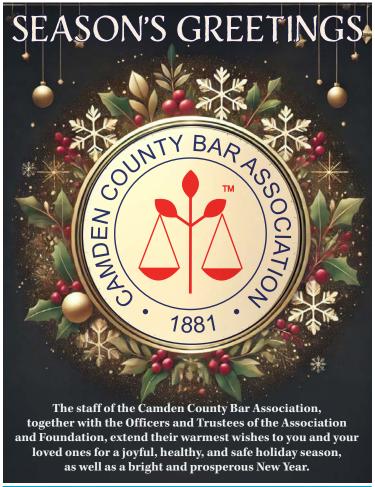
THE BARTON AND THE BA

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VOL. 73, NO. 4 • DECEMBER 2024





The CCBA's annual Holiday Party returns **December 10 at Treno Pizza Bar** in Westmont. Enjoy a delicious assortment of gourmet pizza, buffet style entrees, live music and share the joy of the season. Tickets are available on our website at *camdencountybar.org*, or by calling Bar Headquarters at 856.482.0620.

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ADOPT A FAMILY FOR THE HOLIDAYS

Give the gift of JOY this holiday season! We still have more families that need to be adopted!

It's easy to participate. Just tell us the size of the family you wish to adopt and we'll let you know the ages of the children, their clothing sizes and, in some cases, their wish list. Then all you have to do is shop and feel good knowing that you are sharing the joy and spirit of the holidays with a family you will never meet but who will be touched by your kindness. We are also asking that you include enough food for their Christmas dinner. The amount you spend on gifts and food is up to you. The donation drop off will be on Friday, December 20 from 8:30 a.m. to 10:30 a.m. at St. Joseph Pro Cathedral Church in Camden. You will receive details and directions with your family assignment.

Please contact **Kara Edens Graser** at *kara@camdencountybar.org* for family assignments or call (856) 482-0620 if you have any questions. Please see the flier included in this issue for more information.

CHILDREN'S HOLIDAY PARTY SET FOR DECEMBER 7!

The Camden County Bar Foundation will again provide food and gifts to children in Camden who need it most. The Camden County Bar Foundation is working with Boys & Girls Club, Better Tomorrows, Holy Name, Hispanic Daycare, and the Anna Sample House to provide the children they serve with presents, food and stocking stuffers. This heartwarming event features a hot breakfast, a festive carol sing-along, a magic show, and visits from special guests straight from the North Pole.



Each child will have the chance to meet Santa, take a photo with him, and receive a wrapped toy along with a goodie bag. You can help make a difference by volunteering to wrap gifts before the party, assist with setup, chaperone during the event, or help with clean-up afterward.

Alternatively, consider making a tax-deductible donation to the Foundation to ensure every child has a memorable and joyful experience! Check out the flier in this month's issue for more information.

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Richard J. Talbot, Esq.

535 Route 38 · Suite 328 · Cherry Hill, NJ 08002 856.665.7140 **DECEMBER 2024**

THE DOCKET DEC 2024

Wednesday, December 4

All-You-Can-CLE 8 a.m. - 4:30 p.m. - Via Zoom

Thursday, December 5

Wrapping Party 5 p.m. - Bar Headquarters

Saturday, December 7

Children's Holiday Party 8 a.m. - Boys & Girls Club, Camden

Tuesday, December 10

CCBA Board of Trustees Meeting 4 p.m. - Treno Pizza Bar

Holiday Party 5:30 p.m. - Treno Pizza Bar

Wednesday, December 18

YLC Happy Hour 5 p.m. - Reunion Hall

Friday, December 20

Adopt-a-Family Drop Off 8:30 a.m. - St. Joseph Pro Cathedral

Tuesday, December 24

Christmas Eve CCBA Closed for Holiday

Wednesday, December 25

Christmas Day CCBA Closed for Holiday

Tuesday, December 31

New Year's Eve **CCBA Closed for Holiday**

Tentative Agenda for December 10 Board Meeting

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

- I. Call to Order
- II. Approval of Minutes from Meeting
- III. Treasurer's Report
- IV. President's Report
- V. Executive Director's Report
- VI. Committee Reports
 - a. Membership Committee
 - b. Young Lawyers Committee
 - c. Standing Committee Reports
- VII. Foundation Update
- VIII. NJSBA Update
- Old Business (if any)
- New Business (if any)
- XI. Adjournment

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GOT NEWS?

Do you have news you want to share with the CCBA membership? Submit your newsworthy items for publication in The Barrister to Kara Graser at kara@camdencountybar.org! We are happy to publish news of board appointments, participation in charitable organizations, awards and honors, joining a new firm, and more! We want to hear from you and help celebrate our members' accomplishments.

Send your news today!

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• HALF DAY: \$100 • FULL DAY: \$250

FOR OUR RESPECTED NON-MEMBERS:

• HALF DAY: \$150 • FULL DAY: \$300



THE BARRISTER

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

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PRESIDENT'S PERSPECTIVE

By Matt Rooney

Ralphie wasn't wrong when he famously observed how "Christmas was on its way. Lovely, glorious, beautiful Christmas, upon which the entire kid year revolved."

But this season isn't just for children. It's the time of year for the young and young at heart to be with the ones they love, and we at the Camden County Bar Association (CCBA) sure hope that includes us!

In that spirit, I wanted to invite each of you to join me at at least one of our upcoming holiday season gatherings:

Camden County Bar Association Holiday Party

December 10th from 5:30PM to 8:30PM

Treno

233 Haddon Avenue Haddon Township, NJ 08108 Young Lawyer Committee Holiday Happy Hour
December 18th from 5PM to 7PM

Reunion Hall

206 Haddon Avenue Haddon Township, NJ 08108

Tickets are available but going fast over on the CCBA website.

We have big plans for 2025. For now, it's time to celebrate another successful year and take stock of all of our many collective successes and blessings accumulated throughout 2024. We'll see you in December at Treno and hopefully Reunion Hall, too! But if not because you're traveling or otherwise occupied, our entire CCBA family wishes you a very merry Christmas, happy Hanukkah, and unambiguously wonderful start to what we expect will be a triumphant new year!

