

# Mercer County *Lawyer*

October, 2019

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

As we transition from the dog days of August and early September to sweater weather, I offer a warm welcome back! September through December is the MCBA's busiest time of year. September opened with the annual New Court Term Opening and Memorial Service on September 3. As always, this time-honored tradition in our vicinage gives us pause to reflect on the lives and careers of our members who have passed away in the preceding year, while we also ring in the new court term and welcome the new law clerks.

One week later, I had the opportunity to attend the NJSBA's annual regional bar association presidents' meeting. This gathering allows for an exchange of programming and membership ideas among the leadership of the county bar associations, while discussing the challenges that confront each association. We came away with some interesting ideas, which I hope will be incorporated over the next couple of years.

In mid-September, the re-scheduled annual golf outing took place at Mercer Oaks. We were blessed with beautiful weather, even if some of the golf swings and resulting shots were not so beautiful! The R&A and USGA have launched a full inquiry into how the Szaferman foursome did not record the low net score. We hope to have the report prior to next year's outing! Thanks to all the golfers and sponsors who made the event a success.

In late September, the annual Judges/Law Clerks Dinner was held at Mercer Oaks.



**Brian J. Duff, Esq.**

We experimented with a slightly different format this year to permit for more time to speak with the judges and their clerks. I invite your feedback on it. We also recognized Jennifer Zoschak as Mercer's Professional Lawyer of the Year, and Jessica Wilson as the Young Lawyer of the Year. Both are well deserving of the awards.

On October 10, the YLC hosted a new event: Mini golf at the Morrisville Golf Farm. There was a food truck that served up tasty tacos, while players tested their skills on holes with windmills and fake palm trees. The event earned rave reviews. Thanks to the YLC for taking a chance on a new event. I look forward to attending again next year.

The MCBA's annual day-long Xtreme CLE event occurred on October 17 at the Mercer County College Conference Center. Members could secure a year's worth of CLE credits at the event, which remains the best in-person CLE credit value in the state! I offer special thanks to

## Mercer County

*Lawyer*

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our CLE Committee, panelists and MCBA staff for making Xtreme a success every year.

On October 23, some of the MCBA officers attended the statewide Professionalism in the Law awards luncheon to support Jenn Zoschak as she received her professionalism award. Former MCBA Trustee, and current Acting Insurance Fraud Prosecutor, Tracy Thompson, was the recipient of the Daniel J. O'Hern Award. I know Jenn and Tracy personally. Both are well deserving of being recognized for their professionalism. Congratulations Jenn and Tracy!

Finally, November 2, 2019 marked the return of the Dinner Dance. The event was held at the Trenton Country Club. I could think of no better occasion than the return of the Dinner Dance for the MCBA to bestow the 2019 Nizolek, O'Malley and Community Partner awards. Craig J. Hubert received the Nizolek Award, and was introduced by former MCBA President and resident raconteur, Scott Krasny. Hon. F. Lee Forrester, J.S.C. (ret.) received the O'Malley Award, and was introduced by Hon. Paul Innes, P.J.Ch. The Office of the Mercer County Prosecutor received the Community Partner Award. I had the honor of introducing Mercer County Prosecutor and MCBA Immediate Past President Angelo Onofri to accept the award. I am grateful to the award recipients and their presenters for their eloquent and heartfelt remarks

Once the awards portion of the evening was completed, attendees kicked up their heels on the dance floor to the sounds of 9 South, headed by MCBA member Rob Beckelman. Thanks to the Events Committee chairs, Sam Iraca and the MCBA staff, award recipients and all who sponsored and attended for making the evening a success.

This is one of the last columns you'll have to countenance from me as your President. I hope to see you at the Holiday Party in December 10, at the Trenton Country Club. Rumor has it that TCC's world-renowned Yule log dessert is on the menu. You'll have to attend to see if it's true! If you decide to join me, please consider picking up a new, unwrapped toy, which will be donated to the Mount Carmel Guild, a poverty-relief non-profit located in Trenton that has served the Mercer County area for 100 years. I hope to see you there.

