



THE STRAIGHT WORD

VOL. 55, NO. 4

BURLINGTON COUNTY BAR ASSOCIATION

APRIL 2021

CONGRATULATIONS TO THE 2021 WINNER OF THE HAINES AWARD **JAMES J. GERROW JR.** AND THE 2021 WOMAN OF THE YEAR RECIPIENT **JANICE L. HEINOLD**



UPCOMING EVENTS

APRIL

- 4/13 Who Do You Need To Meet: How To Network in Business Today?
12:30-1:30p, Zoom
- 4/14 Virtual Yoga Night
7:00-8:00p, Zoom
- 4/15 Haines Award and Woman of the Year Award
6:00-8:30p, The Madison
- 4/20 Good Intentions Aren't Enough: Part III
4:30-6:45p, Zoom
- 4/21 Let's Talk About Special Ed: Crash Course Perspectives from Parent & School
12:30-1:30pm, Zoom
- 4/21 Law Clerk Speed Networking
6:00-8:00p, The Community House
- 4/27 Hot Trends In Probate Litigation
4:30-6:45p, Zoom
- 4/28 New Jersey Administrative Law: Overview and Recent Developments
12:30-1:30p, Zoom

MAY

- 5/4 Law Day Dinner
6:00-8:30, Medford Village
- 5/5 Making Videoconferencing Work For You
12:30-1:30p, Zoom
- 5/11 Mindfulness for Lawyers
12:30-1:30p, Zoom

Congratulations!

Haines Award Recipient
James Gerrow

Woman of the Year
Janice Heinold

WE'RE CELEBRATING!

4-15-21

6:00-8:30PM

\$65 PER PERSON

MUST REGISTER BY 4/4

MANNED FOOD STATIONS AND CASH BAR
THE MADISON, 33 LAFAYETTE ST, RIVERSIDE
LIMIT 60 PEOPLE

Event Outdoors in Courtyard

DUE TO COVID REQUIREMENTS, MASKS REQUIRED

Register Here

New Members



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CALL FOR ATTORNEYS: REDUCED FEE REFERRAL PROGRAM

ARE YOU INTERESTED IN GIVING BACK TO THE COMMUNITY OR MAKING SOME EXTRA INCOME?

The Burlington County Reduced Fee Referral Program is looking for attorneys to participate. The RFRP is a program available to litigants in Burlington County who do not qualify for legal services and/or the Public Defender, but who cannot afford to hire an attorney at a regular rate. Individuals who meet the income requirements for the program will be referred to an attorney who may represent them at a reduced rate. The RFRP takes cases in most divisions in the Superior Court, and in every Municipal Court in the Vicinage. If you would like to participate, contact us at bcba@burlcobar.org or 609-261-4542.

AREAS OF IMMEDIATE NEED:
Foreclosures
Child Abuse and Neglect
Child Support Reduction/Increase
Immigration
Bankruptcy
Child Visitation
Unemployment Appeal

THE STRAIGHT WORD

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STATEMENT OF POLICY

Opinions expressed in signed articles appearing in *The Straight Word* are those of the author alone and not necessarily of the Burlington County Bar Association, its officers, or its Board of Trustees.

The existence of the 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 *The Straight Word* by way of suggestions and contributions. Contributions are welcome, subject to the deadline of the 10th day of each month. *The Straight Word* is published ten times a year. The right to edit and publish is reserved.

PRESIDENT'S MESSAGE



The woods are lovely, dark and deep,

But I have promises to keep,

And miles to go before I sleep,

And miles to go before I sleep.

- Robert Frost, "Stopping by Woods on a Snowy Evening."

I have spent much time reflecting on this passage over the last several weeks while, like so many others, trying to come to terms with the many senseless crimes that have targeted our fellow Americans, many of whom are people of color and members of vulnerable populations. As we approach the one-year commemoration of George Floyd's tragic death, we are left yet again to grapple with more social unrest and tragedy. Most recently, our nation's attention has been drawn to the experience of our Asian-American population, with studies indicating that there was a 150 percent surge in anti-Asian hate crimes in 2020, concurrent with the Covid-19 pandemic.

With America's family becoming ever more diverse, it is up to all of us to serve as allies for our fellow citizens, neighbors, brothers and sisters. As our Association's first Arab-American President, I have focused my tenure on service to others, diversity and inclusion. I have encouraged each of you, on many occasions, to delve deep into your rich family history and tell your story, as I have had the pleasure of sharing mine with all of you. This past October, our Association interviewed some of our members who immigrated to this country from Jamaica, India and Romania and had them share their experiences. We all have stories that make each of us unique, yet united in the knowledge that most of our ancestors have endured wars, hardships, some unspeakable, and made many sacrifices to get us to where we are today. Learning these stories enriches our lives and our understanding of others with whom we interact.

Our Association has taken meaningful strides in offering to its members education on the complex issues of racism and its impact on equal justice for all. We were fortunate to partner with the Association of Black Women Lawyers, the Garden State Bar and our faith-based community when we presented our CLE entitled, You've Got a Friend in Me: Effective Allyship. During this seminar we focused not only

on the circumstances so many in our society endure, but also on the importance of being an ally in the face of racism. We learned how we go about becoming an ally, and what steps we can personally and collaboratively take not only toward being sympathetic to and understanding the plight of others, but being willing to act with and for others in pursuit of creating equality. Our presentation was met with great success in terms of the questions and dialogue that followed, but was only the first of many steps our Association took. We continued our journey by partnering with our sister bars and hosting our Diversity Open House, which was designed, successfully, to invite a more diverse body to our association's ranks. In addition, the Association took the initiative to present a three-part series entitled Good Intentions Are Not Enough. This series, both highly educational and emotional, provided our members the opportunity to discuss in an open forum the issues that confront vulnerable populations, focusing on people of color.