CCBF & HOPEWORKS PARTNER FOR SPECIAL EVENT NOVEMBER 11TH

It was a fantastic day at Hopeworks on November 11 as 12 volunteers came out to conduct mock interviews with Hopeworks students. The volunteers provided invaluable feedback, helping the students build confidence and refine their interview skills. It was a great opportunity for the students to gain real-world experience and prepare for future career opportunities. We even had a fun tie demonstration by one of our volunteers! It was a great way to add a personal touch to the day, teaching students how to

properly tie a tie for interviews or professional settings. A small gesture, but it definitely made the experience more memorable and practical!

For those who may not be familiar with Hopeworks, we highly encourage you to check them out. Hopeworks is an amazing organization dedicated to empowering young people through education, technology, and career development. They provide invaluable support to help students achieve their full potential and succeed in their futures.



 $Special\ thanks\ to\ the\ following\ individuals\ for\ participating, and\ to\ Brown\ \&\ Connery\ for\ providing\ lunch\ for\ the\ participants:$

Tess Berkowitz Rachael B. Brekke Kara Graser Michael Hagner Lynda Hinkle Dana Hinton Alyssa Lott Jessica O'Hearn Bob Patterson Simon Rossetter Madison Rupert Ashley Zimmerman



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2024 CAMDEN COUNTY PROFESSIONAL LAWYER OF THE YEAR NOMINATIONS

Nominations for Camden County's 2024 Professional Lawyer of the Year Award are now being accepted. The Professional Lawyer of the Year Awards are presented jointly by New Jersey Bar Associations and the New Jersey Commission on Professionalism in the Law to recognize deserving individuals and focus positive attention on the good works done by members of the legal profession.

The criteria for determining a Professional Lawyer of the Year are:

- A lawyer/judge who is committed to the ideals of professionalism
- Who is well recognized in the legal community for character and competence.
- Who is respected by all and looked upon as a model of professional behavior.

The awards will be presented at the annual awards luncheon next June.

Selection of the recipient is NOT based on the number of nominations an individual receives. Each nominee is reviewed by the CCBA selection committee with the recipient determined by who best exemplifies the criteria set forth.

To nominate a colleague for this prestigious award, use the nomination form included in this month's inserts.

NOMINATIONS ARE DUE TO BAR HEADQUARTERS BY 5 P.M., DECEMBER 31.

FOUNDATION'S FALL FROLIC ANOTHER RESOUNDING SUCCESS!

On November 12, the CCBF held its annual Fall Frolic at Kaminski's in Cherry Hill, and it was truly a night to remember! Guests gathered to enjoy a delicious buffet, cocktails, and great company, all while supporting the Foundation's upcoming Children's Holiday Party. The event was a perfect blend of camaraderie and community spirit, with everyone coming together to raise funds for a wonderful cause. The Foundation raised over \$3,100 – a new record! – and the success of the evening will help make this year's holiday celebrations even brighter for the children and families served by the Foundation.



Adam Cohler and Michael Dennin



Carl Willers and Antonio Sorbello



CCBF President Rachael Brekke, Jessica O'Hearn, Tess Berkowitz and Stephanie Zane





Carly Fowler and Lynda Hinkle



Joe Maccherone, Ellen McDowell and Michael Galpern

FOUNDATION'S FALL FROLIC ANOTHER RESOUNDING SUCCESS!



Howard Mendelson, Michaela Rygalski, Samantha Tishgart, Brooke Kelly, Andrew Parsinitz and Kevin Costello



John Ianelli and Daniel Gee



Colin McHugh, Morgan Rapp, Patrick Afriyie, Stephanie Zane and Robert Egan



Michael Dennin, Abraham Tran and Simon Rossetter



Jennifer Fowler and Jeanette Kwon

FOUNDATION'S FALL FROLIC ANOTHER RESOUNDING SUCCESS?



Thomas O'Bade, Carrie Boyle and Michael Galpern



Judge Michael Joyce and Robert Egan



Lynda Hinkle and Marty Abo



Joseph Gable, Megan Gable and Michael Galpern



Michael Hagner & Dan Mellor

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Special Needs and Settlement Protection Trusts: What are They and When Do I Need Them? Part 1

by Thomas D. Begley, Jr., Esquire, CELA

In the settlement of a personal injury case questions frequently arise as to the various types of trusts that may be utilized and whether or not a trust is necessary. This is the first of a two-part series.

Five Types of Litigation Trusts

There are five types of trusts commonly used in connection with litigation settlements. They are a Self-Settled Special Needs Trust (SSSNT), an SSSNT with Medicare Set-Aside (MSA) Provisions, a Settlement Protection Trust (SPT), an SPT with Special Needs Provisions, and an SPT with Special Needs and MSA Provisions.

Requirements of a Self-Settled Special Needs Trust

SSSNTs are the creature of federal statute. The language in the statute is very brief, but raises many issues.

NOTE: The statute has been amended to permit "the individual" to establish the trust.

"A trust containing the assets of an individual under age 65 who is disabled (as defined in § 1614(a)(3)) and which is established for the benefit of such individual by a parent, grandparent, legal guardian of the individual, or a court, if the state will receive all amounts remaining in the trust upon the death of such individual up to the amount equal to the total medical assistance paid on behalf of the individual under a state plan under this title."

Assets of the Individual

The trust must contain only assets of the individual trust beneficiary. The

personal injury settlement belongs to the plaintiff and, therefore, are the plaintiff's assets. Family members or friends should not contribute assets to a Self-Settled Special Needs Trust. Family and friends could establish a Third Party Special Needs Trust. The requirements for that type of trust are different and can only be funded with assets of someone other than the injured plaintiff.

Under Age 65

Occasionally an injured plaintiff age 65 or older wants to establish an SSSNT, but this is not possible except in a few states that permit Pooled Trusts for individuals over age 65. SSSNTs must be established and funded prior to the beneficiary attaining age 65. The only exception to the funding is that if a Structured Settlement is purchased prior to age 65, payments can continue into the SSSNT after the beneficiary attains age 65.

Disabled

The beneficiary must be *disabled* as defined in the Social Security Act.² Disability is defined as:

"an individual shall be considered to be disabled for purposes of this subchapter if he is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months (or, in the case of a child under the age of 18, if he suffers from any medically determinable physical or mental impairment of comparable severity)."

