



Thomas J. Hagner and Hon. Joel B. Rosen, USMJ (Ret.) Named Devine Award Recipients

Award to be presented at cocktail party April 9



Thomas J. Hagner and **Hon. Joel B. Rosen, USMJ (ret.)** have been named co-recipients of the Camden County Bar Association's (CCBA) **2018 Honorable Peter J. Devine, Jr. Award** to be presented during a reception in their honor on April 9 at Caffè Aldo Lamberti in Cherry Hill.

A Camden County Bar Association member since 1977, Thomas J. Hagner served as Association president in 2002-03, and as Foundation president in 2004-05. He has served as Chair of the CCBA's Commercial Litigation Committee since 2003, among serving on various other committees. Hagner graduated from Fordham University in 1971 and Rutgers Camden Law School in 1975. After serving a judicial clerkship with The Honorable Manuel Greenberg, he began as an associate with the law firm of Fluharty, Freeman, Gerstein & Mintz and later a partner with Freeman, Gerstein, Mintz, Hagner & Deiches. In 1996 he became a partner with the firm of Kenney & Kearney where he met his present partner, John Zohlman with whom he founded Hagner & Zohlman in 2005. In 2011 Mr. Hagner created the Hagner Scholarship to provide financial assistance to Rutgers Camden Law Students with disabilities. The Hagner Scholarship was the first scholarship in the history of Rutgers Camden Law School to specifically support students with disabilities. In addition to being admitted at the Bar of New Jersey, Hagner is admitted to the United States District Court for the District of New Jersey; United States Court of Appeals 3rd Circuit and United States Supreme Court.

The Honorable Joel B. Rosen, USMJ (Ret.) joined the Camden County Bar Association in 1983 and is a prior recipient of the Honorable John F. Gerry Award (2008). Admitted to practice in 1974, Rosen served as a United States Magistrate Judge for the District of New Jersey from 1987 to 2006. During that time, he served as an adjunct professor at Rutgers Law School where he was a mentor to numerous law students. Rosen is currently a partner in Montgomery McCracken Walker and Rhoads's Litigation Department in the firm's Cherry Hill office. He served as an assistant United States attorney and was the attorney-in-



charge of the United States Attorney's Office in Camden, New Jersey, and is a former deputy attorney general in the New Jersey Division of Criminal Justice where he was chief of the Special Prosecutions Section. He served as the Keynote Speaker during the 2015 New Jersey Commission on Professionalism Awards luncheon that paid tribute to outstanding lawyers who exemplified the values in the legal profession. Rosen is a member of the Disciplinary Oversight Committee of the New Jersey Supreme Court where he was appointed Vice-Chair by the New Jersey Supreme Court in December 2016. Subsequently, Rosen became Chair of that committee. Rosen is a former Chair of the U.S. Magistrate Judge Selection Panel for the U.S. District Court, Camden vicinage, and Chair of the U.S. Magistrate Judge Reappointment Panel for the U.S. District Court, Camden vicinage, September 2018. Mr. Rosen is the recipient of many distinguished service awards, including the Hon. Joseph M. Nardi, Jr. Distinguished Service Award,

conferred by Rutgers School of Law - Camden, 2004 and the Rev. Martin Luther King, Jr. Champions for Social Justice and Equality Award, conferred by the Black Law Students Association of Rutgers School of Law - Camden, 1999.

Established in 1981 to remember and pay tribute to the popular Judge Devine, bar president in 1967-68, the Devine Award is the Association's most prestigious award, presented in recognition of distinguished service to the Association and its members. The presentation event features an upscale cocktail party, with the presentation taking place during a brief formal program.

Reservations are \$65 per person and can be made by calling Bar Headquarters at 856.482.0620 or by mailing the reservation reply from the flyer in this month's issue of The Barrister, or online through the member portal at <https://camden.intouchondemand.com>. Spouses and friends are invited and encouraged to attend.

Don't miss this opportunity to congratulate and thank Tom Hagner and Joel Rosen for their years of commitment to the Camden County Bar Association and Foundation, and the community at large!

Law School Scholarship Applications Due February 28

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Cook-off for a Cause - Popular event returns March 2

For the sixth consecutive year, the Young Lawyers Committee is proud to host the popular **Chili and Cornbread Cook-off competition** on **Saturday, March 2, 2019** at the **American Legion Post 371, 42 N. Lakeview Drive, Gibbsboro, NJ**. Proceeds will benefit New Jersey Veterans Haven of Camden County. Enjoy a DJ, hours of tasting, beer, wine, raffles, prizes and more for just \$40 per person. Interested in sponsoring or donating to the event? Businesses and organizations can support the event or donate items or services to be raffled during the event, with recognition of your support of our cause. Interested in competing? Showcase your skills against South Jersey's top lawyer chefs in any or all of our categories to help support the event.

For more information, see the sponsorship flier and registration flier included with this issue of The Barrister or call Bar Headquarters at (856) 482-0620. Invite your friends and family and any veterans you know! All are welcome.

THE DOCKET

Monday, February 11th

Young Lawyers Committee Meeting

12:30 pm - 1:30 p.m.

Bar Headquarters

Camden County Bar Foundation

Board of Trustees Meeting

3:30 p.m.

Bar Headquarters

Tuesday, February 12th

Collusion & Conspiracy. Criminal and Civil

Liability for Assessing Another's Actions

12 pm - 2:15 p.m.

Tavistock Country Club, Haddonfield, NJ

Wednesday, February 13th

"Over the River and Through the Woods"

Exploring Differences Between

NJ and PA Real Estate Laws

12 pm - 2:15 p.m.

Tavistock Country Club, Haddonfield, NJ

Monday February 18th

Bar Headquarters Closed for Holiday

Wednesday February 27th

Camden County Bar Association

Board of Trustee Meeting

4 p.m.

Bar Headquarters

Cannabis Law:

An Overview of NJ's Newest Industry

& How it Affects Your Practice Area

4-7:15 p.m.

Tavistock Country Club, Haddonfield, NJ

Law School Scholarship Applications Due February 28

(Continued from Page 1)

Each year the Bar Foundation presents a number of scholarship awards to deserving law school students. Applications are accepted from September 1st through February 28th. Applications must be received at Bar Headquarters no later than the February 28th deadline to be considered. Recipients will be notified in April, and awards will be presented at the Cocktails & Conversation Bench Bar Cocktail Party in May. For information about available law school scholarships, visit our website at www.camdencountybar.org and click on the blue "Scholarships" tab on the left side.

Tentative Agenda for February 27th Board Meeting

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

- I. Call to Order
- II. 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



Steven K. Mignogna, a Partner in the Archer's Haddonfield office, has been named to the Advisory Committee of the Heckerling Institute on Estate Planning. As a board member, Mr. Mignogna will help to implement the goals of the Institute. With over 3,000 attendees, the Heckerling Institute is the leading conference in the United States for estate planning professionals, including attorneys, trust officers, accountants, charitable giving professionals, insurance advisors, elder law specialists, wealth management professionals, educators and non-profit advisors. Mr. Mignogna focuses his practice on commercial litigation, with a concentration on probate matters, estates, fiduciaries, guardianships and real estate. He is Co-Chair of the firm's Estates and Trusts Department and Chair of the Estate and Trust Litigation Group.

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

THE BARRISTER

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President

Ronald G. Lieberman
1415 Route 70 East,
Suite 205
Cherry Hill, NJ 08034

Treasurer

Dawnn E. Briddell
1940 Route 70 East,
Suite 200
Cherry Hill, NJ 08003

President-elect

Michael J. Dennin
5709 Westfield Avenue
Pennsauken, NJ 08110

Secretary

Rachael B. Brekke
46 West Main Street
Maple Shade, NJ 08052

Vice President

Michelle H. Badolato
457 Haddonfield Road,
Suite 100
Cherry Hill, NJ 08002

Executive Director

Kara Edens
1040 N. Kings Highway, Suite 201
Cherry Hill, NJ 08034

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Editorial Offices

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

Advertising

856.482.0620
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PRESIDENT'S PERSPECTIVE

If you don't Support the Bar Association, who will?

By Ronald G. Lieberman

I am writing this article to you, members of the Camden County Bar Association, which strikes me to a large degree as "preaching to the choir." But, the Camden County Bar Association is facing the exact same situation that professional associations from the American Bar Association on down to State Bar Associations and County Bar Associations are facing - - - an existential crisis caused by a drop in membership. I am writing this article to you so that you can help me do the hard work of the Association and ask your fellow attorneys who are not members to now become involved in our organization.

Bar Associations are mired in a slump. Membership is declining, revenue is down, and meeting expenses is a challenge. I need you to help restore our Bar Association to its glory.

The Bar Association faces competition from specialty legal associations, on-line networking/social media, innovations in technology, and an aging membership. But those challenges can be and must be offset by the enthusiasm of its members plugging the Association to non-members and convincing them to join us. The Bar Association can use its clout to serve those in need of legal services, our existing legal consumers, and society as a whole. We will be okay as an Association as long as we do not forget that we are now in the era of the consumer and no longer in the age of the lawyer.

The challenges the Bar Association faces are not all of its own making, however. There are disrupters throughout the legal industry. These disrupters use new business structures and service delivery models to provide our consumers with greater access and choice.

There are skyrocketing tuitions from law schools, an increase in enrollment of students despite an increased inability to pass the Bar, over-inflated job statistics for lawyers, and massive debt brought on by these high tuitions.

