

Lawyer

Mercer County

August 2014

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From the President's Desk...

For several years, I taught the Real Estate Skills and Methods course for New Jersey Institute for Continuing Legal Education ("ICLE"). This was a mandatory class, which was required for all newly admitted attorneys pursuant to the theory that every attorney should have a basic working understanding of various primary practices in New Jersey. I began my seminar by showing a cartoon slide with an attorney and an inmate behind bars in jail. The top of the slide had a quote from the attorney speaking to his client "Think of this as living in a gated community". The bottom of the slide stated "When criminal lawyers dabble in real estate law". I would explain to my class that handling a residential real estate transaction, although at first, seems basic and straightforward, can be very complicated. Thus, if one is not a practicing real estate attorney, it would be worthwhile to think twice before agreeing to handle your brother-in-law's residential closing. Recently, the shoe was on the other foot. I had to file a lawsuit, which gave me a whole new respect for my litigation colleagues.

In the column of no good deed goes unpunished, I agreed to represent a clients' son with a residential real estate transaction in Atlantic County. The buyer was a first time homebuyer, 23 years old, purchasing a house



Dorothy Bolinsky

for \$168,000 and qualified for a \$50,000 mortgage from the State of New Jersey under the Sandy Home Buyer Assistance Program Forgivable Mortgage program ("SHAP"). The SHAP mortgage has no payments, no interest and if the homebuyer remains in the house for five years, the mortgage would be forgiven. The SHAP mortgage was designed to encourage strong homebuyers to invest in Sandy impacted areas. In my client's case, the SHAP mortgage had a commitment life of 60 days which had been extended for five months and the DCA advised me on a Friday that if I did not close the transaction in eight days, the SHAP mortgage commitment would expire.

The house sale was a "short sale". There was a first private mortgage for approximately \$150,000 and federal IRS tax liens for approximately \$275,000. The net proceeds from the house after the payment of taxes and closing costs would yield approximately

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\$120,000. Neither the mortgagee nor the IRS could agree on how the net proceeds would be distributed upon closing and, therefore, were not agreeing to release their liens to permit the closing to proceed. I proposed, to the mortgagee and the IRS, permitting the sale to proceed, putting the net proceeds into the court and letting them argue over the priority dispute of the net proceeds post-closing. Although, the mortgagee agreed to this proposal, the IRS said they had no procedure to authorize this short of a court order.

This seemed easy, all I had to do was start a lawsuit, get an Order to permit the liens to be released from the property and attached to the proceeds from the sale in the same priority. As an attorney, I assumed it could not be that hard to bring a lawsuit to get this done. After consultation with litigators in my office, I realized I needed to seek an Order to Show Cause before the Atlantic County Chancery Judge. I spent the weekend researching the theory of my case and preparing the documents. I filed the lawsuit on the following Monday and attempted to serve the Order to Show Cause on the attorney for the seller and the private mortgagee. Both of these attorneys have been quite involved in trying to get the closing together and I assumed that they would accept service voluntarily without fanfare. I was wrong. Neither attorney would accept service and therefore, I had to be trained by our litigation assistants on how to serve these parties. Luckily, by Wednesday, our go-to process server spent the day chasing these defendants and effectuated personal service.

I also had to figure out how to serve the IRS. The local IRS representative on this case had counsel but, in classic IRS operating procedure, the local agent would not reveal the identity of his counsel. Therefore, there was going to be no voluntary accepting of service by this phantom attorney. I thus was running around my office asking anyone if they had ever served the Federal government or the IRS and came up with nothing. After some Google searches and calls to my litigations friends I have made through MCBA, I realized that in order to sue the Federal government, I needed to serve Eric Holder, the U.S. Attorney General and Paul Fishman, the New Jersey U.S. Attorney. This was no easy accomplishment but thanks to our go-to process server, we effectuated service on Eric Holder and Paul Fishman on Tuesday of that week.

In order for my proposal to work, the title company needed to insure title. One title company said that I had to have the IRS consent to the transfer of the lien from the house to the cash account. Another title company said that as long as the IRS did not object to the procedure, then they would insure title. The great concern was that the Federal government

would not appear in court and there would be a risk of appeal if we closed without the IRS's involvement in the Order to Show Cause hearing.

