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From the President's Desk...

Like the yearly migration of the Swallows of San Juan Capistrano (yes, my article has officially gone to the birds), I know summer is coming to a close because my son and daughter are itching to end their seasonal jobs and wing back to college. In just a few weeks there will be skid marks in my driveway as they depart for school. I've convinced myself that they leave so much rubber behind because they can't wait to get back and hit the books (cough, cough), rather than because they want to escape from their nagging parents. Please indulge me. Blissful delusions like these make it much easier for me to sign their tuition checks. Delusions aside, I hope that all of you are enjoying the summer and finding some much-needed rest and relaxation, as well as vacation time away from the office and a chance to spend time with family and friends.

As fall approaches we are about to embark on our award season. Each year, the Mercer County Bar Association bestows three awards to outstanding attorneys and organizations. All of our award recipients will be honored during the November General Membership Meeting on November 2nd, so make sure to mark your calendars now!

Our crack Awards Committee did a terrific job in choosing this year's



Robert E. Lytle

awardees, which I am honored to introduce at this time. The recipient of the Community Partner Award is Central Jersey Legal Services. Each year, CJLS assists over 4,000 County residents – only a fraction of those in need of assistance, through no fault of their own. CJLS was led by Pat Budd for many years and its current Director, Susan Knispel, has similarly done an outstanding job under increasingly difficult circumstances. The tradition of service exemplified by CJLS and its staff is truly inspiring and I am honored to present such an important organization with this recognition.

The Young Lawyer of the Year Award will go to our very own Lauren E. Scardella, Esq. Lauren has been very involved in the activities of the bar over the last several years, most recently co-chairing our Women Lawyers Committee and chairing the Municipal Bench Bar Committee. Through her enthusiastic and dedicated participation, Lauren has distinguished herself as an important asset to the bar both



Save the Date
XTREME CLE

November 14, 2017
Mercer County Community College

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currently and for the future.

Finally, this year's Michael J. Nizolek Award will be presented to Charles "Buck" LaFerrara. The Nizolek Award is the Mercer County Bar Association's highest tribute and is bestowed in honor of the late former MCBA President, Michael J. Nizolek, who was one of the most beloved members of the MCBA. Each year the recipient is recognized for their outstanding contributions to both the legal profession and to the community. I can think of no one who better represents the qualities that Mike Nizolek personified. Like Mike, Buck is a consummate professional who generously gives his time and talents to colleagues, to the Court and to a host of charitable endeavors.

The fall is packed with many other events, beginning with the Memorial Service and Opening of the Courts, which is the most somber and reverent occasion that we share together each year. This year we will honor nine members of the bar who have passed away in the last year: Dr. Adel Ahmed, J.D., Ph.D., Paul Daly, Allan Freund, A.C. Reeves Hicks, Lionel Kaplan, Herbert Moore, Harry O'Malley, Robin Scheiner, and Hon. Andrew Valeriani, Jr. The ceremony will take place at 9:00 a.m. on Tuesday, September 5th, in Judge Jacobson's courtroom on the 4th floor of the Criminal Court Building. We encourage everyone to attend as we remember and honor those who gave so much to the legal profession in Mercer County and throughout the State.

Later that same month, on September 27th, we will once again give the new law clerks a hearty welcome at the Judges and Law Clerks Dinner. This dinner always provides a great opportunity to mingle with the judiciary, befriend the new law clerks, and socialize with other MCBA members after the summer. This year's event will be held at Mercer Oaks Golf Club, which always provides plenty of space for hobnobbing, as well as loads of tasty food and drink. Please make sure to come spend a wonderful evening with your friends at the MCBA and greet our newest members.

On October 4th the New Jersey State Bar Association and MCBA will host a networking reception, with generous sponsorship of Investors Bank. This event will be held at the Investors Bank headquarters in Robbinsville and promises to be an invaluable opportunity to meet other members of the MCBA and state bar, and to expand your circle of business contacts.

Professionalism Day is scheduled to take place on November 2nd in Judge Jacobson's courtroom. Consistent

with the theme for my term, Judge Jacobson and I are in the process of organizing a panel of attorneys - known for their commitment to pro bono work and/or work with Legal Services – who will address issues of professionalism in the context of providing legal services to those who cannot afford a lawyer. Judge Carchman has kindly agreed to compose a series of provocative questions that the panel members will discuss and answer throughout what is sure to be an interesting program.

Xtreme CLE is the premier event of our fall schedule, and planning for this event is well underway. On November 14th we will once again be at the Conference Center at Mercer County College. You will find a list of seminars on page 23 of this newsletter, as well as sponsorship opportunities. This year, the seminar topics include something for everyone, with every major practice area represented. As a special highlight, the New Jersey Attorney General, the Hon. Christopher Porrino, will speak in an evening session. Please make sure to attend at least one seminar!

I hope everyone has enjoyed the brief respite that summer brings, and is ready to hit the ground running in the fall! As always, I am available to you if you have any questions about becoming more involved in the MCBA.



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Tipping the Scale:

A Practical Guide to the Consumer Fraud Act and A Tool Kit for Protecting Homeowners

By Tirza S. Wahrman, Esq. © ¹

“The ache for home lives in all of us...” Maya Angelou

For many of our clients, their home is their most precious physical asset. To trust their home to a stranger who enters it, promising to do a repair, an addition or renovation on time and on budget, can be a daunting proposition.

