



# The Straight Word

VOL XXXXVI NO. 10

Burlington County Bar Association

OCTOBER 2011

## MARK YOUR DIARY



### OCTOBER

- 10 COLUMBUS DAY
- 18 BCBA BOARD MEETING – 4:30 P.M.  
THE WESTIN, MT. LAUREL
- MEET THE JUDGES & LAW CLERKS – 5:30 P.M.  
THE WESTIN, MT. LAUREL
- 19 PROFESSIONALISM DAY SEMINAR – 9 A.M.  
COUNTY OFFICE BUILDING, MT. HOLLY
- 20 EMPLOYMENT LAW SEMINAR – 4:30 P.M.  
COUNTY OFFICE BUILDING, MT. HOLLY
- 21 YLC HALLOWEEN PUB CRAWL – 7 P.M.  
THE PLOUGH & THE STARS, PHILADELPHIA
- 25 CANDIDATES NIGHT – 6 P.M.  
IRON HILL BREWERY, MAPLE SHADE
- 27 CRIMINAL PRACTICE SEMINAR – 4:30 P.M.  
COUNTY OFFICE BUILDING, MT. HOLLY

### NOVEMBER

- 4 BCBF WINE & BEER TASTING – 6 P.M.  
MOORESTOWN FIELD CLUB, MOORESTOWN
- 15 MEDIATION SEMINAR – 4:30 P.M.  
COUNTY OFFICE BUILDING, MT. HOLLY
- 16 BCBA BOARD MEETING – 4:30 P.M.  
BAR HEADQUARTERS, MT. HOLLY
- BCBF BOARD MEETING – 5:30 P.M.  
BAR HEADQUARTERS, MT. HOLLY
- 17 BANKRUPTCY SEMINAR – 4:30 P.M.  
COUNTY OFFICE BUILDING, MT. HOLLY

## SEVENTH ANNUAL WINE & BEER TASTING



*Popular Event Returns November 4!*

The Burlington County Bar Foundation is pleased to present its seventh annual Wine & Beer Tasting on Friday, November 4, 2011 from 6 – 9 p.m. at the Moorestown Field Club in Moorestown.

Wine and beer enthusiasts alike will be treated to an international selection of wines and beers while enjoying a bountiful display of hot and cold hors d'oeuvres including crab cakes, pasta station, mini meatballs, vegetable and cheese crudites and more!

We are again assembling an exciting array of prizes for the fisherman's pull auction which will take place during the event. Past winners have gone home with a Chris Pronger autographed Flyers jersey, Eagles tickets, a Sony Blu-Ray DVD Player, golf foursomes, and gift certificates to some of the area's hottest restaurants, just to name a few.

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## BERGE TUMAIAN NAMED PROFESSIONAL LAWYER OF THE YEAR



Berge Tumaian has been selected as the 2011 recipient of the Professional Lawyer of the Year Award for Burlington County. The award is presented by the New Jersey Commission on Professionalism. Mr. Tumaian will receive his award at the annual New Jersey Commission on Professionalism awards luncheon on Tuesday, October 4 at the Pines Manor in Edison, NJ.

The Professional Lawyer of the Year award is presented annually to lawyers from bar associations across the state who, by virtue of their conduct, competence and demeanor, set a positive example for others in the profession; someone we can all point to with pride as a true professional.

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# Bar Briefs

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## COMMITTEE CORNER

The Special Civil Part/Landlord Tenant Committee will host a meeting with the Honorable Susan L. Claypoole on Monday, October 17, 2011 at 4:30 p.m. in the County Office Building, 3rd Floor, Courtroom 3. All those interested in joining this revamped committee or practicing in Special Civil Part are invited and encouraged to attend!



## MEMBERS IN THE NEWS



Capehart Scatchard is pleased to announce that **Thomas D. Begley, III**, has joined the firm as Chairman of its Trusts and Estates Department. Mr. Begley concentrates his practice in wills, trusts, estates, probate litigation, and elder law, along with business representation. Mr. Begley is a former Director of the Elder Law Section of the New Jersey State Bar Association as well as the former chair of the Estate Planning and Probate Committee of the Burlington County Bar Association.

Adinolfi & Goldstein, P.A. is pleased to announce that **Kimberly A. Packman** has rejoined the firm. In addition to handling all types of family law matters including divorce, custody, child support, equitable distribution, and domestic violence, Ms. Packman will also be handling Wills & Estate matters for the firm.

