

Mercer County *Lawyer*

February, 2018

A Publication of the Mercer County Bar Association

Volume 37, Issue 1

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Save the Date:
XTREME CLE
October 11, 2018
Mercer County
Community College

From the President's Desk.....

My first President's Column. Initially, I am truly honored to serve as the President of the Mercer County Bar Association for 2018. To everyone who attended the Installation Dinner in January, thank you for being part of such a memorable evening. I owe special thanks to Judge Mary Jacobson, Nick Travisano and Doris Galuchie for being part of the installation ceremony. The evening was only possible because of the behind-the-scenes work of our amazing MCBA staff. Thank you Samantha, Alberta, Sandy, Mary and Paulette. There can be little doubt that our new Executive Director, Samantha Iraca, is a welcome addition to the MCBA. Sam brings enthusiasm, innovative ideas and boundless energy to our Association. She has already hit the ground running.

2017 was a great year for the MCBA because of our outgoing President, Bob Lytle. Bob led the MCBA with grace and dignity. He is the consummate professional. Thank you Bob for your many contributions to the MCBA.

My theme for 2018 is "Mercer County Lawyers Care." The members of the MCBA have always been generous both financially and with their time to support a variety of projects. So far this year, our Community Projects

Committee, led by Stacey Geurds and Robin Echevarria, has served lunch at the Trenton Area Soup Kitchen, started a book drive and helped deliver hot meals to seniors through Meals on Wheels.

On February 15, we held our first "Clean Slate Expungement Program" where members of the MCBA and the Mercer County Prosecutor's Office assisted more than 60 people in getting their records expunged. Many thanks to Assistant Prosecutors Mary Stevens and Brett Berman for coordinating the program and to Rob Baker, Dan Cantor, Jeff Gradone, Ed Kahn, Roger Mitchell, Jared Oberweis and Suzette Price for volunteering and giving their time and talents to this initiative.

Our 18th Annual Bench Bar Ethics Luncheon will be held on March 14 at the Stone Terrace. We are privileged to have Chief Justice Stuart Rabner and Mercer County's own Judge Phil Carchman, P.J.A.D. (Ret.) present their dynamic program "From Mueller to Henderson: The Use of Social Science in Judicial Decision Making." The program will address the use of non-legal social science studies and data as part of the judicial decision-making process. Since many of these materials are not part of the trial record, the program will explore the ways a judge can legitimately consider these materials. I



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M e r c e r C o u n t y

Lawyer

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Officers

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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.

hope to see everyone on March 14.

In a few weeks, our newly redesigned and updated website should be up and running. The new website will be a valuable tool to keep our members better informed. Thanks to Mike Kahme for spearheading this project. We will also institute a weekly email blast about MCBA events, happenings and items of interest.

The Bar Foundation's "Wine and Dine" event will be held on April 20 at the Stone Terrace. This event is the Foundation's major fundraiser and will feature amazing food, auction items (including Super Bowl XLII memorabilia signed by Ea-

gles Hall of Fame member Merrill Reese – "The Voice of the Eagles"), a selection of wines and good company.

Mark your calendar for June 15 for "MCBA Night at the Trenton Thunder." We have reserved the picnic area and will have a full barbecue dinner. It is also Gary Sanchez bobblehead night. One MCBA member (or a family member) will have the opportunity to throw out the first pitch. More details will follow.

In closing, I hope 2018 will be a great year for the MCBA.



Hello MCBA Members & Friends,

I hope all of you are well and getting ready for warmer weather. Since joining the Mercer County Bar Association, I have been very busy. As you have read Angelo's message, things are moving along here at the office. This coming year, the MCBA hopes to offer you more while also offering our community better services. My goal is to make our Bar Association the best in New Jersey. It's lofty, but attainable. Please feel free to contact me with any questions or ideas at siraca@mercerbar.com. If you haven't completed your membership for the year, please do so, you won't want to miss any of our upcoming events.

Warm regards,
Sam



WELCOME NEW MEMBERS

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Installation Dinner Wednesday, January 17, 2018 The Stone Terrace



Senator Shirley Turner; New Jersey Attorney General Gubir S. Grewal; MCBA President, Angelo J. Onofri; Senator Linda R. Greenstein



Seated: Beth Onofri; Lyssa Onofri; Jared Oberweis; David Eide & Terri Eide.
Standing: Assemblyman Wayne DeAngelo; President Angelo J. Onofri; Joseph Onofri; Mike Everett; Jesse Armstead; & Michael Saportito.



2018 Officers: Brian Duff, President Elect; James Creegan, Vice President; Tanya Phillips, Treasurer; and Michael Kahme, Secretary.



Ross J. Switkes & Tanya Phillips



Hopewell Police Chief Lance Maloney; Margaret Chipowsky; Princeton Police Chief Nick Sutter; & President Elect Brian Duff.



Martin Masseroni; President Angelo J. Onofri; & Doris Galuchie.



Nick Travisano & Frank Spada



Christopher Malikschmitt; Scott Gershman; Mary Stevens; Joe Paravecchia; & Laura Sunyak.



Daniel Matos; Brett Berman; & Jennifer Eugene.




Front: Chief Robert Garafalo; Chief Lance Maloney; Chief Mark Ubry; Chief Nick Sutter; Acting Chief Tim Grant. Rear: Martin Masseroni; Joe Pica; Sheriff Jack Kemler; Chief Chris Nitti; President Angelo J. Onofri; Chief John Stemler; & Chief Veldon Harris.

Mercer County Bar Foundation News

**The Mercer County Bar Foundation
would like to invite those individuals
interested in serving on the board to
submit letters of interest on or before
April 6th.**

Please submit your letters to:

**Samantha Iraca
siraca@mercerbar.com**



The Mercer County Bar Foundation is a non-profit organization and is the charitable arm of the Association. Over the years, the Foundation has made significant contributions to our struggling Central Jersey Legal Services, formerly “Legal Aid”. The Foundation grants scholarships to law students in need with ties to Mercer County and helps the Community Projects and Young Lawyers Committees with their charitable projects for various organizations in Mercer County such as TASK, Meals on Wheels, YMCA, Life-Ties, etc. This year the Foundation is proud to support the Sunshine Foundation, One Simple Wish, and the Mercer County Special Olympics.

Mercer County Bar Foundation News



Mercer County Bar Foundation 6th Annual Wine & Dine

Friday, April 20, 2018 5:00 to 8:00 p.m.

