Mercer County

Lawyer

Fall 2022

A Publication of the Mercer County Bar Association

Volume 41, Issue 2

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Trenton Country Club



From the President's Desk...

As I reflect on this past year of the Mercer County Bar Association, I believe much has been accomplished. This year was the first year since the pandemic began with predominantly inperson meetings and social gatherings. There is no substitute for being with our fellow colleagues in a social atmosphere to share stories, concerns and comradery. We have also come to realize that having virtual events have their benefits, such as in the case of continuing legal education courses, some bench bar meetings, and certain court hearings.

I am proud of all the good work we have done for the charities we honored over the year. Organizations such as the Special Olympics, E.A.S.E.L, T.A.S.K. and Womanspace are very important to our community. Their efforts are truly commendable and I applaud the good work they do for those who are less fortunate. As attorneys, we are in a profession designed to help others, whether clients, fellow members of the bar or charitable organizations. It is a value we share and we are all better for it. However, the work is never finished. I hope that the Bar Association will continue to honor different local charities at our general membership meetings.



Michael Kahme

trust everyone who attended had a wonderful time at our Holiday Gala on December 3. We were fortunate to be able to have our Gala at Jasna Polana, where the atmosphere was electric, the music was great, and reconnecting with so many in person made it an event that will be long remembered. Special thanks to our musical entertainment, 9South, and the staff of the Bar Association, who pulled the event off without a hitch.

All of the above would not have happened without the contributions of so many people. I would like to thank Assignment Judge Lougy, his staff, and all our honorable Judges for their support, contributions and assistance throughout the year. The Mercer Page 2 Fall 2022

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County Bar Association is stronger and better for it. I would also like to thank Anita Mangat, Michele Krasny, Loren Romberger and Terry Eide for their hard work this year. We are truly fortunate to have such a qualified, hard-working and professional team.

As President, I have come to know Anita over these last several months and couldn't be happier that we have such a wonderful Executive Director. We are in really good hands with Anita, who will no doubt make us even better in the years to come.

I would also like to thank the Officers and Trustees for their support and contributions. When things needed to be done or matters approved, we didn't miss a beat. They are all deserving of our thanks for the time and effort given, considering their busy practices and lives outside of work. Their contributions are making our future bright and secure.

As we face the future, we need to be mindful of potential challenges that lie ahead. The most important in my view is membership. How do we recruit our younger colleagues to join and participate in the Bar? With this hybrid/remote new world we live it, how do we promote in person events, social or otherwise? All difficult questions which we need to understand and address. As a result, the Young Lawyers Committee is one of the most critical committees to recruit, involve and help secure a successful future. We are in good hands with Christopher Jackson and Michael Jordan at the helm. They both have made tremendous efforts in attracting new, younger members. We have also made great inroads in making the Bar Association reflective of the diversity in our profession for which we are all better. However, our work is not done and we have the right people in those leadership roles that will move this incredibly important effort in the future.

I would like to thank Margaret Chipowsky, Esquire, our incoming President. Margaret was invaluable to me over the last year with her insight, wealth of institutional knowledge and drive. We will be in good hands with Margaret and I wish her all the success she deserves.

Finally, I would like to thank my fellow members of the Bar. Having been a member of the Bar since 1985, I can confidently say that it has made me a better lawyer and person. It has been a place to come to see friends, acquaintances and other members of the Bar. It is a place where you are welcomed, and treated with respect.

I wish you all a happy, successful and healthy year.

MCBA Lawyer Referral Service

The MCBA is looking to expand the members of its Lawyer Referral Service. At present, the MCBA is in need of attorneys whose area of practice focuses in **ALL** practice areas.

The MCBA is also seeking any Spanish-speaking attorneys in all practice areas.