While the topics of these seminars and their discussions resonated with the challenges of our nation's past, they were also painfully poignant as respect to our present. Our Association will continue to work collaboratively with our sister bar associations and the faith-based communities and have these open, emotional, and spirited discussions and exchanges in the future. Through education, acceptance, awareness and action, we have the power to better our present landscape.

Please join us on Tuesday, April 20 at 4:30 for Good Intentions, Part III, when we continue our journey to address "where do we go from here, what actions can be taken moving forward to address the problems of racial discrimination and biases." While we still have many miles to go before we sleep, if we become effective allies to others, together we can shorten those miles and say at the end of the journey, "job well done."

Wishing all of you peace.

Reema Y. Scaramella

[Register here for Good Intentions Part III.](#)

HAINES AWARD RECIPIENT JAMES J. GERROW JR.



Please join us in congratulating James J. Gerrow, Jr. as the 2021 recipient of the Martin L. Haines Award! Created in 2007 in honor of Judge Martin L. Haines, the Haines Award was established to recognize those who best exemplify and display the qualities of Judges 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 honor.

Mr. Gerrow graduated from Temple University School of Law in 1974, having received his undergraduate education at Saint Joseph's University. He began his legal career as a law clerk for the Hon. W. Thomas McGann and the Hon. Herman Belopolsky in Mount Holly Jersey.

From September 1975 until August 1982 he was an Associate Attorney and, later, shareholder in the law firm of Hartman, Schlesinger, Schlosser, Faxon & Foy in Mount Holly, primarily engaged in criminal defense and municipal court work, both as a prosecutor and defense attorney. Gerrow went on to serve in the Burlington County Prosecutor's Office from August 1982 until his retirement in December 2007, as Executive Assistant Prosecutor. He previously served as Acting Burlington County Prosecutor (11/98 – 6/99), Chief Trial Attorney and Deputy First Assistant Prosecutor, Litigation Section.

While in the Prosecutor's Office, Gerrow prosecuted major crimes cases to include capital murder and various criminal homicide cases, cases of aggravated sexual assault, robbery and official misconduct involving law enforcement officers. Additionally, Jim had extensive responsibility in the preparation of annual budgets, labor negotiations, hiring and promotional interviews and recommendations, and disciplinary matters. He was an instructor at the Burlington County Police Academy for over thirty years, including time spent as a defense lawyer.

Gerrow served as the Special Prosecutor in the investigation and prosecution of the April 23, 1998 New Jersey Turnpike Trooper Shooting Case that confirmed the use of racial profiling by the New Jersey State Police patrolling the New Jersey Turnpike. He was also a member of Attorney General's Committee that developed

the Megan's Law Registrant Risk Assessment Scale. Prior to the Attorney General's Guidelines, Jim conducted live "community notifications" regarding sex offenders at citizens meeting in Burlington County municipalities.

Jim is a former President of our Association; having served as a trustee of the Association and, thereafter, in the various chairs of its Executive Committee. He served three terms as the Burlington County Trustee of New Jersey State Bar Association. He has served on numerous Association Committees over the years, such as the Professionalism Committee, and many terms as the Chair and a member of the Judicial and Prosecutorial Appointments committee. He has also served as the Burlington County Bar Association's Liaison to the Burlington County Courts Security Committee. He also served as Co-Chair of the Association's Government Relations Committee.

He was a founding member of the Burlington County Human Relations Commission serving as a commissioner for many years. He was a member of a group of attorneys who revitalized and reincorporated the Burlington County Bar Foundation in the early 1990's. Most importantly, Jim has stood in for the real Santa Claus for over a two decades at the Annual Burlington County Bar Foundation Holiday Party: "The one day a year my dream of being a rock star comes true," he said.

He is a Past Chair of the Criminal Law Section, New Jersey State Bar Association and had been a Trustee of the Section for over fifteen years. He is a Past Co-Chair of the Association's Judicial Administration Committee and former Chair and current member of the Legislative Committee. He has also served on the Association's Budget Committee.

Jim has served on a number of special Committees of the Association to include, among others, the Ad Hoc Committee on Jury Selection & Peremptory Challenges and Special By-Laws Review Committee. He was one of the NJSBA's representatives on the Attorney General's, AOC, Sheriff's Association, NJSBA Joint Committee that developed the statewide attorney identification card. He is the current South Jersey Chair of the NJSBA's Judicial and Prosecutorial Appointments Committee.

He now serves on The New Jersey State Bar Foundation's Mock Trial committee. Gerrow previously served on the editorial board of The Respect newsletter and as a member of the Finance and Audit Committee. He has participated in the Vincent J. Apruzzese Mock Trial Competition as a judge on the county and state level and on the national level for the American Mock Trial Invitational.

He is a frequent lecturer for the Institute for Continuing Legal Education at seminars and, previously, the Institute's Skills & Methods course.

Jim lives in the City of Burlington with his wife Marla and has two adult step-daughters, Kelley and Katelyn.

WOMAN OF THE YEAR: JANICE L. HEINOLD, ESQ.

The Katherine D. Hartman Outstanding Woman in the Profession Award was created in 2015 by the Women in the Profession Committee to honor a woman in the legal profession who demonstrates outstanding leadership, dedication, mentorship and service to the Burlington County Bar Association and surrounding community. This year the Women In Profession Committee is please to announce the winner: Janice L. Heinold, Esquire.

Ms. Heinold's character, dedication and commitment to the Burlington County Bar Association made her an outstanding choice as this year's award recipient.