Continued on Page 9

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Special Needs and Settlement Protection Trusts: What are They and When Do I Need Them? Part 1

This means that the disability cannot be short term. It must be expected to last at least one year. Healthy individuals should consider purchasing short-term disability insurance to cover that one-year gap. Typically, the determination process for disability eligibility takes from three to five months. If the application is rejected twice, there must be an appeal to the Social Security Administration. The fact that the plaintiff is receiving Medicaid does not necessarily mean that he or she is disabled, so disability must be determined.

Sole Benefit Of

The Program Operating Manual System (POMS) of the Social Security Administration as well as the statute require that distributions from the trust be for the sole benefit of the disabled individual. In 2019, the Social Security Administration liberalized its interpretation of the sole benefit rule and introduced a new "primary benefit" standard for distributions to third parties for goods and services. The sole benefit of requirement causes considerable difficulty with State Medicaid Agencies reviewing the administration of SSSNTs.

Established By

The trust can be established by a parent, a grandparent, a legal guardian of the individual, a court, or the individual beneficiary. It should be noted that in most states a court order is required authorizing a guardian to establish a trust. If the court is establishing the trust, the court order must state that the trust is required. The court order should clearly state that the trust is established and required. Approval of the trust by a court is not sufficient.3 Judges are reluctant to sign the trust document, so the order should provide that the court directs someone else to sign the document on behalf of the court. An SSSNT may be established by a State Trial Court, a Federal Court, a Probate Court, or a Family Law Court. There is an issue as to whether a Worker's Compensation Court can establish an SSSNT. This may be state-specific. Does state law authorize a Worker's Compensation Court, Commission or Agency to enter orders that are equivalent to other constitutionally-created judicial bodies? The established by the court must not already be in existence. Court approval of an already created SSSNT is not sufficient to establish the trust.

Payback

The trust must contain a payback provision providing that the state Medicaid agency will receive all amounts remaining in the trust upon the death of the beneficiary up to an amount equal to the total medical assistance paid. The trust must contain specific language to that effect.⁴ Reimbursement must be up to an amount equal to the total medical assistance paid on behalf of the individual. If more than one state paid for medical assistance for the beneficiary then all states must be reimbursed. In most states the state is considered a creditor not a residual or contingent beneficiary unless the trust reflects a clear intent that the state be considered a beneficiary rather than a creditor.

- 1 42 U.S.C. § 1396p(d)(4)(A)
- ² 42 U.S.C. § 1382c(a)(3)(A)
- 3 POMS SI 01120.203 B.8
- 4 POMS SI 01120.203.B.1.g

Begley Law Group, P.C. has served the Southern New Jersey and Philadelphia area as a life-planning firm for over 85 years. Our attorneys have expertise in the areas of Personal Injury Settlement Consulting, Special Needs Planning, Medicaid Planning, Estate Planning, Estate & Trust Administration, Guardianship, and Estate & Trust Litigation. Contact us today to begin the conversation.

VERDICTS IN THE COURT

November 2024

SUPERIOR COURT OF NEW JERSEY

VERDICT: Liability Verdict - Total Damages Verdict: \$202,000 (11/1/2024)

Breach Of Contract Michael J. Kassel, J.S.C Case Type: Judge:

Plaintiff's Atty: PF1 Edward T. Kang, Esq. / PF2 Kyle Garabedian, Esq. Defendant's Atty: DF1 Thomas McBride / DF2 Gina M. Roswell / DF3 Fredric L. Shenkman Plaintiff's Atty

L-5039-19

No Cause (11/13/2024) Auto Neg-Tort Daniel A. Bernardin, J.S.C. Jeremy M. Weitz, Esq. VERDICT: Case Type: Judge: Plaintiff's Atty: Defendant's Atty: Harold Thomasson, Esq.

L-1346-22

VERDICT: No Cause (11/14/2024) Case Type: Auto

Donald J. Stein, J.S.C. Judge

Plaintiff's Atty: Michael Nuccio, Esq. / Shayna Shorr, Esq Defendant's Atty: Steven Antinoff, Esq.

L-3419-20

No Cause (11/20/2024) 508 - Complex Commercial VERDICT: Case Type: Case Type:

Judge: Steven J. Polansky, P.J.Cv.

Plaintiff's Atty: Justin Proper, Esq. / Natalie Molz, Esq.

Defendant's Atty: Michael Lauricella, Esq. / Thomas Gosse, Esq.

L-2934-20



Michael A. Mink, Esquire, has joined Rosenberg Perry & Associates, LLC.

Mr. Mink will be appearing throughout Central and Southern New Jersey & is accepting referrals for Criminal & Municipal Court, DUI/DWI, and Restraining Order matters.

> (609) 216-7400 mmink@rosenbergperry.com



1099 Forms Are Not Optional — They're Required By Law

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

We wanted to provide this reminder to ensure that you meet your obligation for all 2024 payments to unincorporated individuals and businesses of \$600 or more (rents, services, prizes, attorney fees, etc.). The IRS is increasingly focusing their attention in

this area since it is the agency's main weapon against under reporting of income. Penalties for failing to file correct information returns have more than doubled in the last few years alone while employers, simple schedule Cs and even single property landlords, are facing intense new scrutiny of their 1099s to prevent under-reporting by independent contractors. Failure to file the form for 2024 or providing wrong information could cause a penalty that could be as much as \$330 per each 1099 omitted.

The filing deadline due to the recipients/payees for 2024 W-2s and most 1099 forms is January 31, 2025 (February 17, 2025, for some). Such filing is due to the IRS by February 28, 2025, except for the 1099-NEC which is also due January 31, 2025. To cut down tax fraud, many states have moved up the filing deadline.

You really should try to get your bookkeeping done as soon as you can right after January 1, 2025. You want to allow enough time to complete and have the 1099s reviewed so you can meet the required January 31, 2025, filing deadline for distribution to those individuals (and then to the taxing authorities).

Consider making a copy of this memo for your employee/bookkeeper.