The Stone Terrace by John Henry's 2275
Kuser Road, Hamilton, NJ

Wine Tasting and Silent Auction to benefit our philanthropic activities in Mercer County

Join your friends and colleagues to celebrate the beginning of summer at the beautiful Stone Terrace by John Henry's Restaurant in Hamilton, NJ. Come and sample an assortment of fine wines and (taste them all – purchase some for delivery), delicious hot and cold hors d'oeuvres and tempting desserts. Visit our fabulous silent auction, make a donation, be a sponsor, and place an ad in our

Tasting Notes Booklet. The net proceeds from the event will help fund our scholarships, anti-bullying projects, and philanthropic activities for various charities such as Meals on Wheels, One Simple Wish, Special Olympics, the Sunshine Foundation, and T.A.S.K.

Individual tickets are \$50, couples are \$90, and donations are always welcome.

***Individual tickets purchased after April 12th are
\$65.00/Couples \$115.00***

Turning Lemons into Lemonade: Repurposing Struggling Properties to Create Value and Satisfy New Market Demands

*By: Gary Forshner & Matthew J. Schiller
Greenbaum, Rowe, Smith & Davis LLP*

As New Jersey's economy, infrastructure, and demographics continue to rapidly evolve, numerous commercial developments have recently become obsolete. Moreover, as one of the most developed states in the country, there are increasingly fewer "green" developable sites available in New Jersey. As a result, the state is littered with formerly thriving suburban office and retail properties – many in prime locations – that are vacant and perceived to be untenable in their current state. These "white elephant" sites, however, can present excellent repurposing or redevelopment opportunities, in light of the limited current supply of developable lands – and despite the record demand for multi-family, mixed-use projects, warehousing/distribution facilities, and modernized office buildings.

Over the past several years, many productive commercial developments have changed hands and/or have received necessary capital investments to remain thriving developments. Still, numerous outdated office and retail properties have been nearly abandoned, their owners unable to lease or sell them in their current condition, and perhaps lacking the vision or resources to reposition the property. As a result, these owners face a difficult economic quandary.

Struggling properties have historically been addressed by either (1) marketing them in their current condition until a new tenant/buyer is found, and thereafter improved based upon the tenant/buyer demands (this approach could either subject any future lease/sale to potential zoning contingencies and/or reduce the market rent/

purchase price for the property), or (2) infusing significant cash, resources and time to modernize the asset on a speculative basis in order to make it more attractive for potential tenants/buyers (thus requiring substantial advances by the owner for the benefit of future tenants/buyers, whose preferences and timing are unknown). However, a third option, repurposing and/or redeveloping the property for a different use, has emerged as an increasingly viable alternative to the traditional approaches mentioned above, in keeping with recent market trends.

Repurposing a property can either partially or completely change the existing use onsite. Examples include converting former anchor boxes in a strip mall to warehouse distribution space, or to alternative entertainment uses such as restaurants, arcades, and movie theaters, or creating a mixed-use center onsite. Similarly, vacant office properties can be repurposed for higher demand uses such as multi-family apartments, warehouses, hotels and other mixed-use developments onsite. Although repurposing may significantly increase the value of a property, it often involves entirely different uses than what currently exist onsite, thus requiring potentially significant zoning approvals to effectuate the plans for the property. More municipalities are working with developers to reposition properties because they recognize that "white elephants" may be repurposed in a variety of ways to align with community interests.

New Jersey law affords many zoning tools for owners to repurpose properties. The Municipal Land Use Law (MLUL) offers traditional zoning

protocols, such as site plan approvals, use and bulk variance relief and rezoning, to permit alternative uses to be developed onsite. However, the likelihood of success using traditional zoning methods for new uses is often contingent upon whether a proposed use is “as of right” under the applicable zoning code or whether the variance relief can be justified. Use variance relief, in particular, is highly difficult to justify under the MLUL. As a result, there is a substantially heightened risk that an objector could successfully challenge an approval and/or the grant of use variance relief. In selective cases, the MLUL is a terrific tool for the repurposing, but the law provides additional tools to accomplish that objective.

New Jersey’s Local Redevelopment and Housing Law (LRHL) can be the critical statutory tool to enable struggling properties to be repurposed. Indeed, the LRHL lends itself best to form-based zoning and mixed use projects as opposed to the traditional “Euclidean zoning” that exists in most municipalities under the MLUL. The LHRL provides protocols and statutory criteria for a property to be designated as an “area in need of redevelopment”, thus permitting the municipality to amend its ordinance and make the proposed use “as of right” onsite. Under the LHRL, a property may qualify as “an area in need of redevelopment” upon “the discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes.”

Accordingly, even if a property is in good condition, if it has been vacant for a considerable period of time (e.g., an office building or retail site has been vacant for multiple years), this fact could be a sufficient stand-alone statutory basis to qualify the property as a redevelopment site under New Jersey law. Alternatively, if the site is adjacent to an existing redevelopment area, a property owner could seek to be incorporated into the existing redevelopment plan. In either

instance, a property can utilize New Jersey’s redevelopment designation process to permit creative or mixed use projects to be developed “as of right”, circumventing the need for legally challenging use variance relief under the MLUL. Moreover LHRL projects designated as areas in need of redevelopment qualify for various economic incentives – potentially making an otherwise financially challenging project economically feasible. One of the more notable and common examples is the eligibility of LHRL projects to qualify for the payment in lieu of taxes (PILOT) program, which could substantially reduce the development’s property tax obligations upon completion.

Several steps must be undertaken by the municipality under the LHRL in order for a property to be designated as an “area in need of redevelopment,” but the numerous benefits and opportunities presented by this designation can result in a successful project, one that was otherwise potentially insurmountable. First, the municipality’s Council must adopt a resolution directing the Planning Board to conduct a preliminary investigation as to whether the site qualifies as an “area in need of redevelopment.” Then, the Planning Board must commission a preliminary investigation report, conduct a public hearing concerning the potential redevelopment designation, and make recommendations to the Council on whether to include/designate the site as an “area in need of redevelopment.” Upon receipt of the Planning Board’s recommendation, the Council must then adopt a resolution declaring the site as an “area in need of redevelopment” and prepare and approve a redevelopment plan delineating the new permitted uses and other new zoning requirements for the site. Upon the completion of the redevelopment plan, the Council would adopt the redevelopment plan by Ordinance and make the proposed redevelopment/repurposing of the subject property an “as of right” development, subject

to receipt of site plan approvals by the Planning Board.

