

# Mercer County Lawyer

February, 2019

A Publication of the Mercer County Bar Association

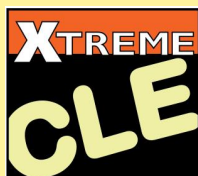
Volume 38, Issue 1

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## Upcoming Events

Save the date:  
**Xtreme CLE is scheduled for  
October 17, 2019**



## From the President's Desk.....

I am in the throes of cabin fever as I write my first President's column. Thoughts of warmer days on the horizon beguile me! But first things first...like Part II of my installation speech. Just kidding!

On behalf of the officers and trustees of the Mercer County Bar Association, I thank everyone who attended the 2019 Installation Dinner. I was truly moved by the amount of you who took time away from your families and busy schedules to attend. Your presence made the event very meaningful for me and my family. I was also overwhelmed by the numerous heartfelt notes and words of encouragement I received. Your collective, ongoing support of the Mercer County Bar Association throughout the year is vital and greatly appreciated.

For the benefit of those who were unable to attend, as I stated during the 2019 Installation Dinner, I am humbled to be elected to serve as the President of the Bar Association. Together with President-Elect James Creegan, Vice President Tanya Phillips, Treasurer Michael Kahme and Secretary Margaret A. Chipowsky, and the Board of Trustees, we promise that 2019 will be exciting and educational! We will continue to revitalize our events. Our family night at the Trenton Thunder will be in the Yankees Club, which is climate-controlled and safe from foul balls! We expect to see the Dinner Dance return with a palatable price tag, where we will recognize this year's recipients of the MCBA's annual awards. We will once again be honoring our colleagues who have been admitted to practice at for least 50 years. We are tinkering with the format of the Judges and Law Clerks event. We are participating in a joint karaoke contest event with the Middlesex, Somerset and Union County Bar



Brian J. Duff, Esq.

Associations—all singers, please contact us! We will continue to offer top-notch CLE programs at the best price per credit hour in the state.

As President, I have the opportunity to focus the energies of the MCBA on an issue of importance. This year, I call attention to attorney wellness, mindfulness and maintaining a balanced life. The term “work-life balance” is overused, but it exists for a reason—we are better lawyers, better spouses, better parents and friends if we maintain a healthy stability between our work and the rest of our lives. I candidly acknowledged in my installation remarks that I do not profess to have struck that balance, and achieved optimal wellness. In fact, it has proven quite elusive throughout my career! But I recognize its importance, and continue to strive to attain both. I invite you to ponder your current obligations and stresses, and consider whether you can find a way to breathe more in your life—literally and figuratively. The MCBA is planning programs to assist with these pursuits. We are also in discussions with vendors who offer wellness programs in the workplace to see if we can partner with one to provide some benefit to

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

# Lawyer

February 2019

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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](mailto:info@mercerbar.com). The newsletter deadline is the last Wednesday of the month preceding the publication month.

our members.

One of our first programs addressing attorney wellness will be the 2019 Bench-Bar Ethics Luncheon, which is being held on March 13, 2019 at the Trenton Country Club. The title of the program will be “Lawyer Well Being and Its Effect on Professionalism and Ethics.” We are privileged to have highly regarded professionals from the New Jersey Lawyer’s Assistance Program (NJLAP) who will discuss the neuroscience of stress and importance of mental wellness in the practice of law, and also provide us with practical strategies to achieve balance in our personal and professional lives. I hope to see you there.

Along with balancing our own lives, we benefit from turning our attention toward mentoring and improving professionalism. The MCBA will be at the vanguard of efforts to promote mentoring and professionalism. We are in the exploratory stages of establishing a mentoring program and professionalism committee. We have no shortage of mentors and mentees in this Association. I reiterate my entreaty to contact me in the coming weeks to join the committee to form a mentor program within our Association. We owe it to past, present and future generations of lawyers in Mercer and beyond to bring this to fruition. It is my hope to be able to report to you in a future column that we have established these programs for our members.

The Association exists for you. Like those administrations that have served before us, we pledge continued accessibility and transparency. If you have suggestions on how to improve our Association, please contact any of us,

or our Executive Director, Samantha Iraca, at [siraca@mercerbar.com](mailto:siraca@mercerbar.com). Samantha and her staff are invaluable assets.