Janice L. Heinold is a partner at Raymond Coleman Heinold, LLP where she specializes in Real Estate, Civil Litigation, Worker's Compensation, Estate Administration, and Business Law and serves as a Certified Civil Arbitrator for NJ Superior Court. Prior to working at Raymond Coleman and Heinold, Ms. Heinold worked at Rakoski & Ross.

A longtime member of the Burlington County Bar Association, Ms. Heinold has served on the Board of Trustees for ten years. She served as President of both the Burlington County Bar Association and Foundation. In 2004, Heinold received the prestigious Robert W. Criscuolo Award for service to the Bar. Ms. Heinold also serves as the Burlington County Trustee to the New Jersey State Bar Association Board of Trustees. She is a committee member on the Judiciary's Committee on Landlord/Tenant Court and chair of the BCBA Workers' Compensation Committee. Ms. Heinold also served as Chancellor of the Rutgers Law Camden Alumni Association.

Heinold was admitted to the Bar of the State of New Jersey in 1997. She is also admitted in the State of Pennsylvania, the U.S. District Court for the District of New Jersey, the U.S. Court of Appeals, Third Circuit, and the United States Supreme Court. Ms. Heinold was co-counsel on a case argued before the US Supreme Court.

Janice Heinold graduated from The George Washington University in Washington, D.C. with a degree in Business Administration. Heinold earned her Juris Doctor from Rutgers University School of Law – Camden in 1997. While in law school, she was involved in the Peer Tutoring Program (Torts and Property) and the Environmental Law Society (Secretary), as well as being a member of the Hunter Moot Court Board, 1996-1997. She served her clerkship with the Honorable Roger F. Mahon, now retired, of the Superior Court of New Jersey, Hunterdon County.



A dedicated and devoted member to the BCBA and BCBF, Ms. Heinold has served as sommelier at numerous events and has dedicated immeasurable time to help fundraising efforts to support our local community. Ms. Heinold is also a monthly contributor to the Straight Word producing a novel and informative column.

Enjoy a beautiful spring evening at The Madison and show your support of Ms. Heinold and Mr. Gerrow. Tickets are \$65 per person.

***Register Here for the
Woman of the Year and
Haines Award Event***

WINE PICK OF THE MONTH

By Janice L. Heinold, Esq.



Last month, we focused on a female wine importer from Bosnia-Herzegovina, Indira Bayer. This month, I want to focus on another: Mary Taylor. Mary Taylor began working in wine in the 1990s, selling French and Italian wine at New York City wine auctions, before moving into retail. She learned to appreciate wine the European way: not as a luxury good reserved for special

occasions, but as a necessary, everyday, agricultural product. She moved to Bordeaux, and began to fully understand the idea of “terroir,” the reason why Pinot Noir from one village tastes different from Pinot Noir from the neighboring village. This is why many European wines have villages or place names rather than the grape on the label.

She realized that Americans needed a brand they could trust to bridge their knowledge gap between grape-focused labels and place-of-origin labels, in order to fully understand and appreciate terroir. She came up with her elegant White Label, and began working with small growers to produce high quality, sustainably-grown, regionally-distinctive wines at accessible prices.

At the 2018 Burlington County Bar Foundation Wine, Beer and Bourbon Tasting, I served a 2017 Mary Taylor Anjou Blanc (Loire Valley, France). 100% Chenin Blanc, this wine is sourced

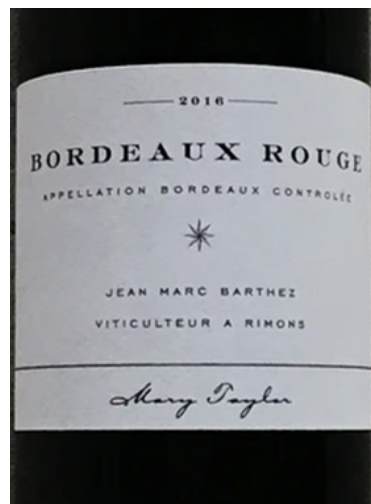
from Pascal Biotteau from his family estate Château d'Avrillé, by the village of Saint-Jean-de-Mauvrets, situated on the old Roman road from Angers to Poitiers. Sustainably grown on a blend of slate,



sandstone and schist, this 2017 Chenin was fermented in stainless steel. Focused, refreshing, and perfectly-weighted between honey, peach and apricot, with slate minerality and bright acidity. 12% abv. Available at WineWorks and West Deptford BuyRite for \$13.

At a virtual wine tasting last summer, one of the wines I tasted was Mary Taylor's 2018 Bordeaux Rouge. Arguably the most famous wine region in the world, Bordeaux is well-known for its prized First Growth Chateaux, and their astronomically priced-wines. There is another side to Bordeaux, the small farmers who share the banks of the Garonne and the Dordogne rivers with the famous Chateaux, and it is to this side of Bordeaux that Mary Taylor searched for high quality, affordable Bordeaux.

This wine is sourced from winemaker Jean Marc Barthez, president of a small co-operative winery in Monségur, a village about one hour's drive southeast of the city of Bordeaux,



founded by Eleanor of Aquitaine in the 13th Century. The co-op is a collective of small family farms, many certified organic, who produce Bordeaux wine their families and neighbors can afford. The 2016 blend is 50% Merlot, with equal parts Cabernet Sauvignon and Cabernet Franc making up the other 50%.