Many legal services do not require lawyers and should be delivered by para-professionals and machines. Some statistics have shown, including those

by the U.S. Census Bureau, that the inability of people to afford lawyers accounts for over three-quarters of the entire population and almost two out of every three businesses. We cannot stand for that any longer.

Although I practice in family law, I am aware to some degree as to what is going on in other legal industries. Much legal work has migrated from law firms to in-house legal departments, to law companies, and legal tech companies. The Bar Association needs to adapt to the shift in how corporate legal work is performed.

All is not doom and gloom. We support our veterans, our immigrants, and other at-risk groups. Our Board is in tune with creating more accessible, efficient and effective legal services. Yet the challenges remain in the legal profession.

Given that the legal profession's image continues to erode with lawyers being ranked among the least trustworthy of all vocations, our members are not being served appropriately by such a negative impression of us. Our legal profession has very high rates of divorce, suicide, alcohol and drug abuse, stress-related illness, and job dissatisfaction. Female attorneys are not being paid the same as males, minority attorneys do not represent proportionate share of partnerships or senior positions, and the poorest of law students have a heavy burden of law school debt. No wonder the professional organizations are suffering.

So I ask you, the members of the Association, to do two things for me and for our Association. First, talk to non-members and find out why they have not yet joined us. Second, champion new tools and structures to address the unmet legal needs of the public and consumers. The law is under siege not only by change but by credibility. Our laws need to be clear, our legal process needs to be fair and efficient, and justice needs to be timely delivered by competent and ethical representatives. The only way that these actions will occur is if the Bar Association is strong and vibrant. Will you join me in this effort

VERDICTS OF THE COURT

December 2018
Superior Court of New Jersey

VERDICT: No Cause (12/5/18)
Case Type: Auto Negligence
Judge: Anthony M. Pugliese, J.S.C.
Plaintiff's Atty: Tiffany Kyperschmidt, Esq.
Defendant's Atty: Andrew V. Ha, Esq.
L-105-17

VERDICT: No Cause (12/5/18)
Case Type: Personal Injury
Judge: Thomas T. Booth, Jr. J.S.C.
Plaintiff's Atty: David M. Bercovitch, Esq.
Defendant's Atty: James Meissler, Esq.
L-4042-16

VERDICT: Damages Verdict
\$24,000 100% Defendant (12/5/18)
Case Type: Contract
Judge: Donald J. Stein, J.S.C.
Plaintiff's Atty: Darren Barreiro, Esq.
Defendant's Atty: Terrance Bennett, Esq.
L-977-18

VERDICT: No Cause (12/6/18)
Case Type: Personal Injury
Judge: Michael J. Kassel, J.S.C.
Plaintiff's Atty: Jeffrey Simons, Esq.
Defendant's Atty: Minos Galanos, Esq.
L-4570-16

VERDICT: Damages Verdict
\$12,000 Defendant (12/6/18)
Case Type: Auto Negligence
Judge: Daniel A. Bernardin, J.S.C.
Plaintiff's Atty: Lilia Londar, Esq.
Defendant's Atty: Raymond Danielewicz, Esq.
L-653-16

VERDICT: No Cause (12/11/18)
Case Type: Auto Negligence
Judge: Steven J. Polansky, P.J.Cv.
Plaintiff's Atty: Geoffrey Smith, Esq.
Defendant's Atty: Danielle Smith, Esq.
L-1592-17

VERDICT: Damages Verdict
Defendant \$182,126.65 (12/14/18)
Case Type: Personal Injury
Judge: Thomas T. Booth, Jr. J.S.C.
Plaintiff's Atty: Katrina M. Register, Esq.
Defendant's Atty: Christine DeAngelis, Esq.
L-1098-17

VERDICT: No Cause (12/20/18)
Case Type: Auto Negligence
Judge: Anthony M. Pugliese, J.S.C..
Plaintiff's Atty: Robert A. Greenberg, Esq.
Defendant's Atty: Raymond F. Danielewicz, Esq.
L-4412-16



FOUNDATION UPDATE

Want to Help Veterans And Kids – Eat Chili and Drink Wine!

By Louis R. Moffa, Jr.

It's February, it's cold, snow is on the ground and love is in the air. No worries. Spring is around the corner and the Foundation has some great and worthwhile events for you.

First up is the popular and 6th annual Cook-Off for a Cause on Saturday, March 2 at American Legion Post 371, 42 N. Lakeview Drive in Gibbsboro. Proceeds from this fantastic event benefit Veteran's Haven of Camden County. For only \$40 per person, enjoy several hours of great beer, wine, chili, music, raffles and prizes. For all active and aspiring chefs, there will be competition in several food categories including chili, cornbread, sides and dessert. Time to show up and show off your eating, drinking and cooking skills, and help some of those who served our country. Sponsorship opportunities are available and donations of raffle prizes will be gratefully accepted. Very special thanks to our Big

Jalapeno sponsors, DeMichele & DeMichele and McDowell Law PC.

It's no joke, it's real and it's coming your way on April 5 – Cinco de Abril. With great assistance and support from our own wine guy Jim Hamilton, you will be treated to wine tastings all evening. Delicious food, a silent auction, raffles and just plain fun are also on the menu for the event. It's also a chance to show off your favorite masquerade attire! This year, proceeds from the event will be used to support the Foundation's annual Children's Picnic for underprivileged children scheduled for June 1. The event will also help provide \$7,000 in scholarship funds to local graduating high school students. This promises to be a great event for a great cause, and an excellent way to entertain clients, friends and family. Come out and join the fun and enjoy the party!

These events are just two of the many ways the Foundation serves our community's neediest members while at the same time providing fun

and relaxing ways for our members and their friends and families to get together. Your support is crucial to the mission of the Foundation. Even if you cannot attend, a generous donation of a prize or money would be greatly appreciated and will significantly further our cause.

Looking further ahead, we are always welcoming new volunteers for the Children's Picnic. If you have the time and inclination, come on out and give a hand. You will be glad you did. The smiles from the kids are more than rewarding.

For now, stay warm, get some rest and get ready to party like it's 2019!

CCBA... Your TRUSTED Source for MCLE.

Cinco de Abril

CCBF's spring fundraiser takes on a new twist April 5!

The Camden County Bar Foundation is pleased to bring you "Cinco de Abril" Wine & Beer Tasting on **April 5, 2019** at the Barry Brown Health Education Center in Voorhees. Enjoy wine and beer tastings all evening, delicious food and terrific prizes all evening. New this year—a masquerade in honor of April Fool's Day!

We know that spring is a busy time. It is also the time when the Camden County Bar Foundation writes nearly \$7,000 in checks to our county's college-bound high school seniors to enable them to further their interest in law or law-related professions. It is also when we host hundreds of inner-city children at a fun-filled picnic at Challenge Grove Park in Cherry Hill. You can be proud knowing that your support of the Foundation helps us to remain a vital presence in our community. One way to continue that support is by attending this year's wine tasting and silent auction.

If you read Jim Hamilton's monthly column in *The Barrister*, you know that the best way to learn about wine and your own preferences is by your tasting experiences. This event is the perfect opportunity to expand your wine horizons. When you add an exciting collection of silent auction items, delicious food, and a

masquerade, this promises to be a great time for a great cause, and an excellent way to entertain clients, friends or simply enjoy a night out with your spouse or significant other. We will be serving vegetable, fish and other non-meat items for those celebrating the Lenten season. Please feel free to wear a mask for our special masquerade theme! If you don't have one, we will have a small supply of masks to distribute. Of course if you prefer not to wear a mask, that's okay, too!

You can also help support the cause by donating an item or service for the silent auction baskets. Contact Kara Edens at kee@camdencountybar.org to arrange for your tax-deductible donation today!

Use the flier included in this month's issue or register online at www.camden.intouchondemand.com. Please join us for this great event – all are welcome and encouraged to attend!

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PERSONAL INJURY LAW

The Medicaid Payback: How Does It Really Work?

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

The Medicaid payback in a personal injury case can often have four components. These are: the lien against the settlement, Special Needs Trust payback, estate recovery, and ABLE account payback. This article will briefly discuss each of the four components in a general way, but there are exceptions that are beyond the scope of this article.

The Lien Against the Settlement

Medicaid has a lien against a personal injury settlement for monies paid on behalf of the injured plaintiff, but the lien is limited to the monies paid for injuries related to the case. If the plaintiff was already receiving Medicaid for disabilities unrelated to the case, those Medicaid payments are not part of the lien against the settlement.

An individual bringing an action for damages against a third party shall give notice to the Director of the Division of Medical Assistance and Health Services.¹ In addition, the recipient of the settlement must promptly notify the Division of any recovery and immediately reimburse the Division in full from the proceeds of any settlement, judgment or other recovery. The lien is subject to a pro rata reduction for counsel fees, costs or other expenses incurred by the recipient or the recipient's attorney. In seeking reduction for procurement costs, attorneys often overlook the reduction for the cost of the case. Frequently, the Division will send a payoff to the plaintiff's attorney that includes a reduction for counsel fees, but usually does not

include a reduction for costs. The additional reduction for costs could be significant.

For example, let's suppose there is a settlement of \$1,000,000 with a \$300,000 Medicaid lien. Let's assume counsel fees of one-third, or \$333,333, and costs of \$50,000 or 5%. The reduction for counsel fees would be one-third of the lien or \$100,000. The additional reduction for costs at 5% would be \$15,000.