As I commence my term as President, I want to thank those who have served before us. We aim to follow your examples of leadership and service. I also thank the judiciary and our sponsors for their continued support. I want to thank my partners, the other lawyers and staff at Kalavruzos, Mumola, Hartman & Lento for affording me the opportunity to be the MCBA President this year. I offer a special thank you to Judge Anthony Massi for administering the oaths of office, to Mike Mumola for serving as our Master of Ceremonies and Craig Hubert for his thoughtful remarks in introducing me, and to the MCBA staff for its tireless behind-the-scenes efforts in bringing the Installation Dinner together. Most importantly, I thank my wife, Judy, and children, Abby and Nate, for their love and patience. They have made and continue to make many sacrifices over the last 18 years to permit me to serve the Association.

I look forward to serving you this year.



## WELCOME NEW MEMBERS

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Hamilton, NJ 08619

📍 New Jersey - Location 2

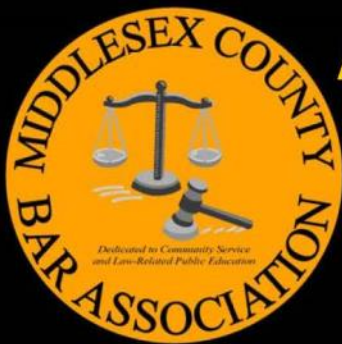
1358 Hooper Ave., Suite 178  
Toms River, NJ 08753

📍 New York

54 W. 40th Street  
New York, NY 10018

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# Annual Karaoke Contest



**@ NJ LAW CENTER**

ONE CONSTITUTION SQUARE  
NEW BRUNSWICK



**MONDAY, APRIL 15 | 5:30 - 9:00 PM**

Join your Colleagues from the Middlesex, Somerset, Union & Mercer County Bar Associations for a Traditional Beefsteak Dinner . . .



. . . then sit back and enjoy the 1st Central New Jersey County Bar Association Karaoke Talent Contest between the best singers from each county bar!



#### Guest Judges

Hon. Alberto Rivas, AJSC  
Hon. Karen Cassidy, AJSC



Hon. Yolanda Ciccone, AJSC  
Hon. Mary Jacobson, AJSC



Master of Ceremonies  
John P. Paone, Jr., Esq.



**\$50 FOR LAW CLERKS & COURTHOUSE STAFF\* | \$70 FOR MEMBERS | \$85 FOR NON-MEMBERS**  
(includes open beer & wine bar, hors d'oeuvres and full, traditional beefsteak dinner)



#### Annual Karaoke Night - 4/15/2019

Name(s): \_\_\_\_\_

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Cost: \$50-Law Clerks/Non-Judicial Courthouse Staff; \$70-MCBA/SCBA/MCBA/UCBA Members; and \$85 for Non-Members. RSVP Online at [www.mcbalaw.com](http://www.mcbalaw.com); or make checks payable to "MCBA" and mail registration form to: Middlesex County Bar Association; 87 Bayard Street, New Brunswick, NJ 08901. **Deadline for reservations - Friday, April 12th.** Cancellations must be made 24-hours in advance of the meeting to receive a refund. To reserve by phone call (732) 828-3433, x. 102, fax form to (732) 828-5862 or send email to [jcowles@mcbalaw.com](mailto:jcowles@mcbalaw.com).

## Mercer County Clerk's Update

New IDs for Domestic International Travel; County Clerk Announces Special Passport Days

*By Paula Sollami Covello, Esq.*

**A**s County Clerk, I oversee two of Mercer County's busiest passport offices in Trenton and Hamilton Township. Consequently, I've received many inquiries as to whether new Federal ID laws will require New Jersey residents to obtain passports to fly domestically in order to meet Homeland Security requirements. I am pleased to let you know that until 2020, the New Jersey Driver's license remains sufficient to allow travelers in the Garden State go through security without a passport. However, this is simply an extension. Per the Real ID Act of 2005, all New Jersey residents will need an updated driver's license that complies with Homeland Security's standards, a passport or military ID to travel domestically as of October 1, 2020.

