

NEW JERSEY LAWYER

February 2025

No. 352

THE MODERN LAW OFFICE

Adapting to and Incorporating
Technology While Keeping
the Human Touch

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Best Practices for Remote Work

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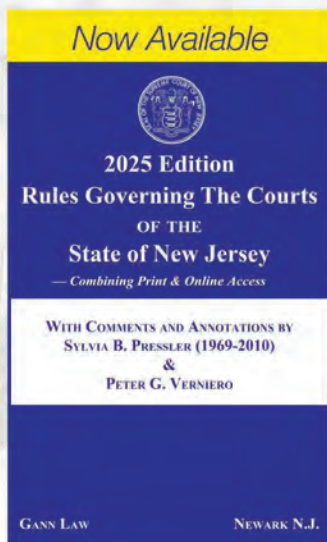
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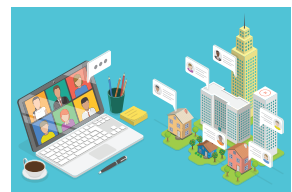
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PRESIDENT'S PERSPECTIVE

WILLIAM H. MERGNER JR.

The NJSBA has a Voice in the Legislative Process



Much of the policy that shapes our profession flows through Trenton. Every day the state Legislature creates legislation that impacts the rights of our clients, their access to justice and the tools at our disposal to represent their best interests.

To ensure that New Jersey attorneys have a voice in the legislative process, it is essential for the New

Jersey State Bar Association to maintain an active statehouse presence. Thankfully, we have a vibrant government affairs advocacy program to monitor and influence the latest developments in Trenton. Our staff and member volunteers routinely establish contacts with federal and state legislators, work with the NJSBA sections and committees to proactively draft legislation and suggest reforms in the law and provide public testimony before the Legislature.

I'm proud to report on our recent legislative advocacy. We owe our thanks to the many volunteers who help advance the Association's interests through the Legislature.

The NJSBA has closely monitored Senate bill S2437, a measure that would shift contempt of domestic violence matters off the *Madden* list and into the Office of the Public Defender. The NJSBA is a staunch supporter of this bill, as it represents a significant step forward in moving cases out of *Madden's* random system of assignment counsel to more qualified attorneys for these matters. The bill passed the state Senate 39-0 and we await its movement in the Assembly. The Association has been in discussion with the sponsors as well as the governor's staff regarding the bill's status with the hope it will pass before this session is over.

Despite widespread acknowledgement that the *Madden* system is ineffective in providing assigned counsel, random assignments continue throughout the state. Attorneys are still assigned cases in practice areas in which they have little knowledge or expertise. The NJSBA made clear in its 2021 report on effective representation in right to counsel matters, the constitutional mandate to provide that representation

falls within the state's responsibility. Through its support of this bill, and hopefully others like it, the NJSBA will continue its work to completely abolish *Madden* assignments in favor of a system that provides trained, qualified counsel to those facing consequences of magnitude and who cannot otherwise afford representation.

Another bill backed by the NJSBA aims to end the practice of collecting child support from parents whose children are in out-of-home placements. The NJSBA supports this measure, known as Equitable Outcomes in Child Support Collection Act, as an important step in removing barriers to family reunification.

In the current system, child support accrues for parents in situations where the state Department of Children and Families removes their children for abuse and neglect. While the parents participate in services to reunify their families, many struggle with poverty and mental health issues that impede their ability to participate in services and maintain employment to meet these obligations. The accrual of support adds another burden they can ill afford.

Both the NJSBA and the Judiciary recommended ending the practice to keep families together. As my predecessor Timothy F. McGoughran stated in a letter to the Administrative Office of the Courts, the regulations changes "will help to ensure that parents who are working to reunify with their children will not be precluded from achieving the goals of reunification and stabilization due to state-imposed child support obligations."

The bill has passed the state Legislature and awaits the governor's signature.

It's always inspiring to highlight members who lend their expertise to writing legislation for the profession and public's benefit. In the fall, an NJSBA-drafted bill passed the Senate Labor Committee, where it remains pending in the Senate Budget and Appropriations Committee. The Assembly version was introduced in January. The bill aims to adjust the board and lodging compensation rate for injured workers who receive it as part of their workers' compensation claims. Under the bill, workers would see their reimbursement increase from

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Welcome to the Future

By Veronica J. Finkelstein and Steven J. Eisenstein

Should H.G. Wells' time traveler find himself in our present day, what would he make of our modern world? Many things would look vaguely familiar but common tasks would be done in ways he could not imagine. He had seen hot air balloons, so he might understand that the machines flying through the air were carrying people. He had seen the telegraph and rudimentary telephones, so he might understand that the devices people on the street were talking into were meant for communication. But in this fast pace and frenetic world, there must be some place unchanged by time—there must be some refuge.

The law office! An unchanging bastion of normalcy with its leather-bound books and desk-bound lawyers sitting down and counseling their clients through the intricacies of arcane documents and court proceedings, unrelenting in their formality and unchanging nature. Here it was, a comfort zone. That comfort would last until he saw his first billboard and television commercial advertising legal services and spotted a lawyer wearing sneakers in court. This issue is for those who feel that familiar comfort slipping away.

We have assembled a diverse group of authors ranging from practicing lawyers to academicians, technologists and thought leaders. Their articles provide a broad perspective into a future which is already here.

Our first article is by Patrick Fuller, the chief strategist of ALM who has given a great deal of thought to law as a profession, where it has been and where it is headed. Fuller's expertise is evident in his thought-provoking article which offers a high level perspective as well as practical advice for those seeking to take advantage of all the modern world has to offer.

Lawyers are not the only ones affected by the changes in law practice. Many law firms have substantial support staff to assist in their activities. Veronica J. Finkelstein, an associate law professor and a consultant, offers us a look at law firm



VERONICA J. FINKELSTEIN is an Associate Professor of Law at the Wilmington University School of Law and a Litigative Consultant to the U.S. Attorney's Office for the Eastern District of Pennsylvania. She serves as a Program Director for the National Institute for Trial Advocacy travels across the country teaching advocacy skills.



STEVEN J. EISENSTEIN is a member of Lum, Drasco & Positan LLC in Roseland and is chair of the firm's business department. He is a member of the New Jersey State Bar Association Board of Trustees and is chair of the AI Committee, the By-Laws Committee, and on the editorial board of New Jersey Lawyer. He is the immediate past chair of the Business Law Section and president of the New Jersey Inn of Transactional Counsel.

staffing and how it has been impacted by modern practices. Whether you are seeking roles for the lawyers in your office or your support staff, Finkelstein offers practical tips and guidance.

In our third article, two young lawyers, Jonathan Amira and Robert J. Garcia, give us the perspective of those new to the practice to whom none of this seems surprising. Do young lawyers have an advantage because they do not have to change their ways of thinking or overcome the inertia of their previous comfortable existence? Read this article and find out.

In our fourth article, Steven Eisenstein takes you through the best practices of working remotely. Although many lawyers are returning to the office, the world of remote work does not seem like

it will ever end. Some continue to work remotely and some supplement their in-office practice using technology, whether at home or on the road. This article is about the practicality as well as the change in perspective needed to efficiently function away from the office.

Dr. Robert Spangler is the Chief Information Security Officer of the New Jersey State Bar Association. Anyone who has had the great fortune of receiving advice from Dr. Spangler in his fields of expertise knows that their lives will be improved by his sage counsel and advice. Now you can receive the benefit of that guidance as he discusses the four essential pillars of technology for lawyers and law firms.

In our next article, Eisenstein returns with a look at the overall subject of real

estate in the modern law office. Whether to buy or lease, where to locate your office, entity formation and ethical considerations all must be taken into consideration when opening an office.

For the final article, Francis J. Giantomasi offers a case study from one of our leading law firms and their decision to move to a new office. Giantomasi takes you through every step of the decision-making process, from selecting the office, working with various parties and designing that office to become a showcase for his firm.

We hope that you find both intellectual stimulation and practical advice in these articles and we invite you to join us from now to the future. ■

PRESIDENT'S PERSPECTIVE

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\$25 to the market rate—representing a much-needed update, as this rate had not been changed since 1966. Credit to NJSBA members Kathleen Dotoli and Anne Debellis, who continue to advise state legislators on this bill.

Of course, this is just a fraction of the legislation on the NJSBA's radar. On a

monthly basis, the Association's Board of Trustees reviews bills that directly affect lawyers as a profession, public access to the justice system and constitutional rights. The Board relies on the various NJSBA sections and committees to analyze legislation, its impact and recommend whether the Association should take a position. In December, I had the privilege of presenting the annual NJSBA Legislative Awards to 14 members whose

volunteer legislative advocacy was exceptional in 2024. I expect the advocacy in the next year will be equally productive and inspiring.

The Association is always looking to take a position on legislation of interest to the practice. I encourage you to visit the advocacy page on the NJSBA's website and get involved in the legislative process. ■



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WRITER'S CORNER

Clean Up Your Writing— Make it Clear and Concise

By Danielle DavisRoe

For Practice HQ

While writing about complex issues is a focus of many attorneys' days, between advising clients, researching the issues, going to court, and negotiating contracts, most attorneys have little time to focus on their writing style. Add on a multitude of pressing deadlines, and attorneys find themselves drafting most legal documents at the eleventh hour, leaving just enough time to proofread, but not enough time to revise. To improve your writing style, you must take the time for revisions that include a focus on your writing style.

The issues caused by a lack of revision time are exacerbated by how law schools and experienced attorneys train young lawyers. Most aspiring attorneys are trained to write complex prose describing complicated concepts.

As a result, legal documents are unnecessarily hard to read. A lawyer's focus should not be producing documents that are challenging to understand as proof of intelligence and justification for the bill. A lawyer's focus should be providing counsel and advocacy for his or her clients. The documents should reflect that counsel and zealous advocacy.

Focus on Clear, Concise Language

The focus of most lawyers' revisions should be on simplifying their language. Aim for clear and concise writing whenever possible. Attorneys notoriously use twenty words when two words would suffice. This "lawyerly approach" to writing is deeply-rooted in tradition and how attorneys believe a legal document should read. To help shake the habit, start by ceasing specific bad practices.

Passive Voice

There is a time and a place for passive voice, but legal writing is not it. Active voice is more concise and clearer than passive voice. Passive voice occurs when the person or thing acting is not the subject of the sentence. For example: Plaintiff's leg was broken by the defendant. In this example, the defendant is performing the action (the breaking of the leg), but the defendant is not the sub-



ject of the sentence (the plaintiff's leg is the subject). When written in active voice, the sentence reads: Defendant broke Plaintiff's leg. The sentence length reduced from seven words to four words, is easier to read, and paints a better mental picture for the reader. Catching passive voice is easy. Passive voice always contains a form of the verb "to be" and follows it with a past participle—just watch for sentences using that formula while revising a document.

Redundancy

Redundancy comes in all forms. From including both written out and Arabic numerals to redundant phrases (e.g., "last will and testament" and "swear and affirm"), lawyers habitually include unnecessary words. Regarding numbers, the habit of following a written number with the Arabic numeral in parentheses is hard to read and increases the possibility of committing malpractice. If there's a mismatch between the two, the drafting attorney unintentionally opened the door to litigation over the contract and a possible malpractice claim. Using the Arabic numeral alone makes it easier to ensure that the right number is included and makes the contract easier to read.

Phrases such as "last will and testament" and "give, devise, and bequeath" are the norm in estate planning documents. However, "will" and "give" are sufficient; there is no need to add extraneous words. As lawyers continue to use these redundant phrases it perpetuates the belief that they are required.