It is also possible to reduce the lien based on the *Ahlborn* case.² In the *Ahlborn* case, the Supreme Court held that the Medicaid lien applies only to that portion of the recovery that has been allocated to medical expenses. The Court held that 42 U.S.C. §1396a(a)(25)(H) does not sanction an assignment of rights to payment for anything other than medical expenses—not lost wages, not pain and suffering, not an inheritance, and that federal third party liability provisions require an assignment of no more than the right to recover that portion of a settlement that represents payments for medical care. The language in *Ahlborn* was limited to medical expense, but there was no discussion of future medical expenses. In the subsequent case,³ the Court underscored that recovery is available only for expenses already paid by the State in the past, not those expected to be paid in the future. Therefore, from a third party liability claim there is a payback for the Medicaid lien, but the payback can be limited by both procurement costs and an *Ahlborn* reduction.

(Continued on Page 6)



The Camden County Bar's Criminal Practice Committee hosted the popular annual "**Black Letter Blast on Criminal Law**" on Thursday, January 17 at Tavistock Country Club in Haddonfield. The seminar had over 50 attendees and received rave reviews from all who attended. Pictured are program participants (l to r) **Timothy A. Wright, Esq., Assistant Deputy Public Defender, Office of the Public Defender, Camden Vicinage; Dennis Wixted, Esq., Zucker, Steinbeg & Wixted; Honorable Edward J. McBride, Jr., Presiding Judge, Criminal Part, Camden Vicinage; Derek A. DeCosmo, Esq., DeCosmo & Rolon; and Peter Crawford, Esq., Camden County Prosecutor's Office.**

The Medicaid Payback: How Does It Really Work?

(Continued from Page 5)

Special Needs Trust

In a case where the plaintiff is disabled, Special Needs Trusts are frequently utilized in order to preserve the plaintiff's public benefits, such as SSI, Medicaid, Section 8 Housing, SNAP (Food Stamps), etc. Under the provisions of federal law,⁴ on the death of the trust beneficiary (the plaintiff in the case) the State Medicaid Agency(ies) must be repaid for all benefits paid to the Beneficiary *since birth*. This includes medical assistance not related to the injury that was subject to the litigation. This payback includes any reduction in the lien negotiated at the time of the personal injury settlement. In the example given above, the lien reduction was \$115,000. Contrary to what many people believe, the balance of the lien was not forgiven, it was simply deferred in this situation. Therefore, the payback from the Special Needs Trust on the death of the plaintiff trust beneficiary includes all Medicaid benefits paid to the Medicaid beneficiary whether or not related to the injury including the reduction of the Medicaid lien at the time of the personal injury settlement.

Estate Recovery

In some personal injury cases, the plaintiff has been receiving Medicaid for many years for conditions not related to the injury suffered in the personal injury action. At the time of settlement, there is no payback to the extent that the medical assistance payments were not related to the personal injury. There are also cases where the plaintiff has been receiving Medicaid, elects to take the personal injury settlement, and give up Medicaid and other means-tested public benefits. In these cases, Medicaid may be entitled to recover on the death of the plaintiff.⁵ Under Medicaid estate recovery, the State is entitled to recover from the estate of a deceased Medicaid recipient for medical assistance payments made for services received on or after age 55. However, there is no estate recovery if the individual leaves a surviving spouse, or a surviving child under the age of 21, or a surviving children who is blind or permanently and totally disabled. Again, if the Medicaid lien is reduced through negotiation at the time of settlement but is for services rendered after the plaintiff attained age 55, then this amount would be subject to Medicaid estate recovery.

ABLE Accounts

If an individual is disabled prior to age 26, he or she is eligible to establish an ABLE account. Income earned by an ABLE account is tax-free, but the primary appeal is that the individual with disabilities or a family member can control the account so long as the funds are used for qualified disability expenses. In many third party liability cases involving individuals with disabilities, a Special Needs Trust and an ABLE account are established to work in conjunction with one another. On the death of the plaintiff, monies in the ABLE account must be used to pay back Medicaid, but only for services received since the date of the establishment of the ABLE account.

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.

¹ N.J.A.C. 30:4D-7.1

² Arkansas Department of Health and Humans Services v. Ahlborn, 547 U.S. 268, 126 S. Ct. 1752 (2006).

³ Wos v. E.M.A. ex rel Johnson, 133 S. Ct. 1391 (2013)

⁴ 42 U.S.C. §1396p(d)(4)(A)

⁵ 42 U.S.C. §1396p(b)(1); N.J.A.C. 10:49-14.1, Medicaid Communication No. 10-08

Medicaid Payback

Type of Claim	Related to Injury	Timing Benefit Received	Reduction/ Postponement
Lien v. Settlement	Yes	Since Injury	Procurement Costs and Ahlborn
Special Needs Trust	No	Since Birth	Death of Beneficiary
Estate Recovery	No	Since Age 55	Spouse, Child under Age 21 or Blind or Disabled
ABLE Account	No	Since Account Established	None

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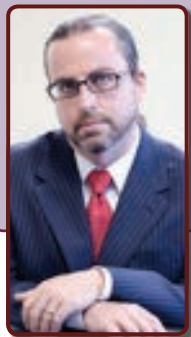
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By Craig David Becker, Attorney at Law
Mount Laurel, New Jersey

Possible Police Investigations

One of the first consultations I had when I opened my practice was someone who thought the police may be investigating him for something he did not do. The person was taken aback by my advice, which was **do nothing!** I advised, "Do not speak to anyone about the alleged incident, do not go anywhere near where the alleged incident occurred, and do not talk to the police without attorney under any circumstance."

My client had initially planned to do the exact opposite of my advice above. My client's plan was to go and speak with other people who also had been alleged to be involved in the incident. Then he was going to explain his situation to the police. In most cases when someone is being investigated, my clients initial plan would've been a serious mistake.

Although exceptions can apply, such as cases where there is overwhelming evidence of your client's guilt or when your client may be able to testify against another person, generally, speaking to the police or anyone during an investigation can make matters significantly worse. The police have significant leeway in trying to get a confession.

Even if the police had no actual intention of charging her with involvement in the shooting, the use of deception, trickery, and psychological pressure by the police is not inherently unconstitutional when they seek to get a confession. *See, e.g., Miller v. Fenton*, 796 F.2d 598, 605 (3d Cir.), *cert. denied*, 479 U.S. 989, 107 S.Ct. 585, 93 L. Ed.2d 587 (1986); *Patton*, supra, 362 N.J.Super. at 29–32 (surveying cases describing acceptable interrogation techniques).

[*State v. Mercer*, A-3957-09T1, 2012 WL 762140, at *11 (N.J. Super. Ct. App. Div. Mar. 12, 2012)]

In fact, New Jersey courts have that police can use trickery or deceptive practices in order to obtain a confession.

New Jersey courts also have permitted the use of trickery in interrogations. *See, e.g., State v. Cooper*, 151 N.J. 326, 355–56, 700 A.2d 306 (1997) (upholding confession where police, after informing defendant of his *Miranda* rights, confronted suspect with evidence of his guilt and wrongly informed him that he could be facing life in prison for murder rather than a death sentence), *cert. denied*, 528 U.S. 1084, 120 S.Ct. 809, 145 L.Ed.2d 681 (2000); *State v. Manning*, 165 N.J.Super. 19, 30–31, 397 A.2d 686 (App.Div.1978) (upholding the admission of a confession given after police lied to defendant that his co-defendant had already

confessed as "[a] confession induced by deception or trickery is not inadmissible unless the method used was calculated to produce an untruthful confession or was offensive to due process.") (*quoting Wharton, Criminal Evidence* § 685 at 471–474 (13th ed.1973)), *rev'd on other grounds*, 82 N.J. 417, 413 A.2d 605 (1980).

[*State v. Patton*, 362 N.J. Super. 16, 31–32 (App. Div. 2003)]

It is a significant mistake to speak to the police without an attorney present. Not all police investigations are looking for a confession. I have had some cases where the police were trying to help. These cases are the exception not the rule. I have advised clients if they are ever called by the police, to explain that their attorney has instructed them not to speak to the police but that their attorney would be happy to speak to the police. I have generally found that police officers looking to help an individual are willing to speak to the individual's attorney. Police officers looking for a confession are generally unwilling to speak with an attorney.

Confessions are not only statements that are made to a police officer. An exception under the hearsay rule allows for the admission of any statement a defendant says to another person that demonstrates culpability. *See, e.g. State v. Reed*, 332 N.J. Super. 575 (Law. Div. 2000) (A third party confession to the defendant was admissible under the statement against interest exception to the hearsay rule).

Most people are not well versed in the federal and New Jersey criminal code. They are not aware of what comments or actions constitute a crime. I have seen cases where an individual trying to explain he did not commit a crime confessed to committing a more serious crime. The common instance is someone who tries to explain away their possession of a narcotic by explaining that it was not theirs and they were simply returning it to the individual who had left the narcotic at their house, car, etc. This person has now confessed not only to possession of a controlled substance but also possession with intent to deliver. Their cover-up statement likely changed the matter from a minor crime to a significantly more serious one. *See N.J.S.A. 2C:35-5*

Often the best thing that a person who thinks they are being investigated for crime can do is stay quiet and not talk to anyone about it. I would compare a criminal investigation to a scab, the more you pick at it the worse it is going to become. The best you can do is leave it alone. If you think it is serious, talk to a professional. Generally, the only positive thing a person can do when being investigated by the police is live an honorable life, and hopefully obtain information the person can use as positive character evidence or other mitigating evidence in the event the government brings charges against them.