The number of bad, underperforming home improvement contractors in our State is often the talk of cocktail conversation, and with good reason. In spite of the laws and regulations out there, resources for enforcement are scarce and growing scarcer, as State agencies struggle with tight budgets and insufficient personnel to take action. ²

Modeled on federal legislation enabling the Federal Trade Commission to take action, New Jersey’s Consumer Fraud Act, enacted in 1960, was one of the first consumer protection statutes passed by a State. ³ The statute gave the Attorney General the power to investigate consumer fraud complaints and promulgate rules and regulations that have the force of law. N.J.S.A. 56:8-4. One of the Act’s strongest weapons for harmed homeowners is the feature that allows a homeowner to bring a private cause of action, be awarded treble damages and seek attorney’s fees if she is a prevailing party. ⁴

Of course, the best way to avoid the time and expense of dealing with an underperforming contractor is for our clients to do their research in advance before engaging the contractor. The problem for lawyers assisting clients in situations like this is we are often brought in after the contractor has been selected and is failing to perform. Still, in the age of social media and State records on the internet, there are a lot of tools out there for homeowners to get informed before selecting a contractor. If your client confers with you before she has selected a contractor, these are the kinds of questions that clients should ask when making this selection:

- 1) Is the contractor licensed with the Division of Consumer Affairs? Any person or corporation that undertakes home improvements must be registered with the Division of Consumer Affairs. To check that a contractor has the appropriate license, visit <http://www.njconsumeraffairs.gov>. Look for the Office of Consumer Protection icon, and look on the left side of the screen for Home Improvement Contractors.

¹ Tirza S. Wahrman is the principal of Law Office of Tirza S. Wahrman, LLC located in West Windsor, New Jersey and formerly was a litigator in private practice in New Jersey and New York. She served as a Deputy Attorney General, State of New Jersey, from 2002 to 2012. In addition to her litigation practice, she is also a court-qualified mediator and serves on the mediation roster of the American Arbitration Association.

² See generally www.nj.gov/treasury/omb/publications/18bib/BIB.pdf, at page 44 (Governor’s proposed 2018 budget cutting funding to Department of Law and Public Safety, under which Division of Consumer Affairs operates).

³ Senate Committee, Statement to the Senate Bill No. 199 (1960), cited in Cox v. Sears Roebuck & Co., 138 N.J. 2, 14 (1993).

⁴ One of the best discussions of the Consumer Fraud Act, N.J.S.A. 56:8-2 through 8-19 appears in the Supreme Court decision of Cox v. Sears Roebuck & Co., 138 N.J. 2, 14 (1993).

- 2) Is the contractor insured? New Jersey law requires a home improvement contractor to carry a minimum liability insurance policy of \$500,000.00. Before he or she starts the work, ask to see the Declarations page of his or her policy.
- 3) Is the work on your client's home a "home improvement"? The law defines "home improvements" broadly to include remodeling, altering, painting, repairing or modernizing of residential property. It also includes the construction of additions and work on the property outside of the home, including driveway, sidewalks, swimming pools, patios, landscaping, fences and the like. Even rental properties are covered.
- 4) Does the client have a written contract? For all home improvements where the cost will exceed \$500, the contractor must provide a written contract.⁵ A written contract must include: A. The legal name and business address of the contractor; a description of the work to be done; B. total price to be paid, including any finance charges which apply; C. if the contract is for time and materials, D. the hourly rate for the labor; E. the date when work is to begin and end, or if no dates are given, a time period for completion of the work; F. if the work is being financed, a statement of the existence of the mortgage or any other security interest; G. all guarantees and warranties.
- 5) Does the work on the client's home require a permit? As a general rule, minor repairs do not; however, renovations that expand the footprint of the home or increase energy or water usage may require a permit. It's best to check first with the Township and make sure that your contractor is in full compliance with permit requirements. Obtaining a permit when the work is in progress is far easier than attempting to get one after the work is done. In addition, except for homeowners performing work on their own home, plumbing and electrical work must be done by persons licensed to perform such work. See N.J.A.C. 5:23-2.15 (b)(2) (i).
- 6) Timing of payments under a contract. Any number of payment arrangements can be agreed to: I counsel homeowners to make a small deposit to start, and make payment only when certain thresholds in the work are achieved. Clients should never agree to make a final payment until they have sign off from the Township inspector that all required permits have been obtained. Do not agree to pay invoices within two days of submission; this arrangement puts undue pressure on the homeowner.
- 7) Change Orders—It can be a challenge to manage a home improvement project when the price, time of completion, and availability of needed materials may change after the contract is executed. Any changes in the terms and conditions of a contract must be put in writing and signed by the parties—this provision is there to protect the homeowner from unforeseen changes.⁶

⁵ See Roberts v. Cowgill, 316 N.J. Super. 33, 39 (App. Div. 1998); Home Improvement Practices, N.J.A.C. 13:45A-16.1-16.12.

⁶ N.J.A.C. 13:45A-16.2.12.

How does the Consumer Fraud Act protect my clients?

