is the entry level wine from this excellent producer located in the Ribera del Duero region. While it is given 18 months of oak aging, it is French oak that imparts little overt influence. The fruit is wonderfully clean and unadorned, offering spicy red cherry fruit that is round and expansive. While there is plenty of acidity to stand up to a variety of food types, it plays a secondary role to the forward fruit.

I hope you found time to relax a bit this summer and were able to find wines to enjoy as you set aside your computer, smart phone or other electronic devices and enjoyed the fruits of your hard work.

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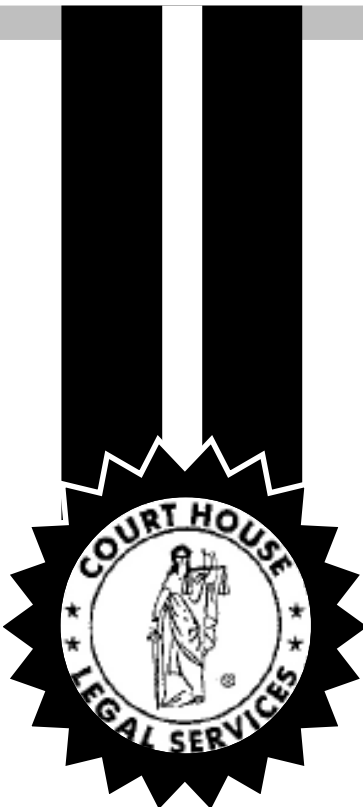
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**LAW PRACTICE MARKETING**

**Women Lawyers Must Also ‘Lean In’ to Realize Their Career Dreams**

By Kimberly Alford Rice

After spending nearly two decades in law firms, I have witnessed and experienced enough discrimination to know from the front row the many challenges women lawyers face in law firms today.

**Still a Way to Go**

According to a 2012 National Association for Law Placement (NALP) survey on the demographics of equity, we should not be surprised to learn that among equity partners, about 85% are men, 15% are women, and fewer than 5% are racial/ethnic minorities. (The minority figures include both men and women, so the three figures add to more than 100%.)

In Sheryl Sandberg’s book, *“Lean In: Women, Work and the Will to Lead,”* she states that women are hindered by internal barriers erected by ourselves, as well as society. “We hold ourselves back in ways big and small, by lacking self-confidence, by not raising our hands, and by pulling back when we should be leaning in,” she says, pointing out that women tend to internalize lifelong negative messages

that say it is wrong to be outspoken, aggressive, more powerful than men. “We lower our expectations of what we can achieve,” she says. “We compromise our career goals ... Compared to our male colleagues, fewer of us aspire to senior positions.”

**Attitude Is Everything**

Women lawyers must evaluate their mindset and check their “atty tude” before taking the first action.

Do you believe in what you are doing? Are you resentful that you are placed in “selling situations?” Do you begrudgingly attend networking events? You are not alone. What we see very often is that women lawyers frequently behave from a position of *fear*, not confidence. How many times have you said, “I’m not good at xxxx.”? The question is not whether you are “good” or “bad” at any particular behavior, but rather whether you are *willing* to work at it.

An enlightening quote from Henry Ford: “If you think you can do a thing or think you can’t do a thing, you’re right.” It’s all in the attitude.

**Leverage Your Strengths**

Women are born for relationships. Leverage this strength to turn contacts into powerful client connections.

In our everyday lives we encounter people who may be in a position to help us. The only way we will know is to engage...ask open-ended questions, offer to help, to connect. This is what we do each day and now we must take hold of this natural ability to propel our own career.

In contrast to the old cliché that lawyers must “eat what they kill,” adopt a “give to get” mentality. As you attack the crucial elements of building a prosperous practice with fervor, do so by discovering an attitude of abundance by sharing your skills and expertise.