For further information, please feel free to contact our office at (609) 585-6200



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

Chancery Bench Bar Wednesday, January 19, 2023 @ 4:00 pm

Register here for this meeting

Civil Bench Bar Wednesday, February 1, 2023 @ 3:30 pm

Register here for this meeting

Chancery Bench Bar Wednesday, February 15, 2023 @ 4:00 pm

Robert Morris and Jessica Sauer, co-chairs of the Estate Planning and Probate Committee, invite bar association members from all practice areas to join them for February's Chancery Bench-Bar meeting on February 15th from 4-5pm. Register here for this meeting

The meeting will include a presentation by Kyle Paul, a CPA who was previously employed by the New Jersey Office of Attorney Ethics. Kyle will be speaking about attorney trust and business accounting strategies and his experiences performing random audits for the office.

Questions of interest to potential attendees may be submitted to Kyle anonymously prior to the presentation by sending an email to lessi-ca@SauerFirm.com no later than February 10, 2022.

Kyle Paul, CPA, CFE is a Senior Auditor with the New York-based accounting firm, LMC, which offers financial statement, tax, wealth management, and business organization and growth services. In his role, Kyle performs audits, reviews, and compilations of both individuals and companies, in industries such as consumer products, retail, real estate, and nonprofits. In addition, Kyle performs reviews and reconciliations of New Jersey-licensed attorneys and their trust accounts, as he has previous experience as an auditor with the New Jersey Office of Attorney Ethics.



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FAILURE TO REPORT: A Workers Failure to Report An Accident Allows An Insurance Carrier to Deny Benefits By: Samuel M. Gaylord, Esq.

In today's economy workers are getting injured and not reporting it. In fact, a recent survey showed only 1 out of every 7 work accidents are reported. Fear of losing their job, fear of reporting the claim, fear of being perceived a troublemaker are all legitimate concerns after getting hurt while working. This fear and non-reporting leads to a wide range of problems potentially preventing an injured worker from receiving appropriate medical treatment and other important benefits.

In New Jersey the law says that if you get injured in the course of your employment you have up to two years from the day you last receive a benefit in order to file a workers compensation claim. HOWEVER, it is critical that you report the injury to your supervisor or employer immediately. Many employers require accidents be reported by the end of the same workday, and your failure to report the accident, although it may not prevent you from receiving workers compensation benefits, it may result in your being disciplined for violating company policy.

Additionally, the longer you wait to report the accident to your employer or their insurance carrier the more likely the delay will be used as a sword against you in denying your entitled benefits. The insurance company will "investigate" at length whether the injury even occurred at work and try to see if there is some other reason for your injury. Immediately reporting the claim, even if you do not feel the need to seek emergency medical care, ensures a record of your accident so if your injury becomes worse it is documented and later easier to get the benefits you deserve.

Even if you have waited to report the injury to your job, in New Jersey the Law considers any injury reported within 90 days of the accident as timely. This means that even if you do not tell your job right after an accident happens, you can still report the injury to your employer within the 90 day window and still be eligible to receive workers compensation benefits. BE MINDFUL, that the further away from the date of the accident the more an insurance carrier will use the delay to their advantage AND if you wait more than 90 days to report an accident the insurance carrier will refuse to provide any workers compensation benefits.

Far too often, the insurance industry gets away with not having to provide benefits an injured worker is entitled to receive because of the failure to fill out a form, verbally report the claim, or otherwise make the employer aware of an injury. No one can afford to lose their job, but if you can't physically do your job how long do you think your employer will keep you? Reporting an injury is about protecting yourself not about harming your employer.

No matter where you are in the process, even if your being told you can't report your claim an experienced and certified New Jersey Workers Compensation Law attorney can answer your questions and ensure your rights are protected. Call us at (609) 771-8611 or visit our website at www.szaferman.com.

COUNTY CLERK SHARES NEWS THAT REAL ID REQUIREMENT IS DELAYED

Submitted by: Brian DeGennaro





TRENTON -- Mercer County Clerk Paula Sollami Covello would like to inform Mercer residents that the U.S. Department of Homeland Security has extended the deadline by two years for requiring citizens to have Real ID for domestic air travel and entering federal buildings and facilities. Starting May 7, 2025, you must have a Real ID-compliant driver license/ID to fly within the U.S. and regular driver's licenses will no longer be accepted by the Transportation Security Administration (TSA) to fly domestically. You still will be able to use a U.S. passport or passport card for identification.