Rightly known as one of the strongest consumer protection laws in the nation, the Act is interpreted liberally in favor of homeowners.⁷ The State's Division of Consumer Affairs enforces the law and the statute allows individual homeowners to bring actions in Superior Court.

What must you prove to prevail on a claim under the Consumer Fraud Act?

As set forth in the leading case of Cox v. Sears Roebuck & Co., 138 N.J. 2, there are three elements that must be satisfied: First, you must show that you suffered an "ascertainable loss." Second, you must show that the contractor engaged in an "unlawful practice." Third, you must show a causal relationship between the ascertainable loss and the unlawful practice.

And some case law goes even further: the decision in Performance Leasing Corp. v. Irwin Lincoln-Mercury, 262 N.J. Super. 23, 31 (App.Div.), cert. denied, 133 N.J. 443, 450 (1993) is instructive: in the case, involving a consumer's lease of an automobile, where the leasing company engaged in an unlawful practice, even where the plaintiff was not damaged, he was entitled to an award of attorney's fees, because the goal of the statute is to encourage lawyers to represent consumers who are victims of consumer fraud.

New Jersey courts interpret the term "unlawful practice" broadly. An unlawful practice can include any unconscionable commercial practice, deception, fraud, false pretense, false promise, misrepresentation, or the knowing concealment, suppression or omission of any material fact. Courts commonly divide consumer fraud act violations into three categories: 1. Affirmative acts; 2. Knowing omissions, and 3. Regulatory violations.⁸ An unlawful practice can include any violation of the home improvement regulations that apply to contractors, including failure to get required inspections, misrepresentations about materials used, promises about amount of time completion of work will take.

For example, suppose the client's contractor fails to get an interim inspection when he or she has commenced work on his property, and the client learns this when he confers with the town inspector. After giving written notice, if the client terminates the contractor and engage a new one to get the proper inspections done, the additional costs the client incurs may be recovered if the client can show that his additional costs were caused by the first contractor's failure to get the proper interim and final inspections. An example from my own practice: a contractor renovates part of a basement and fails to obtain a framing inspection. When the homeowner plans to sell the home some years later, the prospective buyer, following his own home inspection, learns that the contractor failed to build with sufficient fireproofing insulation behind the walls. The selling homeowner is forced to redo the work, take down the sheetrock and install the fireproofing subject to completion of the proper inspections. The contractor that did the original work without obtaining the required interim inspections is liable for the homeowner's additional costs.

Here's another example: the contractor submits plans to the Township indicating he will use a certain kind of material to build an addition. The client subsequently learns that the contractor used a less expensive material inconsistent with what was described in the plans he submitted to the Township. That is an unlawful act for which the client can seek recovery of his damages—that is, the additional costs the client incurs when he pay the contractor for an inferior material.⁹

⁷ N.J.S.A. 56:8-2 et seq.

⁸ See Intl. Union of Operating Eng'rs Local No. 68 Welfare Fund v. Merck & Co., 192 N.J. 372, 389 (2007).

⁹ See generally N.J.A.C. 13:45A-16.12ii.

Here's a final example: the contract states that the work will be completed within 30 business days. The work is not completed within that timeframe, and the contractor does not ask for more time, which must be agreed to in writing. Unless the delay is caused by factors outside the contractor's control, the contractor may be liable for an unlawful practice.¹⁰

Clients dealing with a difficult contractor should be counseled about the importance of documenting their issues in real time with the contractor in writing—down the road, if the relationship sours and ends up in court, a finder of fact will want to see documentary evidence of the acts and omissions that led to the contractor's termination.

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¹⁰ N.J.A.C. 13:45-16.7(ii).


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Hundreds of Books Collected for Trenton Students

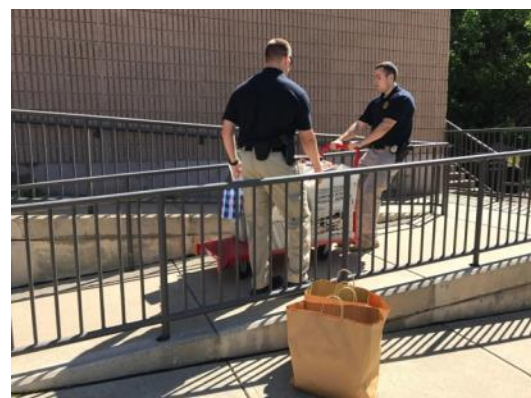
When Mercer County Prosecutor Angelo J. Onofri took his oath of office in January 2017, he announced a staggering statistic. "In the suburbs, for every child there are 17 books in the home, but in the inner cities, there's one book per 100 kids," he said. Onofri committed to working with organizations to increase access to books for those children.

The Mercer County Bar Association (MCBA) stepped up to help, and through the effort of community co-chairs Stacey Geurds (Mercer County Prosecutor's Office) and Robin Echevarria (MCBA), hundreds of books were collected throughout the months of March, April and May. The books are being donated to Gregory Elementary School in Trenton.

The Mercer County Bar Association was happy to partner with Prosecutor Onofri to support such an important initiative," Robert E. Lytle, President of the Mercer County Bar Association, said.



Pictured left to right: Robert E. Lytle, president of the Mercer County Bar Association; Trenton Mayor Eric E. Jackson; Mercer County Prosecutor Angelo J. Onofri; Trenton Police Director Ernest Parrey Jr.; and Mercer County Prosecutor's Office Chief of Detectives Veldon Harris





The Duck Island Murders: Mercer County's Last Serial Killer

by: Franklin L. Flacks, Esq.