The Chancery Judge agreed to hear my case and scheduled our hearing for first thing Friday morning. I scheduled the closing for immediately after court on Friday, assuming that there would be no objection and the Judge would order my closing to go forward. As luck would have it, on Thursday I was contacted by the Department of Justice attorney who said that although he was stationed in DC, he would be appearing on Friday in court. He said he would not be objecting to my proposal. At this point, I thought I was home free – until an hour later when I received objection papers from the first mortgagee who objected to my proposal and was trying to have the Judge make a determination on priority prior to permitting the closing to go forward.

All parties appeared in court on Friday and after argument, the Judge determined that he could not compel a short sale if the first mortgagee did not agree. My 23 year old client was devastated that he was losing his house and a \$50,000 grant. Notwithstanding the amazing accomplishment of serving the Federal government, having the DOJ attorney appear on short notice and agree to my proposal – the deal seemed over.

On Saturday, I assume that after thinking about the potential of the property deteriorating and having new liens encumber title, the first mortgagee changed his mind and agreed to permit the closing to go forward. Thus, after some additional jockeying of position on the transaction, we ended up putting together a Consent Order on Monday signed by all counsel essentially permitting the same relief that I had requested from the Court on Friday and we closed only after convincing the DCA to extend the SHAP mortgage commitment one more day.

This transaction reminded me that although we are attorneys, our specialties and experiences are wildly different. After wading through the procedural obstacles of my case, I have a renewed respect for my litigation colleagues. I am so appreciative of the fact that when I was short on time and knowledge, my friends made through the Bar Association, were more than willing to give me guidance. There is so much we can learn from each other and the MCBA is a perfect vehicle to share ideas and experiences.

**Upcoming Bench Bar Meetings
All Attorneys Are Invited To Attend
Bench Bar Meetings**

**Bankruptcy Bench Bar Meeting
Judge Kaplan's Courtroom
September 2nd, 4:00 p.m.**

**Family Bench Bar Meeting
Judge Fitzpatrick's Courtroom
September 11th, 3:30 p.m.**

**Domestic Violence Working Group
Judge Warshaw's Courtroom
October 15th, 3:30 p.m.**

Elder Law Attorneys Should be Aware of a Valuable Veterans Benefit for Aging Seniors

Victor Medina, Esq.

For America's seniors, there is both good news and bad news. The good news is that they are living longer. The bad news is ... they are living longer.

For many, the idea of going to a nursing home, with the attendant costs, is only slightly less frightening than death itself. They fight to stay at home as long as possible, even though that often means paying large sums for in-home care and assistance.

Those who have also served during wartime are often unaware of a special pension reserved for assisting them with those high care costs, or how to qualify for the pension. To VA-accredited elder law attorneys and other veterans service organizations, this program is known simply as Aid & Attendance.

One of the wonderful things about the program is that the pension is available for veterans AND their surviving spouses. As long as the spouse was married to the veteran when the veteran died (and hasn't remarried since), the spouse is eligible for the benefit as well. To be clear, the couple does not have to have been married during the veteran's service — just widowed while married (not divorced), and not remarried.

Like Medicaid, Aid & Attendance is a needs-based program that can help seniors with the crushing cost of long-term care, such as home health care, an assisted living facility, or a nursing home. But, unlike

Medicaid, the VA program does not impose penalties or a look-back on asset transfers. Because of this, Aid & Attendance is a valuable weapon in the elder law arsenal.

Aid & Attendance has four eligibility requirements: 1) military eligibility, 2) medical eligibility, 3) income test, and 4) asset test.

Military Eligibility

To qualify under the military eligibility test, the veteran needs to meet three criteria. First, the veteran needs to have 90 days of consecutive active duty service, typically in one of the main branches of the armed forces. Second, one of those 90 days must fall during a defined "period of conflict". The current periods of conflict cover World War II, Korean Conflict, Vietnam Era, and the Gulf War. Finally, the veteran's discharge must be one of "other than dishonorable".

That's it. In other words, no overseas service is required. The veteran does not have to have been injured in the course of his or her service. No frontline duty is necessary. So long as the veteran meets the three criteria outlined above, he or she meets the military eligibility standard.

Remember that I said this program is also available for the surviving spouse of a wartime veteran. For the clients I see, this is welcome news since I meet many female surviving spouses of World War II veterans who are now having difficulty paying for their care.

Medical Eligibility

Unlike a compensation benefit, this program is for veterans who need long-term care. Therefore, to be awarded the benefit, applicants must meet a medical eligibility test.