Respectfully,

Brian



## WELCOME NEW MEMBERS

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## Mercer Vicinage Court Opening Ceremony and Memorial Service September 3, 2019





## Mercer Vicinage Court Opening Ceremony and Memorial Service September 3, 2019 (cont.)



**Ronald Berman**



**Stanley H. Needell**



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**Douglas F. Bauer**



**Lori Beth Prapas**



**Donald Stewart Driggers**



**Hon. Gail Menyuk, J.T.C.**



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**Joseph A. Vales**



## Welcoming the Honorable Thomas F. Scully to the Mercer Bench

The Honorable Thomas F. Scully takes the bench at 4:40PM, waiting for the jurors to filter in from the jury room; he had just received a note that they had reached a verdict. This was not the end of his judicial career, instead it marked the beginning of a new chapter. This verdict followed Judge Scully's first trial since joining the Mercer Vicinage in July 2019 as a recall judge. While in Mercer, Judge Scully has been spending time in the Family Division, assisting with the Domestic Violence docket and in the Criminal Division, conducting detention hearings and trials. Although the Domestic Violence docket is a change of pace for Judge Scully, the work of the Criminal Division is like finding an old friend.

Judge Scully's professional career has a longstanding theme of public service; he started with the Office of the Public Defender in 1985, where he remained in some capacity until he was appointed to the bench in 2001. He served as a staff attorney, 1<sup>st</sup> Assistant to the Deputy as well as the Deputy Public Defender in three different counties. He also had exposure to the administrative end, as the Deputy Assigned to the OPD Management Commissioner's Office. If you believe that this experience makes him more sympathetic to the defense, he attributes his clerkship with the Monmouth Prosecutor's Office as the biggest impact to his career, clerking under Monmouth Prosecutor Alexander D. Lehrer, who was later appointed to the bench.

Judge Scully's inspiration for pursuing a career in law began with his grandfather, who practiced law in Newark for 55 years. His passion centers on the Constitution; the rights of the individual are the highest priority. He practiced law during the death penalty's reinstatement and had the personal mission to experience trying a death penalty case. The allure of a capital case was based on arguing for someone's life, not only their liberties. The death penalty cases offered the biggest risk and exposure for a defense attorney. His belief in being a constitutional lawyer paid off – in his 16 years as a trial lawyer, Judge Scully tried four capital cases to jury verdict while the 1<sup>st</sup> Assistant in Monmouth County; he obtained the lesser sentence of life imprisonment in three of those

cases.

Judge Scully's time on the bench between 2001 and his retirement in 2018 allowed for a variety of experiences. Judge Scully was initially assigned to the Civil Division; he was fortuitously seated in a chambers next to the Honorable Alexander D. Lehrer, his former employer. Judge Scully spent two years in the Civil Division before being transferred to the Family Division, where he spent three years presiding over the juvenile docket. During this time, he also had the opportunity to participate in what is largely regarded as the happiest day in the courthouse – Adoption Day. He and his chambers staff would affix ribbons to Tootsie Rolls for those involved in the event.

In 2006, Judge Scully was assigned to the Criminal Division, where he was responsible for overseeing the Drug Court Program. Judge Scully was with the Criminal Division until 2013 and was the Presiding Judge for four of those seven years. He spent three years in Civil, then returned to the Criminal Division in 2016, which is where he stayed until his retirement in February of 2018. During his tenure on the Criminal Bench, Judge Scully was able to experience many of the Criminal Justice initiatives of recent years; Judge Scully spent seven years assigned to the Drug Court Program and was with the Criminal Division during the implementation of Criminal Justice Reform. He addresses individuals before the Court respectfully, allowing them an opportunity to speak. His experience in Drug Court allows him to explore options for individuals he feels may be travelling down the wrong path. Judge Scully is passionate in the quest for justice; his belief in the Constitution has been a foundation in his approach to presiding over criminal matters.

