

# NEW JERSEY LAWYER

October 2025

No. 356



## SERVICE

**Fostering a Pro Bono Culture  
in New Jersey**

*PAGE 16*

**From Courtroom to Community:  
Lessons Learned Outside the  
Law Office**

*PAGE 32*

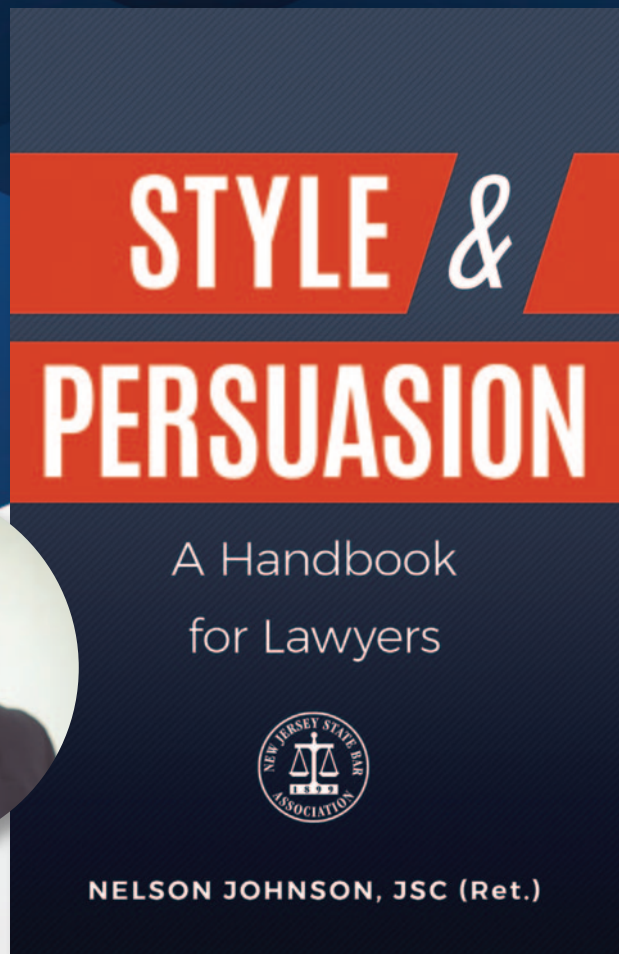
**New Jersey District Court Programs  
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*PAGE 36*

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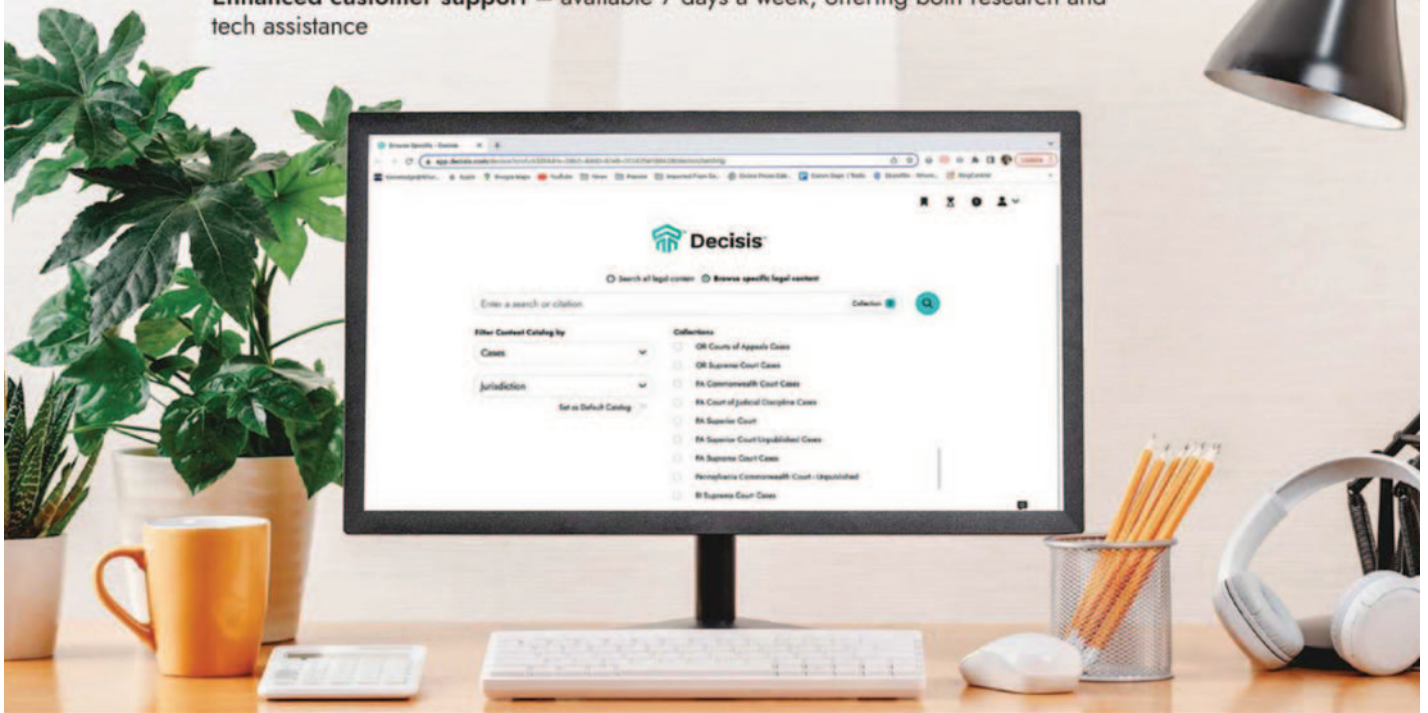
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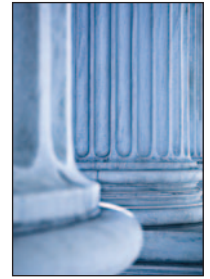
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October 2025

No. 356



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## In this Issue: **Service**

Answering the Call:  
Pro Bono Service in New Jersey Helps Create  
Equitable Outcomes for People in Need . . . . . 12

By Akil Roper

Rooted in Service:  
Fostering a Pro Bono Culture in New Jersey . . . . . 16

By Emerald Sheay

How Law Firms Can Champion Service  
through Pro Bono and Community Outreach . . . . . 20

By Mary Frances Palisano

Volunteer with the Bar Foundation  
to Educate, Empower, Inspire . . . . . 25

By Ralph J. Lamparello

Being Proactive: How New Jersey Law and Policy  
Guide Prosecutors in Public Service . . . . . 26

By Lawrence Krayn

From Courtroom to Community:  
Lessons Learned Outside the Law Office . . . . . 32

By Robert N. Holup



Page  
**12**



Page  
**20**



Page  
**26**



Page  
**32**

*Continued*

# NEW JERSEY LAWYER

October 2025

No. 356

*Continued from page 3*

New Jersey District Court Programs  
Pave Way for Second Chances . . . . . 36

**By Rebekah Conroy and Mary Toscano Carpenito**

The Balancing Act:  
A Lawyer’s Journey in the National Guard . . . . . 40

**By Col. Joseph H. Ruiz**

Representing Nonprofits Offers Challenges,  
Rewards, and a Renewed Sense of Purpose. . . . . 42

**By Andrew J. Provence**

From Newsrooms to Concert Halls:  
Serving the Civic Soul of New Jersey . . . . . 46

**By Scott A. Kobler**

Grow Your Practice While Helping  
Children with Special Education Needs . . . . . 48

**By Erin Berman**

NJSBA Charts the Future, Advocates Nationally  
and Welcomes the Next Generation. . . . . 52

## DEPARTMENTS

President’s Perspective. . . . . 5

From the Special Editors . . . . . 6

Working Well . . . . . 8



Page  
**40**



Page  
**42**



Page  
**46**



Page  
**48**

# PRESIDENT'S PERSPECTIVE

CHRISTINE A. AMALFE

## At its Core, Law is Service



Lawyers are in the service business.

