



# THE STRAIGHT WORD

VOL. 54, NO. 9

BURLINGTON COUNTY BAR ASSOCIATION

OCTOBER 2020

## UPCOMING EVENTS

### OCTOBER

- 6 CLE: Post Settlement Considerations in Personal Injury Cases, 12:00-1:30p, Zoom Webinar  
Young Lawyers Committee  
5:30-6:30p, Zoom Meeting
- 7 CLE: Voting Restoration for NJ Parolees & Probationers, 4:30-6:45pm, Zoom Webinar
- 8 Diversity Leadership Open House  
6:00-8:00p, Cater2U Mt. Laurel
- 12 Columbus Day - Offices Closed
- 15 YLC Medford Food Truck Networking Event  
6:30-8:30p, Main Street, Medford
- 20 YLC RBG Movie Night  
7:30p, Zoom Meeting
- 22 BCBA Board of Trustees  
4:30p, Indian Spring Country Club  
Judge Smith Retirement Dinner  
5:30-7:30p, Indian Spring Country Club
- 23 6th Annual Day of Service  
10:00a-4:00p, Burlington County Library

### NOVEMBER

- 3 Election Day - Courts Closed
- 4 Lunch & Learn CLE  
12:00-1:00p, Zoom Webinar
- 5 Professionalism Day CLE  
3-4:30p, Burlington County Library
- 10 Young Lawyers Committee  
5:30-6:30p, Zoom Meeting
- 12 Lunch & Learn CLE  
12:00-1:00p, Zoom Webinar
- 17 Monthly Day of Service: Municipal Court  
5:30-7:30p, Burlington County Library
- 18 Lunch & Learn CLE  
12:00-1:00p, Zoom Webinar  
BCBF Board of Trustees  
5:30-6:30p, Zoom Meeting
- 26/27 Offices Closed - Thanksgiving

## ALAN SCHORR NAMED PROFESSIONAL LAWYER OF THE YEAR



The Burlington County Bar Association Board of Trustees has named Alan H. Schorr as the 2020 Professional Lawyer of the Year. Recipients of the award are well recognized in their community for character and competence, respected by all, and are considered to be a model of professional behavior.

Alan H. Schorr established his law firm, Schorr & Associates, P.C., as one of the top plaintiff Employment and Unemployment law firms in New Jersey.

Mr. Schorr has repeatedly achieved high value settlements and verdicts on behalf of employees who have suffered discrimination, harassment, retaliation, and other work-related problems. He routinely negotiates enhanced severance packages and complex employment contract issues such as restrictive covenants and arbitration clauses. In addition, Mr. Schorr has a very high success rate in representing

clients at unemployment appeals, disciplinary appeals, and other administrative hearings. Mr. Schorr has been responsible for expanding the laws protecting the rights of persons suffering as a result of sexual harassment and discrimination in landmark cases such as Connolly v. Burger King Corp, Stomel v. Camden, and Silver v. Board of Review. Mr. Schorr has written many articles and instructional materials, which can be viewed on his website. He is a Past-President of NELA-NJ (National Employment Lawyers Association), where he heads NELA-NJ's Legislative Committee.

Mr. Schorr is also a civil mediator, trained by the New Jersey Association of Professional Mediators, and is on the New Jersey Superior Court list of approved mediators

Prior to establishing his law firm in 1993, Mr. Schorr owned and operated a series of successful businesses. He has attained both a Master of Business Administration and a Juris Doctor degree from Widener University. Mr. Schorr's combination of legal knowledge, extensive business experience, and his M.B.A. are invaluable when tackling complex financial matters and in settlement negotiations, where financial knowledge and negotiation skills are essential.

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## PRESIDENT'S MESSAGE



In a speech at a naturalization ceremony in 2018, Justice Ruth Bader Ginsburg said, “We are a nation made strong by people like you who traveled long distances, overcame great obstacles, and made tremendous sacrifices, all to provide a better life for themselves and their families.”

Ginsburg, whose own father arrived in this country at the age of 13 unable to speak English and whose mother was born only four months after her parents had arrived on Ellis Island from Poland, recognized her family’s sacrifices to achieve the American Dream. She pointedly observed that the difference between a bookkeeper in New York City’s Garment District and a Supreme Court Justice is one generation.

The immigrant story transcends time, and to some degree, we are all a product of that story. Thanks to the power of the internet and DNA research, people across the world are now discovering their personal histories.

One year ago this month, I had the privilege of attending our Burlington Vicinage Judicial Naturalization Ceremony, typically held each October in the Olde Courthouse. It was only the second ceremony I witnessed, the first being that of my own parents in 1976.

As I sat as an adult and saw children smiling with delight, capturing photos of their parents as they proudly recited the oath of allegiance to their new home, some even taking a small leap in the air, I thought back to 1976. How nervous I was, yet so exhilarated by my parents’ unbounded pride as they pledged their allegiance to their new land, where they planned to raise their family and fulfill their dreams. I know it was certainly different from Iraq and Lebanon, where they grew up. I now know that they struck a balance, like so many others in their situation, linking American values and traditions with those that defined who they were before coming to America, and passing them on to the next generation.