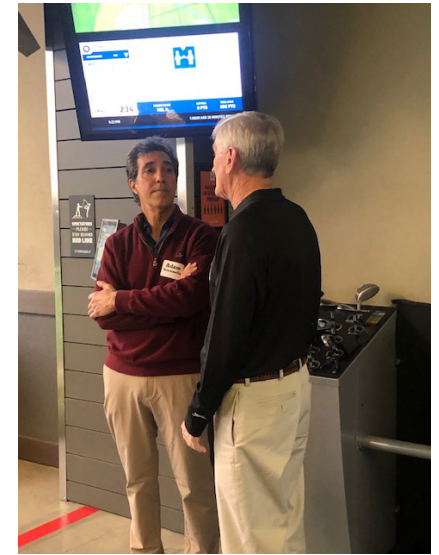
Unlike most red Bordeaux wines, there is no oak used in the aging process of this wine, only stainless steel, allowing the terroir to shine through. Blackberries, plum, forest floor, and graphite aromas on the nose continue through the palate, with bright acidity and an elegant finish. This well-balanced wine would pair perfectly with grilled vegetables, duck breast, marbled steaks, or nothing at all. 13% abv. \$18 at West Deptford Super BuyRite.

Mary Taylor has sixteen “White “Label” wines, from France, Italy, and Spain, and I intend to try them all. Santé!

BCBA AT TOP GOLF



After many months of not seeing each other, the BCBA members enjoyed a fun night out at Top Golf.



Allison Burhardt, Brooke Weidhass and Stacey Gorin



Tim O'Brien and Adam Scaramella



Lindsay Burrill-VanDullen, Alexis Smith, Tess Wagoner, Amira Scaramella and Melissa Malik

Ashley Buono and Susan Hodges



Mel Holloway



Judge Hoffman



Stacey Gorin, Reema Scaramella and Berge Tumaian

BE A GOOD ALLY. IDENTIFY YOUR PRONOUNS

By Brenda Maneri, Esq..



Diversity, inclusion, implicit bias, cultural competency. It is more than probable these words have been spoken by you or addressed to you in some form or another, especially over the last several months. And while the issue of race has been in the forefront of these discussions, there also exists an intersection

of identities (sexual orientation, gender identity, class, disability and religion to name a few), that deserves equal attention. Intersectionality is an important part of inclusion because it explains the different ways in which discrimination overlaps.

Most of us are sincere when we say we do not discriminate and respect people's differences. We want to be good allies. Hopefully, you have heard that to be a good ally you must do more than just state that you are not biased. To be a good ally, you must actively show and take steps, even small ones, to be inclusive. To that end, this article will attempt to convey the importance to the LGBTQ community when using pronouns in the workplace. What does it mean to use your pronouns in your signature line or zoom identification? (notice I did not say "preferred" pronouns. Gender identity is not a choice.)

Use of your pronouns in your signature line, zoom identification, or conference name tag shows that you acknowledge the world is not binary. It shows that you will not assume someone's identity based on their name or outward appearance. It tells the LGBTQ community that you will not discriminate. It communicates to others that you have empathy and that you will provide a safe space for people to discuss legal issues that have arisen from their gender identity or sexual orientation.

I recently had a colleague tell me he would not put his pronouns in his signature line because although he supports equal rights for the LGBTQ community, he keeps his personal opinions out of his professional communications. However, using your pronouns in your signature line is not a political statement. There is nothing political about asking people to use correct pronouns in communications. It is not a movement. It is a courtesy so that others do not have to guess or make assumptions.

Some attorneys fear the pronoun identification because they do not understand what it means to be non-binary or transgender. That lack of understanding turns into discomfort. That discomfort translates into fear that someone might ask them to explain the pronouns in their signature line. The simple answer to that question: "People use different pronouns. These are mine."

Use of pronouns in communications and introductions is not a fad. LGBTQ cultural competency permeates all aspects of our life. New Jersey schools recently mandated LGBTQ curriculum. The United States Supreme Court, in its recent decision, authored by Justice Neil Gorsuch, ruled that Title VII of the Civil Rights Act of 1964, which prohibits discrimination on the basis of sex, should now be read to also prohibit discrimination on the basis of sexual orientation and gender identity. *Bostock v. Clayton County*, 140 S.Ct. 1731, 590 U.S. ___ (2020). This landmark case for our LGBTQ co-workers acknowledges that people are different and should still be treated equally.

Inclusivity and fair treatment of the LGBTQ community is more than a sign of the times. It is the law. Adding your pronouns to your signature line is sign of affirmation and acceptance.

Brenda Roman Maneri
She/her/hers

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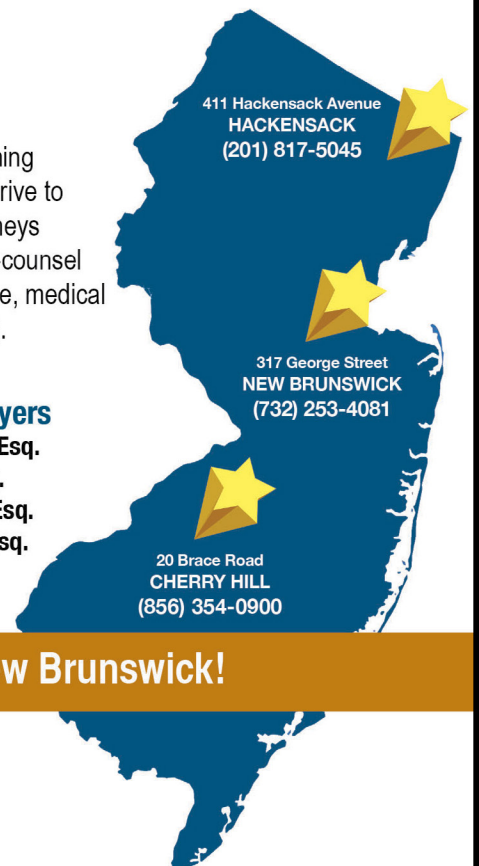
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OVERVIEW OF ADMINISTRATIVE LAW

By Swati Kotharti, Esq.