Needless Words

Redundant phrases are not the only time lawyers use needless words in their writing. “Until” becomes “until such time as.” “Annual” becomes “on an annual basis.” “The fact that” appears frequently in legal writing, yet rarely adds any meaning or clarity to the sentence. Remove unnecessary words for more concise, clear writing.

Tools to Help

While there is no magic wand to start writing more concisely, there are tools that can help. Previously the bane of most writers’ existence, Microsoft Word’s grammar checker has become a useful tool for encouraging simplified, easily-understood language. Not all of its suggestions are worth taking, but many of them are worth considering. Grammar checker is included with Microsoft Word. There is nothing to buy and nothing to install.

WordRake, an add-in for Microsoft Word (Mac and PC) and Outlook (PC only), simplifies legal writing with the click of a button. Using tracked changes, WordRake cuts through extraneous language and produces clear, concise writing. Attorneys can easily accept or reject the proposed changes with the click of a button. While this tool is a bit pricey, WordRake can be life-changing for those who want to focus on writing more concisely. See wordrake.com for more information.

Grammarly, another Microsoft Word and Outlook add-in, gives users a taste of their magic for free. However, most of their powerful editing features require a premium subscription. When analyzing a document for potential edits, Grammarly frequently proposes two or three alternatives to your existing phrasing, allowing you to select one of the options with the click of a button. Grammarly’s suggestions are displayed in a separate pane that also provides helpful guidance on why a change should be made. Grammarly also includes a web-based editor, internet browser add-ins, and mobile keyboards for assistance outside of Microsoft’s desktop Word and Outlook programs. See grammarly.com for more information.

Find an editor. Find someone else who writes well who is willing to edit your work. Have them edit your writing, tracking their changes as they go. A second set of eyes is invaluable at catching issues that Word’s grammar checker, WordRake, and Grammarly will never catch.

The New Jersey State Bar Association’s Practice HQ is a free member resource designed to help you build and maintain a successful, thriving legal practice. Learn more at njsba.com/practice-hq.

WORKING WELL

Working While ‘Unwell’ in the Legal Environment

By Lori Ann Buza

KS Branigan Law P.C.

Prioritizing well-being not only provides for a balanced and more joyful life, but also a more peaceful work experience while facilitating productivity and success at work. What happens, however, if you become unwell and must face illness? No one likes to think it could happen to them. But that begs the question... *what if it did?* Deadlines would certainly not cease, clients’ demands would still exist, and your legal work will not magically disappear on its own. If the health condition is serious enough, however, it may be time to take a pause and address *your needs* nonetheless—and leave the piles on your desk for someone else.

It is understandable that lawyers in particular do not like to give up control over work matters, but sometimes they must do so to *gain control* over their health again. Remember that in order to help others—legally or otherwise—one must first be in good enough health themselves. Here are some tips to keep in mind if you must face a serious health crisis.



1. Take time to process the news. Whether it is a day, a week, or longer, you need time to digest and process what it is you must face. Ask for adjournments, clear your schedule, take a break. At this point, ask for temporary help until you formulate a more permanent plan for the future. A good firm or employer should have in place strategies for supporting employees facing illness.
2. Gather as much information as possible. Use all the research training you have and apply it to yourself. If possible, get several medical opinions (*at least* two). Ask your doctors if you may record your conversations in order to revisit them later should you need help recalling. Talk with open ears to anyone

and everyone you know of who may have faced a similar situation. Their experiences may help you form your own thoughts and questions for medical personnel. Create your network of people who can empathize with you, and for whom you may call upon as new questions/issues arise.

3. After you have gathered all the information you have access to about your condition/necessary treatment, formulate your action plan. What must you do to either address this illness or treat it? Who do you involve in this journey at home and at work? Select carefully a team of folks you can rely on for what you face going forward. Create your “to do” list to best address your condition and treatment.
4. Keep your papers and information organized. When a health crisis hits, numerous doctors’ reports, test results, insurance issues, etc., come up. Without an administrative assistant at home this paperwork can accumulate and get unorganized or lost. From the start, get a file system in place so you don’t lose any important information. Keep a notebook where you can write down all the notes you gather at doctors’ appointments. Tracking your symptoms and how you feel in a journal can be important in some diagnoses as well. Document your medications, weight, food intake, sleep, activity, and how you feel each day—over time you may need to revisit that data.
5. Just say *no* when necessary. This is the time you may have to say no to others in order to say yes to yourself and your own well-being. Find a way to redefine your work schedule such that you can address your health issues. And, if you need to take a leave of absence, do so—without hesitation or feeling of guilt. It is critical that you prioritize yourself as you would your most pressing legal case. Talk to human resources and/or your manager about the programs and assistance that are available to you under the law as well as firm policy. Contact an employment attorney should you need clarification of your legal rights.
6. Turn off outside distractions and people who will not help in your journey to recover. You may need to tell certain family members/friends that you require space away. You do not owe an explanation to anyone if you need that space and/or time

to address your health issues and/or to heal. People who care for you and your well-being will understand and should respect your privacy and the reasonable boundaries you put in place.

7. On the flip side, community can and should help; feel comfortable requesting it. Reach out to trusted friends and family to help with home and family responsibilities. Cooking, cleaning, errands, and family care are all things you may need assistance with. This may mean asking colleagues at work to pick up for you where you cannot, and people at home to provide support. Ask your leaders at work to offer flexibility with work schedules, assignments, etc.
8. Seek mental health support. Therapy, counseling, as well as mental health breaks from work (and even from treatment itself when possible) are very useful in combating physical illness. Recall that mental well-being and physical well-being are interconnected and support one another. If your illness permits, try to engage in activities that sooth your mental health and comfort you.
9. Decompress from technology. Learn to shut off the phone and *not* check email so frequently. If you enjoy social media as a distraction, that’s your prerogative to use it, but do so at a minimum. Try to shut down from social media and technology so that you have the time/focus to take more targeted actions to help your health as noted in point No. 10 below.
10. With your medical team’s help, examine your diet/supplements and make any adjustments necessary for better health as you go through treatment. Under your doctor’s advisement, stay as active as you can, mediate daily and get abundant sleep. If available and appropriate, try soothing music or nature sounds, aroma therapy, and breathing as well as relaxation techniques to facilitate your healing.

Lawyers need to prioritize their health *above work* so that they may perform their legal functions with competence and success, as well as to be able to lead happy and full lives. If you are facing a health crisis, do not hesitate to reach out to me directly for more specific guidance and support at loriabuzaesq@gmail.com.



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PATRICK FULLER is ALM's Chief Strategist. He leverages his experience and expertise in analytics, strategy, and behavioral economics to empower law firms, legal departments, and service providers to excel and achieve their goals.

By Patrick Fuller

Is the past really prologue?

When William Shakespeare first penned this iconic line in his early 17th-century play, *The Tempest*, I'm pretty sure he wasn't referring to the modern legal profession.

However, since the legal profession is mainly built on past precedent, it could be helpful to look backward at a completely different industry to fully understand the speed at which change can happen, even after years of minimal changes, when considering the future of the modern law office.

According to most historians, the chariot was invented on the Eurasian steppe around 3000 B.C. The two- and four-wheel versions changed slowly with the addition of the horse around 2000 B.C., taking nearly 1,000 years to occur and remaining a primary method of land-based travel for the next 5,000 or so years. In the early 1800s, the steam-powered locomotive debuted, first in Wales, before eventually making it to the United States in the late 1820s. Following more than 5,000 years of dormant innovation regarding land-based travel, the locomotive kick-started two centuries of rapid innovation acceleration. By the time railroad tracks had been laid, connecting the four corners of the continental U.S. and points in between, cars powered by the internal combustion engine were hitting the market. The first gasoline-powered automobile was patented in 1886 by Karl Benz. In 1903, less than 80 years after George Stephenson's steam-powered locomotive, the Wright Brothers first took flight, albeit for just 12 seconds and 120 feet. In 1911 the first transcontinental flight made 70 landings to make the flight. Sixty-six years after powered flight was born, Neil Armstrong walked on the moon. It took nearly 5,000 years to move on from being dragged around by beasts of burden, yet just 66 years to put a man on the moon after 12 seconds of initial flight.

This little trip down transportation memory lane reminds us that periods of innovation dormancy are often followed by rapid innovation acceleration. Innovation acceleration manifests itself differently in various sectors, but the speed of change tends to increase.

The legal profession has been through periods of change that may have seemed like significant inflection points at the time. Law practice has evolved slowly over the years, but the most important changes are yet to come at an accelerated pace, both in how law firms operate and in how legal services are procured and delivered. Lexis and Westlaw terminals debuted in the early 1970s. In the 1980s, I'm sure there was a raging debate in some law firms regarding switching from IBM Selectric typewriters to using computers for word processing. The early 1990s featured legal research moving from books to CD-ROMs and then, in the late '90s, to online portals. In the late '90s and early 2000s, electronic discovery greatly expanded the scope and complexity of discovery and laid the groundwork for much of the automation capabilities that took hold during the mid-2010s. Law firm "web pages" and later websites and blogs took off during the early 2000s, significantly increasing lawyers' and law firms' reach, exposure, and awareness to prospective clients and potential referrals.

The common thread with continued innovation in the legal profession has been that each new addition further levels the playing field between the largest and smallest firms.

However, considering what the future law office may look like or how it may operate, we should remember that most technology is still in its infancy. In terms of technology, particularly artificial intelligence, each day we survive a new worst version. The hardware, accuracy, speed, and outcomes will only improve from here on out. In other words, we are just barely scratching the surface.

The most noticeable change to many law firms' physical offices is the significant reduction or near-elimination of the formal library. For some firms, the ability to modify the former library space to house revenue-generating timekeepers is a compound win, as it minimizes

dual cost hits in the form of books that consistently need to be updated and commercial real estate that is housing overhead cost in favor of fee earners. In others, excess space has allowed renegotiation with landlords at lease renewal time with a corresponding saving by eliminating unnecessary and non-productive areas of the firm.

In conversations with firm leaders of all sizes across the country, hybrid work policies typically dominate conversations. They are generally followed by discussions about how firms can modify their office space to create an environment that facilitates collaboration and engagement while mimicking some home office elements. Individual offices are often more equal in size, while community spaces are increasing in size. As more firms embrace variations of the hybrid model, an increasing number of firms are considering a move to "hoteling," where employees do not have assigned desks or offices. Instead, they reserve workspaces as needed. While hoteling may seem a radical departure from the typical law firm office, it enables firms to reduce occupancy expenses and expand fee earners beyond traditional space limitations. In other words, it offers the potential for firms to increase revenue while decreasing costs. As the legal profession grapples with efficiency-increasing automation and GenAI tools, hoteling may be an option that benefits some firms in the near term.

One reason hybrid work structures and hoteling are possible is that technology enables various degrees of nomadic working. Specific practices are compatible with remote lawyering, benefiting from mobile phones, laptops, Wi-Fi, video conferencing, and cloud-based systems.

Operationally, one of the most notable changes will be the increased use of automation in law practice. It's essential to understand the differences in ter-

minology regarding automation, artificial intelligence, and generative artificial intelligence (GenAI). Automation executes tasks automatically based on a definitive set of rules. Automation is excellent for repetitive knowledge tasks but does not possess the ability to learn, adapt, or evolve independently. Artificial Intelligence (AI) enables systems to simulate human intelligence, logic, and reasoning with existing data through training and learning and adapt their outputs accordingly. Generative AI (GenAI) is a subset of artificial intelligence that goes beyond working with existing data and can generate entirely new content, including text, images, and sounds.