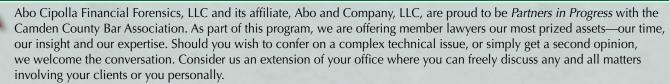
We strongly encourage our business clients, nonprofit organizations, rental property owners, individuals filing a Schedule C as a sole proprietor or sole member LLC and other such friends of the firm to consider:

- 1. First, you must determine if you have a trade or business. If you are operating to make a gain or profit, even solely as an independent contractor, you have a trade or business. If you run a nonprofit organization, a government agency, or a trust of a qualified pension or profit-sharing employer plan, such are trades or businesses for 1099. While the IRS might have previously abated or reduced the steep penalties, we're advised such may not be the case.
- 2. Sending 1099 forms is not optional, it is the law. Forms 1099 provide the means of reporting very specific income types from non-employment-related sources that might not be captured elsewhere. If you or your trade or business paid someone (other than employees on payroll or for product purchases) the taxing authorities want to know about it. Business income tax returns (that includes the 1040 for a sole proprietor) even include a question asking if Forms 1099 were filed as required with your signature, under penalty of perjury, certifying your response to be

Continued on Page 11

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Remember! It doesn't cost you anything to call us on a matter. It may cost you dearly by not calling us on that matter. We can help, so why not give us a call!

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1099 Forms Are Not Optional— They're Required By Law

Continued from Page 10

- 3. In 2020 the IRS introduced Form 1099-NEC, Nonemployee Compensation, as the new way to report self-employment income instead of Form 1099-MISC as traditionally had been used. While many states do not require 1099 submission since they get such from the IRS, the 1099-NEC is not so included. Thus, states like New Jersey, Pennsylvania, Delaware and several others are requiring such separate filing. You need to check current requirements for the states requiring a separate submission for compensation performed by its residents or when services are performed within that state by a non-resident.
- 4. Remember the "general rule" is that business owners (and, yes, "gig economy" and side income services are effectively "businesses") must issue a Form 1099-MISC or the 1099-NEC to each person to whom you have paid at least \$600 in rents, services (including parts and materials), prizes and awards or other income payments. Note you need not issue 1099s for payment for personal purposes.
- 5. Do not send a 1099-MISC to an employee since that is what a W-2 is for (The due date for furnishing statements to recipients for Forms 1099-B, 1099-S, and 1099-MISC-if amounts are reported in boxes 8 and 10 is February 15, 2025. 1099-NEC must be sent to the IRS by January 31, 2025, not like the 1099-MISC or others due to the IRS by February 28, 2025, or April 1, 2025, if filing electronically). Employers must furnish the recipient copy of their W-2 or 1099 by January 31, 2025.
- 6. If the recipient believes they are an employee, they should request you, as the payer, to correct this form. They can always report this amount on the line for "Wages, salaries, tips, etc." of their 1040 but should also complete Form 8919, attaching it to their return.

- 7. If you must file 10 or more information returns during the year, you must file electronically. The 10-or-more requirement applies separately to each type of form. The electronic filing requirement does not apply if you apply for and receive a hardship waiver.
- 8. If you must file electronically but fail to do so, and you do not have an approved waiver, you may be subject to a penalty of up to \$330 per return for failure to file electronically unless you can establish reasonable cause. However, you can file up to 249 returns on paper.
- Do not send a 1099-MISC to someone where you have personally paid to him or her. An independent contractor to whom you have made a personal payment unrelated to your "trade or business" doesn't receive a 1099.
- 10. Do not send a 1099 to someone you've paid by credit card, debit card or by services like PayPal, Square, Venmo or eBay. Such payments will be embodied in a 1099-K that they will receive from their merchant services provider. Beginning 1/1/2024, a payment app or online marketplace is required to send them a Form 1099-K if the payments they received for goods or services total over \$5,000 with no transaction minimum (it was 200 transactions last year). However, they can send a Form 1099-K with lower amounts. Whether or not they receive a Form 1099-K, they must still report any income on their tax return. This includes payments for any: goods sold, including personal items such as clothing or furniture; services provided; property rented, etc. Payments can be made through any: payment app; online community marketplace; craft or maker marketplace; auction site; car sharing or ride-hailing platform; ticket exchange or resale site; crowdfunding platform; freelance marketplace. If payments are accepted on different platforms, they could get more than one Form 1099-K.

Continued on Page 12



1099 Forms Are Not Optional— They're Required By Law

Continued from Page 11

- 11. The instructions still note that Forms 1099-MISC and 1099-NEC are "continuous-use" forms, along with their instructions. This means that the forms will revise them throughout the year, no longer annually.
- 12. Governmental entities must file Form 1098-F, *Fines, Penalties and Other Amounts*, to report payments made under suits and agreement, which were binding on or after January 1, 2022.
- 13. Review all disbursements made from January 1, 2024, through December 31, 2024, summarizing all payments to unincorporated individuals and businesses where the accumulated total is \$600 or more. Nonprofit organizations are considered engaged in a trade or business and are subject to these reporting requirements. LLCs that elect to be treated as an S or C Corporation need not be issued 1099s, but most LLCs will probably require the issuance of 1099s. Have the correct name, employer identification or social security number and address. If you're unable to confirm whether a particular establishment is a corporation or not, issuing a 1099 might be a wise precaution. You can't go wrong sending more 1099s than required but you can be penalized if you don't file what you are required to.
- 14. Beyond having to possibly face a government audit, if you fail to file the correct information by the deadline, fail to include all the required information on a return, or if you include incorrect information, you can be subjected to an array of steep penalties if you cannot show reasonable cause. If the payee fails to furnish his or her taxpayer identification number (TIN), they are subject to backup withholding at a 24% rate. If you do not collect and pay backup withholding from affected payees as required, **you** may become liable for any uncollected amount. An easy way to stave off penalties for name/TIN mismatches is to use the IRS' free online TIN matching program before completing 1099 forms. We understand you may verify up to 25 name/TIN combos on the screen but that you must register with the IRS to use this program.
- 15. Do not use Form 1099-MISC to report employee business expense reimbursements. These payments made to employees under a non-accountable plan are reported as wages on Form W-2.
- 16. A good accounting policy is to require every vendor to complete and provide a W-9 (revised March 2024) before you pay them. This is the best way to collect the information to determine, (a) if they need a 1099 and (b) how it should be issued. With the W-9 on file, you can eliminate the hassles of phone calls to individuals wary of giving you their social security number; avoid having to chase down independent contractors who moved (or don't return phone calls); or having to wait on hold while someone at a vendor's office tries to track down a federal identification number. (Sound familiar? We suggested doing this at the beginning of last year). These payees use the W-9 tax form to verify their correct taxpayer identification number (TIN) and to certify that they are not subject to backup withholding.
- 17. You must report inside and outside Directors' Fees and other non-employee remuneration, including payments made after retirement. Other potential recipients you might overlook include outside accountants; lawyers; salespeople; auto mechanics or service stations that repair company autos; office cleaners; plumbers; painters; carpenters; IT consultants; repair people; equipment lessors; office/company auto lessors; inside and outside corporate directors and recipients of prizes and awards.