YOUNG LAWYER HAPPENINGS

YOUNG LAWYER CHAIR

Cook-off for a Cause

By Neel Bhuta



I would like to draw the Bar's attention to an event thrown by the Young Lawyers Committee called **Cook-Off for a Cause**. This is the Sixth Annual edition, and it is my favorite Camden County Bar event every year. This year it will be held on **Saturday, March 2, 2018 at 6PM** at the **American Legion Post 371 in Gibbsboro**. The event is open to everyone—not just lawyers (plus all veterans come for free!). People will compete in making chili and cornbread and sides and dessert, and everyone else gets to go around tasting the amazing food.

We already have our Big Jalapeno Sponsors: the law firms of DiMichele & DiMichele and McDowell Law PC. Thank you to them! If you would like any more information about buying tickets in advance (you can also buy them at the door!) or sponsoring the event or registering as a competitor, please check out the sponsorship and registration flyers within or contact Bar Headquarters at 856-482-0620 or klw@camdencountybar.org. We are always looking for more sponsors and more competitors and more registrants, because the more money that we raise, the more money that we can deliver to our target organization.

Proceeds for this event benefit New Jersey Veterans Haven of Camden County. Our veterans served this country and have protected our freedoms; however, there is a scourge of homelessness infecting that community.

About 11% of the adult homeless population are veterans.

America's homeless veterans have served in World War II, the Korean War, the Cold War, the Vietnam War, Grenada, Panama, Lebanon, the Persian Gulf War, Afghanistan, Iraq, and the military's anti-drug cultivation efforts in South America. Two-thirds served our country for at least three years, and one-third of the total population were stationed in a war zone.

Even some veterans that might have a home right now are at a special risk of homelessness due to poverty, lack of support networks, and dismal living conditions in overcrowded or substandard housing.

In addition to the complex set of factors influencing all homelessness—extreme shortage of affordable housing, livable income, and access to healthcare—a large number of displaced and at-risk veterans live with lingering effects of post-traumatic stress disorder (PTSD) and substance abuse, which are compounded by a lack of family and social support networks. Additionally, military occupations and training are not always transferable to the civilian workforce, placing some veterans at a disadvantage when competing for employment.

The goal for homeless veterans is secure, safe, clean housing that offers a supportive environment free of drugs or alcohol.

Veterans Haven is a Veterans Transitional Housing Program that aims to meet this challenge where our brothers and sisters find themselves in their time of greatest need. It is a drug and alcohol free program, and residents must abide by this zero tolerance rule while enrolled. Random testing for both is constantly performed and violators are immediately discharged from the program. The program is divided into three phases:

1. Treatment
2. Self-Reclamation
3. Community Reintegration

6th Annual COOK-OFF FOR A CAUSE!



March 2

6 p.m.

**\$40 per person
FREE for veterans**

**CHILI
CORNBREAD
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Special thanks to our Big Jalapeno sponsors!
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For the sixth consecutive year, the Camden County Bar Association's Young Lawyers Committee will be hosting a **CHILI & CORNBREAD COOK-OFF COMPETITION**, with proceeds to benefit New Jersey Veterans Haven of Camden County. Last year, we had an amazing turnout, and this year we are making the event even bigger and better with participation from more local organizations and businesses.

- » Enjoy a DJ, hours of tasting, beer, wine, raffles, prizes and more!
- » Invite your friends and family! Invite any veterans you know!
- » Come taste-test the best your friends and colleagues have to offer!
- » **ADMISSION INCLUDES FOOD, DESSERT, WINE & BEER!**

INTERESTED IN SPONSORING OR DONATING?

Businesses and organizations can support the event or donate items or services to be raffled during the event, with recognition of your support of our cause.

INTERESTED IN COMPETING?

SHOWCASE YOUR SKILLS against South Jersey's top lawyer chefs in any or all of our categories to help support the event!

Each phase lasts three to six months and is tailored to individual treatment needs and vocational interests. Veterans completing the program return to vocations which will support them in years to come.

The particular facility that we are supporting through this event is located in Winslow, New Jersey, and it serves veterans from all over the state. The facility boasts a newly completed addition, and there is a new high-tech computer lab, laundry rooms with state of the art machinery, an advanced fitness room, and a renovated dining area. The staff is comprised of diverse professionals specializing in mental health and social services counseling, addiction counseling, vocational rehabilitation counseling, and nursing. There is also a 24-hour staff with varied duties to meet the needs of the residents ranging from mentorship to transporting residents for vocational and medical appointments, as well as transporting residents to and from required AA and NA meetings. The concept of veterans helping veterans is woven throughout the fabric of the program.

One of the reasons I like this event so much is that it doesn't feel like a stuffy legal networking event. It is just a bunch of friends and family in the community getting together, eating some chili and some cornbread, and giving back to those who risked their lives for our freedoms. We will have a keg and some wine and baskets to raffle. People usually bring their spouses and their children. Representatives and residents from Veterans Haven will be there.

So come spend some time with us—on the first Saturday in March. I'll save you a bowl of chili.

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MEMBER ON THE SPOT

February 2019

NAME: Joshua Amgad Benjamin, Esq.

PRIOR OCCUPATION: I graduated law school at 23 so unfortunately I didn't really have time to have any prior occupations.

RESIDENCE: Cherry Hill

COLLEGE: Rutgers Camden

PRACTICE AFFILIATION: The law offices of Joshua A Benjamin

OTHER BAR ADMITTANCES: Not yet but hopefully PA soon

HIGH SCHOOL: Egg Harbor Township High School

YEAR ADMITTED TO BAR: 2017

LAW SCHOOL: Drexel Kline School of Law

WHAT LED YOU TO A LEGAL CAREER:

I immigrated to the United States when I was 4 years old. I grew up in a predominantly urban area and saw first hand how the criminal justice system adversely effected minorities. Therefore, I decided to make as big of a difference as I could for immigrants and minorities and became an immigration and criminal defense attorney.

BEST PERSONAL/PROFESSIONAL ATTRIBUTE:

Ambition. I truly believe that one person can change the world with hard work and passion. That's why I know it's my duty to be extraordinary in everything I do. Through relentless work ethic and an undying dream to change the world for the better, I know there is nothing that can stand in my way. This ambition is what I consider my best personal attribute.

GREATEST FAULT:

I am a workaholic. No real way to sugar coat it. I have missed birthdays, weddings, family reunions, and so much more in order to build my practice. There are times where the only thing on my mind is how to meet my monthly goals. Even on vacation I'm checking emails. This drives my friends and family a little crazy, especially when they want to have a nice relaxing meal and I can't stop talking about how to increase brand awareness.

WHAT I DO TO RELAX:

I have a huge passion for hip hop and music. So when I am usually really stressed and need to clear my head I'll put on some beats and write music, or I'll write poems and it really helps me get my stress under control.

HOBBIES:

I have also have a passion for the culinary arts. I utilize YouTube and cookbooks to create my own recipes and make delicious food. If anyone ever needs a good home cooked meal please do not hesitate to reach out!

FAVORITE RESTAURANT:

Rayaki. It's the best ramen around and I love me a good bowl of ramen.

FAVORITE TELEVISION SHOW:

Naruto. I know I'm a dork for watching anime but there is just something about a story of redemption and hard work that just fuels me with motivation. And with almost 1,000 episodes it makes for great background noise while you work.

FAVORITE MOVIE:

Creed. As someone who loved living in Philly, nothing gets me more motivated than watching the champ never give up.

FAVORITE AUTHOR/BOOK:

One of my favorite books is Stephen R Covey's *7 habits of highly effective people*. It really helped me get my mindset in order for opening a practice. That being said I'm always looking for a good book recommendation so if you know any, send them my way!

FAVORITE VACATION PLACES:

I don't get to vacation often, but with the weather in NJ honestly, any place that is warm would make me happy.

FAVORITE WEBSITE:

Mine. Check it out Thejablaw.com ;)

FAVORITE MUSEUM:

The Museum of natural science in Boston.

FAVORITE WEEKEND GETAWAY:

Overlook mountain in Woodstock, NY. Last time I went I spent too much time at the Buddhist monastery nestled at the foot of the mountain to finish the hike so I'm definitely going to have to go back soon!

ENJOY MOST ABOUT PRACTICING LAW:

I absolutely love being able to help others. As an attorney, sometimes we take for granted the fact that we have our clients lives in our hands. That still means so much to me and therefore I do my absolute best to help my clients in as many ways as possible.

MOST ADMIRER PERSON AND WHY:

I truly admire Lebron James. After reaching the pinnacle of his craft at a shockingly young age he did not stop his pursuit of greatness. He began to make a difference outside of his profession in order to truly change the world for the better. This is something I want to do more than anything else, that is why I truly admire him.

WHEN AND WHERE HAPPIEST?

I am the happiest with my family. Growing up my mom, dad, sister, aunt and two baby cousins all lived in the same house. We got very close and although I don't see them often now that we all live far away from each other, nothing makes me happier than our family reunions.

CHERISHED MEMORIES:

Christmas of 2017. I had just started my law firm and could not afford to buy my sister or cousins Christmas gifts. I swore to myself that I would not let another Christmas go by whilst being so broke. This past Christmas I was able to buy my entire family matching JAB_Law hoodies and was worried they wouldn't like it. The entire family LOVED my gift and they all immediately put them on. Seeing my family proudly supporting my brand with a large smile on their face was one of the most touching moments I've had.

GREATEST FEAR:

Failure. I have such large ambitions and dreams that I often hear from people that I'm crazy. Especially since I have a small following on social media, I have people who tell me I will fail everyday. Nothing scares me more than the idea of them being right. And nothing motivates me more than the possibility of proving them wrong. I may not be the best attorney yet but I refuse to be outworked.

