

COCKTAILS AND CONVERSATIONS IS BACK!



Camden County Bar Association is pleased to bring back Cocktails and Conversations! Join colleagues and friends for the Association's final members-only event until September. Enjoy delicious cuisine, cocktails, and informal conversation with Judges of the Superior, U.S. District, and Workers' Compensation Courts. This year's event is scheduled for Thursday, May 11, 2023, 5:30-7:30 p.m. at the Woodcrest Country Club, Cherry Hill. Registration will open soon.

CAMDEN COUNTY BAR ASSOCIATION CONTINUING LEGAL EDUCATION PRESENTS All-You-Can CLE



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April 25, 2023

8 a.m. – 4:30 p.m.

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Save the Date

CCBA 2023 Installation

The Installation of Craig D. Becker, Esq. as President of the
Camden County Bar Association and Dawnn E. Briddell, Esq. as
President of the Camden County Bar Foundation

Saturday, June 24
2 - 5pm
Cooper River Yacht Club

INSIDE

President's Perspective	3
Chili Cook-Off	4
The Decision to Mediate.....	5
Assistance with Business Interruptions Claims is Here.....	7
Risks and Best Practices when Hiring Caregivers	9
Wine & Food	11

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THE DOCKET

APRIL 2023

Tuesday, April 4

*CLE: Lunch and Learn;
Retirement Plans & Family Law Matters*
12 p.m. - 1:15 p.m. —Via Zoom

Friday, April 7

Good Friday – Bar Headquarters Closed

Wednesday, April 19

CCBA Board of Trustees Meeting
4 p.m. —Via Zoom

Thursday, April 20

*CLE: Hon. Gloria Burns
Annual Bankruptcy Conference*
4 p.m. - 6:25 p.m. —Via Zoom

Tuesday, April 25

CLE: Spring- All-Day CLE
8 a.m.- 4:30 p.m. —Via Zoom

Wednesday, April 26

*CLE: Annual Black Letter Blast
on Criminal Law*
4 p.m. -7:15 p.m. —Via Zoom

19

Tentative Agenda for April 19th Board Meeting

A tentative agenda for this month's regular Board of Trustees meeting is below. The meeting will begin at 4 p.m. via teleconference. All meetings are open to the membership. Anyone interested in participating 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
- IX. Old Business (*if any*)
- X. New Business (*if any*)
- XI. Adjournment

THE BARRISTER

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

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Periodicals postage paid at Cherry Hill, NJ and additional offices
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WELCOME NEW MEMBERS

APPROVED BY CCBA BOARD

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Kipp New Jersey - Moorestown, NJ
08057 Date Admitted- 12/02/2009

Allison Kruk, Esq.

William Kirby Law, LLC
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08057 Date Admitted- 01/28/2022.

Jennifer McPeak, Esq.

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PRESIDENT'S PERSPECTIVE

April Bar Events



By Rachael B. Brekke

As the sun shines brighter and the flowers begin to bloom, I hope you take this opportunity to renew your professional goals for 2023. Now that the pandemic has passed, we need to focus on our future together. Zoom is great for certain things but sitting down to have a lunch with a colleague has immeasurable value. I find myself much more engaged in person because we aren't staring at the work on our desk or secretly sending emails while on the zoom screen. One hope I have for the Bar is that we return to our pre-pandemic days of networking and socializing with colleagues. After all, that's where we get the opportunity to meet new referrals and grow our practice. I am proud of our events this past year and look forward to seeing you soon!

April is a great month to get a head start on your CLEs this year. We have a Family Law CLE on April 4th during the lunch hour. On **April 20th** we have the **Hon. Gloria Burns' Annual Bench**

Bar Bankruptcy Conference from 4-6pm. The **All Day CLE is on April 25th**, which will include ethics and DE&I credits! We have a great lineup of panelists for the All Day CLE so consider blocking your day for it if you can! And the following day we have the **Annual Black Letter Blast on Criminal Law with the Honorable Edward J. McBride, Jr., P.J.Cr.**

On **May 11th** we will be hosting the **Annual Bench Bar Cocktails & Conversations at Woodcrest County Club.** This is a treasurer event because our Judges and Law Clerks will be joining us and I believe this marks the return of **Cocktails & Conversations** since 2019! Please join us for an evening of networking with the Bench.