Although I have written briefly about the Duck Island Murders before, I thought it would be interesting to explore these serial killings in greater depth. Credit should be given to Jon Blackwell who wrote an article in the *Trentonian* years ago about the killer and whose article provided some of the descriptions I relied upon. Duck Island is not an island. It is a low-lying triangular peninsula located in Hamilton Township on its border with Trenton, which, before its recent development, was washed by marshy estuaries that flow into the Delaware River. In the late 19th century, it was filled with ashes from the Roebling steel plant and mucky river dredging's. Access to this secluded area could only be made by traveling on one narrow paved surface – Duck Island Road. In 1936 it was the setting for Ellery Queen's thriller – "The Halfway House".

It has been called the "perfect lover's lane"! Today, the area is commercially developed and is also the home of a satellite office of the Mercer County Prosecutor's Office.

On Saturday night, September 30, 1939, 28 year-old husband and father, Frank Kasper and 36 year-old wife and mother Katherine Werner were having a sexual liaison in a car in a secluded area of Duck Island.

Out of the marsh reeds came a man with a shotgun. One blast tore into Kasper's face and neck, killing him instantly. Werner broke from the car and ran. She made it only a few feet before another blast tore off her arm and a second blast killed her.

This was not the first murder on Duck Island. A year earlier, another young couple had been shot gunned to death on this very same lover's lane. The press labeled the murderer after the 1939 killings, the "Duck Island Killer".

For three more years, the killer would prowl lover's lanes in Hamilton Township and Bucks County emerging from the bushes to surprise lovers in their parked cars. Sometimes he just wanted to steal but mostly he wanted to kill.

The first killing came on November 8, 1938 on Duck Island. Twenty year old and married, Vincenzo Tonzillo and 15 year-old Mary Myatovich, were in a parked car on a rainy night on Duck Island.

Suddenly, a man with a shotgun opened the car door. Tonzilo was immediately killed by a shotgun blast. Myatovich was ordered out of the car. When she refused and tried to run, she was shot in the buttocks. She was then raped and left to die in the mud.

Later that night, the headlights of another car illuminated Myatovich gasping for help. She described her assailant as a “short, stocky colored-man”.

She lived for 36 hours then died at St. Francis Medical Center. Before she died, five homeless black men who lived in the shanties on Duck Island, were rounded up for questioning. One was brought to her hospital bed but she could not identify him as the killer.

Prosecutor (and future Trenton Mayor), Andrew Duch, wrongfully proclaimed that a jealous relative of either of the two victims was the killer – curious since Myatovich described the shooter as a “colored-man”.

On October 1, 1939, the Kasper and Werner murders were discovered. A man was scavenging in the brush on Duck Island. He saw a shoe poking out of a trash heap, kicked at it and there was a foot inside. Then, from the mound of garbage, the body of Katherine Werner was discovered. She had been shot twice and her head bashed in by a concrete slab. About 100 feet away was Kasper’s car with Kasper dead in the back seat.

The Duck Island killer had now claimed four lives. The Mercer County Board of Chosen Freeholders offered a \$1,000 reward. The Hamilton Township Police now regularly patrolled Duck Island. Any black man found on Duck Island was rounded up for questioning.

Maybe this was the reason that the Duck Island Killer struck next in Morrisville, Pennsylvania on November 2, 1940, wounding a man but allowing him to survive.

Two weeks later he struck again but this time in Hamilton Township on Cypress Lane. The victims again were involved in a secret tryst – Louis Kovacs, age 25 and Carolina Morconi, age 27, both of Roebling Avenue in Trenton. They were gunned down at close range.

Prosecutor Duch now called the killer a lunatic, probably a religious fanatic and now discarding the jealous relative theory.

The Duck Island Murders now gathered the national attention of the press. One newspaper described the killer as only emerging on full moon nights.

The next killing took place on April 7, 1942. John Testa and Antoinette Marcantonio were parked on a road in Tullytown, Pennsylvania. Testa’s arm was blown off by a shotgun blast. Marcantonio was clubbed over the head breaking the wooden stock of the shotgun.

The shotgun stock was recovered by police. On it was a serial number. It took a year for the Hamilton police to trace the number but finally traced it to a pawnshop in Trenton. Paperwork showed it had been sold to a black man from Hamilton – Clarence Hill.

Hill was married, worked as a laborer and taught Sunday school. In 1942 he had been drafted into the army (the U.S. was at war with Germany and Japan) and was stationed in Georgia. Rumor had it that Hill lured some of his female Sunday school students into sexual trysts and he had actually fathered a child with one of them who was only age 16.

In December 1943, the Army transferred Hill to Ft. Dix where Mercer County authorities could question him. On January 28, 1944, Hill confessed to a series of murders and assaults. He stated: "I just went there to see if I could see any parked cars there with girls in them screwing and to see if I could bother around with a girl".

Based on his confession, he was brought to trial for the murder of Mary Myatovich. It took the jury five hours to find him guilty. The prosecution demanded the death penalty. The jury recommended mercy. During the trial, Hill cried on the witness stand. He claimed the police beat the confession out of him. On December 29, 1944 he was sentenced to life imprisonment.

