

Mercer County Lawyer

December, 2019

A Publication of the Mercer County Bar Association

Volume 38, Issue 6

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Upcoming Events

**Save the date:
Xtreme CLE is scheduled for
October 15, 2020**



From the President's Desk.....

Dear Colleagues:

Like I did with my Installation Dinner remarks, I begin my final President's Column by expressing my gratitude. Thank you for the privilege and honor of permitting me to serve as your President during 2019. Thank you to my fellow Officers: James Creegan-President-Elect; Tanya Phillips-Vice President; Michael Kahme-Treasurer; and Margaret Chipowsky-Secretary. I have enjoyed working with you over the past 20 years. The MCBA is in good stead for years to come under your collective stewardship. Best of luck to James Creegan as he takes the helm for 2020!

To the outgoing trustees, thank you for your years of service to the Association. I invite you to continue to serve on the MCBA's various committees. Thank you to the judiciary for its support this year. It is my hope that the MCBA maintained the long-standing traditions of collegiality, cooperation and communication between the bench and bar on my watch. Thank you to our sponsors for their



Brian J. Duff, Esq.

continued support. I hope that you found that your affiliation with the MCBA during 2019 was beneficial.

Thank you to MCBA Executive Director, Samantha Iraca, and the dedicated MCBA staff members who helped me throughout not only 2019, but in the numerous years during which I have served this organization. Their respective efforts enabled the MCBA to have another successful year of programs and events.

Thank you to my partners, Tim, Mike, Les and Mike, Counsel Brian, Curt, and Ted, associate Jessica and staff at KMHL for your support and patience this year. I'd be remiss if I did not give a special shout out to

Mercer County

Lawyer

December 2019

Volume 38, Issue 6

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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.

my assistants, Liza and Katie. You kept my operation rolling in 2019 despite my additional MCBA responsibilities!

By most accounts, 2019 was successful for the MCBA. In April, we won a joint karaoke contest event with the Middlesex, Somerset and Union County Bar Associations. They are already gunning for us in 2020! In May, we honored our colleagues who have been admitted to practice for at least 50 years. In November, the Dinner Dance returned with a price tag lower than when it was last held in 2012! The Nizolek, Community Partner and O'Malley awards were presented that evening to three of Mercer's legal superstars.

This year, we held a number of programs that focused on our physical and mental wellness. The MCBA Board of Trustees voted to create a mentoring committee as well as a committee headed by the Hon. Linda R. Feinberg, A.J.S.C. (ret.) to explore the viability of creating a professionalism committee.

It is my sincere hope that both of those committees will take hold and flourish as our organization goes forward. By improving ourselves and our colleagues through these initiatives, we are better spouses, better parents, better lawyers, better friends and colleagues—better people.

As I close, I thank my wife, Judy, for her love, support and patience during my term as President. I'll be available again as soon as I complete my debriefing and rehab!

Once again, thank you for reposing your trust in me to lead and serve you as the MCBA President during 2019.

Respectfully,

Brian



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Major Changes are Impacting Individual Retirement Accounts and Qualified Retirement Plans – How are Estate Planning Clients Affected?

By, Robert F. Morris, Esq.

For many clients the two most valuable assets are their home and their Individual Retirement Account (“IRA”) or Qualified Retirement Plan (401k, 403b, etc.) (“QRP”). Widespread investment in IRAs and QRPs means that estate planners have to account for these assets and include estate planning options for clients to deal with them. Recently, the Setting Every Community Up for Retirement Enhancement Act (SECURE Act) was enacted into law. The SECURE Act makes significant changes to the administration of IRAs and QRPs that should be evaluated for all clients who have a substantial portion of their assets invested in IRAs or QRPs.

Amongst other provisions, the SECURE Act:

- raises the standard age for required minimum distributions (RMDs) for plan participants and traditional IRAs from 70 ½ to 72;
- repeals the maximum age for contributions to traditional IRAs (Roth IRAs have no contribution age limits); and
- authorizes penalty free withdrawals of up to \$5,000 by each parent in the year of a child’s birth or adoption.