The Real ID complies with federal standards that impose stronger requirements to prove US residency and allows more than nine characters on the license. It is intended to reduce identify theft and fraud, and enhance the nation's security. Changing the format for every single New Jersey driver requires a massive undertaking on behalf of the state government, who will need to complete three to four times the number of transactions than in previous years. The deadline for compliance with this law has been pushed back several times, which has left many wondering if their Driver's Licenses will be sufficient to let them go through security without a passport. The answer is yes – a NJ Driver's License is sufficient – for now, at least. As previously mentioned, this is expected to change in October of 2020. Currently, residents of nine US states – Kentucky, Maine, Missouri, Montana, Oklahoma, Pennsylvania, South Carolina, and Washington State – must have a passport when flying domestically.

Reports indicate that the New Jersey Motor Vehicle Commission (MVC) is taking multiple steps between now and the spring of 2019 to prevent massive wait times that other states have experienced when starting the transition to Real IDs. They hope to update their website, enabling people to get their new licenses online and by mobile phone in the coming years. Recognizing

the progress of the State MVC, the Division of Homeland Security granted an extension for the MVC to comply with the additional regulations.

It is recommended that you apply for/update your passport if you frequently fly domestically. Because the Mercer County Clerk's office provides passport services, we want you to know that a passport book, and the less expensive passport card, do and will remain an acceptable form of identification for domestic travel. Therefore, you do not have to wait for the new Driver's License for travel if you want to be compliant with the Real ID standards.

You can always apply for a passport at our offices in Trenton or Hamilton during usual business hours, but we will also be holding special passport processing days in anticipation of the spring and summer travel seasons. Passport processing will take place on the following dates at the following locations:

### **Pennington**

Tuesday, March 19, 10am-3pm  
Pennington Borough Hall – Council Room  
30 North Main St  
Pennington, NJ 08534

### **East Windsor**

Wednesday, April 10, 3pm-7pm  
East Windsor Municipal Building  
16 Lanning Blvd  
East Windsor, NJ 08520

### **Lawrence Township**

Thursday, April 25, 11am-3pm  
Lawrence Senior Center  
30 East Darrah Ln  
Lawrenceville, NJ 08648

Residents are encouraged, but not required, to call (609) 989-6473 to reserve a time to have their applications processed and photos taken, if needed. Every effort will be made to assist residents who have not made a

## Mercer County Clerk's Update (cont.)

reservation. Additional staff members from the County Clerk's office will be on hand to help. For more information on passport applications, you can visit [mercercounty.org/government/county-clerk-/office-services/passports](http://mercercounty.org/government/county-clerk-/office-services/passports).



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## 2019 Installation Dinner

On January 24, 2019, the Mercer County Bar Association celebrated the installation of the new officers and trustees at the Trenton Country Club. Members and special guests gathered to welcome the incoming administration, as well as honor the outgoing trustees. Michael D. Mumola, Esq. served as master of ceremonies, and Craig Hubert, Esq. and Immediate Past President Angelo J. Onofri provided encouraging remarks in support of our 2019 President, Brian J. Duff, Esq. President Duff is a partner at Kalavruzos, Mumola, Hartman & Lento in Hamilton, who focuses on practice areas including personal injury, civil litigation, worker's compensation, and estate planning. President Duff graduated from Drew University and Seton Hall University School of Law, and is a proud alumnus of Notre Dame High School in Lawrenceville.



Nathan Duff, Abby Duff, President Brian J. Duff, Esq., and Judy Duff.



**2019 Officers:** Secretary Margaret A. Chipowsky, Esq., Treasurer Michael Kahme, Esq., Vice President Tanya L. Phillips, Esq., and President-Elect James L. Creegan, Esq.





## 2019 Installation Dinner (cont.)



Stephanie Katz, Esq., President Brian Duff, Esq., Senator Linda Greenstein, Andrew J. D'Arcy, Esq.

**2018 Trustees:**  
Brian Shea, Esq.,  
Kim Gandy Jinks, Esq.,  
John Eory, Esq.,  
Robin Echevarria Esq.,  
John Carbonara, Esq.



**2021 Trustees:**  
Jennifer Millner, Esq.,  
Jessica Wilson, Esq.,  
Brian McCauley, Esq.,  
Robert Morris, Esq.,  
Joseph Paravecchia, Esq.

## 2019 Installation Dinner (cont.)



Emcee Mike Mumola, Esq. and Craig Hubert, Esq.



Immediate Past President Angelo J. Onofri, Esq. and Amy Devenny, Esq.



Carla Carbonara, Kimberly Gandy Jinks, Esq., and John Carbonara, Esq.