Swati Kotharti is the Co-Chair of the Administrative Law Committee and a former Deputy Attorney General. She runs a general practice firm in Moorestown, where she handles immigration matters, family matters, business litigation, and non-profit matters.

Overview of Administrative Law

1. What is the Office of Administrative Law?

The Office of Administrative Law (“OAL”) is an independent state agency established in 1979 that provides independent and neutral hearings over state agency’s actions and rule making procedures, thus promoting due process, expediting the just conclusion of contested cases, and improving the quality of administrative justice. The Office of Administrative Law employs a corps of administrative law judges who hear contested cases for state agencies and issue initial decisions.

2. To which branch of government does the OAL apply?

As the government started taking on more responsibilities it created administrative agencies in the executive department including for example, the Department of Environmental Protection, Board of Public Utilities, Merit System Practices Board, Department of Community Affairs and Health and Human Service. These agencies regulate in their respective areas, investigate and prosecute violations and make decisions and issue penalties. The Office of Administrative Law is an Executive Branch agency and acts as an independent arbiter of certain disputes arising from agency actions and agency rulemaking procedures. While located in but not of the Department of Treasury, the OAL is independent of supervision or control by the Department of Treasury. The Director who is also the Chief Administrative Law Judge presides over the OAL and reports directly to the Governor.

3. Who decides administrative law cases and where are the hearings held?

An administrative law judge (“ALJ”) presides over a contested case, which is conducted according to the procedures established by statute and by the rules of the OAL. The rules can be found at N.J.A.C. 1:1-1. The ALJ provides a neutral forum where the evidence of all parties is presented. The hearings are held at the OAL offices located in Trenton, Newark, or Atlantic City.

4. How are ALJ’s selected?

An ALJ is appointed by the Governor and confirmed by the New Jersey Senate, initially for a one-year term. After the one-year term, the Governor may reappoint the individual to a four-year term. Subsequently, reappointment is to terms of five-years and requires both the Governor’s nomination and Senate confirmation. The ALJ, as a full time officer of the OAL, is not permitted to hold other employment.

5. How does the OAL acquire jurisdiction and are there any cases that the OAL does not hear?

The OAL acquires jurisdiction over a matter when two requirements have been satisfied. First, an agency head must determine that the matter is a contested case. Second, the matter is filed in the OAL. Hearing requests are filed with the state agency having jurisdiction over the issue which determines whether to grant the hearing request. Upon deciding that a matter should be heard as a contested case, the agency transmits the case to the Office of Administrative Law. Unlike Civil matters in Superior Courts, litigants cannot directly file a hearing request at the OAL.

The Office of Administrative Law hears cases for most state agencies, but it does not hear cases involving the State Board of Parole, the Division of Workers Compensation, the Division of Tax Appeals, the Public Employment Relations Commission, or Department of Labor Unemployment Compensation cases.

6. What rules apply to an administrative hearing?

The New Jersey state administrative agencies are separate from the New Jersey state courts. The state administrative agencies have their own judges and rules to decide cases. The OAL has promulgated Uniform Administrative Procedure Rules at N.J.A.C. 1:1. These rules govern the conduct of all contested case adjudications, whether or not the hearing is before the OAL. Through the development of uniform rules of procedure, a contested case arising in the Department of Education would be conducted in a manner similar to a contested case arising in the Department of Environmental Protection or the Department of Community Affairs.

In contested case hearings, parties are not bound by statutory or common law rules of evidence or any formally adopted court rules except where specifically stated in the Uniform Administrative Procedure Rules. All relevant evidence including hearsay is admissible. The ALJ has the discretion to exclude evidence if its probative value is substantially outweighed by the risk of its admission.

7. What happens to decisions of administrative law judges?

The ALJ prepares an initial decision that is sent to the agency head within the time frame set by statute for the particular substantive area of the case. The ALJ's initial decision may be affirmed, modified, or rejected by the agency head who is empowered to make a final decision in the matter. If an agency head does not adopt, reject, or modify the initial decision within forty-five days, the initial decision becomes the final decision.

Any party can appeal a final decision made by an OAL judge or administrative agency to the Appellate Division of the Superior Court. However, the party appealing the case must first take advantage of all possible administrative law procedures before going to the Appellate Division of the Superior Court.

(Some portions of the above information has been obtained from the State of New Jersey Office of Administrative Law website)



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— LICENSED CLINICAL PSYCHOLOGIST —

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CREATING AN ENVIRONMENT OF WELL-BEING IN THE WORKPLACE

By *Melanie Levan, Esq.*



Many of us are not only lawyers serving clients, but are business owners and employers, responsible for the day-to-day management of a business. When we think of wellness, often we look to our individual choices, things in our control,

to create our own sense of wellness. But as employers, we have a broader responsibility to our employees to create and encourage a healthy work environment.

In 2018, the American Bar Association launched a Well-Being Campaign to improve the substance use and mental health

landscape of the legal profession, with an emphasis on helping legal employers support healthy work environment. The primary vehicle for the Campaign is a Pledge calling upon legal employers (including law firms, corporate entities, government agencies and legal aid organizations) to first: (a) recognize that substance use and mental health problems represent a significant challenge for the legal profession and acknowledge that more can and should be done to improve the health and well-being of lawyers; and, (b) pledge to support the Campaign and work to adopt and prioritize its seven-point framework for building a better future.