Every brief filed, every contract drafted, every case won is done in service of someone else. People turn to lawyers during life's most challenging times. In the pursuit of justice, we help our clients navigate

periods of hardship. We guide them toward a path forward. It's demanding work. It's stressful. But our work is vital for a society built on the rule of law.

Great lawyers will earn the accolades, rack up the billable hours and rise to prestigious titles. Of course, there's nothing wrong with getting ahead. But the best lawyers never forget that this profession is about serving people and the rule of law. At its core, the practice of law is less about victories—it's about working hard and making a meaningful difference for those who need it most. In serving our clients, we serve the greater good.

Lawyers, with their rare mix of skills and experience, are uniquely positioned to help others—both in the law and outside it. For shining examples of how lawyers can apply their expertise to do good, look no further than the devoted volunteers within the NJSBA. Every day our members are working to write legislation, prepare *amicus* briefs and share their substantive legal knowledge and professional experience. Seeing them leverage their experience to help others and promote justice inspires me every day. Their work deserves recognition.

The NJSBA's Young Lawyers Division is more than a hub for young professionals—it has grown into a charitable force within the Association. The Division embraces the philosophy that lawyers grow their abilities not only through traditional educational programming, but through hands-on service. For example, the Division actively supports its Wills for Heroes program, helping some of society's bravest professionals. YLD volunteers regularly gather across the state to prepare wills, powers of attorney and health care proxy documents at no cost for veterans, first responders, law enforcement officers and health care workers. Hundreds have benefited from these efforts, making a real impact in the community. The Division also runs a mobile farmer's market for MEND, a hunger relief

network in Essex County, staffed by YLD members. Ahead of Thanksgiving, volunteers provide fresh, healthy food to families in need. The event has become an annual tradition: the Division collects donations—nonperishable foods, clothing and other essentials—and delivers them directly to the mobile food hub. These initiatives have provided meaningful assistance to countless New Jersey families.

The greater NJSBA also has taken meaningful steps to combat hunger in New Jersey. Through the Lawyers Feeding New Jersey program, the Association and its members are proud to have raised over \$100,000 since 2014, providing nutritious meals to those in need. Proceeds benefit The Community FoodBank of New Jersey, which distributes 85 million meals annually through its network of more than 800 community partners. The NJSBA is also a proud supporter of Danny's Pantry at the federal courthouse in Newark, a food bank established in memory of U.S. District Court Judge Esther Salas' son. The pantry collects donations to benefit food insecure residents in New Jersey and the federal re-entry program.

In recent news, the NJSBA hosted another successful Union City Law Day in September. Dozens of volunteers, supported by interpreters, provided free consultations in a Union City high school gym, assisting hundreds of residents with their legal issues in immigration, guardianship, landlord-tenant, divorce and more. The NJSBA organized the event in partnership with several organizations, including affinity bars, the local prosecutor's and public defender's offices and Union City officials. The result was a meaningful initiative that expands access to justice for some of society's most marginalized individuals.

Few responsibilities are more important for an attorney than providing pro bono representation. This October, the NJSBA will recognize those who exemplify this commitment at its annual Pro Bono Awards. Six individuals, firms, and corporate legal departments will be honored for their dedication to serving New Jersey's underserved residents, addressing matters ranging from LGBTQ rights to veteran support, immigration of unaccompanied minors and services for domestic abuse survivors. We invite all to attend the awards reception

*Continued on page 7*

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# FROM THE SPECIAL EDITORS

## A Commitment to Justice and Community

By Mary Frances Palisano and Lawrence Krayn

For lawyers, service is a cornerstone of the legal profession, reflecting a duty to uphold justice and serve the public good. This principle goes beyond representing paying clients; it's about ensuring a fair and accessible legal system for everyone and serving the community in non-legal ways too. The most recognized form of this service is pro bono work, a term rooted in the Latin phrase pro bono publico, meaning "for the public good." Through pro bono efforts, attorneys provide free legal services to those who can't afford them from low-income individuals and families to public interest organizations. The American Bar Association encourages lawyers to contribute at least 50 hours of pro bono work annually. By doing so, New Jersey attorneys can help bridge the justice gap, representing individuals in matters ranging from family law and housing disputes to civil rights cases. This work is imperative and much needed as detailed by several authors in this edition.

Beyond direct legal representation through pro bono work or reducing rates to make legal representation more accessible, New Jersey lawyers serve in many other ways, as highlighted in this edition's articles. Our contributions often extend into non-legal community outreach, public service careers, military service, and active participation in bar associations. We promote civic engagement, take on leadership roles in our communities, and mentor young people, helping to shape the next generation of leaders. Many times lawyers also leverage their professional networks to fundraise for public interest projects and serve on the boards of nonprofit organizations, using their skills to connect people and resources to those in need. Our analytical and problem-solving abilities are valuable assets in any organization, allowing us to contribute meaningfully to a wide variety of causes and initiatives.

Ultimately, the act of service for lawyers is about more than just professional obligation; it's about upholding the integrity of the justice system and making a difference. By committing to service, we actively build trust in the legal profession and strengthen the bonds between the legal community and the public it serves.



**MARY FRANCES PALISANO** is a Director in Gibbons P.C.'s Business & Commercial Litigation Group, as well as the firm's Pro Bono Chair and Coordinator and Child Advocacy Team Leader. Ms. Palisano focuses her practice on representing children in school-law and special-education proceedings and handling criminal cases at the municipal, state, and federal levels. Under her leadership of the highly regarded Gibbons Cares Pro Bono Platform since 2013, firm lawyers have donated thousands of pro bono hours annually to those who cannot afford legal services or are underrepresented.



**LAWRENCE KRAYN** is a Deputy Attorney General with the Office of the Insurance Fraud Prosecutor. Prior to this, he served as an Assistant Prosecutor in Essex County from 2016–2021.



Whether through dedicated pro bono work, a career in public service, or active community leadership, lawyers have a unique and profound ability to make a significant and lasting impact on their communities and our state. The skills we develop in our profession are not only for the courtroom or negotiating deals; as we see in this edition, they are powerful tools for positive change. By embracing this commitment to justice and community, through service, New Jersey lawyers fulfill the highest ideals of our profession and contribute to a stronger, more just society for all.

In curating this issue, we sought to showcase a wide range of attorneys pursuing service in multiple practice areas. This edition provides both insight and guidance and can be read simply with an eye toward recognizing those committed to the public good or can act as a roadmap for those interested in getting involved. Akil Roper, Senior Vice President at Legal Services of NJ, kicks off the issue by challenging the antiquated ways in which we assess the need for pro bono attorneys. In pointing out better metrics for such assessments, he highlights why service and pro bono work is so integral to equitable outcomes. In “Rooted in Service: Fostering a Pro Bono Culture in New Jersey”, Emerald Sheay, a staff attorney at Volunteer Lawyers for Justice, discusses both the need for legal aid in New Jersey, and how integral and rewarding such service can be for the profession.

Mary Frances Palisano’s piece provides a detailed overview of what it takes for law firms to champion justice through pro bono and community outreach. As chair of Gibbons’ pro bono committee as well as their pro bono coordinator, her experience brings important insights to the issue from a private-sector perspective. Ralph Lamparello, managing partner of Chasan Lamparello Malton & Cappuzzo, PC, President of the New Jersey State Bar Foundation and a past President of the New Jersey State Bar Association explores how the Bar Foundation educates, empowers, and aspires through the work of volunteers.