McGill Law Practice is pleased to announce that, beginning October 1, 2011, **John McGill, III**, former OAE Ethics Counsel for more than 20 years, will be accepting representation of attorneys and consultation Re: Legal Ethics Grievances Docketed April 1, 2011 and thereafter.

## FUTURE MEMBER?

Congratulations to members Daniella Gordon and George Saponaro who welcomed baby girl Annika Holly Saponaro on July 16, 2011. Annika weighed in at 7 pounds, 8 ounces and 20.5 inches long. Mom and baby are doing great!

## FUTURE PRESIDENT?

BCBA President Timothy Farrow and wife, Jodie, welcomed Edward "Teddy" Scott Farrow on September 9, 2011 at 11:34 p.m. Teddy weighed in at 7 pounds, 11 ounces and 20.5 inches long. Teddy joins big brothers Patrick and Connor. Congratulations to the happy family!

## PRESIDENT'S MESSAGE

BY: TIMOTHY FARROW



### MAYBE WE CANNOT PLAY IN THE GAME, BUT CAN WE AT LEAST ENTER THE ARENA?

As I said in my installation speech, our Association is one of long-standing traditions. One of those traditions, at least during my limited tenure, is that when it comes to politics, we generally keep our distance. There is of course good reason for that. These days it is not just our Association that wants to keep its distance. In fact it is arguable that the divide between Washington and the general public has never been larger.

Although there might be members of our Association who share in that disdain, that is not the main reason we have not gotten involved. Instead, we have remained steadfast in our commitment to fair representation of all of our members and the diverse political views held by them. There is nothing negative about that reason and nothing wrong with it. We are not a lobbying organization and people should feel free to join our Association without concern about its political leanings.

However, does a desire to remain nonpartisan mean we have to totally avoid it like it really is a dirty word? The answer is obvious. Of course it does not mean that, but to an outside observer, it would seem as if our policy was total avoidance. But maybe it is a necessary position. Can we really step into the political arena without choosing sides? Or maybe it is just not our place or not worth getting involved?

The answer to the first question might not be so easy, but the second one is a no-brainer. Of course it is worth getting involved. The issues decided by our politicians that impact our members are countless. Who is more impacted by the laws passed by our legislators than we attorneys who are asked to argue and interpret them on a daily basis? As an attorney who has always practiced in the criminal arena, it has been especially apparent to me that laws passed in the face of public outrage over a high profile case do not generally make the best law. I am sure all of us have had similar experiences in a vast array of practice areas. And of course, there are the issues relating to our judiciary – not enough judges, not the right judges appointed, and the wrong judges not reappointed.

So if the issues are there, the final question is can we step in without choosing sides? The safe answer still might be no, we cannot step in without at least the danger of alienation of some members. But I say, even if we cannot play in the game, let's at least get in the arena and sit in the first row where they can see us. Maybe we have to sit in that spot in between the home and visitor section, but at least they will know we are there.

Please join us as we give it a shot and show our faces at our first annual Candidates Night on October 25, 2011 from 6-8 pm at Iron Hill Brewery and meet all the candidates from both sides running for county-wide offices right here in Burlington County.

## The Straight Word

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### STATEMENT OF POLICY

The existence of your Burlington County Bar Association is made possible by your financial support. However, our success in fostering professional growth and improving the practice depends on your participation in meetings, programs, seminars and the work of committees, as well as your support of our monthly publication, THE STRAIGHT WORD, by way of suggestions and contributions.

Contributions are welcome, subject to the deadline of the 10th day of each month. There is only one publication during July and August. The right to edit and publish is reserved.

## SEVENTH ANNUAL WINE & BEER TASTING CON'T FROM PAGE 1

One of the Foundation's premier fundraising events, the Wine & Beer Tasting helps raise money for the many community service projects sponsored by the Foundation. Last year's event raised over \$4,000. With your support, we can reach or exceed that amount this year!

All members, their families and friends are invited and encouraged to attend. A reservation form has been included in this month's edition of The Straight Word. Complete the form and mail it, along with payment, to:

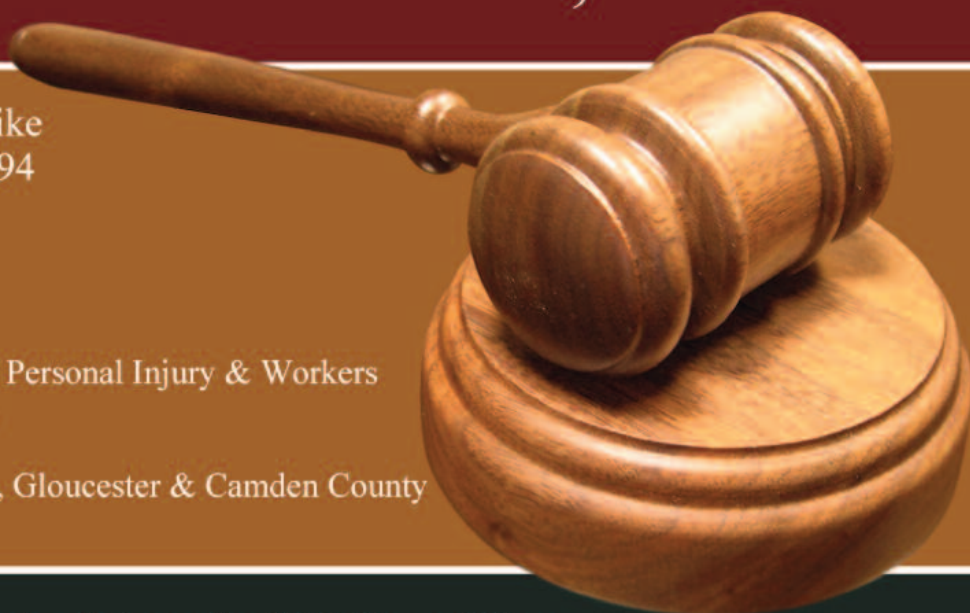
Burlington County Bar Foundation  
c/o Wine & Beer Tasting  
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## JUDGE PORTRAIT MYSTERY SOLVED

BY TED RITTER

*This article was published originally in the Cumberland County Bar Association's newsletter. Mr. Ritter was kind enough to share it with us for our publication.*

This true story begins with attorney Mel Lide driving through East Vineland on a rainy day, in early April 2011. Mel was doing some sleuthing in one of his cases. He chanced to see, on top of a curbside trash pile, an oil painting of a man wearing judicial robes. Mel rescued the painting out of curiosity.

Mel next deputized his son, Cumberland County Bar Trustee, Evan Lide, to begin the investigation. Evan emailed Matthew Ritter and included a photo of the mystery judge's portrait.

Matthew's father, Cumberland County Bar Historian Ted Ritter, did not recognize the man. Ted reproduced copies of the photo and forwarded them to retired Judge Philip A. Gruccio, and to senior attorneys Jay Greenblatt, Bennett Bardfeld, Gerald Eisenstat and Samuel J. Serata.

Gerald Eisenstat recognized the subject of the portrait as a judge who served on the bench in Burlington County in the 1960's.

Following up that lead, Ted sent a copy of the picture to his friend, Camden County attorney John Zohlman, asking that John show it to John's father-in-law, renowned Burlington County attorney Frank Hartman.

John Zohlman immediately recognized the man in the portrait. The subject turned out to be W. Thomas McGann who – get this – was John Zohlman's wife's grandfather and Frank Hartman's father-in-law!

Mel Lide delivered the portrait to Ritter who in turn then gave it to John Zohlman.

The subject of the portrait, the Honorable W. Thomas McGann was born in Moorestown in 1911. He was one of eleven children. He earned his way through the College of South Jersey (now Rutgers University) and was his law school's class valedictorian in 1936.

Mr. McGann quickly became involved in politics. His granddaughter, respected Moorestown attorney, Katie Hartman, relates that "even until his last day, he loved politics. He came home, watched the news and (then) would watch 'Hardball'." He served on the Burlington County bench from 1955 to 1976.

After retiring from the Bench, Judge McGann remained active in his church, in the Knights of Columbus, the Lion's Club and the March of Dimes. He helped raise money for Moorestown recreational fields and for that Township's community center.

In 1986, Judge McGann was the recipient of the Rutgers Law School-Camden Distinguished Alumni Award.

Judge McGann and his wife, Regina, were married for 72 years! Two years before the Judge's death, the couple traveled together to Ireland to celebrate their 70th wedding anniversary.

Tom and Regina McGann had eight children, twenty-two grandchildren and thirty-four great-grandchildren. The Honorable W. Thomas McGann died in 2006 at the age of 94.

No one knows how the Judge's portrait came to be discarded on a trash pile in East Vineland in Cumberland County. Serendipitously, however, it happened on a morning when an observant lawyer was driving past.

Kudos to Mel Lide for saving a portrait that is now a cherished possession of Judge McGann's family.