ALTERNATE CAREER CHOICE:

I would either be a field agent for the Central Intelligence Agency, an actor or a chef.

GREATEST LESSON LEARNED FROM PRACTICE OF LAW:

Care for your clients but do not let your emotions cloud your judgement.

PERSON YOU'D MOST LIKE TO DINE WITH:

Thomas R. Kline, of Kline and Specter; the named donor for my law school. I've met him a couple times and I have admired him for a very long time but have never been able to have a long discussion with him. He is a world-renowned trial attorney with one of the largest firms in the country. His firm is currently how big I dream of growing my own and therefore I would love to have dinner with him in order to ask him how he grew his practice to be so large and what advice he would give a young firm owner whose goal is to build a practice in a similar manner.

(Continued on Page 10)

MEMBER ON THE SPOT (Continued from Page 9)

PET PEEVE(S):

Nothing drives me crazier than people telling me I'm not good enough, or that I'm doing my job wrong. Don't get me mixed up; I LOVE constructive criticism and learning. I am like a sponge when it comes to learning how to do my craft but nothing grinds my gears like someone who is telling me I'm doing things wrong without telling me why it's wrong or without showing me how to do it right.

LIFE'S HIGHLIGHTS:

I would say one of my biggest highlights is growing my personal brand on Instagram and other social media outlets. I have been working towards growing a social media following for about a year now. I have found a way to incorporate my passion for the law into my love for acting and teaching. I get to spread basic knowledge of the law as well as expose social injustices through a lighthearted social media platform.

GREATEST ACCOMPLISHMENT:

My greatest accomplishment is my legal career. Having known that my passion for protecting others was overwhelming at a young age, I knew my goal was to become an attorney. Through hard work, endless nights, and the support of family, friends and church, I was able to obtain two Bachelor Degrees in three years and a Juris Doctor in two years. I graduated law school in May of 2017 and passed the Bar Exam, becoming a Barred attorney at the age of only 23. I thank God every day for this accomplishment but I promise it is only the beginning.

#1 PROFESSIONAL GOAL:

My professional goal is to own and manage one of the largest General Practice Law firms in the country. I hope to create a firm that focusses not on making money but on bettering the world for those less fortunate. I hope one day to be able to help thousands of individuals navigate the legal system. This is my dream.

#1 PERSONAL GOAL:

A personal goal of mine is to create a much larger platform in order to spread a message of positivity and legal competency to the youth. We all know "Bill Nye the Science Guy", who taught us that mitochondria is the powerhouse of the cell. Well my dream is to become "JAB_Law the Legal Guy" so that I can teach those growing up in this country that they have rights. I think it is crazy that ignorance to the law is not a defense from the law. Therefore, I strive to ensure that ignorance of the law is as limited in society as possible.

LIFE EXPERIENCE(S) WITH GREATEST IMPACT:

I think the birth of my little sister had the biggest impact on my life. She is an amazing young woman who constantly pushes herself to be great and surprises me every day. After she was born, I found a new motivation. I wanted to be the greatest version of myself in order for her to have someone who deserves her admiration. She is currently in Rutgers Camden undergrad on a full ride, but be careful world, she's going to be an even better attorney than me one day.

ADVICE TO YOUNG LAWYER:

Be patient, be kind, be ambitious. As an attorney you have accomplished something that others only dream of. You can write policy, handle cases, and change lives. Use these abilities to positively impact everyone you encounter. Money should never be your goal, although you will need it to achieve your goals. Therefore set goals that will benefit not only yourself but as many people as possible.

HOPE TO BE DOING IN 10 YEARS:

In ten years I will be 35 years old. I hope by then to be able to open several different offices in order to help positively impact the lives of hundreds of people.

FAVORITE QUOTATION:

I have so many favorite quotes but here is one I love: "What does it mean to be a genius? So I may not have been born with the natural gifts that others have. I may not have started with the talent that others already possess. But I work hard. I'll work harder than any one else if I have to. I will never give up until I reach my dreams....that is my gift."

WELCOME NEW MEMBERS

December 2018- January 2019

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Christopher J. D'Alessandro, Esq.

Rutgers Law Associates
217 N. Fifth Street
Camden, NJ 08102

Andrew T. Parsinitz, Esq.

Davis & Mendelson, LLC.
1200 Laurel Oak Road, Suite 101
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WINE & FOOD

By Jim Hamilton

As a reader of this column (THANK YOU!), you probably have at least a casual interest in wine which, the column's conjunctive name notwithstanding, is the primary focus of our discussions. As I have mentioned many times in the past, most of the wines we talk about here are discovered at wine tastings. The discovery may only be a new vintage of a familiar wine, but sometimes wineries that previously were untried bring a smile and recommendation. Attending tastings presented by wine distributors usually will feature more wines than anyone has an ability to taste, particularly if time is spent speaking with pourers who own the winery or make the wines being offered (and often the person is both the owner and winemaker). Certainly, there is a benefit to learning about wines from those responsible for their creation since they are intimately familiar with the grape(s) employed, the vineyard from which the grapes were picked, and all the details about how the raw materials were fashioned into the finished product.

Another type of public wine tasting (as distinguished from a gathering of friends) is one that will benefit a cause, usually a worthy charity. Typically, these tastings are organized by a wine savvy retailer who calls upon wine distributors to present wines selected by them from their inventory. While one certainly can be rewarded learning about a wine from someone who knows and sells it, the true benefits of attending such a wine tasting are discovering wines you enjoy but may not otherwise have been inclined to

purchase had you not sampled them, while at the same time supporting the charity that is raising money from the event. It is a way to double your pleasure without chewing gum (at least a few of you are old enough to understand the reference).

Well, your Camden County Bar Foundation will once again be hosting a wine tasting to raise money for two of our many charitable endeavors, but this time the food that will be served to accompany the many wines (and beers) being featured will be from Cathedral Kitchen. As you may know, Camden's Cathedral Kitchen not only feeds the hungry but also trains people, many of whom are seeking a second chance in life, to be cooks. So, if you attend our April 5th wine tasting being held at the Barry Brown Health Education Center in Voorhees, you will, in baseball parlance, be hitting a triple and helping the Foundation score. What better way can there be to wind down on a Friday evening with family and friends or gain some real bonus points with clients than to expand your wine horizons while enabling your Foundation to raise money to help others. We will talk a bit more about this next month, but **PLEASE SAVE THE DATE!**

Okay, enough promotion, let's turn attention to some wines you may find worth searching out. At a recent German Wine Society tasting I had a chance to taste a number of wines from the portfolio of Derek Vinnicombe's Wine Sellers Ltd. so let me share some impressions about two of them. **NV Fitz-Ritter Riesling Sekt** is a sparkling wine made from the Riesling grape which offers considerable enjoyment at a cost that should be less than half the price of most Champagnes. The fruit profile resembles Fuji apples expressed in a body that is lush, ripe and supple. There is extract and weight within the persistent bubbles that expand on the palate without losing the texture and balance the wine possesses. The **2016 Jakob Schneider Niersteiner Paterberg Riesling Kabinett** may be slightly off-dry, but dry wine fans should not dismiss it because there is a vibrancy unleashed by the wine's acidity that keeps the sugar in check. That high tone escorts ripe peach and pear fruit that is tinged by a trace of honey. The crispness of the wine causes the fruit impression to overshadow the modest level of residual sugar. Paterberg is among my favorite German Vineyards, and Schneider a rising star, so the performance of this wine was not at all surprising.

Last month we featured a French Sauvignon Blanc, Le Mont, that displays more restraint than the varietal often offers, so this month let's talk about an American version from one of the more reliable performers in the bargain wine playing arena. Bogle Vineyards & Winery, while family run, is not a small, artisan producer in the California wine industry; it produces 2.5 million cases annually. However, by sourcing most of the grapes from outside prime vineyard sites, Bogle manages to produce consistently fine value across a broad array of grape varietals. From among ten Bogle wines tasted recently, **2017 Bogle Sauvignon Blanc** was my favorite. The flavors found are not the herbal or grassy quality often associated with this grape. Rather, the impression is one of creamed



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WINE & FOOD

(Continued from Page 11)

corn with a lactic presence framed by subtle green vegetable notes. It is a wine possessing a round rather than linear personality and a savory quality suitable for many food pairings.

If you prefer red wine and want to try something that is anything but subtle, the two Aussies who formed First Drop Wines offer a roster of wines that are big on fruit but not price. **2016 First Drop Mother's Milk Shiraz** is a bold bundle of dark berry fruit that is tart but bright, tinged with green spices, and a ripeness that avoids going over the top. 2016 First Drop Mother's Ruin Cabernet Sauvignon exhibits a bit more structure than its Shiraz sibling, but nevertheless has abundant fruit leading the charge across the palate like a brass section of a marching band, with fleshy cassis and plum flavors etched with a clove-like spice, exhibiting a plumpness that while bulky is not at all flabby.

Another decidedly New World Cabernet Sauvignon I tasted recently and thereafter was pleased to find at a very favorable (< \$15) price is **2016 McPrice Myers Bull by the Horns**. While it was founded in 2004, this is a winery I only recently encountered at a trade tasting where its wines were being poured by Patrick McNeil, the proprietor of Wines That Deliver. Patrick also was pouring two of his wines (both excellent) along with wines from "Mac" Myers. The grapes for most of the wines were sourced from California's Central Coast, primarily Paso Robles, and that is the

case with this wine. The flavors conveyed are red fruit dominated, currant and cherries primarily, with little overt perception of tannins or acidity to suggest that this is a wine to lay down to age. It clearly is built for instant gratification, a quality sure to please most consumers.