From here, the issue takes a closer look at careers in the public service realm, community outreach and others ways lawyers in New Jersey are finding a way to make a difference, starting with Deputy Attorney General Lawrence Kravyn’s look at the way New Jersey law and policy guide the public service mission of prosecutors. Robert Holup, an associate at Riker Danzig, discusses how volunteer activities, in the legal profession and outside of it, can help to hone professional development. Rebekah Conroy and Mary Toscano Carpenito discuss the New Jersey District Court’s programs that help participants with needs after incarceration, such as addiction solutions and legal resources. Col. Joseph H. Ruiz, Esq. focuses his article on the intentional balance required between military service and

being a practicing civilian attorney and the struggles and rewards of that career path. Andrew J. Provence, owner of Litwin & Provence, LLC, has been representing nonprofits since 1998 and shares his experience representing nonprofits outside of pro bono work. Scott Kobler, a partner at McCarter & English, LLP and Chair of the NJ PBS/NJ Spotlight, offers an interesting piece on how he has helped protect New Jersey’s news sources and several cultural institutions in need of a voice. And finally Erin Berman, a staff attorney with Northeast New Jersey Legal Services discusses how an attorney can grow their practice helping children with special education needs. So many thought-provoking articles that will hopefully encourage those to get involved.

We are grateful to each of the authors for sharing their experience, knowledge and time, which helped shine a light on the different types of service available. As evidenced in this edition, New Jersey lawyers possess a unique ability to effect positive change and make a difference in their communities through service. Beyond their traditional roles in courtrooms and corporate offices, these legal professionals can leverage their expertise in many different ways helping create a more just and equitable society for all. Kudos to all who engage in service and if you want to get involved there are plenty of resources in this edition for you to get started! ■

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## PRESIDENT’S PERSPECTIVE

*Continued from page 5*

on Oct. 22 to honor their commitment to justice. Information can be obtained on our website.

Finally, I would be remiss if I did not acknowledge a few extraordinary individuals who demonstrate how lawyers can blend their professional work with a deep commitment to service. They have been featured in the NJSBA’s Members Who Inspire series, which turns the spot-

light on members and highlights how they are making a difference in their career and outside of the law. The series allows members to share their unique stories, inspire future legal professionals and strengthen awareness of the profession and Association. Among the membership, we have Art Raynes, a Basking Ridge attorney who for 30 years has run a weekend program for children with autism. We also applaud Robert Holup, a rising star in the Association who helped spearhead much of the YLD’s charitable

work as Co-Chair of its Philanthropy Committee. Similarly, Lorraine Barnett, of South Orange, has worked for decades to keep the lights on at Haitian schools through tireless fundraising. They are remarkable volunteers and represent the best of the profession.

When lawyers use their skills to lift others up, they remind us why this work matters. The NJSBA proudly recognizes those who show that client service and community service are one and the same. Let’s continue to honor that duty. ■

# PRACTICE TIPS



## WORKING WELL

### How to Stay Sane, Sharp, and Strong Under Pressure

By Jonathan Z. Cohen

Associate General Counsel

PNY Technologies

All lawyers hear the same self-deprecating joke: “Don’t do it.”

Law school taught you to *think like a lawyer*: spotting issues, arguing cases, memorizing rules, but it left out what comes along

the stress of a new job and responsibilities. Skills like emotional regulation, thought control, pattern recognition, pattern interruption, recovery, and performance routines don’t enter the stratosphere because there’s “no time for that fluffy stuff” or self-care.

Recovery goes beyond saunas, cold plunges, meditation, and yoga. Recovery is about quality time with people you love, active reflection, breathwork, gratitude, writing, long walks without any distractions and an ecosystem of stress management tools. Goals shift to lowered screen time, higher quality relationships, improved creativity, and fulfillment through presence.



with it: How to regulate your emotions, have hard conversations, build resilience, manage burnout, and mental strength.

Being a great lawyer is about staying level-headed when pressure hits.

But, how?

We justify long hours with high levels of compensation, but the cost of doing business can be our sanity and well-being.

What if the cost didn’t have to be so great?

What if we could navigate stress to be less reactive and more intentional?

To stop living life by default. Start living by design.

New lawyers quickly learn they’re mentally underprepared for

We think we’re chasing happiness, but reality shows us happiness isn’t a state of being. Happiness is fleeting and constantly evading us.

Happiness is a choice you make and a skill you develop.

Your happiness is your responsibility and no one else.

The first step into a life of love, courage, and wisdom is through mental fitness.

Mental fitness is the ability to regulate thoughts, emotions, or behaviors under pressure while recovering quickly from setbacks. In other words, when adversity hits, how quickly can you bring yourself back to center from adversity?

What does it mean to recover quickly?

How fast can you diagnose a problem, design a solution, and execute on it?

How we channel raw emotions makes a difference in the impact of those emotions on our well-being, quality of life and performance.

One prime example of mental fitness is the art of reframing. Simple reframing can mitigate the impact of these raw emotions.

The next time you experience a negative emotion, consider a new frame. Stress as activation energy, overwhelm as a compass for physical resetting, and anxiety as a signal of where to focus.

Let's look at Michael Jordan.

Jordan leveraged negative feedback, stress, and anxiety as performance enhancers. He reframed anger as raw power because he learned it from 11-time championship coach, Phil Jackson. His championships and career accolades are the extrinsic proof of the internal self-mastery.

Another example: the next time you use the word stress, think resistance.

How we process an emotion changes our emotional state. When we think of stress as activation energy the body naturally gives you power to hyperfocus. Without enough resistance, we can't adapt and grow stronger.

If you think about it, once you orient the stress, it can be a competitive advantage. Shifting energy to anchor yourself in a purpose and serve a particular cause can help fuel ideal outcomes. Making a conscious effort to add the art of reframing into your life and consider another view as a professional or a person, you can tap into performance to actively recover and manage the raw emotions as they rise.

Bottom line, mental fitness is the bridge to leverage "negative" energy as a stepping stone instead of a roadblock to performance and to thrive in the practice of law.

As attorneys, we're inevitably going to face problems professionally and personally.

We are problem-solvers by training. The more gratitude we build into our life, the more connected we are to the beauty of life which allows us to be more creative and effectively solve problems.

We've learned to argue both sides of a case. When it comes to processing and shifting our emotional state to maximize performance, it's a matter of leveraging effective tools like reframing and mental fitness to handle the inevitable pressure of life.

Law school taught you the law.

Mental fitness teaches you how to practice law without losing yourself in the process. ■



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#### The Faculty That Makes the Difference

These aren't just speakers—they're the attorneys judges cite, the partners BigLaw recruits, and the practitioners reshaping New Jersey law. When regulatory agencies need expertise, they call our faculty. When complex cases need solutions, clients call our faculty. Now they're sharing their playbooks with you.