There are currently 202 organizations that have signed on to take the Pledge. By taking the Pledge, the employer agrees to:

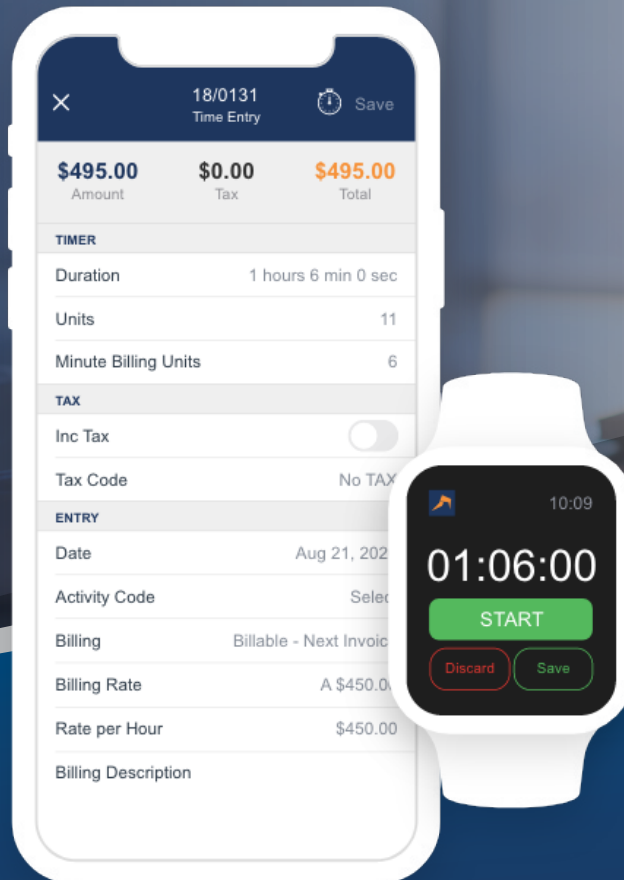
The Well-Being Pledge for Legal Employers



American Bar Association Working Group to Advance Well-Being in the Legal Profession

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READY TO LEVEL-UP YOUR EMAIL MARKETING? START WITH GATED CONTENT

By Jessica Aries



It's well-known that for every \$1 on email marketing, the average return on that investment is \$38. As a result, there's a strong desire for all businesses, whether in the legal industry or not, to develop a robust and

well-cultivated email list. One of the most common tactics to build an email list quickly with prospects is to use gated content.

For those who have never heard of the gated content concept, it's simply free valuable content in exchange for your prospective client's email address. Using the word gated when discussing bringing in followers sounds a bit counterintuitive, but putting up a barrier around some of your content can be just what is needed for those followers to knock on a law firm's door and ask to hear more.

Gated content is a common and effective marketing strategy used across all industries, including the most prestigious and elite ones. The most common examples of gated content include the New York Times paywall surrounding its most popular articles, a local grocer limiting access to its best coupons for its loyalty members, or a financial advisor inviting its prospects to a free webinar on tax planning. Gated content is everywhere and a highly effective marketing tactic.

As many law firms are aware, the value lawyers provide the most of is access to knowledge. The most strategic (and usually lucrative) law firms have used this premium access to information as gated content. This premium access attracts these law firms' key prospects to subscribe to their email lists, so they can nurture them into paying clients. Some common examples of limit

ing access to knowledge through gated content in law firms include the use of free webinars, in-depth white papers, process checklists, workbooks, and discounts or low-cost add-on services. Only those willing to give away their email address get access.

Although gated content is an effective marketing strategy for earning prospective clients' email addresses, many law firms struggle with executing the process well. In their haste to generate leads quickly, many law firms fall victim to some common mistakes that

can set back even the most well-intentioned lawyer or law firm.

Mistake #1: No one has defined a specific target audience for the gated content.

Lawyers know their audience. Many use this info in all of their other marketing strategies and should be putting that same insider information into build-

ing their email lists. The attorney-client relationship places lawyers in the unique position of being fully aware of their prospects' needs and how they can be of service to them. But, do their prospective clients know that? There is great power in specificity and in communicating clearly to a target audience. This type of clarity allows prospective clients to know with certainty and confidence in their purchasing decision.

One way to show prospective clients (and often past clients who have not yet subscribed) of a law firm's deep understanding of their specific situation is to curate a specific message just for them. When a law firm promotes all its legal services to all of its clients (no matter the industry or needs) at the same time, it can overwhelm the prospective client. Furthermore, the key target prospective clients a law firm wants to

...gated content..is simply free valuable content in exchange for your prospective client's email address

attract may overlook information that does not immediately speak to them. It's imperative to be specific in addressing each individual audience.

For example, if a family law attorney sent a gated checklist for custody battles to all of its clients, it may find it receives little to no response because the checklist itself is too broad. Instead, break down custody disputes even further to best target the best audience for this message. For instance, a custody checklist for mothers can look and feel different than one created for fathers. While a basic custody checklist will speak to all parents, a more targeted approach will feel more inclusive to your key client base, even if content is nearly identical. The key is communicating that you know who your audience is.

Mistake 2: The gated content you create is not actually valuable.

The most common mistake businesses make when creating gated content is this mistake. In other words, the gated content created for the purpose of enticing a target audience to provide their email address is just not valuable enough. It's far too commonplace and accessible via a simple Google search.

The goal in creating this gated content should be to create a piece of content that is truly valuable, (i.e., people would actually pay for it). Most target audiences do not want an overly-branded white paper that consists mostly of a resume of the attorneys in your firm and their practice groups. They know law firms are in the business of making money, so show them why they should buy.

The standard checklist may be a great option, but it needs to be detailed, thorough, and value-packed in order to entice someone to give away their email address. A law firm's gated content should be so valuable that someone would feel foolish for not exchanging their email address for access to this knowledge.

For example, many law firms give away checklists for various legal processes. But few take the time to not only create a checklist, but a calculator that will help their prospective clients assess potential fees associated with their legal process. Packaging these two resources together into gated content is not only valu-

able, but it also feels like it should have a price tag.