Immediate Past President Angelo J. Onofri, Esq., President Brian J. Duff, Esq., Executive Director Samantha Iraca, and Mike Mumola, Esq.



## 2019 Installation Dinner (cont.)



President Brian J. Duff, Esq. and Immediate Past President Angelo J. Onofri, Esq.



Robbinsville Mayor Dave Fried, William Fisher, Esq., Hon. Anthony Massi, J.S.C., Mike Mumola, Esq.



Judith A. Doria-Duff, President Brian J. Duff, Esq. and Violet Scanlon.



Marcia Leech, Esq. and Robert Lytle, Esq.



## 2019 Installation Dinner (cont.)



Thomas Manzo, Esq., Colleen Crocker, Esq., and Keith Hovey, Esq.

Hon. Mary C. Jacobson, A.J.S.C., Carol Henderson, Esq., and Olivia Crisp, Esq.



Executive Director Samantha Iraca and Amy Devenny, Esq.

## 2019 Installation Dinner (cont.)



Nick Travisano, Esq.,  
Hon. Kay Walcott-Henderson, J.S.C., and  
President-Elect James Creegan, Esq.



Hon. Anthony Massi, J.S.C.,  
Katie Magee, Esq., and  
Tim Trainor, Esq.



2021 Trustee Jessica Wilson, Esq. and the  
staff of KMH&L.



## 2019 Installation Dinner (cont.)



Jennifer Downing, Esq., Hon. Rodney Thompson, J.S.C., and Renee Robeson, Esq.



Richard Steen, Esq., and Supti Bhattacharya, Esq.

John Jingoli, Esq., Lauren Scardella, Esq., and Hon. Roger Haley, P.J.M.C.



Katie Magee, Esq., Melissa Chimbangu, Esq., and Jessica Wilson, Esq.

Vice President Tanya L. Phillips, Esq., Samuel Gaylord, Esq., and Lara Lovett, Esq.





## 2019 Calendar of Events

### *February*

- Thursday, February 14th: Lawyers Care, Mercer County Connection @ 5:30-7:30 p.m.
- Tuesday, February 26th: Serve lunch at TASK @ 10:30 a.m. -1:00 p.m.
- Thursday, February 28th: Municipal Bench Bar, Ewing Township Municipal Court @ 3:30 p.m.

### *March*

- Wednesday, March 13th: MCBA Bench Bar Luncheon at Trenton Country Club 12:00-2:00 p.m.
- Thursday, March 14th: Lawyers Care, Mercer County Connection @ 5:30-8:30 p.m.
- Thursday, March 21st: Family Bench Bar, Judge Fitzpatrick's Courtroom @ 3:30 p.m.

### *April*

- Collect children's new and used books for summer distribution
- Thursday, April 4th: Collectable's CLE at Rat's. 5:30 pm to 8:30 pm. (details to follow)
- Friday, April 12th: Mercer County Bar Foundation 7th Annual Wine and Dine, The Stone Terrace by John Henry. 5:30 pm to 8:30 pm. (details to follow)
- Wednesday, April 17th: Serve lunch at TASK @ 10:30 a.m.-1:00 p.m.
- Wednesday, April 25th: Municipal Bench Bar, Ewing Township Municipal Court @ 3:30 p.m.

### *May*

- Collect children's new and used books for summer distribution
- Tuesday, May 21st: May General Membership Meeting and Jubilee, Hamilton Hilton Garden Inn, 5:30 pm to 8:30 pm.
- Thursday, May 23rd: Family Bench Bar, Judge Fitzpatrick's Courtroom @ 3:30 p.m.

### *June*

- Collect children's new and used books for summer distribution
- Saturday, June 1st: MCBA YLC Charity Softball Game @ Veterans Park (Hamilton) (details to follow)
- Wednesday, June 12th: Serve lunch at TASK @ 10:30 a.m.-1:00 p.m.
- Wednesday, June 19th: MCBA Golf Outing at Mercer Oaks Golf Course (details to follow)
- Thursday, June 27th: Municipal Bench Bar, Ewing Township Municipal Court @ 3:30 p.m.

### *July*

- Thursday, July 18th: Family Bench Bar, Judge Fitzpatrick's Courtroom @ 3:30 p.m.

### *September*

- Wednesday, September 18th: Serve lunch at TASK @ 10:30 a.m. -1:00 p.m.
- Thursday, September 19th: Family Bench Bar, Judge Fitzpatrick's Courtroom @ 3:30 p.m.
- Thursday, September 26th: Judges and Law Clerks Reception at Mercer Oaks. 5:30 pm to 8:30 pm. (details to follow.)