**Make Your Network Work for You**

As much as you cannot develop a prosperous practice without cultivating solid relationships, it is imperative that you define your network and craft an actionable plan to:

*Continued on Page 20*

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# VERDICTS OF THE COURT

*Superior Court of New Jersey*

VERDICT: Judge dismissed judgment per statute of limitations (5/1/13)

Case Type: Contract  
 Judge: John A. Fratto, J.S.C.  
 Plaintiff's Attys: Thomas A. Barron, Esq. and Rudi R. Grueneberg, Esq.  
 Defendant's Attys: Edward Seglias, Esq. and Wendy R. Bennett, Esq.  
 L-5377-10 Jury (8)

VERDICT: Liability Verdict: 100% Against Defendant, Damage Verdict: \$3,000 for Plaintiff Diaz (5/1/13)

Case Type: Auto Negligence  
 Judge: Anthony M. Pugliese, J.S.C.  
 Plaintiff's Atty: David Cuneo, Esq.  
 Defendant's Atty: Robert Brown, Esq.  
 L-2304-11 Jury

VERDICT: Liability Verdict: 100 % Against Defendant, Damage Verdict: \$390,000 (Nieves) & \$206,000 (Munoz) Against City of Camden (5/2/13)

Case Type: LAD  
 Judge: Stephen M. Holden, J.S.C.  
 Plaintiff's Atty: Greg Zeff, Esq.  
 Defendant's Attys: Jay Blumberg, Esq. and Jean Chutney, Esq.  
 L-3587-11 Jury

VERDICT: No Cause (5/7/13)

Case Type: Employment  
 Judge: John A. Fratto, J.S.C.  
 Plaintiff's Atty: Mark A. Schiavo, Esq.  
 Defendant's Atty: Joseph G. Antinori, Esq.  
 L-5019-11 Bench

VERDICT: Liability Verdict: 100% Against Defendant, Damage Verdict: \$10,000 Against Defendant (5/8/13)

Case Type: Auto  
 Judge: Deborah Silverman Katz, J.S.C.  
 Plaintiff's Atty: Joel Garber, Esq.  
 Defendant's Atty: Patrick Reilly, Esq.  
 L-3653-11 Jury (6)

VERDICT: No Cause (5/8/13)

Case Type: Auto  
 Judge: John T. Kelley, J.S.C.  
 Plaintiff's Atty: Richard Cataldi, Esq.  
 Defendant's Atty: Francis McDevitt, Esq.  
 L-5221-11 Jury (7)

VERDICT: Directed Verdict for Plaintiff on note and guarantee \$2 Million; No Cause on Defendant's counterclaim for breach of implied contract of good faith and fair dealing and lender liability (5/9/13)

Case Type: Contract  
 Judge: Louis R. Meloni, J.S.C.  
 Plaintiff's Atty: John North, Esq.  
 Defendant's Atty: Joseph Genna, Esq.  
 L-325-11 Jury

VERDICT: Liability Verdict: 100% Against Defendant; Damage Verdict: \$18,405 Against Defendant (5/9/13)

Case Type: Personal Injury  
 Judge: Anthony M. Pugliese, J.S.C.  
 Plaintiff's Atty: Robert Gilenas, Esq.  
 Defendant's Atty: Roxanne La Roc, Esq.  
 L-2708-11 Jury

VERDICT: Damage Verdict: \$90,000 Against Defendant (5/14/13)

Case Type: Auto Negligence  
 Judge: Stephen M. Holden, J.S.C.  
 Plaintiff's Atty: Scott Goldberg, Esq.  
 Defendant's Atty: Rodd DeWitt, Esq.  
 L-287-11 Jury

VERDICT: No Cause (5/14/13)

Case Type: Medical Malpractice  
 Judge: Robert G. Millenky, P.J., Cv.  
 Plaintiff's Atty: Gregory Sciolla, Esq.  
 Defendant's Atty: Dominick DeLaurentis, Esq.  
 L-330-10 Jury

VERDICT: Damage Verdict: \$60,000 Against Defendant (5/16/13)

Case Type: Auto Negligence  
 Judge: Louis R. Meloni, J.S.C.  
 Plaintiff's Atty: Dawn Van Keuren, Esq.  
 Defendant's Atty: Robert Kaplan, Esq.  
 L-4130-10 Jury

VERDICT: Liability Verdict: 25% Against Plaintiff, 75% Against Defendant; Damage Verdict: \$18,750 Against Defendant (5/16/13)