Example: Free Custody Checklist

Example 2: Free Step-By-Step Checklist & Child Support Calculator for Fathers Seeking Joint-Custody

Mistake #3: Once a law firm has acquired its prospect's email, it goes silent.

BIT Consulting released data every year showing that a prospective client needs 13 interactions with a firm before he or she makes a purchasing decision. Yet, many law firms make the mistake of expecting quick results from an inherently long process. Just as there are no quick wins in business, there are no short routes to cultivating deep relationships with your clients.

Looking for a quick result, many law firms do all the hard work to gain their prospective clients' trust and curiosity through gated content only to go suddenly silent.

The core purpose of gated content is to nurture prospects on an email list into clients. The act of nurturing prospects on your email list into clients requires consistent communication and outreach. Email is such a smart marketing strategy because it is a simple method for connecting with your prospects as frequently as you desire.

There is genuinely no other more valuable marketing tool at every lawyer's disposal than his or her contact list. Yet, so few lawyers take the time to consistently build that bridge to client development via high-impact valuable communications. More lawyers could avoid this mistake with consistent email marketing.

Making the 38 to 1 Investment Starts Here

Does a thirty-eight to one return on your investment sound tempting? Access my library of gated content ideas for lawyers and law firms. Start building a tailored and deeper relationship with your prospects now.

Jessica Aries was a presenter in the BCBA Professional and Business Development Workshop Series. A legal marketing expert, Jessica presented on how to use Facebook to Find the Ideal Client. Her presentation is available on the BCBA You Tube Channel. [Click Here to View.](#)

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TEN COMMON MISTAKES IN MEDICAID PLANNING AND ESTATE RECOVERY

By Thomas D. Begley, Jr., CELA



1. **Waiting.** The single biggest mistake is waiting to plan. As a general rule, the sooner Medicaid planning begins the better the result. If significant assets are transferred, there is a five-year lookback, and the five-year lookback does not begin until the assets are actually transferred. Start now.

2. **Failing to Transfer the Home.** If the Medicaid applicant is married and the community spouse is residing in the home, their home is not considered to be a countable asset for Medicaid eligibility purposes. However, if the house is still titled in both spouses' names when the institutionalized spouse dies, Medicaid will place a lien on the home. When the community spouse sells the house or dies, Medicaid will insist on repayment. Transferring title prevents this.

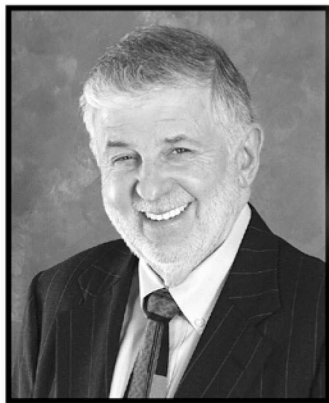
3. **Failing to Disclose all Assets or all Transfers to Medicaid.** Failure to disclose assets or transfers to Medicaid constitutes Medicaid fraud, which is a criminal offense. It can also cause a loss of eligibility and Medicaid may demand repayment for past medical assistance.

4. **Failing to Change the Will of the Community Spouse.** Spouses usually have wills leaving their estates to the other. However, if a community spouse has a will leaving assets to the institutionalized spouse, the institutionalized spouse will be disqualified from Medicaid until all of the inheritance is spent down. In New Jersey there is an elective share statute, so the community spouse should leave the institutionalized spouse the minimum amount to satisfy the elective share but the remainder should be left to children or other family members or friends.

5. **Failing to Transfer Aggressively.** Occasionally individuals transfer assets to children but retain too

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much in their own names. If this happens, there will be excess resources at the time the individual would otherwise be eligible to apply for Medicaid, and those excess resources will have to be spent down, further delaying Medicaid eligibility. It is always better to over-transfer to reliable children, family or friends, because those individuals can retransfer to the extent necessary to pay for care.

6. Failing to Administer Trusts Properly. Frequently individuals place assets in irrevocable trusts and then take them back out in whole or in part, or they use trust funds to directly pay long-term care expenses. Medicaid correctly considers these trusts to be a sham.

7. Timing of Snapshot. In New Jersey the community spouse is allowed to keep one-half of the countable assets with a maximum of \$130,380 in 2021. If assets are spent down below \$260,760 prior to the snapshot, which is the date of the Medicaid application or the date of institutionalization, whichever first occurs, then half will be less than \$130,380.

8. Failing to Take Advantage of Exempt Transfers. Exempt transfers are discussed above.

9. \$15,000 Transfers. Individuals think they can transfer \$15,000 per year to each child without a transfer of asset penalty. They are confusing what used to be the annual exclusion for gifts under the Federal Gift Tax law with Medicaid transfer of asset rules. New Jersey does not have a de minimus exemption for transfers from the transfer of assets penalty, so technically even modest birthday and holiday gifts are subject to the penalty. Most caseworkers will overlook those modest gifts, but some will not.

10. Failing to Take Assets out of an Income Only Trust. An individual can transfer assets to an irrevocable trust reserving income to himself. The transfer of asset penalty begins when the assets are transferred to the trust. However, New Jersey has a broad definition of estate recovery, so assets in the Income Only Trust would be included for estate recovery purposes. The solution is to transfer the assets out of the Income Only Trust prior to applying for Medicaid. This will result in a transfer of asset penalty calculated by applying the average income over the past five years by the life expectancy of the Medicaid applicant. It is better to pay the penalty than to lose the assets to estate recovery.