Abraham Lincoln once famously quipped that “a lawyer’s time and advice were his stock in trade.” More than a half-century later, Reginald Heber Smith, the managing partner of Hale and Dorr from 1919 to 1956, designed the six-minute increment billable hour. By the early 1960s, most firms and lawyers used Smith’s version of the billable hour when invoicing clients. By the 1980s, billable hours increasingly became measurements for compensation and, in turn, essentially became the default unit of measurement for both law firms and legal departments alike.

The common threads running through automation and artificial intelligence are increased efficiency, speed, and consistency (that is, significantly reducing the number of those six-minute increments). Efficiency and speed have historically served as kryptonite to lawyers and law firms from a revenue and billable hour perspective but will eventually become the differentiators. For years, too many lawyers and firms have confused law firm size with strength and a law firm’s office footprint with reach. However, as technology continues to shrink the universe and level the playing field, it will no longer be the big that eat the small but the fast that eat the slow.

As technology drives efficiency, the

most critical changes we’ll begin to see will be in partner compensation models, fee engagements, and fee structure. Many firms have already deviated from utilization-based compensation models to those featuring revenue, profitability, and various additional factors that can be objective and subjective. The key for many firms will be aligning the fee engagements with the attorney behaviors the compensation model incentivizes. Client pressure will continue to erode the prevalence of the billable hour concept. Task-based billing, qualified fixed fee arrangements and success incentives are likely to increase as many routine tasks become automated. Another factor will be how firms treat the concept of “knowledge engineering,” a critical component of automation and AI. Knowledge engineering is crucial to creating rule-based algorithms, frameworks, and decision trees that can apply legal knowledge at internet scale.

Artificial intelligence requires three main types of learning: supervised learning, which used structured data (easily searchable data generally organized in rows and columns, such as databases or spreadsheets); unsupervised learning, which typically uses unstructured data (unorganized data lacking a specific format); and reinforcement learning, a more standard format that operates through a form of a yes/no or true/false premise. Each of these areas requires specialized legal expertise to develop, which typically translates to unbilled time, further underscoring why compensation structures will deviate from pure utilization to include additional factors and considerations. As such, black box compensation systems will likely remain, at least in the near term.

One frequent criticism of hybrid work models and greater reliance on automation and AI is their potential impact on associate development. A recent ALM/Tilt Institute Survey found that law firms spend just under 1% of gross rev-

enues on professional development, with 84% of the budget allocated to lawyer development, the bulk of which goes to associates. Hybrid work models present challenges to associate development, not necessarily because associates resist being in the office but because partners also need to be there. Since the pandemic, many firm leaders have mentioned that they are having a more challenging time getting some partners to return to the office than they are some of the younger associates. Most firms will eventually settle on days when everyone is in the office, but the times of five to seven days in the office are likely in the rearview mirror.

Many firms need to balance professional legal development with investing in associates’ business development, client engagement, and leadership skills. As automation and AI are further embedded in various workflows, some elements of the traditional grunt work, especially those involving repetitive knowledge tasks, are likely to be automated. The counterbalance to this challenge is that lawyers, especially associates, will develop new skills & ways of thinking about how legal solutions are delivered. Several law schools are already teaching law students how to merge technology aptitude with legal skills. Expect more schools to alter their curriculum moving forward.

Over the past several years, legal research providers have started infusing AI into their platforms, and this trend will only increase. AI tools will help lawyers identify and summarize relevant matters and statutes and extract essential information in a fraction of the time of traditional methods. Natural Language Processing (NLP) will enable researchers and lawyers to generate more complex searches that produce more accurate results faster.

Another area where AI is poised to impact is knowledge management (KM). Through machine learning, KM tools can learn about past matters and research,

enabling firms to build a repository of subject insights and experience that continuously learns over time. This will positively impact the practice of law and be crucial for business development and pricing. For business development (BD), relevant experience solving similar problems not only helps win new clients but also helps justify higher fees. People tend to buy with some combination of the head and the heart; emotion drives the decision, but logic and reason help justify the decision. Relevant experience helps serve as the logical justification in the BD process. With pricing, having the ability to quickly analyze similar prior matters to create “real-world” budgets and estimates given similar prior matters can help firms deliver more accurate budgets.

One thing seems inevitable, and that is that the law office of the future will leverage artificial intelligence to inform on case assessments and probabilistic outcomes. Given the sheer magnitude of historical data on precedents, judicial rulings, prior matter outcomes, jury verdicts, and settlements, firms can use predictive analytics in various ways. The first will be with early case assessment, enabling more informed decisions on matter strategy. It will help firms develop more accurate matter budgets, even automatically updating the budget and timeline as scope changes occur. This should reduce unplanned and unstructured lawyering, minimizing costly write-downs and adjustments. Additionally, clients consistently mention their desire for consistency, predictability, and communication from their outside counsel, and this is where technology can help fill gaps in the client experience.

However, where the law office of the future will realize the most profound impact of AI will be in the business of law. Despite the added investment costs of AI tools and platforms, the technology and capabilities will likely reduce profit leakage for many firms. Several existing

time & billing platforms can automate line-item entries with the correct UTMBSS or SALI codes that conform per client to outside counsel billing guidelines. By automating time entry, firms significantly reduce poor billing hygiene and improve realization, boosting the bottom line. And because many of these platforms automate time capture, the risk of unrecorded time, one of the most lethal silent drainers of profit, can be mitigated.

Another area of profit leakage that should benefit from AI’s large is lateral hiring. Extracting data from lateral partner questionnaires and financial and billing data could enable firms to identify the criteria and characteristics of lawyers, including lateral partners and associates, best positioned for success within a specific firm.

As law firms reimagine different ways of engaging with clients and delivering legal services, subscription services, such as “legal-as-a-service” offerings, will likely become more common. Subscription services represent a break from traditional client service methods but offer the most significant potential for law firms to scale their service offerings. It may make it easier for firms to cross-sell service offerings to existing clients. It’s long been established that law firms missed every iteration of the Industrial Revolution. Subscription-based solutions allow law firms to take the one-to-many approach for issues that generally fall into commoditized run-the-company matters. Practices with defined rule bases, such as tax, employment, and compliance, are highly conducive to subscription offerings.

As a general rule, practices with the highest frequency of specific questions combined with the lowest complexity and risk in the potential answer offer the most potential for automation.

Finally, legal departments frequently mention their desire for proactive communication and issue spotting from out-

side counsel. An area where GenAI can help lawyers be more productive is drafting client alerts and thought leadership. It is generally easier to edit than create and using Generative AI to produce an initial draft of a client alert, a blog post, or other forms of thought leadership can reduce some essential but non-billable client development work.

Another area of horizon scanning that benefits tremendously from AI is algorithmic trend detection in litigation filings. This process analyzes vast amounts of complaints and identifies potential patterns and opportunities before they become visible to the naked eye. This “big data” analysis type is more proactive than reactive but will change how some firms approach client engagement and business development.

Ultimately, the law office of the future will be significantly more “tech-enabled” than it is today, but it’s not “pie-in-the-sky” or “Jetsons-like” prognostications. But, to be fair, The Jetsons did feature self-flying cars, and the transportation industry is, after all, currently testing self-driving autonomous vehicles. Many products and services are already available for firms. In a perfect world, technology significantly enhances the efficiency, accuracy, and accessibility of legal work by automating routine tasks, enabling faster research, and supporting data-driven decision-making. It will also allow lawyers to manage higher volumes of work with increased exactitude, reduce human error, and deliver quality legal services as part of an exceptional client experience. However, as automation and AI are further integrated into all aspects of the legal profession, it will force the law offices of the future to confront challenges to the status quo, such as traditional billing, compensation, and business models, requiring lawyers to adapt by developing tech fluency and focusing more on strategic, high-value services that technology cannot fully replace. ■

A spotlight on some upcoming 2025 programs...

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Thursday, Feb. 27
9 – 11 a.m.

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- The sensibilities of young attorneys.
- Law office staffing issues you need today and what you need to think about in the future.
- The best practices for remote work.
- What the modern law office will look like and how it will function.
- Real estate issues to consider.

Featuring:



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Lum, Drasco & Positan LLC, Roseland
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Veronica Finkelstein, Esq.
Associate Professor, Wilmington University
School of Law
Litigative Consultant, U.S. Attorney's Office
for the Eastern District of Pennsylvania,
Philadelphia



Patrick Fuller
Chief Legal Strategist,
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Saujani has spent more than a decade building movements to fight for women and girls' economic empowerment, working to close the gender gap in the tech sector, and most recently advocating for policies to support moms impacted by the pandemic. Her newest book, *Pay Up: The Future of Women and Work (and Why It's Different Than You Think)* presents a bold plan to address the burnout and inequity harming America's working women today. Her influential TED talk, "Teach girls, bravery not perfection," has more than five million views globally.

For this special presentation, NJSBA President-Elect Christine A. Amalfe will moderate a keynote presentation with Ms. Saujani. Each attendee will receive a copy of Ms. Saujani's latest book, *Pay Up: The Future of Women and Work*.

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The Only Constant is Change

Law Firm Staffing Now and in the Future

By Veronica J. Finkelstein



VERONICA J. FINKELSTEIN is an Associate Professor of Law at the Wilmington University School of Law and a Litigative Consultant to the U.S. Attorney's Office for the Eastern District of Pennsylvania. She serves as a Program Director for the National Institute for Trial Advocacy travels across the country teaching advocacy skills.

The ancient Greek philosopher Heraclitus of Ephesus is credited with coining the adage, “the only constant in life is change.” Though Heraclitus certainly wasn’t thinking about law firm staffing at the time, the maxim nonetheless applies. Gone are the days of switchboard operators, steno pools, legal secretaries typing up dictation, and associates conducting document reviews by digging through banker boxes of hard copy files. The law firm staffing model is ever evolving, but the most recent transformations have been prompted by the COVID-19 pandemic and the development of artificial intelligence tools. Law firms would be well advised to both take note of the following four trends in law firm staffing and to consider what these trends might suggest for the future.

First, attitudes toward teleworking and employee dissatisfaction stemming from law firm return-to-office policies may impact law firm staffing. Many firm employees, especially younger and more technologically savvy employees, embraced telework during the COVID-19 pandemic. These employees are now demanding flexibility as they return to the office. Firms that fail to adapt may find themselves shedding talent.

This trend is true not only for lawyers but also for non-lawyer support staff. Support staff are often subject to more restrictive use of telework than lawyers, leading some support staff to leave for positions at more flexible firms or even outside the legal field. According to a recent report, a majority of paralegals reported being subject to different, more restrictive attendance policies than lawyers. Unlike associates, who more directly feel the mentoring and professional development benefits of in-office work, paralegals are more likely to be dissatisfied with return-to-office policies.

The loss of support staff can impact law firms in the short and long term. In the short term, the loss of support staff can result in lawyers performing administrative and clerical tasks for which they cannot bill, reducing efficiency. In the long term, the loss of support staff can detrimentally impact office morale and result in expending unnecessary time and money on the hiring process. Law firms should consider the value proposition for all employees and incentivize paralegals with in-office benefits that motivate their return.

Second, law firms are moving toward the consolidation of resources. The days of a one-to-one ratio between legal assistants and lawyers are gone. Now law firms are moving toward consolidated models where pools of support staff are assigned to tasks rather than to law firm partners. Some firms are developing resource centers or “hubs” offsite, where

assignments are farmed out to the most suitable staff member. These resource centers can be located remotely and thereby can attract talent from outside the law firm’s geographic market.