Thank you to all who submitted their Letters of Interest to join the Board of Trustees. We will be announcing the incoming Trustees in the May Barrister! The installation of **Craig David Becker, Esq. as CCBA President** and our incoming **Trustees & Officers will be June 24th.**

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Chili Cook-off

The popular event returns!

On March 4th YLC and CCBF held its 9th Annual Chili Cook-Off at the American Legion Post 371, Gibbsboro. We had a fun evening relaxing and sampling some of the finest chilies in South Jersey! This year we raised over Four Thousand dollars which will benefit Veteran's Haven of Camden County.

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The Decision to Mediate

by Robert G. Millenky, P.J.Cv.(Ret.), Millenky Mediation

The opportunity to mediate often arises when parties have not previously been able to negotiate directly and effectively. Though the parties are certainly aware of the uncertainty and expense of trial, and the desirability of a fair settlement, a number of factors may have become obstacles to settlement discussions, including:

1) a level of antagonism and perhaps distrust that built, either between the lawyers, the clients, or both as the discovery process moved forward or dragged on; 2) an underlying take no prisoners, give no quarter litigation strategy; 3) initial demands and offers that may have been so far apart that there never appeared to be space for reasonable discussion; 4) the unwillingness of any party to take the initiative in proposing negotiations for fear that it would be interpreted as a sign of weakness or uncertainty; 5) litigants who, despite the efforts of their attorneys, won't negotiate because they are stubbornly fixed in their position, or at least want that view of themselves projected to the other side; 6) simple inertia that has led each party to continue on the litigation path without any focus on negotiation.

Whatever the cause for the absence of meaningful negotiations, when productive negotiations have not occurred, the parties are left spending time and money getting ready for a trial that may not produce the desired outcome. Under these circumstances, mediation may be a key process that can lead to a prompt and fair conclusion to a dispute. Mediation is often described simply as negotiation through an intermediary. The use of that intermediary allows parties to communicate with the other side with some subtlety, to feel them out, to test positions and strategies, to detect weaknesses and strengths, to focus on facts and law, to wade through the bluster of take it or leave it positioning, and, finally, to come to an understanding of where true settlement ranges may lie. And if some level of antagonism prevails, a mediator may take the edge off of it simply because communications are most often indirect and filtered through the mediator.

But while recognizing the potential for mediation to produce a fair end to litigation short of trial, the question is whether a party can initiate the mediation process even when faced with the above described obstacles. The simple answer is "Yes." A lawyer may suggest mediation to an adversary without risking the loss of strategic bargaining position or advantage.

One side may simply propose to the other side, "Let's see if mediation can work to settle this." That statement should not be taken as a sign of potential capitulation, but rather as an expression of confidence. It entails a willingness to afford each side the opportunity to demonstrate, through the filter of the neutral mediator, the strengths and weaknesses of their case. It entails the conviction that the outcome of that exchange will be a reasonable settlement. It entails the conviction of the party proposing mediation that their case is strong and can withstand scrutiny.

The statement also serves as a reminder of what every attorney knows—that the vast majority of cases settle. The statement provides the opportunity for parties to refocus energy on the potential for a reasonable settlement. It allows them to talk settlement before they begin to bear the heavy costs of trial and the risk of a bad outcome.

Finally, mediation affords litigants, when they participate in the mediation process, the opportunity to weigh issues a bit differently than they may have previously. Hearing from a mediator whose only interest is helping the parties resolve their differences, may enable litigants to see matters with a new perspective.

With all this in mind, proposing to mediate a case makes perfect sense, even where the parties may appear to be far apart, and have faced negotiation obstacles.

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FINANCIAL FORENSICS



Assistance with Business Interruption Claims is Here

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

Beyond the catastrophic effects on personal lives and physical damage to property brought on by natural causes or by business/human causes, are usually the mounting business interruption (BI) and contingent business interruption (CBI) claims from companies affected.