The VA relies on medical reports and findings by private physicians. If the applicant is blind or resides in a nursing home, he or she automatically qualifies medically for the benefit. In addition, the regulations use the following criteria to determine the need: 1) inability to dress and keep hygienic, 2) inability to feed him or



herself, 3) incontinence or other toileting issues, or 4) incapacity, physical or mental, which requires care or assistance on a regular basis to protect from hazards or dangers incident to his or her daily environment.

The applicant does not need to demonstrate a need with more than one of the above, but must show that the care need is regular and will continue in the future.

Income & Asset Eligibility

The Aid & Attendance benefit's financial eligibility standards are not as cut and dried as those for Medicaid eligibility. While there are two separate tests for income and assets, they are related and interdependent.

Income Eligibility

To determine whether someone is income eligible, the VA examines what the applicant's monthly income is (from all sources, including social security, pensions, and IRA distributions), and compares that number with his or her unreimbursed medical expenses. The net differential determines whether someone is eligible for the award, but for purposes of clarity and simplicity, it helps to know that if there is a dollar more (i.e., a negative number) in unreimbursed medical expenses than in income the applicant is eligible for the maximum monthly pension.

In determining the applicant's unreimbursed medical expenses, the VA counts the cost of a nursing home, or most of the cost of an assisted living facility, as well as money spent for home health care or prescriptions. In addition, with proper legal documentation, applicants are permitted to count the time a family member spends helping care for the applicant as an additional expense.

Asset Eligibility

Of all the eligibility factors, the asset test is the most difficult to determine. In its simplest terms, the VA takes the net differential of the unreimbursed medical expense versus income, and then multiplies it against the remaining life expectancy for the applicant. If the applicant has more money than that in assets, then they are ineligi-

ble for the benefit. If they have less money, then they are approved. For purposes of determining an applicant's assets, the VA counts checking, savings, brokerage accounts, 401k/IRAs, bonds, and any other holdings.

There are a few additional wrinkles to the asset test. First, the value of a principal residence is not counted when you apply. However, if the applicant later sells the house, the VA will seek repayment of the benefit, and benefits will stop for one year. Sound VA planning with a qualified elder law attorney can preserve and protect the home.

Second, unlike Medicaid, there is no look-back or penalty on asset transfers. So, you can be "over-resourced" in one month, and be eligible the next without any penalty. Note, though, that any asset transfers to obtain VA eligibility may affect a future Medicaid application. I advise clients that "we don't want VA planning to set off a Medicaid ticking time bomb".

The Value of VA Aid & Attendance

As seniors travel down the eldercare journey, the cost of care increases. Those seniors who are wartime veterans, as well as their surviving spouses, have earned a benefit with their service that few of them know about, and fewer still know how they might qualify for it. But, for those who are fortunate enough receive the benefits, it can make all the difference between being able to age comfortably in their home and dying broke in the nursing home.

The VA accredits attorneys in this kind of planning, and anyone purporting to be able to assist with this kind of planning should be on the list of accredited attorneys. In addition, VA planning must be done with special consideration for possibly needing Medicaid later. So, the best elder law attorneys will be able to work in both worlds simultaneously.

If you know of a senior who may have been a wartime veteran, or who might have been married to a wartime veteran, you would do them a great service by letting them know about this important and valuable benefit, and then steering them to a qualified and accredited elder law attorney to assist them with gaining eligibility.

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Classifieds

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*The Annual Golf Outing
Cherry Valley Golf Club
June 2, 2014*

This year's golfers enjoyed beautiful sunny skies while hitting the links at Cherry Valley Golf Club. Thank you to our sponsors, the staff at the club and the Golf Committee Co-Chairs Bob Casey, Larry Popp and Sam Gaylord for making this a fun event with members and friends of the Association.

Congratulations to our Top Contest Winners

Closest to Pin: **Ciro Baldino**

Longest Drive: **Bob F. Casey**

1st Place Lowest Score Team: **Larry Popp, Jerry Nasile, Don Yarson and Jim Rosetta**

2nd Place Lowest Score Team: **Ed Feinberg, Felix Van Der Schaar, Ed Mays and Al Peligrino**

3rd Place Lowest Score Team: **Robert Ridolfi, Bob Pruitt, Mike Sanwald and Doug Conover**



Bob Casey and Bob Ridolfi



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Civil Bench Bar Update

The second quarter Civil Bench Bar meeting was held on June 25, 2014 in Judge Hurd's courtroom attended by Mercer County civil jurists as well as the usual cast of legal characters.