This model highlights the importance of excellent delegation skills for those tasked with managing these resource centers. When recruiting staff to manage these centers, law firms may need to think outside the box and prioritize hiring staffers with non-law firm management experience.

Third, the use of AI and machine learning tools is driving a shift in the types of non-lawyer staff firms need. Legal practices have always required some work by non-lawyer legal professionals. Traditionally, legal assistants and paralegals have performed the administrative and clerical portions of basic case management. Today’s AI tools can handle many of these tasks, resulting in a decreased need for non-lawyer support staff.

Even some phases of litigation traditionally handled by lawyers can now be managed by AI. Technology-assisted searches using predictive coding can do the work of a dozen lawyers performing document review. Generative AI can create an initial draft of pleadings or motions, providing the lawyer with a substantial “first draft” rather than the lawyer beginning the drafting process by facing a blank page. Of course it must be stressed that AI is still imperfect and may always be so. Care must be taken to “be a lawyer” and review and correct the results as necessary.

Over time, the incremental effects of new technology accumulate. The amount of time humans, both non-lawyers and lawyers, spend doing more basic, rote tasks will decrease. Some studies suggest each lawyer could save 200 hours per year simply by using AI technology. Regardless of how many hours are saved, fewer support staff and lawyers will be needed to accomplish the same

outcomes on behalf of the firm’s clients. Whether that is good or bad for those firms can be debated.

At the same time, firms will find themselves more reliant on technology experts. More support staff will be required to integrate new technology into law firm practices and to train legal assistants, paralegals, and lawyers on the use of this technology. Although AI may eliminate some current law firm positions, the technology also has the potential to create additional staffing needs. Current support staff may need to shift into these roles or find themselves replaced. Wise firms will invest in training now so staff can transition from more routine work to more strategic work aided by familiarity with AI tools.

Fourth, firms are increasingly prioritizing diversity, equity, and inclusion—and this prioritization impacts firm staffing models. Although the benefits of a diverse workforce have long been recognized, law firms have been slow to fully incorporate diversity, equity, and inclusion into their hiring processes and cultures. Law firms can no longer drag their feet. Law firm clients are increasingly demanding that firms demonstrate a sincere commitment to these principles.

Prioritizing diversity in staffing benefits law firm culture. A commitment to diversity can attract a wider and deeper pool of talent. Younger staff members, those likely to lead the firm in the use of AI, increasingly rank diversity, equity, and inclusion as among the most critical workplace values. They seek out firms with a culture that truly embraces difference, and given the many other changes facing law firms, developing this culture is critical to ensure productive staffing in the future.

Ultimately, Heraclitus’ sage words are as true today as they were when he first uttered his maxim. In a world that is constantly changing, law firm staffing must keep pace. ■



Young Lawyers and Modern Sensibilities

A Hybrid, Adaptable Approach to Work

By Jonathan Amira and Robert J. Garcia

In 2020, the New Jersey State Bar Association Young Lawyers Division's periodical, *Dictum*, published an article on how young lawyers were coping with the drastic changes in how business was conducted in the legal industry due to the COVID-19 pandemic. Over a series of interviews, we learned how people were handling the shift in areas like caseload management, virtual court appearances, and overall work-life balance as work from home became a necessity. The changes were generally characterized as arduous, but some found an opportunity for rediscovery—a moment of pause to reflect on the fundamentals of humanity and lawyering.

In 2025, *New Jersey Lawyer* decides to return to this topic, from a retrospective angle. The world may have gone back to normal, but we have done so with the cognizance and foresight of how to operate in a post-modern world with the technology built before us. The post-pandemic world of lawyering is one that has accepted the merger of technological conveniences with everyday routine. We spoke with four young lawyers, including one returning participant, and a current law student, to gain a perspective of the changes over the last four years.

Where were you in March 2020?

Khiana Gaulrapp—employment and labor lawyer: I was working full time as a law clerk at University Hospital and was a 2L at Rutgers-Newark Law School, in their part-time program.

Reana Garcia—criminal and immigration lawyer: I was an Assistant Prosecutor in New Jersey.

Cory Rothbort—civil trial lawyer: I was at my current firm.

Kate Isidro—3L, Class of 2025 at Rutgers Law School—Camden: I was in my sophomore year of my undergraduate degree program at Rutgers University, Camden.

Chloé Nelson—legal counsel specializing in privacy and advertising law: I was in the spring semester of my 2L year at Seton Hall Law School.

What changes did you observe in the immediate aftermath of the March lockdown?

Gaulrapp: Both my school and my job went immediately remote. But because I worked in health care, I went back to work in-person by the Fall of 2020.

Garcia: I benefitted from having a state job. I did not have the pressure of [worrying about] client retention. The Superior Courts were quick to switch to virtual proceedings and began conducting status conferences. At first, we could not try cases (aggravating our pre-existing backlog). Once things began to reopen/return to normal, it was difficult to try cases because we could not get a jury to sit. At the same time there were additional pressures caused by the social movements regarding police brutality and transparency.

Nelson: It was a super stressful time during the COVID-19 pandemic and in law school. Law school was already stressful. Job prospects were a concern. It was difficult because so many companies and firms were shutting down and [switching to remote work].

What opportunities do feel that you missed out on due to changes after March 2020?

Rothbort: It was very difficult to do any sort of professional networking during the pandemic.

Gaulrapp: Pre-COVID, on a motion Friday you would show up to court and watch oral arguments all day until your motion was called. I feel like I didn't have the same opportunity to [observe] the practice of law in person.

Nelson: I was interning at a personal injury firm that was in-person then fully remote and trying to do litigation which all came to a halt. I was expecting a job offer from that firm, but the pandemic reduced the workload for the office. I was happy it was not because of me, but it was still sad.

Garcia: I was transferred to a new unit within the Prosecutor's Office during COVID and it was a challenge to be trained in that environment; there was lots of learning through trial and error. I did not get a chance to interact with new prosecutors and I'm sure it was difficult for them.



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ROBERT J. GARCIA is a native of San Diego and a graduate of Seton Hall University School of Law. After spending two years working for the New Jersey courts, he joined Lum, Drasco, & Positan, LLC, as an associate specializing in civil litigation.

Isidro: I wanted to do the 3+3 Undergraduate/J.D. program, but it took me four years to complete my undergraduate degree [during COVID]. Going to school and studying for the LSAT was definitely nerve-wracking.

What are your opinions on remote work today?

Rothbort: I have the flexibility to work remotely, but I prefer being in the office. Being a good attorney depends on collaboration and it's much easier to collaborate in person.

Gaulrapp: I enjoy being in person but appreciate a remote option. It makes it easier to have work-life balance. Something as simple as scheduling a doctor's appointment is easier to do with a remote work option, which is valuable. Also, saving on commute time gives me extra time to get more work done. I think collaboration is much easier in the office, and interacting with your colleagues in person provides a valuable sense of camaraderie all workplaces should strive to achieve.

Garcia: Since 2023, I have been a solo-practitioner with a small staff. I have a completely hybrid practice (three days in, two days out). I think it works very well, and I see a better-quality work product overall. Schedules are required to be on our in-office system a week prior so that I can keep track of who is in the office and when. Any meetings between my staff and my clients are always in person. I understand that people have families, and I believe in a work-life balance, so I am flexible so long as the work gets done. My staff appreciates it because they have come from firms that don't appreciate that balance.

Nelson: I have only worked at firms with a hybrid model and a remote model. I like both. When I worked on a hybrid model, I liked having the option to work from home, but it was nice to go into the office. I wanted to be in the office when my partners were there so I could ask them questions and I structured my

schedule, planning days in the office around their schedules. Now, I work in a fully remote position. I like that I have time for hobbies and a personal life, but sometimes I need to get out of my apartment. My current employer has office space throughout the country and will send me out there specifically to meet my co-workers in person.

Isidro: I am absolutely fine with in-person interaction, with attorneys. I enjoy in-person interaction, but I believe that remote options are very useful, there have been times when I have to come back to school and there have been times when I asked for remote days on an individual basis. I know my next job will have the option to work remotely a certain number of days.

How do you use technology in your office and how has that changed in recent years?

Rothbort: The majority of depositions are conducted remotely. Before 2020, it was very rare to have a remote deposition, and you had to get special permission. Now, it's almost the opposite. There are still some situations when I want to have a witness appear in person for a deposition, but in general [depositions] are remote. I find that people are more prompt for remote depositions. I like that I have access to the entire case file. I can search the internet for information as it's being discussed. During a break, if I have a question, I can step out and ask my colleagues who are in the office.

Nelson: My work is very collaborative and, depending on the project I am working on, I will sometimes have daily videoconferences with my colleagues.

Garcia: We use a computer program that's a system for immigration-specific docket review. Everything gets entered into that system. It allows for case management. It allows for client communications directly through the system and those communications are saved in the

system. I can keep track of what is outstanding and keep things "in-house."

Gaulrapp: Everything is changing really quickly. On the popular legal research sites, they have their own versions of artificial intelligence that I have experimented with. I think it's a great starting point, but I don't anticipate it replacing attorneys any time soon.

What challenges do you find using technology in your practice?

Gaulrapp: I've had jobs where I was not fully equipped to replicate our in-office experience at home. Now, I have opportunities to set up my own home office and an IT department that is very accommodating and assists me.

Rothbort: Sometimes [when serving documents by email] other offices have security that blocks delivery, and those attorneys will insist on physical service or [being sent] a flash drive.

Garcia: The greatest difficulty is making sure that clients can use [virtual] programs. Some of my clients have phones, some don't have phones or maybe borrow someone else's phone. They are not as knowledgeable with technology. That is why I prefer to have clients in person even when the appearance is remote, to ensure that the client can get on the videoconference.

What predictions do you have for the future of the practice of law?

Rothbort: I wouldn't be surprised if remote depositions become the norm by court rule. Also email service is now accepted and I think that will continue. Before 2020, it was much less common to have service accepted by email, now it is much more the norm.

Gaulrapp: I think with advancements in technology we will see tools making some aspects of legal practice a bit less time consuming. I think the administrative portion of being an attorney will be more efficient with the use of technology. Right now, I spend time organizing

email communications between colleagues, filing it in a way that I can quickly access it if needed. In the future, I could see this process being more efficient with improvements of sorting rules and search capabilities.

Garcia: I predict we will be seeing more and more artificial intelligence used. For me, AI raises privacy concerns, and I don't feel fully comfortable adapting it into my practice right now as I don't fully understand it. But a lot of attorneys—especially solo practitioners—can use AI to help with efficiency which ideally could be a game changer for leads and retention.

Nelson: I can't predict how that will change the practice, but I think artificial intelligence is going to be just as involved and disruptive in law as it is in every other industry. It's not just generative artificial intelligence, it's going to be

used in document review and enhance our jobs to make things easier.

Isidro: I think using social media will be increasingly common. Sharing professional achievements on LinkedIn and Instagram is expected. Employers have told me that they looked at my profiles on social media to learn more about me. In [job] interviews, I've been asked specific questions about professional achievements that I've shared on social media.