Case Type: Auto Negligence  
 Judge: John A. Fratto, J.S.C.  
 Plaintiff's Atty: David S. Rochman, Esq.  
 Defendant's Atty: Charles F. Blumenstein, Esq.  
 L-3087-11 Jury (8)

VERDICT: No Cause (5/21/13)

Case Type: Auto  
 Judge: Deborah Silverman Katz, J.S.C.  
 Plaintiff's Atty: Jesse Cohen, Esq.  
 Defendant's Atty: Rodd DeWitt, Esq.  
 L-5653-11 Jury (6)

VERDICT: Damage Verdict: \$25,000 Against Defendant (5/22/13)

Case Type: Auto Negligence  
 Judge: John A. Fratto, J.S.C.  
 Plaintiff's Atty: David K. Snyder, Esq.  
 Defendant's Atty: Everett F. Simpson, Esq.  
 L-2011-11 Jury (6)

VERDICT: No Cause (5/29/13)

Case Type: Auto  
 Judge: Deborah Silverman Katz, J.S.C.  
 Plaintiff's Atty: Scott Goldberg, Esq.  
 Defendant's Atty: Rachel Haninczak, Esq.  
 L-2347-11 Jury (6)

VERDICT: No Cause Damage Verdict: \$0 (5/29/13)

Case Type: Medical Malpractice  
 Judge: Stephen M. Holden, J.S.C.  
 Plaintiff's Atty: David F. Binder, Esq.  
 Defendant's Atty: Carolyn Sleeper, Esq.  
 L-1991-11 Jury

VERDICT: Case Settled (5/29/13)

Case Type: Medical Malpractice  
 Judge: John T. Kelley, J.S.C.  
 Plaintiff's Atty: Louis DeVoto, Esq.  
 Defendant's Atty: William Theroux, Esq.  
 L-2665-10 Jury (8)

VERDICT: Damage Verdict: \$125,000 Against Defendant (6/4/13)

Case Type: Auto Negligence  
 Judge: Stephen M. Holden, J.S.C.  
 Plaintiff's Atty: Harry Kain, Esq.  
 Defendant's Atty: Rodd DeWitt, Esq.  
 L-162-10 Jury

VERDICT: No Cause (6/5/13)

Case Type: Medical Malpractice  
 Judge: Robert G. Millenky, P.J., Cv.  
 Plaintiff's Atty: Thomas Sacchetta, Esq.  
 Defendant's Atty: Mary Kay Wysocki, Esq.  
 L-4328-10 Jury

VERDICT: Liability Verdict: 100% Against Defendants; Damage Verdict: \$24,000 plus interest (6/11/13)

Case Type: Contract  
 Judge: Anthony M. Pugliese, J.S.C.  
 Plaintiff's Atty: Stephen Boividas, Esq.  
 Defendant's Atty: Angela Puglia, William J. Brown., William E. Brown and Gloria Brown, pro se  
 L-3557-11 Bench

VERDICT: Settled during trial (6/11/13)

Case Type: Medical Malpractice  
 Judge: Deborah Silverman Katz, J.S.C.  
 Plaintiff's Atty: Richard Grungo, Jr., Esq.  
 Defendant's Attys: Mark Petraske, Esq., Charles Koernig, Esq., John Rigden, Esq. and Mary Kay Wysocki, Esq.  
 L-4748-09 Jury (8)

VERDICT: No Cause (6/13/13)

Case Type: Auto Negligence  
 Judge: John A. Fratto, J.S.C.  
 Plaintiff's Atty: David S. Rochman, Esq.  
 Defendant's Atty: Everett F. Simpson, Esq.  
 L-5629-10 Jury (8)

VERDICT: No Cause (6/19/13)

Case Type: Auto Negligence  
 Judge: John A. Fratto, J.S.C.  
 Plaintiff's Attys: Edward Mulvihill, Esq. and Philip J. Mammano, Jr., Esq.  
 Defendant's Atty: Robert M. Kaplan, Esq.  
 L-5681-10 Jury (7)

VERDICT: Damage Verdict: \$30,000 Against Defendant (6/19/13)

Case Type: Auto  
 Judge: John T. Kelley, J.S.C.  
 Plaintiff's Atty: William Stopper, Esq.  
 Defendant's Atty: Kim Hoehing, Esq.  
 L-3364-11 Jury (7)