When businesses begin the process of cleanup and recovery in the aftermath of events, insurance claim submission and proper calculation of damages must be a priority. To assist in this process, we have put forth 10 steps we suggest companies (with advisors like you and us) take to ensure they reap the most benefits from insurance coverage.

1. Review all insurance policies to discern the potential for complete or even partial coverage.

The most common policies providing coverage will be first-party property policies such as commercial property, event cancellation or marine property policies. Your clients should not overlook auto policies, marine cargo policies, pollution policies and, for those facing potential third-party claims, liability policies. Insurance policies often overlap and interplay with each other, such that one may cover an expense that is excluded by another. They also contain language governing which policy pays out first when the insured has multiple policies covering the same type of loss. This is particularly true when dealing with a catastrophic event such as we had clients experience with recent Hurricane Ian, that may bring liability insurance, business property insurance,

business interruption insurance, utility coverage, and flood insurance all into play. Also remember to look at any other policy in which your client's business is named as an "additional insured" such as policies of subcontractors, landlords, or tenants. Such policies are typically purchased on an all-risk basis where coverage is made available for all risks of loss unless specifically excluded. It's so very critical under an all-risk policy to evaluate the policy exclusions which is important to coverage of "contingent business interruption" losses. Often businesses, even if not directly affected by the devastating event, will experience lost income caused by damage to the operations to business partners, suppliers and customers of the company. Contingent business interruption coverage usually kicks in when the damage to the customer or supplier would have been a covered business interruption loss if it had happened to the insured's business instead. This provision could come into effect for a business that sources supplies or materials from another business damaged by the event.

The first and the most important item to understand about business interruption policies is that they are intended to cover revenue losses incurred while your business property is being restored. In some cases, an extended business interruption policy may be in place that continues through the restoration and until the business gets back to its previous income level.

Continued on Page 8

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Assistance with Business Interruption Claims is Here

Continued from Page 7

- 2. Provide and document notice of your loss to all insurance companies as soon as possible.** Even if your client has not yet identified all their losses, or have determined that a policy might apply, you should have them provide notice as soon as possible to any insurance company under whose policy they might seek coverage. Do not assume they do not have coverage. Give notice anyway. It does not need to be too detailed at first, there is no reason to delay in providing notice. Your client should be sure to precisely follow the directions in each insurance policy regarding notice and be aware that different policies might have different notice requirements. They should pay close attention to their notice deadline, the person or organization they must notify, and the required form of notice.
- 3. As soon as they can access the property, document though photographs the damage incurred.** They should keep a log of all actions taken. Track expenses for professional fees, mitigation, and clean-up costs. Save all repair receipts and other records of additional expenses made necessary by storm-related damage.
- 4. Document the steps they have taken to mitigate losses and further damage.** Most property and casualty policies require the insured to mitigate physical and financial damage. As a rule, this means that they should behave as if they have no coverage. They do not know how much (if any) money they might recover from the insurance company under their business interruption claim.
- 5. Form a claim team.** It is critical the client brings together the expertise of legal counsel seasoned in this arena (that be you), forensic accountants, independent adjusters, and other insurance professionals as soon as possible.
- 6. Be cautious with all communications internally as well as those outside of the company concerning your matter and carefully document all such communications with the insurer and their agents.** We as forensic accountants are well accustomed to how even innocuous memos or emails can be damaging and are discoverable if litigation ensues. That said, your client should communicate frequently with their insurer, preferably through you as their attorney or insurance professional. Maintaining a good relationship with representatives could make a difference when it comes to quick and efficient claims processing. They should provide evidence and information as soon as it's gathered and make any new information immediately available to the insurance provider.
- 7. Accumulate and organize accounting records and documents related to property damage and business interruption.** To file a claim, an insured should gather information and evidence that proves the loss, such as financial statements; business tax returns; customer orders; information and statements from vendors, suppliers, business partners, etc.; market forecasts; all other verifiable sources of financial information; media reports and articles about the losses resulting from the catastrophic event; damage and restoration reports; industry reports; and reports from independent experts. Gathering all this evidence will take considerable time and additional resources. This is not an area they should shortchange themselves which can result in denied business loss claims, unnecessarily delayed claims and reimbursement and underpayments that do not adequately cover their losses.