Conclusion

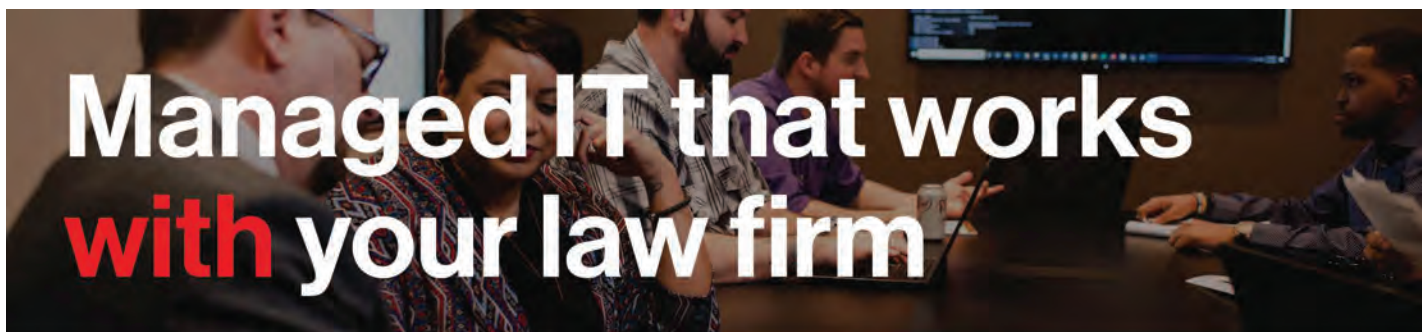
Young lawyers still crave collaboration. Although in-person interaction is still fundamental to the practice of law, new modes of online communication can facilitate this even when working out-of-office. Everyone interviewed seems to appreciate the option to work remotely and views acceptance of this practice as a boon to their work-life balance.

What remains to be seen is just how disruptive advances in remote appearances, organizational tools and artificial intelligence will be on the way lawyers practice law. Thankfully, our profession has proven time and time again that it can adapt to changing times, so:

Let us not struggle to match an imperfect legal system to an evolving world that we understand poorly. Let us instead do what is essential to permit the participants in this evolving world to make their own decisions. ■

Endnote

1. Frank H. Easterbrook, "Cyberspace and the Law of the Horse," 1996 University of Chicago Legal Forum 207 (1996).



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BEST PRACTICES FOR REMOTE WORK

Electronic Tools and Practical Setups for Your Office at Home

By Steven Eisenstein

COVID-19 brought about many changes for people in their work lives and in their home lives. For lawyers, it did both. With the shuttering of many law offices during the height of the pandemic, working from home became the new normal for many lawyers. Now, after five years, the legal world is divided between those who insist on a return to the traditional inside-the-office practice and those who believe that remote work is a valuable tool for lawyer well-being and efficiency. A detailed explanation of the pros and cons is beyond the scope of this article, but a brief summary of the arguments is in order.



STEVEN J. EISENSTEIN is a member of Lum, Drasco & Positan LLC in Roseland and is chair of the firm's business department. He is a member of the New Jersey State Bar Association Board of Trustees and is chair of the AI Committee, the By-Laws Committee, and on the editorial board of New Jersey Lawyer. He is the immediate past chair of the Business Law Section and president of the New Jersey Inn of Transactional Counsel.

Proponents of a return to the office cite the advantage of feedback and collaboration to enhance productivity and to aid in the development of young lawyers. An attorney's valuation of these advantages can differ based upon whether the attorney is a partner cruising the office looking for an available body or an associate trying to get home for the weekend. There are those who will tell you that working in an office can minimize distractions caused by entertainment options, family and pets while others feel more productive when they feel relaxed in a familiar environment. Access to resources, costs, flexibility, firm culture, and networking opportunities all play a part in the decision.

All of these issues have their champions on each side of the debate. Is it any wonder that many law firms, like an increasing number of businesses, have arrived at a compromise requiring attorney presence in the office for varying minimum number of days per week but preserving the potential for remote work on at least a part-time basis?

In other words, remote work is here to stay. While it may not predominate, it seems probable that it will continue to exist for the foreseeable future. Given the reality of that situation, policies and procedures should be codified to ensure that remote work is done productively and efficiently so as to enhance the experience for both lawyers and their law firms. It is important to address key areas such as technology, client management, collaboration, cyber security as well as lawyer well-being to ensure that firms can continue to provide quality services to their clients and a favorable work-life balance for their lawyers.

Success in a remote or hybrid environment begins with a strong technological foundation both in the office and at home. Law firms need to adopt robust technology, monitor client management, facilitate team collaboration, guard cybersecurity, and make provi-

sions for attorney well-being to ensure a successful work environment.

Cloud-Based Practice Management Systems

Cloud-based practice management software is vital to the success of practicing law remotely. Multi-purpose software is available to allow lawyers to manage client matters as well as to store and access documents and billing in one central platform that can be accessed from anywhere. Cloud-based systems have the advantages of providing ease of access while ensuring that all people accessing the system are working on the most up-to-date documents and files provided in all instances that proper security measures are taken to ensure compliance with ethical standards relating to client confidentiality and security. These tools can also integrate with other technology, reducing administrative burdens for the law firm.

Hardware

If you are going to work remotely, installing a proper hardware system is not the place you should be looking to economize. Working remotely removes options to employ different methods in your practice and accelerates the need for robust and reliable hardware. The minimum requirements for any serious remote workstation are:

1. A powerful laptop or desktop computer with sufficient memory to ensure the ability to access multiple files simultaneously.
2. One, or better yet two, high resolution monitors to display work and to perform all of the functions remotely.
3. A high-quality webcam or a professional video conferencing with either a very high-end microphone embedded in that camera or a stand-alone microphone for added clarity.
4. A top-of-the-line speaker system and/or noise cancelling headphones for clear audio during virtual meetings

5. A reliable high-speed internet connection with backup options such as a mobile hotspot or properly configured cellular phone system to tie into your network.
6. A comfortable chair. You'll be glad you did.

Virtual Private Network

It is, of course, vital to connect to your office while working from home. Your operating system may have options to create such a connection, but the best option is the establishment of a virtual private network or a VPN service to ensure secure access and to protect sensitive client information while working on public networks. Working without that protection can lead to ethical issues best avoided at any cost.

Multi-Factor Authentication

Multi-Factor Authentication is an essential security measure for any remote practice. Multiple forms of identification such as a password and a verification code sent to a mobile device should be required to prevent unauthorized access even if a password is compromised. This should be enabled on all critical systems including email and practice management software.

Security Audits and Employee Training

Law firms should conduct regular security audits to identify security issues in their systems. Third-party cybersecurity experts can assess the firm's technology and offer recommendations for improvements. All staff should be educated on best practices for cybersecurity including recognizing phishing attempts, using strong passwords, and identifying internet schemes.

Enhancing Client Communication and Engagement

It is important to remember that your remote workstation is not only going to

connect to your law firm's network but is also going to be your primary method of client communication while practicing remotely. Assuming that your clients do not visit your living room as often as they might have visited your law firm's conference rooms, you will be collaborating with them on a more frequent basis through your computer system. In order to efficiently do so, you should consider the following protocols.

Clear Channels of Communication

At the outset of your switch to remote work, it is a good idea to establish protocols with your clients so that each knows what to expect from the other. An open and honest dialogue should address the preferred means of contact for both the lawyer and the client such as email, phone, video call, and texting. Remote work can lead to difficulties between a lawyer and a client when expectations are not clearly defined. Lawyer well-being makes it difficult for you to be available 24/7 to your clients. It is important to establish ground rules for communication after normal working hours and to reach agreement with the client on expected response times to normal inquiries. Care should be taken by the lawyer to maintain a good working relationship with a client to ensure that the client is kept reliably informed in a timely manner through the scheduling of check-ins or updates on a regular basis during the pendency of any given matter. Making a client a part of the team enhances efficiency and well-being for all.

Secure Client Portals

In order to communicate ethically and efficiently with your clients, you may consider software programs which provide client access to documents, worksheets, and correspondence to promote transparency. Of added benefit is software that gives a client access to the necessary documents and data to provide notes to the attorney and to partici-

pate in drafting of documents but that, at the same time, does not allow the client access to other clients' data.

Software Tools

You will become increasingly reliant on certain software tools to interact with clients and with fellow lawyers as well as with courts and agencies. Professional grade video conferencing solutions are available on a limited basis for free but most will find that the free version is inadequate to adequately practice law, requiring a paid subscription. It is important not to waste this resource and to familiarize yourself with all aspects of modern video conferencing solutions such as screen sharing, virtual backgrounds, breakout rooms and artificial intelligence constructs to efficiently use the software. You will find the need to employ an electronic signature solution to streamline a document execution process and reduce the need for in-person meetings.

End-to-end encryption software for client communication and final file transfers is vital to ensure that your confidentiality obligations are maintained. Many practice management systems employ strong encryption tools. Secure file sharing platforms should be designed for legal professionals instead of consumer-grade solutions. Mobile device management solutions secure managed firm data on personal devices used for work purposes and can also be an important tool for remote work.

Home Practice Techniques

Proper consistent work habits are important to maintain a proper working environment and avoid the danger of bad habits creeping into your home-turned-workplace. Conscious effort is required to ensure that good work habits become engrained in the remote user.

A dedicated ergonomic home office space that mirrors a professional office environment to the greatest extent possi-

ble should be maintained. Adequate workspace and a comfortable chair are as important at home as they would be in the office. Turning the home space into a genuine office to the extent that it becomes tax favorable is certainly possible, but the greatest possible care needs to be taken to comply with very stringent IRS rules for such a deduction which are well beyond the scope of this article. Suffice it to say that a home office deduction, in the views of many accountants, is an invitation to an audit.

Part of that professional work environment is a clear understanding by all family members that you are "at work" and respect should be given to that status. This includes family pets whose participation in oral arguments may not be looked upon favorably to many judges. A structured workday helps to lend efficiency and structure to the environment.

There are time management techniques to help you work in the unstructured environment of the home office in order to maintain focus and productivity. Work disciplines such as the Pomodoro Technique, the Eisenhower method, or the 1-3-5 rule lend the structure to ensure a proper work environment.

Automation and artificial intelligence tools can be leveraged for routine tasks such as legal research, document review, deposition preparation, and contract analysis to supplement your individual efforts while working remotely but in using them pay special attention to the preservation of confidentiality of client data.

It is important to maintain confidentiality in a home environment. Case law exists in which a parent had allowed a child to read their work product with the resulting loss of attorney-client privilege and serious consequences. Always be mindful when working in public spaces to not allow sensitive topics to be discussed in the open and to be mindful of conversations being overheard by those with no right to hear them.

Secure methods for destroying physical documents when working remotely are important. If you are working remotely part-time, documents should be returned to the office for destruction by the office shredding program, but it is helpful to have a personal shredder in the home office to dispose of smaller classified materials.

Finally, if you are a member of or employed by a law firm, remember that you joined that law firm for a reason. Some lawyers enjoy working as solo practitioners and some crave the camaraderie, shared work, and networking of a law firm environment. Efforts should be made not to lose the type of law you have chosen to practice. Regular virtual team meetings can be scheduled to maintain

connection online among team members. Time can be set aside for case discussions, knowledge sharing, and team building activities. Collaborative workspace tools can be employed to facilitate ongoing communication and document sharing among team members. Social events such as online happy hours can maintain personal connections and firm culture. Finally, mentoring programs can be established to support professional development and maintain the transfer of knowledge between senior and junior lawyers.

Conclusion

The shift toward remote practice methods represents both a challenge and an opportunity for the legal profession. By

implementing these best practices across technology infrastructure, client communication, productivity, security, and ethical compliance, lawyers can successfully adapt to this new landscape. Embracing these changes allows legal professionals to enhance efficiency, improve work-life balance and better serve clients in an increasingly digital world.