For estate planning purposes the most significant change in the SECURE ACT is the elimination of the “stretch” also known as the “life expectancy” payout option. Simply stated, the stretch payout option permits the deceased owner’s account to be slowly distributed over the life expectancy of a designated beneficiary.

A stretch payout option allows beneficiaries to more fully utilize the favorable tax treatment of IRAs and QRPs: investment of the account without contemporary taxation. A stretch payout involved smaller distributions from the account over a longer period of time; minimizing the distributions delayed income taxes on the assets that were retained in the account that continued to appreciate on a tax deferred basis. This increased the rewards of investing both the contributions to the account and the taxable share of the account. The tax deferral benefit, if properly managed, made IRAs and QRPs potentially more valuable for a designated

beneficiary than other forms of inheritance.

The SECURE Act changes these rules for decedents dying after December 31, 2019. Most non-spouse beneficiaries, with some exceptions, must withdraw the entire inherited account within ten (10) years of the owner’s death. The SECURE Act contains exceptions to the general ten-year payout rule, including:

- the account owner’s children who have not attained the “age of majority”;
- disabled individuals,
- beneficiaries who are less than ten years younger than the decedent; and
- chronically ill individuals.

The shorter ten-year payout will likely result in: (i) accelerated income taxes on Traditional IRA/plan distributions, and (ii) reduced benefits from the taxable portion of the account.

From a planning perspective, the SECURE Act may make the tax impact of certain trusts less of an issue. An accumulation trust authorizes the trustee to retain distributions from an account in trust, and gives the trustee discretion as to when, and how much, of the distributions are applied for the beneficiary. These types of trusts provide increased flexibility to deal with issues relating to creditors, substance abuse/addiction issues, divorce, or other concerns. Care should be taken in drafting accumulation trusts. Amongst other issues the New Jersey Uniform Principal Act of 2001 contains rules for allocating distributions between income and principal.

In addition to accumulation trusts, other options such Roth conversions and charitable giving should be evaluated in consultation with the client’s tax advisor. Because of the substantial change in the way distributions from IRAs and QRPs are required, it is important that clients be advised of the changes contained in the SECURE Act as well as the potential impact on their overall estate plan.

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Michael J. Nizolek Award

Craig J. Hubert, Esq.

Each year the Awards Committee, comprised of previous award recipients, reviews nominations for the Michael J. Nizolek Award for service to the Mercer County Bar Association. The Nizolek Award, named after a former President of the Bar Association, is given to honor a member who has furthered the interests of lawyers and the legal system in this County. The award winner is one who has given not only of their time but who maintains excellence and civility in their practice.

This award was created and named for Mike in 1995, a few years after his untimely death, and is intended to recognize attorneys who live their professional and personal lives by the standards that Mike set for himself. This annual award honors Mike's memory and is the Bar's highest honor. This year we are proud to present this award to Craig J. Hubert, Esq.

Craig J. Hubert is a Partner and Executive Management Committee member at Szaferman Lakind. A distinguished trial attorney whose practice focuses on personal injury, he represents clients in complex litigation involving serious accidents, nursing home negligence, product liability, unsafe premises, as well as victims of criminal acts, sexual assaults and child abuse. A partner with Szaferman Lakind since 2004, Craig manages the firm's personal injury department.

Craig holds the unique distinction of being recognized as a Certified Civil Trial Attorney and Certified Criminal Trial Attorney by the New Jersey Supreme Court. Less than 1% of all attorneys state-wide carry such a certification. He has attained recognition by various organizations for his legal accomplishments, including New Jersey Super Lawyers™, issued by Thomson Reuters, Best Lawyers in America®, issued by BL Rankings, LLC, and he was honored by Best Lawyers as a 2019 "Lawyer of the Year" for Personal Injury-Plaintiffs in the Princeton-Metro region.

Born in Trenton, New Jersey, Craig has enjoyed a life-long connection with Mercer County, which he has integrated into his legal career. In 2004, the Mercer County American Inn of Court named Craig "Attorney of the Year," internationally referred to as the "Hughes-Lakind Award," for his efforts in advancing the fundamental tenets of ethics and civility in the legal profession. He proudly served as the Mercer County Bar Association's President in 2005, and the Association recognized him as the "2016 Professional Lawyer of the Year."