Estate Recovery

New Jersey recovers from the estates of deceased Medicaid recipients. New Jersey has a broad definition of estate for this purpose. No recovery is made until after the death of the Medicaid recipient's surviving spouse, and then only if there are no surviving children under the age of 21 or that are blind or permanently disabled. Federal law requires estate recovery only from a probate estate, but New Jersey has expanded that definition to include all

assets, real and personal, including assets conveyed to a survivor through joint tenancy, tenancy in common, survivorship, or a living trust. A third party trust established for the benefit of the deceased Medicaid recipient is not subject to estate recovery. However, under the concept of tracing, if a trust is established by a third party with assets owned by the Medicaid applicant within five years prior to the beneficiary's death, then those assets are subject to estate recovery. Again, there are hardship provisions, but hardship is extremely difficult to prove. While the statute excludes a life estate, an Income Only Trust would be included in estate recovery. Estate recovery applies only to Medicaid payments made for services received after the individual attains age 55. No recovery is made if the estate is under \$500.

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LOCAL GIANTS: AN INTERVIEW WITH LUKE D. GRIFFITH



By Allison Burkhardt, Esq.

Luke D. Griffith is a South Jersey native who has dedicated over twenty years of practice to assisting families in the area. Mr. Griffith graduated from Catawba College with a bachelor's degree in political science. He then obtained a master's degree in Public Administration from Rutgers University and completed his Juris Doctor at Rutgers School of Law. Mr. Griffith has primarily

focused his practice on the area of family law, both as an advocate for clients and as a Mediator, and was recently named a Partner at the law firm of Weinberg, Kaplan, & Smith, P.A. Mr. Griffith currently serves as a Matrimonial Early Settlement Panelist for several counties, including Burlington, and is a member of the New Jersey Association of Professional Mediators. Outside of the courtroom, Mr. Griffith is a zealous soccer enthusiast, having played at the collegiate and semi-professional levels, and enjoys spending time with his wife, Michelle, and their two children.

Allison Burkhardt is an associate at Weinberg, Kaplan & Smith, P.A. in Marlton, New Jersey, and a former law clerk to the Honorable Kenneth S. Domzalski (Ret./Recall).

About This Series

This series is a joint project between the Professionalism and Young Lawyers Committees. Each month, a member of the Young Lawyers Committee chooses a local practitioner to interview, inquiring about legal experience, war stories, perspectives on civility and professionalism, and seeking advice for newer attorneys. It is our sincere hope that the publication of these articles advances young lawyers' understanding and strengthens civility and professionalism within our county.

AB: What is your definition of "Professionalism?"

LG: For me, professionalism is a set of conduct and behavior that exhibits the following elements: preparation, diligence, competence, honesty, integrity, dependability, empathy, and respect.

AB: How do you bring professionalism into your day-to-day interactions with clients and co-counsel?

LG: Through hard work and preparation. In our work, building trust and respect entails not just being knowledgeable but connecting with the goals of a client. I believe these are skills that we can always learn more about and improve upon.

AB: In addition to practicing as a family law attorney, you also serve as a mediator to parties experiencing an array of family-law issues. What principles of professionalism do you try to practice as a Mediator?

LG: The mediation process allows for creativity, but the professional principles of fairness, pragmatism, and mutual respect are critical. As a mediator, I am truly at home, as my primary role is to assist and facilitate. I seek to empower mediating parties to take on the task of self-determination and problem solving.

AB: What advice would you give to a young lawyer if they encounter another attorney acting unprofessionally?



LG: Do not allow the actions of others to change your core ethics or perspective as to what is right. A young attorney should be mindful of the unethical behavior and, if necessary, be prepared to confront it. Although challenging, confronting unethical behavior directly with the other attorney before involving others can be productive. If the unethical behavior persists, the attorney rules of ethics can provide guidance on establishing a plan on how to address the unethical behavior moving forward.

AB: What tips would you give to a young lawyer to help them effectuate the principles of professionalism in their day-to-day practice?

LG: A mentor of mine once told me that you cannot create experience or learn it in a classroom—you have to undergo it. As a group, attorneys are generally tough on themselves. Try to resist being too hard on yourself, and learn from your mistakes as well as those of others. I would also recommend finding other individuals who emulate professionalism and learn from those individuals. If you always do your best and make sure to take care of yourself, I believe you will be able to bring professionalism into your day-to-day practice.

AB: Thank you, Mr. Griffith, for the opportunity to highlight your experience as a practitioner and mediator, and your views on professionalism. Since I started at Weinberg, Kaplan & Smith following my clerkship, you have been an incredible mentor to me and I appreciate your willingness to provide your mentorship to the young lawyers in the Burlington County Bar Association.

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Anthony "Tony" DeLorenzo is New Jersey lawyer's go-to PI Firm who loves his job. Why? Because, he has been doing it since he has been 16 years old. "Most clients contact All State Investigations because we have over 65 years' experience", Tony says. "We specialize in surveillance. And law firms trust us to handle their Divorce, Child Custody, Cohabitation, Infidelity cases. The difference between our company and other PI firms is, we do not conduct any other types of investigations. That means nothing criminal, insurance or security guards".

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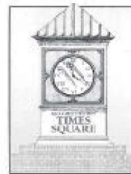
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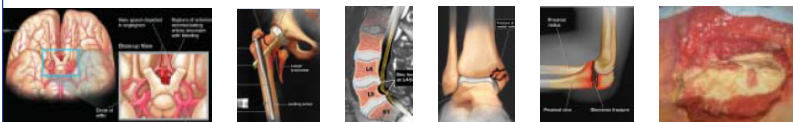
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- \$500K Nursing Home/Hospital Neglect - Pressure Ulcers
- \$750K Nursing Home Neglect During Rehab Admission - Infected Pressure Ulcer-Surgery
- \$950K Nursing Home Neglect - Failure to Recognize & Act Upon Signs of Stroke
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