#### Our speakers include:

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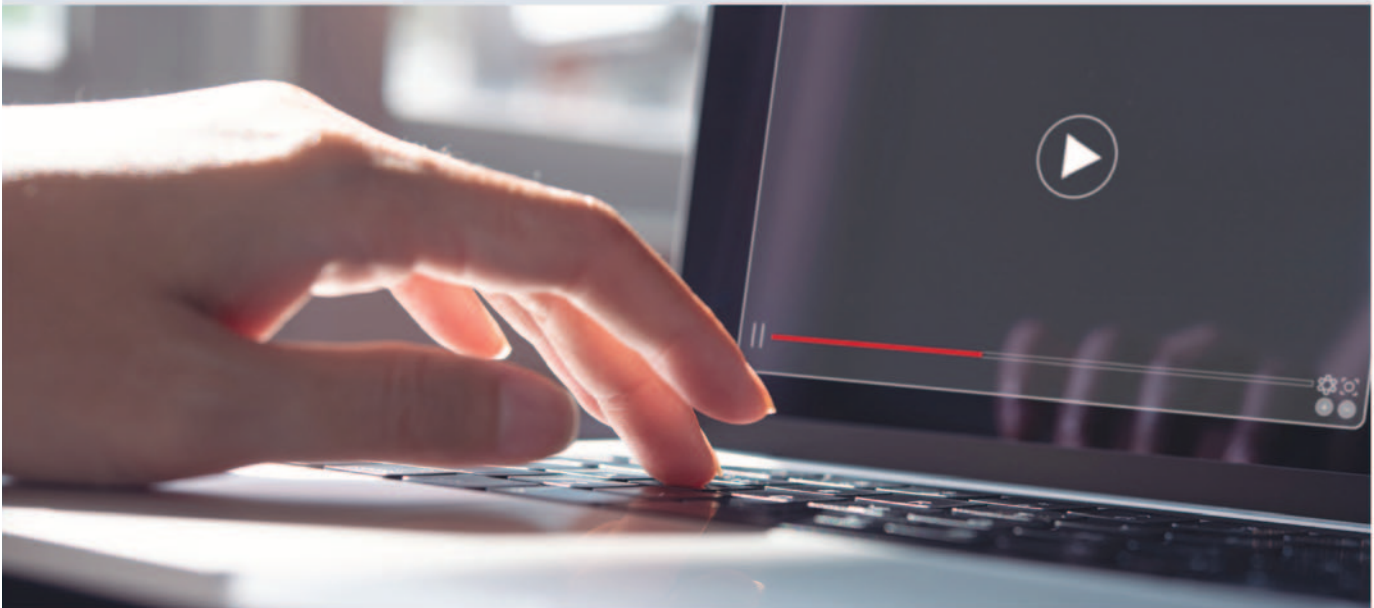
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# ANSWERING THE CALL

## Pro Bono Service in New Jersey Helps Create Equitable Outcomes for People in Need

By Akil Roper



*AKIL ROPER is a senior vice president of Legal Services of New Jersey in Edison. To take advantage of pro bono opportunities, register and enroll with LSNJ or other legal services organizations at [probononj.org](http://probononj.org) today.*

At the New Jersey State Bar Association’s annual conference in Atlantic City this past May, a panel of attorneys and advocates from the NJSBA Pro Bono Committee representing law firm pro bono groups, non-profit legal services and advocacy organizations described the current need for pro bono services as “unprecedented.” While this description may seem alarmist, it rings loudly in truth.

## The Justice Gap

Indeed, the aptly named “justice gap”—defined as the difference between a population’s civil legal needs and the level of assistance that is available—is vast. Bottom line, the need for civil legal services among our state’s low-income population far outstrips the current available resources of the state’s legal services system, including Legal Services of New Jersey and each of the five regional legal services programs—South Jersey Legal Services, Northeast New Jersey Legal Services, Legal Services of Northwest Jersey, Central Jersey Legal Services and Essex-Newark Legal Services, which provide free legal assistance to those who cannot afford it.

According to the Legal Service Corporation’s Justice Gap Report<sup>1</sup> published in 2022, “nationwide, low-income people did not receive any or enough legal help for 92% of their civil legal problems.” Legal Services of New Jersey’s Poverty Research Institute (PRI), which studies and reports regularly on poverty in New Jersey, yielded a similar result, finding that “in 2022, nearly three-fourths of low-income New Jersey households faced at least one civil legal problem and approximately nine out of 10 of these problems (87.2 percent) did not receive any or enough legal help.”<sup>2</sup> Collectively, low-income New Jerseyans did not receive any or enough legal help for nearly 3.4 million problems that negatively impacted their households.<sup>3</sup>

LSNJ’s PRI will soon be releasing its updated Civil Justice Gap Report, which will provide more insight and detail on the justice gap, but, from these facts alone, we already know it paints a disturbing picture of the civil legal needs of people in poverty in New Jersey.

## True Poverty in New Jersey

To understand the justice gap and its depth, it is important to recognize the real state of poverty in New Jersey, defined by social science experts as “true

poverty.” A data-driven study in 2021 by PRI establishes “true poverty” or TPL as a realistic guide to what constitutes deprivation in a high-cost state as New Jersey.<sup>4</sup> Using the nationally-recognized “Self-Sufficiency Standard” methodology, the study shows that most New Jersey families need at least 300% or triple the federal poverty level income (FPL)—on average—to avoid true poverty.

That said, TPL budgets are essentially bare bones with no room for any extras such as savings or retirement funds. It includes just enough money to cover necessities—without sacrificing one basic need for another or relying on outside assistance. It departs markedly from the federal poverty measure which was created in the 1960s and still allocates the same average, one-size-fits-all costs of living considerations to all states and localities across the country, be it Mississippi or Manhattan. In effect, the cost for housing or renting an apartment in economically marginal Camden is calculated as the same as renting in upscale Jersey City. Due to its inherent flaws, the federal poverty measure understates poverty in New Jersey. In reality, a three-person family (single parent with two children) need approximately \$80,000 to avoid deprivation in New Jersey; the federal measure considers such a family to be living in poverty only if its annual income is below \$25,000.<sup>5</sup> Ultimately, FPL is a woefully outdated model which does not accurately capture *real* poverty in the state.

According to the latest Census statistics, more than 3.1 million New Jersey residents lived in true poverty in 2023. This essentially means that one-third of the state’s total population (34.8%) did not have enough resources to make ends meet.<sup>6</sup> Poverty negatively impacts all aspects of well-being, contributing to food insecurity, health challenges and housing instability. Without sufficient resources to meet even their most basic needs, individuals often have no viable recourse when faced with civil legal

issues such as wage theft or unfair denials of health care benefits. While free civil legal services are available, organizations are under-funded and therefore forced to turn away clients with meritorious cases.

Unlike criminal court there is no guaranteed lawyer for the many who are facing most civil legal problems throughout the state. But the legal problems an individual may face in civil court can be just as critical and life-altering and have devastating results which can impact an individual’s life and liberty. In landlord tenant court, where roughly 96% of tenants go unrepresented (compared to 10% of unrepresented landlords), far too many families are subject to eviction proceedings, many of which could have been avoided if tenants had been assisted by counsel.<sup>7</sup> Many of low-income families who are evicted may not get rehoused for long periods of time, and the impact is particularly troubling for families with young children or special needs. Another common civil legal issue which can deeply impact low-income individuals is the loss of public benefits. For people with disabilities, older adults, and those on limited fixed income this can be devastating—social security and disability benefits, and unemployment insurance can otherwise be a vital lifeline for lower income and wage workers.

When access to justice is limited to only those with sufficient means to afford legal representation, the result is further direct harm to individuals and families, financial hardship, housing instability and negative health impacts. Unresolved legal problems lead many to further rely on public resources and social services. Failure to provide access to representation to the state’s most in need also erodes the confidence and public trust in the legal system and further perpetuates disenfranchisement.

## Civil Legal Needs are Pro Bono Opportunities

There are pro bono opportunities for volunteers who want to help in a variety

of areas of civil law. Some may use their knowledge and skills to help clients file for bankruptcy to help them rebuild financially; others for expungement, to help secure better employment prospects; others with wills, estates, guardianship, or name changes. LSNJ's Domestic Violence unit regularly assists victims of domestic violence seeking orders of protection against their abusers and actively recruits and trains pro bono volunteers to help provide more assistance to individuals in need. LSNJ also recently partnered with a private law firm and another legal services organization to help pair children with special education needs with teams of lawyers ready to help guide and assist families through the IEP process.