On the State level, Craig has been a Trustee to the New Jersey State Bar Association for the past four years and actively serves on many of its committees. In this capacity he has dedicated his time to tasks such as helping to interview

and select judicial candidates, taking positions to protect judicial independence, writing amicus briefs on significant issues before the Supreme Court of New Jersey, instructing at continuing legal education events, and reviewing and recommending Court Rule and Civil Jury Charge changes.

Prior to private practice, Craig clerked for Mercer County Superior Court Civil Presiding Judge Honorable Neil H. Shuster and was a trial attorney for the Mercer County Prosecutor's Office. He has argued before the New Jersey Supreme Court (*In re J.G.*, 169 N.J. 304 (2001), *Strube v. Travelers*, 142 N.J. 570 (1995)) and has handled numerous matters in the Appellate Division resulting in published decisions. Most recently, he argued before the Appellate Division in *Smith v. Datla*, 451 N.J. Super. 82 (App. Div. 2017), where helped to favorably clarify the New Jersey statute of limitations for a victim harmed by a public disclosure of a private fact. Craig is also the current Municipal Prosecutor for Pennington Borough.

Craig received his Juris Doctor from Seton Hall University School of Law and his B.A. from the University of Wisconsin. He remains a dedicated Badger.

Most important in Craig's life is his family. He and his wife Susan have proudly raised three daughters and one son. An annual marathon runner and long-distance, competitive swimmer, when Craig is not attending his children's swimming and diving meets or a litany of their other activities, he enjoys as much time in the pool and on the road running as his schedule permits.



Craig J. Hubert, Esq.

Harry O'Malley Award

Hon. F. Lee Forrester, J.S.C. (ret.)

In 2017, Harry P. O'Malley passed away, leaving a legacy of service to our community. Born in Trenton and a lifelong Mercer County resident, he was a graduate of St. Anthony's Class of 1968, and Trenton State College Class of 1972. Harry went on to earn his law degree from Temple University School of Law. Harry worked for the Mercer County Surrogate's Office as deputy county surrogate for many years, where he was well-respected in the community and among his colleagues and peers.

He was unfailingly polite and professional during his 40-year career. He was a frequent presenter at continuing legal education programs throughout the state of New Jersey, where he gave freely of his time and expertise. Harry's work as the deputy surrogate enhanced the reputation of the Mercer County Surrogate's Office in the legal community and beyond. Harry also had his own practice in Hamilton Township, and was a member of the Mercer County Bar Association.

Harry was a legacy. Harry loved his work and enjoyed reading, especially about history. He was charitable, often offering legal advice to others at no expense. Anyone who met Harry, walked away with the feeling that he was a very special person. The Mercer County Bar Association is pleased to honor his legacy with this annual award, which will be a constant reminder of his faithful service to the profession and the community.

This year, the MCBA honored the Hon. F. Lee Forrester, J.S.C. (ret.) in Harry's spirit. Judge Forrester is a lifelong area resident. He graduated from Villanova University with a Bachelor of Arts in Child Psychology. He received his Juris Doctorate from Rutgers Law School.

Judge Forrester was appointed to the New Jersey Superior Court by Governor Florio. After initially serving in the Criminal Division, his next assignment was to the family part where he remained until his retirement in August, 2014.

Prior to his appointment to the bench, he held several positions with the New Jersey Department of the Public Defender/Public Advocate where he developed an expertise in the educational, social and legal rights and interests of children. In his pre-judicial career as a child advocate, he served on the Governor's Commission of Children's Services Planning and was President of the New Jersey Child Care Association. He was also appointed by Gov. Kean to the New Jersey Child Care Advisory Council and was a member of the Mercer County Commission on Child Abuse and Missing Children.

Judge Forrester was a founding member of the New Jersey Council on Juvenile Justice and System Improvement (CJJSI) and represented the judiciary as Co-

Chair of that organization from its creation in 2004 until his retirement in 2014 and continues to serve as an active member. Since its inception, this collaboration of juvenile justice in New Jersey has positioned the state at the epicenter of the ongoing national reform movement.