The first naturalization law, enacted in 1790, established a framework for becoming a citizen. The law was limited to free white persons who lived in the United States for two

years, provided proof of good character, pledged support for the Constitution, and renounced allegiances to any foreign sovereign. No standard oath was developed, and there was no uniform process in place for well over 100 years.

The Basic Naturalization Act of 1906, which was based upon recommendations from a presidential commission, was intended to promote uniformity in the naturalization process. Although no standard oath was established by the act, the decision was made to include language requiring would-be citizens to agree to defend the Constitution and laws of the United States. In 1929, a standardized oath was adopted; in 1952, it was amended to include service to country.

I will miss hearing that oath recited in the Olde Courthouse this month due to the pandemic, but look forward to when I can hear it again and share in the pride another group of newly naturalized citizens will be experiencing for the first time.

To celebrate and honor what would have been the month of our Judicial Naturalization Ceremony, I profiled three of our members who immigrated to this country, Berge Tumaian, Carolyn Chang and Swati Kothari. Please take a moment to read about their experiences of coming to this country. We all have our own stories, so take the time to reflect on the history of your parents, grandparents and great-grandparents. Understand and embrace their journeys, their sacrifices, their hopes and dreams for a better tomorrow, and see how it made an impact in your family’s book of life. I’m grateful for the opportunity to know mine.

Wishing all of you peace...

*Reema Y. Scaramella*

# WINE PICK OF THE MONTH

by Janice L. Heinold, Esq.



This time of year, even though Ancestry DNA keeps upping my English percentage, I'm usually enjoying some Oktoberfest activities, such as the Cannstatter Volkest and Brauhaus Schmitz's Oktoberfest at the 23rd Street Armory. This year, of course, the celebrations were only virtual. In honor

of Oktoberfest, my wine pick for this month is from Germany.

At a small get-together in late September, a friend brought this delicious Reisling to share over grilled wursts: Schloss Vollrads 2018 Riesling Qualitätswein from the Rheingau, about 45 minutes southwest of Frankfurt, Germany. One sip, and I was transported back to September 2006, when I visited several village wine festivals (highly recommended) in Southwestern Germany prior to Oktoberfest in Munich.



Weingut Schloss Vollrads released its 800th vintage in 2012. The first recorded sale of wine from these vineyards was in 1211, when the Baron Greiffenclau family sold wine to the St. Viktor Monastery in Mainz (most of Germany was then part of the Holy Roman Empire). The castle and vineyards, originally planted by Romans, are situated above the village of Oestrich-Winkel, and face South over the Rhine

River. The award-winning winery only makes Riesling, but makes 12-15 varieties of wine from the grape, depending on the vintage.



The Riesling I enjoyed was off-dry (9.5% ABV), perfect for sipping on a warm autumn day. The wine is straw yellow in color, with green apples, green citrus and honeysuckle on the nose, and mellow and peaches on the palate. A perfect balance of acidity (almost an electric tension) and sweetness sent me back to the green, fluted bottle several times. \$18 at Wineworks. Prost! Zum Wohl!



*The author at a wine festival in Southwestern Germany, circa 2006, doing hand gestures that go along to the famous traditional German drinking song, "Country Roads" by John Denver.*



# SUPREME COURT RULES TITLE VII PROTECTS GAY AND TRANSGENDER EMPLOYEES

By Eve R. Keller, Esq.  
Member, Diversity, Inclusion, & Leadership Committee



On June 15, 2020, the U.S. Supreme Court handed down a landmark decision, ruling that Title VII of the Civil Rights Act of 1964 protects employees from discrimination based on sexual orientation and gender identity

and expression. In a 6-3 ruling of a consolidated group of cases from around the United States styled *Bostock v. Clayton County*, the Court found that an employer who fires an employee because he or she is gay or transgender necessarily discriminates against the employee, in part because of his or her sex, in violation of Title VII. Two Republican appointees, Chief Justice John Roberts and Justice Neil Gorsuch, joined the Court's four Democratic appointees in the majority, with Justice Gorsuch authoring the Opinion of the Court. Justice Samuel Alito (joined by Justices Clarence Thomas and Brett Kavanaugh) and Justice Kavanaugh wrote dissenting opinions.

*Bostock* is a case of statutory interpretation—namely, how to read Title VII's mandate that it is “unlawful . . . for an employer to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin.” 42 U.S.C. §2000e-2(a)(1). The linchpin of this groundbreaking decision was whether “because of sex” protects an employee from being fired simply for being gay or transgender.

The majority rejected the argument advanced by the dissent that, in 1964, when the statute was passed, Congress did not intend to extend protections to gay and transgender employees. Rather, the majority relied upon the ordinary public meaning of the language contained within Title VII— “discriminate because of sex”—in reaching its holding. “When the express terms of a statute give us one answer and extratextual considerations suggest another, it's no contest,” stated Justice Gorsuch for the majority. “Only the written word is the law, and all persons are

entitled to its benefit.”