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**Announces the opening of its new office**

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The new office as well as the Firm's Philadelphia office will be managed by

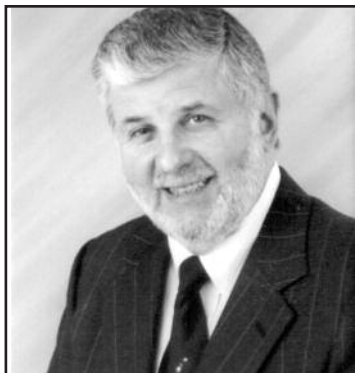
### Christopher J. Tucci

a nationally recognized authority in complex banking litigation who recently joined Connell Foley as a Partner.

For additional information, please contact Christopher Tucci at (856) 988-5487 or email [ctucci@connellfoley.com](mailto:ctucci@connellfoley.com).

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Referral of malpractice and personal injury claims involving significant permanent injury or death are invited from members of the bar and referral fees are honored pursuant to Rule 1:39-6(d).

## DISCOVERING AND MANAGING DIGITAL DIRT

BY GINA F. RUBEL, ESQ.



*We've all heard the warnings and many of us have given them to others: "What you share online is permanent and can come back to haunt you!"*

In fact, not only are there many websites that serve as tools to dig up digital dirt, but the courts are regularly ruling to allow social networking sites to be discovered in litigation. Two such cases include Zimmerman vs. Weis Markets (<http://www.gtleblog.com/uploads/file/Zimmerman.pdf>) and McMillen vs. Hummingbird Speedway. For more case law examples from Hudson Legal, check out their Slide Share presentation at <http://www.slideshare.net/HudsonLegal/analyzing-the-impact-influence-of-social-networking-on-ediscovery-strategy>.

Some courts are calling for "in camera" reviews of social media profiles like Facebook in order to determine if there is any content that is relevant to the particular case. Others are allowing opposing counsel to access passwords when there is reason to believe the opponent's social networking site contains relevant information. The key here is relevance. More often than not, the discovery of information on social networking sites turns the case upside down.

Another thing to remember is that there are ethical implications to using evidence discovered via social networks. There's an excellent article written by two litigation partners at Paul, Weiss, Rifkind, Wharton & Garrison LLP. H. Christopher Boehning and Daniel J. Toal discuss the Ethical Bounds of Using Evidence From Social Networks in the August 04, 2011 issue of the New York Law Journal. I encourage you to check it out – the article is available online.

A growing number of bar opinions regarding discovery and social media exist. In 2009, the Philadelphia Bar Association Professional Guidance Committee found it unethical for an attorney to use a third party to send a "friend request" to an adverse witness's private Facebook page in order to discover impeachment evidence. (Phil. Bar Ass'n Prof'l Guidance Comm., Op. 2009-02 March 2009.) In 2010, the New York State Bar Association looked at the issue of gathering information from public areas of Facebook. (New York State Bar Association Committee on Professional Ethics, Formal Op. 843, Sept. 10, 2010.) In that opinion the CPE, relying in large measure upon Philadelphia Bar Op. 2009-2, found that a lawyer is not in the wrong when accessing a public website that is available to anyone in a network, provided that the lawyer does not employ deception in any other way (including, for example, employing deception to become a member of the network).

I reached out to various contacts using Twitter, Facebook and LinkedIn to see what my comrades had to say about protecting

digital information during discovery. Surety, LLC responded via Twitter (their handle is @absoluteproof, if you want to follow them) stating that the most important "key is to preserve digital evidence in such a way that it can be authenticated later." They told me about their product called WebSeal that they use for this reason. While I have not personally used WebSeal, their website says that this "Web-based service captures and 'seals' evidence from web pages, Facebook, and other social media sites - reducing time, costs and effort associated with litigation readiness." You can access a whitepaper on the topic at <http://t.co/YZpWOyh>. Other social media archiving and discovery tools are Smarsh, Hanzo Archives and Erado.

The management of digital dirt is also affecting human resources and employment law. An article from Monster.com provides a list of important points to know concerning social media and legal matters regarding employment including social media activity at work, photos on social media and free speech restrictions. You can read it at:

<http://www.monsterthinking.com/2011/03/02/social-media-and-employment-law/>

Social media activities are often part of the evaluation process by a potential employer. CNN recently interviewed Max Drucker, CEO of Social Intelligence Corp. which provides social media background screening services for employers and human resource professionals. Social Intelligence works with companies that are looking to hire talent by scouring the Internet and preparing a seven-year report of prospective job candidate's online activity. They specifically look for language that is used on social media sites and only access public information. Drucker explained that red flags for hiring may include signs of racist remarks, illegal activity such as drug use, violence and sexually explicit pictures and videos. To see the full video, go to <http://am.blogs.cnn.com/2011/07/22/would-you-pass-a-social-media-background-check/>

Amanda Walsh, the Social Media Manager for Furia Rubel Communications, Inc., brought a New York Times article to my attention. The article, "Social Media History Becomes a New Job Hurdle", also references Social Intelligence Corp. Amanda and I compiled several tips that lawyers should consider regarding their own online profiles and those of their clients.

