



Message from the NJSBA president

Putting Lawyers First, judicial vacancies, advocacy: Jeralyn L. Lawrence reflects on year leading NJSBA

Wow! It is hard to believe that we are nearing the end of what has been a magnificent year.

Serving as president of the New Jersey State Bar Association has been better than I ever imagined. It has been the ultimate professional privilege to travel across the state to meet and collaborate with everyone, from the newest members of our profession to some of the most seasoned practitioners, addressing the issues we face together. The dedication and selflessness of our members—who give so generously of their time and expertise—to address the issues and challenges confronting the legal system is remarkable.

I played as many team sports as I could as a kid, including basketball, soccer and softball. I believe wholeheartedly in the importance, value and potential of a team to achieve great things. And I have always believed that working together as a team can achieve so much more than any single person can on their own. That foundational belief has proved true time and again this year. Teamwork makes the dream work, and I am beyond grateful for everything we have achieved this year. I look forward to what more this amazing NJSBA team can do in the year ahead.

From the moment I took the oath as president of this Association, I formed and worked on the Putting Lawyers First Task Force, the central focus of my vision and passion as president. I am deeply humbled by the dedication the members of the Task Force have devoted to finding ways to make the practice of law better for all of us.

Since May, the Task Force—representing attorneys from a wide range of practice areas, including criminal, civil, family, as well as attorneys who practice at large, mid-size and solo firms around the state—rolled up its collective sleeves to start looking for real, concrete, and meaningful ways to make the practice better for all of us. It collected information from the legal community, seeking feedback on wellness issues and interviewing officials

around the country for guidance, examining ethics and fee arbitration systems and case law relevant to its work.

Wellness check

This spring, the Task Force delivered. Following hundreds of hours of work, we produced a wide-ranging report that uncovered a troubling decline in mental health and wellness among New Jersey's legal practitioners, while identifying the primary drivers of stress for attorneys and recommending an action plan to improve well-being.

The report is the largest and most comprehensive assessment ever produced on attorney well-being in the state — the work of many dedicated individuals, who united around a common goal to improve the lives of their fellow colleagues. I urge you all to read this report and its recommendations at njsba.com.

At the heart of the report are the results of a 90-question wellness survey that generated a whopping 1,643 responses from New Jersey attorneys, clerks, college or law professors and retired judges. The feedback, unfortunately, confirmed what many of us in the profession already knew. Respondents reported levels of stress, burnout, suicidal ideations, anxiety and depression at higher rates than in other working populations.

The troubling statistics require immediate action and long-term strategies that are outlined in the report. Among the recommendations was the idea to create an ongoing working group of the Judiciary and organized bar to promote wellness efforts through education, training and pipeline programs.

The report recommends removing Question 12B from the New Jersey Character and Fitness application, which asks applicants about their conditions and impairments instead of focusing on conduct. This question is an impediment to law school students getting the help they may need. It also encourages the Association to partner





with other bar associations, law schools and firms on a statewide conversation about well-being and promote ways for attorneys to get assistance from partners in the legal community, health insurance companies and mental health agencies.

On reforming the state's ethics and fee arbitration systems, the report recommended that the Judiciary establish a commission—with wide representation among the Judiciary, bar and public—to conduct a comprehensive study and make improvements to these processes. We strongly urge all lawyers who are faced with a random audit or ethics grievance to immediately hire counsel. We also ask that our members please continue to volunteer and serve on your ethics and fee arbitration committees.

A goal was to move the needle to improve the health and wellness of those of us who call this profession home. Now, the efforts of the Task Force are being put into motion. At a recent meeting, the NJSBA Board of Trustees accepted and discussed the Task Force's report and acted on several measures, such as to work with the Judiciary to create a task force on wellness. In response, Chief Justice Stuart Rabner agreed to form a state Supreme Court committee to study wellness among attorneys and the Judiciary. And, as a bonus, the report received widespread coverage from local and national media.

I love being a lawyer. I love everything about it. It's just harder than I expected, and the constant demand on us has often become incredibly challenging. It is clear we are a profession in crisis. Ten percent of the attorneys who responded to our wellness survey reported suicidal ideations; 28% report they consider leaving the profession. The pace of this practice is not sustainable. It was time to look at what was causing that crisis among our friends and colleagues and identify areas that need to change and develop plans to make it happen.

Judicial vacancy crisis

The year also saw us raise our voice and share the experiences of our members regarding the very real consequences of the judicial vacancy crisis. This issue, unfortunately, is one that preceded my tenure and sadly will extend beyond it. That said, this Association will remain an engaged advocate, urging the governor and state Senate to fulfill their constitutional obligations

and return the Judiciary to a co-equal branch of government by confirming a full complement of judges.