- **18.** If you pay rent <u>to or</u> through a real estate agent (typically property managers) you are an exception to filing a 1099. However, remember that you do need to issue a 1099 to a landlord you are paying rent unless you meet another exception.
- 19. Firms maintaining trust or escrow accounts must review all disbursements made in 2024. Payments frequently overlooked-where 1099s should be issued-- include payments out of these trust accounts and disbursements for interest, rentals, contracted services (other than employees), part-timers where W-2s are not required or issued, commissions, individuals performing plant maintenance or cleaning services, etc. Forms 1099 are required for individuals, partnerships, LLCs, etc. Don't assume, just because a payment is made to a "company," that it is a corporation.
- Exempt from issuing a 1099 would be for sellers of merchandise, freight, storage or similar items. Make sure you use the latest versions of the 1099-MISC and 1099-NEC for non-employee compensation.
- 21. Involved with as many lawyers and law firms as we are, we've seen confusion abound in this arena. We're not trying to frighten you, but did you know that the IRS has a special manual which deals exclusively with auditing lawyers (call us separately to discuss as we have lectured frequently on this)? Well, straight from the IRS audit guide specifically dealing with attorneys, is their focus on lawyers not issuing 1099s to independent contractors (like experts from Abo Cipolla Financial Forensics, LLC) out of an attorney's trust account. The argument that the funds belonged to the contractor will not relieve the attorney from this reporting responsibility. 1099s are also required to be filed for payments to recipients of lawsuits unless specifically exempt from taxation (another reason to call us).

Game 10 = \$500 Prize ne sheets. Each shee Join us for a night of games and laughs! Tickets \$45 each the event of a tie, the priz **HURRY** - Tickets WILL sell fast! **GLENDORA** 6 P.M. **JANUARY FIRE HALL DOORS OPEN AT 5:30** To purchase tickets, call 856-482-0620 or egister online: www.camdencountybar.org If gambling is a problem for you or someone in your family, call 1-800-GAMBLER 12 The Camden County Bar Foundation is a 501(c)(3) not for profit charitable organization registered with the Office of the Attorney General of New Jersey. ontributions to the Foundation are tax-deductible to the extent allowed by currer ts regulations. Donation and sponsorship opportunities available on the next pag

1099 Forms Are Not Optional— They're Required By Law

Continued from Page 12

- 22. The exemption for payments to corporations does not apply to payments for legal services. Payments to attorneys for legal fees that amount to \$600 or more should be reported **even if the attorney is incorporated** in box 1 of Form 1099-NEC.
- 23. Generally, do not report the claimant's attorney's fees. For example, an insurance company pays a claimant's attorney \$100,000 to settle a claim. The insurance company reports the payment as gross proceeds of \$100,000 in box 10 of the 1099-MISC. However, the insurance company does not have a reporting requirement for the claimant's attorney's fees paid from these funds. These rules apply whether:
 - i. The legal services are provided to the payer.
 - ii. The attorney is the exclusive payee (for example, the attorney's and claimant's names are on one check); or
 - iii. Other information returns are required for some or all of a payment.

Another example, a person who, in a trade or business, pays \$600 of taxable damages to a claimant by paying that amount to a claimant's attorney is required to:

- 1. Furnish Form 1099-MISC to the claimant, reporting damages, generally in box 3; and
- 2. Furnish Form 1099-MISC to the claimant's attorney, reporting gross proceeds in box 10.

However, these rules do not apply to wages paid to attorneys reportable on Form W-2 or to profits distributed by a partnership to its partners reportable on Schedule K-1 (Form 1065, Partner's Share of Income, Deductions, Credits, etc.)

24. For information returns filed for tax year 2024, including Forms 1099-MISC and 1099-NEC, employers will have to file electronically if they file at least 10 information returns in a year. In years past, the employers did not have to file such 1099s electronically unless they filed at least 250 returns in a year. It's not 10 of a specific form but, rather, an aggregate of all the information returns filed under an Employer Identification

- Number. To e-file information returns with an IRS system, you need to apply for a TCC. This five-character, alphanumeric code identifies your firm or entity when you e-file. Don't delay in completing your TCC application. It may take up to 45 days for processing.
- 25. Many clients have followed our suggestion of having 1099s prepared by in-house staff or payroll service bureaus to keep our accounting fees at a minimum. Regardless, such individuals or enterprises should make sure that they still have someone (like us) review all 2024 expenditures since we have frequently noted many types of payments go undetected (and often well beyond the proper due date for reporting). We have seen all too many small businesses and self-employed individuals forget their January or February 1099 responsibilities just because they have not completed their accounting (often neglected just because income tax return filing was extended).
- 26. Generally, amounts reported on 1099-NEC are subject to self-employment tax. If payments to individuals are not subject to this tax and are not reportable elsewhere on Form 1099-MISC, report such in Box 3.
- 27. A canceled debt is not reportable on Form 1099-MISC. Report canceled debts on Form 1099-C
- 28. If you hire a non-U.S. citizen who works remotely via the Internet from another country, generally, you need not file a 1099 for that person. However, if the foreign worker performs any work inside the United States, you will need to file the 1099. It is your responsibility to verify that the worker (1) is a non-U.S. citizen, and (2) performed all work outside the United States. For that purpose, have that foreign worker fill out, sign and return to you Form W-8BEN.
- 29. A payer who later discovers an error should re-issue a corrected 1099 form to that payee and correct the filing with the IRS. If you are a payee, review every 1099 you receive against your own records. This is for a couple of reasons: The payer may have made a mistake, such as the wrong amount. If so, contact the payer and ask to have the 1099-MISC form corrected and reissued.



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Don't Miss Out on Your Membership Benefits!

As a reminder, under the Association's dues policy, any member whose dues remain unpaid as of September 1 will lose access to all membership benefits. This means unpaid members won't be able to attend members-only events, will have to pay non-member tuition rates for Association-sponsored CLE seminars and events, and won't be eligible to serve on committees. Plus, you'll miss out on the discounts and services offered by our Association Partners in Progress. But don't worry—once your dues are paid in full, all benefits will be restored.