VERDICT: Liability Verdict: 75% Against Defendant Holcomb Bus Service and 25% Against Defendant Michael Taggart; Damage Verdict: \$3,750,000 Against Holcomb Bus Service and \$1,250,000 Against Brian Taggart (6/19/13)

Case Type: Personal Injury  
 Judge: Louis R. Meloni, J.S.C.  
 Plaintiff's Attys: George Badey, Esq. and Michael DeGenova, Esq.  
 Defendant's Atty: Arthur Donnelly, Esq.  
 L-5222-10 Jury

(Continued on page 23)

# How Do I Read a New Jersey Motor Vehicle Abstract?

(Continued from Page 15)

- C) The **singular letter** – provides further information regarding what kind of action was taken. For a list of each letter and what they mean, look up the letter in the attached help sheet: <http://www.nj.gov/mvc/pdf/Licenses/understanding-abstract.pdf>. Common ones are:
- “O” – Suspension Order
  - “V” – Violation
  - “S” – Scheduled suspension
  - “F” – Fee Payment
  - “N” – Advisory Notice
  - “A” – Accident
- 3) **“Code”** – which is a 4 digit code described below (See “D”)
- A) If the code **starts with a number**, it is the **number of a traffic violation of the New Jersey Statute Annotated, Section 39 (traffic)**. For example:  
 0340 = N.J.S.A. 39:3-40 or Driving While Suspended  
 0329 = N.J.S.A. 39:3-29 or No License, registration or insurance ID in possession  
 4982 = N.J.S.A. 39:4-98.2 or speeding
- B) If the code starts with a letter, it is simply a short version of the event description. A little bit of common sense can be used to figure out the bulk of these. For example:  
**PC03** = Point credit, annual safe driving = 3 points off of the license for annual safe driving (3 points) (and the event description usually says “Point Credit – Annual Safe Driving”)  
**FCIO** = Failure to Comply with Court Install Order (FCIO is simply an abbreviation of the event description – Failure to Comply with Court Install Order  
**RSTR** = Restoration  
**POLC** = Police involvement (typically an accident)  
**COFA** = Court Ordered Suspension, Failure to appear

- 4) **“Event Description”** – which briefly describes what occurred (See “E” – again, self explanatory, but here are some examples of common ones:  
**Failure to Comply Court Install Order** – Typically means that the driver failed to make a payment with a time payment plan for that particular court  
**Court Ordered Susp: Fail to Appear** – Typically means the court in that town put a warrant out for that driver for failing to appear to a scheduled court appearance  
**Failure to Appear** – Driver failed to appear to court, but a warrant was not issued  
**Operate During Suspension Period** – violation of N.J.S.A. 39:3-40  
**Hearing Request Acknowledgment** – Request for a hearing  
**No Lic, Reg or Ins ID in Possession** – violation of N.J.S.A. 39:3-29  
**Unlicensed Driver** – violation of N.J.S.A. 39:3-10  
**Failure to Wear Seat Belt** – equipment violation  
**Maintenance of Lamps** – equipment violation  
**Point Credit – Annual Safe Driving** – In New Jersey, you can get 3 points reduced from your driver’s license if you drive an entire year without incurring additional violations or suspensions. Here is a link to a list of other ways you can remove points from your New Jersey license, including taking a defensive driving course or improvement program: <http://www.nj.gov/mvc/Violations/penalties.htm>
- 5) **“STA,”** (See “F”) – This is an internal NJMVC code that has no impact on your understanding of your abstract
- 6) – 11) – **See Above**

At the end of the abstract, you will be able to tell if the driver’s license is currently in good standing or suspended. It will say “Good Standing” Or “Suspended \_\_\_\_\_” and the blank will indicate what driving privilege is suspended.