As the legal industry continues to evolve, those who proactively adapt to remote practice methods will be well-positioned to thrive in the future of legal services. By staying informed, remaining flexible and prioritizing both client service and ethical compliance, lawyers can leverage these new methods to build more resilient and client centered practices. ■



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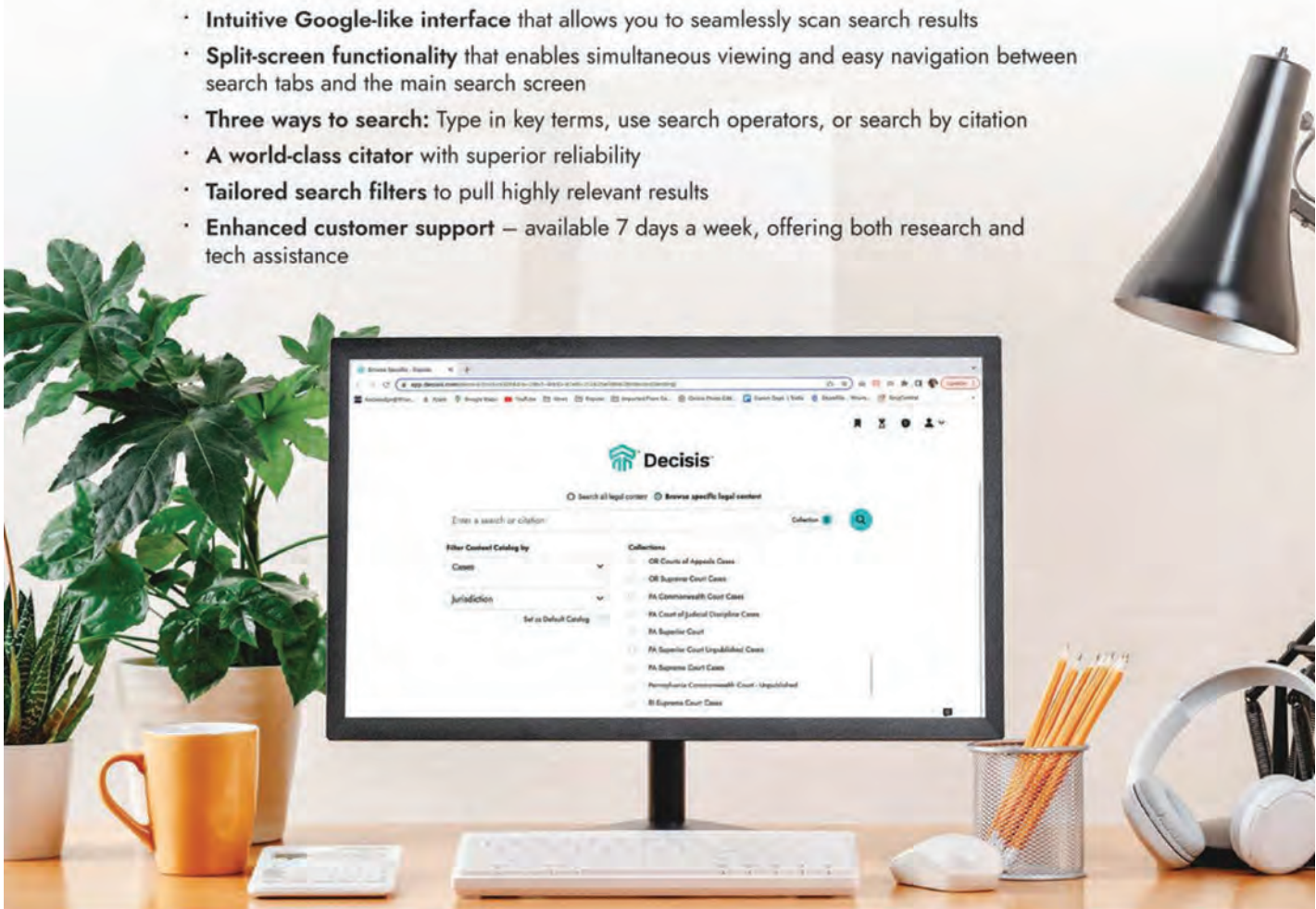
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Staying Ahead of Technology

Four Essential Pillars for Lawyers and Law Firms

By Dr. Robert Spangler

Technology adoption in the practice of law continues to accelerate, with the Thomson Reuters LFFI Q1 2024 Analysis on law firms and tech spending indicating that “tech spending exhibited the fastest expansion in our data’s history.”¹ As attorneys, this rapid evolution intersects with obligations under the Rules of Professional Conduct regarding competence and client data protection.² By adopting a technology strategy, attorneys can maintain productivity while safeguarding client data and staying cyber safe.



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Just as an attorney would not enter a courtroom without preparation, implementing or altering technology in a firm should be guided by a sound strategy. Fortunately, developing such a strategy does not have to be complicated; straightforward, low-tech tactics can effectively navigate these challenges. These strategies are relevant for a wide range of legal professionals—from solo practitioners to technology departments in larger firms seeking a more formal approach to technology management, procurement, and budgeting. They can also be applied at home to help keep families safe.

A Matter of Perspective

Given the time demands placed on attorneys, it is reasonable to question whether adding another project is necessary. However, much like an automobile that requires regular maintenance to function safely, your technology needs proactive management. Neglecting this can lead to potentially disastrous consequences. By adopting a proactive approach and altering your perspective, you can successfully manage your technology without it becoming an additional burden.

To get started, create a simple spreadsheet to monitor your technology assets. Include purchase dates, key expiration dates, and projected useful lifespans for each piece of hardware and software, indicating when they are expected to reach “End of Life” (EOL). Enhance this process by incorporating an electronic calendar to schedule reminders for key maintenance tasks, such as monthly software updates and BIOS (software installed directly on your computer’s motherboard) checks—two essential but often overlooked activities. By regularly tracking these dates and scheduling reminders, you ensure timely replacements and updates, improve functionali-

ty, and protect against vulnerabilities by keeping your systems current.

It is also important to create a checklist of the regulatory and ethical rules to which you must adhere. Just as maintaining automobile insurance and following traffic laws ensures safe driving, adhering to online safety principles and compliance guidelines is crucial. Keep this list updated and share it with vendors when procuring new software and hardware to ensure that any new technology aligns with your compliance obligations and best practices.

Creating this centralized document and sharing it with key individuals allows everyone in your firm or family to operate from the same perspective and with shared goals. This fosters a culture of security and privacy with surprisingly little time and effort. By proactively managing your technology, you can better protect your data and ensure a safer online environment.

With this proactive mindset, the following four key pillars form the foundation of an effective technology strategy for lawyers and law firms.

THE FOUR KEY PILLARS OF A STRONG TECHNOLOGY STRATEGY

Pillar 1: Catalog Your Most Important Technology

Every device and software package has a finite lifespan during which it receives security updates; after that period, it becomes vulnerable to new threats. Pillar 1 focuses on cataloging your most important technology and key expiration dates.

When determining key technology, focus on major software—such as primary programs that run your organization—and major hardware like laptops, desktops, smartphones, and printers. This comprehensive approach ensures all critical assets are accounted for.

How to Get Started

Create a Comprehensive Technology Asset Inventory Spreadsheet: List all hardware and software assets to ensure nothing mission-critical is overlooked.

- **Purchase Date:** Record when each piece of major hardware or software was acquired.
- **Expected End of Life Date:** Note when you anticipate that the technology will no longer receive updates or support, requiring replacement.
- **Expected Update Schedule:** Note the anticipated frequency of updates for each software or hardware.
- **Vendor Contact Information:** Add key contact details for vendors, useful for support and inquiries.
- **Price Paid or Total Cost of Ownership:** Document the initial purchase price and any recurring costs to facilitate budgeting and future planning.
- **Notes Area:** Include space for additional notes, such as configurations, past issues, or considerations regarding replacement.

Note: It may be useful to include compliance or security review information in this document.

Additional Considerations for Pillar 1:

While cloud-based software is typically updated automatically, it is still crucial to record the expected update cadence for these systems. Deviations from the regular update schedule may signal potential issues. Keeping track of updates ensures your systems remain secure and function optimally.

Also, never store user logins and passwords in documents like your asset inventory. Use a secure password manager to safeguard sensitive login information while ensuring ease of access when needed.

Pillar 2: Account Division— Compartmentalizing Work and Admin Access

Think of computer accounts like keys to an office building: while you may have a master key locked away, it is best to provide each user with keys granting access only to areas necessary for their roles. This prevents them from accessing information they shouldn't have and also minimizes risk; if a key is lost or stolen, it cannot be used to access every office.

When establishing user accounts—whether for a single computer or a network—ensure each account has the appropriate level of access based on its role. Administrators may have a “master login” to install software when needed, but regular user accounts should have restricted permissions. This setup mitigates risks associated with unauthorized access and helps prevent unintended installation of malware. If a user account lacks permission to install software, malicious software often cannot be installed.

How to Get Started

- **Create Individual Accounts for Each User:** Ensure every user has a unique account to enhance security and allow effective tracking.
- **Use Individual Accounts for Daily Work:** All users, including administrators, should use standard accounts with limited permissions for daily tasks, limiting unauthorized changes and reducing security risks.
- **Keep Separate Administrative Accounts for System Changes:** Users requiring administrative access should have dedicated admin accounts, ensuring critical system modifications are made appropriately and intentionally.
- **Restrict Software Installation Rights:** Prevent software installation on standard individual accounts to reduce the risk of malware; installations should use an administrator account.

- **Review Access Permissions Quarterly:** Regularly review user access permissions to align with current roles, reinforcing the principle of giving the fewest people admin privileges.

By maintaining strict control over access rights, you create a safer environment, whether for a single user, a family, or an entire organization.

Pillar 3: System Maintenance and Security Protocols

Maintaining a regular schedule for updates, backups, and other security measures is essential for protecting against modern threats. Here is a straightforward approach to ensure your systems are secure:

How to Get Started: Implement a Maintenance and Backup Schedule

- **Daily:** Set up automated daily backups to local storage and cloud-based solutions for redundancy, ensuring consistent data protection without manual intervention.
- **Weekly:** Schedule time to check for system and application updates; set calendar reminders to maintain consistency.
- **Monthly:** Review backup systems to confirm backups are occurring and data can be restored if needed.
- **Quarterly:** Review security protocols, backup restoration processes, and conduct staff training on security best practices and data privacy.

Further Enhance Your Security and Privacy Posture

- **Engage with a Security and Privacy Professional:** Ensure your strategy and software function as intended. A virtual meeting can review configurations, discuss emerging threats, and evaluate backups. Just as you trust a dentist for dental work, relying on a professional for critical technology security is advisable.

- **Select a Secure Cloud-Based Backup Solution:** Consider factors like data storage location, provider's security measures and reputation, backup automation, and data accessibility.
- **Ensure Continuous Security Software Operation:** Run appropriate security software constantly, including antivirus programs, firewalls, and intrusion detection systems to prevent or alert you to potential security breaches.

Pillar 4: Establish Simple Emergency Response Procedures

Having a well-defined emergency response plan is essential for quickly addressing technology-related incidents. With your asset inventory spreadsheet, you are already ahead. Connect with key contacts before any major events, so you know exactly who to call when something happens. This proactive approach allows swift responses when crises arise.

Building a relationship with your IT security and privacy professional is critical. Be prepared by understanding your ethical and regulatory obligations, maintaining your asset inventory, and establishing clear procedures.

How to Get Started: Key Components of an Emergency Response Plan

- **Asset Inventory:** Maintain an up-to-date asset spreadsheet detailing all hardware and software.
- **Contact List:** Keep a list of key contacts, including your IT security professional, vendors, legal counsel, and any regulatory bodies that may need notification.
- **Incident Response Procedures:** Outline steps to take during a security breach or technology incident, including detection, containment, eradication, recovery, and post-incident analysis.
- **Annual Risk Assessment:** Conduct at least an annual risk assessment to identify potential threats and vulner-

abilities, helping prioritize response efforts.