The Court opined that an employer who fires an employee for being gay or transgender fires that person for traits or actions it would not have questioned in members of a different sex. “Sex plays a necessary and undisguisable role in the decision, exactly what Title VII forbids” the Court stated. In applying the law as written, Justice Gorsuch asserted, “an employer violates Title VII when it intentionally fires an individual employee based in part on sex.”

At the end of the decision, Justice Gorsuch briefly discussed the potential argument that in complying with Title VII when it comes to gay and transgender employees, some employers may be required to violate their religious convictions. As set forth in the decision, the Religious Freedom Restoration Act of 1993 (RFRA) prohibits the federal government from substantially burdening a person's exercise of religion unless it demonstrates that doing so both furthers a compelling governmental interest and represents the least restrictive means of furthering that interest. 42 U.S.C. §2000bb-1. However, none of the employers in this case argued that compliance with Title VII infringed their own religious liberties. Therefore, this argument was not before the Court for consideration, and only time will tell how potential “religious opt-out” cases will be treated by the courts moving forward.

Before this recent decision, lower courts disagreed over whether the term “sex” in Title VII included sexual orientation and gender identity. *Bostock* decisively resolved this disagreement. For the majority of states that do not have LGBTQ protections in their state and local employment discrimination laws this case will afford so many an avenue to seek redress for workplace bias.

As a member of the LGBTQ community, I feel a sense of elation over the Court's ruling. So many LGBTQ people have just won a right of recourse against their employers for discriminatory practices. We represent a significant portion of the workforce and the impact of this decision is not to be understated.

Eve Keller of Folkman Law Offices, P.C. focuses her practice on labor and employment and civil rights law and is a proud member of the Burlington County Bar Association Diversity, Inclusion, & Leadership Committee.

# KEVIN WALKER RECEIVES HAINES AWARD



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*Kevin Walker addressing the attendees as he  
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*Jay Keesler making remarks on behalf of the  
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# LOCAL GIANTS: AN INTERVIEW WITH FORMER ASSISTANT ATTORNEY GENERAL TONY ZARRILLO

By Daniel F. Thornton, Esq.

***Tony Zarrillo** has been a trial lawyer for almost 40 years—he has tried more than 150 civil and criminal cases before juries. He has acted as a trial advocate in diverse roles—as a prosecutor, criminal defense counsel, plaintiff’s counsel, and government defense counsel. Tony’s prior experience includes Deputy Director of the New Jersey Division of Criminal Justice, the first Executive Director of the New Jersey Office of Counter-Terrorism, and Assistant Attorney General in the New Jersey Attorney General’s Advocacy Institute where he ran litigation-training and trial-skills programs for government attorneys at all levels. Following his retirement from public service, Tony recently returned to private practice in Cherry Hill.*

***Dan Thornton** is the Co-chair of the Young Lawyer’s an employment attorney at Post & Schell in Mount Laurel. He defends employers against claims of harassment, discrimination, and retaliation in state and federal court.*

## **Dan: What is your definition of “Professionalism?”**

**Tony:** Several things. For one, professionalism means understanding that you have a relationship with your client that goes far beyond a mere business exchange. An attorney has to understand that clients come to you with their problems and their conflicts—you have to understand this relationship and be willing to commit to the relationship, irrespective of the dollars and cents involved.

Each client’s representation is a responsibility you take on, and sometimes this involves being in situations that aren’t particularly pleasant. We’ve all encountered clients who want us to do things that are contrary to their interests or contrary to how lawyers should conduct themselves. Thus, another aspect of professionalism is having a relationship with the client where they understand that—even though they might want you to do something—the law or other factors may cause you to decline the client’s wishes or to pursue an alternative course of action.

Another vital element of professionalism is civility, and this is something that has changed dramatically since I started practicing. This isn’t peculiar to the legal profession—anyone whose eyes are open can see that our world today is a far-less-civil place. As the competition among lawyers has increased over the years, I’ve seen that it’s become a much-less-collegial environment. As the old saying goes, one can disagree without being disagreeable. I wish more of today’s attorneys took that notion to heart: you can be an advocate—you can be a forceful, zealous advocate, as the RPCs require—but you can do so without reducing the matter to a personal battle between yourself and your adversary.

The judge I clerked for used to tell me: “The best lawyers remember that it’s not the lawyers who are on trial: it’s their clients.” So, the diminution of civility in our profession—in our society—is a

serious concern. To me, the sign of a true professional is someone who can remain civil in the midst of the stress and frustrations that come with litigation.

## **Dan: What are the traits of a true professional?**

**Tony:** Attention to detail; understanding the law; if you don’t understand the law, researching it until you do; treating everyone you meet with civility; and maintaining your credibility with judges and adversaries.