While its economy has been decidedly lackluster, Portugal has a wine industry that has been growing despite the country's economic doldrums. There are many reasons for this, but two important ones are both the commercial and critical attention being given to table wines being produced (Portugal offers much more than Port wines). While there are many regions leading the charge, one that certainly is not is the small region just north and west of Lisbon, the Vinho Regional de Lisboa, in which we find Adega Regional de Colares. A nice value wine from this cooperative is **2014 Adega Regional de Colares Chao Rijo Tinto**. The wine exhibits a tension between its dark, black fruit and its flinty, loamy textures. It is clean and expressive, maintaining a centuries old traditional approach to winemaking while being led by a young viticulturist/enologist who has brought some modern touches to the newer releases.

Since this is a month for sweethearts, let's close with a wine made from a grape that probably more than any other may be America's sweetheart – Chardonnay. While it may not have the singular association with our country that Zinfandel enjoys, and France's Burgundy region is "ground zero" for the grape, American wine drinkers long ago fell in love with this varietal (and probably made a rich lawyer, Jess Jackson, even richer with his Kendall Jackson Vintner's Reserve). While demand and quality have served to elevate prices for many producers' efforts with the grape, one still can find value. An inexpensive Chardonnay to consider is from a relatively new winery from California's Monterey County, Bluebird. **2014 Bluebird Chardonnay** offers a substantial heft to its fruit, with white flowers pressed against melon flavors to compose a full-bodied wine that tastes fruity but dry and leaves a clean mouthfeel. Cheers!



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FINANCIAL FORENSICS

Where do Tax Audits Start?

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

I'll put aside my forensic accounting and business appraisal hat for this issue of the Barrister since we're now also engulfed in "tax season". At the same time, you're being bombarded by W-2s, 1099s, K-1s while lamenting how you've heard the new tax provisions may have clobbered many an attorney. You may have read that IRS audits are down in the wake of budget and personnel cuts (and the government shutdown didn't help). However, you should realize, as do we, that the Internal Revenue Service has also developed a broad network of information sources which is used to target taxpayers for audit. You wouldn't believe the pushback I get when alerting lawyers and many of their advisors on the IRS audit guide exclusively focused on attorneys (reach out to us for copies of our ICLE seminar on such). Anyway, here are some Abo thoughts about some of these behind-the-scenes activities:

- As you probably suspect, in most cases, a taxpayer's information gets red flagged by a system called the Information Returns Processing system (IRP). This is a huge database that reviews the earnings the taxpayer reports (or doesn't report). It compares stated income to the information third parties provide. Employers, banks, and other financial institutions all report to the IRS each year, just like taxpayers. When there is a discrepancy in that data, an alert goes out and the IRS investigates. Beyond just comparing 1099 or W-2 information, for example, local real estate sales records are checked against tax returns to see if gains on the sale are reported.

- IRS information sharing programs save government resources through partnerships between IRS and federal agencies as well as state and municipal governmental units. The goal of these programs is to enhance voluntary compliance with tax laws. This includes facilitating the exchange of taxpayer data, leveraging resources, providing assistance to taxpayers to improve compliance and communications, and identifying and reporting information on emerging tax administration issues. Conversely, comparable laws allow federal agencies, states and municipalities to share their information with the IRS.
- Did you consider that lists of names of luxury car buyers are obtained from states and checked against tax return income to assess whether the taxpayer's reported income sufficed for the type of vehicle purchased?
- Did you think that rental property listings and newspaper ads are tracked to see if property owners are reporting rental income?
- Bank records and cash receipts records of automobile, boat, art, jewelry and other dealers in luxury goods are often targeted to assess whether currency transactions over \$10,000 were reported and to compare income of purchasers with the size of the purchase.
- Sales tax payments to local and state governmental authorities are compared with sales reported to the Internal Revenue Service as are state tax adjustments against the federal tax returns filed by taxpayers.

(Continued on Page 14)

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- Included on the Roster of Mediators for Economic Aspects of Family Law Cases in Camden, Burlington, and Gloucester Counties
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Haddonfield, NJ 08033

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www.SJFamilyLawyers.com



Where do Tax Audits Start?

(Continued from Page 13)

- Gross receipts of large restaurants, gambling casinos, etc. are compared with tips reported by employees, especially those who have been in the establishment's employment for some time.
- State licensing records of professionals (yep, attorneys too) are compared with Internal Revenue Service records to uncover non-filers.
- Tax return preparers are scrutinized for patterns of large and regular refunds to clients. Client returns of those suspected as being overly aggressive are then selected for audit.
- You might be surprised to learn that certain conditions will allow the IRS agent to get information from a state or other federal agency without even contacting the taxpayer (such as Bureau of Labor Statistics, Social Security Administration, U.S. Post Office, Department of Motor Vehicles, Law Enforcement, OSHA, Department of Social Services, SBA, DOT, Fictitious Name Register, Better Business Bureau, etc.) Similarly, they also get info from Court records (i.e. divorce, liens, probate, property records, mortgages, bankruptcy)
- Again, consider the coordinated efforts between the IRS and the states (i.e. permits, licenses, sales tax, employment/unemployment data, etc.)
- The IRS has been known to reach out to trade associations, city records, credit applications/reports, suppliers, insurance providers, Dun & Bradstreet and other credit reporting outfits, LEXIS, former personal contacts (such as landlord, employer, employees, ex-spouse, neighbors) and third-party contacts (i.e. taxpayer's landscaper/lumber yard can lead to addresses where lumber was delivered)

- Newspaper articles are a great resource for the IRS to ensure proper tax reporting (don't assume the auditor has not read the New Jersey Law Journal's article on your huge settlement and the timing of its receipt by you)

The above bullet points are but a few of techniques we've come across that are in addition to the "computer grading" of your tax return based on statistical sampling and other IRS analysis.

As you can see, the Internal Revenue Service network is formidable and designed to ensure that the limited audits that are performed are likely to result in significant additional revenue. The best way to avoid becoming ensnared in its net is to utilize the services of an experienced professional for tax planning and preparation (guess who that might be) ...someone who is equally concerned with protecting the client and with minimizing taxes.

Abo and Company, LLC and its affiliate, Abo Cipolla Financial Forensics, LLC, Certified Public Accountants – Litigation and Forensic Accountants are Partners in Progress of the Camden County Bar Association. The above article was retrieved from the "E-mail alerts" disseminated to clients and friends of the firm. With offices in Mount Laurel, Morrisville, PA and Franklin Lakes, NJ, tips like the above can also be accessed by going to the firm's website at www.aboandcompany.com or by calling 856-222-4723.

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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!

We strive to successfully meet the needs of a very diverse client base. We have carefully focused and developed our practice to specialize in the complexities of tax planning and compliance; financial consulting; accounting and review services; estate planning and compliance. We are here to assist our judiciary and legal colleagues in any and all accounting, tax, valuation, investigative or litigation support project where our team may be of benefit. We offer consultations in many areas, including the following:

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- Business interruption claims
- Business valuations
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- Matrimonial litigation
- Document requests & productions
- Fraud investigations
- Arbitration and Mediation
- Tax related valuations
- Lost earnings from wrongful death, termination or personal injury claims

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(856) 222-4723

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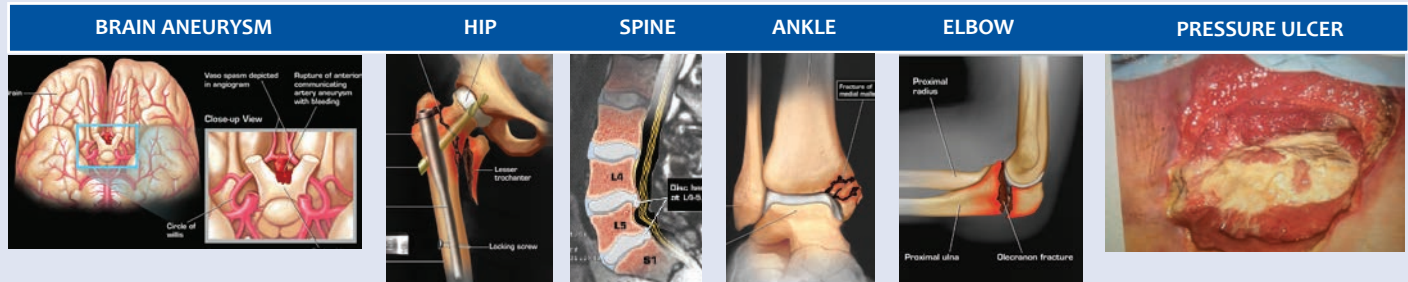


Andrew A. Ballerini

Certified Civil Trial Attorney
Million Dollar Advocates Forum Member

Richard J. Talbot

Certified Civil Trial Attorney
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- \$500K Jury Verdict-Excess Over Remainder of \$100K CSL Policy Against Allstate Insureds with Offer of Judgment for Policy-Herniated Discs
- \$500K Nursing Home/Hospital Neglect - Pressure Ulcers
- \$750K Nursing Home Neglect During Rehab Admission-Infected Pressure Ulcer-Surgery
- \$950K Nursing Home Neglect-Failure to Recognize and Act Upon Signs of Stroke
- \$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

535 Route 38 • Suite 328 • Cherry Hill, NJ 08002
856.665.7140



Camden County Bar Association
Your Home Court Advantage!