Our Judicial and Prosecutorial Appointments Committee has diligently reviewed candidates. But despite these efforts, a staggering and catastrophic number of vacancies remain. To prevent further harm to New Jersey residents, it is imperative that the governor nominate and the state Senate provide advice and consent on qualified judicial candidates immediately. There are plenty of qualified candidates eager and willing to serve. We are grateful to our county and affinity bars in joining us to sign resolutions calling for these vacancies to be filled.

Supporting attorneys, litigants

Our collective voice has also made an impact on many other issues. Indeed, our *amicus* and legislative advocacy remain a true powerhouse effort fueled by our members.

We have spoken out asking the Court to consider a path to reinstatement for all disbarred attorneys, in line with what 41 other states and the District of Columbia allow for those who can show they have rehabilitated themselves, particularly people suffering from mental health issues or addiction. Advocating for these changes on the Supreme Court committee studying this issue has been a highlight this year. We anxiously await the release of the report and stand ready to help the legal profession, the clients we serve and our system of justice.

The Association has been a leading voice in the call to abolish the *Madden* system and allocate adequate funding for effective counsel providers. We are *amicus* in a case that centered on *Madden v. Twp. Of Delran*, and our position was to affirm the fundamental importance of the need for indigent litigants to have effective assistance of counsel in cases of magnitude.

We did not come to this conclusion lightly. Over the course of nearly two years, our Right to Counsel Committee studied the issue extensively and concluded in its 2021 report that the mandatory *Madden* system of arbitrary *pro bono* assignments—often to attorneys with no experience in a matter of consequence—creates a two-tiered justice system, where indigent litigants do not have equal access to justice. The *Madden* system does not meet the constitutional mandate of effective assistance of counsel and

must be abolished. We are grateful for the county and affinity bars who have joined us in signing resolutions calling for the abolishment of *Madden*.

Wide-ranging advocacy

Additional advocacy achievements have been numerous. Among them:

- We were proud to coordinate national advocacy with bar leaders around the country, which resulted in the passage of a federal version of Daniel's Law to protect our federal judges. We are also advocating nationally for the passage of the Sunshine Protection Act of 2023, which would make daylight saving time permanent throughout the country. This would allow a path for New Jersey to stay in daylight saving time year-round.
- In New Jersey, we have been working closely with our colleagues in every county to have lifesaving automated external defibrillators accessible on each floor of every courthouse to protect everyone who visits these facilities.
- We have continued to promote diversity and inclusion.
- We successfully convinced federal government officials in Newark to open a second entrance and erect an outdoor shelter to provide access to the immigration courts in a more expedient way for attorneys and their clients.
- We monitor and educate our members on the latest regarding jury reform.
- We continue to testify in Trenton on legislation that matters to the profession, including updates to domestic violence bills.
- We are helping and advocating for veterans.
- We have been collaborating with the Court as to which proceedings should be virtual and which need to be in person. We are especially proud of helping effectuate the change in municipal courts and ensuring that all first appearances are done virtually.
- We advocated for trial certainty to relieve the stress of knowing whether provided trial dates were accurate.
- We coordinated a life-changing women's conference, the lessons of which will stay with me forever. For the conference, we compiled a book titled "Lessons in Leadership and Life, from Women Leaders in the

Bar," with advice and tips for women in the law. The opportunity to interview District Court Judge Esther Salas at the conference has changed my life for the better.

- We advocated for numerous changes to court rules, including: adding amendments that address the collaborative law privilege, parent coordination and fee disputes to be held in the family part; changing the caption on pleadings in divorce cases; using fictitious names instead of initials in case names; modifying case information statements so they are more detailed and transparent; asking for privacy and protections in certain court filings; overhauling the non-dissolution system and consolidating it with the matrimonial part; and modifying evidence rules to allow examination on truthfulness in family law cases.
- We continue to advocate for eCourts in the family part.
- We advocated for the American Bar Association to continue its policy to oppose non-lawyers practicing law and non-lawyers owning law firms.
- We continue to spread the word about the amazing software Legal Edge, which can help match litigants in need of representation.

To round out the year, I had the pleasure of representing the NJSBA before the state Supreme Court as an *amicus* party in *Cardali v. Cardali*, a case that seeks clarity and statewide uniformity on how requests for modification of alimony based on cohabitation are addressed by the courts. This marked my third appearance before the Court and the second on behalf of the Association, a tremendous honor and among the highlights of my professional career.

I know that I will reflect on the whirlwind of these months as president in the years ahead with a sense of pride, gratitude and honor. I am grateful to my colleagues for their love and support. Thank you. I hope to see you at the Annual Meeting and Convention in Atlantic City, where we can toast a wonderful year and celebrate my dear friend Timothy F. McGoughran, who will begin what I know will be a successful term as president. I am excited to see what more this Association can do for lawyers, the clients we serve and the public. Thank you for allowing me this opportunity. It has been a privilege and a pleasure. ■