## **Dan: Can you tell us about a case where you’ve had to put those principles into practice?**

**Tony:** Many years ago, I represented a judge and his son who were involved in a very tragic accident. The judge faced a number of charges following the accident. We had a hearing in front of an assignment judge in a different county. The prosecutor presented the State’s case, which I believed did not meet the “beyond a reasonable doubt” standard. After the State rested, I moved to dismiss. The assignment judge determined—correctly—that at the close of the State’s case, all reasonable inferences must be drawn in favor of the State, and thus denied my motion.

At that point, we took a short break, and my client—the judge—told me that he was going to testify. I told him, “You are not going to testify.” He replied, “But I have to tell my side of the story.” After we went back and forth like this for several minutes, I very emphatically told the judge—using some language that I won’t repeat here—that he was not going to testify. The judge stared at me for a few seconds, eventually smiled, and said “you’re the lawyer, Tony.”

At that point, the assignment judge went back on the record, asked us if we were ready to proceed, and I stated that we rested our defense. The assignment judge then immediately granted my motion to dismiss, because at the close of the entire case, the presumption in the State’s favor goes away, and the judge found—rightly—that the case had not been proved beyond a reasonable doubt. So that was an instance where my judgment as an advocate proved correct, but where I had to convince my client in order to achieve the best possible result.

## **Dan: What does blustering behavior tell you about an attorney’s character?**

**Tony:** That the person probably is not a very good lawyer. As I’ve always told my students, the lawyer you have to worry about most isn’t the blusterer, it isn’t the one who’s the loudest one in the room—it’s the lawyer who comes back at you with the quiet, well-thought-out, well-researched argument—that’s a truly formidable adversary—that’s the advocate you have to worry about.



**Dan:** You've told me many times that "litigation is preparation"—what does that mean?

**Tony:** You cannot be a true professional if you do not understand the importance of preparation. I've been a trial attorney my whole career. Trial attorneys work in an arena where everyone in the courtroom sees what you're doing. If you're not prepared, or if you're less-prepared than your adversary, then you're going to be beaten. Solid preparation includes knowledge of the facts, comprehensive attention to detail, and knowledge of the governing law. It also includes knowing what's in your case file—what's there, what's not there, what should be there—so that you have the relevant material at your fingertips when you need it.

**Dan:** What are some client-communication best practices for young lawyers?

**Tony:** We all encounter clients who test our patience—that's the nature of interpersonal relationships. Anyone can communicate with the easy-to-deal-with clients—it's the difficult ones who present a challenge. But you have to keep each client reasonably apprised of what's going on in their case. One technique to do this is to copy the client on everything—whether hardcopy or e-mail—so that they can see that you're moving the ball forward in their matter.

**Dan:** How should a young lawyer deal with an uncivil adversary?

**Tony:** If you encounter an adversary who resorts to name-calling and throwing profanities at you, one thing you can do—though I wouldn't necessarily recommend it—is to file an ethics complaint. There are some less-drastic measures, too. For example, if an attorney slammed the phone down during a conversation with me, I would cease communicating with him by phone—everything we did would be in writing—and there would be a significant diminution in my willingness to be understanding of that adversary.

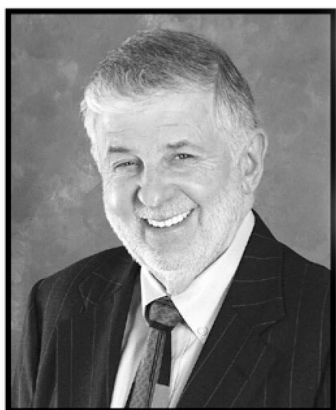
That brings me to one final aspect of civility: when you can give an adversary some leeway, and it won't hurt your client, you should do so. When an adversary asks you for an extension, give it—at least the first time or two. However, when you have a truly uncivil adversary, hold him or her to every deadline, and do everything by the book. I don't mean to sound trite, but it really is a Golden Rule situation—either you have mutual civility or you don't.

#### About This Series

This series is a joint project between the Professionalism and Young Lawyers' Committees. Each monthly series, a member of the Young Lawyers Committee will choose a local practitioner to interview, inquiring about legal experience, war stories, perspectives on civility and professionalism, and asking for advice for newer attorneys. It is our sincere hope the publication of these articles advances both younger lawyers' understanding as well as strengthens civility and professionalism within our county.

## Personal Injury

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# ON WELLNESS: EXPLORING SLEEP

By Melanie Levan, Esq.

I'll start this column out the way I start many of my conversations: "...so I was reading in the New York Times the other day..." which usually elicits eyerolls and not so surreptitious watch checking, but hear me out. Turns out that some Olympic athletes, even though they are without access to their world class training facilities, coaches, trainers, and competitions, are actually doing better at competitions now than they were last year, setting personal bests and in some cases, new world records. What do they say is the reason? They are finally getting 8 hours of uninterrupted sleep every day. No grueling pre-dawn workouts. No world travel and jetlag. No crazy schedules that demand balance between training, family and work. Turns out slowing down and making room for sleep may improve your athletic performance.