On appeal, In the Matter of Hill, 2 N.J. 598 (1949), he argued that this confession was the result of duress as well as other trial errors. His appeal was denied.

Hill served fewer than 20 years and was paroled in 1964. He disappeared quietly into civilian life and died of natural causes on July 9, 1973.



Photo courtesy of NEW YORK DAILY NEWS

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SUPERIOR COURT OF NEW JERSEY MERCER VICINAGE



When the calendar entered July 2017, the Mercer Vicinage looked back to evaluate the first six months of Criminal Justice Reform. Thanks to the hard work of our municipal and criminal judges, the staffs of the criminal division, the municipal courts, the Mercer County Prosecutor's Office, the Public Defender's Office, the Mercer County Correctional Center, the Mercer County Sheriff's Office, local law enforcement and the private criminal defense bar, we are happy to report that the Mercer Vicinage has seamlessly adapted to the new procedures required by the reform effort crafted by the Legislature. Notably, the law required that all defendants charged on a complaint-warrant and arrested after January 1, 2017 be provided with a first appearance court review within 48 hours of commitment to jail. The first appearance court is handled by Mercer County's municipal judges who rotate through a daily calendar of first appearance hearings, including sessions held on one weekend day each week to ensure compliance with the 48-hour deadline. Prior to the hearing, pre-trial services staff ensure that a public safety assessment (PSA) is completed for every eligible defendant for whom a warrant has issued. The PSA is based largely on the criminal record of the defendant and the nature of the current offense and includes a recommendation regarding pre-trial release available to all participants prior to the first appearance court review. The recommendation on the public safety assessment is based on the defendant's likelihood to commit a new offense or likelihood not to appear for future court proceedings if released. At the first appearance proceeding, it is determined whether the defendant can be released pending trial with or without conditions, or whether the defendant must be detained upon motion of the Prosecutor, in which case the defendant will be held at the jail pending a promptly scheduled detention hearing before a Superior Court Judge. When defendants are released, a level of monitoring may be assigned to ensure public safety and the defendant's appearance in court.

Critical to the success of the process is cooperation from local law enforcement. They are responsible to obtain fingerprints from the defendants through the use of the LiveScan process, which electronically inputs the criminal and court appearance histories of the defendants into the PSA. Since the inception of the program, the state and local police departments in Mercer County have steadily improved their fingerprinting compliance. As of June 2017, Mercer County attained 91.5% LiveScan compliance, exceeding the statewide average of 90.2%.

With the encouragement and support of Mercer County Executive Brian Hughes, County agencies, such as the Sheriff's Department under the direction of Sheriff Jack Kemler, and the County jail under the supervision of Warden Charles Ellis, have adjusted their protocols and procedures to support the reform effort. The jail has facilitated the quick processing and transport of defendants to enable compliance with the 48-hour first appearance hearing requirement, and the

Sheriff as well as the jail have accommodated the electronic monitoring process in which certain defendants are released only when monitoring devices are placed on their ankles to track their movements. The jail has also facilitated the Public Defender's Office in meeting with clients and conducting first appearance hearings by video or through use of the virtual courtroom on weekends.

All parties, but most especially the Mercer County Prosecutor's Office and the Mercer County Public Defender's Office, have collaborated to ensure that scheduling is done fairly and within the prescribed time frames. From January until June of 2017, this outstanding cooperation has enabled the timely scheduling of over 1,600 defendants for first appearances within 48 hours and over 350 defendants for detention hearings within three business days. When issues arose over representation of certain defendants by the Public Defender, the private criminal defense bar covered appearances on a pro bono basis and many municipalities made their local public defenders available for some detention hearings. As of mid-July 2017, approximately 120 defendants who have been processed through the new procedures remain detained pending trial. Detentions are based on the risks posed by release of any defendant as reflected in his or her criminal history set forth in the PSA as well as upon consideration of the individualized facts and circumstances of the current offense.

While one of the primary motivations for the new law was to prevent lengthy pre-trial incarceration of defendants too poor to make even modest bails who did not present a risk to the public if released, there have been additional benefits to the criminal justice system as a result of the new program. The population at the Mercer County Correctional Center has dipped below 500 from a high of over 900 a few years ago, and statewide jail populations have decreased approximately 20% since January 2017. The speedy scheduling of detention hearings has presented the opportunity to resolve some cases very early in the process, reducing the number of cases being added to the calendars of judges and attorneys alike. In some instances, detention hearings have resulted in early admissions to Mercer County's successful Drug Court program, starting vulnerable defendants on their road to recovery at a significantly earlier time than under the old system.

All of the stakeholders involved in Criminal Justice Reform are proud of the accomplishments of the first six months. They stand ready to face the next challenge, when speedy trial deadlines will require trials or the release of detained defendants. We are appreciative of the support of the Mercer County Bar Association during the implementation of the new program and particularly want to thank the Bar Association's criminal law liaison, Franklin Flacks, Esquire, who has been a strong proponent of the new system and provided pro bono services when the need arose. We look forward to continued collaboration with all interested parties as we move forward with this worthwhile effort. In that vein, we would appreciate any assistance from the Bar Association or any of its members in Mercer's Criminal Justice Reform Community Outreach efforts. We want the public to understand the goals of the program and how public safety concerns have been built into every aspect of the new procedures. Please contact Virginia Pauls, Assistant Criminal Division Manager, Pre-trial Services, at 609-571-4593 or Ivette Santiago-Green, Esq., EEO Officer at 609-571-4804 if you would like a Vicinage representative to speak at a local event about this important program.