### Set Up Google Alerts:

Set up various Google Alerts with your name, your firm's name and your clients' names, when possible. According to international productivity expert Neen James ([www.neenjames.com](http://www.neenjames.com)), if you use Microsoft Outlook, use the email management program to set up "Rules" so that any email with the title "Google Alert" is directed into a specific folder in your inbox. This will greatly help with your email productivity. That way you're not overwhelmed with Google Alerts in your Inbox, but can develop the

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# WHAT ATTORNEYS NEED TO KNOW BEFORE WORKING FROM HOME

BY: MIKE MOORE



Call it a "virtual office" or merely "working from home" - no matter what your term is, working in a location other than a traditional office is increasingly viable for attorneys. Gas costs a fortune and technology makes working from a home office cheap, attractive, and feasible. But aside from the

obvious cost savings (and potential tax benefit), there are several practical issues to consider before abandoning your Class A office space for your house.

In any decision making process, it helps to go back to the pros & cons. In the case of working where you sleep, let's examine the "pro" side:

## No office roomies.

In other words, barring client visits, you're free to dress casually, listen to music at whatever volume you'd like, eat at your desk, use your speakerphone, burn candles, and otherwise create a work environment that is tailored solely and exclusively to Numero Uno.

## No commute.

Depending upon where you live, working at home can easily add several minutes up to a few hours of productivity a day. Similarly, you may actually live closer to the places you need to periodically be (court, county clerk's office, client offices, etc.) and thus, could be significantly cutting your out-of-pocket commuting costs.

On the other side of the ledger, you'll need to address:

## Interruptions.

When working at home, spouses, significant others and/or kids need to respect the home/office distinction. Realistically, the adults in the picture either inherently have the ability to respect this or they don't - and you probably know whether they do already. If they don't, contending with that can be very difficult, and end up affecting both your professional and personal life.

## Self-Discipline.

For your part, you need to respect that you can't be "on the clock" 24/7. In some ways, working from home can be a big enabler for workaholics because the work is always right there, staring right at you. As lawyers know, setting bright-line rules is usually not a successful approach. However, barring the occasional real client emergency, it is generally possible to set down some general parameters and try to keep business to business hours.

## Perception issues.

Some clients will not necessarily look favorably upon a lawyer working out of her home, but that perception is changing fast as technology continues to evolve. (The huge, opulent "traditional"

office also has its own, sometimes worse, set of perception problems.) In addition, for certain projects like discovery production, due diligence, deal closings, board meetings, etc., it's possible - and even preferable - to work with the client right at the client's office.

## Zoning Or Use Restrictions.

That cranky neighbor, or the self-proclaimed King of your Condo Association, will undoubtedly get all bent out of shape if he sees clients periodically coming and going from your home. Be aware that if your property isn't in an area zoned for your practice, you could end up spending a lot of time you didn't plan for doing a bunch of extra favors or seeking variances.

## Networking.

When working at home, it's easy to get pigeonholed. While social media certainly makes this less of an issue than it once was, "old school" networking is something that can require some additional conscious effort when you're at home. It's important to do all the networking activities (lunches, lectures, schmoozing, etc.) that you'd otherwise be doing if you were working out of a "traditional" office.

However, let's say you've made your decision. Good luck to you! Use the following checklist to make sure you have the critical components necessary to make your working from home experience a success:

- A reliable laptop and scanner (Macs, Lenovos, and Fujitsu ScanSnaps are my recommendation).
- A comfortable office-type chair and desk.
- Web-based practice management software for billing, calendar, contacts, document management and trust accounting.
- A phone system, which can be configured inexpensively with the use of Skype or other options. (Virtual receptionists are also available to help with client service and efficiency at reasonable rates.)

*Mike Moore is the CFO and VP of Business Affairs for Rocket Matter (rocketmatter.com), an online legal software product. He is a graduate of SUNY-Buffalo's JD/MBA program, and a frequent contributor to the Legal Productivity blog (legalproductivity.com.)*

### SEARCHING FOR WILLS

Looking for attorney who drafted wills for Daphne E. Friel (died April 18, 2009) and James F. Friel (died March 31, 2011) both died in Burlington County.