Attorneys report a variety of reasons they become involved with pro bono. "I can't fix all the problems in this country that are mind boggling today," said one pro bono volunteer, "but at least I can do a little something and maybe just move the pendulum a teeny tiny bit towards justice for all."

Sometimes, pro bono assistance is provided *outside* the courthouse. Many pro bono case opportunities do not require a court appearance but can nonetheless be very impactful. In one recent example of a client in need, a pro bono volunteer provided an essential life planning service for a client. The client needed multiple meetings, and time in between to decide how to get their affairs in order. Ultimately, the pro bono volunteer helped the client prepare a will, power of attorney and a health care proxy. To accomplish this outcome, the pro bono volunteer met with the client in their home to put them at further ease.

In another matter, one of our pro bono volunteers assisted an 84-year-old client with an estate issue. There, the client lived in a house owned by her mother who died in 2017. The client was seeking to transfer the title to her name

to qualify for financing and protect the house from property tax foreclosure. The pro bono volunteer met with the client and drafted conveyance documents to assist with the title transfer and notified family members with potential interest in the property. The pro bono attorney also provided additional advice regarding the estate and other potential issues after the matter had been concluded. Ultimately, the client was able to qualify for necessary assistance to save the property from tax sale.

Low-income clients need pro bono volunteer attorneys who will assist them through an unfamiliar and complicated legal process. Usually, this means knowledgeable and experienced attorneys and advocates offering direct representation. While clinics and bundled services such as one-time advice and brief services help, clients often return because they need additional assistance with their legal problems. When possible, the most effective assistance model is a lawyer prepared to help a client navigate a multi-step legal process. Legal Services and non-profits will partner with firms, organizations, and individuals to increase the chances of someone getting help through the resolution of their case.

One LS pro bono volunteer said, "I highly recommend that young attorneys look into pro bono work because it's valuable to sharpen their skills in all areas of the law, but also it can go a long way for a lot of people that are in need."

LSNJ offers training, mentorship and other supports to pro bono volunteers in the areas of law most critical to our low-income clients. Law firms have responded to the call by setting up projects designed to help clients with specific legal issues of importance such as bankruptcy, expungement and pardons, name changes and guardianships.

The current need for legal assistance for those with lesser means far outpaces the current resources, but together, the Legal Services system and the private bar

can work together to help reduce the justice gap and create positive outcomes for many more.

In the words of our New Jersey Supreme Court Chief Justice Stuart Rabner, "[p]ro bono work is in keeping with the noblest traditions of the legal profession. Pro bono work is not just a helpful supplement to the legal system, it's vital to the delivery of justice in our state and in our nation."

Thank you for all you do. ■

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## Endnotes

1. Legal Services Corporation. 2022. The Justice Gap: The Unmet Civil Legal Needs of Low-income Americans. Prepared by Mary C. Slosar, Slosar Research, LLC.
2. These estimates are detailed in LSNJ's Poverty Research Institute's upcoming report on the Justice Gap in New Jersey, due to be published soon.
3. These estimates are detailed in LSNJ's Poverty Research Institute's upcoming report on the Justice Gap in New Jersey, due to be published soon.
4. Legal Services of New Jersey. True Poverty: What it Takes to Avoid Poverty and Deprivation in the Garden State. July 2021
5. Legal Services of New Jersey. True Poverty: What it Takes to Avoid Poverty and Deprivation in the Garden State. July 2021; U.S. Bureau, Poverty Thresholds
6. Legal Services of New Jersey Poverty Research Institute's analysis of U.S. Census Bureau's 2023 American Community Survey, one-year estimates
7. Legal Services of New Jersey Poverty Research Institute's analysis of the data from the New Jersey Administrative Office of the Courts



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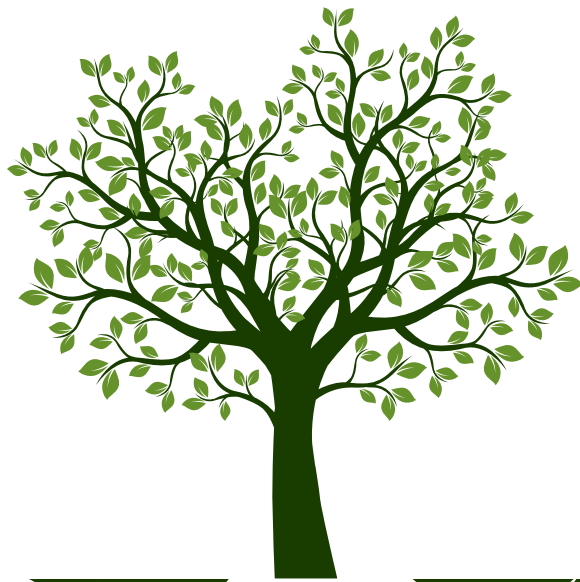
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# Rooted in Service

Fostering a Pro Bono Culture in New Jersey

By Emerald Sheay



**EMERALD SHEAY** is a staff attorney at Volunteer Lawyers for Justice, where she focuses on pro bono engagement and recruitment efforts, and leads the organization's name change and children's representation programs.

Lawyers know there's a strong need for civil legal aid—but what might be less obvious is just how dramatically that need outpaces the resources available. The most recent estimates from the American Bar Association tell us that on average, the United States has just 2.8 civil legal aid lawyers for every 10,000 people in poverty.<sup>1</sup> Meanwhile, 92% of low-income Americans surveyed reported not getting enough legal help for matters that “have had a significant impact on them.”<sup>2</sup> The private bar can—and must—play a significant role in narrowing this existing justice gap. At Volunteer Lawyers for Justice, our staff and volunteers focus on bridging the gap by providing civil legal services to those experiencing poverty.

### **Beyond *Madden*: The Broader Impact of Pro Bono Service**

As New Jersey-barred lawyers are well aware from the often-dreaded *Madden* assignment, members of the New Jersey Bar are required to provide pro bono counsel to indigent defendants. *Madden*, a New Jersey Supreme Court Case from 1992, affirmed the principle that “the duty to defend the poor is a professional obligation rationally incidental to the right accorded a small segment of the citizenry to practice law.”<sup>3</sup> As a result of the decision, lawyers are placed onto an electronic list wherein they may be assigned a matter for pro bono representation in their county of residence. The Court based this decision, in part, on the bench's view of New Jersey as “a state in which the ethical, enforceable obligation of attorneys to accept such assignments has an unbroken history from colonial times.”<sup>4</sup>

The public interest in encouraging pro bono work expands vastly beyond fulfilling a court-mandated duty. At the outset, legal services provide a very real economic impact on the communities served. Over 50 studies have shown that for every \$1 invested in civil legal aid, a \$7 return is provided.<sup>5</sup> Simply put, investment into civil legal aid results in a positive return on investment. This includes

direct benefits, such as financial recoveries for clients, avoided costs, and taxpayer savings. Indirect benefits, including boosts to local economies and stabilizing communities, provide additional social impacts beyond the recipient of the legal services. Ultimately, pro bono service is not just a professional obligation—it is a tool for economic and social justice across our communities.

### **Good Deeds, Greater Returns: Why Pro Bono Pays Off**

The benefits of pro bono work extend to attorneys as well. Volunteers regularly report feeling a sense of purpose, fulfillment, and alignment with their values when they engage in meaningful pro bono work. An additional, more tangible benefit, is that those who provide 25 hours of pro bono service annually (through a qualified legal program) are exempt from a *Madden* assignment the following year.<sup>6</sup> Engaging in pro bono work through a qualified program allows lawyers to choose how to satisfy their professional obligation, rather than simply awaiting a court-ordered *Madden* pro bono assignment.