Upon retirement, Judge Forrester has continued to actively participate in organizations and causes which impact the lives of children. In 2014 he was appointed by Gov. Christie as Chairman to the Governor's Advisory Committee on Juvenile Justice—known locally as the Juvenile Justice and Delinquency Prevention Committee (JJDP)—which is a state advisory group of the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) and is responsible for administering a federal block grant to New Jersey of approximately \$1 million annually. Under his leadership, JJDP has funded a variety of significant initiatives, which include projects involving workforce development, law enforcement training curriculum, and a future collaboration between local law enforcement agencies and school districts in New Jersey. He also serves on the Advisory Committee of Rutgers University's Program in Juvenile Justice and Youth Development (JJYD) which is developing education opportunities in juvenile justice for both undergraduates and career professionals. In 2018 he was appointed by Governor Murphy to the Task Force for the Continued Transformation of Youth Justice in New Jersey. Judge Forrester also serves on the Board of Directors of Advocates for Children of New Jersey (ACNJ).

Judge Forrester and his lovely wife, Lisa reside in Hopewell Township. Their children and their spouses—Amber and Dave; Brittany and Brian; and Randy and Ally—have blessed them with six grandchildren—Cooper, Giada, Beckett, Flynn, Crosby and Archer.



Hon. F. Lee Forrester, J.S.C. (ret.)

Community Partner Award Office of the Mercer County Prosecutor



Office of the Mercer County Prosecutor

Each year, the Awards Committee selects the firm, business or group which has demonstrated significant support and participation in Bar Association activities to receive the Mercer County Bar Association's Community Partner Award. This year's recipient of the Community Partner Award is the Office of the Mercer County Prosecutor.

The Mercer County Bar Association has been fortunate to have the Prosecutor's Office as one of its major supporters for many years. Numerous members of the office have served as MCBA Presidents, Trustees and Committee Chairs, including our Immediate Past President, Mercer County Prosecutor Angelo J. Onofri. The Prosecutor's Office has been a consistent presence in the leadership of the local bar, and its members have always been a key piece of the MCBA membership.

Through the Mercer County Bar Foundation, members of the MCPO have been particularly active in our Community Projects Committee and in participating in projects to aid the less fortunate in our area. The MCPO can always be counted on to lend a hand, whether it's through planning a event, collecting books and coats for children and adults in need, or providing education and training to those who find themselves challenged by the legal system. The Prosecutor's Office has also been invaluable in providing continuing education to our members, particularly regarding recent criminal justice reform. It is our honor to bestow this award on the Office of the Mercer County Prosecutor.



Mercer County Bar Association

Awards Gala

Trenton Country Club

201 SULLIVAN WAY WEST TRENTON, NJ 08628

November 2, 2019 • 6-11pm

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Craig J. Hubert, Esq.

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Hon. F. Lee Forrester, J.S.C. (ret.)

MCBA 2019 COMMUNITY PARTNER

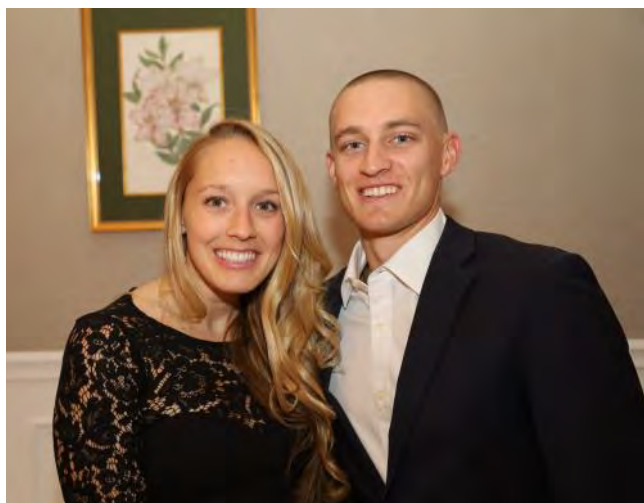
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Mercer County Bar Association Awards Gala November 2, 2019 Trenton Country Club