It must be noted that until the deadline, a standard New Jersey driver's license remains valid for air travel within the U.S. This extension will give state motor vehicle departments and travelers more time to prepare to meet the Real ID deadline.

Real ID complies with federal standards that impose stronger requirements to prove U.S. residency. Real ID is a more secure, federally mandated document that will be accepted at airports as identification and to enter federal buildings. The intent of Real ID is to ultimately reduce identity theft and fraud, and enhance the nation's security. Passport books and passport cards will also remain as valid proof of identification for international travel and are Real ID compliant for domestic flights. The Mercer County Clerk's Office offers both at its Trenton location and the County Connection site in Hamilton.

For the County Clerk's passport office, please call 609-989-6473. Appointments can also be made at the Mercer County Connection, located at 957 NJ Route 33, Hamilton. To schedule an appointment at County Connection, please contact the office at 609-890-9800. Or visit the County Clerk's website at https://www.mercercounty.org/government/county-clerk. Please note that while our office also offers County ID Cards and Veteran ID cards, these are not useful to meet Real ID requirements.

For more information about Real ID and the requirements and documents needed to obtain one, you can visit https://www.state.nj.us/mvc/realid/. To apply for Real ID, appointments can be scheduled online at https://www.nj.gov/mvc/.

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Top 10 Divorce Trends of 2022 By: Eliana T. Baer

As 2022 comes to a close, many lawyers find themselves reflecting on the year past, and also planning for the year ahead. 2022 has certainly had its ups and downs, but as the pandemic has waned, 2022 has also presented some new concerns for divorcing and divorced people. The following is a compilation of the top client concerns and trends that I have observed in my practice in 2022:

Narcissistic Abuse:

This was, far and away, one of the most prominent concerns for my clients in 2022. As many lawyers have observed, the pandemic, isolation, and more together-time tended to expose latent marital issues that became intolerable for many in recent years. Especially as visibility surrounding these mental health issues increase, there is an increasing number of clients that have come to me describing narcissistic abuse situations, which only continue and escalate post-separation or divorce.

Parental Alienation:

This is a not-so-distant cousin of narcissistic abuse that, many times, arises when a person leaves that type of marriage. Narcissists know that the only way they can get to their spouse or partner post-separation is through the children.

Many times, they have promised that their spouse or partner will never see the children again if they leave. The victim of abuse should believe that the narcissist intends to fulfill these threats and act accordingly.

Financial Woes:

We saw some very prosperous times over the past several years, but the newly down economy has affected almost everyone in some way, and my clients have been feeling the squeeze too. Some clients lost almost a third of their overall net worth this year, or more (crypto investors...yikes!). This changed the landscape of some of the divorces I've been litigating over the past year, especially with clients who are close to retirement.

Medical Decision-Making:

From vaccinations to issues surrounding hormone blocking therapies, disputes over medical decision making have been on the forefront for a lot of parents who disagree about the appropriate course of medical treatment for their children. Remember: joint legal custody, which is the norm in this state, requires discussion and agreement between parents on issues involving the health of children, so these novel health issues are presenting some unique issues for co-parents.

Failed Custody Arbitrations:

Many times, people find themselves so desperate to get off the civil court track, that they agree to arbitration in rabbinical courts without the advice of counsel. This can lead to results that the client did not really anticipate, especially if there is unfair or prejudicial treatment throughout the process. It is at that point that we have needed to go to civil court to right the wrongs that probably could have been prevented had the client consulted with an attorney in the first place.

Parent Coordinators:

Either clients need a parent coordinator because they cannot communicate or want the parent coordinator to be relieved of his/her duties in a situation where the PC has ultimate decision making authority. This still remains a top concern in 2022.

Modification of Custody:

This uptick could be attributable to some post-pandemic fallout, but so many parents are now dealing with decompensating children that may need a different environment that better serves their interests. Indeed, there have been a lot of changes over the past two years, and the children (and their parents!) are feeling it too. Many are viewing a change of scenery from one parent's home to the other as the solution.