COLLUSION & CONSPIRACY

CRIMINAL AND CIVIL LIABILITY FOR ASSISTING ANOTHER'S ACTIONS

WHEN

Tuesday, February 12, 2019
12-2:15pm

WHERE

Bar Headquarters (1040 N. Kings Highway, Suite 201, Cherry Hill)

Saying that it wasn't mine or I didn't do it is not always a defense. There are many ways a person can become criminally and civilly liable for the acts of another person. This seminar will look into how conspiracy, solicitation, and agency can create criminal and civil liability. **Topics will include:**

- What is a conspiracy, what acts makes someone part of a conspiracy
- What is solicitation, and the liability that can extend from solicitation
- We will also discuss agency and how someone can be liable for the acts of another person.

MODERATOR / SPEAKER

Craig D Becker, Esq., *Craig David Becker, Attorney at Law, LLC*

SPEAKERS

Thomas A. Hagner, Esq., *Hagner & Zohlman, LLC*

Robert M. Perry, Esq., *Daniel Rosenberg & Associates, LLC*

Nancianne Aydelotte, Esq., *Martone Law Group, LLC*

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 qualifies as hours of credit for ethics/professionalism. Actual credits earned may be less if seminar is less than 120 minutes. **PA CLE Board:** Includes 2.0 hours of Substantive credits. **The CCBA charges \$3 per PA credit.**

Need PA Credits Yes No

→ PA ID#: _____

COST

\$60 CCBA MEMBERS

\$90 NON-MEMBERS

\$15 PARALEGALS/LEGAL SEC

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Questions? Contact **Roseanne Riley** @ rry@camdencountybar.org or 856-482-0620



Camden County Bar Association
Your Home Court Advantage!



"Over the River and Through The Woods": Exploring Differences Between PA and NJ Real Estate Law

WHEN

Wednesday, February 13, 2019
Noon-2:15pm

WHERE

Bar Headquarters (1040 N. Kings Highway, Suite 201, Cherry Hill)

FACULTY

- Jay S. Ruder**, Archer & Greiner, P.C. (Philadelphia)
- Jeffrey D. Gordon**, Archer & Greiner, P.C. (Princeton)
- Michael F. Floyd**, Archer & Greiner, P.C. (Haddonfield)

If "all politics is local," as Tip O'Neill once said, real estate law is even more so. This program will explore the differences in real estate practice on both sides of the Delaware River. We will examine the attorney's role in transactions and highlight substantive differences in sale, lease and financing transactions in the two states. The program will also cover the similarities and differences in land use and tax appeal practices. Despite the states' geographic proximity, there are fundamental differences in the way to handle many Pennsylvania and New Jersey real estate issues. This program will help attendees avoid getting caught off guard by unexpected differences in local practice.

- **Mr. Ruder** will examine the different roles attorneys in PA and NJ play in real estate transactions and explore substantive differences in sale, lease and financing transactions, including mandatory contract terms, realty transfer taxes/fees, bulk sale requirements, the duty to mitigate damages, confession of judgment and other remedies, recording requirements, title examinations and closing practices, attorney review provisions and mineral rights reservations.
- **Mr. Gordon** will compare and contrast tax appeal practice and procedure in each state, including practical considerations for presenting cases to a dedicated Tax Court (NJ) versus a court of general jurisdiction (PA). He will also explore substantive appraisal differences, including the very different interests in real estate valued for tax assessment by the two states, and will review the upward-trending "reverse" (taxing district-initiated) appeal practices and legal requirements for each state.
- **Mr. Floyd** will review the statutory schemes governing land development and subdivision in NJ and PA and compare and contrast specific differences for development applications, such as Notice requirements, jurisdictions of Zoning Boards, Planning Boards, and Planning Commissions, and challenges to zoning ordinances. He will also highlight how land development in Philadelphia is different from the rest of PA and NJ.

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 qualifies as hours of credit for ethics/professionalism. Actual credits earned may be less if seminar is less than 120 minutes. **PA CLE Board:** Includes 2.0 hours of Substantive credits. **The CCBA charges \$3 per PA credit.**

Need PA Credits Yes No

PA ID#: _____

COST

\$60 CCBA MEMBERS

\$90 NON-MEMBERS

\$15 PARALEGALS/LEGAL SEC

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Questions? Contact **Roseanne Riley** @ rry@camdencountybar.org or 856-482-0620

6th Annual
COOK-OFF FOR A CAUSE!



March 2
6 p.m.

\$40 per person
FREE for veterans



American Legion
Post 371
42 N. Lakeview Dr.
Gibbsboro

ALL ARE WELCOME!

To RSVP, Sponsor, Donate or Compete:

Contact Bar Headquarters at 856.482.0620
or email klw@camdencountybar.org

Special thanks to our Big Jalapeno sponsors!
DeMichele & DeMichele and McDowell Law PC

For the sixth consecutive year, the Camden County Bar Association's Young Lawyers Committee will be hosting a **CHILI & CORNBREAD COOK-OFF COMPETITION**, with proceeds to benefit New Jersey Veterans Haven of Camden County. Last year, we had an amazing turnout, and this year we are making the event even bigger and better with participation from more local organizations and businesses.

- » Enjoy a DJ, hours of tasting, beer, wine, raffles, prizes and more!
- » Invite your friends and family! Invite any veterans you know!
- » Come taste-test the best your friends and colleagues have to offer!
- » **ADMISSION INCLUDES FOOD, DESSERT, WINE & BEER!**

INTERESTED IN SPONSORING OR DONATING?

Businesses and organizations can support the event or donate items or services to be raffled during the event, with recognition of your support of our cause.

INTERESTED IN COMPETING?

SHOWCASE YOUR SKILLS against South Jersey's top lawyer chefs in any or all of our categories to help support the event!

6th Annual COOK-OFF FOR A CAUSE!



**Saturday
March 2, 2019
6 p.m.**

**CHILI
CORNBREAD
SIDES
DESSERT!**

SPONSORSHIP OPPORTUNITIES

For the sixth consecutive year, the Camden County Bar Association's Young Lawyers Committee will be hosting a **CHILI & CORNBREAD COOK-OFF COMPETITION**, with proceeds to benefit New Jersey Veterans Haven of Camden County. Last year, we had an amazing turnout, and this year we are making the event even bigger and better with participation from more local organizations and businesses.

Here's your chance to support our veterans by becoming an event sponsor, donating items to the raffle, and/or volunteering to make chili, cornbread, dessert or a side dish! Please help us give back by signing up for one of the following:

~~BIG JALAPEÑO EVENT SPONSOR~~ \$1,000 — Receive 4 complimentary tickets and enjoy visibility before, during and after the event, sign on a "Big Jalapeño" walking around during the event, and a special opportunity to address attendees.

GONE! DeMichele & DeMichele and McDowell Law PC

Competition Sponsors: \$500 — Receive 4 complimentary tickets and signage at competition tables and in programming.

Veteran Sponsors: \$250 — Receive 2 complimentary tickets, plus 1 ticket for a veteran from Veterans Haven, and recognition in all marketing materials.

Table Sponsors: \$50 - Receive a sponsorship sign on dining table.

Raffle Donation: Businesses and organizations can donate items or services to be raffled during the evening, with recognition for your support of our cause.

Chili, Cornbread, Side or Dessert Competitor: SHOWCASE YOUR SKILLS against South Jersey's top lawyer chefs in any or all of our competition categories and help support this great event!

For more information or to participate:

Contact Krystal Widman at klw@camdencountybar.org or Neel Bhuta at nbhuta@lockslaw.com
or call the Camden County Bar Foundation at 856.482.0620.



Camden County Bar Association
Your Home Court Advantage!

Subrogation Rights for Employers in N.J. Workers' Compensation; The New Frontier Post NJT v. Sanchez

WHEN

Thursday, March 7, 2019
Noon-1:15pm

WHERE

Cherry Hill Library, Conf Center

In this practical seminar, you will learn how the recently published Appellate Division decision NJT v. Sanchez dramatically changes the landscape for employers and their workers' compensation insurance carriers in subrogation matters. Topics include:

- Understand NJT v. Sanchez's impact upon workers' compensation subrogation matters
- Use NJT v. Sanchez to your advantage
- Advertise your services to your employer and/or insurance carrier clients
- Capitalize upon cases that previously may have been turned down

MODERATOR / SPEAKER

Shawn C. Huber, Esq. Partner, Brown & Connery, LLP

SPEAKERS

To Be Announced

This program is approved by the **NJ CLE Board** of the Supreme Court of New Jersey for 1.2 hours of total CLE credit. Of these, 0.0 qualifies as hours of credit for ethics/professionalism. Actual credits earned may be less if seminar is less than 60 minutes. **PA CLE Board:** Includes 1.0 hour of Substantive credits, and 0.0 hours of credit for ethics/professionalism. **The CCBA charges \$3 per PA credit.**

Need PA Credits? Yes No

➔ PA ID#: _____

COST

\$40 CCBA MEMBERS

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\$15 PARALEGALS/LEGAL SEC

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Questions? Contact **Roseanne Riley** @ rry@camdencountybar.org or 856-482-0620



Camden County Bar Association
Your Home Court Advantage!

Cybersecurity for the General Practitioner - What All Lawyers Should Know to Protect Themselves and Their Clients from Cyber Events

Co-sponsored by:



WHEN

Monday, March 18, 2019

CLE Program: 4-6:15pm

Networking Reception: 6:15-7:15pm (incl. 1 beer token)

WHERE

Double Nickle Brewing Co.