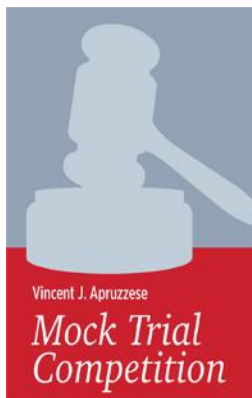
Owners of struggling commercial properties face many economic hurdles to revitalize their investments. Repurposing commercial properties utilizing the methodology and procedures set forth in the LHRL can afford property owners a more certain path towards achieving their redevelopment plans. However, navigating through the various statutory requirements to obtain the redevelopment designation can be quite challenging. It is critical to assemble an advisory team that includes land use and real estate attorneys with significant zoning, leasing and transactional experience who can assist in the evaluation of properties and address any issues that arise on the road to enhancing the viability and marketability of properties in 2018 and beyond.

About the Authors:

Gary S. Forshner and Matthew J. Schiller are partners at Greenbaum, Rowe, Smith & Davis LLP. Mr. Forshner, who is co-Chair of the firm's Redevelopment & Land Use Department, concentrates his commercial real estate practice in the areas of land use, zoning, real estate development, and redevelopment. Mr. Schiller, who is a member of the firm's Real Estate and Redevelopment & Land Use Departments, concentrates his practice in commercial real estate law, including a wide array of commercial real estate transactional, zoning, redevelopment, taxation, and litigation matters.

MCBA 2018 MOCK TRIAL

Many thanks to the MCBA Mock Trial Chair Jessica Wilson, and to all who participated in this year's event. This years winner is Marshall Academy.



MCBA Community Events Coat Drive

*YOU MAY HAVE:
ORGANIZED A FOOD DRIVE, DONATED A TURKEY OR PACKED
FOOD BAGS.*

*YOU MAY HAVE:
DONATED A GIFT CARD, MADE A MONETARY
DONATION, COLLECTED COATS OR
BROUGHT A TOY FOR CHRISTMAS.*

*YOU MAY HAVE:
ANSWERED PHONES, GREETED PEOPLE AT THE DOOR
SENT A CARE PACKAGE FOR SENIORS OR
ATTENDED THE GALA.*

*WHATEVER IT IS THAT YOU "MAY HAVE DONE"
DURING THIS PAST YEAR,
YOU HAVE BEEN A BLESSING TO SO MANY IN NEED IN
OUR COMMUNITY.*

*YOU KNOW THE MEANING OF BEING A "NEIGHBOR".
THE STAFF OF MOUNT CARMEL GUILD THANKS YOU
AND WISHES YOU PEACE AND EVERY BLESSING
DURING THIS SPECIAL SEASON AND
THROUGHOUT THE NEW YEAR.*

Thank you for the wonderful donation of coats– new and gently used– warm
and appreciated by all!

Sister Loretta



**Many thanks to the MCBA Community Events Co-chairs
Robin Echevarria & Stacey Geurds
and to all who donated to this year's Coat Drive.**

THANK YOU!

Mercer County Bar Association

IN THE COMMUNITY

On Thursday, March 15th, MCBA members and staff went to the Trenton Area Soup Kitchen to serve lunch. According to TASK staff, they are serving roughly 400 meals at lunch and dinner every day. This number is up 20% over last year. Please see the MCBA calendar for additional dates this year.

Your help is very appreciated!



Stacey Geurds, Dan Haggerty, TCNJ Student Volunteers, Robin Echevarria, Lyman Hopper, & Vincent Gentile



Robin Echevarria, Lyman Hopper, TCNJ Student Volunteer, & Samantha Iraca



Samantha Iraca & Stacey Geurds



Jane R. Altman, Esq.
Altman, Legband & Mayrides

The New Jersey State Bar Association has awarded the 2018 Saul Tischler Award for Lifetime Contributions to the Advancement of Family Law in the State of New Jersey to Jane R. Altman, Esquire.

Jane is the first Mercer County lawyer to receive this award in the thirty-two years since its inception.

Jane, who has been practicing law since 1978, focuses on all aspects of family law. She has been very active in local and State Bar associations, including serving as a Trustee of the Mercer County Bar Association, and as a Matrimonial Early Settlement panelist since the program's inception.

A longtime member of the Family Law Executive Committee of the New Jersey State Bar Association (from 1982 to the present), Jane has also served on the prestigious Supreme Court Family Practice Committee from 2002 through 2014.

This award will be presented at a dinner at the Park Chateau in East Brunswick, N.J. on Monday, April 16, 2018.
To register for this event, visit: www.njsba.com.

Anyone interested in obtaining additional information about the Tischler Dinner, please contact Tamika Wilson 732-937-7540 or go to the N.J. State Bar website at www.njsba.com

**Congratulations, Jane, on this very prestigious award
and for your lifetime commitment to Family Law!**



Calendar of Events

March

Collect new and used children's books for summer distribution.

Thursday, **March 1st**: Municipal Bench Bar Seminar @ Ewing Township Municipal Court.

Thursday, **March 8th**: Lawyer's Care 5:30-7:00pm @ Mercer County Connection.

Wednesday, **March 14th**: 18th Annual Bench Bar Luncheon 12:00-2:00pm @ The Stone Terrace.

Thursday, **March 15th**: Family Bench Bar Meeting 3:30pm @ the jury room on the 2nd floor of 175 South Broad Street.

Tuesday, **March 20th**: Deliver lunch for Meals on Wheels.

Wednesday, **March 21st**: Estate-Probate/Chancery meeting 4:00pm @MBCA office.

Wednesday, **March 28th**: Criminal Bench Bar 3:30pm Judge Warshaw's Courtroom

April

Collect new and used children's books for summer distribution.

Friday, **April 6th**: Civil Arbitration Retraining 2:00-4:00pm @ the Civil Courthouse Building.

Wednesday, **April 11th**: Civil Bench Bar 3:30pm @ Judge Hurd's Courtroom.

Thursday, **April 12th**: Lawyer's Care 5:30-7:00pm @ Mercer County Connection.

Wednesday, **April 18th**: Serve lunch @ TASK 10:30-1pm.

Wednesday, **April 18th**: Estate-Probate/Chancery Meeting 4:00pm @ MCBA Office.

Friday, **April 20th**: MCBF Wine and Dine 5:30-8:30pm @ The Stone Terrace.

Wednesday, **April 25th**: Municipal Bench Bar @ Ewing Township Municipal Court.

May

Collect new and used children's books for summer distribution.

Wednesday, **May 2nd**: May General Membership Meeting & Awards Dinner 5:30-8:30pm @ Mercer Oaks.

Friday, **May 4th**: Law Day times will vary depending on location.

Thursday, **May 10th**: Lawyer's Care 5:30-7:30pm @ Mercer County Connection.

Wednesday, **May 16th**: Estate-Probate/Chancery Meeting 4:00pm @ MCBA office.