Ok, so most of us are not sprinting our way to Olympic glory. But doesn't it sometimes feel like your day is part hurdles, part marathon, part volleyball (because you always have to keep the dang ball in the air)? Could sleep help us cope with these stresses and make us more productive, more empathetic lawyers and humans? I think you know the answer is yes.

The CDC recommends most adults sleep at least seven hours a night, but almost one-third of Americans sleep fewer than six hours, according to a 2018 study. Chronic lack of sleep is associated with negative outcomes such as obesity, high blood pressure, diabetes, depression and anxiety. So how do we make things better for ourselves? Here are some tools to help get ready for sleep, fall asleep, and stay asleep.

1. Cut off caffeine at least six hours before bed. Caffeine interferes with your body's sleep clock, may decrease the amount of deep sleep you get, and as we get older the effects of caffeine are stronger.
2. Try to get in some exercise in your day. Studies show that moderate daily exercise can help you fall asleep faster and have better quality sleep, with same day results.
3. Develop a sleep habit. Going to sleep and waking up at the same time every day helps your body get into a natural rhythm. There are several apps that will give you gentle reminders that it is time to be going to sleep, especially helpful if you tend to lose track of time.
4. Make winding down your day a relaxing routine. An hour before sleep, turn off lights, turn down audio, and

change into pajamas. Thirty minutes before sleep, turn off or put away all screens (yes! even the phone/tablet/laptop/tv!). If you've gotten into the habit of using these devices to help sleep, explore non-screen ways to wind down, such as journaling, reading, guided meditation specific to sleep, stretching, audiobooks or music. There are also many bedtime story podcasts for adults that will lull you to sleep.

5. Still having trouble sticking to a sleep schedule? Make a list of the things that are getting in the way, and enlist the support of spouse, family and friends, and maybe even technology. If work or chores are going into the late night hours, shifting these things to other people or other hours of the day may help. Set your devices to "do not disturb" after a certain hour. Or go hard core and automatically turning off the wifi at a certain time of day.

6. Finally, be gentle with yourself. Developing new routines take time, and setbacks will happen. Do your best for a month, and re-evaluate at the end of the month.

Links used in this article:

<https://www.nytimes.com/2020/08/30/sports/olympics/pandemic-olympics-training.html?searchResultPosition=3>

<https://www.smithsonianmag.com/smart-news/almost-one-third-americans-sleep-fewer-six-hours-night-180971116/>

[https://www.cdc.gov/sleep/about\\_sleep/how\\_much\\_sleep.html](https://www.cdc.gov/sleep/about_sleep/how_much_sleep.html)

<https://www.nhs.uk/live-well/sleep-and-tiredness/why-lack-of-sleep-is-bad-for-your-health/>

<http://sleepeducation.org/news/2013/08/01/sleep-and-caffeine#:~:text=Caffeine%20also%20can%20reduce%20the,be%20stronger%20in%20older%20adults.>

<https://discoverpods.com/sleep-podcasts-meditation-bedtime-stories/>

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<https://insighttimer.com/meditation-topics/sleep>

<https://www.hopkinsmedicine.org/health/wellness-and-prevention/exercising-for-better-sleep>



# THE STRENGTH AND RESILIENCE OF IMMIGRANT VOICES



## **Carolyn Chang**

***Tell us about our journey to the United States:***

I immigrated to the United States on August 8, 1972 when I was a child of thirteen. My parents had both immigrated to the United States years prior to their four children. My father arrived as an undocumented immigrant in the early to mid-sixties and my mother arrived

in the late sixties and earned the immigration status of permanent resident alien.

My brother and sisters and I lived with several paternal and maternal relatives in Jamaica, West Indies after my mother left for the States. My parents separated after they immigrated to the United States; therefore, when I arrived in America my mother was a single parent of five children ranging in age from three years old to fifteen years old.

***Did your journey influence your decision to become an attorney, and if so, how?***

My journey to the United States did not influence my decision to become an attorney as I had dreamed of becoming an attorney from a very young age. I remember meeting a Member of Parliament (MP) as a child in the Parish of St. Mary, Jamaica. This MP, the Hon. Alva Ross was a former House Speaker (known as Speaker of the House here in America). I was about ten or eleven years old when I first saw Mr. Ross stop at the gate to my Aunt's home in the rural town of Clonmel, St. Mary. This gentleman was well respected by the residents of that town and based upon the discussions which I overheard from the adults, he was a problem solver for his constituents. I later learned that Mr. Ross was a lawyer by trade. I would listen to him speak to the adults at the gate, usually on Sundays when he stopped by on his way home from Kingston and after several Sundays of listening-in on the adult conversations, I decided that I too wanted to be an attorney, a problem solver for the everyday people of the community. Mr. Ross served as Minister of Local Government and on another occasion he was Minister of Public Utilities and Transport. When Mr. Ross died in 2004, it was said that he represented the highest traditions of public service. He sought nothing for himself and gave willingly of his energies, of his knowledge and of his efforts on behalf of the people.

