

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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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. ■

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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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