Thursday, **May 17th**: Deliver lunch for Meals on Wheels 10:30am-noon.

Thursday, **May 24th**: Family Bench Bar Meeting 3:30pm @ Judge Fitzpatrick's Courtroom.

June

Collect new and used children's books for summer distribution.

Tuesday, **June 5th**: MCBA Golf Day @ Old York Country Club. More information to come.

Wednesday, **June 13th**: Serve dinner @ TASK 3:30-5pm.

Thursday, **June 14th**: Lawyers Care @ Mercer County Connection 5:30-7:00pm.

Friday, **June 15th**: MCBA night at the Trenton Thunder picnic area. 7:10 game.

Friday, **June 22nd**: Family Meet & Greet 5:30-8:30pm @ Mountainview Golf Course, Ewing.

Thursday, **June 28th**: Municipal Bench Bar Seminar @ Ewing Township Municipal Court.

Calendar of Events

July

Thursday, July 12th: Lawyers Care @ Mercer County Connection 5:30-7:00pm.

August

Children's Event – Picnic with DJ, Ice Cream and Face Painting – date to be determined.

Wednesday, August 8th: Deliver lunch for Meals on Wheels 13:30-noon.

Thursday, August 9th: Lawyers Care @ Mercer County Connection 5:30-7:00pm.

September

Thursday, August 13th: Lawyers Care @ Mercer County Connection 5:30-7:00pm.

Wednesday, September 26th: Judges & Law Clerks Reception 5:30–8:30pm @ Mercer Oaks

Thursday, September 27th: Serve lunch @ TASK 10:30-1:00pm

October

Collect new and used coats

Senior's event – Halloween Party – date to be determined.

Wednesday, October 11th: Xtreme 2018 8:00am-8:00pm @ Mercer County Community College Conference Center

Thursday, October 11th: Lawyers Care @ Mercer County Connection 5:30-7:00pm.

November

Collect new and used coats

Friday, November 2nd: November General Membership Meeting & Awards Ceremony @ The Stone Terrace 5:30-8:30pm

Thursday, November 8th: Lawyers Care @ Mercer County Connection 5:30-7:00pm.

Tuesday, November 13th: Deliver lunch for Meals on Wheels 10:30-noon.

December

Tuesday, December 11th: Serve lunch @ TASK 10:30-1:00pm

Tuesday, December 11th: Holiday Party @ Cobblestone Creek (formerly Green Acres Country Club) 5:30-8:30pm

Thursday, December 13th: Lawyers Care @ Mercer County Connection 5:30-7:00pm.

****Please note that this calendar is not final. The MCBA hopes to add more events and dates accordingly. ****



Family Bench Bar - December 2017 through February 2018

by: Jennifer Zoschak, Esq.

FAMILY BENCH BAR REPORT

Jennifer Zoschak, Esq.

FREE CLE SEMINAR 3/15/18

Members who have already paid their Mercer County Bar Association dues will receive one (1) free CLE credit for attending our next Bench Bar meeting on March 15, 2018 in the jury room on the 2nd floor of 175 South Broad Street. The meeting starts at 3:30 p.m. and you must be present when it begins to receive credit.

Judge Fitzpatrick and members of our Probation Department and Family Division will discuss common errors in orders which lead to unenforceability; Title IV-D benefits; USSO orders even on direct pay accounts; and other tips and pointers to make sure our clients are getting the proper support payments. Hope to see you there! If you have not already paid your MCBA dues, you can bring it to the seminar and still receive credit.

1/18/2018 Bench Bar Meeting

The first Family Bench Bar meeting of 2018 was attended by Judges Fitzpatrick, Hughes, Lougy & Forest; Gina Goldstein (Probation); and FM Team Leader Lida Perez, along with members of the Bar.

UPDATES & PRACTICE TIPS

Defending a Domestic Violence Contempt Case: A Primer for Assigned Counsel has been updated and is available on the Judiciary website as a guide for attorney who are assigned pro bono DV Contempt cases. It can be found under Pro Bono Training (www.jnjcourts.gov/attorneys/assets/probono/contempt.pdf) and will be a valuable resource for attorneys who get those assignments. The manual includes new responsibilities pro bono attorneys may have as a result of Criminal Justice Reform. The manuals for Municipal Court appearances and parole revocations are also being updated and will be available soon. Attorneys can still be excused from getting assignments from the Madden list by accepting a pro bono family assignment from Central Jersey Legal Services. Anyone interested should contact Susan Knispel at Central Jersey Legal Services at 609-695-6249 or by email at SKnispel@lsnj.org.



Free CLE for Family Attorneys

MAKING PROBATION WORK FOR YOU

Meet with our Family & Probation staff and learn first-hand how to get the Order you intend.

Helpful Handouts to be provided.

Topics will include:

- Basics terms that always need to be in orders, pre and post-divorce;
- Common mistakes and how not to make them;
- Title IV applications: \$6.00 v. \$25.00 benefits and obligor's necessary information (CLS);
- USSO orders;
- What to do when obligor pays child support but becomes an obligee for alimony and two different CS accounts exist;
- Unallocated support;
- Denial of Passport applications/renewals - where to go to resolve for client;
- Lawyers submitting their own USSO orders, is this a good thing?
- Asking probation to put an account on "hold" pending a decision by the court on modification/termination application, how is this done?
- Will probation monitor a CS account when either child support or alimony increases by a certain date as agreed between the parties?

**175 South Broad Street Jury Room (2nd floor)
3/15/18 3:30 – 4:30 p.m.**

Mercer County Bar Association members who have paid their 2018 dues will receive one (1) FREE CLE credit for attending our March 15th Bench Bar meeting.





The Mercer County Bar Association

Reduced-Fee Chapter 7

Bankruptcy Referral Service

- Created to serve qualifying individuals that cannot afford regular attorney rates and do not qualify for free legal services.
- Individuals with household income of no more than 250% of the current annual Federal Poverty Guidelines can apply to participate in the program. Please call the Bar Association office to see if you qualify.
- Clients must meet the requirements to seek relief under Chapter 7 of the Bankruptcy Code.
- Maximum fee to be charged by panel attorneys is \$750. Clients are also responsible for any applicable filing fees.
- Applications are currently being accepted. The program will be effective March 15, 2018.

For more information, please contact::

Mercer County Bar Association,

1245 Whitehorse-Mercerville Rd.

Suite 420

Hamilton, NJ 08619

(609) 585-6200 (FAX (609) 585-5537

Email: info@mercercbar.com

www.mercercbar.com

NEW JERSEY & FEDERAL ESTATE TAX UPDATE

New Jersey Estate Tax Repeal

By Joseph Jacobs, Esq.