Judith Irizarry, our Civil Division Manager provided an end of year update of the status of the case backlog, noting that despite the shortage of judicial resources there had been an improvement over the number of cases in the previous years. There had been 3,014 civil case filings in law division thus far this year averaging 285 new docket numbers per month. There are approximately 3,000 cases pending. Special Civil Division has had over 16,000 case filings.

Civil Case Management plans to organize another Track 2 auto blitz in the fall and spring. Historically, these efforts have been very successful in mitigating the case backlog. Specifically, any cases with a three year old docket will be targeted and cases that have been scheduled for trial at least once will also be included. The Court anticipates having settlement conferences in September and will schedule trials in October with the intention of resolving them before the holidays. In addition to the scheduled blitz, the Court will entertain any interest in specific insurance carrier settlement days which have also proved effective.

Judge McManimon has provided the Bar with his valuable assistance in settling cases. He advises that if a conference is scheduled, the adjuster should review the file and counsel should come prepared with settlement authority to resolve the case. Judges from the Criminal and Chancery divisions have also been available to assist in settlement conferences and motion practice.

Trial Information Sheets should be prepared and submitted to the Court via the team leader three (3) weeks prior to the trial week. All information should be accurate and thorough to date. The earlier the Court is made aware of problems or potential issues, the easier it is to address them. These include witness accommodation, ready holds, and the need for interpreter services. If counsel does not have access to these Trial Information Sheets, please contact your Team Leader and one will be faxed to you.

A discussion was held with regard to motions to Extend or Open Discovery returnable after the arbitration or trial date. Counsel may file a motion to extend discovery however that does not automatically adjourn the arbitration and counsel is cautioned not to make the assumption that it does. A request to adjourn the arbitration must be made in writing by the Wednesday prior to the arbitration date. Counsel will then be advised by the Court if the arbitration has been adjourned. Remember that a case that is not de novoed within the appropriate time will come up on the dismissal list.

The "Report of the Working Group on Business Litigation" was given out at this meeting. This report was the product of a Supreme Court created committee charged with identifying and assessing the needs of the business community; reviewing the Judiciary's current programs and existing practices; recommending appropriate steps to be taken to address the reasonable needs of the business community; and addressing how the Judiciary might better publicize existing programs and/or any newly recommended projects. If anyone is interested in obtaining a copy of this report, please contact me at colleen.crocker@selective.com.

As always, any questions, comments, or concerns can be directed to Bob Lytle at rlytle@szaferman.com or colleen.crocker@selective.com. Enjoy the rest of the summer. September is looming.

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Supreme Court Advisory Committee on Expedited Civil Cases

Jeffrey Bartolino, Esq.

The Supreme Court Advisory Committee on Expedited Civil Actions recently issued a report that recommends a number of ideas designed to improve the timeliness in the disposition of civil cases and suggests a pilot program that would put that plan into action. If adopted, the Program would be implemented in three New Jersey counties. The comment period ended on June 18, 2014, with no indication of when the Supreme Court would make a decision on the proposal.

New Jersey Supreme Court Chief Justice Stuart Rabner announced the formation in May 2013 of the Supreme Court Advisory Committee on Expediting Civil Actions. The goal was to develop a program to achieve speedier justice, maintain due process and fairness to litigants, decrease litigation costs, and make the Court system more accessible to the public. Justice Faustino J. Fernandez-Vina and Thomas R. Curtin, Esq. were appointed as Co-Chairs of the Committee, and three Subcommittees were created: Trial, Pretrial and Education/Liaison.

The key recommendations of the Committee are as follows:

Pilot Program The Pilot Program will be instituted in two vicinages for an expedited track for all Track I and Track II cases except for name changes, forfeiture, summary actions and OPRA matters. A party may object to inclusion by serving a letter of intent with reasons why the case should be removed, and presumptive grounds for removal are: 1) a request by all parties for removal; 2) multiple parties; 3) multiple or complex theories of liability, damages or relief; 4) need for extended discovery; or 5) any other factor that would impede a party's right to a fair resolution of the matter. A party must seek removal at least 10 days before the initial Case Management Conference (CMC), and a subsequent application for removal may be filed no later than 30 days prior to the discovery end date and for good cause shown based upon changed circumstances.