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Have questions or prefer to pay by credit card? Give us a call at (856) 482-0620.

Are you the Elusive Nonfiler that the IRS is searching for?

Continued from Page 13

- 30. Issuing a 1099 where the payee's name and TIN (Taxpayer Identification Number) don't match will likely garner extra IRS scrutiny. An easy way to stave off penalties for such may be to use the IRS' free online TIN matching program. You must register with the IRS to use this program, and it is limited to match up to 25 name/TIN combos on the screen. You can truncate the first 5 digits of a payee's TIN on their 1099 but forms filed with the IRS must contain the full TIN and do not truncate your own TIN on those 1099's you issue (i.e., xxx-xx-1234 or xx-xxx1234).
- 31. Don't assume you're off the hook for reporting income if you don't receive a Form 1099. Even if you never receive a Form 1099, if you receive income, you must report it. You don't need a 1099 to report income. We suggest you update your address directly with payers and putting a forwarding order in with the U.S. Post Office if you've moved. Logic dictates you should see any forms the IRS sees.
- 32. It's worth repeating so, if you fail to file the correct 1099 information return by the due date and you cannot show reasonable cause, you may be subject to a penalty. Again, the penalty applies if you miss the filing deadline or fail to provide complete and / or correct information on 1099. The 1099 penalty also applies if you file on paper when you had to file electronically, or your 1099 paper forms are not machine readable. And penalties may apply if you fail to report or include a correct TIN (Tax Identification Number). The 1099 deadline penalty is based on when you file the correct information return.
- 33. If you fail to file your 1099 by the due date, you may be subject to a late filing penalty. The penalty applies if you fail to file timely, or do not include all the required information, or provide incorrect information. This penalty also applies if you were supposed to file electronically, but you filed on paper or reported incorrect TIN. The 1099 penalty increases with time. The penalties are:
 - \$60 per 1099 if you correctly file within 30 days of the due date.
 - ii. \$130 per 1099 if you correctly file over 30 days after the due date but by 8/1.
 - iii. \$330 per 1099 if you file after 8/1, or you do not file the required 1099.
- 34. The thresholds are lower for small businesses and the IRS considers you small business if you made \$5 million or less in average annual revenue for the previous three years.
- 35. If any failure to file a correct information return is due to intentional disregard of the filing or correct information requirements, the penalty is at least \$660 per information return with no maximum penalty.
- 36. You must provide payees statements (or recipient copies) by the due date. Different forms have different due dates. If you fail to provide copies to your payees by the due date, you may be subject to a penalty. The penalty applies if you fail to provide the statement or fail to include all required information, or you include incorrect information on the statement.
- 37. The penalty is based on when you furnish the correct payee statement. It is a separate penalty and is applied as the penalty for failure to file correct information returns by the due date. However, if the error or omission on the payee statement does not hinder the payee from using the 1099 information to file his or her tax returns, then the error is considered inconsequential,

- and the penalty can be waived. Errors and omissions considered unforgiving are wrong amounts, significant missing payee's address, unacceptable substitute form.
- 38. If you must file electronically but fail to do so, and do not have an approved waiver or establish a reasonable cause, you may be subject to a penalty of up to \$330 per return for failure to file electronically. However, you can file up to 9 returns on paper; those returns will not be subject to a penalty for failure to file electronically. The penalty applies separately to original returns and corrected returns.
- 39. If you willfully file a fraudulent 1099 for payments you claim you made to another person, that person may sue you for damages.

Martin H. Abo, CPA/ABV/CVA/CFF is a principle of Abo and Company, LLC and its affiliate, Abo Cipolla Financial Forensics, 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, Morrisville, PA and Franklin Lakes, NJ. Marty can be reached at marty@aboandcompany.com or by calling 856-222-4723 ext. 104.



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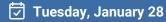
Probate & Trust

Committee

NEW TRENDS IN ESTATE & TRUST LAW: THE STEVE & TONY (& FRIENDS) SHOW

Topics:

- Will Contests
- Trust Disputes
- Litigation Regarding Gifts
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- Legal Malpractice



(L) 12 p.m. - 2:15 p.m.



Zoom Webinar

By Jim Hamilton

It seems every four years, the election season now runs almost as long as that of MLB, although baseball still manages to finish by election day. At least we were able to return to the normalcy of being inundated with drug company commercials instead of the barrage of political advertisements that benefited from campaign budgets healthier than even those of Big Pharma. While the days of brick-and-mortar retailers trying to get us offline and into their stores with holiday offers and jingles announcing them are not as frequently seen since cable and streaming options dilute their placement in our ever-expanding airwaves, at least we can hope for a big win if we keep on scratchin'.

Well, we are smack in the middle of the holiday season, so perhaps some of us can escape the frenzy and find at least one of the hundreds of typically formulaic made-for-television holiday shows worth investing an hour or two of our non-sports viewing time. Perhaps watching with a glass or two of bubbly may even make the patches of snow Hallmark tries to keep from melting during summer movie filming seem convincing.

Ah, but what sparkling wine might we open for movie nights, holiday dinners, or as we celebrate with family, friends, or colleagues? When choosing the right bubbly, certainly the nature of the occasion will be a consideration. In many cases, the more significant the reason for opening the wine, the more freely one may spend on the purchase. The size of the group that will enjoy the wine also may impact the decision. Prestige (Tête de Cuvée) Champagnes such as Dom Perignon or Cristal may be a significant splurge for one or two couples, but their ever-increasing cost may require a pocket dig too deep for larger gatherings requiring multiple bottles. There are, however, options available to accommodate all budgets, and so once again, let's turn to some of our area's most knowledgeable wine retailers for their suggestions. Not only does this allow us to expand our wine horizons by enlisting their expert advice, but it also ensures that wines discussed will be available to purchase. I asked each of these savvy sources to recommend wines selling at three different price points:

A.) less than \$15,B.) between \$15 and \$30, andC.) more than \$30

Their selections along with their reasons and/or descriptions follow (and remember, "NV" means a non-vintage wine, typically because it is from grapes grown in more than one year).