Retirement & Alimony Termination:

Another pandemic-related side effect. The pandemic has provided an opportunity for people to reflect upon the fragility of life, especially as they age. Many alimony payors, especially doctors who have been in the trenches as the pandem-



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ic raged through the country, are hanging up their hats and seeking to tie up their financial obligations as they head into retirement. I expect this to continue in 2023, especially with all the prevalence of viruses this fall.

Relocation:

Increased remote working has led to people seeking to relocate to more affordable locations, or closer to family. Relocating with children is never easy, but for divorced parents it can be especially tricky because it requires the relocating parent to demonstrate that the proposed relocation is in the child's best interests. This can be a high burden, especially if the non-relocating parent objects on the basis that the child is thriving in New Jersey, has family and friends here, or receives other services or treatments here that are superior to what the child would receive in other areas of the country.

Prenuptial Agreements:

The pandemic wedding hiatus has created a wedding boom, which means prenuptial agreements are on the rise. As with any legal matter, clients are counseled to plan early. There are many reasons – legal and emotional - not to sign a prenuptial agreement as a couple is walking down the aisle.

It will be interesting to see what 2023 brings to the world of divorce!

Wishing everyone happy holidays!

Eliana T. Baer is a partner in the Family Law Practice Group of Fox Rothschild LLP. Eliana practices in Fox Rothschild's Princeton, New Jersey office and focuses her statewide practice on representing clients on issues relating to divorce, equitable distribution, support, custody, adoption, domestic violence, premarital agreements and Appellate Practice. You can reach Eliana at (609) 895-3344, or etbaer@foxrothschild.com.



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Mercer County Bar Association Judges & Law Clerk's Dinner September 29, 2022 Mercer Oaks Country Club

On September 29, 2022 the Judges and Law clerk's dinner was held at Mercer Oaks Country Club. EASEL was awarded a \$2500 donation to their organization. Christopher Jackson, Esq. was awarded the Young Lawyer of the Year award. Congratulations to Chris!



















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Mercer County Bar Association Holiday Gala December 3, 2022 TPC Jasna Polana

On December 2, 2022 the Holiday Gala was held at TPC Jasna Polana. Womanspace was awarded a \$2500 donation to their organization. Margaret Chipowsky, Esq. was awarded the Harry O'Malley award and Denise Mariani, Esq. was awarded the Michael J. Nozelek award. Congratulations to both Denise and Margaret for all their achievements.

















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SAVE THE DATE 2023 Installation Dinner



February 16, 2023

Trenton Country Club

5:30 pm to 8:30 pm



MERCER COUNTY

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The 4 Types of Legal Analytics New Jersey Law Firms Need to Track Leap Software Blog

New Jersey attorneys often find themselves bogged down in hours' worth of work that can take them and their colleagues past a traditional 40-hour work week. As lawyers manage their workload, it leaves very little time for attorneys and partners to understand the types of data they should track, let alone analyze. Additionally, if this work is being done manually or with outdated and siloed software, any reports will not be accurate due to data gaps. However, law firm reporting can enable law firms to eliminate redundant manual work and improve operations across the practice.

As law firms look to improve their processes and practice, they need to understand the types of data they should track. From there, they can take the first step to identify the right software solution to simplify and automate data collection and legal reporting.

The 4 Types of Legal Analytics

Before we discuss leveraging software to implement <u>law firm reporting</u>, let's look at the different types of analytics that can be tracked and measured across the practice.

Law Firm Analytics

High-level law firm analytics provide general insights into how the business is running. Some common metrics tracked in this category include how many active cases are in progress, the number of new inquiries received, and the number of unpaid invoices. Based on a firm's jurisdiction and area(s) of law it services, they may also look at

other holistic data points to understand the current status of operations.

Matter & Case Analytics

Matter and case analytics provide a more detailed look at how individual cases are progressing and how the workload is distributed across the firm. These analytics include the number of cases assigned to each staff member, upcoming or past due tasks, and important dates and deadlines.. While the main focus of these data points is to understand how productive the staff is in their day-to-day work, managing partners can also use these report to evaluate if specific areas of law or case types make up the bulk of the work.