***What values did you bring from your home country that are most important to you?***

The values that were instilled in me from a young age by my

paternal grandmother. My Grandma, Ms. Beckford was a religious woman who owned a grocery store and acres of land on Olde Hope Road in the Parish of St. Andrew. She was a successful business woman who had a great deal of influence on me. She taught me that hard work and study was the only road to success.

***What was something about life in the United States you learned or experienced that you had not expected?***

My siblings and I arrived in the United States on a very warm summer night. We arrived with only the clothes on our backs and barely shoes on our feet. I expected that life would be easier/better in the United States; however, what I found was that my mother would struggle financially to raise five children by herself. My mother initially worked as a seamstress at a dress shop in Short Hills making very little money. We lived in a small apartment in East Orange which was barely large enough for two adults, let alone five children and one adult.

August 1972 was the first time I lived in an apartment in an inner city. August 1972 was the first time that I experienced multiple locks on an apartment door. Prior to August 1972, I had lived all of my life in rural or suburban, Jamaica, West Indies. While I followed my Grandma's teachings and work hard in school, I learned that excelling in school was not always viewed in a positive light by my peers in East Orange.

Despite my family's early struggles in the United States, I am grateful for my paternal grandmother's teachings and my mother's courage and perseverance in raising five fairly successful children in America.



## **Swati Kothari**

***Tell us about your journey to the United States:***

I immigrated to the United States of America from India, three decades ago with my husband and our one-year-old daughter. Before coming over here, I lived in Bombay, India, now known as Mumbai, a vibrant city akin

to New York, where life was never static. We arrived in New York at JFK airport with nothing more than hopes and dreams of succeeding, as so many other immigrants before us have done, leaving behind family and friends and much more. After having spent more years in this country than in my country of birth, I can confidently state that it has been absolutely worth it!



***Did your journey influence your decision to become an attorney, and if so, how?***

My journey did not influence my decision to become an attorney, as I was already practicing law in India before I came to the United States of America. I did, however, get a second law degree from Rutgers Law, Camden, in order to practice here. I was very proud of attending law school in my adopted country as I believed in its judicial system, which in my opinion was unparalleled in safeguarding and promoting every individual's rights. I believe that it is important for everyone to stand up for their own rights and having a formal education in law was simply an extension of that tenet. Both my daughters who were very young at that time, were very proud that I was in law school and with my husband and immediate family including my son who was born after I finished law school, they are and have been, my most ardent supporters.

***What values did you bring from your home country that are most important to you?***

Hard work, perseverance, ambition, and sacrifice are important values. Without these, I would not have been able to achieve my dream of practicing law in this country along with raising three wonderful children with my husband of thirty-two years. Immigrants who come to the United States of America and start their lives here with no guarantees are the highest risk-takers, as they have the most faith in this country and its opportunities.

***What was something about life in the United States you learned or experienced that you had not expected?***

As an immigrant from Bombay, a major city, I had no real expectations when I arrived here. However, not having been here or seen the country before coming over, I had expected that it would take a long time to be integrated. This turned out to be untrue as I soon realized that the move across the oceans was the best opportunity for my family and I, as this country rewarded hard work and allowed one to succeed beyond expectations.



**Berge Tumaian**

***Tell us about your journey to the United States:***

My dad and his mother, my grandmother, emigrated from Turkey to Romania in 1915, without my grandfather, who was massacred during the Armenian genocide of that year. Some 50 years later my dad, at age 53, left everything behind in Romania and emigrated with my mother, who was 46 years old, my brother and me to an unknown land (AMERICA), an unknown

future, without the benefit of knowing its language or having a job. The journey took our family first to Lebanon, where we lived for seven months, while waiting as part of the quota system to enter these United States. Unbeknownst to me, at the same time, my wife, her twin sister, brother, and parents, were also in Lebanon waiting to enter the United States. Both my parents and my wife's parents left everything behind in communist Romania, including friends and family to give their children opportunities they did not have. Because of the late in their life sacrifice, we were able to get good educations, continue on to advanced degrees, which allows my wife and I to work together professionally to this day.

***Did your journey influence your decision to become an attorney, and if so, how?***

Coming to America, not knowing its language, culture, procedures or laws, my family was helped by other Armenians already living here, whom we initially met at a local church. This experience made me appreciate and value how to help others as an attorney, because I believe we are all brothers and sisters – and must help each other when we can.

***What values did you bring from your home country that are most important to you?***

My daughters tell me that I taught them just two valuable things: 1) do not lie, and 2) do not hate. The hard work that my Parents taught us, and we brought from the “Old Country”, became obvious to our children. We came from communist Romania, where the entire population has the same low amount of wealth, share the same amount of misery, and success was measured by the relationships one effectively experienced during their lifetime.