Pretrial Parties are limited to form interrogatories and five supplemental interrogatories, 10 requests for production of documents, and either two depositions (Track I) or five depositions (Track II) without consent of the parties or by the court for good cause shown. Answers to form interrogatories must be served by plaintiff within 20 days of receipt of an Answer from adverse parties, and defendants must serve their answers to form interrogatories within 20 days of receipt of plaintiff's answers. For discovery disputes, the parties must "meet and confer" to resolve same, and send a joint written request in a one-page letter to the managing judge for an informal conference that presents the position of each party.

The initial CMC will be held within 45 days of the filing of the first responsive pleading, and shall address subjects like requests for exclusion from the Pilot Program, the parties' discovery plan, entry of a Scheduling Order, and setting a trial date that is within 45 days of the discovery end date. Executed HIPAA forms must be brought to the CMC in personal injury lawsuits, and cases in the Pilot Program shall not be subject to mandatory arbitration under R. 4:21A unless all parties request arbitration.

Cases will receive a trial date that takes priority over other cases on the same trial calendar, and may be adjourned once by consent of all parties. If a second trial date is adjourned at the request of the parties, it is returned to the general trial calendar.

Trial Attorneys must submit factual stipulations, deposition/interrogatory readings, *in limine* or trial motions, and copies of proposed trial exhibits seven days before the trial date. Attorneys may also move to exclude witnesses whose testimony is cumulative, though there is no standard in the Report by which to judge that. Parties are limited to three peremptory challenges for Track I and II cases, and four challenges in Tracks III and IV. Additional challenges are allowed only when there are multiple adverse parties separately represented. Opening statements in Track I cases are limited to no more than 30 minutes, with the same

amount of time allowed in uncomplicated Track II cases and no more than 60 minutes for complex cases in that Track. Track III and IV cases allow for up to 90 minutes for opening statements.

Summations are limited to 30 minutes in Track I and uncomplicated Track II cases, or up to 90 minutes for complex matters in the latter Track. Track III and IV cases allow for summations no more than 120 minutes.

Attorneys may *voir dire* proffered experts in all Tracks, and attorneys may mutually agree to present expert testimony by video recording or reports rather than live testimony.

Commentary The Report has predictably generated many opinions from diverse groups, from both the plaintiffs' and defense bar.

For critics, the mandatory nature of all Track I and II cases in the Program is troubling, as the opt-out provisions consist largely of "presumptive grounds" for removal, with no guarantee of same. Failing that, a party must file an application for good cause shown at least 30 days before the end of discovery, which standard is likely to vary by county. Many parties see nothing wrong with the current expedited trial program, which is voluntary.

The limitations on discovery have been criticized as too restrictive, and hampering the effective presentation by counsel of their case. Related to that, the difficulty in defining cumulative testimony so as to bar it renders the preparation for trial uncertain at best. Some question whether a CMC within 45 days of filing an Answer will meaningfully establish firm discovery deadlines, and the time period for discovery does not account for continuing medical treatment in personal injury actions.

Some parties have gone on record that trial courts should always grant an adjournment when all parties consent, in the absence of extraordinary circumstances.

For the critical stage of jury selection, many parties have been vocal in their opposition to limiting peremptory challenges to three, as well as the time limits on opening statements and summations. Most commenters focus on the fact that the present system works quite well, is not unduly time-consuming, and the recommendations are not likely to improve efficiency—though they may impair the quality of the presentation—of the conduct of a trial.

Finally, some commenters believe that having a sufficient number of trial judges available for ready cases is the only meaningful way to produce the efficient and timely administration of justice sought by the Committee.

Some of the positives that have been identified by various commenters include the following:

- Savings on the expenses associated with litigated matters
- Greater assurance that a plaintiff has his/her case fully ready at the time of filing the Complaint, given the various discovery requirements by the date of the CMC
- More efficient handling of discovery disputes, much like the federal system does
- No requirement to have matters arbitrated, saving time and expense
- A more streamlined approach for the truly simple cases
- An opt-out option that is generous to the party who chooses to proceed outside of the expedited program
- As a Pilot Program limited to three counties, it can be modified/abandoned depending on the results during the pilot period.

Summary

Much time and effort went into the creation of the Report by the Advisory Committee, and the many parties weighing in on the pros and cons of the concept was predictable. Time will tell if the Committee's recommended Program becomes a reality, where it will be conducted, how long it will last, and whether it achieves the lofty goals it has envisioned.