Jimmy Quaile not only is the wine buyer and wine guru at the Roger Wilco store at 1001 Rt. 73, Pennsauken, but he also is a Certified Sommelier and author of the recently published book *Tales from the Wine Floor 100 Questions Asked of a Sommelier*. Jimmy and I recently served as judges at an annual homemade wine competition. We shared very similar views of the wines being tasted and he agreed to participate in this year's survey by sending along his sparkling wine suggestions:

A.) Mont Paral Vintage Brut DO CAVA

Origin: Catalonia, Spain;

Grapes: 40% Xarel-lo, 35% Macabeu, 20% Parellada and 5% Garnacha, aged on the lees for 24 months.

First Fermentation: In stainless steel.

Dosage: 7 g/L.;

"Aroma: Slightly floral nose with ripe red fruit and nutty nose. Palate: Notes of strawberry, cherry notes and hint of rhubarb; Gastronomy: Aperitif or paired with rich cheese pasta, fatty fish or sushi."

James Suckling: 91 Points; Price: \$13.98.

B.) Graham Beck Ultra Brut 2017 - Previously known as Brut Zero, "ultra-brut" is crafted without additional sugar (dosage).

Origin: Western Cape, South Africa;

Grapes: 67% Chardonnay, 33% Pinot Noir.

VINTAGE: 2017;

Cellar Treatment: Stainless steel tanks with a portion of the base fermented in neutral barrels. Secondary fermentation started in the bottle in July 2017 and disgorged in August 2022. Left on the lees for 62 months!

"Tasting Notes: Lemon zest and brioche notes with fresh acidity and refined mousse. Pairings: Fried chicken, oysters on the half shell and seafood."

Wine Advocate: 90 points. Price: \$28.98.

C.) Henners Brut NV

Origin: East Sussex, England;

Grapes: 40% Chardonnay, 35% Pinot Noir,

25% Pinot Meunier;

Cellar Treatment: Aged on lees for 3 years. "Aroma: sourdough and orange blossom. Palate: Apple and pear with toasted brioche and clotted Cream. Pairing: Soft Cheeses and fish and chips!" Wine Enthusiast: 91 Points. Price: \$39.98.



Nina Sygnecki of Traino's Wine and Spirits, 100 Church Road E. in Marlton (with another store on E. Evesham Road in Voorhees) offers for your consideration these bubblies:

A.) NV Col Messian Rosé Brut (\$10.99)

"This is a bright and crisp wine with aromas of red berries and white flowers. It is made from Garganega and Pinot Noir gra pes and is soft, perfumed, and very easy to enjoy."

B.) NV Famille Heraud Champerriere Brut (\$19.99)

"This is a Loire Valley treasure composed from Melon de Bourgogne, Chardonnay, and Cabernet Sauvignon grapes. It displays great complexity, with citrus notes and freshness after a nose of ripe blackberries."

C.) NV Antica Fratta Franciacorta Quintessence (\$84.99)

"Crafted from 80% Chardonnay and 20% Pinot Noir, this is an extra brut style wine possessing great structure, beautiful tropical notes, delivered with serious complexity."

Since they have not been included above, let me augment these thoughtful selections with a few inexpensive bubblies that also should be available in our marketplace. One very reliable, bargain-priced sparkling wine producer that is widely distributed is New Mexico's **Gruet**, which produces a nice lineup of sparkling wines including a rosé, an off-dry (demi-sec) version, and a slightly more expensive wine called Sauvage, a Blanc de Blancs that strives for a bit more elegance than Gruet's regular Blanc de Blancs or the similarly priced Brut, or Blanc de Noir.

WINEQIOOD

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If you prefer a French sparkling wine but don't want to pay Champagne prices, one option is the **NV Domaine Collin Cuvée Tradition**, a *Crémant* from southern France. This winery was begun when Phillipe Collin decided to leave his family's Champagne estate to find affordable land in the Limoux commune in the Languedoc. While he planted the traditional grapes of Champagne, Chardonnay and Pinot Noir (which make up 60% of this wine), he also planted a grape that does very well in this region, Chenin Blanc, which represents 40% of this wine.

Two sparkling wine types that have increased in popularity over the past decade, Prosecco and Cava from Italy and Spain, respectively, remain fertile fields for budget minded mousse hunters. In addition to Nina's offering, three Prosecco wines from Italy's Veneto region to consider are **NV Bisol Jeio, NV Bortolotti Superiore Brut, and NV Adami Bosco di Gica**, all of which are made from grapes sourced from vineyards in the highly regarded area around the town of Valdobbiadene. If you want another option for an inexpensive rosé Prosecco, one I recently poured at a tasting for Penn law students was a hit – **NV Ca Furlan Cuvee Mariana**. It is a wine composed of 85% of the traditional Prosecco grape, Glera, with 15% Pinot Noir giving it its light pink color. It probably is not a wine for fans of bone-dry bubbly, but its slightly off-dry approach does add a bit more body without affecting its ability to accompany a variety of dishes.

If we look to Spain for bubbly bargains, there are many regions that produce its signature sparkling wine, Cava, with those made from grapes in the Catalan region near Barcelona often among the best. Among options worth exploring are 2022 Raventos i Blanc Blanc de Blancs, NV Castellroig Brut, NV Bohigas Brut Cava Reserva., and if you desire a bit of pink in your sparkling wine, 2021 Llopart Brut Reserva Rosé

I thank Nina and Jimmy for sharing their expertise and their personal recommendations for wines you will be able to find at their respective stores. I hope everyone enjoys a positively *sparkling* holiday season! Cheers!!







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- \$500K Nursing Home/Hospital Neglect Pressure Ulcers
- \$750K Nursing Home Neglect During Rehab Admission-Infected Pressure Ulcer Surgery
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- \$400K Nursing Home Neglect Pressure Ulcer Developed on Cancer Patient During Rehab Admission
- \$400K Hospital and Nursing Home Neglect Pressure Ulcers
- \$550K Nursing Home Neglect/Violations of Rights Fractured Hip During Transfer Pressure Ulcers
- \$850K Nursing Home Neglect/Violations of Rights Bed Sores
- \$1 Million Nursing Home Neglect/Violations of Rights Pressure Ulcer and Fracture
- \$350K Judgment After Jury Verdict Nursing Home Hyperglycemia No Permanency
- \$400K Plus Judgment After Jury Verdict Nursing Home Violations of Rights and Negligence Proven

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SATURDAY, DECEMBER 7

AT BOYS & GIRLS CLUB 2 S. DUDLEY STREET, CAMDEN

Join us as the Camden County Bar Foundation hosts its annual Children's Holiday Party. Roughly 200 underserved kids will enjoy a day of fun, food, caroling, magic and, of course, a visit and picture with Santa and his elves, who provide each child with a wrapped gift and goody bag. Volunteers are needed for everything from assisting w/serving breakfast, to keeping the kids occupied as await the arrival of Santa.