According to the Thompson Reuters Foundation, law firms recognize many other benefits of pro bono work: 73% of surveyed law firms report using pro bono

matters as a way to train and develop newer attorneys.<sup>7</sup> Pro bono matters are an excellent opportunity for attorneys to get hands-on experience with client counseling, drafting court filings, and making court appearances, earlier in their careers. Perhaps in recognition of this advantage, 43% of firms also reported using pro bono work as a way to retain employees. Other reported reasons firms engage in pro bono include the alignment of the pro bono work with client's interests, marketing, and a desire to support their communities.

Promoting a culture of pro bono work benefits the public while helping firms develop talent, retain staff, and align with client values. Luckily, there are simple (and data-proven) ways that firms can boost their pro bono work. As just one example, firms with a designated pro bono coordinator average almost three times more pro bono hours than firms without a coordinator.<sup>8</sup> Likewise, firms that have a written pro bono policy establishing the firm's intention and structure for pro bono work, on average, report higher pro bono hours annually.<sup>9</sup> Other strategies, such as providing billable hour credit for pro bono work, internal awards and recognition, and partnering with organizations that refer pro bono matters, can bolster a firm's

pro bono impact. By adopting these techniques, law firms can create a lasting, high-impact pro bono culture that serves both the greater good and their long-term success.

### **Adapting to Meet the Moment: VLJ's Evolving Legal Response**

While consumer debt, health care, family law, and housing issues remain the most common types of sought-after legal help, responding to civil legal needs requires adaptability. VLJ experienced this itself when, less than three months after its founding, the Sept. 11 terror attacks occurred. VLJ rapidly responded to form the 9/11 Task Force and World Trade Center Program, in partnership with the Essex County Bar Association. Again, in 2012, VLJ responded to the impact of Superstorm Sandy by launching a Disaster Legal Response Program and worked with the legal community to develop a coordinated legal response to disasters.

In recent years, a coordinated legal response has been key in addressing the housing crisis in the wake of COVID-19. VLJ has convened a regular meeting of tenant's rights organizations since March 2020 to protect the rights of tenants and pro bono attorneys have joined in to prevent homelessness for families across the state. Pro bono attorneys have been key allies in responding to the most urgent legal needs in our state and will no doubt be essential as funding for services for people experiencing poverty face deeper cuts.

### **Our Vision: Sustaining and Growing Pro Bono Culture**

Access to high-quality pro bono civil legal services can be life-changing for the clients who receive them. Few examples better epitomize the impact civil legal services can have than that of former VLJ client, Lamar. Lamar sought and received VLJ's help three times, on a variety of matters stemming from homelessness,

eviction, identity theft, and consumer debt. Receiving these services provided him with two major benefits. The first was stability, when he was able to secure permanent housing. The second was his positive exposure to the legal profession. "Law school was always on my radar, but I didn't have any motivation," Lamar shared. "I didn't know anything about the law. I didn't know any lawyers. By having the interactions with VLJ's volunteer lawyers, that showed me what lawyers do: help people." Lamar went on to attend law school and is now a volunteer attorney for the same organization that helped him many years ago. He notes that his experience with VLJ "has come full circle."

VLJ's ability to help clients like Lamar stems from a strong pro bono ecosystem of volunteers. In 2024 alone, 665 volunteers donated time through VLJ's programs, making 2024 a record-setting year for our organization. Over 4,400 people were impacted by donated legal services. It is because of this reach that VLJ remains committed to providing and coordinating pro bono legal services in partnership with the private bar. VLJ currently runs eight legal programs, six of which include clinics staffed by volunteer attorneys from law firms and corporations throughout the state. Beyond the clinic setting, volunteers provide direct representation to clients across these programs, with the support of VLJ staff and resources while handling the matter. Regular trainings and CLE programs taught by VLJ staff take place throughout the year, on topics ranging from eviction defense to ethical pro bono lawyering. Looking ahead, VLJ is proud to continue growing a powerful pro bono network that advances access to justice across New Jersey.

### **Conclusion**

As lawyers, we can effectuate significant change in our communities. Now more than ever, it is important that the

profession does not lose sight of this power amid billable hours, client phone calls, court appearances, and (many) cups of coffee. VLJ welcomes new and existing volunteers to recommit to pro bono service. Whether your act of service is volunteering in a legal clinic, accepting representation of a client in an expungement matter, or providing consultations on bankruptcy eligibility, the impact of donated legal expertise cannot be overstated. Together with our dedicated volunteers, VLJ continues to build a more just and equitable New Jersey—one client, one case, and one act of service at a time. ■

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### **Endnotes**

1. American Bar Association, *Profile of the Legal Profession 2023* (2023).
2. Legal Services Corporation, *Justice Gap Full Report 2022* (2022).
3. *Madden v. Delran Tp.*, 126 N.J. 591 (1992) (citing *State v. Rush*, 46 N.J. 399 (1966)).
4. *Id.* at 603.
5. Legal Services Corporation, *The Economic Case for Civil Legal Aid*, (2025).
6. *N.J. Ct. R.* 1:21-12.
7. Thomson Reuters Foundation, *2024 TrustLaw Index of Pro Bono*, 2025.
8. *Id.*
9. *Id.* Firms with pro bono policies report an average of 30.3 hours of pro bono work per fee earner, compared to 19.6 hours per fee earner for firms with no pro bono policy in place.



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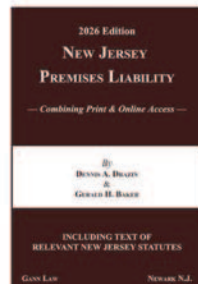
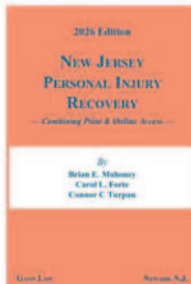
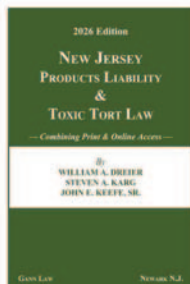
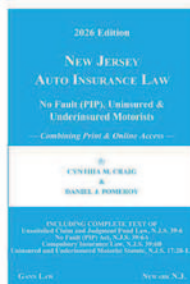
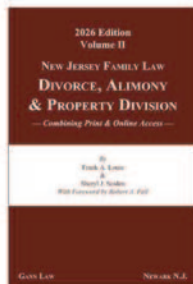
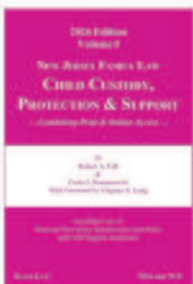
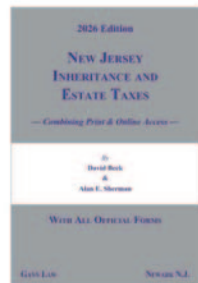
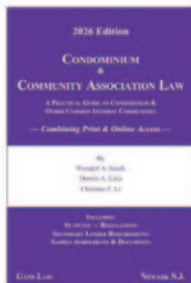
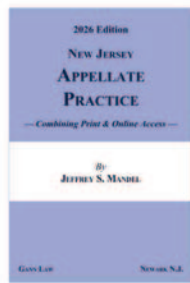
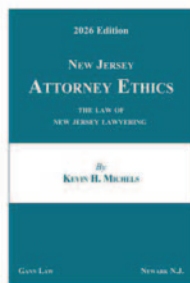
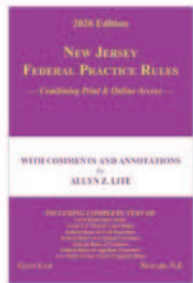
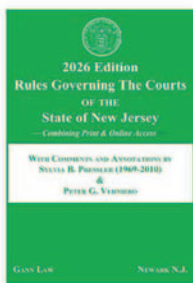
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# How Law Firms Can Champion Service through Pro Bono and Community Outreach