The promised repeal of the New Jersey Estate Tax has come to pass for estates of decedents dying on or after January 1st, 2018. For estates of those dying in 2017, a transitional rule applies: the estate tax affects only those whose gross estate, as determined in accordance with the provisions of the Internal Revenue Code in effect on January 1st, 2017, exceeds \$2 million. In that event, the taxable estate is determined by subtracting from the federal gross estate all allowable federal deductions under the 2017 Code, including the state death tax deduction (see discussion below). To this figure the New Jersey tax rate found at N.J.S. 54:38-1 is applied. Finally, a tax credit of \$99,600 is subtracted, so that the first \$2 million of the taxable estate escapes the tax.

As suggested in the preceding paragraph, there is a “wrinkle” in the calculation of the taxable estate resulting from replacement of the federal state death tax credit with a state death tax *deduction*. Since the 2017 New Jersey Estate Tax computation incorporates the provisions of the Internal Revenue Code in effect on January 1st, 2017, which mandates the use of the deduction instead of the credit, a “circular” or “interrelated” computation must be employed to arrive at the tax. Fortunately, the Inheritance and Estate Tax Branch provides a calculator on its website which incorporates that computation, as well as the \$99,600 tax credit. You will find the calculator, as well as the revised Estate Tax Return fill-in form at www.treasury/taxation/prntinh.shtml.

In addition, the “Simplified Tax System” (never simple in any event) has been eliminated, so all estates of 2017 decedents are obligated to employ the “706 Method” to compute the tax, which requires that a completed current Federal Estate Tax Return be filed, whether or not the estate is subject to Federal Estate Tax. This requirement supersedes the previous one that a completed 2001 Federal Estate Tax Return accompany the New Jersey Estate Tax Return, no matter the date of death.

By way of illustration of the foregoing, a \$3 million New Jersey taxable estate in 2017 would generate a New Jersey Estate Tax of \$75,735.30. Compare this to the \$182,000

tax that would have been due if the decedent had instead died in 2016. The difference is attributable to the \$99,600 tax credit, as well as the circular computation discussed above.

Remember, as well, that only the estate tax has been repealed; the New Jersey Inheritance Tax is still alive and well, so inheritances by the decedent’s siblings, nieces and nephews and non-family members will still be taxed at rates ranging from 11-15%.

Increased Federal Basic Exclusion Amount

There is additional good news for many taxpayers at the Federal level: the “Tax Cuts and Jobs Act,” P.L. No. 115-97, increases the Basic Exclusion Amount for estates of decedents dying on or after January 1st, 2018, to \$10 million. When the inflation adjustment is added in, the effective Exclusion Amount becomes nearly \$11.2 million. As a result, married persons may transfer up to \$22.4 million via lifetime gifts or testamentary transfers, or a combination of the two, estate and gift tax free. Clearly, this presents an enormous wealth transfer opportunity, provided certain steps are undertaken to guarantee the benefit, as described below.

Thus, for example, if a predeceased spouse’s estate is valued at less than the Basic Exclusion Amount, his or her personal representative may elect “portability,” which permits the surviving spouse or his or her estate to utilize the predeceased spouse’s unused Exclusion Amount, *provided* a portability election is made on a timely filed Federal Estate Tax Return.

The portability election *must* be made, whether or not the estate is subject to the Federal Estate Tax. Therein lurks a trap for the unwary for estate planners: if the personal representative of the predeceased spouse’s estate fails for any reason to make the election, portability will be sacrificed. This scenario occurs more frequently than one might expect in second marriage situations, where the predeceased spouse has children from a prior marriage, relations between the surviving spouse and these children are strained and the surviving spouse is appointed personal representative of the predeceased spouse’s estate. Con-

sequently, the personal representative must be chosen with great care. One way to accomplish this would be to appoint the surviving spouse and a trusted third party as co-personal representatives and to confer upon the third party the exclusive power to elect portability.

As mentioned above, under the current Federal Estate Tax regime the Applicable Exclusion Amount applies equally to lifetime and date of death transfers, so it is possible to allocate the Exclusion Amount to either or both, as circumstances dictate. Fearing a later reduction in the Act's generous exclusion amount, commentators are already suggesting that taxpayers should begin to make lifetime gifts without delay. If such gifts are made using "freezing" techniques such as Grantor Retained Annuity Trusts and Qualified Personal Residence Trusts, the tax reduction effects of *inter vivos* gifts can be leveraged substantially.

Basis Consistency Rules

Left undisturbed by the Act is the basis step-up rule, which accords to all assets included in the decedent's gross estate a step-up in their tax basis to their date of death value. (Compare this to the "carryover basis" rule that applies to lifetime gifts). This, too, presents an enormous tax planning opportunity; if high basis assets are gifted and highly appreciated assets are retained until death, their subsequent sale will generate little or no income tax. Asset selection is, therefore, critically important when gifts are contemplated, particularly as the Basic Exclusion Amount continues to rise and the focus of planning has shifted from estate and gift taxes to income taxes.

On the subject, practitioners should be aware of the "Basis Consistency Rules" introduced in 2015 and interpreted by Proposed Regulations issued on March 2, 2016. Pursuant to the rules, certain estates are required to report to the IRS and disclose to the recipients of the estate's property, the date of death (or alternate valuation date) values of a decedent's assets. The regulations further require that there be consistent basis reporting between the estate and the beneficiary receiving the property. This is a significant departure from previous practice, where a beneficiary was at liberty to report on his or her income tax return whatever basis he or she independently determined for the property.

The Basis Consistency Rules apply only to estates that are required to file a Federal Estate Tax Return which, under current law, means persons whose gross estate exceeds the Applicable Exclusion Amount, or \$11.2 million in most cases. The proposed regulations clarify that those estates filing a return solely for purposes of electing portability, so-called "portability returns," are exempt from the rules, so only the largest estates will be affected. Filing is accomplished by completing Form 8971 and filing it with the

IRS and providing each beneficiary with a copy of Schedule A of the form. The penalties for noncompliance are severe, so personal representatives should familiarize themselves with the complexities of the rules, especially the filing deadlines.

Increased Applicable Exclusion Amount

Finally, there is yet another planning opportunity enhancement resulting from the increase of the "Annual Exclusion Amount" from \$14,000 in 2017 to \$15,000 in 2018. As a result, the value of assets that may be gifted to individuals (without limit as to their number) transfer tax free has increased. And, if the gifts are made pursuant to a discounting technique involving the use of Family Limited Partnership or LLC interests, as an example, the leverage can be substantial.

