

## THE BAR



## REPORT

WEEKLY NEWS FROM THE NEW JERSEY STATE BAR ASSOCIATION

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## NJSBA President Jeralyn L. Lawrence honored with Tischler Award

New Jersey State Bar Association President Jeralyn L. Lawrence is this year's winner of the Saul Tischler Award, presented by the Association's Family Law Section. The award recognizes outstanding lifetime achievement in family law and contributions to advancing the development of the practice and profession, community service and dedication to family law issues through education and advocacy. Friends, family and NJSBA members gathered for an award ceremony at The Palace At Somerset Park in Somerset on April 25. ■

Photos by Jim Beckner



## NJSBA Board of Trustees takes action at April meeting

The New Jersey State Bar Association's Board of Trustees acted on several measures at its April meeting.

On a recommendation by the NJSBA Family Law Section, the Board voted to send a proposal for the Judiciary to consider amending Evidence Rule 608. The proposed change would allow for examination into specific instances of unlawful conduct to attack a witness's credibility in the Family Part, as is allowed in criminal matters. The proposal includes an exception in cases involving Title IX or 30.

The Board approved a recommendation that the state Supreme Court end the practice of charging parents for costs associated with their child being in foster care, and consider how the process can be streamlined in child welfare proceedings. The recommendation, submitted by the Child Welfare

Law Section, follows guidelines from the U.S. Department of Health and Human Services to create more equitable child support and child welfare programs.

The trustees reappointed NJSBA representatives to the New Jersey State Bar Foundation Board of Trustees—Kelly Ann Bird of Gibbons P.C.; Craig Compoli and NJSBA Trustee Alexandra Gallo of O'Toole Scrivo LLC; Katrina Homel, legal counsel for the New Jersey School Boards Association; Mikeisha Anderson Jones, global chief diversity, equity and inclusion officer for Milbank; NJSBA Trustee Tom Manzo of Szaferman, Lakind, Blumstein & Blader, P.C.; and Loren Pierce of Bressler, Amery & Ross, P.C.

The Board supported the following bills in the state Legislature:

- A3836 Stanley—a bill that requires a motor vehicle lease agreement to include an additional disclosure identifying all fees that may apply at the end of a lease agreement. The Board supported the bill with amendments that would provide additional protections for consumers who enter into motor vehicle lease agreements.
- A4723 McKeon / S2740 Codey—a measure that requires a motor vehicle dealer to delete personal information from motor vehicle computer system prior to resale or lease. The Board supported the bill with amendments to add a mechanism that protects consumer data.
- S54 Corrado / A5061 Matsikoudis—a bill that establishes a minimum level of domestic violence and sexual assault training for judges and judicial personnel.
- S2081 Greenstein / A3147 DeAngelo—a measure that expands the powers and duties of state police in missing person cases to issue administrative subpoenas and seek subpoenas, warrants and court orders concerning any case involving a high-risk missing person.
- A4444 Jasey / A4471 Flynn / S709 Codey—a bill that upgrades assault charges against sports officials to aggravated assault if committed while the official is engaged in duties, is traveling to or from a sports event or because of the person's status as a sports official.
- S3346 Sarlo / A5035 Speight—a measure that upgrades burglary of a residence to a second-degree crime. The Board supported the bill, but took no position on a provision that would qualify the crime under the No Early Release Act. ■



# Supreme Court asked to establish uniform procedures for alimony modification based on cohabitation

New Jersey State Bar Association President Jeralyn L. Lawrence appeared as *amicus* before the state Supreme Court last week, arguing that the bench and the bar need guidance for alimony modification motions based on cohabitation of the alimony recipient to be addressed uniformly throughout state courts. Lawrence took to the well of the Court in *Cardali v. Cardali*, which centers around the proofs required to establish a *prima facie* showing of cohabitation in applications to modify or terminate alimony. Lawrence authored the NJSBA *amicus* brief along with NJSBA President-Elect Timothy F. McGoughran, Family Law Section Chair Derek M. Freed and section members Catherine Murphy and Brian G. Paul.

The Justices focused on burden shifting and discovery, peppering the parties with questions about the feasibility of the three-part test the NJSBA proposed as a solution. The NJSBA asked the Court to adopt a *Lepis*-type standard to be applied uniformly. The three-step process would require a

*prima facie* showing of cohabitation – without the necessity of proving financial entanglements, shifting the burden of proof to the payee to prove there is no cohabitation; the ability to obtain discovery for this purpose; and a case



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management conference to determine if there are any genuine issues of material fact necessitating a plenary hearing. If there are no genuine issues, a motion for summary judgment should be permitted, the Association argued. If there are genuine issues of material fact, then a plenary hearing would be conducted.

The New Jersey Chapter of the American Academy of Matrimonial Attorneys also participated as *amicus curiae* in the matter in support of a uniform procedure. The Court reserved decision in the case.

### AOC head says New Jersey's judicial vacancy crisis no longer looms...it's here

Administrative Director of the Courts Judge Glenn A. Grant told the Assembly and Senate Budget commit-

tees that judicial vacancies has hit crisis proportions resulting in a domino effect on the judicial system and litigants who seek to resolve disputes

“The main message is the same as it has been for several years now. For the past three years, the court system has operated with an average of more than 50 vacancies,” said Judge Grant. “A year ago, we warned of the need to reduce that number to a manageable level of between 25 and 30. We are no longer headed toward a crisis. We are in the middle of one.”

The NJSBA remains outspoken on the issue of judicial vacancies, especially following the Administrative Office of the Courts' announcement that two vicinages affecting six of New Jersey's 21 counties suspended civil and matrimonial trials with limited exceptions.

“The Judiciary can't solve this problem,” NJSBA President Jeralyn L. Lawrence said recently. “There's only two branches of government that can solve this problem. Our governor and our Legislature cannot figure out who to put on the bench.”

The NJSBA has been vocal about the toll the judicial vacancy crisis is taking on the legal system and has met with senators and the governor's counsel asking them to take immediate steps to advance judicial nominations—some of whom have been waiting years to be moved forward.

The Association remains committed to working with both the governor's office and the Legislature to end the crisis.

## Pipeline program sheds light on life in the law for high school students

High school students from LEAP Academy University Charter School in Camden learned what it takes to get to law school, pass the bar and work as an attorney at a recent pipeline program with the New Jersey State Bar Association. The event, held at the New Jersey Law Center in New Brunswick, brought together students with experienced attorneys, including NJSBA Past President Kimberly Yonta, Treasurer Norberto Garcia, LaDonna Cousins and Jeyanthi (Jey) Rajarman with the teenagers who learned about the role civics plays in society, the many facets of practice areas in the profession and what it means to be an attorney. ■