***What was something about life in the United States you learned or experienced that you had not expected?***

The amount of freedom we experienced here from day one was unexpected. Coming from a communist country, we did not expect such an open society, where one can examine planes at a military base, obtain secret clearance and work on a top secret submarine project, or receive in the mail our family's FBI files sent from anti-Vietnam War activists who raided and stole files from a local FBI office.

*Carolyn, Swati, and Berge were interviewed in September 2020 by President Reema Scaramella.*

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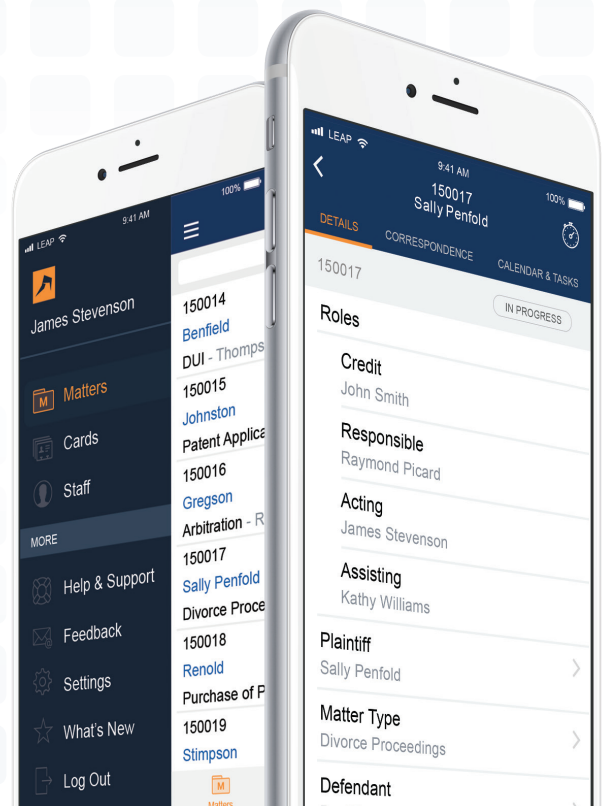
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# DELIVERING WOW

By Thomas D. Begley, Jr., CELA



The best way to ensure client loyalty is to deliver excellent client service.

## **TQM Defined**

In the context of law firms, Total Quality Management (TQM) is a program of continuous improvement based on client perception. Historically, law firms have dictated the terms of the attorney-client relationship. Over the last 30 or 35 years, clients have begun to drive that

relationship. Clients demand quality in the lawyer's work product and quality in the service delivery. TQM involves learning how the client defines value. From the client's perspective, what is it about the service delivered by the firm that has value? A TQM program is designed to deliver that value to the client consistently and to enhance it at every opportunity. The activities performed in connection with client matters that do not add value would be quickly eliminated. TQM programs have the following characteristics:

- Approach to quality is *institutional* rather than individual.
- Quality is defined by the *client* rather than the law firm.
- Quality improvement is tracked by *statistical* methods.
- Performance is *benchmarked* against leading law firms that identify ways to improve.
- Workers on all levels are *empowered* to participate in quality improvement.
- Delivery of legal services is understood to be *systems and processes* analyzed for improvement.
- The focus is on *continuous improvement* from the standpoint of client satisfaction.
- Clients are brought into the process to facilitate *communications*.

## **TQM Requirements**

- *Commitment from the Top.* In order to create a successful TQM program, there must be a visible and continuous commitment from the firm's leadership.
- *Client Focus.* There must be an intense focus on client satisfaction. The essence of TQM is that the firm must be client-driven. TQM defines the client as internal as well as external. The client of the document preparation staff member is the attorney drafting the documents, just as the client is a client not just of one particular lawyer, but of the entire firm.
- *Accurate Measurement.* Accurate measurement using readily available statistical techniques of every critical variable in the firm's operation must be employed. TQM firms use these measurements to trace problems to their roots and eliminate them. The idea is to achieve zero defects. Rather than catching the defect at the end of the process, the process itself must be monitored so that defects do not occur.
- *Continuous Improvement.* Services are continuously improved. By eliminating chronic problems, the door is opened for never-ending innovations. A good TQM program may take three years to implement.

- *Quality.* The cost of implementing a TQM program is far exceeded by the money the firm saves by eliminating waste and rework. The experience of manufacturers is that TQM can reduce the cost of doing business by an amount equal to 25–40% of gross revenues per year.
- *Empowerment.* Staff members need to be empowered to make decisions and suggestions. Training is required to ensure that the decisions will be correct.

## **Getting Started**

Start by designing a flowchart for each area of practice. Also develop a flowchart for organizational systems, such as bookkeeping, marketing, etc. Examine each step of the process and isolate the problems. Have small teams decide how those problems can be eliminated. Determine how the service can be delivered at less cost. Also, examine in each step in the process and determine how it can be changed to deliver WOW to the client.