**Contact Thomas Stack @ 818-553-1779**

# NOTICE TO THE BAR

## DISPOSITION OF MUNICIPAL COURT MATTERS IN THE SUPERIOR COURT AND NOTIFICATION TO MUNICIPAL COURT

This Directive supersedes Directive #40-64 and sets out procedures for recording and reporting municipal court matters that are disposed of by a Superior Court judge sitting as a municipal court judge. Directive #40-64, issued on July 9, 1965 by then Administrative Director Edward B. McConnell, permitted Superior Court judges, acting as municipal court judges, to fully dispose of municipal court matters.

Unless there is some compelling reason otherwise, a Superior Court judge should dispose of all parts of a case before the court, including any associated municipal court matters. This procedure increases the overall efficiency of the court system. It also avoids having the defendant appear for a second matter that arose out of the same event, thus eliminating potential double jeopardy issues. See, e.g., State v. Hand, 416 N.J. Super. 622 (App. Div. 2010). Indeed, when an indictable offense goes to trial, the court is required by Rule 3:15-3 to join any pending non-indictable complaint that is based on the same conduct or arising from the same episode, unless the defendant or the State would be prejudiced by doing so. See also Rule 3:1-6(a).

### Adjudication of Motor Vehicle Offenses (Title 39)

When a Superior Court judge adjudicates a Title 39 motor vehicle offense because it is associated with an indictable charge, the court must by e-mail or fax transmit a copy of the completed traffic ticket, including the disposition (and whether defendant's driving privilege is suspended) and all other related paperwork, to the municipal court where the charge originated within 48 hours of sentencing or by the next business day, whichever is later. The municipal court when it receives the completed ticket and disposition will enter that disposition into the Automated Traffic System (ATS) (the statewide municipal court computer system), indicating in the case notes that the disposition was made in the Superior Court. The Superior Court thereafter must return the original of the previously e-mailed or faxed traffic ticket and disposition to the originating municipal court as soon as practicable, but no later than 20 days after sentencing. ATS will electronically transfer the data regarding the Title 39 disposition to the Motor Vehicle Commission (MVC) and the data will thereby be included on the defendant's driving record (including any suspension of driving privileges).

While a Superior Court judge may impose fines, penalties, and assessments associated with the conviction for a motor vehicle offense, the Superior Court must not collect any such fines, penalties, or assessments. Instead, the Superior Court judge must instruct the defendant to pay the motor vehicle fines, penalties, and assessments as imposed by the Superior Court to the municipal court where the charge originated and to do so by a specified date. The municipal court administrator of the originating court will be responsible for the collection and appropriate disburse-

ment of any such monies. See N.J.S.A. 39:5-41(a) and 2C:46-4(a)(2).

Additionally, at the time of sentencing, the Superior Court must have the defendant sign any necessary Title 39-related forms, such as the statutorily-required "Notice to Defendant Upon Conviction on N.J.S.A. 39:4-50(a) and (g)".\* The Superior Court shall forward any such completed and signed forms to the originating municipal court within 20 days after sentencing.

### Adjudication of Disorderly Persons or Other Quasi-Criminal Offenses

When a Superior Court judge adjudicates a disorderly persons or petty disorderly persons offense or other non-motor-vehicle quasi-criminal matter usually adjudicated in municipal court (such as local ordinance, weights and measures, or fish and game violations), the Superior Court shall record the disposition in PROMIS/Gavel, the electronic criminal case management system, and shall retain the paperwork. In such matters the Superior Court also shall retain jurisdiction of the matter. The county Probation Division shall be responsible for collecting any fines, penalties, or assessments associated with such adjudication. See N.J.S.A. 2C:46-4(a)(1). All such monies collected shall be distributed in accordance with statute, including N.J.S.A. 2C:46-4.

### Nonadjudicated Matters

If a Superior Court judge is aware of an associated municipal court complaint, whether motor vehicle or quasi-criminal, and for good reason does not adjudicate that associated complaint, the Superior Court judge shall instruct the prosecutor to return the original paperwork to the appropriate municipal court without delay, but no later than 7 days after such direction, so that the municipal court can schedule a court date for that matter.