Members On The Move

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Members In the News

Stark & Stark is pleased to announce that **Pamela A. Mulligan, Esq.** has joined the firm Pamela Mulligan as an Associate in Stark & Stark's Bankruptcy and Creditor's Rights Group where she practices in the area of commercial litigation, focusing on representing secured and unsecured lenders, including corporate and banking clients, in contested and uncontested foreclosures, collection matters and Chapters 7, 11, and 13 bankruptcies.



Ms. Mulligan is located in Stark & Stark's Lawrenceville office and can be reached at 609.791.7010 or pmulligan@stark-stark.com.

Eckert Seamans Cherin and Mellott, LLC, a full-service national law firm, recently announced that **Nicholas M. Gaunce** has joined the Trenton office as an Associate in the Litigation Group. Prior to joining the firm, Gaunce was with the firm of Wong Fleming.



Gaunce is an experienced litigator whose practice includes handling litigated matters in both state court and federal court. He has practiced in a wide array of litigation areas for several firms, including representing Fortune 500 companies in casualty litigation, commercial litigation, contract disputes, and bankruptcy and foreclosure matters. Gaunce specifically represented two Fortune 500 transportation companies for several years as national and international counsel.

Gaunce earned his law degree from Ohio Northern University, Claude W. Pettit College of Law, and his undergraduate degree from the University of New Hampshire. He is licensed to practice in New Jersey and Pennsylvania.

Capehart Scatchard announced that **William Burns**, Shareholder in the Government Affairs and Regulation Section, spoke on June 25, 2014 at the national meeting of the Coalition Against Childhood Cancer in Washington D.C.

During his presentation, Mr. Burns summarized the Josh Hardy and Judson Shepherd campaigns involving expanded access to unapproved drugs via compassionate use and clinical trials. He also discussed the need for increased access to experimental drugs through the collaboration and discussion with the FDA, Pharmaceutical companies and the medical community. Mr. Burns stated,



"Pharmaceutical companies have an obligation to their shareholders, doctors have an obligation to their patients, and the FDA has an obligation to safeguard the process. If we provide financial and regulatory incentives to pharmaceutical companies, expanded access becomes not only a good humanitarian decision, but a good business decision."

Mr. Burns received his J.D. from the University of Richmond and B.A. degree in Political Science from Gettysburg College. Mr. Burns is Certified by the New Jersey Supreme Court as a Criminal Trial Attorney and is admitted to practice law in New Jersey and New York.

Stark & Stark is pleased to announce that **Benjamin E. Widener**, Chair of the firm's Employment Group, has been selected as one of the New Jersey Law Journal's "2014 New Leaders of the Bar," a list of the top 50 lawyers who "represent a new wave of leadership in the New Jersey legal profession."

Benjamin E. Widener is a Shareholder in the Employment and Litigation practice groups at Stark & Stark, where he concentrates his

practice in employment litigation and counseling, as well as commercial and civil litigation. Ben represents clients in all phases of federal and state court litigation at the trial and appellate levels, as well as in arbitration.



Anjali N. Baxi, Esq., an Associate at **Archer & Greiner's Princeton** office was recently selected to serve as Secretary of the Health Law Section of the New Jersey State Bar Association (NJSBA). Ms. Baxi has served on the Education Committee since November 2011 and has been a Board Member of the Health Law Section since May 2013. Ms. Baxi produces the Health Law Section's monthly Federal Regulatory Report, a publication to its members that provides a federal regulatory update on matters affecting healthcare clients. The Health Law Section of the NJSBA keeps members informed of frequent changes in laws and regulations affecting the provision of health care services through programs, conferences and publications.

Ms. Baxi specializes in the practice of healthcare regulatory and corporate law. She represents a range of healthcare providers and licensed healthcare facilities, including, long term care facilities (i.e., nursing homes, assisted living facilities, adult medical day care) providers with their legal, regulatory and transactional needs.

Joshua S. Sklarin has joined leading New Jersey law firm **Parker McCay** as an attorney in the Public Schools and Education Practice Area in its Lawrenceville, N.J. office. Mr. Sklarin focuses his practice in the area of school law, public sector labor law and collective bargaining/negotiations. He has extensive experience in labor and employment contracts, mediations

and arbitrations. He also has additional background in construction, real estate, automobile lemon law disputes and residential foreclosure litigation.

"We are excited to welcome Josh to Parker McCay," said Frank P. Cavallo, Shareholder and Chair of the Public Schools and Education Department. "Josh's extensive background in labor and negotiations and will enhance our overall school law practice and bolster our commitment to providing responsive and effective representation to our clients."