**By Mary Frances Palisano**

In New Jersey, the need for assisting low-income individuals is profound and multifaceted. These individuals frequently face a complex tapestry of challenges—from food and housing insecurity to a lack of access to legal justice and economic opportunity. Without intervention, these issues create a cycle of poverty that is difficult to break, negatively impacting individuals, their children, and the wider community. Providing support is not just an act of kindness; it is an imperative that fosters a more resilient and equitable society. As New Jersey lawyers, we have the unique power to make a meaningful difference, and the legal profession has a strong tradition of embracing this responsibility, moving beyond the simple fulfillment of minimum pro bono requirements.<sup>1</sup>

A comprehensive pro bono program is a clear demonstration of a law firm's commitment to social responsibility and service, which can significantly enhance its reputation among clients, the public, and other lawyers. This dedication often generates positive media attention, leading to awards and recognition in legal publications. Additionally, many corporate clients increasingly prioritize working with firms that have strong pro bono and community outreach initiatives. Leading firms are strategically championing service through pro bono and community outreach—an approach that not only enriches the community but also strengthens the firm itself.

This article explores how a firm's commitment to service can amplify the reach and effectiveness of its business development, strengthen its culture, and enhance professional development, all while building a more just and equitable society.

## **The Cornerstone of Law Firm Service: Pro Bono**

### ***What is Pro Bono?***

Pro bono legal work, derived from the Latin phrase *pro bono publico* (“for the public good”),<sup>2</sup> is a cornerstone of the law firm service. It refers to legal services that lawyers provide without compensation, with the primary goal of serving the public interest.

The ethical obligation for lawyers to perform pro bono work stems from the fundamental principle that every individual deserves access to justice, regardless of their financial status. The legal profession recognizes that a system of justice cannot be truly fair if it is only accessible to those who can afford it. As a result, lawyers are seen as having a special responsibility to use their unique skills to bridge the gap.<sup>3</sup>

Pro bono work is distinguished from other forms of volunteering because it

leverages a lawyer's unique professional skills and training to address legal issues faced by low-income individuals. The need for this service is staggering. A recent report by the Legal Services Corporation (LSC) found that low-income Americans do not receive any or enough legal help for 92% of their civil legal problems<sup>4</sup>. Unfortunately, this means that millions of people are forced to navigate complex issues—like eviction, domestic violence, or special education services for a child with disabilities—without legal guidance.

### ***Benefits to the Community***

Pro bono work fills the gap in legal services for low-income individuals, nonprofits, and marginalized communities, giving all individuals equal access to justice. Examples of pro bono work in New Jersey include helping a victim of domestic violence secure a restraining order, assisting a nonprofit with corporate formation, or helping an individual file for an expungement so they can finally seek out higher paying employment to improve their families' financial circumstances, to name a few. Pro bono efforts can also tackle larger, systemic problems, such as challenging unjust policies or representing groups fighting for civil rights.

Pro bono work helps people like Kate, whose daughter is severely autistic and was not attending school because the local school district could not find an appropriate placement for her. Kate didn't know what to do and couldn't afford a lawyer to assist. Her daughter was out of school for almost an entire school year! A pro bono team from my firm's Gibbons Cares pro bono platform stepped in, navigated the legal process, and ultimately helped her child obtain a placement. This act of pro bono service didn't just get Kate's daughter back in school; it provided the ability for Kate to go back to

work so she could help support her family that was living in poverty.

### ***Benefits to the Law Firm***

Pro bono work provides a wide range of tangible benefits to law firms, extending far beyond satisfying an attorney's desire to do good. It is an investment that significantly enhances a firm's reputation, attracts and retains top talent, and offers crucial professional development opportunities.

**Professional Development:** For many associates, pro bono cases are a powerful engine for professional growth, offering hands-on experience often inaccessible in traditional billable work. Unlike matters where less experienced lawyers may be limited to research, pro bono cases frequently put them in the driver's seat. They gain invaluable experience in managing a case from start to finish, including client interviews, negotiations, and drafting of motions, where



**MARY FRANCES PALISANO** is a Director in Gibbons P.C.'s Business & Commercial Litigation Group, as well as the firm's Pro Bono Chair and Coordinator and Child Advocacy Team Leader. Ms. Palisano focuses her practice on representing children in school-law and special-education proceedings and handling criminal cases at the municipal, state, and federal levels. Under her leadership of the highly regarded Gibbons Cares Pro Bono Platform since 2013, firm lawyers have donated thousands of pro bono hours annually to those who cannot afford legal services or are underrepresented.

they will be lead counsel. Most critically, pro bono work provides opportunities for courtroom experience, from arguing motions to being first chair at a trial—foundational skills that are becoming increasingly rare for junior litigators. By taking on this work, associates build confidence, develop essential client-facing skills, and establish a proven track record of advocacy, all under the supportive mentorship of more experienced attorneys.

**Recruitment & Retention:** A robust pro bono program has become a powerful strategic asset in the competition for legal talent. For socially conscious law students and associates, a firm's commitment to pro bono is often a significant factor, signaling that the firm's values align with their own. Beyond initial recruitment, pro bono is a critical tool for retaining experienced lawyers, providing them with an outlet to find a sense of fulfillment that billable work may not always offer. By providing a platform for lawyers to grow professionally while making a tangible difference, a strong pro bono program not only attracts the best and brightest but also cultivates a loyal and dedicated workforce.

**Business Development:** Pro bono work offers a significant strategic advantage for business development, especially for more seasoned attorneys. By collaborating with existing clients on pro bono matters or free legal clinics, lawyers can deepen those relationships and demonstrate a shared commitment to community values. It also provides a unique way to hone legal skills or even expand a lawyer's legal practice areas. For instance, a lawyer focused on transactional matters could take on a pro bono case that requires litigation, gaining valuable experience from arguing motions to questioning witnesses. By taking on pro bono matters, lawyers can also venture into new and emerging practice areas without the pressure of a billable clock. For example, a volunteer attorney can develop expertise

that can later be leveraged into a new practice group. In this way, pro bono is not merely an ethical obligation but also a strategic tool that facilitates continuous professional growth and expands a lawyer's network and expertise, which can lead to new business opportunities.

Furthermore, pro bono projects often lead to valuable networking opportunities, connecting lawyers with a diverse range of contacts—from public interest leaders and judges to in-house counsel. These relationships can help a lawyer build a reputation for excellence that can ultimately generate referrals and new business, attract new clients, and expand the firm's market presence.

### ***Building a Law Firm Pro Bono Program***

Implementing a successful pro bono program requires a strategic and comprehensive approach, beginning with securing a commitment from firm leadership. A strong program also needs a designated firm partner to champion and manage the initiative, often in conjunction with a pro bono committee and administrative assistance. The firm should then define the program's purpose, identifying specific community needs to address, such as veterans' issues, landlord-tenant matters, advocacy for children, or civil rights. A clear mission aligns the program with the firm's values and other existing firm programs, ensuring that pro bono work is not an isolated effort but rather a central part of the firm's culture, client service model, and strategic vision.

It is also crucial to establish a strong internal and external communication strategy. Internally, firms must actively promote the program, highlight success stories, and keep attorneys informed about available projects to maintain engagement. Externally, building and maintaining relationships with pro bono providers, nonprofit organizations, and other partners is essential for sourcing quality cases, involvement in clinics, and other pro bono projects.