Billing Analytics

If a New Jersey law firm wants to ensure that they are running a sustainable and profitable business, then tracking billing analytics is essential. These analytics provide insight to invoice status, matter expenses, revenue by fee earner, and comparisons of invoiced and receipted funds. When firms report on billing, it ensures that invoices are sent accurately and frequently, all expenses are recovered from clients, top earners are recognized for their work, and payment delays can be addressed promptly.

Vendor Analytics

Vendor analytics simplify a firm's ability to establish and maintain vendor relationships. It also helps firms work with the most effective and cost-efficient third-

party vendors. Common metrics include vendors based on services, hourly rates or retainer fees, turnaround times, and scoring based on past engagements.

As the best vendors are identified, law firms can market their ongoing commitment to providing them with high-quality legal services in the most efficient and affordable manner possible.

How to Start Collecting & Analyzing Law Firm Data with Legal Technology

Most New Jersey law firm do not have resources dedicated to data collection and analysis and need support to start implementing law firm reporting. That's where innovative software solutions, like the <u>LEAP legal practice productivity</u> solution, can help.

Fully-integrated, cloud-based legal software can automate and streamline all firm operations to provide insights on practice management, document management and assembly, legal publishing, and legal accounting. Cloud-based legal software also means that users can have remote access so that data is tracked in real-time so that reports run in the system are entirely accurate. It also allows users to determine if they want to receive a daily, weekly, or monthly report. As New Jersey firms assess software solutions, here are some key available reports they should look for:

- Account Receivable Report,
- Aged WIP Report,
- <u>Potential Trust to Receivables Transfer</u>,
- Daily Time & Fees by Staff, and
- Fee Earner Summary.

Law firms should also have the option to customize reports based on their needs and areas of law.



Conclusion

While manual reporting can take too much time that New Jersey attorneys and their support staff don't have, law firm analytics can allow law firms to improve productivity, profitability, and overall operations. Legal software, like the LEAP legal practice productivity solution, automates data collection to provide insight-rich and intuitive reports for partners and firm owners to make realtime improvements. If you're interested in learning more about how LEAP legal reports can help your firm start making dad-backed decisions, schedule a demotoday!

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3 Reasons Why New Jersey Attorneys Switch to Cloud Software *Leap Software Blog*

As clients demand efficient and high-quality legal services, attorneys must operate efficiently and profitably. While on-premises, server-based software was once the norm for the legal industry, it no longer supports the accessibility, productivity, and organization New Jersey firms need to serve clients and support their staff members. The only solution to meet these evolving requirements is for attorneys to embrace cloud software to run and manage their practice.

In this article, we will cover the top three reasons why New Jersey law firms are moving to the cloud to run high-performing businesses.

Why do New Jersey Law Firms Move to the Cloud?

Cloud software solutions are the only legal technologies that offer New Jersey law firms flexibility, scalability, and accessibility to run modern operations. There are also several other benefits firms experience when they switch to the cloud from their legacy, serverbased software solutions. Those benefits include:

Simplified IT Infrastructure

<u>Cloud solutions</u> eliminate the need to maintain on-premises hardware and internal/ external staff costs for system maintenance, data backups, and software updates. Instead, cloud software providers take on those heavy lifts and expenses to ensure that the end-users can focus on benefitting from the software features. For example, cloud software provides enhanced data security as servers move from law offices to secure data warehouses. Leading cloud providers like Amazon Web Services (AWS) add encryption to offer extra layers of security to sensitive and confidential client data. Additionally, cloud software can store all law firm data in a single solution and reduce the number of systems needed to manage individual business functions across matters. This helps to reduce IT overhead and spend on internal or external IT experts to manage a law firm's tech stack.