Let’s do one example together. Take a look at the very first entry on the sample abstract I have provided (which has all identifying information redacted):

- 1) Event date – This event occurred on 1/24/13. It is the most recent event
- 2) Event code – D17 – This event occurred in a specific town. Looking up “D17” in the directory, <http://www.judiciary.state.nj.us/directory/munctadr.pdf>, I see that D17 is Gloucester Township.  
 – Also, the singular letter is an “o”, which indicates that Gloucester Township put out a suspension order / suspended this driver’s license
- 3) Code – FCIO – If you look ahead to the event description, it says “Failure to Comply Court Install Order”. So, FCIO is simply an abbreviation of the event description
- 4) Event Description - “Failure to Comply Court Install Order” basically means what it says. This court, Gloucester Township, had this driver on some requirement, most likely a payment plan, and the driver failed to make a payment.
- 5) There are no points for this event, and the suspension posted on the same day, 1/24/13.

So, to sum up, this entry indicates that the driver had to make an obligation or payment to Gloucester Township and failed this obligation or payment, and Gloucester Township ordered that the driver’s license be suspended effective 1/24/13.

Hopefully, this will clear up some questions you have about reading New Jersey Motor Vehicle Abstracts. If you have any entries that confuse you, or if you have any additional questions about reading motor vehicle abstracts generally, or anything else related to this article, please feel free to contact me at [david@hasnerandhasner.com](mailto:david@hasnerandhasner.com) or by contacting my office at 856-282-0777. You can also contact the New Jersey Motor Vehicle Commission, Abstract Department for questions at 609-292-6100.

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## LAW PRACTICE MARKETING

## Women Lawyers Must Also ‘Lean In’ to Realize Their Career Dreams

Continued from Page 17

1. Get and stay connected with former classmates; co-workers (past and present); non-client referral sources; clients (past and present); qualified prospects; professional contacts, etc.
2. Attend and become involved in targeted networking opportunities. Dependent upon your area of practice and the profile of your “perfect client,” you want to stay in front of those individuals who are in a position to retain you.
3. Raise your profile in front of the aforementioned “qualified target prospects.”

### New Rules

The “new rule” of building a healthy practice is to accept that networking is not an event but a lifestyle. Clients may be right in front of you but if you are not looking (and more importantly, paying attention), a successful practice may become elusive.

Lawyers must develop a “marketing mindset”—to pay attention to your environment, to others around you and to always have your radar on high alert for opportunities. Not just client or retention opportunities but strategic alliance and partnership opportunities.

### Design a Business Development Plan “That Works” For You

Craft your business development blueprint by capturing specific action steps in a written plan. There is no magic to this document but you will see a measurable difference in developing a strong practice by creating and effectively implementing a written business development plan.

This exercise requires some thoughtful consideration and gaining clarity of your career dreams and goals.

1. Define your target audience (outline a visual picture of whom you want to attract)
2. Find out where these targets go during and after work hours
3. Outline steps to get on these targets’ radar and to achieve “top-of-mind” awareness

One defining element that separates a business development plan that “works” from one that does not is this—your commitment to turning interactions into transactions by:

- Having a written plan.
- Accessing your resources
- Concisely communicating your needs. Do not be reticent in voicing what you need professionally.
- Executing your devised plan to help accomplish your career dreams and goals.
- Follow up with every person you encounter that you or someone in your network can help.

### Summary

As women, we’ve always had to fight harder, be more resilient, and push forward more than our male counterparts. While the professional landscape is creeping forward slowly, let us forge on to meet our professional goals.

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# LEGAL BRIEFS

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

Parker McCay announces the promotion of **Carl Tanksley, Jr.** to Counsel. Tanksley is based out of the Lawrenceville office and concentrates his practice in the area of school law, representing boards of education in all areas affecting their operation.

Tanksley earned his law degree from Rutgers University School of Law and his bachelor's degree from Drexel University. He is admitted to practice law in New Jersey.

**Michael A. Weinberg**, a Partner with Archer & Greiner P.C. has been appointed to the Board of Trustees of the Samost Jewish Family & Children's Service (JFCS) of Southern New Jersey, a nonprofit agency that provides a diverse array of social services to individuals and families in need.

Mr. Weinberg is a Partner in Archer & Greiner's Family Law Department, where he concentrates his practice in matrimonial and family law. He is a member of the Executive Committees of the Family Law Sections of both the New Jersey State Bar Association and the Camden County Bar Association, and serves as Co-Chair of the Camden County committee.