The Honorable Thomas F. Scully's reputation preceded him in Mercer Vicinage as a result of his extensive experience throughout the State of New Jersey. Many members of the Bench and Bar are able to recount their interactions with Judge Scully, looking forward to being able to once again work with such a knowledgeable and commanding presence. Mercer Vicinage is thrilled that Judge Scully has been able to rejoin the Bench in this County and will continue presiding over matters with a Constitutional eye.

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## NJSBA Professional Lawyer Award

*Tracey Thompson, Esq.*

Attorney General Gurbir S. Grewal appointed Tracy M. Thompson to serve as New Jersey's Acting Insurance Fraud Prosecutor in March 2018. In this position, Thompson supervises a staff of 100 who investigate and prosecute all types of insurance fraud, including health care, auto, Medicaid, disability, unemployment, and worker's compensation. This Office also coordinates the anti-fraud activities of the state and local investigating agencies and prosecutors.

Thompson joined the Attorney General's Office in 2001, serving as a Deputy Attorney General in the Division of Criminal Justice. Prior to that, she was an Assistant Prosecutor in the Mercer County Prosecutor's Office for 9 years. Within the Attorney General's Office, Thompson most recently served as Counsel to the Director of the Division of Criminal Justice. In that role, she advised the Director on a broad range of law enforcement policy matters, oversaw the Division's Litigation Academy, and served as a liaison between the Division and other governmental agencies. Thompson has also served as chair of the New Jersey Human Trafficking Task Force where she represented the Attorney General and worked with the National District Attorneys Association's Human Trafficking Working Group. She also served as faculty to the National Attorneys General Trial & Research Institute and the NJ Attorney General's Advocacy Institute. Thompson has served in several capacities in the Department of Law & Public Safety, including: Deputy Director of the Office of Government Integrity; Chief Counsel for the Bureau of Fiscal Oversight; Special Assistant to the Director of the Division of Criminal Justice; and in the Financial Crimes Unit.

Thompson received her law degree from Temple University School of Law and an undergraduate degree in African-American Studies from the University of Pennsylvania.

Thompson was nominated by Gov. Murphy on May, which is subject to the advice and consent of the State Senate.





## Hill Wallack LLP Strengthens Its South Jersey Community Associations And Firm Presence With Four Leading Attorneys

**PRINCETON, New Jersey, October 1, 2019** — Hill Wallack LLP announced today that Gregg A. Shivers; Donald A. Gosnay; George C. Greatrex, Jr.; and Jennifer A. Webb have joined the firm. With the addition of these four attorneys, Hill Wallack has greatly expanded its community associations and firm presence into South Jersey. Hill Wallack will now also have offices in Cherry Hill, New Jersey, located at Cherry Hill Plaza – Suite 309, 1415 Route 70 East, Cherry Hill.

“We are excited about the growth of our Cherry Hill office and how Gregg, George and Jennifer add to our existing Community Associations Practice Group,” says Hill Wallack Managing Partner Michael Kahme. The Community Associations Practice Group now spans the State with offices covering Northern, Central and Southern New Jersey, as well as Eastern Pennsylvania. Donald brings expertise in Asbestos Exposure, a new area of law for Hill Wallack.

Prior to joining Hill Wallack, George, Gregg and Donald were partners of The Law Offices of Shivers, Gosnay & Greatrex LLC where Jennifer was an associate. Their areas of practice include mesothelioma and asbestos litigation, general personal injury claims, consumer protection and representation of condominium and homeowner associations.