Mary C. Jacobson, A.J.S.C.



SAVE THE DATE!

2017 Judges and Law Clerks Reception and September General Membership Meeting

Wednesday, September 27, 2017
5:30 p.m. to 8:30 p.m.

Mercer Oaks Country Club

Continue the MCBA tradition and join us as we welcome Judges and their incoming Law Clerks as they begin a new court term. The evening provides members of the bench and bar with an opportunity to meet and greet the new clerks.

SAVE THE DATE!

November General Membership Meeting & Awards Ceremony

Thursday, November 2, 2017
5:30 p.m. to 8:30 p.m.

Mountain View Country Club



The Mercer County Bar Association cordially invites you to join us
as we honor the following:

Buck LaFerrara, Esq. - *The Michael J. Nizolek Award*

Lauren Scardella, Esq. - *The Young Lawyer of the Year Award*

Central Jersey Legal Services - *Community Partner Award*



The **Mercer County Bar Association's Nominating Committee** is seeking Association members who possess the leadership skills and desire to help the Association build on its past achievements while meeting the challenges of the future for the benefit of its members.

To that end, we are seeking nominations for the office of Board Secretary and for five Board of Trustees openings. The Trustee seats are for a term of three years beginning in January 2018 and ending in December 2020.

Members wishing to be considered for any of the available positions are expected to have the time and means to attend and participate in the ten (10) monthly Board of Trustees meetings, attend and participate in Association & Foundation events and programs throughout the year, and perform other duties as may be assigned by the President.

If you have the desire to help shape the future of your Bar Association and can meet the responsibilities outlined above, please send a letter of interest along with a resume to Robert E. Lytle, Esq., MCBA President, via one of the following options:

DIRECT MAIL: Mercer County Bar Association
1245 Whitehorse Mercerville Road
Suite 420
Mercerville, NJ 08619

EMAIL: jparzel@mercerbar.com

FAX: 609-585-5537

The election of trustees will take place at the November General Membership Meeting and Awards Ceremony.

The deadline for submission of materials is **September 15, 2017**.

For more information, please contact Executive Director Joan Parzel at 609-585-6200 or via e-mail at jparzel@mercerbar.com.

The Mercer County Bar Association

Annual Golf Outing Old York Country Club

June 26, 2017



Sam Gaylord, Ross Switkes, MCBA
President Robert Lytle & Michael Paglione



Ross Switkes, Hon. Christine Gravelle &
Mike Tedesco



Tom Onder & Eric Broadway



Joseph Lang, Hon. Thomas Brown,
Mike Kennedy & Jeff Posta

*Special thanks to the Golf Committee Co-Chairs
Sam Gaylord, Ross Switkes & Michael Paglione*





Bob Lutz, Scott Krasny, Tony Martinez & Nick Travisano



Mike Paglione, Bill Guhl, MCBA
President Robert Lytle & Craig Hubert



Alberta Kennedy, Mary Murkli, MCBA President Robert Lytle &
Joan Parzel, Executive Director



Gabrielle Strich, Marcia Leach,
Jay Katz & Mike Canfield



Sam Gaylord, Rose Szabo and
MCBA Secretary & Foundation
Board President Tanya Phillips



Craig Hubert & Dr. Barry Fass



Sam Toma, John Devlin, Michelle Haas & Gary Adams



Patrick Carrigg, Bob Casey & Mike Heron



Jason LaViscount of Investors Bank & Lyman Hopper



Alicia Paglione, Hal Haveson, Jonathan Keephart
Roger Mitchell, Lyman Hopper & Valerie Belardo

Calendar

September 5, 2017	Opening Ceremony & Memorial Service
September 5, 2017	Trustees Meeting - Triumph Brewery
September 21, 2017	Family Bench Bar - Judge Fitzpatrick's Courtroom
September 27, 2017	Judges & Law Clerks Dinner - Mercer Oaks
October 3, 2017	Trustees Meeting - TBD
October 4, 2017	Networking Reception - Investors Bank Robbinsville Sponsored by NJSBA, Investors Bank & MCBA



**Deliver Lunch for Meals on Wheels
of Mercer County**
Tuesday, November 14th



Serve at the Trenton Area Soup Kitchen
Thursday, September 21st - LUNCH
Tuesday, December 12th - LUNCH

Classifieds

FLORIDA LEGAL SERVICES OR ASSISTANCE

Florida probate, trust, estate administration, real property and domicile assistance. Call T. Robert Zochowski, Esq., LLM (Tax) (member Florida and New Jersey Bar), 1001 North US 1, Suite 206, Jupiter, Florida. Call (609) 799-2111, (561) 744-1175 or email trzsec@bellsouth.net.