- 8. Collect and maintain records of additional costs incurred to avoid or reduce the loss.** Such costs may include: overtime records and related personnel costs required in maintaining production or services at pre-incident levels; the cost to move to a new temporary location; additional training or payroll costs associated with training employees on new equipment; cost premiums and extra shipping charges to expedite delivery of equipment, other fixed assets or inventory; costs to acquire generators or alternative utilities; and costs of alerting clients/patients/customers of a relocation, status of their continued capacity to serve their needs and efforts to maintain customer relationships during down-time.
- 9. Comply with policy requirements.** Standard property policies impose a number of requirements on the policyholder, including deadlines for submitting proofs of claim and for filing suit if there is a dispute regarding the claim. It is essential to comply strictly with all policy requirements unless the insurer agrees to an extension in writing. For example, we've seen attorneys get clarification about the indemnity period – the timeframe during which the insurance protection applies. Usually, it will be from the date of the damaging event until the restorations are completed but they need to so confirm.
- 10. Again, confer with the claim team.** As we mentioned earlier, it is usually a good idea to engage professional claim consultants, such as forensic accountants. Such professional fees and other mitigation expenses are frequently covered under property policies, subject to sub-limits. Unfortunately, public adjuster fees are not usually covered but some policies may cover an insured's internal costs for preparing the loss. The forensic accountant, lawyer and/or insurance professional may assist the client in carefully reading the policy language in this regard. While we suggest they cooperate with the insurance company's adjuster, one should not forget that he/she works for the insurer—not for the client. If they need an advocate, they really should hire their own.

Marty Abo and the colleague he works with on such BI claims, Ken Mack CPA, spoke to NACVA (National Association of Certified Valuator and Analysts) on BI claims where we provided the above hit-list. Ken, in particular, has worked on many claims as a result of several natural disasters like Hurricane Katrina and Superstorm Sandy. Such Business Interruption claims have ranged from \$100,000 to \$100,000,000 and he brings unique insight from being on the ground in affected areas and working with clients in the disaster zones.

If you would like a copy of our other handout, "Business Interruption Document Request List", feel free to reach out to us

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



Risks and Best Practices when Hiring Caregivers

by Thomas D. Begley, Jr., Esquire, CELA and Emily Schurr

The employment of a caregiver for an elderly or disabled person is often handled on an informal “handshake” basis. This arrangement is fraught with risk. The article will discuss some of those risks and set forth some best practices to avoid them. If all laws and best practices are not followed, the individual making the hire could be held responsible for significant financial penalties and the eligibility of the disabled or elderly person for governmental benefits may also be jeopardized. Considerations include the following:

- *Is the caregiver an employee or an independent contractor?* Different rules apply. The answer is usually employee unless the caregiver is hired through an agency. The U.S. Dept. of Labor considers the following 6 factors in determining employee status under the Fair Labor Standards Act:
 1. the nature and degree of the potential employer(s) control;
 2. the permanency of the worker’s relationship with the potential employer;
 3. the amount of the worker’s investment in facilities, equipment, or helpers;
 4. the amount of skill, initiative, judgment, or foresight required for the worker’s services;
 5. the worker’s opportunities for profit or loss; and
 6. the extent of integration of the worker’s services into the potential employer’s business.
- *Tax Responsibilities.* While the typical handshake agreement usually involves “under the table” payment, this results in substantial risk on the part of the employer. The employer

is responsible for withholding, depositing, and reporting employment taxes. These include the following:

- Federal Insurance Contributions Act (FICA). FICA taxes fund the Social Security and Medicare systems. The tax applies whether the worker is part-time or full-time.
- Federal Unemployment Tax Act (FUTA). This tax funds the federal unemployment system. The FUTA tax rate is 6% and it applies to the first \$7,000 of wages paid to an employee each year.
- State Unemployment Tax Act (SUTA). SUTA is state unemployment insurance tax that funds the state unemployment system. The rate and tax base varies from state to state. Both New Jersey and Pennsylvania have SUTA tax.
- Medicare Tax. The Medicare tax rate is 2.9% of income. The employer pays half, 1.45% of wages, and the employee pays the other half.
- Federal Income Tax Withholding. The employer must withhold tax from the employee’s wages and deposit those periodically.
- *Non-Tax Employer Responsibilities.* Non-tax employer responsibilities include the following:
 - Worker’s Compensation Insurance. If the caregiver is injured on the job, the employer is responsible. Obtaining worker’s compensation insurance to cover this possibility is good practice.
 - Paid Medical Leave. Employers must provide paid medical leave for qualified medical and family reasons.