### **George C. Greatrex Jr.**



Spanning the past 30 years, George has devoted a large and growing portion of his practice to the burgeoning area of community association law in New Jersey, representing all forms of common interest communities, including condominiums, townhomes, and single family detached homes. He is a member of the Community

Associations Institute (CAI), is the current Chair of the CAI Legislative Action Committee – NJ, and is a frequent lecturer to board members, property managers and lawyers on the issues facing community associations in New Jersey. George earned his Juris Doctor degree from Temple University School of Law in Philadelphia and his B.A. from Rutgers College in New Brunswick, New Jersey. He is admitted to practice law in New Jersey, Pennsylvania, the U.S. District Court Eastern District of Pennsylvania, the U.S.

District Court District of New Jersey, and the U.S. Court of Appeals 3rd Circuit.

### **Gregg A. Shivers**



Gregg is Certified by the Supreme Court of New Jersey as a civil trial attorney, a designation shared by only a small percentage of New Jersey Attorneys.

While Mr. Shivers still handles complex litigation matters including asbestos litigation, wrongful death and catastrophic injury cases on behalf of injured individuals, his primary focus at

Hill Wallack is on representing Community Associations. Mr. Shivers and his partner George Greatrex come to Hill Wallack having represented over 230 associations which provides them with a wealth of knowledge on association law as well as practical association issues which greatly benefits their clients. Gregg earned his Juris Doctor degree from Rutgers Law School-Camden and is admitted to practice law in New Jersey and the U.S. District Court District of New Jersey.

### **Donald A. Gosnay**



Don has successfully represented individuals with asbestos related diseases and their families over the last thirty four years. He also has significant experience representing injured railroad workers under the Federal Employers Liability Act, as well as individuals who have suffered serious injury and/or death due to accidents or

exposure to hazardous, toxic substances such as lead. He also practices in the area of maritime law where he has represented individuals who have suffered serious injury or death, whether at sea or working as longshoremen. Mr. Gosnay has successfully tried a number of cases in both State and Federal Court and has represented individuals from many jurisdictions throughout the country including New Jersey, Pennsylvania, Virginia, West Virginia, New York and Maine. A member of both the Pennsylvania and New Jersey Bars, Mr. Gosnay is

## Hill Wallack LLP Strengthens Its South Jersey Community Associations And Firm Presence With Four Leading Attorneys (Continued)

admitted to the United States District Court for the District of New Jersey, the Eastern and Middle District of Pennsylvania and the State Courts of New Jersey and Pennsylvania.

Mr. Gosnay earned his undergraduate degree at the University of Wisconsin-Madison and his law degree from Temple University where he received the Lena Hale Award upon graduation. He also holds a Masters Degree from Temple University in Philosophy.

### Jennifer L. Webb



Jennifer focuses her practice on the representation of community associations, collections, daily operations, the creation and enforcement of restrictive covenants and regulations, and fair housing compliance. Jennifer graduated from The College of New Jersey, magna cum laude, and received her Juris Doctor degree from Rutgers University

in Camden. She is admitted to practice law in New Jersey and Pennsylvania. Currently, she serves on the Regional Council Board for the Pennsylvania/Delaware

Valley Chapter of Community Associations Institute.

### About Hill Wallack LLP

Founded in 1978, Hill Wallack LLP is a leading full-service law firm with offices in Princeton, Cedar Knolls, Cherry Hill, and Red Bank, New Jersey; Yardley, Pennsylvania; and New York City. Its regional strength places the firm in an ideal position in today's market. With over 70 attorneys, its mid-market size allows it to provide sophisticated, high-level service to clients in a cost-efficient, responsive manner. Hill Wallack LLP's attorneys represent individuals and entities in banking, business and commercial, community associations, creditors' rights, employment and labor law, family law, insurance, land use, litigation, and real estate.