Parker McCay Shareholder **Gene R. Mariano** was recently elected to The Joseph Fund's board of trustees. The Joseph Fund was founded in April 2012, with the purpose of supporting the Ministries of the St. Joseph's Pro-Cathedral by raising money to support program expansion, capital projects and to underwrite any operating shortfall experienced by individual Ministries.

Mariano has extensive experience handling litigation matters, with a particular focus on commercial, general business and construction litigation.

Capehart Scatchard shareholder and labor lawyer **Ralph R. Smith**, III presented at the Annual Spring Continuing Education Meeting of the Asian Indian Professionals, Inc. The meeting was held at the Mansion in Voorhees. He spoke on the related topics of non-compete clauses and restrictive covenants. His presentation focused on the proper drafting and enforceability of these types of agreements in New Jersey and Pennsylvania.

Smith is Vice Chairman of the Labor and Employment Department. He concentrates his practice in the areas of labor and employment law, and complex commercial litigation. He is a frequent lecturer on labor and employment-related topics.

**Teri S. Lodge**, a partner at Holston, MacDonald, Uzdavinis, Zeigler and Lodge, P.A. has been appointed by Chief Justice Stuart Rabner to serve on the Supreme Court Joint Committee on Criminal Justice to focus on how to reduce delays in bringing criminal court cases to trial and the issue of bail. The chief justice will serve as the committee chair. Ms. Lodge practices in the areas of criminal defense and family law.

**Eric G. Fikry**, a Partner in the Commercial Litigation department at Blank Rome LLP, was recently sworn in as a member of the Board of Trustees of the New Jersey State Bar Association. Mr. Fikry will serve a two-year term on the Board representing the Casino Law Section. He also serves as Treasurer of the CCBA, and as Chair of the Association's President's Commission on Diversity.

**Christine Campbell**, formerly of Williams Cuker Berezofsky, has been appointed to serve as Special Assistant to the Deputy Treasurer of the State of New Jersey and is based in the State Capitol Building in Trenton.

**Lloyd Freeman**, an Associate in Archer & Greiner's Litigation Department, was recently elected Chairman of the Board of Trustees of Big Brothers Big Sisters of Burlington, Camden & Gloucester Counties. Mr. Freeman practices litigation in state and federal courts in New Jersey and Pennsylvania. He has experience in complex commercial litigation, litigation related to intellectual property and real estate transactions, and consumer fraud actions.

**Timothy J. Rice**, of Timothy Rice Estate and Elder Law in Voorhees, was recently installed as the 35th President of the Marlton Rotary Club.

The Law Office of Adam M. Kotlar, LLC, is pleased to announce that **Scott A. Sheldon** has joined the firm as a litigation associate specializing mainly in the firm's personal injury practice group. Mr. Sheldon graduated with Honors from the Rutgers School of Law in Camden and received his undergraduate degree from Drexel University. He is admitted to practice in both New Jersey and Pennsylvania. Prior to joining the firm, Mr. Sheldon worked for five years as a trial lawyer for a large, well-respected, regional insurance defense firm.

**Mark A. Gulbranson, Mark R. Natale, and Logan Elliott Pettigrew** were the recipients of the 14th Annual Blaine E. Capehart Legal Writing Award, presented at the law firm of Capehart Scatchard. The three award recipients are 2013 graduates of Rutgers School of Law – Camden, and received \$1,000 in recognition of their exemplary legal writing and research abilities.

The Firm offers this award to graduating Rutgers – Camden law students annually in honor of the late Blaine E. Capehart.

**William H. Tobolsky**, principle at Tobolsky Law, has assumed leadership in the Cherry Hill Rotary as president-elect for the 2013-2014 year. Tobolsky focuses his practice on complex business and litigation matters and provides counsel to many businesses including regional construction companies, employers representing the manufacturing and service sectors, as well as non-profits, religious institutions, charitable foundations, and others in dispute. He is a former CCBA Trustee, a regular columnist for *The Barrister* and is a delegate to the General Council of the New Jersey State Bar Association.

**Deena L. Betze**, of Borger Matesz P.A., was recently interviewed on "Family Affairs," a weekly radio show hosted by Roseann Vanella of Advanced Mediation Solutions and heard on WTER Radio. Ms. Betze discussed the law affecting both private and public adoptions in New Jersey.