Continued on Page 10

VERDICTS IN THE COURT

February 2023 – Superior Court of New Jersey

VERDICT: Total Damages Verdict \$100,000
 Case Type: Auto Neg – Tort
 Judge: Daniel A. Bernardin, J.S.C.
 Plaintiff’s Atty: Alphonso Librhim, Esq.
 Defendant’s Atty: Robert Kaplan, Esq.
 L-2437-18 JURY

VERDICT: NO CAUSE
 Case Type: Auto Negligence – Personal Injury
 Judge: Judith S. Charny, J.S.C.
 Plaintiff’s Atty: Joseph Monaco, Esq.
 Defendant’s Atty: Christopher Marcucci, Esq.
 L-796-19 JURY

VERDICT: NO CAUSE
 Case Type: AUTO NEG – TORT
 Judge: Anthony M. Pugliese, J.S.C.
 Plaintiff’s Atty: Christine V. Laffety, Esq.
 Defendant’s Atty: Robert R. Nicodemo, III, Esq.
 L-12-20 JURY

VERDICT: Liability – Defendant 100% - \$300,000
 Case Type: Auto Neg – Tort
 Judge: Anthony M. Pugliese, J.S.C.
 Plaintiff’s Atty: John D. Borbi, Esq.
 Defendant’s Atty: Daniel T. Lewbart, Esq.
 L-3532-19 JURY

VERDICT: Liability Verdict 100% - \$246,687.98
 Case Type: CONTRACT
 Judge: Anthony M. Pugliese, J.S.C.
 Plaintiff’s Atty: Nicola G. Suglia, Esq.
 Defendant’s Atty: John M. Badagliacca, Esq.
 L-1409-18 BENCH

VERDICT: NO CAUSE
 Case Type: Auto Neg
 Judge: Donald J. Stein, J.S.C.
 Plaintiff’s Atty: Joseph W. Gable, Esq.
 Defendant’s Atty: Brad A. Parker, Esq.
 L-626-20 JURY

VERDICT: NO CAUSE
 Case Type: Whistleblower
 Judge: Donald J. Stein, J.S.C.
 Plaintiff’s Atty: Jordan Irwin, Esq.
 Defendant’s Atty: Alan Zibelman, Esq.
 L-546-18 JURY

Risks and Best Practices when Hiring Caregivers

Continued from Page 9

- Paid Family Leave. Employers do not contribute financially to this program but must allow the employee time off when appropriate.
- Minimum Wage. Employers must pay the minimum wage. The federal minimum wage is \$7.25 per hour, and that is also the minimum wage in Pennsylvania. However, in New Jersey in 2023 the minimum wage is \$14.13 per hour.
- Overtime. If an employee works more than 40 hours per week, overtime rates apply.
- Immigration Status. Employers must check the immigration status of each employee, including caregivers, and complete a Form I-9 to verify the identity and employment authorization of individuals hired for employment in the United States. This includes citizens and non-citizens. Both employer and employee must complete the form.

NOTE: It is important to understand that the employee cannot waive any of *these tax or non-tax protections*.

➤ Best Practices.

- Perform Background Checks. Performing a criminal and credit background check before hiring a caregiver will reduce the risk of having your loved one become the victim of physical, sexual and/or financial harm. A background check cannot be conducted until after a conditional offer of employment has been extended. Employees must be presented with federal and relevant state disclosure notices and sign an authorization form consenting to the search.
- Put it in Writing. A written agreement that spells out the scope of the work to be performed and the arrangement for compensation is a must.
- Retain Records. Keep detailed records of the work performed and the compensation paid.