Examples of WOW:

- *Special Reports.* Prior to the initial client conference, send a Special Report to the potential client describing the services he or she is seeking and how the firm delivers those services.
- *Picture.* Take the client's picture at the initial meeting, save it to your client database so it is available when the client calls, and mail a copy to the client with drafts of documents.
- *Audio.* Record the initial meeting and give a copy to the client at the conclusion of the meeting.
- *Coffee.* Offer the clients a choice of Starbucks® or Dunkin Donuts® rather than Brand X.
- *Beverages.* Offer sodas and juices to clients.
- *Tote Bags.* Give clients tote bags with the firm name to carry all of their paperwork.
- *Binders.* Give each client a binder with all of the documents. Include FAQs in the binder.
- *Seminar.* Host firm seminars and invite clients and their friends.
- *Name Recognition.* Have the receptionist get the client name and provide the name to the case manager. The case manager then walks to the reception area and greets the client by name. After the case manager meets with the client, the case manager gives the client name to the attorney. The attorney then enters the conference room and calls the client by name. Call the client by name repeatedly throughout the initial interview and when saying goodbye. Have the case manager and receptionist say goodbye by name.
- *Birthday.* If a client comes to the office on the client's birthday, have a cake ready and hold a small celebration.
- *Homework Sheet.* If appropriate, give the client a "homework sheet." The sheet should be printed in duplicate. If the client neglected to bring something that is important, the lawyer enters that on the sheet. Deliver the sheet to the client at the end of the meeting and retain a copy for the file.
- *Electronic Newsletter.* Send an electronic newsletter to referral sources.
- *Gifts for Referral Sources.* Books or other gifts will delight them.
- *Apology.* If the lawyer keeps the client waiting more than 15 minutes, reduce the fee by \$100 and let the client know at the outset that you intend to do that.



## BOARD UPDATE: NJSBA

Reported by Janice L. Heinold, Burlington County Representative to NJSBA

- **Mid-Year Meeting Napa:** The Board approved a new contract to hold the Mid-Year Meeting at the Silverado in Napa from March 16-21, 2021. After extensive negotiations to ensure the Association can provide for the health and safety of its members who attend the event, the contract includes provisions to ensure those issues on-site, as well as a clause that would allow for a cancellation if necessary due to the ongoing public health pandemic. Information about the event will soon be available at [njsba.com](http://njsba.com).
- **NJSBA urges virtual immigration proceedings due to health and safety concerns:** With the support of the Board of Trustees and at the request of the Immigration Law Section, the New Jersey State Bar Association issued a statement and sent letters to elected officials supporting the American Immigration Lawyers Association, New Jersey Chapter, in efforts to ensure in-person non-detained hearings are halted in the Newark Immigration Court until they can be conducted in a manner that protects the health and safety of all participants and provide for virtual proceedings. [Read more here.](#)
- **NJSBA Works with Legal Community Regarding 2020 Bar Exam:** The Board urged that a statement be issued to alert recent law graduates and the legal community about the work it has done with others in the profession to address the needs of this year's law school graduates and the 2020 bar exam. The statement follows:

Since the start of the COVID-19 pandemic, the New Jersey State Bar Association's guiding mission has been to help the legal community navigate through uncertainty and find specific strategies to keep moving forward. We believe the newest members of the legal community, the 2020 law school graduates, should receive additional support as they begin their professional journey. Starting this spring and throughout the summer, the NJSBA has been in continuous communication with its Young Lawyers Division, the Judiciary, the State's law school administrators and its members about the myriad issues recent graduates face and finding ways to help them thrive. While the New Jersey Judiciary has determined

that diploma privilege is not a viable path forward at this time, the Association is dedicated to working with the entire legal community to bolster the Class of 2020 which is currently scheduled to take the bar exam online in October.

As the Judiciary acknowledged, there may not be ideal solutions, but here are steps being taken to ensure the October exam is a success:

- The Judiciary recently said it has entered into reciprocal agreements for admission with several jurisdictions, including New York, Connecticut, Kentucky, Maryland, Massachusetts, New Hampshire, Ohio, Tennessee, Vermont, and the District of Columbia.
- All law clerks are being given additional time off to study for the bar exam and the NJSBA will be urging private lawyers and law firms to make similar allowances for those sitting for the October exam.
- The Board of Bar Examiners will conduct two mock tests this month as practice sessions for the online exam.
- The state's law schools have said they would make space or technology assistance available to graduates who need support for actually taking the test.
- Anyone else who requires a secure place to take the exam or who is in need of accommodation under the Americans with Disabilities Act is urged to contact the Board of Bar Examiners to ensure appropriate accommodations can be provided.
- The NJSBA created a portal for attorneys to post temporary practice opportunities for recent graduates who are seeking a position where they can work under the guidance of an experienced attorney.

The New Jersey State Bar Association's mantra during this public health crisis has been NJSBA: Here For You. We are working on behalf of the entire profession and look forward to working with the Class of 2020 for years to come.



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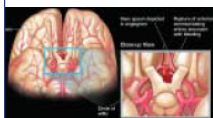
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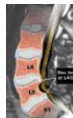
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