Streamline Operations in a Single Solution

The right cloud solution will be a completely integrated and secure system that provides everything a firm needs to run efficiently. Some common integrated features include practice management, legal accounting, document assembly and management, and legal publishing across all common areas of law. Practice management features create a single version of the truth across the law firm so that all staff members can access the most up-to-date information to reduce errors and double work. Legal accounting helps improve office and trust accounting compliance to mitigate malpractice risks. Document as-



sembly and management provide automation to complete standard documents with a secure platform to store, collaborate, and send files. Finally, legal publishing features should provide up-todate common legal forms and templates, such as Seller's Residency Certification -(LL-NJ-REE-0085), Certification of Insurance Coverage Pursuant to R. 5:4-f (LD-NJ-FAM-0025), and Confidential Litigant Information Sheet, that can be autopopulated with the information stored in the electronic matter. These holistic cloud solutions enable New Jersey firms to improve employee productivity by eliminating redundant manual tasks and having staff focus on revenue-driving tasks.

Improve Profitability

New Jersey law firms must ensure that they have the automation to support maximum productivity while providing high-quality legal services to stay ahead of their competition. If firms continue to rely on server-based software, they will not be efficient and that can lead to frustrated clients and staff members, ultimately impacting the firm's viability. Additionally, on-premises software maintenance, data backups, and updates lead to thousands of dollars in unpredictable costs. Cloud software solutions can give New Jersey attorneys the digital founda-

tion they need to efficiently run their practices. It provides software features to improve productivity and offer law firms peace of mind with a low monthly cost. Cloud software providers also take on the overhead of ongoing maintenance and backups, immediately reducing IT spending for the firm.

Conclusion

New Jersey law firms must ensure that they have the automation needed to support maximum productivity while providing high-quality legal services to stay ahead of their competition. If firms continue to rely on server-based software, they will not be efficient and this ultimately impacts the firm's viability. Cloud software solutions can give New Jersey attorneys the digital foundation they need to efficiently and profitability run their practices.

The LEAP legal practice productivity solution is the #1 cloud-based legal software for New Jersey law firms to embrace automation for practice management, document assembly and management, legal accounting, and legal publishing. Learn more at leap.us/new-jersey.

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JOHANNA BARBA JONES
DIRECTOR



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CALL FOR ATTORNEY AND PUBLIC CANDIDATE VOLUNTEERS FOR THE DISTRICT ETHICS AND FEE ARBITRATION COMMITTEES

FOUR-YEAR TERM OF SERVICE BEGINS ON SEPTEMBER 1 EACH YEAR

The Office of Attorney Ethics welcomes applicants to apply for appointment by the New Jersey Supreme Court to the District Ethics and Fee Arbitration Committees. The next term of service will begin on September 1, and we are presently compiling the nominations packets. Please pass along the Volunteer Information Sheet for the **attorney or public member positions**. All candidate nominations would be submitted for review by the Assignment Judges, before being submitted to the New Jersey Supreme Court. The Supreme Court oversees all of the committees and appoints the members. Please submit (or ask any other candidates to submit) application materials directly to the Office of Attorney Ethics for appointment for the four-year term to begin on September 1 of the upcoming year. We would need the completed Volunteer Information Sheet (attached), as well as a summary or resume for each candidate.

The attorney disciplinary system in New Jersey has as its foundation the volunteer service of so many attorneys and lay members who give their time to the fee and ethics committees in every district of the State. We attach the description of duties of volunteers and the appointment process. Thank you for your consideration, and any additional help, as we seek a robust and diverse applicant pool, reflective of our districts throughout the State.

Sincerely,

Isabel McGinty

Statewide Ethics Coordinator

Isabel.McGinty@njcourts.gov Phone: 609 403-7800, ext. 34110

Fax: 609 403-7597

http://www.njcourts.gov/attorneys/oae.html Mountain View Office Park, 840 Bear Tavern Road, Suite 1, Ewing, NJ 08628

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 DECs 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 DECs abide by the confidentiality rules and procedures.
- The work of all who participate on the DECs 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 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.

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- 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 OAF to all selected candidates.
 - Selection by the Supreme Court for membership on one of its DECs 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.