➤ Handle Terminations Carefully. Termination is usually difficult, but in some instances handshake agreements become legal headaches. *Pitfalls.*

- Whistleblowers. A disgruntled employee may report tax and labor law violations to government agencies and file lawsuit against employer;

Denial of Medicaid benefits. Medicaid law presumes an applicant's payments to individuals whether by check or in cash are gifts subject to penalty unless the applicant can prove receipt of fair market value of goods or services. The imposition of a Medicaid penalty means the applicant will not receive benefits for a certain length of time.

➤ Conclusion. Penalties for violating employment laws can be significant and come out of the employer's pocket. While handshake agreements are simple, they do not offer protection if the employer is sued or the loved one needs Medicaid benefits. Compliance with IRS and labor laws and following best practices are vitally important.

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WINE & FOOD

By Jim Hamilton

For those who watched Stanley Tucci's *Searching for Italy* series on CNN, you may recall his many "WOWs" and "Oh my Gods" during the episode on Sicily. Okay, he did have some pet expressions of enthusiasm throughout his travels, but I wanted to focus on his impression of star winemaker Arianna Occhipinti as a springboard to discussing the wines of Sicily. As this issue of *The Barrister* is released, Linda and I will be packing for a trip to that largest island in the Mediterranean, and while I hope to visit a winery or two while there, since we are having someone else do the driving, the cost of having a driver take us to and from wineries and wait for us will necessitate restraint. Consequently, we probably will confine most of our Sicilian wine consumption while there to restaurants. However, to help calibrate our palates, before leaving we will want to drink Sicilian wines at home, so together let's explore some of the locally available wines made in a part of Italy that has become increasingly popular both in that country and ours.

Sicily is an island of contrasts, with dark Mafia overtones embellished by *The Godfather* movies, sunny beaches featured in the more recent *White Lotus* series, and small village life portrayed in *Cinema Paradiso*. This may create more confusion than enlightenment about what to expect, but our motivation for going is not to walk in the footsteps of the Corleones, soak up the sun, or watch movies, but rather to experience the ancient past and the vibrant present of a land and its culture and people. Since Sicily happens to be Italy's largest producer of wine, there should be ample opportunity to expand our view of Sicilian wines.

The first steps we should take are to identify the main winegrowing areas of the island and determine the most successful grape varieties being grown and where they tend to thrive. There are 4 classifications for Italian wines. "Vini" (formerly *Vino di Tavola* or *VdT*) is your basic table wine and IGT *Terre Siciliane* are "typical" wines that, with regulatory oversight, can be made anywhere in Sicily in any style and with any grape varieties. In the top two classifications, DOC, which translates as a denomination of controlled origin, regulates where, how made, and what grapes are used for the wine. DOCG, a classification created in Italy in 1980 to "guarantee" the zone's quality (which does not mean the

quality of the wineries themselves), is supposed to identify the country's best wines. Sicily has 23 regulated zones accorded "DOC" status and one (out of 77 nationwide) that in 2005 earned the designation "DOCG." While not without its detractors, the purpose behind classifications such as these is to provide quality incentives to producers and helpful information to consumers who can look for the designations on bottles, usually neck labels. The procedure for determining whether a wine zone should be accorded DOC or DOCG status involves the application of Italian wine laws, input from a national committee of government and non-government members, and EU oversight.

The grape that probably has received the most recent attention is Nerello Mascalese, which does extremely well at higher altitudes on the slopes of Mt. Etna. If viewed on a map, the Etna wine region appears like a crescent moon that wraps around the volcano from north to east to south. Because of the grape's intrinsic qualities and the fact that many choose to plant the vines at high elevations, which helps keep ripeness in check, the wines tend to be more elegant and complex than most other Sicilian red wines. Both amateur and professional critics alike often compare these wines to Burgundy wines made from Pinot Noir, or Piedmont wines such as Barbaresco and Barolo that are made from Nebbiolo. We also may want to include as a comparable Greek wine made from the Xinomavro grape.