- **Regular Updates and Training:** Review and update your emergency response plan quarterly. Conduct regular training sessions or drills to familiarize your team with procedures.

By following these practical steps and maintaining open communication, you can create a robust emergency response plan that protects your data and enhances your readiness to tackle any technology challenges.

Conclusion

In an era where technology evolves rapidly, having a well-thought-out plan is essential for lawyers and law firms to stay on top of the ever-changing landscape. By employing the four pillars outlined—cataloging important technology and key expiration dates, setting up separate work and administrative accounts, maintaining regular updates and backups, and establishing simple emergency response procedures—you can develop a robust technology strategy. This approach not only enhances efficiency

and productivity but also safeguards client data and ensures compliance with ethical obligations.

To further strengthen your technology strategy and emergency preparedness, consider consulting authoritative resources offered by government agencies:

- Cybersecurity & Infrastructure Security Agency (CISA) provides “Cyber Essentials for Small Business.”³
- National Institute of Standards and Technology (NIST) offers the “Small Business Cybersecurity Corner.”⁴
- Federal Trade Commission (FTC) provides “Cybersecurity for Small Business.”⁵

These resources offer valuable guidance and provide practical steps to enhance your cybersecurity posture and ensure compliance with legal and ethical obligations.

Ultimately, adopting a proactive and strategic stance on technology management will enable legal professionals to navigate the digital world with confidence and security. ■

Endnotes

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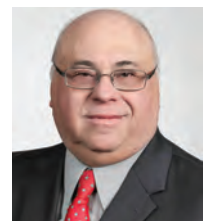


Real Estate and the Modern Law Office in New Jersey

A COMPREHENSIVE GUIDE

By Steven Eisenstein

In the legal profession, the physical location of a law office plays a pivotal role in defining the firm's culture, accessibility, and market presence. For law firms in New Jersey, the real estate decisions they make can significantly influence their growth, client acquisition, and operational efficiency. Whether you're starting a new law firm or expanding an existing practice, there are several key factors to consider. This article explores the multifaceted relationship between real estate and modern law offices in New Jersey, focusing on location, ownership versus leasing, creating a legal entity, ethical considerations of outside investment, working with brokers, and navigating contract or lease negotiations.



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1. Location: The First Step to Success

Location is critical for any law firm. In New Jersey, a geographically diverse state with bustling urban areas, quiet suburbs, and everything in between, selecting the right office location can make a substantial difference in attracting clients and fostering business growth.

Urban vs. Suburban Locations

New Jersey's proximity to New York City and Philadelphia means law firms can serve clients from major metropolitan areas, yet the state's suburban towns also offer significant opportunities. Choosing between an urban or suburban office location depends on the firm's practice areas and target clientele.

- **Urban Locations (e.g., Newark, Jersey City, Hoboken):** Firms that specialize in corporate law, commercial litigation, or financial services may find these urban centers ideal. Proximity to public transportation, major businesses, and courts can offer convenience for both clients and attorneys. However, urban office space tends to come with a higher price tag, and parking can be a challenge.
- **Suburban Locations (e.g., Princeton, Morristown, Red Bank):** For firms focused on family law, estate planning, or personal injury, a suburban location may be more appropriate. Suburbs typically offer more affordable real estate, easier parking, and a less stressful work environment. However, suburban offices may be less accessible to clients without a car, and firms could miss out on networking opportunities with large corporations. Many law firms that resided for years in cities like Newark left those cities in the '70s and '80s in the wake of staff defections and difficulties in recruitment to move to the suburbs such as Roseland. That trend contin-

ued for years, leaving only a smattering of major law firms located in our biggest cities.

Proximity to Courts and Clients

For litigation-focused law firms, being close to state and federal courthouses is a significant consideration. New Jersey is home to several key courthouses, including those in Trenton, Camden, and Newark. Being near these courthouses can save valuable time for attorneys who need to appear frequently in court. Close proximity means smaller firms and solo practitioners can attract walk-in clients who already have business in the court system. However, for transactional firms, proximity to corporate clients, business districts, or affluent residential areas may be more crucial. Since the advent of COVID-19 and the prevalence of remote court appearances this has become less of a factor, but many firms plan for the long term and believe the traditional practice of law in the courtroom will return giving an advantage to those firms which had the endurance to remain.

Accessibility and Amenities

When choosing a location, it's also important to consider accessibility for both clients and staff. Is the office easily accessible by public transit? Is there adequate parking available? Is crime a factor for those who remain in the office late at night? Law firms should also consider nearby amenities like restaurants, banks, and other services that may benefit their clients or employees.

2. Ownership vs. Leasing: A Crucial Decision

One of the most significant real estate decisions a law firm must make is whether to lease office space or purchase property outright. Both options have advantages and disadvantages, and the choice depends on the firm's long-term

goals, financial position, management structure and level of commitment to a particular location.

Leasing Office Space

Leasing is often the preferred option for newer or growing law firms, as it provides flexibility without requiring a significant upfront investment. Some key benefits of leasing include:

- **Flexibility:** Leasing allows firms to expand or downsize more easily as their needs change. This is particularly useful for firms that are still growing or uncertain about their long-term space requirements.
- **Lower Initial Costs:** Leasing requires less upfront capital than purchasing, making it easier for firms to allocate resources to other aspects of their business, such as hiring staff or investing in technology.
- **Access to Premium Locations:** Leasing may allow firms to secure office space in prime locations that would otherwise be prohibitively expensive to purchase.

However, there are also drawbacks to leasing, such as the possibility of rent increases and a lack of control over the property.

Owning Office Space

For well-established firms with stable cash flow, purchasing office space may be a more attractive option. The advantages of ownership include:

- **Building Equity:** Owning office space allows firms to build equity over time, which can be a valuable asset.
- **Tax Benefits:** Property ownership comes with potential tax advantages, such as mortgage interest deductions and property depreciation.
- **Control:** Firms that own their office

space have more control over the property, including the ability to make renovations or lease out unused space to other businesses as well as having some control over the timing of major capital improvements.

On the other hand, ownership requires a larger upfront investment, and it may tie the firm to a specific location, making it harder to relocate if needed.

3. Creating an Entity: Protecting Your Firm and Real Estate Assets

When purchasing or leasing real estate for a law firm, creating a legal entity to hold the property can provide liability protection and tax advantages. This is particularly important for firms that choose to purchase office space, as real estate can expose the firm to significant liabilities, such as environmental issues, tenant disputes, or property damage.

Common Entities for Real Estate

Ownership

- **Limited Liability Company (LLC):** Many law firms choose to form an LLC to hold their real estate assets. LLCs offer flexibility in terms of taxation and management, and they provide liability protection by separating the firm's real estate holdings from its legal practice. This means that if the firm is sued, its real estate assets are protected.
- **Partnership or LLP:** Some law firms choose to create a partnership or limited liability partnership (LLP) to hold their real estate assets. This can be beneficial for multi-partner firms that want to share ownership of the property.
- **Corporation (C Corp or S Corp):** Corporations are less common for law firms, but they can be used to hold real estate. However, corporations may be subject to double taxation,

making them less attractive than LLCs or partnerships.

4. Ethical Considerations of Outside Investment

With the rise of alternative business structures and outside investment in law firms in other states and countries, the question of whether such practices are ethical has become a topic of debate in New Jersey.

New Jersey's Stance on Outside Investment

New Jersey, like most states in the U.S., adheres to the American Bar Association's Model Rule 5.4, which prohibits non-lawyers from having ownership interests in law firms. This rule is designed to maintain the independence of the legal profession and ensure that lawyers' ethical obligations to their clients are not compromised by outside financial interests. The question is whether attorneys in a law firm can form a separate entity that partners with a real estate developer to own a building and lease it to the law firm.

Arguments for Outside Investment

Proponents of outside investment argue that it can provide law firms with much-needed capital to expand their operations, invest in new technology, and compete with larger firms. In markets like New Jersey, where real estate and operational costs can be high, outside investment could allow smaller firms to level the playing field.

Ethical Concerns

However, many legal professionals are concerned that allowing non-lawyers to invest in law firms could create conflicts of interest. For example, an outside investor might prioritize profitability over the lawyer's duty to act in the best interest of the client. In New Jersey, these

ethical concerns have largely prevented the adoption of outside investment models in the legal industry.

Ethics Opinions

Although there is nothing directly on point, New Jersey Ethics Opinion 584 involved a municipal judge and solo practitioner who sought to purchase a building with a non-lawyer and lease it to a municipal attorney and a prosecutor. The opinion found a conflict of interest in the rental but made no comment about the ownership. If this is done great caution should be observed. It would be unwise to enter into such a relationship with an existing client. The law firm itself should never do so but only individual attorney acting outside the firm. The potential for conflicts is great and the complications that could develop if the law firm defaults on the lease or one of the ownership partners retires are so serious as to suggest thinking three times before proceeding.

5. Dealing with a Broker: Navigating the Real Estate Market

Whether you're leasing or purchasing office space, working with a qualified real estate broker can be invaluable. Brokers have in-depth knowledge of the local market, and they can help law firms find properties that meet their specific needs.

Choosing the Right Broker

Not all brokers are the same, and it's important to find one who understands the unique needs of law firms. When selecting a broker, consider the following:

- **Experience with Law Offices:** A broker with experience in law office real estate will be familiar with the specific requirements of legal professionals, such as proximity to courthouses, confidentiality needs, and the importance of soundproofing.

- **Knowledge of the Market:** A good broker should have a deep understanding of the local real estate market, including vacancy rates, rental prices, and trends in office space demand.
- **Negotiation Skills:** Brokers play a crucial role in negotiating lease or purchase terms. An experienced broker can help secure favorable terms, such as rent abatement periods, tenant improvement allowances, or flexible lease terms.
- **Rent Escalation:** Many commercial leases include rent escalation clauses, which allow the landlord to increase the rent periodically. Negotiating a cap on these increases can help protect your firm from unexpected rent hikes.
- **Tenant Improvement Allowance:** If the office space requires renovations to meet your firm's needs, it's important to negotiate a tenant improvement allowance, which is a sum of money the landlord agrees to contribute toward the cost of the improvements.
- **Lease Termination Clauses:** It's important to include provisions in the lease that allow for early termination or subleasing, especially if your firm's space needs are likely to change.
- **Common Area Maintenance (CAM) Fees:** In many commercial leases, tenants are responsible for a portion of the building's maintenance costs. It's important to understand how these fees are calculated and whether they are reasonable. Pay careful attention to how capital improvements are charged and how vacant space in the building is dealt with.
- **Title and Zoning:** Ensuring that the property has clear title and is properly zoned for office use is essential. You may need to work with a real estate attorney to conduct a thorough title search and review zoning laws.
- **Inspection Contingencies:** The purchase agreement should include contingencies that allow you to back out of the deal if the property inspection reveals significant issues, such as structural problems or environmental hazards.
- **Financing Terms:** If you're financing the purchase with a mortgage, the terms of the loan should be clearly defined in the contract, including the interest rate, repayment schedule, and any prepayment penalties.

Broker Fees

Brokers typically earn their fees as a percentage of the lease or sale value, and these fees are usually paid by the landlord or seller. However, it's important to clarify the broker's fee structure upfront to avoid any surprises.

6. Contract or Lease Negotiations: Safeguarding Your Firm's Interests

Negotiating the terms of a real estate contract or lease is one of the most important aspects of securing office space. Whether you're purchasing or leasing, the terms of your agreement can have a lasting impact on your firm's financial health and operational flexibility.