### Suspension of Driving Privileges – Notification to MVC

As noted above, when a Superior Court judge adjudicates a Title 39 motor vehicle offense, the court shall forward the disposition, including any suspension of defendant's driving privileges, to the originating municipal court within 48 hours, with the municipal court then to enter that information into ATS which then automatically forwards that suspension information to the Motor Vehicle Commission ("MVC"). However, when a Superior Court judge suspends a defendant's driving privileges as a result of a criminal or quasi-criminal non-motor-vehicle conviction, the Superior Court must directly notify the MVC of the suspension through use of an MF-1 (conviction) or MF-4 (appeal) card.

Signed:  
Glenn A. Grant, J.A.D.  
July 12, 2011



It's a heteronym! A word that is spelled the same but differs in meaning and pronunciation. Remember last month when I offered to buy a drink at State Bar Night for the first one to give me the name for such a word? Well, the first and only one was Ed Kondracki. I too seldom see or hear from Ed. I hope many of you know him. He's a nice guy. He said he will probably not be at State Bar Night, so I should have an extra drink for him.

Asking questions - no wonder I've always thought cross-examination is the high point of trying cases - helps you learn many things. So, it is no surprise that my question taught me many things. First, I should have tried Google for an answer. Ever since my first search on it for "Yoda", I've come to believe there is nothing in the universe of knowledge that you cannot find there. Second, I found a new (to me) website, Fun With Words. If you enjoy words, as I obviously do, you will visit often.

Ed wrote to me: "Homographs or homograms, which are synonyms, refer to words that are spelled the same but differ in meaning, derivation or pronunciation. Homophones are words that are pronounced the same but differ in meaning, derivation or spelling. Homonyms are words that are both homographs and homophones: words that are spelled and pronounced the same, but differ in meaning or derivation. Heteronyms are a type of homograph. They are words that are spelled the same but differ in meaning and pronunciation. All heteronyms are homographs but not all homographs are heteronyms."

I was really impressed with his erudition until I read the same paragraph verbatim on that web site, Fun With Words.

Third, I learned that Google's sources don't always agree. Despite Fun with Words saying homographs or homograms are synonyms, when I typed in Synonyms.com, my computer responded that it was sorry, it could not find a synonym for heteronym. I was not surprised since "gram" comes from a Greek root, gamma, meaning a small weight; whereas the Greek root, graphos, means something drawn or written.

Fourth, I learned that my grade school definition of a homonym, words pronounced the same but spelled differently, which I used in last month's column, is not an expansive enough definition. As you read (a heteronym by the way)

homonym's are both homographs and homophones. Oh well, enough! This is beginning to sound like an Abbott and Costello routine.

Fifth, I learned that Ed was probably not going to enjoy the pleasure of State Bar Night and won't see, and be seen by, lots of lawyers who have "fun with words" for a living and fun while socializing. Will I see you there?

Speaking of Bar activities recalls to mind the recent Opening Term of Court Ceremony. I did not see many of you there. Our traditional Burlington County Memorial Service was combined this year with the State Bar Memorial Service for September 11th. It was, as always, an impressive production and all involved in planning and implementing it deserve lavish praise. Naming some presents the danger of omitting others deserving of equal credit, but Judge Bookbinder for the Judiciary, Jude Del Preore for the Court Administration and Kara Edens for our Bar Association all should be commended.

Especially provocative were the tributes to the memory of our recently departed sisters and brothers of the Bar. Provocative may seem a strange adjective, but they provoked in me a desire to want to know my colleagues even better in life and not want to know about them only when they have left us. As one attendee observed: who would have thought that that fellow jogging around town in a bandana wrote three books; or, that we had quietly amongst us one renowned in Intellectual Property Law. So Ed, and all, lets support our Bar activities and find out who among us are square dance callers, bridge experts, fencers, etc. and expand our personal horizons by interacting with them.

Years ago I read an advertisement that had a point as well as a pitch. I'm sure it wasn't copyrighted and I won't copy it right, but with the liberty of memory it goes something like this:

"Once there was a man who so loved a woman that he would not let her memory die and so he built the Taj Mahal. When the house of Guerlain wanted to name a perfume that was suggestive of such a love, they did not name it for that monument, but for the beautiful gardens where they fell in love, Shalimar. After all, this perfume is for beginnings, not endings."

So too the opening term of Court is a beginning and not an ending. Let it remind us to begin to better know our fellow Barristers in life and not merely know the mention of them in memorials.

## DISCOVERING AND MANAGING DIGITAL DIRT CON'T FROM PAGE 7

good habit of checking this folder once a day for any important information.