Currently, the most planted red grape of Sicily is Nero d'Avola. While grown throughout Sicily, Nero d'Avola excels in the southeastern region sometimes referred to as the Val di Noto. Noto is one of a handful of so-called Baroque towns, those that were devastated by a 1693 earthquake and rebuilt in the opulent style of that era. The grape is versatile and while it thrives in the lower altitude and rich soils of southeastern Sicily, it adapts well to a variety of soil types and expositions. It does well when made in volume as an entry-level wine, but really can impress when grown by the right viticulturalist and handled by talented winemakers who make the most of the grape's bountiful fruit, mouth filling texture, spicy qualities, and its high acidity.

Sicily's lone (at least for now) DOCG wine is Cerasuolo di Vittoria, which is centered around the town of Vittoria near the valley's



Baroque towns. It applies only to red wines made from a blend of Nero d'Avola and Frappato grapes that must be in specific proportions of between 50% and 70% Nero d'Avola with the rest Frappato. If you taste wines made solely from Nero d'Avola or Frappato, you will be able to appreciate why this blend works. Nero d'Avola can produce a bold, fruity, and high-toned wine, while Frappato is leaner, often exhibiting sour cherry fruit impressions and often pronounced floral notes. Together, the grapes' characteristics can be very complementary.

While Sicily produces a lot of wine for its size, historically most of the wine made was sold in bulk to other parts of Italy and elsewhere in Europe for a variety of uses, often to fill carafes served to less discriminating diners.

Continued on Page 12



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WINE & FOOD

Continued from Page 11

That, however, is changing as quality-minded owners, some coming from other parts of Italy, are capitalizing on a land and climate that are favorable for producing often excellent wine. The region that accounts for most Sicilian grape production is in the western part of the island and often is referred to as the Val di Mazara. It includes the well-known municipalities of Trapani and Marsala. Besides wine production, the area also is known for its salt and olive oil. The Etna wine region (sometimes referred to as Val di Demone) includes the increasingly important wines made on Mt. Etna. This area only began coming into its own in the 1980s as talented producers began to plant vineyards in the volcanic soils, particularly Nerello Mascalese and its more rustic cousin, Nerello Cappuccio. The latter variety rarely stands alone and usually is relegated to being a small part of a blend.

Sicilian white wines, which make up a majority of the island's production, also are becoming better known. Perhaps the best known in our country is Marsala, particularly those made in a fortified dessert style. While up to 10 grape varieties may be used to make Marsala, including some red grapes, the backbone historically employed the Insolia (sometimes spelled Inzolia) grape. However, as its quality is becoming more appreciated, the Grillo grape increasingly is being used. Grillo has gained recognition for the excellent dry wines that can be produced from it throughout the island. In addition to Grillo, perhaps the two white grapes offering the most promise are Carricante and Catarrato. Like many of the grapes we are discussing, Carricante is indigenous to Sicily where it long has been grown on Mt. Etna which

is where it mainly is produced today, often labeled as Etna Bianco. Catarrato is the most widely planted white grape in Sicily. While it can be found growing throughout the island, the best vineyards tend to be in the western part of Sicily where, besides being bottled on its own, it also is used to make Marsala. Another white grape used to make some of the more popular Sicilian wines is Zibibbo, a member of the Muscat family. Like Muscat, Zibibbo usually will be noticeably fragrant, often floral, and is sometimes allowed to become overripe to produce a dessert wine, particularly on the island of Pantelleria located southwest of mainland Sicily closer to Tunisia.

So, what wineries have been leading the Sicilian wine community into the increasingly bright spotlight being shone on this part of Italy? Certainly, any list likely will include the name **Occhipinti**. While Arianna was a star winemaker long before Stanley Tucci turned his cameras on her, it was her uncle, Giusto Occhipinti, who sparked her interest as a teen working at his already famous winery, **COS**. Both Cos and Arianna's eponymous winery are in Vittoria, and while each makes Cerasuolo di Vittoria, their lineups are much more expansive. Another excellent winery located in the Val di Noto is **Gulfi**, which makes a variety of highly individualized wines from Nero d'Avola, as well as Pinot Nero (i.e., Pinot Noir), white wines, and a wine called Reseca made from Nerello Mascalese grapes grown on Mt. Etna. Near Agrigento in the west, **Morgante** makes wines sold at various price levels, including an affordable and often lovely Bianco. Also in the west

