

Lawyer

Mercer County

December 2017

A Publication of the Mercer County Bar Association

Volume 36, Issue 6

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From the President's Desk...

Happy Holidays! I hope everyone is enjoying this festive season and the opportunity it presents to catch up with family and friends, take some time away from the office, and reflect on the many wonderful things in our lives, and the various people who make those things possible.

As you may have realized, this is my last presidential newsletter column, as my year as the Mercer County Bar Association President is drawing to a close. The past year has presented accomplishments and challenges beyond anything I had anticipated. I look back with pride on the work put in by our dedicated staff, committee chairs, trustees and officers. Together, we made 2017 an exceptional year for the MCBA.

This year, we significantly increased awareness regarding the pro bono needs of the less fortunate in our community, as well as attorney participation in those matters by the selfless donation of their time and talents to Legal Aid through our Volunteer Lawyers Project and through



Robert E. Lytle

Lawyers Care. That said, there is still much to be done in order to ensure that all residents of Mercer County have equal access to the civil justice system. As my term ends, it is my hope that all of you will not only continue to make pro bono service a priority in your practice, but encourage others in your firms to do so as well.

This year we also served the needs of the disadvantaged in other ways. Through the tireless work of our Community Projects Committee we served countless members of our community through delivering Meals on Wheels, serving at the Trenton Area Soup Kitchen, and donating needed supplies to the Mt. Carmel Guild. In recognition of those accomplishments we honored Robin Echevarria and Stacey Geurds as our Professional Lawyers of the Year. I



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The **MERCER COUNTY LAWYER** is published six times per year; February, April, June, August, October, and December. Advertisements appearing in the **MERCER COUNTY LAWYER** are the viewpoints of the contributors and are not necessarily endorsed by the Mercer County Bar Association or its members. The MCBA does not vouch for the accuracy of any legal analysis, citations, or opinions expressed in any articles contained herein. Individuals who are interested in joining the Association, placing advertising, or contributing articles should contact the Bar Association office at 609-585-6200, fax 609-585-5537 or e-mail info@mercerbar.com. The newsletter deadline is the last Wednesday of the month preceding the publication month.

was equally proud to bestow the Michael J. Nizolek Award on Buck LaFerrara, who has always been the first person to lend a hand to those in need. Most recently, Buck spearheaded a fundraiser for our colleague, Steve Goodell that raised over \$30,000, which he intends to use to pay for nursing care and therapy, as well as to make modifications to his home in order to make it more wheelchair accessible. Needless to say, the generosity that was displayed was overwhelming and is a testament to the cohesiveness of our members. Last but not least I was honored to present the Young Lawyer of the Year award to Lauren Scardella for her own exemplary efforts in serving our bar and our community.

Of course, we enjoyed various social events most of all. I was pleased to see so many faces at the November 2 General Membership Meeting, where we presented the awards to Bucky, Lauren and Central Jersey Legal Services, our Community Partner. Everyone enjoyed a wonderful evening of camaraderie. On November 6, many of our members mingled with representatives from the New Jersey State Bar Association at a wine tasting event, organized by noted wine aficionado, Craig Hubert, and talented sommelier, Tom Manzo. On the social scene, we closed out the year with our annual Holiday Party at the beautiful Trenton County Club. Unfortunately, I had to miss the party due to a work commitment, but I received glowing reports about the food and ambiance.

No newsletter column is complete without mentioning Xtreme CLE! I am happy to report that it is over and was a resounding success. Hundreds of attorneys attended and gained credits, while socializing, eating, and exploring our vendor offerings. Many thanks to our presenters, sponsors, and the hard-working MCBA staff. Xtreme is one of our largest yearly undertakings and is vital to the ongoing financial health of the MCBA, and everyone's support is greatly appreciated.

Finally, the search for a new Executive Director is nearing its conclusion and we hope to have someone in place very soon. Among other things, our new ED will bring to a conclusion the construction of our new website. Many thanks to Alberta, Mary,

Sandy and Paulette for keeping the office running during this challenging time – your efforts are greatly appreciated.