Conclusion

While some clients may feel that there is no further need for estate planning, such a view is shortsighted, since there is no guarantee that future Federal estate and gift tax legislation will preserve the current generous exemptions or that the New Jersey estate tax repeal will be permanent. For that reason alone, a flexible estate planning document, such as a Disclaimer Will with Bypass Trust, should still be considered as part of the estate planner's arsenal.

As well, a carefully crafted estate plan will still be required for nontax reasons in specific circumstances, such as second marriages with children of the previous marriage; where beneficiaries have special needs; where elderly persons wish to plan for Medicaid eligibility; where a charitably inclined client wishes to obtain the transfer and income tax advantages presented by use of a Charitable Lead Trust; where creditor protection is desired; and where the prospective surviving spouse is not a US citizen, to name but a few examples.

As can be seen, enhanced planning opportunities await those who act in a timely fashion.

Criminal Bench Bar Report

By Frank Flacks, Esq.

The post-indictment speedy trial time frames are where our concentration is now focused. Trial dates will pre-date the release date and trials may even be scheduled a month or so in advance of release dates to accommodate the calendars. We anticipate that by Spring all criminal judges will be in trial.

Post-indictment backlog is around 225. Judge caseloads are less than 100 cases. They are ready and able to try cases.

Judge Susswein is assigned to hear Detention Motions.

Mercer Stats:

January – December 2017

11% released ROR

27.6% released pre-trial monitoring Level 1 (PML1)

15.1% released pre-trial monitoring level 2 (PML2)

29.2% released pre-trial monitoring level 3 (PML3)

1.4% released PML3+

12.7% ordered to detention

Detention Motions

74.5% granted (57.4% statewide)

33.6% withdrawn or dismissed (27.6% statewide)

Point of Clarity: speedy trial time

Speedy trial clock starts running the day the detention order is signed, but the time begins from the date of incarceration.

So, if you are jailed on 1/1/18, detention hearing is scheduled a few days later, and may be adjourned to another date.

Even if the detention order is not signed until 1/10/18, the clock starts running from 1/1/18, the date of incarceration, not the date the order was signed. All that adjournment time and delay counts on the speedy trial clock.

Pretrial Services Unit is in the process of hiring another team leader, and 4 more professional staff. The unit is being expanded to a total of 20 staff members.

Emphasis is being placed on monitoring and violations of monitoring. Expect to see violation hearings popping up in court regularly. They will be heard by a trial judge, not Judge Susswein. Attorneys should be prepared to handle these at status conferences or similar hearings.

When Divorce and Special Education Collide:

What You Need to Know

*By Barbara J. Boyd, Esq.
Freeman Law Offices, LLC*

The Individuals with Disabilities Education Improvement Act (IDEIA), 20 U.S.C. §1400 et seq, was enacted to ensure that all children with disabilities have available to them a free and appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living.

Even when a marriage is intact and parents are in agreement about their child's special education needs, working with their school district can often be challenging. But what happens when parents divorce, move to different school districts, cannot agree on the school program, placement or even whether their child should receive special education services? The implications of a disagreement arising between divorcing parents will certainly impact the special needs child and therefore, must be considered by family law practitioners prior to finalizing the divorce.

What to Consider:

Residency

When parents split up and move, a second household is established. Which home is the child's primary home? School districts do not have an obligation to educate students who do not reside within the township. Should a school district find that a student is illegally attending a school in the district, it will likely hold a hearing before the Board of Education to remove the child from the district, and may require the parents to reimburse it for the period in which the student was attending the district but was not eligible to receive free services.

To avoid this potentially costly scenario, the Consent Order, Separation Agreement and/or Judgment of Divorce must specify where the child is domiciled and identify the school district the child will attend.

Communication

When the parents of a child with a disability are divorced, the parental rights provided under the IDEIA apply to both parents, unless a court order or other state law specifies otherwise. 71 Fed. Reg. 46,568 (2006) and 34 CFR 300.30(b)(1). Unless the judgment of divorce is written otherwise, when parents have joint legal custody, both keep the rights to:

- Be members of their child's Individual Education Program (IEP) team;
- Be given notice of team meetings;
- Exercise their due process rights;
- Receive progress reports; and
- Have the chance to agree or disagree with plans for initial evaluation and placement in special education.

Family law attorneys should be mindful in joint custody arrangements to draft the Consent Order, Separation Agreement and/or Judgment of Divorce to specify which parent has the right to make educational decisions, unless it is the parties' intent to share the decision making. It is not a denial of FAPE if the parent without education decision making rights is not invited to the IEP meeting.

The Individualized Education Plan

Sometimes parents are not able to agree whether the child should receive special education or what school their child should attend. Courts have held differently regarding the extent of IDEIA rights when parents with joint custody disagree on educational decisions. In one state education agency (SEA) decision, parents with joint custody could not agree and the hearing officer granted them each the option to file for due process. Westside Union Sch. District, 35 IDELR 88 (SEA CA 2001). Another SEA decision held that divorced parents must resolve between themselves any disagreement they may have about their child's education before involving administrative reviewers. North Allegheny Sch. Dist., 26 IDELR 744 (SEA PA 1997).

To avoid protracted litigation, and to the extent that it can be predicted and agreed upon, it is advisable to incorporate the parents' wishes for their child's special education plan into the Judgment of Divorce. If they cannot agree, indicate what steps will be taken and who will be responsible for taking those steps.

Graduation and Beyond

Eligibility under the IDEIA generally terminates on the date the student graduates with a regular high school diploma or when the student reaches his 22nd birthday, whichever comes first. 34 CFR 300.102(a)(3)(i). In New Jersey, students with disabilities who turn 21 before the end of the school year are entitled to receive special education and related services for the remainder of the school year. *C.T. v. Verona Bd. Of Educ.*, 46 IDELR 274 (D.N.J. 2006).

In addition to providing for the education of children with disabilities, the IDEIA requires the creation of transition plans, designed to ensure that upon leaving school, an individual with disabilities will have the skills and training to function independently in the community. Under federal law, transition planning must begin no later than the first IEP to be in effect when the child is 16. 20 U.S.C.A. §1414(d)(1)(A)(VII).

Transition plans are crucial to ensuring that a student's strengths are identified and maximized

prior to the student aging out of school services. Divorcing parents should address when they want their child to graduate, as well as agree on a plan for when the child is no longer eligible to attend public school.

Like the above considerations, transition plans are another facet of the special education process that can and should be addressed prior to finalizing the divorce. The already emotionally charged divorce process can and will go smoother if the documents that finalize the divorce take the above factors into consideration.