Continued on Page 14



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WINE & FOOD

Continued from Page 12

is **Tenuta Rapitalià**, whose owner is president of Assovinici Sicilia, a 91 winery trade association, and **Feudo Maccari**, owned by the Tuscany family that also owns Tenuta Sette Ponti. Besides creating a number of different wines from Nero d'Avola, the owner of Maccari also is making higher end wines from grapes grown on Mt. Etna under its **Contrada Santo Spirito di Passopisciaro** label. At the risk of TMI, a contrada (plural contrade), is variously defined as "cru" or a special vineyard. So, this winery is not alone in accessing grapes from Santo Spirito. Such excellent producers as **Pietrodolce** and **Tenuta Terre Nere**, the latter of which is owned by importer Marco DiGrazia, also fashion a wine from that vineyard site. Staying on Etna, and perhaps to add further confusion, one of my favorite producers is **Passopisciaro**, owned by the well-regarded vintner, Andrea Franchetti. Franchetti also owns Tuscany's Tenuta di Trinoro, an expensive wine that most recently scored 100 points from *Robert Parker Wine Advocate*. Passopisciaro is the name of a town, and Passopisciaro the winery bottles wines from up to five different contrade, identified by letters, that are planted at different elevations.

While the prices of many of these wines have increased in step with their rising reputations and consequent demand, there are many values to be found among the growing number of Sicilian wineries so let's identify some of them. While many of these wineries make red and white wines at various price points, their entry level wines can be reasonably easy on the wallet. Wines to search for include those from **Branera, Caruso & Minini, Colosi, Cusamano, DiGiovanna, Donnafugata** (e.g. Anthili white and Sadara red), **Feudo Maccari** (Neré), **Feudo Montoni, Firriato** (e.g. Chiaramonte or Santagostino), **Tenute Sella & Mosca, Murgo** (e.g. the Etna Bianco and their sparkling wines); **Planeta** (La Segreta), **Tasca l'Almerita** (Regaleali), **Tascante** (Buonara), **Tenuta di Castellaro** (Porticello Bianco), **Tornatore, and Valle delle'Acate**.

Since there should be many options available across a wide range of prices, perhaps the next time you visit your favorite wine shop there will be an offer you can't refuse and you will make room in your shopping cart for a Sicilian wine or two to try at home or at one of our area's many Italian restaurants. Saluti!

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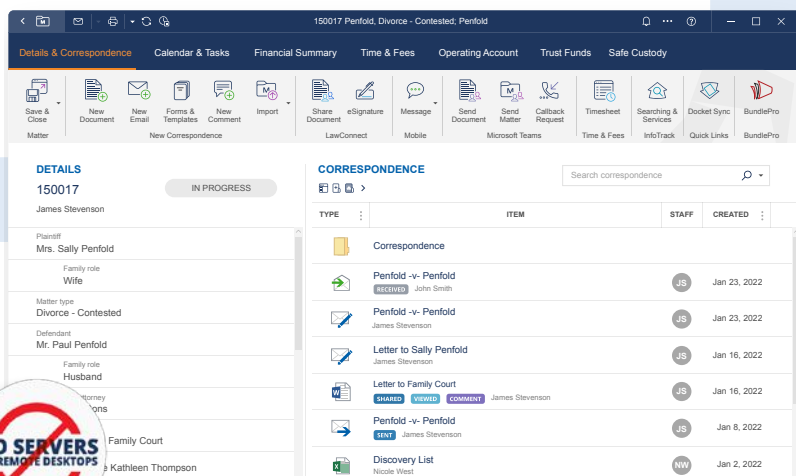
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11 a.m. – 12 p.m.	Erin Deitz, Esq.	Juvenile Justice Reform
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1:30 p.m. – 2:30 p.m.	Rachael B. Brekke, Esq. & Daniel L. Reinganum, Esq.	Intersections of Bankruptcy and Estate Administration
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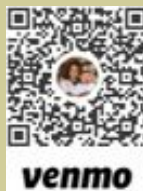
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