

# PRESIDENT'S PERSPECTIVE

TIMOTHY F. MCGOUGHAN

## Back to Basics: Focusing on the NJSBA Mission

*Editor's note: Timothy F. McGoughan was installed as the 125th president of the New Jersey State Bar Association at the Annual Meeting and Convention on May 18 in Atlantic City. This is an excerpt of his installation speech. It has been edited for brevity and clarity.*



**I**t is an honor and privilege to serve as the 125th President of the New Jersey State Bar Association. As I stand here tonight, I reflect on where we began, as an organization of 74 attorneys; the historic events we have lived through, including two World Wars and two pandemics, two state constitutions and that we are today an organization 16,000-members strong, I am humbled to serve as your president.

I love being a New Jersey lawyer—I have raised three of them who have attended all three law school locations in New Jersey. I love paralegals—I married one! My journey with the NJSBA began when I was a newly admitted lawyer and joined the Young Lawyers Division. The Association has truly been my professional home.

I have one short year and a lot to do.

After the last few chaotic years, I plan to spend my tenure driven by the central underpinnings of our mission and getting back to basics for our members and our organization.

At its core, the NJSBA stands, “To serve, protect, foster and promote the personal and professional interests of our members.” Looking after our members is first and foremost. It informs our advocacy, our policies and everything we do. We strive to improve the lives of our members, and everyone in the legal community. That, in turn, will help us serve our clients, the legal profession and society.

I promise you all that the NJSBA will spend the year ahead doubling down on fundamental issues facing our members and our profession.

Chief among those is to continue to stand up and speak out about the urgent need for the governor and Legislature to

address the judicial vacancy crisis. Indeed, our mission says the NJSBA will “promote access to the judicial system, fairness in its administration and the independence and integrity of the judicial branch.” The fair administration of justice and the independence and integrity of the justice system certainly require a full complement of judges in the Judiciary. The healthy and thriving judicial branch is an essential component of our democracy and right now—while doing an admirable job—too few judges are left carrying the load. This cannot continue. Real people are suffering, and we will continue to tell their story until this crisis has abated.

Our mission also tells us to “foster professionalism and pride in the profession.” As the Putting Lawyers First Task Force revealed, ours is a profession that is suffering a mental health and wellness crisis. That is why in the year ahead, the Association will work to advance not just the policy recommendations of the Task Force, but also work to provide our members and colleagues with real, practical solutions to improve their lives, and, in turn, their practices. We are soon rolling out a Member Assistance Program in the coming weeks that will help every member, and their family members, with access to counseling and resources to deal with the stress of their daily lives, as people and professionals.

Another key tenet of our mission is that the Association will “serve as the voice of New Jersey attorneys to other organizations, governmental entities, and the public with regard to the law, legal profession and legal system.” Advocacy in the halls of the Legislature is one of the most powerful roles we play, and we will continue to seek a level playing field for attorneys. In the year ahead, we will renew our calls that the statute of limitations on malpractice claims be changed to two years, just as it is for nearly every other professional licensed in our great state.

Our advocacy will also call on the Legislature to once and for all provide necessary funding so that litigants facing matters of magnitude can receive the legal assistance they need. The NJSBA has long said the *Madden* system of the random assignment of *pro bono* cases is broken. The system was meant to be a stop gap. Three decades later the time has come to end

*Continued on page 7*

Against Discrimination and recent case law which—for better or for worse depending upon your perspective—continues to expand the scope of relief for employees. Acknowledging an anti-competitive trend in the New Jersey business climate, Michael Coco and Gigio K. Ninan discuss and analyze a proposed bill to restrict the rights of businesses to negotiate non-compete and non-poaching agreements with prospective employees.

The area of workers' compensation is addressed next. In an overview examining recent statutory changes, Lisa A. Lehrer and Sherwin Tsai discuss the

developments expanding coverage to employees in the process of arriving at or leaving from the workplace.

Unfortunately, injuries on the job are not uncommon. Normally, an injured worker trades the right to file a lawsuit against their employer for compensation under New Jersey's Workers' Compensation Act. However, some employers are uninsured and Christopher J. Keating and Mark R. Natale argue that uninsured employers should not receive protection from suit under the Workers' Compensation Act.

Finally, continuing the theme of arti-

cles addressing emerging areas, John L. Shahdanian II, Asaad K. Siddiqi and Valentina M. Scirica review the growing importance of implicit bias and artificial intelligence in employment matters.

The employer-employee relationship gives rise to legal issues which are sprinkled over numerous practice areas. The articles in this issue provide a valuable template for attorneys involved in multiple practice areas whose clients are affected by the ever-evolving legal parameters of the employer-employee relationship. ■

---

## PRESIDENT'S MESSAGE

*Continued from page 5*

it and urge the Legislature to properly fund a system that will help people facing issues of magnitude who cannot afford representation. It is not fair to litigants and not fair to the attorneys assigned to represent them. We will amplify the findings of the Supreme Court's Working Group on Attorney Pro Bono Assignments that the current system is not effective in matching willing and skilled attorneys with economically disadvantaged clients facing consequences of magnitude. And we will advocate for proper funding with the full force of our voice.

Our Association is also "committed to insuring that the individual differences of its members are understood, respected and appreciated." In this coming year, and in all future years, we will continue to work to mentor young lawyers and ensure that lawyers of all races, religion, gender identity, sexual orientation, disability, age or ethnicity are given the same opportunities to succeed. Our commitment to diversity requires listening, learning, and respect for all viewpoints.

We have made great progress through our diversity and inclusion initiatives, but there is still much work ahead to ensure our Association and legal system is wholly representative of the people it serves. It is work we want to do and work we will do.

And as a final issue that will serve the profession, the public, and the legal system, as well as extend our efforts to address mental health issues, I have established a multidisciplinary committee to make recommendations about ways we can help individuals whose involvement with the courts and legal system can be traced to mental health issues.

As a municipal court judge, I have seen firsthand how substance abuse and mental health issues are among the underlying contributors when people are charged with many offenses. Many of these offenders aren't bad people, but rather they are in a difficult position in part due to their mental health diagnosis and the justice system faces challenges in helping them.

Too often is the case that the legal system becomes a revolving door, and charge after charge piles up. This doesn't have to be the way.

This is an issue that we intend to address in earnest this year. Our committee will research and make recommendations about instituting mental health diversionary programs in every courthouse. To achieve this goal, it will study pending legislation, examine similar programs such as the Military Diversion Program and mental health diversion programs in the counties that have them, the Prisoner Reentry programs in the state and federal courts, New Jersey's Recovery Court program and other resources and programs that may be relevant and take the best of all of those to create a path forward.

Using our collective expertise, compassion, and knowledge, the NJSBA can provide clarity, guidance and inspiration to a segment of our society that needs it. There is a lot to do and so little time, but our team is up to the task, and we promise to work hard and try to make you proud.

Please know one important thing about me: My door is always open. I ask that if you have any concerns I am here to listen and try to help, so please email me at [tmcgoughran@mcgoughranlaw.com](mailto:tmcgoughran@mcgoughranlaw.com) or call me at my office at 732-660-7115. ■