MERCER COUNTY BAR ASSOCIATION AWARD NOMINATIONS

**The Mercer County Bar Association seeks
nominations for the Michael J. Nizolek,
Community Partner, Harry O'Malley, and Young Lawyer of the
Year Awards.**

**If you would like to nominate a colleague or organization for these
honors, please email Scott Krasny at
skrasny@furlongandkrasny.com or Samantha Iraca at
siraca@mercerbar.com by March 15, 2018.**



Contact Information: Paula Sollami Covello
 Mercer County Clerk 609-989-6820
 @MercerClerk * www.mercercounty.org

FOR IMMEDIATE RELEASE

JANUARY 25, 2018

Mercer County Clerk Announces New Browser For Public Record Searches

Mercer County, NJ – Mercer County Clerk Paula Sollami Covello has announced the immediate availability of BrowserViewOR, a state of the art internet application that enables the public to search recorded documents and view the data, (in the future you will be able to display data, view images, print, and save recorded documents) maintained by the Mercer County Clerk's Office. BrowserViewOR replaces the Legacy Internet Search System that has been operational in Mercer County since 2012. BrowserViewOR is intended for use by the general public; it complements the Advanced SearchNG product that is used mainly by the staff and professional searchers for both local (in office) searches and remote/internet searching, but requires a Windows device. BrowserViewOR supports a variety of devices, including Apple Mac and iPads. Both BrowserViewOR and SearchNG are maintained by NewVision Systems Corporation (New Canaan, CT).

BrowserViewOR utilizes new technology managed by Google and supported by Microsoft that is supported by popularly used browsers, as well as devices such as smartphones and tablets. Full functionality of the Legacy Search System was available only to Microsoft Internet Explorer users.

BrowserViewOR retains the same functionality as provided by the Legacy Search System; i.e. the Search Criteria, Search Results (Hit List), Document Detail, and Image Display options are unchanged. BrowserViewOR improves usability with the following new features:

- Zoom is enabled using the mouse wheel, replacing the mouse pointer/rubber band zoom function.
- A zoom function is available for Smartphone and tablet users.
- Images retrieved using BrowserViewOR are converted and displayed in standard Portable Network Graphics (PNG) format and integrated PDF conversion software is available for on-demand conversion and download of images.
- A calendar is used to select recording dates, eliminating the requirement to key enter dates.
- Multiple document types may be selected from a lookup table via the keyboard or via mouse click. Although the Legacy Search System provides a lookup table, key entry of the document type(s) was required.

BrowserViewOR has been tested and supports those browsers listed below that have a significant position in the marketplace. These browsers make up over 90% of the usage in the marketplace today.

Browser
Microsoft/Internet Explorer Version 10 or higher
Microsoft Edge
Firefox
Google Chrome/Android
Safari

BrowserViewOR may work with browsers in addition to those listed below, but users should be cautioned that they have not been fully tested. Therefore, they may not get accurate results and/or they may have performance issues. To the extent that additional web browsers gain in general popularity and/or new versions of the above listed web browsers become available NewVision may do further testing on them and enhance BrowserViewOR to assure accessibility through them.

The system is available on the Clerk's Website: www.mercercounty.org/CountyClerk

1. Select "Links" from the options on the Home Page;
2. Select "Official Public Records Search" at the bottom of the page;
3. Select option for "Non-Windows Users at the bottom of the page to access the "Free Search" to BrowserViewOR



Contact Information:

Paula Sollami Covello

Mercer County Clerk

www.mercercounty.org/CountyClerk

Twitter @MercerClerk

609-989-6820

FOR IMMEDIATE RELEASE:

MERCER COUNTY CLERK REMINDS PROPERTY OWNERS OF RESOURCES TO USE IN THE NEW YEAR

By Mercer County Clerk Paula Sollami Covello

Happy New Year! In 2018, we will see many new development opportunities in Mercer County, particularly in the City of Trenton. Because of this, and the importance of accurate information and security in our modern age, I want to remind consumers and residents across Mercer County of the different resources for protecting and securing your property and investments.

The Office of the Mercer County Clerk has several online resources available for individuals who wish to find information on a property. Constituents can search our County-wide Property Information Portal (PIP) with GIS satellite imagery to learn more about their own property, adjoining property, block and lot numbers, and other information on properties in the County.

As part of Mercer County's commitment to make resources more easily obtainable and technologically friendly for our constituents, this website includes property information from the County Clerk's Office, the various Municipal Tax Assessors, the County Planning Office, County Tax Administrator, and many other departments. All of this information can be obtained through one simple web search, and the records and documents can be viewed and downloaded with a watermark. Being able to find information on adjoining or unconnected properties is particularly useful if an individual is looking to consolidate, or subdivide property parcels, or invest in new property. Previously, interested users would have had to go to several different websites, or hire a professional "title plant" to obtain detailed property information.

My office will continue to scan and index older books and maps into searchable formats for online users, in order to provide more and updated information to users. The property information portal is available at <http://pip.mercercounty.org/signin> and even more records are available through https://records.mercercounty.org/RecordsNJ_Search. Both websites require registration, but are free to use.

In addition to property search information and resources, the County Clerk's Office also offers property protection and property fraud alerts, so that property owners can protect one of their most valuable assets. The property alert service is free and immediately notifies a property owner, by email, whenever a document is recorded under the name of the owner. Property owners can register their property address for free at www.propertyalert.mercercounty.org/Propertyalert. An email alert will be sent to the property owner, at the email registered with the alert system, whenever a record of lien or other instrument on the registered property is filed with the County Clerk's office. This alert system can help owners monitor their property for fraudulent claims and other activities on the property. Additionally, the County Clerk's Office offers a free hotline for property owners who believe they have been victimized by a property scam or they suspect illegal occupation of a property in their neighborhood. If a fraud is identified, we will direct the callers to the proper government agency, if available, for assistance. The free fraud assistance hotline is (609) 989-6470.

If you detect something irregular in the recording of a property instrument or would like to contact the Recording Section of the Office of the Mercer County Clerk, you can reach us at (609) 989-6469, or visit our website at www.mercercounty.org/CountyClerk, or visit us in person Monday-Friday from 8:30am to 4:30, with extended hours on Wednesday until 6:45pm, at 240 West State Street, 6th Floor, Trenton.

Mercer County Civil Bench Bar Update

Mercer County Civil Bench Bar
is holding the next meeting on
Wednesday, April 11, 2018
at 3:30 pm in Judge Hurd's courtroom.
Any issues or concerns that you would
like to have addressed should be sent to
Colleen Crocker at
colleen.crocker@selective.com
or Steve Daroci at
sdaroci@faxrothschild.com .