Prior to joining Parker McCay, Mr. Sklarin was an attorney at Lindabury, McCormick, Estabrook & Cooper P.C. where he assisted in representing approximately 50 New Jersey school boards. Mr. Sklarin served as the law clerk to the Honorable John O'Shaughnessy, J.S.C., Hudson County Civil Division. He was voted New Jersey Super Lawyer Rising Star in 2013 and 2014.

Sklarin, a resident of Freehold, New Jersey, earned his law degree from Seton Hall University and bachelor's degree from the University of Vermont

Congratulations to Kelly and Chris Botti on the birth of their beautiful baby boy, Jackson Joseph on June 19th!



Foundation Wine Tasting



Friends of the Foundation enjoyed a wide variety of fine wines and delicious appetizers and chocolates at the 2nd Annual Wine & Dine at the Stone Terrace on June 13th. The Silent Auction was a big success and included fabulous items such as “Deck Party on Wheels”, Designer Ladies’ Accessories and Sports Tickets to major and minor league teams.

Thanks to Laurenti Fine Wines, our sponsors, silent auction donors and advertisers for helping us to raise funds for our scholarships, anti-bullying grant program and annual gift to Legal Aid.



Foundation President Chuck Waldron with Foundation Trustees Kathy Waldron and Arthur Sypek



**Mike Mazzone, Hon. Mary Brennan and
Silent Auction Co-Chair Mark Renzi**



**Rebecca Faulkner and Foundation
Trustee Robert Panzer**



**Mike Heron with the "Deck Party
On Wheels"**



**Rob Beckelman, Stacey Geurds and
Dean McCleese**



Dan and Laurel Cantor



Foundation Trustee Hon. Maria Sypek (ret.)

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The Lawyers Assistance Program is approved by the New Jersey Supreme Court.

The program assures utmost confidentiality by adopting Rule 1:28 B-3. Additional information about this program is available on our website or by calling 1-800-246-5527.

Calendar

Registration forms for seminars and events are posted on the Mercer County Bar Association website www.mercerbar.com. On the home page there are tabs across the top. Hover your mouse over the “events” tab, and then choose “calendar of events” from the drop-down menu. That will take you to a page where you will find the seminars and events listed in chronological order. Clicking on an underlined event will take you to the registration form. If you have any questions, call the MCBA office 609-585-6200.

August

August 19, 2014

Real Estate Trustees Meeting
MCBA Office
9:00 am

August 20, 2014

Rhoads “Topper” Golf Classic
Mountain View Golf Club
12:00 pm

September

September 2, 2014

Opening Ceremony of the
Courts & Memorial Service
Criminal Courthouse
400 S. Warren Street, 4th Floor
Trenton, NJ 08650
9:00 a.m.

September 2, 2014

Bankruptcy Meeting
Judge Kaplan’s Courtroom
4:00 p.m.

September 2, 2014

Trustees Meeting
One 53
5:30 p.m.

September 11, 2014

Family Bench Bar Meeting
Judge Fitzpatrick’s Courtroom
3:30 p.m.

September 11, 2014

Lawyers CARE
Mercer County Connection
5:30 p.m. 7:00 p.m.

September 12, 2014

CLE Local Public Contract Law
Breakfast Seminar
MCBA Office
9:00-11:00

September 17, 2014

Judges & Law Clerks Dinner
Greenacres Country Club
5:00-8:00 pm

September 23, 2014

Real Estate CLE Luncheon
Seminar – Inspections
Greenacres Country Club
12-2:00 pm

October

Bankruptcy Meeting
Judge Kaplan’s Courtroom
4:00 p.m.

October 7, 2014

Trustees Meeting
Cappunano’s
5:30 PM

October 9, 2014

Lawyers CARE
Lawrence Twp. Library
5:30 p.m. – 7:00 p.m.

October 14, 2014

Professionalism Day
TBA

October 14, 2014

Tax Professionalism Day
TBA

October 15, 2014

Domestic Violence Working
Group
Judge Warshaw’s Courtroom
3:30 p.m.

October 16, 2014

Municipal Bench Bar Meeting
Ewing Twp. Municipal Court
3:30 p.m.

October 21, 2014

Real Estate Trustees Meeting
MCBA Office
9:00 am

October 29, 2014

Xtreme CLE
The Conference Center at Mer-
cer County Community College
8:00am -8:00 pm

November

November 13, 2014

Family Bench Bar Meeting
Judge Fitzpatrick’s Courtroom
3:30 p.m.