As mentioned earlier, this is my last column and I must thank the many people who have helped me throughout the year. As much as we all like to think we can do everything ourselves, no one succeeds alone, and I certainly am not an exception that rule. Besides our staff, board members and committee chairs, I would be remiss if I didn't thank my wife and children for their understanding, patience and support over the course of the last year. I am also incredibly thankful for the unfailing support of the generous and talented attorneys who I work with every day at Szaferman Lakind. Finally, I am most thankful for the support of our members – from both the bench and the bar – who are the lifeblood of the MCBA and who are most responsible for making it a wonderful organization.

And with that, I bid you all farewell. Please join us on January 17, 2018, at the Stone Terrace as we swear in my successor, Mercer County Prosecutor Angelo Onofri, and a new slate of officers and trustees. I wish them the best and leave with the confidence of knowing that the MCBA is in very good hands. Happy Holidays to all.



CIVIL ARBITRATION

Compensated positions for commercial arbitrators, pursuant to R.4:21A-1((a)(3). If you are interested in being added to the roster of arbitrators arbitrating civil contract disputes pursuant to R.4:21A-1((a)(3), please submit your name, contact information and credentials to **James Milton, the Mercer County Superior Court Clerks' Office Judiciary Coordinator**, for consideration. Arbitrators with Lemon Law experience are especially needed.

Submittals should be addressed to James Milton and sent to him via the following:

james.milton@njcourts.gov

or

Civil Courthouse
P.O. Box 8068
175 S. Broad Street
Trenton, NJ 08650-0068

Thank you!

November General Membership Meeting & Awards Ceremony Thursday, November 2, 2017





A Story of Compassion - I call it: Judging the Judge

Submitted by: Tony Serra, Esq.

Anyone who appeared before Judge Higginbottom knew how much of an SOB he could be. As soon as he took the bench, he began barking orders to his staff and challenging the lawyers and litigants. He ran a tight courtroom and nothing got by him. Unprepared lawyers, whining litigants and frivolous lawsuits were the things that irritated him most. And if anyone knew Judge Higginbottom, it was Richard Periwinkle, Esquire.

Richard Periwinkle was a seasoned trial lawyer who appeared regularly before Judge Higginbottom. While Richard was able to get concessions from other judges, there was no getting away with anything with Judge Higginbottom. Everything was by the book. Frustrated by what he believed was a heartless, egotistical and self-centered Judge, Richard routinely came home at night and aired out his grievances to his wife. A recent exchange went something like this:

RICHARD: That so-called “judge” Higginbottom is a real jerk! I never met anyone more egotistical in my life. He could care less about people. I despise that guy!

WIFE: Well maybe he just sees things differently than you. Don't forget he deals with hundreds of cases you know. It can't be easy trying to control a court room full of high strung lawyers and stressed out litigants.

RICHARD: That's no excuse. I have hundreds of clients as well so don't give me that crap.

WIFE: True, but he's in a position of authority to make decisions that affect people's lives, that's not an easy position to be in.

RICHARD: Bingo!! You just put your finger on the real problem. The state of New Jersey, in all its infinite wisdom, gives this moron a black robe and the authority to make life and death decisions over people he could care less about. Can you imagine being his wife and living with this guy? What a pleasant experience that must be.

WIFE: All you attorneys and Judges are in a tough spot. It's not easy trying to decide all the time who's right and who's wrong. Life is full of gray areas. Being open-minded and trying to see the world from the Judge's perspective would give you a better sense of his character.

RICHARD: Easy for you to say, but try giving that sermon to a client whose child was just killed due to a defective car seat or a missing handrail that causes the kid to fall from a 5-story balcony- - and then having to deal with this guy.

WIFE: (*wanting to end the discussion*) You have a point --- I guess you're right.

It was during the course of a complex case before Judge Higginbottom that Richard needed to file an emergent legal brief. Knowing Judge Higginbottom would not allow an extension, Richard himself drove to the courthouse to hand deliver the brief to the Judge's chambers. When he arrived, the law clerk told Richard that the Judge had to leave early to due to a family matter, but he was free to deliver the brief to the Judge's home if he wanted.