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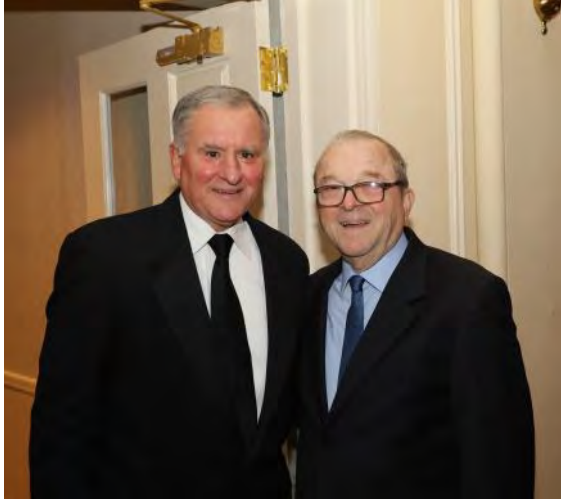
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GENERAL MEMBERSHIP MEETING *and* INSTALLATION DINNER

THURSDAY, JANUARY 23, 2020 – 5:30 PM to 8:30 PM

Trenton Country Club – 201 Sullivan Way – West Trenton, NJ

Please join us for an elegant evening as

JAMES L. CREEGAN, ESQ.

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*is sworn in as the new President of the Mercer County Bar Association
along with the 2020 Officers and 2022 Trustees*

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SWEARING-IN BY: Hon. Kay Walcott Henderson, J.S.C.

MCBA MEMBER REGISTRATION INFORMATION:

BEFORE JANUARY 16, 2020: \$90.00 | AFTER JANUARY 17, 2020: \$105.00

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DINNER INCLUDES YOUR CHOICE OF: Chicken, Crab Cake, Filet, or Vegetarian option. Passed hors d'oeuvres, wine, beer, and soda included.

GENERAL MEMBERSHIP MEETING AND INSTALLATION DINNER REGISTRATION

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Payment is not deductible as a charitable contribution for Federal Income Tax purposes but may be deductible under other provisions as a business expense.

Mercer County Bar Association Holiday Party December 10, 2019 Trenton Country Club

MCBA members and sponsors gathered at the annual Holiday Party on December 10, 2019 at the Trenton Country Club. The bar also gathered toys for the Mt. Carmel Guild. On behalf of the Officers and Trustees, Happy Holidays to all our members and sponsors.



Mercer County Bar Association Holiday Party December 10, 2019 Trenton Country Club



The Mercer County Bar Association honored Judge Robert C. Billmeier, J.S.C. on his recent retirement and service to the Mercer Vicinage. Pictured: Brian J. Duff, Esq., MCBA President; Hon. Robert C. Billmeier, J.S.C. (ret.); and Hon. Mary C. Jacobson, A.J.S.C.



**Mercer County Bar Association Holiday Party
December 10, 2019
Trenton Country Club**



Mercer County Bar Association Holiday Party December 10, 2019 Trenton Country Club



2019 Calendar of Events

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.

January

- Thursday, January 16: Family Bench Bar and CLE in the Jury Room @ 3:00 p.m.—4:30 p.m.
- Thursday, January 23: Installation Dinner and General Membership Meeting, Trenton Country Club @ 5:30 p.m. –8:30 p.m.



Frank P. Spada, Jr., Esquire

SETTLE IT!

If you need the services of a mediator, Frank P. Spada, Jr. is a R.1:40 Qualified Mediator on the roster of the NJ Superior Court and is on the Mediation and Arbitration Rosters of the American Arbitration Association. He helps you and your clients resolve lawsuits before trial.

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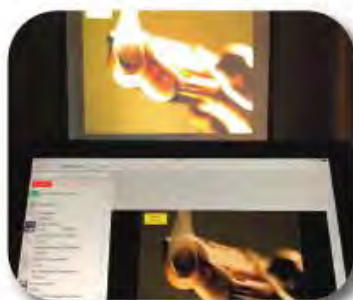
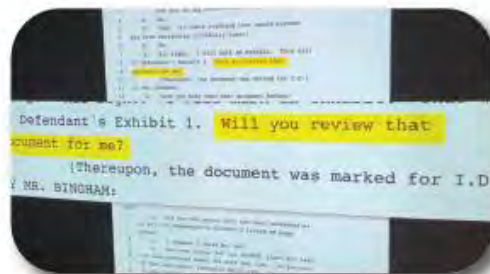
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