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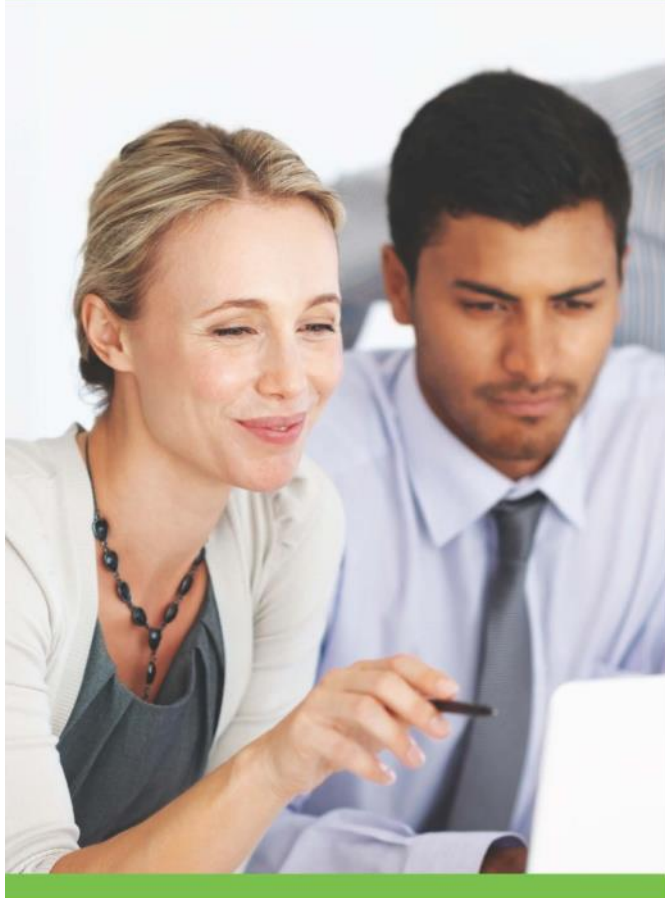
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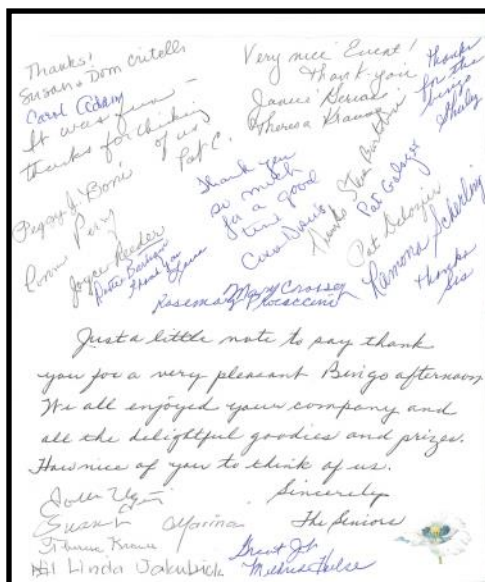
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## Mercer County Bar Foundation Senior Bingo



The Mercer County Bar Foundation sponsored a senior bingo at the Robbinsville Senior Center on October 29, 2019. Committee co-chairs Stacey Geurds and Robin Echevarria organized a fun filled event for the group. MCBF President, Tanya Phillips, provided hygiene kits to all attendees. The Foundation also provided prizes to the seniors with \$10 Chick Fil A gift cards.



Mercer  
County  
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## Civil Trial Update Hon. Douglas Hurd, P.J.Cv.

### **SEPTEMBER AND OCTOBER 2019 MERCER COUNTY VERDICTS**

#### **David and Virginia Young v. Ravinder S. Dhillon, M.D.** MER-L-637-17

Trial Judge: Janetta Marbrey

For Plaintiff: Vivian Demas

For Defendant: Jennifer Cortopassi, and Michael Heron

This was a medical malpractice action arising out of the alleged injuries sustained by Mr. Young while under the care and treatment of Dr. Ravinder Dhillon. The plaintiff alleged that Dr. Dhillon was negligent and violated the standards of care during treatment in 2016 resulting in a perforation to his esophagus. Dr. Dhillon denied he was negligent and maintains that his treatment was within the governing standards of care and further denies that Mr. Young's current complaints are in any way related to his care and treatment of him.