Although uncomfortable with the idea of meeting the Judge at his home, Richard decided to make the trip knowing how important the brief was to his client's case. When he arrived at the house and knocked on the door, he heard the faint sound of a male voice coming from the back of the house asking who it was. Richard shouted, "it's Richard Periwinkle, the attorney. I'm looking for Judge Higginbottom." The voice from the back responded, "Oh yes, please come in Mr. Periwinkle. The door is open."

Richard walked into the house and made his way to the back of the home from where he heard the voice. "Judge Higginbottom, are you back here?" Richard asked. As he said those words, he saw Judge Higginbottom on his hands and knees in the bathroom with a bucket of water and spray bottle next to him. "Judge Higginbottom, are you okay?" Richard asked. "Yes, I'm fine Mr. Periwinkle," the Judge responded. "I'm just cleaning up an accident my wife had. The nurse's aide had to leave due to a family emergency so I needed to come home. This happens once in a while. Please, have a seat in the living room and I will be with you in a moment."

Richard went into the living room where he found a white-haired lady sitting in a chair with her hands resting peacefully on a quilted blanket draped across her lap, looking straight ahead. Reaching out to shake her hand, Richard said "Hello, you must be Mrs. Higginbottom. I'm Richard Periwinkle. Very nice to meet you." The woman sat motionless, hardly noticing that Richard was even in the room. Trying to get her attention, Richard added "You have a lovely home." Without any movement, the woman uttered the following words: "the people are coming. So, we need to get things together. It's just down the road. They said it will be alright." Confused by what she was saying, Richard asked "what people are coming and what will be alright?" The woman added, "well, you know, we always like it better that way. It's the way it is." The woman then glanced at Richard and turned back away. "Oh, I see you met my wife Eleanor," the Judge said as he entered the room.

"Well yes, I did Judge, but honestly I didn't really understand what she said."

"Well that's because she has Alzheimer's disease. She can no longer remember things as she used to. Her mind is in a different place. Here, let me introduce you to her. Sometimes she responds to my voice." Kneeling next to her side, Judge Higginbottom took his wife's hands and cradled them into his and said "Eleanor, this gentleman is Mr. Periwinkle. He's a lawyer I see often in my courtroom. He's a very good lawyer and a nice man. He stopped by to drop off some papers for me to read." Eleanor's face lit up and she turned to Richard with a big smile and said, "that's good."

"See, she likes you Mr. Periwinkle . . . yet she knows so little about you, other than what I just told her. That's what makes this disease so perplexing. People with this condition have lost the capacity to function, yet they accept and love unconditionally. There is no judging, or manipulating, or game playing. None of that matters anymore. Something we can all learn from."

My wife was a wonderful and beautiful woman, she still is, but now her beauty is portrayed differently than it was when she was younger. Otherwise, she's the same woman I married 42 years ago, and I love her dearly."

On his drive home, Richard felt terrible, realizing how wrong he was about Judge Higginbottom and for acting out his frustrations by besmirching the Judge's character without truly knowing who he was as a man or his circumstances. He felt ashamed of himself. He wondered how many times in the past he might have misjudged people and situations. Oddly enough, he also felt a sense of liberation, realizing for the first time in his life that it wasn't his place to judge anyone. That he could be free himself of that stress and negative emotions, focusing instead on his own conduct and behavior. The choice was his to make.

As he entered his home that evening, Richard greeted his wife with a big hug and told her how much he loved her. Surprised by the sudden display of affection, his wife asked how his day went with Judge Higginbottom, to which Richard replied, "let's just say I took your advice and saw the world through Judge Higginbottom's eyes, and was pleasantly surprised what I learned." "See," his wife replied, "and I didn't even go to law school!"

MORAL OF THE STORY: Do not judge another person unless you have walked a mile in his shoes.

LITTLE LIFE LESSON: In truth, it is impossible to walk in another person's shoes.



Mercer County Lawyer Basketball 2018

The Mercer County Lawyer Basketball 2018 Season is hoping to start on Monday, January 8, 2018. Games will begin at 7:00pm and 8:00pm at the following:

**Ewing Township Senior and Recreation Center
999 Lower Ferry Road
Ewing, NJ**

All are welcome to join! Teams are forming now, so if you are interested in joining a team or bringing a team, please contact commissioner Allen Gorski by one of the methods below:

Allen Gorski
609-964-4000
agorski@gorskiknowlton.com



MCBA Community Events Coat Drive



Many thanks to the MCBA Community Events Co-chairs,

Robin Echevarria & Stacey Geurds

and to all who donated to this year's Coat Drive.