Mercer County Bar Association and the Mercer County Judiciary announce the

18th Annual Bench Bar Luncheon

and 2.0 Ethics CLE Seminar

2.0 ETH NJ/NY/PA Credits

NJ Provider #268 – P.A. Provider #1006

Wednesday, March 14, 2018

12:00 – 2:00 p.m.

The Stone Terrace – 2275 Kuser Road, Hamilton, NJ 08690

**“From Mueller to Henderson: The Use of Social Science in
Judicial Decision-Making”**

Presented by

Chief Justice Stuart Rabner

New Jersey Supreme Court

&

Judge Philip Carchman, P.J.A.D (Ret.)

This program will address the use of non-legal social science studies and data as part of the judicial decision-making process. Many of these materials are not part of the trial record. How can a judge legitimately consider these materials? The program will explore these issues and review judicial decisions starting with the United States Supreme Court’s decision in *Muller v. Oregon* and focusing on the New Jersey Supreme Court’s recent decision in *State v. Henderson*.

\$55.00 Judges, Attorneys, and Government Attorneys

\$35 Law Clerks

PA Credits add \$15.00 / NY Credits add \$10.00

Registration includes lunch, dessert and an educational & entertaining session.

THIS IS A MEMBERS-ONLY EVENT!

MEMBERS MUST BE IN GOOD STANDING TO ATTEND

This program had been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 2.0 hours of total CLE credit. Of these, 2.0 qualify as hours of credit for ethics/professionalism, and 0.0 qualify as hours of credit toward certification in civil trial law, criminal trial law, workers compensation law, municipal court law, and/or matrimonial law.”

Register and pay online at www.mercerbar.com/upcoming_cle

Send or fax your reservations to: Mercer County Bar Association, 1245 Whitehorse-Mercerville Rd., Suite 420, Hamilton, NJ 08619 (609) 585-6200 FAX (609) 585-5537 Email: info@mercerbar.com

Bench Bar Luncheon Seminar

March 14, 2018

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Amt. Paid: _____

For your convenience we accept Visa, MasterCard and American Express

Credit Card Number: _____ Exp. Date: _____ Security Code _____

Signature: _____ Zip Code _____

A 48 Hr. written notice is required for cancellation and refund. – A \$15 processing fee will be applied to all cancellations.
Payment is not deductible as a charitable contribution for Federal Income Tax purposes but may be deductible under other provisions as a business expense.

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DISTRICT VII ETHICS COMMITTEE

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February 14, 2018

Please respond to:

Elizabeth A. Smith, Esq., Vice Chair
Dennigan Cahill Smith, LLC
12 Roszel Road, Suite C205
Princeton, NJ 08540

RE: Service on the District VII Ethics Committee for Mercer County

Dear Member of the Mercer County Legal Community:

I serve as the Vice-Chair of the District VII Ethics Committee for the State of New Jersey which covers the entirety of Mercer County. The District Ethics Committee investigates and, if appropriate, convenes hearings on complaints from the public against practicing attorneys. It is a critically important job to ensure that the public has trust in the Bar and that we hold all attorneys to a level of honesty and competency that the entire Bar can be proud of.

As Vice Chair, one of my important roles is to identify new members for service on the Committee. Each year I have a number of openings to fill with an eye to keeping the Committee representative of the County. I am seeking your assistance as I pursue new members for a four-year term. I am seeking both attorney members and non-attorney public members on the Committee.

In exchange for service on the Committee, practicing attorneys are provided with ethics and *pro bono* service credits. I would welcome the opportunity to discuss the time commitment and other specifics with any attorneys or non-attorneys that are interested in learning more about the important work that our Committee does as they consider serving on it.

Thank you for your consideration and assistance.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Elizabeth A. Smith".

Elizabeth A. Smith, Esq., Vice Chair

{00049851.v1/ ETHICS/}



Civil Arbitration Retraining and 2.0 NJ CLE Seminar

ARB/SKL NJ Provider # 268

Friday, April 6, 2018

2:00 pm – 4:00 pm

Civil Courthouse Building
175 South Broad Street,
2nd Floor, Jury Assembly Room
Trenton, NJ

Hon. Douglas H. Hurd, P.J.Cv.
Mercer County

Roger S. Mitchell, Esq.
Trial Attorney

Kevin S. Riechelson, Esq. Kamensky
Cohen & Riechelson

About the Program:

Effective September 1, 2017, Rule 1:40-12(c) has been amended as follows:

(1) New Arbitrators: After attending the initial training, a new arbitrator shall attend continuing training after two years. Thereafter, an arbitrator shall attend continuing training every four years. **(2) Roster Arbitrators:** Arbitrators, who have already attended the initial training and at least one continuing training, shall attend continuing training every four years.

Arbitrators currently on the statewide roster, who joined the roster prior to January 1, 2017, are required to attend a retraining in 2018. Thereafter, they will be required to take a retraining in 2022 and every four years thereafter. Arbitrators who joined the roster on or after January 1, 2017 are required to attend a retraining in 2019. Thereafter, they will be required to take a retraining in 2023.

This program has been approved by the Board of Continuing Education of the Supreme Court of New Jersey for 2.00 hours of NJ CLE Credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism, and 0.0 qualify as hours of credit toward certification in civil trial law, criminal trial law, workers compensation law, municipal court law and/or matrimonial law.

Please Register before March 28, 2018 at the Mercer County Bar Association

Registration Fee \$25.00

✉ Send or fax your reservations to: Mercer County Bar Association, 1245 Whitehorse-Mercerville Rd., Suite 420, Hamilton, NJ 08619
(609) 585-6200 ☎ FAX (609) 585-5537 Email: info@mercerbar.com

TITLE: Civil Arbitration

April 6, 2018

Name: _____ Telephone: _____

Address: _____ Firm: _____

Email: _____ Amt. Paid: _____

For your convenience we accept Visa, MasterCard and American Express

Credit Card Number: _____ Exp. Date: _____ Security Code _____

Signature: _____ Zip Code _____

A 48 Hr. written notice is required for cancellation and refund. • A \$15 processing fee will be applied to all cancellations. Payment is not deductible as a charitable contribution for Federal Income Tax purposes but may be deductible under other provisions as a business expense.

Parking is limited to street parking or at the Wyndham on 1 West Lafayette Street, Trenton, NJ

Thanks to our Platinum Sponsor, Investors Bank

Classified Ads

Attention Bar Association Members and Friends!

Please submit your ads.

**Contact Samantha Iraca at
siraca@mercerbar.com for pricing and information.**

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