November 13, 2014

Lawyers CARE
Hamilton Twp. Library
5:30 p.m. – 7:00 p.m.

November 19, 2014

November General Membership
Meeting & Awards Ceremony
Mercer Oaks
5:30-8:30 pm

XTREME REGISTRATION – October 29, 2014

**One Day-One Place – One Year of Credits
The Conference Center at Mercer County College**

Early Registration Ends **October 15, 2014** – after **October 15th** a \$15.00 Additional Fee Per Seminar Will Apply

Each seminar is 2.0 NJ/NY Credits and 1.5 PA Credits
PA Credits for members \$15.00 for each seminar -Non-member \$30
NY Credits for members \$10 for each seminar -Non-member \$20
Printed Materials \$15 Per Seminar

Members Must be in Good Standing by September 1, 2014

Please choose only one seminar per session.

Session I – Includes Breakfast – 8:00am-9:45 am 1) Title Challenge - Real Estate Hot Topics 2) Ethics Update with Charles Centinaro 3) Bankruptcy Law and Landlord/Tenant	Member \$50.00	Non-Member \$100.00	Attending Seminar No. ____ Amount Paid \$ _____
Session II – Includes Lunch – 10:00am-11:45am 1) Real Estate: Non Traditional Sales 2) ADR Update 3) Immigration Law Crossing the Border: When Family, Business and Criminal Cases Become Immigration Ones	Member \$65.00	Non-Member \$115.00	Attending Seminar No. ____ Amount Paid \$ _____
Session III – Includes Lunch – 12:00pm-1:45pm 1) Ethics Update with Tim McNamara 2) The Affordable Care Act: Issues Facing Commercial & Corporate Law 3) Identity Theft	Member \$65.00	Non-Member \$115.00	Attending Seminar No. ____ Amount Paid \$ _____
Session IV – Includes Lunch 2:00pm-3:45pm 1) 15 th Annual Criminal Law Update 2) Estate & Probate Update 3) Land Use Administration Update	Member \$65.00	Non-Member \$115.00	Attending Seminar No. ____ Amount Paid \$ _____
Session V – Includes Dinner – 4:00pm-5:45pm 1) Municipal Law Update 2) Workers Compensation Update 3) Evidential Issues Related to E-Discovery	Member \$90.00	Non-Member \$140.00	Attending Seminar No. ____ Amount Paid \$ _____
Session VI – Includes Dinner – 6:15pm-8:00pm 1) Can They Really Say That? Parody/Satire, Copyright Infringement and the First Amendment 2) Boardable Damages and Third Party Liens in Personal Injury Cases 3) Family Law – Alimony Update	Member \$90.00	Non-Member \$140.00	Attending Seminar No. ____ Amount Paid \$ _____

**Members Only – Sign Up For 3 and Save \$25.00 – SIGN UP FOR 4 OR 5 AND SAVE \$50.00
SIGN UP FOR 6 AND SAVE \$100.00**

Notice to the Bar : Opening Ceremony of the Courts and Memorial Service

The Opening Ceremony of the Courts and Memorial Service is being held on Tuesday, September 2, 2014 at 9:00 a.m. in the Special Proceedings Courtroom on the fourth floor of the Criminal Courthouse on 400 S. Warren Street. All members of the bar and bench are invited to honor those members of the legal community who have passed since September 2013.

2014 Honorees

E. Sheldon Cohen

Steve Hallett, Sr.

Michael T. Hartsough

Hon. Lawson McElroy

Honorable R. Kevin McGrory

Timothy Murphy

Albert Henry Rees, Jr.

M. Angela Tolleris

Russell Weiss, Jr.

If you are aware of any other attorneys who have passed and are not listed above, please contact Mary Murkli at 609-585-6200 or via email at mmurkli@mercerbar.com so that we can include them in the ceremony.

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Mercerville, NJ 08619

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Congratulations!



The Mercer County Bar Association is proud to announce this year's award recipients:

Nizolek Award: Ezra Rosenberg, Esq.

Young Lawyer Award: Melissa Chimbangu, Esq.

Community Partner: The Mercer County Connection

Please join us in honoring them at the November General Membership Meeting and Awards Celebration on November 19, 2014 at Mercer Oaks from 5:30 to 8:30 p.m.