Over 170 coats were donated to the Mt. Carmel Guild!

THANK YOU!

State Bar Night & Wine Tasting Event Monday, November 6, 2017



Recap of Mercer County Clerk's Office Business Services Info Session at Trenton Business Week 2017

By Paula Sollami Covello, Esq. *Mercer County Clerk*

Mercer County Clerk Paula Sollami Covello presented a panel on October during the annual Trenton Business Week to demonstrate all of our important business services available to Mercer County business start-ups and entrepreneurs.



County Clerk Paula Sollami Covello, along with several staff members, discussed several business services offered by the Mercer County Clerk's office to a group of passionate and motivated small business operators and developers.

The services covered during the information session ranged from County Small Business Trade Name Registration, becoming a Notary Public, to the recording of property records and other legal instruments.

The registration of small business names and the swearing in of public notaries are two of the most popular and relevant small business services offered through the Office of the Mercer County Clerk. While not required legally, registering the business trade name with the county will protect your business name against all competitors, and ensure that no one else in the county will be able to register or operate under that trade name. Additionally, many banks have the firm requirement of requiring the business's trade name be registered prior to opening a business checking account.



All filings, registrations, and notary swearings can be done by visiting the Office of the Mercer County Clerk at 240 West State Street, 6th Floor, Trenton, during the regular business hours of 8:30am-4:30pm Monday through Friday, with additional hours on Wednesdays, when the office is open late until 6:30pm to provide added convenience for residents. Also, on the first Thursday of the month is a Notary night at the Mercer County Connection from 3-7pm, where individuals can come in with the proper paperwork to be sworn in as a Notary Public.

To find links to all of our services, please visit our website at www.mercercounty.org/countyclerk.



Family Bench Bar - September through November 2017

by: Louis M. Ragone, Esq.

It was a great Fall / early Winter for the Family Bar again this year with some excellent networking and educational events for our members.

A Family Part Bench Bar meeting was held on September 21, 2017. At the meeting, Judge Fitzpatrick provided an overview of important new changes to the Rules of Court for Family Law practitioners:

Rule 5:3-5 Attorney Fees and Retainer Agreement in Civil Family Actions; Withdrawal:

Amended to reinforce that all applications for attorney's fees must be accompanied by an affidavit of services "at the time of initial filing." You cannot file the affidavit with the Reply Certification or simply mention that it will be filed at some time in the future, as are commonly seen by the Court. The Rule now also incorporates the requirement that the factors from RPC 1.5(a) must be addressed in the affidavit.

Subsection (e) of Rule 5:3-5 now also requires that applications to be relieved as counsel that also include substantive requests for relief must be severed, with the application to be relieved as counsel heard first. In the Order granting or denying the application to be relieved, the Court will now issue a separate scheduling order for filing responsive pleadings and return date for any other sought relief.

Rule 5:4-2: Complaint: Complaints for Divorce must now state if a domestic partnership or civil union was entered into by the parties. The purpose of the change is meant to protect against unintentional survival of the civil union or domestic partnership benefits after the entry of a Final Judgment of Divorce where the couple subsequently married.

Subsection (f) of Rule 5:4-2, regarding Affidavits of Insurance Coverage, was amended to include renters insurance, umbrella policies, long term care insurance and disability policies.

Rule 5:4-5: Issuance of Summons for Dissolution Complaints: Summons must be issued within 60 days of the filing of a Complaint for Divorce. The amendment is intended to prevent a filing party from intentionally failing to serve the Complaint to achieve a strategic advantage, such as preservation of the date for purposes of alimony and equitable distribution, when the other party is not placed on notice of the filing.

Rule 5:7-1: Venue: Venue is now appropriate in cases where the parties were married or entered into a civil union in New Jersey but are now living in another jurisdiction that does not respect the validity of that civil union or marriage.