Her practice is focused on family and matrimonial law, including divorce, custody, adoption domestic violence, pre-marital agreements, civil union agreements and other family law related matters. She is a member of the New Jersey State Bar Association, Family Law Section, the Family Law Committee of the Camden County Bar Association, and the Family Law Committee of the Gloucester County Bar Association. A graduate of S.U.N.Y. Stonybrook (B.A. 1987), Ms. Betze received her law degree in 1990 from Rutgers University.

**Emmanuel J. Argentieri**, has resigned from Parker McCay PA and has become a partner of the law firm Romano Garubo & Argentieri: 52 Newton Avenue, P.O. Box 456, Woodbury, New Jersey 08096 – (856) 384-1515; Fax (856) 384-6371; [eargentieri@romanogarubo.com](mailto:eargentieri@romanogarubo.com)

**Carrie J. Boyle** joins the team at McDowell Posternock Law, P.C. In addition to practicing both personal and business bankruptcy law, Carrie also has experience in debt consolidation, asset retention/liquidation, foreclosure defense and mortgage loan modification. She is a graduate of the University of North Carolina, Wilmington and Rutgers School of Law School – Camden. She is admitted in the District of New Jersey and Eastern District of Pennsylvania. She is on the steering committee for the Rutgers Law Pro Bono Bankruptcy Project.

**Melanie M. Levan** recently became a Shareholder of McDowell Posternock Law, P.C. She has been a valuable member of the team for ten years. She concentrates her practice in trusts and estates, real estate, land use, and business collections. She is an alumna of Rutgers University and Rutgers School of Law-Newark, and is admitted to the bars of New Jersey, Pennsylvania, the District of New Jersey and the Eastern District of Pennsylvania. She is active in the Moorestown Home and School Association, and, in 2011, co-founded MooreKids, a 501(c)(3) nonprofit organization whose mission is to provide support to low income children in Moorestown.

# CLASSIFIEDS

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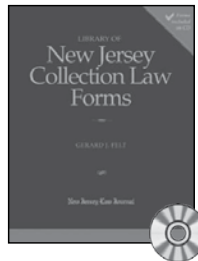
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# VERDICTS OF THE COURT (Continued from Page 14)

*Superior Court of New Jersey*

**VERDICT:** No Cause (6/25/13)  
**Case Type:** Auto Negligence  
**Judge:** Anthony M. Pugliese, J.S.C.  
**Plaintiff's Atty:** Frank Pollock, Esq.  
**Defendant's Atty:** Kimberly Hoehing, Esq.  
 L-1204-11 Jury

**VERDICT:** Damage Verdict: \$14,000 Against Defendant (6/20/13)  
**Case Type:** Contract  
**Judge:** Anthony M. Pugliese, J.S.C.  
**Plaintiff's Atty:** Lawrence G. Tosi, Esq.  
**Defendant's Atty:** Andrew T. Cupit, Esq.  
 L-3812-11 Jury (8)

**VERDICT:** Liability Verdict in Favor of Plaintiff (6/27/13)  
**Case Type:** Partition Action  
**Judge:** Mary Eva Colalillo, P.J. Ch.  
**Plaintiff's Atty:** Lewis Wilson, Esq.  
**Defendant's Atty:** Charles Izzo, Esq.  
 L-126-11 Jury

**VERDICT:** No Cause (6/27/13)  
**Case Type:** Medical Malpractice  
**Judge:** Robert G. Millenky, P.J. Cv.  
**Plaintiff's Atty:** Andrew Swan, Esq.  
**Defendant's Atty:** Mark Petroska, Esq.  
 L-2734-10 Jury

**VERDICT:** Liability Verdict held for plaintiff (7/2/13)  
**Case Type:** Probate/Undue Influence  
**Judge:** Mary Eva Colalillo, P.J. Ch.  
**Plaintiff's Atty:** Douglas Fendrick, Esq.  
**Defendant's Atty:** Carole Moore, pro se  
 C.P. 109-12 Bench