Help us show these deserving kids a great time!

WRAPPING PARTY - DECEMBER 5 @ 5 P.M.

Help wrap presents and stuff goody bags Pizza will be served!

HOLIDAY PARTY - DECEMBER 7 @ 8 A.M.

Assist with set-up, breakfast, distributing gifts, etc.

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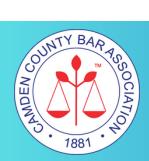
\$85 per person (\$75 admitted 5 years or less)

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CAMDEN COUNTY BAR ASSOCIATION 2024 CAMDEN COUNTY HARVEY M. MITNICK PROFESSIONAL LAWYER OF THE YEAR AWARD

Sponsored jointly with the New Jersey Commission on Professionalism in the Law

Your nomination for the 2024 Professional Lawyer of the Year Award should be one who is:

- 1. Well recognized in the community for character and competence;
- 2. Respected by all:
- 3. Considered to be a model of professional behavior.

PREVIOUS RECIPIENTS:

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George F. Kugler, Jr.	Ann M. Gorman
<u>2000</u>	<u>2014</u>
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<u>2001</u>	<u>2015</u>
Warren W. Faulk	Michael S. Berger
<u>2002</u>	<u>2016</u>
Ira R. Deiches	Michael A. Kulzer
<u>2003</u>	<u>2017</u>
Gladys E. Rodriguez	Jules A. Lieberman
<u>2004</u>	<u>2018</u>
Hon. Michele M. Fox	Robert G. Harbeson
<u>2005</u>	<u>2019</u>
Edward D. Sheehan	Gary W. Boguski
<u>2006</u>	<u>2020</u>
Frank D. Allen	Steven K. Mignogna
<u>2007</u>	<u>2021</u>
Andrew B. Kushner	Jenifer G. Fowler
<u>2008</u>	<u>2022</u>
Justin T. Loughry	Luke Griffith
2009	<u>2023</u>
Joseph A. McCormick, Jr.	Richard A. DeMichele, Jr.
<u>2010</u> William J. Thompson	

Nominations due December 31, 2024!

Complete the form below and email/mail/fax your nomination for the 2024 Harvey M. Mitnick Professional Lawyer of the Year Award. Please include information as to why you feel the nominee should be the recipient of this award (attach additional sheets). Please type or print clearly.

I am pleased to nominateAward.		_ for the 2024 Harvey M. Mitnick Professional Lawyer of the Ye	
Nominated by	Phone	Email	
Return form to:	Professional Lawyer of the Year Award Nominations	OR EMAIL TO: kara@camdencountybar.org	

c/o Camden County Bar Association 1939 Marlton Pike East, Suite 120

Cherry Hill, NJ 08003

OR FAX TO: 856.482.0637

Nominations due December 31, 2024!



BYOB & BYOF Light food & refreshments Will be served

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Games 1-9 = \$200 Prize
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Join us for a night of games and laughs! Tickets \$45 each

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*In the event of a tie, the prize will be divided equally.

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JANUARY 24

To purchase tickets, call 856-482-0620 or register online: www.camdencountybar.org

If gambling is a problem for you or someone in your family, call 1-800-GAMBLER

The Camden County Bar Foundation is a 501(c)(3) not for profit charitable organization registered with the Office of the Attorney General of New Jersey. Contributions to the Foundation are tax-deductible to the extent allowed by current IRS regulations. Donation and sponsorship opportunities available on the next page.

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Hall Sponsor - \$500 - includes 4 tickets to event, two raffle basket auction sheets

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Refreshment Sponsor - \$300- includes 2 tickets to event, one raffle basket auction sheet

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*includes 4 tickets to event, two raffle basket auction sheets

Raffle basket donations greatly appreciated!

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To reserve your sponsorship, contact Bar Headquarters at 856-482-0620 or email Nicholas DeMarco at ndemarco@camdencountybar.org.

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Presented by the CCBA's Probate & Trust Committee

NEW TRENDS IN ESTATE & TRUST LAW: THE STEVE & TONY (& FRIENDS) SHOW

Topics:

- Will Contests
- Trust Disputes
- Litigation Regarding Gifts
- Disputes as to Asset Transfers and Inheritance
- Legal Malpractice

-	Tuesday, January 28
	Tuocdov January 20
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- **L** 12 p.m. 2:15 p.m.
- **Q** Zoom Webinar

COST:

CCBA Members: \$40 (w/PA Credit: \$46) CLE Key: \$0 (w/PA Credit: \$6) Non-Members: \$60 (w/PA Credit: \$66) Paralegals/Legal Secretaries: \$20 Law Students: FREE

DECICEDATION

<u>REGISTRATION</u>						
Or register online: <u>www.camdencountybar.org</u>						
☐Check ☐	Credit Card					
Name						
Phone		_Email				
Credit Card #						
		_Signature				

MODERATOR



Anthony R. La Ratta, Esq. Archer & Greiner, P.C.

SPEAKERS



Steven K. Mignogna, Esq. Archer & Greiner, P.C.



Melissa Osorio Dibble, Esq. Archer & Greiner, P.C.



Donald P. Craig, Esq. Archer & Greiner, P.C.



Kelly M. Barry, Esq. Archer & Greiner, P.C.

A link and any materials will be emailed the morning of the program.

CREDITS:

This program is approved by the NJ CLE Board of the Supreme Court of New Jersey for 2.4 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism and 0.0 qualify as hours of credit for diversity, inclusion & elimination of bias.

<u>PA CLE Board:</u> Includes 2 hours of Substantive credit, and 0 hours of credit for ethics/professionalism. The CCBA charges an additional fee for PA credits. *Actual credits earned may be less if seminar is less than 120 minutes.*

Need PA Credits? PA ID# _____

CANCELLATION POLICY: Full refunds will be given to registrants whose cancellations are received at Bar Headquarters at least 48 hours prior to the event. Refunds WILL NOT BE GRANTED THEREAFTER. Substitute attendees, however, are welcome. This policy also applies to pay-at-the-door registrants who will be invoiced if proper cancellation is not provided.