

PRESIDENT'S PERSPECTIVE

TIMOTHY F. MCGOUGHAN

Reflecting on a Year of Service with Gratitude



Unbelievable!

This year has flown by so quickly and has been more rewarding than I ever dreamed. Serving as president of this great organization and on behalf of the dedicated and compassionate volunteer members of the New Jersey legal community has been an incredible gift. I am humbled and honored to have served as your 125th President. Thank you.

Together we have accomplished an impressive body of work that will bolster our profession, our clients, and society for years to come.

The NJSBA has remained a tireless voice in urging our elected officials to fulfil their constitutional duty to ensure our courts have a full slate of judges. We have been a strong voice in the press and in Trenton explaining how these vacancies affect real people and the very real issues they are trying to resolve.

Our Judicial and Prosecutorial Appointments Committee has committed itself to vetting candidates, and there are nearly a dozen waiting in the judicial nomination pipeline. We have seen a reduction in judicial vacancies from 67 last May that has been cut in half. While we have seen important steps to addressing this crisis, I can assure you the NJSBA will not take its foot off the pedal nor decrease the urgency of its calls for action until our courts have the full judicial staff called for in the constitution.

One of the efforts I am most proud of this year is the way the New Jersey State Bar Association stepped up to support the mental health needs of our colleagues and the residents of this state. Much of that was continuing the good work of the Putting Lawyers First Task Force created by my dear friend and predecessor Jeralyn Lawrence. We also thank Chief Justice Stuart Rabner for creating the Supreme Court Committee on Wellness in the Law, chaired by Justice Lee A. Solomon. It includes representatives from the New Jersey State Bar Association and other legal associations, the Attorney General's Office, the Office of the Public Defender, as well as Acting

Administrative Director of the Courts Glenn A. Grant. Reminding legal professionals to look after each other and look after themselves will be an ongoing mission of the NJSBA.

This Association has taken concrete steps to support the mental health of our profession. In the first year of its existence, the NJSBA's Member Assistance Program has helped thousands of attorneys and their immediate families get the resources they need to stem the decline in mental health and wellness that threatens our profession.

If you remember nothing of my tenure or even of what the Association has done, please remember that you can get help 24/7 from trained, experienced mental health professionals by phone, text or mobile access at 800-531-0200 via the CNA app available from the Apple App Store and Google Play or at inquiries@charlesnechtem.com.

Mental help for criminal defendants has long been needed and is now a reality as the state begins to expand mental health diversion programs in courts across the state. It's an effort the NJSBA has supported at every step of the way and one we back for statewide implementation. This expansion marks a significant step forward for the treatment of nonviolent defendants in the criminal justice system who suffer from a mental health disorder. These programs will help provide more opportunities for rehabilitation and redemption than any trip to jail, a fate that many who struggle with their mental health suffer. Programs like this are proven to create safer communities and cut incarceration costs that our taxpayers must pay and return offenders to society rehabilitated and productive.

In addition to our achievements externally, the Association has—unlike many organizations around the country—seen its membership expand into new groups that will ensure it truly captures all voices in the profession, from private practice to corporate counsel, to government lawyers including our public defenders and prosecutors. Throughout this year we have held lunchtime Zoom meetings with bar leaders from every county and affinity bar to share ideas and find areas of collaboration. While we are technically different bar associations, we all serve the common purpose of helping our members be better lawyers and work in a system that allows our members

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transactions. Melissa Skrocki and Ammad Ahmed provide advice on issues a buyer should consider when acquiring a target company's intellectual property assets, including trademarks, copyrights, patents and trade secrets. In their article, Karen Painter Randall, Joshua P. Previl, and Adam J. Salzer point out that it is critical to conduct substantive due diligence on the organizational cybersecurity infrastructure of a buyer's target investment. This is especially true given

the constant threats of data security breaches and new regulatory reporting standards in cybersecurity.

Galit Kierkut then discusses federal and state attempts to restrict worker non-compete restrictions. She suggests that trade secret protections are an employer's best tool to protect confidential information if key employees depart to competitors and non-competes become unenforceable under federal or state law.

Finally, Robert Bartkus and James

Harry (JH) Oliverio, who work in the areas of arbitration and litigation, state that they routinely see arbitration clauses in commercial contracts that contain fatal defects. They give practical advice to transactional attorneys by providing a checklist of suggestions on drafting and implementing dispute resolution clauses.

I would like to thank all of the authors for their valuable contributions to this issue of *New Jersey Lawyer* magazine. ■

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to succeed. We are very proud that we are the largest bar association in the state, but this outreach allows us to be the most representative of the many, rich facets of the profession. Having that breadth of knowledge and expertise among our members enriches everything we do, from every benefit we offer to every advocacy position we take.