**VERDICT:** Settled During Trial (7/2/13)  
**Case Type:** Medical Malpractice  
**Judge:** John A. Fratto, J.S.C.  
**Plaintiff's Atty:** Michael Weiss, Esq.  
**Defendant's Atty:** Mary Kay Wysocki, Esq.  
 L-412-11 Jury

**VERDICT:** Liability Verdict: 5% and \$712,500 plus interest Against Plaintiff (7/8/13)  
**Case Type:** 603 Auto  
**Judge:** George S. Leone, J.S.C.  
**Plaintiff's Atty:** Richard Heleniak, Esq.  
**Defendant's Atty:** Charles Blumenstein, III, Esq.  
 L-4019-10 Jury

**VERDICT:** No Cause (7/10/13)  
**Case Type:** Auto  
**Judge:** John T. Kelley, J.S.C.  
**Plaintiff's Atty:** Daniel Bernardin, Esq.  
**Defendant's Atty:** Diane Magram, Esq.  
 L-166-11 Jury (7)

**VERDICT:** No Cause (7/10/13)  
**Case Type:** Auto Negligence  
**Judge:** George S. Leone, J.S.C.  
**Plaintiff's Atty:** Donald Caruthers, III, Esq.  
**Defendant's Atty:** Everett Simpson, Esq.  
 L-4806-11 Jury

**VERDICT:** No Cause Liability Verdict: 100% Against Defendant, Damage Verdict: 0% Against Defendant (7/17/13)  
**Case Type:** Auto Negligence  
**Judge:** Anthony M. Pugliese, J.S.C.  
**Plaintiff's Atty:** Edward M. Mulvihill, Esq.  
**Defendant's Atty:** Charles Blumenstein, Esq.  
 L-4457-11 Jury

**VERDICT:** Damage Verdict: 60% Against Defendant (7/19/13)  
**Case Type:** Medical Malpractice  
**Judge:** John T. Kelley, J.S.C.  
**Plaintiff's Atty:** Gary Ginsberg, Esq.  
**Defendant's Atty:** John Talvacchia, Esq. and Tom Walsh, Esq.  
 L-4964-08 Jury (7)

**VERDICT:** No Cause (7/24/13)  
**Case Type:** Auto  
**Judge:** John T. Kelley, J.S.C.  
**Plaintiff's Atty:** Bryan Roberts, Esq.  
**Defendant's Atty:** Colleen Ready, Esq.  
 L-5368-10 Jury (6)

**VERDICT:** Liability Verdict: 100% Against Plaintiff on the Issue of Residency (7/30/13)  
**Case Type:** Auto Negligence  
**Judge:** Deborah Silverman Katz, J.S.C.  
**Plaintiff's Atty:** Bruce Wallace, Esq.  
**Defendant's Atty:** Walter Iacovone, Esq.  
 L-5760-10 Jury (6)

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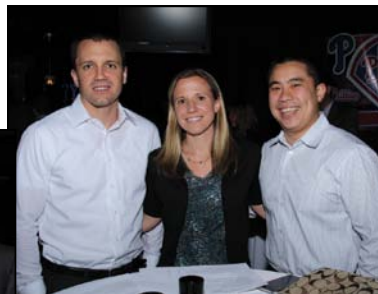
Bar Foundation "Best of the Brew" Tasting Party



Anthony Mongeluzo, Michael Nelson & Vincent D'Agostino



Nina & Mike Dennin



Jack McDermot, Lindsay Wagner & Rich Ramones



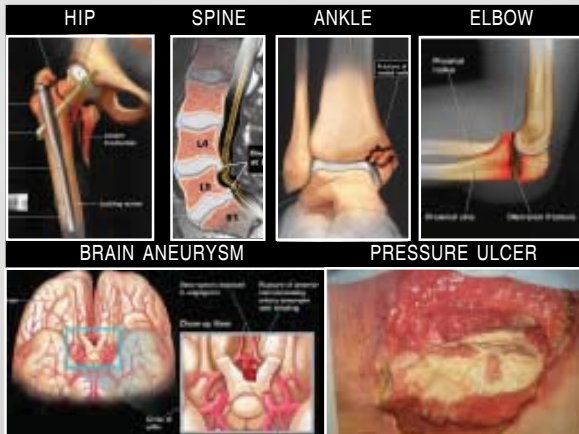
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