District Fee Arbitration Committee Candidates --Summary of Duties, Term, Time Commitment, and Appointment Process

- District Fee Arbitration Committee (DFAC) members serve at the pleasure of the Supreme Court for a four-year term.
- Service on the DFACs includes the obligation to keep confidential all records and information about fee arbitration cases. It is mandatory that all volunteers for the DFACs abide by the confidentiality rules and procedures.
- The work of all who participate on the DFACs is provided on a volunteer basis, and the fee arbitration 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).
- Both attorney and public member candidate names (along with (a) the Volunteer Information Sheet and (b) the candidate's resume or candidate summary) are submitted by the DFAC vice chairs to the Statewide Fee Arbitration Coordinator's office within the Office of Attorney Ethics (OAE) several months before the start of the term of service (which begins 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 district committee. The pool of candidates should reflect the diversity of the bar and the
 community in the particular district.
- All candidate names are submitted to the Supreme Court liaison Justice for each district whenever a
 vacancy may occur, or at regular intervals to set the committee membership in place for an upcoming
 term of service. More candidate names than actual vacancies are submitted to the Justices to allow for
 choice and variation. If the list of candidates is short or light for any reason, the Justice may decline to
 appoint the full number of members requested for the particular district for the upcoming term of
 service.
- Actual selections are made by the Supreme Court liaison Justice for each DFAC, after approval 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 term of
 service in September of any year.
- Please be aware that prior disciplinary history or a diversion will cause the disqualification of an attorney candidate. For confidentiality reasons, the OAE can give no information to the district committee about why a particular candidate was not appointed.
- Selected candidates will be invited to attend an orientation/training session prior to the commencement
 of their term of service, with the date to be set by the OAE. The training session should last under three
 hours.
- Selected candidates will receive schedules for hearings or any meetings directly from the committee
 officers in their own district. The committee officers for each district include the DFAC secretary (a
 continuing position, with the secretary acting as the screener of cases submitted, and not acting as a
 hearing officer for any matter), and the district chair and vice chair (annually-appointed positions).

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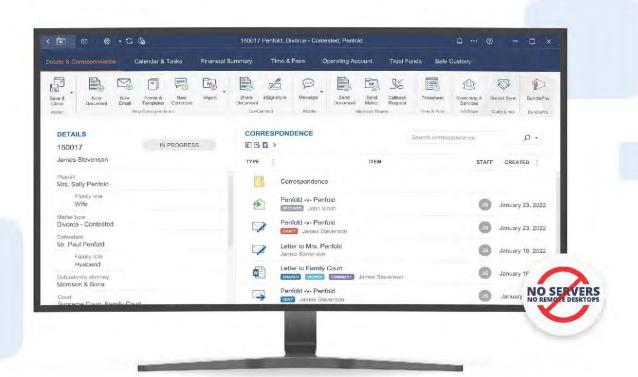
 District secretaries may seek ethics CLE credit for district meetings which comply with standards for such credit, by submitting the application materials for such credit to the OAE at least a month ahead of the scheduled meeting. The OAE will also seek such credit for attendees at OAE-organized seminars, meetings and trainings, if appropriate and if such authorization is received.

- Training and reference materials will be provided by the OAE to all selected candidates.
- There is a pro bono exemption for attorney members (pro bono exemption code 89; also referred to as a Madden exemption).
- Selected attorney candidates should expect to spend roughly one day per month on fee arbitration matters.
- Committee members who cannot keep up that commitment of service should consider stepping down. To do so, the volunteer should send a written letter of resignation to the district secretary, with a copy to the OAE. The OAE understands that the schedules of volunteers may change for any number of reasons, and the OAE will appreciate and value the service of members, even if it turns out to be abbreviated. By stepping down, the member would thereby start up the process of having a replacement member appointed to complete the unexpired term.
- The public members of the DFACs are absolutely essential to ensuring the integrity and fairness of the
 fee arbitration system, as they bring an indispensable and invaluable perspective to the process. Their
 participation on fee arbitration panels supports the Court's mission of maintaining public confidence in
 the integrity of the profession and the judicial process; their participation validates the fairness of the
 process.
- All DFAC members are supported by their own committee officers, co-workers, and the fee arbitration staff within the OAE.
- The fee arbitration process is designed for members to succeed (through support) in their various roles, as their success assures fairness of the process.
- On completion of their term of service, DFAC members are encouraged to seek appointment to the District Ethics Committees, which are also overseen by the Supreme Court.

(OAE March 2017)



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