Among our many achievements, there have also been moments of grief this year for our Association.

Last May, shortly after my installation, we lost Assignment Judge Lisa P. Thornton, a trailblazing leader who brought an innate sense of fairness and compassion to everything she did. I look forward to the NJSBA presenting the inaugural award in her honor at the upcoming Annual Meeting and Convention in Atlantic City.

I am also saddened to share that the state bar lost an extraordinary member in Jeremy Farrell—a former chair of the NJSBA's Legislative Committee and At-Large Trustee—who passed away in December. Jeremy volunteered countless hours to provide expertise on the Association's legislative initiatives. He was instrumental in helping educate our members about the legislative process and legislative intent. As a tribute to his work in advancing the Association's leg-

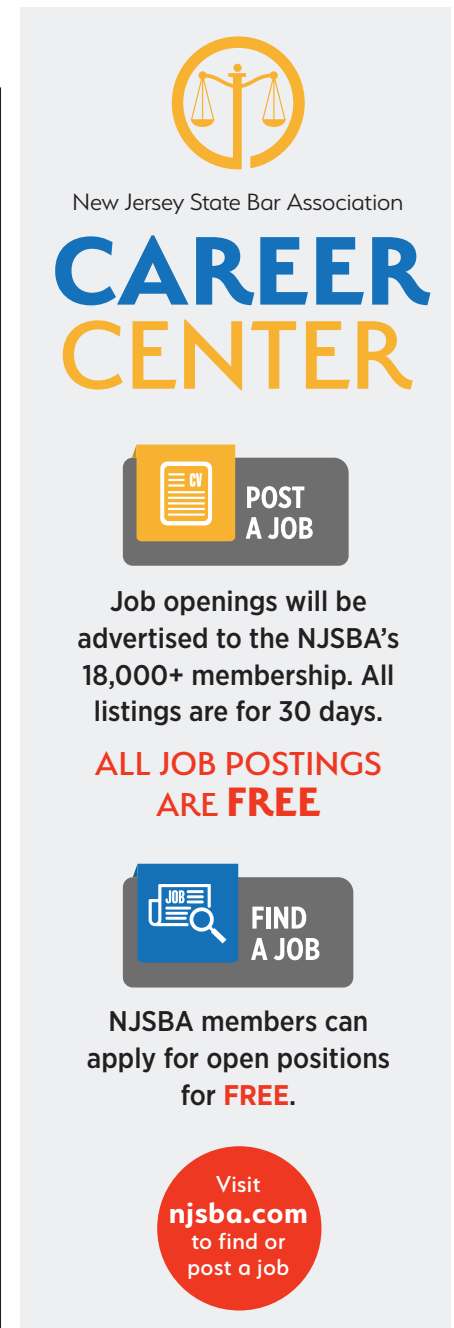
islative positions and mission, I was proud to present him with a posthumous Distinguished Legislative Service Award in January. Jeremy's contributions to the Association and its members, both personal and professional, will be deeply missed. We are all better off for his service to the bar.

If you would like to donate to the scholarship fund honoring Judge Thornton or to the 529 fund benefitting Jeremy's son, please contact askthenjsba@njsba.com for details.

As I conclude this year of service, I am profoundly grateful to many people who have volunteered on behalf of the Association in the shared pursuit of improving the profession that are simply too many to name as well as the fantastic staff at the NJSBA and NJSBF led by Angela Scheck. I am confident that my friend William H. Mergner Jr. who will be sworn in as president next month, along with our officers and Board, are ready to address any challenge that presents itself and to advance the mission of our organization. The members of this Association are in the good hands of thoughtful, zealous advocates who will continue to burnish the reputation of our organization as it proudly marches into its 125th year.

As always—or at least until May 17—if you have any matters of concern, please contact me at 732-660-7115 or tmcgoughran@mcgoughranlaw.com.

Be well. ■



The advertisement features a grey background with a white border. At the top is the NJSBA logo, a golden scale of justice inside a circle. Below it, the text "New Jersey State Bar Association" is written in a small, dark font. The main title "CAREER CENTER" is prominently displayed in large, bold letters, with "CAREER" in blue and "CENTER" in orange. Below the title are two dark grey buttons with white icons and text: the first has a document icon and says "POST A JOB", the second has a magnifying glass icon and says "FIND A JOB". The text "Job openings will be advertised to the NJSBA's 18,000+ membership. All listings are for 30 days." is centered below the buttons. Underneath that, "ALL JOB POSTINGS ARE FREE" is written in red, bold, uppercase letters. At the bottom, a red circle contains the text "Visit njsba.com to find or post a job" in white.