1585 Route 73, Pennsauken

Topics include:

- Common Cyber Threats and Trends
- Overview of Data Privacy and Cybersecurity Laws & Litigation Trends
- Applicable Ethics Law & Principles
- Basic Cyber Counselling and Incident Prevention—How To Comply with Ethical Obligations
- Incident Response Procedures
- Banking Safeguards
- Cyber Insurance

MODERATOR / SPEAKER

Robert J. Egan, Esq., Archer & Greiner

SPEAKERS

Daniel DeFiglio, Esq., Archer & Greiner

Nicholas Franchetti, Esq., Archer & Greiner

Kate Sherlock, Esq., Archer & Greiner

Anthony Fassano, Esq., Archer & Greiner

Joe Riccio, WithumSmith & Brown

Chantal Capodicasa, Wells Fargo

Joe Haggerty, Hardenburgh Ins Group

Rob Kleeger, Digital4nx Group

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, 1.0 qualifies as hours of credit for ethics/professionalism. Actual credits earned may be less if seminar is less than 120 minutes. **PA CLE Board:** Includes 2.0 hours of Substantive credits, and 1 hour of credits for ethics/professionalism. **The CCBA charges \$3 per PA credit.**

Need PA Credits **Yes** **No** → **PA ID#:** _____

Questions? Contact Roseanne Riley @ rry@camdencountybar.org or 856-482-0620

COST

\$35 CCBA MEMBERS

\$60 NON-MEMBERS

\$15 PARALEGALS/LEGAL SEC

\$10 LAW STUDENTS

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Camden County Bar Association
Your Home Court Advantage!

Hon. Gloria M. Burns Annual Bankruptcy Bench Bar Conference

WHEN

**Tuesday, March 19, 2019
4-7:15pm**

WHERE

Tavistock Country Club

The preliminary list of topics will be:

- Ethical Issues Facing Bankruptcy Practitioners
- 2018 Hot Case Law Review
- Remarks from the Office of the Chapter 13 Trustee

MODERATOR

Carrie J. Boyle, Esq., Boyle & Valenti Law, P.C.

SPEAKERS

Hon. Jerrold N. Poslusny, Jr., US Bankruptcy Judge
Camden Vicinage

Albert Russo, Esq., Standing Chapter 13 Trustee
Trenton Vicinage

Daniel Reinganum, Esq., McDowell Law
Maple Shade, NJ

Angela Pattison, Esq., Powers Kirn, LLC
Moorestown, NJ

This program is approved by the **NJ CLE Board** of the Supreme Court of New Jersey for 3.9 hours of total CLE credit. Of these, 0.0 qualifies as hours of credit for ethics/professionalism. Actual credits earned may be less if seminar is less than 180 minutes. **PA CLE Board:** Includes 3.0 hour of Substantive credits, and 0.0 hours of credit for ethics/professionalism. **The CCBA charges \$3 per PA credit.**

Need PA Credits? Yes No → **PA ID#:** _____

COST

\$90 CCBA MEMBERS

\$120 NON-MEMBERS

\$35 PARALEGALS/LEGAL SEC

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THE CAMDEN AND GLOUCESTER COUNTY
BAR ASSOCIATIONS PRESENT

NJSBA MEET & GREET NETWORKING EVENT



Hear from New Jersey State Bar Association President John E. Keefe, Jr. as he provides a brief “State of the Bar” address. Then meet and mingle with State Bar leadership at this very special event. All are welcome!

Enjoy passed hors d'oeuvres and grazing station including assorted cheeses, cured meats, pasta, meatballs and more! Cash bar.

March 20
5:30 - 8 p.m.
\$50 per person

Woodcrest Country Club
300 E. Evesham Road
Cherry Hill

Please RSVP by March 13, 2019 and indicate if a CCBA or GCBA member

Reservation Form — Print Clearly — Detach and return with payment no later than **March 13, 2019**

REQUIRED: ☐ CCBA MEMBER ☐ GCBA MEMBER ☐ BOTH

Name(s) _____

Address _____

City/State/Zip _____

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Signature (credit card payments only) _____

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Camden County Bar Association—NJSBA Meet & Greet
1040 N. Kings Highway, Suite 201 | Cherry Hill, NJ 08034
or register online at <https://camden.intouchondemand.com>

Questions?

856.482.0620
Fax Registration: 856.482.0637





Camden County Bar Association
Your Home Court Advantage!

Handling The Premises Liability Case: Trips, Slips and Falls

WHEN

Thursday, April 4, 2019
4-6:15pm

WHERE

Bar Headquarters (1040 N. Kings Highway,
Suite 201, Cherry Hill)

Topics to be discussed include:

- Intake, Initial Investigation and Evaluation: Getting in Early, Identifying Responsible Parties, Applicable Duties and Other Landmines
- Recent cases you NEED to know
- What expert is the right kind of expert?
- How to meet your burden of proof?
- Unique issues regarding slip and falls on ice and snow
- Do you always need an expert?
- The 5 main things to look for when evaluating a premises case

MODERATORS / SPEAKERS

Diane Tungol Magram, Esq., *Pringle Quinn Anzano, P.C.*

Tommie Ann Gibney, Esq., *The Law Offices of Andres & Berger, P.C.*

SPEAKERS

Michael J. Dennin, Esq., *Law Office of Vincent J. Ciecka*

Rick DeMichele, Esq., *DeMichele & DeMichele, P. C.*

Scott Moore, Forensic Expert, *Moore Engineering Service*

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 qualifies as hours of credit for ethics/professionalism. Actual credits earned may be less if seminar is less than 120 minutes. **PA CLE Board:** Includes 2.0 hours of Substantive credits. **The CCBA charges \$3 per PA credit.**

Need PA Credits Yes No

PA ID#: _____

COST

\$50 CCBA MEMBERS

\$70 NON-MEMBERS

\$15 PARALEGALS/LEGAL SEC

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Questions? Contact Roseanne Riley @ rry@camdencountybar.org or 856-482-0620

Camden County Bar Foundation's



Cinco de Abril

Friday, April 5 | 6 - 9 p.m.

Barry Brown Center
106 Carnie Boulevard
Voorhees



Advance Reservations – \$60 pp/\$100 per couple • \$50 pp/\$90 per couple*

At the Door – \$70 pp/\$120 per couple • \$60 pp/\$110 per couple*

**admitted to the bar 5 years or less*

Support the CCBF's annual spring fundraiser and help us raise money for the upcoming Children's Picnic slated for June 1 at Challenge Grove Park in Cherry Hill!

Wine Tastings

Delicious Food

Silent Auction

Raffles

Masquerade!

If you read Jim Hamilton's monthly column, you know that the best way to learn about wine and your own preferences is by your tasting experiences. What better opportunity to expand your wine horizons? When you add an exciting collection of silent auction items and an array of delicious food, this promises to be a great event for a great cause, and an excellent way to entertain clients, friends or simply enjoy a night out with your spouse or significant other. Please join us ~ all are welcome!

*Please feel free to wear a mask for our special masquerade theme!
If you don't have one, we will have a small supply of masks to distribute.
Of course if you prefer not to wear a mask, that's okay, too!*

*We will be serving fish, vegetable and cheese dishes for
our CCBA members observing the Lenten Season.*

Reservation Form — Print Clearly — Detach and return with payment no later than **March 29, 2019**

Name(s) _____

Address _____

City/State/Zip _____

Telephone _____ Email _____

Credit Card# _____ Expiration _____ CVV _____

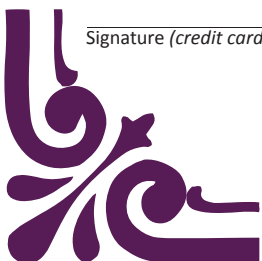
Signature (credit card payments only) _____

MASQUERADE MAGIC! Firms and groups that reserve 10 or more tickets pay just \$475 (\$47.50 pp). To be eligible for the discount, reservations must be made/paid at the same time. Invite your colleagues, friends, neighbors, staff and clients to join you for a great evening!

Checks payable/return to:
Camden County Bar Foundation—Wine Tasting
1040 N. Kings Highway, Suite 201
Cherry Hill, NJ 08034
or register online at
<https://camden.intouchondemand.com>

Questions?
856.482.0620

Fax Registration
856.482.0637



Camden County Bar Association 2018

Hon. Peter J. Devine, Jr.

Award Reception

*honoring Thomas J. Hagner, Esq.
& Hon. Joel B. Rosen, USMJ (ret.)*



Tuesday, April 9, 2019
6 - 9 p.m.
Caffe Aldo Lamberti
2011 Marlton Pike West, Cherry Hill



Join colleagues and friends from the Bench and Bar to recognize and pay tribute to two of the Bar's outstanding members and present the Association's highest honor for distinguished service to the Bar to **Thomas J. Hagner, Esq.** and **Hon. Joel B. Rosen, USMJ (ret.)**

*Featuring an upscale cocktail party, including 2-hour open bar,
butlered hors d'oeuvres and food stations, friendly conversation,
networking and brief formal presentation of the 2018 Devine Award*

\$65 per person | Please RSVP by Tuesday, April 2, 2019

Reservation Form — Print Clearly — Detach and return with payment no later than April 2, 2019

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Register online at www.camden.intouchondemand.com

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Camden County Bar Association
c/o Devine Award Reception
1040 N. Kings Highway, Suite 201
Cherry Hill, NJ 08034

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