Key Lease Terms to Negotiate

For firms that choose to lease office space, there are several key terms to focus on during negotiations:

Contract Considerations for Purchasing

If you're purchasing office space, the terms of the purchase agreement are equally important. Key considerations include:

Conclusion

Real estate decisions play a pivotal role in shaping the future of a law firm. For New Jersey law firms, factors such as location, ownership versus leasing, creating a legal entity, and ethical considerations of outside investment must be carefully weighed. Whether working with brokers or negotiating contracts, firms must take a strategic approach to ensure their real estate choices support their long-term goals. By navigating these challenges with foresight and diligence, law firms can create an office environment that enhances their practice and fosters growth. ■



A CASE STUDY IN MODERN OFFICE DESIGN



FRANCIS J. GIANTOMASI is a member of Chiesa Shahinian & Giantomasi PC's redevelopment, land use and zoning group. He has over four decades of experience in all aspects of real estate acquisitions, sales, development, complex commercial transactions and Chancery litigation, and has successfully argued before the New Jersey Appellate Division and the New Jersey Supreme Court.

By Francis J. Giantomasi

In many ways, the evolution of the design of law firms is linked to the medium in which attorneys work. Law firms used to be built with paper in mind: you needed filing space for all your case files, numerous printers for making those documents, large law libraries filled with reams of case law and precedent, and robust archives to cover all bases. As computing developed, you needed backups of all those documents, necessitating secure, climate-controlled server rooms. Accordingly, offices were larger to accommodate storage needs, conference spaces were fewer and collaborative spaces were nonexistent.

But as computing has expanded to become the dominant medium in which attorneys practice, the ability to work remotely and the growth of videoconferencing platforms such as Zoom have created a seismic shift in the office landscape. With the growth of the virtuality of practice, the demands of a physical space have changed as legal libraries and server space have migrated online and attorneys can now videocon-

ference with colleagues from half a world away.

In January 2023, Chiesa Shahinian & Giantomasi PC (CSG Law) moved into its new headquarters in Roseland. It was a milestone for the firm, and the culmination of the work of years and many voices.

But it wasn't a straight line to get here. This was a conversation with our employees and answering a few questions for them—as well as ourselves:

- Who are we as a firm?
- Where are we going?
- What is our vision for the future?

To answer those questions, we had to talk with our team and our partners, and, more importantly, we had to listen and take into consideration what they were saying.

Where We Started

Even before the emergence of COVID-19, CSG Law had already begun to outgrow its office of 20 years in West Orange. As CSG Law went fully remote at the start of the pandemic, the firm began to consider and evaluate its real estate needs, and, once conditions improved, the firm returned to the office in a hybrid model and established a lease committee.

Our previous headquarters served us well for two decades, but now much of the space—with its dark wood aesthetic, abundance of filing cabinets, and its physical law library—would be considered unnecessary at best at a modern law firm.

Moreover, the cost of retrofitting the space compared to investing in a new location that could grow with the firm made the former unsalvageable. At the end of the day, it was an easy choice to go from the marble, granite, and mahogany of our former location to polished concrete and terrazzo at our new headquarters.

Lease Committee

The lease committee was comprised of attorneys at various stages of their careers who represented a variety of practices as well as C-suite administrators so they could bring their unique perspective and specific needs to the process.

We didn't limit the committee to a handful of the top performing attorneys because that's not truly representative of the entire firm. Not only were attorneys from all of the firm's practice areas represented on the committee, but also representatives of the non-attorney staff were included—from hospitality, human resources, office services, secretarial and marketing. They're in the office dawn-to-dusk so it was important that they have an equal seat at the table.

Their marching orders were simple yet daunting: develop an office not for the current members of the firm, but for the next generation of attorneys.

Input from this team helped to outline the goals for the firm's new headquarters, which would result in the design and development of the 120,000 square-foot state-of-the-art office. In addition, CSG Law partnered with Gensler and SJP Properties from the beginning to add value to the development process and help us achieve our goals. The team toured sites together and worked as a cohesive unit to create the largest build/renovation in Essex County.

The result is an office that's more conducive to efficiency. By getting the input across the employee spectrum, we were able to find a myriad of ways to reduce waste, improve efficiency and create a huge cost savings including:

- Reducing the number of printers by placing them strategically throughout the office, which has ultimately resulted in the use of less paper and toner.
- LED lights and dimmer switches to provide lighting options for employees.

- Moving away from single-use plastic bottles and plastic ware, and toward filtered water stations, water bottles, reusable table ware, and dishwashers.
- Incorporating natural light and the woods behind the office into our design to enhance the location's ambiance.

Design

What we knew going into this process was that we needed to identify office space that would not only serve our needs now but allow for continued growth in addition to serving as an economic catalyst for the local community. We visited several locations, but we ultimately found our new home at the site of the former East Coast headquarters of Arthur Andersen.

It did, however, take convincing for some of our senior members to see the possibility of our space. The building certainly didn't look then as it does now with a 40-foot glass wall in our half-circle lobby, or its enormous event space, or its abundance of conference spaces for every type of client conversation.

In fact, only the core and shell of the building were here when we began to consider the site, and, as one of our high-level partners put it, those features had an "institutional atmosphere" that was more reminiscent of a penitentiary than a law firm.

But where we start is not always where we end up, especially when collaborating with Gensler and SJP Properties. Consultant expertise was critical in planning. CSG Law is comprised of top-notch legal talent, but, ultimately, we're not architects or designers; we had to rely on outside support because this was a once-in-a-lifetime opportunity.

The firm created a Request for Proposal process to select our builder and design experts, which provided us with exposure to several of the best-in-class businesses along with ways to approach our

construction needs. Additionally, the team did not develop the design and then conduct a construction analysis; instead, we married the designer to the builder from Day 1. While this increased our early expenses, overall it led to a more cost-efficient design and buildout. As a result, when SJP began construction, there were no design changes, change orders, or questions about buildability. Construction was completed within six months because of the certainty of design resulting from the collaborative design-builder marriage.

Construction

Fortified by a sound future-growth strategy, CSG Law's vision to pursue a new headquarters location included a conscious decision to proceed without any government-sponsored tax-incentive funding. The firm, in cooperation with the landlord, underwrote all costs related to the relocation while undertaking a complete transformation of the north wing of 105 Eisenhower Parkway.

In partnership with the property owner, Vision Real Estate Partners, the firm underwrote approximately \$30 million in interior and exterior renovations, bringing the building back to life and turning it into a state-of-the-art Class A office center of tomorrow.

CSG Law considered a number of design choices including a bullpen approach with respect to workspace, but our conversations with employees made it clear that they needed dedicated offices as well as more places to collaborate in person and remotely. In response, we reduced the size of individual offices throughout the building compared to our previous location, which has enabled us to have more attorneys in private offices and allowed us to significantly expand the number and variety of meeting and collaborative spaces. These smaller offices are all uniform in size, but employees are encouraged to decorate

their personal workspace and replicate the work from home environment while in the office.

In addition, the office features a dedicated client-facing conference center, which allows for the separation between legal practice floors and outside guests. Something that you won't see in our office is a traditional telephone as our headquarters is fully integrated with the Zoom platform, enabling audio calls and video conferencing throughout the space as well as the unique ability to work from anywhere and collaborate.

To put a finer point on it, CSG Law has embraced work from home. The firm itself employs a hybrid work schedule and we have brought on part-time workers and even some full-time workers who are fully remote and, in some cases, out-of-state. This has allowed us to expand our reach and our areas of practice.

As part and parcel of this, we have expanded our technology team to ensure that the increased mobility of our team did not expose us to cyberattacks, which means that we are constantly conducting phishing tests and making sure our firewalls are intact and active. That is a constant vigil that we maintain, and it is part of "the new normal" of what you have to do to have a successful office.

On the practice floors, the decision was made to create consistent offices, which allow the firm's culture of equality and team spirit to shine through. The most senior partners and junior lawyers enjoy the same-sized offices, complete with custom-designed furniture that maximize the use of the space such as stand-sit desks and the same comfortable chair regardless of status.

Another feature of the space is the sheer number and range of collaborative spaces embedded throughout all four floors of the office, ranging from smaller rooms for two to three people, to mid-sized conference rooms, to client-facing rooms with enhanced privacy features,

to larger rooms that double as meeting and event space. In fact, since we've been in the new location, we have hosted at least one event in our client-facing space per week on average.

CSG Law occupies 100% of the north tower of a two-tower building. We put a lot of design effort into the common atrium/lobby/cafeteria which services the two distinct towers. By using the full expanse of the north tower, we were able to do a much better build to suit our specific needs. If we had to share space, our efficiencies of occupancy may have been affected but this is one of the reasons that we chose this particular leasehold. It gave us the ability to have a dedicated office building and to share an atrium/lobby/cafeteria with a south tower and benefit from the maintenance and management efficiencies of a larger office complex.

Moreover, through visionary design planning, the firm was able to plan for future growth within the current office setup by up to 10%, and, more importantly, we also can expand into other areas of the building.

The revitalization of the building, which took place on an expedited timeframe between August and December 2022, created more than 600 construction jobs on-site. In addition, an estimated 200 locally based administrative team members supported the management of the project.

CSG Law began occupancy in December 2022 and completed the relocation of its entire team in January 2023. When this move was completed, additional jobs were created for the local economy through the addition of security and concierge jobs, and a complete cafeteria and catering team. ■



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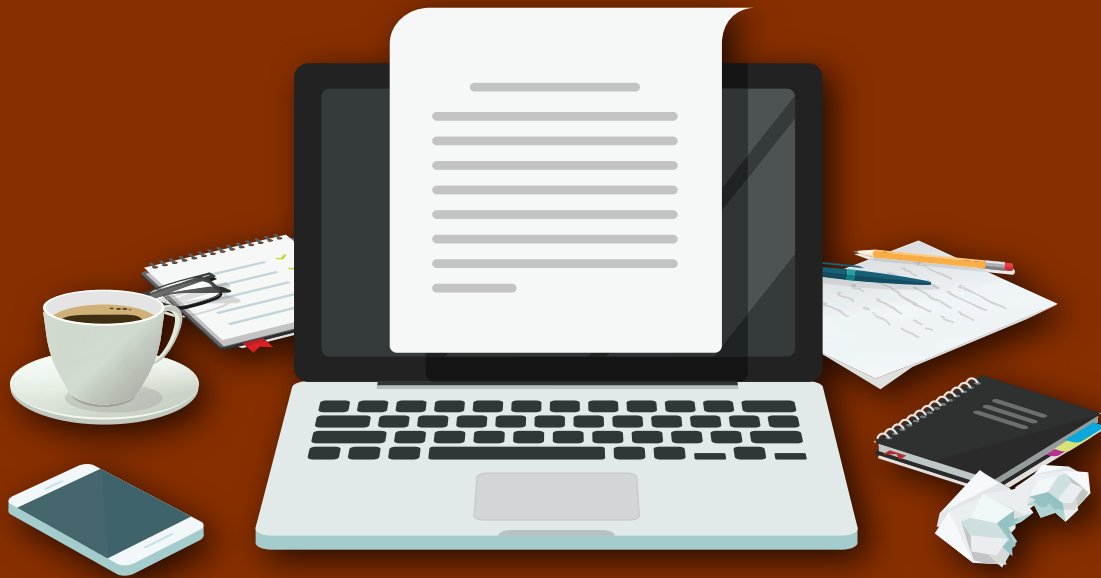
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