### *October*

- Collect new and used coats
- Thursday, October 17th: XTREME CLE at Mercer County Community College (details to follow)
- Thursday, October 24th, Municipal Bench Bar, Ewing Township Municipal Court @ 3:30 p.m.

### *November*

- Collect new and used coats
- Thursday, November 21st: Family Bench Bar, Judge Fitzpatrick's Courtroom @ 3:30 p.m..

### *December*

- Thursday, December 5th: Serve lunch at TASK @ 10:30 a.m.-1:00 p.m.
- Tuesday, December 10th: MCBA Annual Holiday Party, Trenton Country Club @ 5:30 p.m.-8:30 p.m.

## District Ethics Committee New Member Recruitment

### District Ethics Committee (DEC) Candidates Summary of Duties; Terms; Time Commitment; and Appointments Process

- District Ethics Committee (**DEC**) members serve at the pleasure of the Supreme Court for a four-year term (and are eligible for re-appointment to one additional consecutive four-year term).
- Service on the DEC's includes the obligation to keep confidential all information which the Supreme Court has designated as confidential attorney disciplinary information. It is mandatory that all volunteers for the DEC's abide by the confidentiality rules and procedures.
- The work of all who participate on the DEC's is provided on a volunteer basis, and the attorney disciplinary system in New Jersey depends on – and thrives because of – the dedication, commitment, and efforts of all of the volunteers (who include all committee members and officers).
- There is a *pro bono* exemption for attorney members. Attorney members also receive 2 CLE credits in ethics/professionalism for every year of DEC membership.
- Selected attorney candidates should expect to spend at least 12 hours per month on ethics work, depending on the workload of the particular committee. Selected public members may expect to spend approximately 3 hours per month on ethics work, depending on their particular hearing assignments, on the workload of the committee, and on their other committee assignments, such as grievance review (see **DPM** description below).
- In addition, all selected members are required to attend monthly DEC meetings. The **public members** are absolutely essential to this process, as they bring an indispensable and invaluable perspective to meetings. Monthly meetings last approximately an hour to an hour-and-a-half, at the end of the business day.
- **Public members** also may be asked to serve as a "designated public member" (**DPM**) to review a DEC secretary's decision to decline to docket a grievance. If the DPM does not concur in that decision, then the matter must be docketed and investigated. If the DPM does concur in that decision, the declination is not appealable.
- Attorney members investigate grievances and prosecute complaints.
- The Supreme Court has set time goals for the completion of investigations and hearings. Part of the DEC officers' and attorney-member's job is to complete the investigation and/or hearing within those time goals without compromising the quality of the work product.
- The assigned attorney **Investigator** determines both the facts and the law surrounding the grievance and reports them in an investigation report, which concludes with the statement of whether the evidence meets the clear and convincing standard for the filing of any charge of violation of any RPC or any other ethics rule or law against the respondent attorney. There is a six- or nine-month time goal for the completion of this report, depending on whether the matter is categorized by the Office of Attorney Ethics (**OAE**) as "standard" or "complex."
- The assigned attorney **Presenter** (who may also have served as the Investigator, up to the point that the complaint is issued) acts as a "prosecutor" in a disciplinary hearing after the filing of a formal complaint. The Rules of Evidence are relaxed but not suspended for such proceedings, and the Presenter should expect to prepare for the hearing as for any other civil or criminal case, including preparation of legal issues, as they arise (such as the submission of a written summation brief). After the hearing, the Presenter may be called upon to argue the case before the statewide

## District Ethics Committee New Member Recruitment (cont.)

Disciplinary Review Board (**DRB**), if the DEC hearing panel makes a finding of unethical conduct and makes a recommendation for discipline greater than an admonition. The Presenter may be asked to submit an additional letter-brief to the DRB summarizing the issues.