FOR RENT: Hamilton Center City Office Park Condo
Some/all 1350 square feet. Greg Gogo 609-585-5151



XTREME CLE SPONSORSHIPS

NOVEMBER 14, 2017

MERCER COUNTY COMMUNITY COLLEGE

Each year the Mercer County Bar Association hosts **Xtreme CLE**, an 18 seminar conference from 8:00 a.m. to 8:00 p.m. for attorneys. Approximately 300 attorneys participate in this conference and it is the premiere opportunity to market your business and network with our members. Your brand will reach more than 800 members. Afterward, we will provide you with a mailing list of attendees. ***Bringing a gift for your table is a great way to collect business cards of those attending!!***

PREMIER TABLE SPONSOR \$1,250

- ◇ Promotion on mailed and emailed MCBA flyers and advertising as the event sponsor
- ◇ Signage as Sponsor at Event
- ◇ Display at the Premier Table at Event (entire day) and ability to mingle with all attendees. This table sees the most flow of foot traffic throughout the day as attendees must pass it to go to the auditorium, 2nd floor seminar rooms, restrooms and banquet room for meals.
- ◇ Food for two presenters at Event
- ◇ Right to place ¼ page ad in MCBA newsletter twice during next year
- ◇ Right to include marketing materials in attendee folders

GIFT SPONSOR \$850

- ◇ These items will be a giveaway to all attendees and may be a bag, mug, etc.
- ◇ Promotion on mailed and emailed MCBA flyers and advertising as Item Sponsor
- ◇ Signage as Item Sponsor at Event
- ◇ Right to include marketing materials in attendee folders

BEVERAGE SPONSOR \$750

- ◇ Promotion on mailed and emailed MCBA flyers and advertising as beverage sponsor on day of Event, Signage as Beverage Sponsor at Event and cocktail napkins with your logo imprinted during breakfast, lunch and dinner.
- ◇ Display Table at Event (entire day) and ability to mingle with all attendees
- ◇ Food for two presenters at Event
- ◇ Right to include marketing materials in attendee folders

BREAK SPONSOR \$600.00

- ◇ Promotion on mailed and emailed MCBA flyers and advertising as Break Sponsor
- ◇ Signage as Break Sponsor at Event
- ◇ Display Table at Event at entrance to banquet room (entire day) and ability to mingle with all attendees
- ◇ Food for two presenters at Event
- ◇ Right to include marketing materials in attendee folders

TABLE SPONSOR \$500

- ◇ Signage at Event & Display Table at Event (entire day) and ability to mingle with all attendees
- ◇ Food for two presenters at Event
- ◇ Right to include marketing materials in attendee folders

WELLNESS SPONSOR \$500

- ◇ Signage at Event & Display Table at Event (entire day) and ability to mingle with all attendees
- ◇ Food for two presenters at Event
- ◇ Right to include marketing materials in attendee folders



Save the Date!
XTREME CLE
November 14, 2017

Session I - Includes Breakfast - 8:00 am – 9:45 am

- | | |
|---|--|
| 1) Real Estate: Surveying, The Good, The Bad & The Ugly | Moderators - <i>Lauren Plump, Ruth Sadankas & Adam Bendinsky, P.L.S.</i> |
| 2) Ethics with the Office of Attorney Ethics | Moderators- <i>Timothy McNamara, Esq. & Barbara Galati</i> |
| 3) Introduction to International Estate Planning | Moderator- <i>Patrick McCormick, Esq.</i> |

Session II - Includes Lunch - 10:00 am – 11:45 am

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|--|---|
| 1) Real Estate II - Mold 101 | Moderator - <i>Tiffany Byrne</i> |
| 2) Immigration | Moderator – <i>Ryan Lilienthal, Esq.</i> |
| 3) Alternative Dispute Resolution Update | Moderator – <i>Honorable Linda R. Feinberg (ret.)</i> |

Session III - Includes Lunch - 12:00 pm – 1:45 pm

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|--|--|
| 1) Social Security Disability Primer | Moderator - <i>Douglas Greene, Esq.</i> |
| 2) 18 th Annual Criminal Law Update | Moderator – <i>Timothy McNamara, Esq.</i> |
| 3) Estate & Probate: Current Issues in NJ Probate Practice | Moderators – <i>Robert Morris, Esq. & Rebecca Esmi, Esq.</i> |

Session IV - Includes Lunch - 2:00 pm – 3:45 pm

- | | |
|--|---|
| 1) Wellness: The Ethical Imperative for Striking a Work-Life Balance | Moderator – <i>Rina Marks</i> |
| 2) Cyber Security: For Your Law Office & Clients | Moderator – <i>Angelo A. Stio, III, Esq.</i> |
| 3) 2017 Land Use Update | Moderator - <i>Honorable Linda R. Feinberg (ret.)</i> |

Session V - Includes Dinner - 4:00 pm – 5:45 pm

- | | |
|---|---|
| 1) Municipal Court Practices | Moderator – <i>Robert Ramsey, Esq.</i> |
| 2) Worker's Compensation: Hot Topics in Pain Management and Case Law Update | Moderators – <i>Brian Shea, Esq. & Sam Toma, Esq.</i> |
| 3) Bankruptcy | Moderators – <i>Ross Switkes, Esq. & Thomas Onder, Esq.</i> |

Session VI - Includes Dinner - 6:15 pm – 8:00 pm

- | | |
|--|--|
| 1) Do You Know What You Don't Know About Dividing Retirement Accounts? | Moderator – <i>Jennifer Zoschak, Esq.</i> |
| 2) Criminal Law with Attorney General Porrino | Moderator – <i>Mercer County Prosecutor Angelo Onofri, Esq.</i> |
| 3) Civil Law Update | Moderators – <i>Colleen Crocker, Esq. & Craig Hubert, Esq.</i> |



Contact Information: Paula Sollami Covello, Esq., Mercer County Clerk - (609) 989-6465

Mercer County Clerk Can Help Residents Cope with Rise in Property Fraud

TRENTON – There has been an influx of property scams and fraud attempts across the United States and Mercer County has been no exception to this trend.