### Maintain a List of Social Media Accounts:

Maintaining a list of all social media accounts with passwords is not only useful for organizational purposes, but is useful to have everything in one place. Use this list at least quarterly to search for red flags on all of your accounts. You may even consider disabling the accounts on networking sites where you are no longer active (such as MySpace).

### Pay Attention to Privacy Settings:

If a judge says it's discoverable, it will be discoverable regardless of privacy settings. That said, if your social media account activity is fully public, then it's discoverable without the court saying so. There are times when your settings should be set to 'private' and there are times when they shouldn't. As a legal practitioner, it's important that you know the difference. However, what's also important is that you educate your clients not to be fooled into thinking that even private accounts won't come back to haunt them.

### Think Before You "Speak" Online:

Just last year, the Library of Congress announced that all public Twitter posts would be archived. This news drives home the importance of good judgment when engaging online since anything that is tweeted is being recorded. At Furia Rubel, we always advise our clients to keep their online identity in line with a company social media policy. Your law firm does have one, right?!

So remember, it is better to take the proactive step to monitor your online identity (and those of your clients). Don't let something that you or your clients have shared come back to haunt you!

*About the Author: Gina F. Rubel, Esq. is the owner of Furia Rubel Communications Inc., a strategic and integrated marketing and public relations agency with a niche in legal communications. She maintains a blog at [www.ThePRLawyer.com](http://www.ThePRLawyer.com), is a regular contributor to *The Legal Intelligencer* and blogs for *The Huffington Post* (<http://www.huffingtonpost.com/gina-furia-rubel>). You can find her on LinkedIn at [www.linkedin.com/in/ginafuriarubel](http://www.linkedin.com/in/ginafuriarubel) or follow her on Twitter at <http://twitter.com/ginarubel>. For more information, go to [www.FuriaRubel.com](http://www.FuriaRubel.com) or send an e-mail to [gina@furiarubel.com](mailto:gina@furiarubel.com).*



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THE STRAIGHT WORD OCTOBER 2011 - PAGE 13

## BERGE TUMAIAAN NAMED PROFESSIONAL LAWYER OF THE YEAR CON'T FROM PAGE 1

Tumaian earned his Juris Doctor from Widener University in Delaware. An active member of the Burlington County Bar Association, Mr. Tumaian has served as co-chair of the Association's Lawyer Referral Service/Pro Bono/Legal Services Committee in 2009-10, and again in 2011-12, and was instrumental in reviving the committee. Mr. Tumaian also serves on the Board of Trustees for the Burlington County Bar Foundation. In addition, he is a member of the Executive Committee of the Thomas S. Forkin American Inn of Court, and is trained by Burlington County Court System as volunteer mediator for Burlington County Municipal Courts.

Mr. Tumaian is admitted to the Bar of New Jersey; the U.S. District Court, District of New Jersey; U.S. Court of Appeals, Third Circuit; and the United States Supreme Court.

Those interested in attending the luncheon to support Mr. Tumaian, can register by contacting the New Jersey State Bar Association at (732) 249-5000.

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## AUCTION ITEMS SOUGHT

The Burlington County Bar Foundation is seeking items for the fisherman's pull and silent auction to take place during the 7th Annual Wine & Beer Tasting on November 4, 2011 at Moorestown Field Club.

Past donations include sports tickets and memorabilia, gift certificates to area restaurants, golf packages, jewelry, spa gift certificates, and luxurious gift baskets. Donations are vital to the event's success and make for a fun evening as attendees anxiously await the reading of the winning numbers. Proceeds from the auction benefit the Foundation's many community service projects such as a holiday party for disadvantaged children, grants for area high school programs, and donations to local charities.

To make a donation, contact Bar Headquarters at (609) 261-4542 or via e-mail at [karaedens@burlocbar.org](mailto:karaedens@burlocbar.org). Spread the word!

## NOMINATIONS SOUGHT FOR HAINES AWARD

Nominations are currently being accepted for the Hon. Martin L. Haines Award. The Association's highest honor, the award was created in honor of the late Judge Haines' accomplishments as an attorney and judge and is presented to a member who best exemplifies the qualities of Judge Haines: personal and professional integrity, devotion to the legal profession and legal scholarship, and dedication to the justice system and the people of Burlington County. It is the Association's highest award.

A nomination form is included in this issue of The Straight Word. Nominations must be received by December 12, 2011 to be considered.



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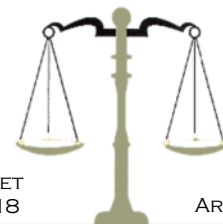
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