- The **hearing panel chair** (an attorney) is the DEC lead on the three-member hearing panel (made up of one additional attorney member and one public member of that DEC) and is responsible for preparing the hearing panel report and the record for submission to the DRB. The hearing may not proceed without a public member sitting on the panel.
- Hearings are public and are held during the regular business hours. Candidates who cannot commit to attend hearings during regular business hours should refrain from volunteering for service on a DEC. All hearings are held in a formal courtroom setting and are recorded, either through the CourtSmart system or by a State-authorized court reporting service.
- The Supreme Court is the only entity constitutionally empowered to impose attorney discipline. In most cases, the Court issues an Order of discipline based on the DRB's decision. But if the Court issues an Order to Show Cause, requiring the attorney to appear before the Court, either on its own motion or at the request of one of the parties, a staff attorney from the OAE will appear before the Court and argue the matter. The DEC will be fully informed of the outcome of the matter.
- Both attorney and public member candidate names (along with resumes or candidate summaries) are submitted by the DEC Vice Chairs to the OAE Statewide Coordinator's office several months before the start of the term of service (which will begin on September 1) each year. Ethics checks are run on every attorney candidate, after which the names of all candidates are sent to the vicinage Assignment Judge for review. It is the responsibility of all district officers to take continuing steps to recruit new candidates for seats on the DEC. The pool of candidates should reflect the diversity of the bar and the community in the particular district.
- Thereafter, all candidate names are submitted to the Supreme Court Justice liaison for each DEC. More candidate names than actual vacancies are submitted to the Justices to allow for choice and variation, and to make sure that the liaison Justice will have a meaningful opportunity to select from a cross section of candidates from each district.
- Actual selections are made by the Supreme Court Justice liaison for each DEC, after review by the vicinage Assignment Judge.
- Because of the variation in the selection practices of each liaison Justice, candidates should not expect to hear from the OAE regarding whether they have been selected until close to the start of the new term of service, which commences on September 1 of each year.
- Selected candidates will be invited to attend a half-day orientation/training session to be offered in the late summer/early September each year.
- Selected candidates will receive meeting schedules directly from their committee officers.
- Training and reference materials will be provided by the OAE to all selected candidates.



## District Ethics Committee New Member Recruitment (cont.)

- Selection by the Supreme Court for membership on one of its DEC's is indeed an honor, but it also entails substantial and difficult responsibilities. Thus, candidates must be sure that they are able to make the significant time commitment that will be expected of them. Furthermore, all candidates – and particularly attorney candidates – must understand that they may be asked and expected to make difficult determinations at the end of their investigations and prosecutions/hearings, which ultimately may affect a fellow attorney's ability to practice law. Candidates who do not wish to be asked to make these difficult determinations may want to look into the many other available opportunities of volunteer public service.
- On completion of their term of service, DEC members are encouraged to seek appointment to the District Fee Arbitration Committees, which are also overseen by the Supreme Court.



**ALL STATE**  
**INVESTIGATIONS**



**Mercer County Bar Association  
Real Estate CLE 2.0 Seminar  
2.0 NJ/PA/NY Credits (Code REA)  
NJ Provider # 268; PA provider # 1006**

**“2019 Commercial Real Estate Update”  
Friday, March 22, 2019**

**Mercer County Bar Association Office  
1245 Whitehorse Mercerville Rd.  
Suite 420  
Mercerville, NJ 08619**

**9:00 a.m. – Registration & Breakfast  
9:30–11:30 am – Seminar**

\*\*\*\*\*

Join Robert Baker, Esq., Partner at Hill Wallack and Vinny DiMeglio, Senior Vice President at JLL for a round table discussion on hot topics affecting commercial real estate in New Jersey.

**Advance Registration required by March 19, 2019  
Space is limited to 30 attendees**

**Real Estate Section Members of MCBA: \$30.00; Non-RE Section Members: \$45.00;  
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**TITLE: 2019 Commercial Real Estate Update**

**March 22, 2019**

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**Wednesday, March 13, 2019**

12:00 p.m.– 2:00 p.m.  
Trenton Country Club  
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**Moderated by: Hon. Linda R. Feinberg, A.J.S.C. (Ret.)**

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**Bench Bar Luncheon Seminar**

**March 13, 2019**

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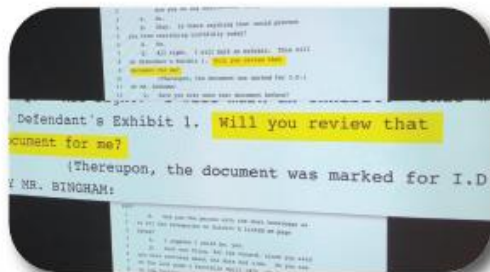




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