In her role of overseeing property recording in Mercer County and as an attorney, Mercer County Clerk Paula Sollami Covello has been addressing and combating attempts to defraud citizens through property fraud and deed scams. As a result, the Mercer County Clerk's Office has introduced several resources to assist residents and help protect them from becoming victims of property fraud or scams.

"Sadly, more people are recording fraudulent documents, including liens, mortgages and deeds, which appear to be legitimate, against property owners. However, as long as a document meets statutory guidelines, New Jersey law requires the County Clerk's Office to record them. In some instances, fraud on real property is not discovered until the owner tries to sell the house," County Clerk Sollami Covello said.

"Additionally, some companies are now soliciting overburdened and concerned homeowners to pay excessive fees to obtain a certified copy of their deed, a service already provided at a much lower rate by the County Clerk's Office, stated the County Clerk."

The deed scams primarily exist when homeowners receive a direct mail or phone solicitation from a private company offering to provide them with a certified copy of their deed at a cost of \$69.50 or greater, despite that certified copies of deeds are available from the Mercer County Clerk's Office for a cost of \$10.00 for the first page plus \$1.50 per each additional page. The solicitations do not explain to residents that certified copies of their deeds are available at a much lower cost through the County Clerk's Office. The County Clerk's office has found that these scams often exploit vulnerable residents such as the elderly. Mercer County Clerk Paula Sollami Covello has worked with legislators to craft legislation to regulate predators so that they must register prior to soliciting and must disclose that the certification is available by a County Clerk with the local County Clerk's address. It would also make failure to comply subject to the New Jersey Consumer Fraud Act and to fines. This bill was supported by the NJ State Constitutional Officers Association, including State County Clerks. The bills are A-1652 sponsored by Shaer/Muoio/Oliver/Moriarty and S-1962 Turner/Cruz-Perez. The Clerk has recently testified before an Assembly committee in support of this

legislation. Further, the County Clerk's Office continuously issues alerts and releases updating residents to the new scams and the companies that are engaging in these unethical practices.

Additionally, to protect property which is one the most valuable assets people have, the Mercer County Clerk's Office offers a free property alert service that immediately notifies a property owner, by email, whenever a document is recorded on a registered address with the Mercer County Clerk's Office. Property owners can register for the County Clerk's Property Alert Service for free at <https://www.propertyalert.mercercounty.org/PropertyAlert>. It sends an e-mail alert to the property owner if anyone tries to record a lien or other instrument on the registered property. We strongly advise all property owners to take advantage of this service based on the rise of real estate fraud.

Further, the County Clerk has been serving on a task force with City of Trenton Officials, since Trenton is where many- but certainly not all of the property scams are identified. As a consequence of the meetings from the task force, the County Clerk now offers a free hotline for property owners who believe they have been victimized by a property scam. Basically, if a fraud is identified, we direct the callers to the proper government agency or to their own private attorney for assistance. The free assistance hotline number is (609) 989-6470.

The Mercer County Clerk's Office files and records all documents concerning real estate ownership, mortgages, and transfers from 8:30 a.m. to 4:30 p.m. Monday through Friday and on Wednesday evenings until 6:45 p.m. at 240 West State Street, Trenton. Already in 2017 there have been over 30,373 documents recorded with 4,828 of those documents as deeds and 5,027 as mortgages. Some of these are under investigation.

If you as attorneys detect something irregular in the recording of a property instrument or would like to contact the Recording Section of the Mercer County Clerk's Office with any question, you can reach us at (609) 989-6466. Complaints regarding a direct mail solicitation can be made to the Mercer County Division of Consumer Affairs by calling (609) 989-6671. You may also wish to contact our Fraud Assistance hotline at (609) 989-6470.



AN INVITATION FROM THE MERCER COUNTY AMERICAN INN OF COURT

*Harry R. Hill, Jr. Session
2016-2018*

The Mercer County American Inn of Court invites Judges and lawyers of all levels of experience to join. The second year of the Session honoring Harry R. Hill, Jr., will commence with an Opening Reception on September 13, 2017.

The Mercer Inn of Court is devoted to teaching trial skills and promoting collegiality, professionalism and ethics. Monthly meetings consist of programs, substantive demonstrations and discussion, followed by dinner and networking. CLE credit is available for New Jersey, New York and Pennsylvania.

Meetings are held at The Trenton Country Club in West Trenton, generally on the second or third Wednesday of the month, from September-November and February-June. There is also a Holiday Party in December.

To join, or for further information, please contact Linda McCarthy, Administrator, 609-896-2660, lmccarthy@mgs-law.com, at Markowitz O'Donnell, LLP in Lawrenceville.

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