Members should also be aware that the “FM” dockets are significantly backlogged, with motion return dates automatically being administratively scheduled weeks to months after the return dates under the Court Rules timetable. Judge Fitzpatrick cautioned practitioners that they cannot circumvent this issue with Orders to Show Cause that do not seek relief from irreparable harm, and all attempts will be denied and will need to be re-filed as a Notice of Motion.

Judge Fitzpatrick also warned that it is inappropriate to attach prior Certifications to new applications as exhibits, as it then exceeds the page limits under the Court Rules.

At the Xtreme CLE event held on November 14th, the Family Section held a CLE seminar entitled “Do You Know What You Don’t Know About Dividing Retirement Accounts.” The discussion was moderated by Jennifer Zoschak, Esq., with an excellent panel consisting of Rebecca Faulkner, Esq., Rebecca Day, Esq. and Matthew Lundy, Esq. Those in attendance received a thorough education on a very tricky, malpractice-laden area of this practice. A special thank you to our moderator and panelists for their time and participation!

Judge Fitzpatrick indicated at the November 16, 2017 Bench Bar meeting that Judge Blackburn’s recall has ended, and Judges Fitzpatrick, Lougy, Forrest and DeBello will all be helping out with the domestic violence docket until further notice.

WHAT’S NEXT:

The next Bench Bar meeting will be on January 18, 2018 at 3:30pm, and will be held at the Linda Feinberg Learning Center in the Mercer County Criminal Courthouse. Please note that all attending Mercer County Bar Association members whose dues are paid in full at the time of the meeting will receive one (1) free CLE credit. You can even pay at the door and receive credit.

John Eory, Esq. and Dale Console, Esq. will be holding a seminar on Divorce Arbitration, which will be scheduled for a date to be determined in early 2018. The Experts Meet & Greet event (which has been expanded from mental health professionals to include financial professionals, employability experts, private investigators and others) will also be rescheduled after the new year.

Keep an eye out for further details on these events.

NEW JERSEY STATE BAR ASSOCIATION
Minorities in the Profession Section

2018 BLACK HISTORY MONTH RECEPTION AND TRIVIA CONTEST

Tuesday, Feb. 27
6–9 p.m.
New Jersey Law Center
New Brunswick

FREE event

Refreshments will
be served.

OTHER HIGHLIGHTS:

- Trivia contest featuring top essay winners
- Art exhibit by **LEE JOHNSON** of Trenton, New Jersey
- Music by the **TRENTON HIGH SCHOOL ORCHESTRA**
- Award presentations

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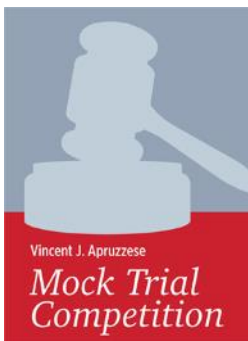
Featuring guest speaker,
SARAH COLLINS RUDOLPH,
survivor of the 1963 Sixteenth
Street Baptist Church bombing
in Birmingham, Alabama.

NJSBA

Calendar

January 17, 2018
January 18, 2018

Installation Dinner - Stone Terrace by John Henry
Family Bench Bar Meeting - 1 CLE



The New Jersey State Bar Association's Mock Trial Competition in Mercer County is being held on Saturday, January 6, 2018 (January 13, 2018 snow day) at the Mercer County Civil Courthouse. Anyone interested in serving as a judge (w/CLE credit!) should contact Jessica Wilson at [**jwilson@kmhlawyers.com**](mailto:jwilson@kmhlawyers.com) to be added to the list of judges.

Classifieds

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Highway/commercial zone @ intersection of 4 major arteries. 2300 sq. ft. & full basement w/240 sq. ft. outbuilding. 18 parking spaces. Call 609-585-6906



**2017
Mercer County Bar Association
Professional Lawyers of the Year**

Robin Echevarria, Esq.
Stacey Geurds, Esq.

Stacey and Robin attended the annual
Professionalism Awards Luncheon
hosted by the

**New Jersey Commission
on Professionalism in the Law.**

Congratulations to you both!

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**Whether your case is
simple or complex,
we will treat it as
our most important.**



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Holiday Party Thursday, December 7, 2017





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