Plaintiff presented two medical witnesses who surmised that the Defendant deviated from accepted standards of care by failing to pursue the cause of the swallowing complaints and performing an empiric dilation procedure during an endoscopy resulting in injury. Though plaintiff said he did not give consent to the procedure, he also argued that the doctor performed the procedure without giving him sufficient information to allow him to give informed consent. Ultimately, the court determined that the charge would include medical battery (lack of consent) and deviation of accepted standards of care.

Defendant presented two doctors. Both testified that the Defendant did not violate/deviate from the standard of care for the procedure he performed on the plaintiff at the time he choose to do so. One of the experts, David R. Lichtenstein, MD, was one of the doctors listed in an article that plaintiff relied on to support their contention that the Defendant failed to properly determine the empiric dilation should have been performed on the Plaintiff. The expert disagreed with the conclusion the Plaintiff insisted the article reached.

This matter was tried over a three-week period. On September 19, 2019, the jury found that the plaintiff had no cause of action as to medical battery or deviation from accepted standards of care.

#### **Elaine M. Cataldi v. State Farm** MER-L-2371-17

Trial Judge: Robert Lougy

For Plaintiff: Anthony Vindigni

For Defendant: James Blumenthal

Arbitration Award: \$75,000

This case arises out of a motor vehicle accident that occurred on December 11, 2015. The plaintiff, Elaine Cataldi, was driving her car when it was struck by a vehicle being operated by Ronda Anderson. The parties stipulated that the defendant was negligent and responsible for the accident.

Plaintiff claimed the accident caused permanent injury to her back. Plaintiff called Dr. Sheppard, Dr. Fass, and Dr. Rosenberg in support of her claim. Defendant called Dr. Brooks in support of the defense that the accident did not cause a permanent injury.

On October 3, 2019, the jury concluded that plaintiff did not sustain a permanent injury.





## MCBA Judges and Law Clerks Reception, Young Lawyer of the Year & Professional Lawyer of the Year Presentation September 26, 2019

On September 26, 2019, the Mercer County Bar Association gathered at Mercer Oaks for a lovely evening celebrating the 2019 Professional Lawyer of the Year, the 2019 Young Lawyer of the Year and the Law Clerks Reception.





# MCBA Judges and Law Clerks Reception, Young Lawyer of the Year & Professional Lawyer of the Year Presentation September 26, 2019



## MCBA Judges and Law Clerks Reception, Young Lawyer of the Year & Professional Lawyer of the Year Presentation September 26, 2019 (cont.)





## MCBA Annual Golf Outing September, 17, 2019 Mercer Oaks Golf Course

Although the original date for the MCBA Golf Outing was a washout, Mother Nature sure made up for it on September 17, 2019. A beautiful day was had by all who attended the event. The Mercer Oaks course was fantastic!





MCBA Annual Golf Outing  
September, 17, 2019  
Mercer Oaks Golf Course (cont.)





MCBA Annual Golf Outing  
September, 17, 2019  
Mercer Oaks Golf Course (cont.)



## 2019 Calendar of Events

### *October*

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

### *November*

- Collect new and used coats
- Saturday, November 2nd: Dinner Dance, Awards Ceremony and General Membership Meeting, Trenton Country Club @ 6:00 p.m.-10:00 p.m. (details to follow)
- 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.



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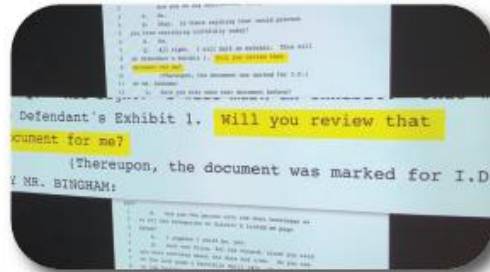




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