To ensure the program's effectiveness and efficiency, a firm must also formalize clear policies and procedures, including precisely defining what qualifies as pro bono work, establishing goals for participation, creating a process for handling conflict checks, and developing procedures for onboarding of new pro bono cases, status reporting, and completion of case closings.

Finally, to sustain momentum and celebrate the firm's commitment, it is critical to implement a system for tracking pro bono hours, publicly recognizing individual and team contributions, and regularly sharing powerful success stories that showcase the program's positive impact.

### **Community Outreach Service Efforts**

Service isn't limited to providing legal counsel; it encompasses a broader range of community engagement. In addition to financial and in-kind donations, law firms can support local charities, schools, and nonprofits by having lawyers and staff volunteer their time for non-legal activities, such as serving on the boards of nonprofits, mentoring students, or participating in community service days.

Setting up a successful community outreach program is a strategic way to build brand reputation, attract talent, and elevate a firm's core values. By embracing a multifaceted approach, law firms can demonstrate their commitment to social responsibility, strengthen their brand, and make a tangible difference in the lives of their community neighbors. Firms can start by defining their core values and identifying specific causes that resonate with their team, and then create a dedicated committee or a formal platform to centralize efforts and empower employees to lead projects. A firm should then actively promote the program internally and celebrate successes to foster a sense of teamwork, while also communicating its



commitment to clients and the public to enhance its brand and social reputation.

For example, the Gibbons Cares community outreach platform reflects the firm as a proud member of its business communities. Gibbons Cares targets its outreach to maximize impact and avoid dilution of its messages and goals. One area of the Gibbons Cares community outreach is helping children, youth, and the next generation of leaders. For example, the firm holds backpack and school supplies drives. Since 2008, it has hosted a week-long internship for urban students from the New Jersey Law and Education Empowerment Project (NJ LEEP), where they learn about the practice of law and compete in a Moot Courtroom debate. The firm also provides ongoing support to the Boys & Girls Club of Newark, which began in 2016 with the “adoption” of eight families for the holidays and has since expanded to granting between 50 and 100 family wishes annually.

### Conclusion

For New Jersey law firms, a commitment to service through pro bono and community outreach is more than an ethical duty—in many instances, it can be leveraged into a strategic advantage. Pro bono and community outreach

have the potential to be life-changing initiatives while offering law firms opportunities for professional growth, strengthening firm culture and business development. The legal profession has a unique role in shaping a more just and equitable society, and law firms of any size can be involved in service. Getting involved in service is a powerful reminder of why many of us chose this profession in the first place—to make a difference. ■

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### Endnotes

1. New Jersey has a system where attorneys may be court-assigned pro bono cases, known as *Madden* cases for indigent litigants in certain matters, including representing individuals accused of violating restraining order and parole revocation proceedings. The name *Madden* case is coined from the landmark decision by the New Jersey Supreme Court that reaffirmed the ethical and professional duty of attorneys to represent indigent clients without compensation when the state has not provided a public defender. *Madden v. Delran*, 126 N.J. 591, 601 A.2d 211 (1992). Attorneys can be exempt from these

assignments if they have performed 25 hours of voluntary pro bono hours though an approved pro bono provider, as noted in the New Jersey attorney annual registration process pursuant to New Jersey Court Rule 1:21-12.

2. *Merriam-Webster.com Dictionary*, Merriam-Webster, merriam-webster.com/dictionary/pro%20bono%20publico.
3. This professional responsibility is also memorialized in the American Bar Association (ABA) Model Rules of Professional Conduct, which serves as a guide for most state bar associations. ABA Model Rule 6.1 sets a clear ethical standard for the profession, emphasizing that pro bono service is not merely a charitable act but a fundamental duty that all lawyers should strive to fulfill. By dedicating their time and expertise, lawyers help ensure that the legal system is a tool for justice for everyone, not just for the privileged.
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By **Ralph J. Lamparello**

I am proud to be a New Jersey lawyer. I am blessed to use the unique skills and tools of being an attorney to help my clients navigate and resolve disputes. But this role alone would not have fulfilled me as a professional. It is the opportunity to give back, to help share my passion for the importance of the law in our esteemed democracy, that means so much.

It is a distinct honor to serve as president of the New Jersey State Bar Foundation. I am pleased to report the Foundation—the state’s most wide-reaching organization promoting civics and an understanding of the law—is thriving.

The Foundation has been the preeminent voice advancing knowledge about the law and legal system among students, educators, and the public. Through programs, publications, mock trial competitions, educator trainings, scholarships and grant funding, the Foundation touches hundreds of thousands of lives in New Jersey, all with the singular goal of increasing an appreciation and awareness of the law.

Central tenets of the Foundation are to “provide opportunities for attorneys to serve the public through Foundation programs” and “foster professionalism and pride in the profession of law through public service.” Indeed, we could not accomplish all we do without the support from members of the New Jersey State Bar Association.

This is a time like no other in the modern history of this state. Our mission is more important now than ever to support the public and the rule of law. Our efforts will continue. And there are many ways for attorneys to bolster this mission as volunteers. There are young students eager for a role model, community groups looking for speakers and residents in search of information. Members can make a difference in someone’s life through these volunteer opportunities.

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**RALPH J. LAMPARELLO** is managing partner of Chasan Lamparello Malton & Cappuzzo P.C. where concentrates his practice in civil and criminal litigation with a focus on civil rights and employment law, commercial, environmental, public entity, and white-collar criminal defense. He is president of the New Jersey State Bar Foundation and is a former president of the New Jersey State Bar Association.



# Being Proactive

## How New Jersey Law and Policy Guide Prosecutors in Public Service



**LAWRENCE KRAYN** is a Deputy Attorney General with the Office of the Insurance Fraud Prosecutor. Prior to this, he served as an Assistant Prosecutor in Essex County from 2016–2021.

### By Lawrence Krayn

In recent years, academics and policymakers have dedicated increasing attention to our criminal justice system. In a growing national conversation, many have advocated for reforms to combat mass incarceration and the disparate impacts that certain policing practices have on specific communities.<sup>1</sup> Counterarguments exist as well, with some contending that isolated spikes in violent crime and more steady increases in property crime may have been the result of the implementation of those reforms<sup>2</sup> or that their practical effects have fallen short.<sup>3</sup> (Academic research has largely disputed those counterarguments as a misattribution of statistics.)<sup>4</sup>

The decisions and policies of prosecutors play an outsized role in the criminal justice process, and for this reason prosecutorial discretion has remained a centerpiece of the conversation.<sup>5</sup> While often conceptualized as a monolithic and static position within an adversarial system, prosecutors are actually public interest attorneys who must balance several different—and sometimes conflicting—interests in their pursuit of justice. These interests include the interests of victims, the interests of the accused, and the overall welfare of the general public.<sup>6</sup>

New Jersey has implemented several legal and procedural mechanisms designed to ensure that prosecutors are balancing these interests justly, in a service-minded way. This article discusses some of the most vital aspects of those legal regimes.

### **Victim Advocacy**

While certainly an advocate for victims, a prosecutor does not represent a victim in the same way that a private attorney does a single client. Rather, a prosecutor's responsibility is to the state, which includes the interests of the victim, but also the interests of the public writ large.

Given this circumstance, New Jersey has taken measures to safeguard specifically the rights of crime victims in the criminal justice process. In November 1991, the citizens of New Jersey voted to amend the State Constitution to include Article I, Paragraph 22, which enshrined a Victims' Bill of Rights.<sup>7</sup> These rights were elaborated on and codified statutorily under *N.J.S.A. 52:4B-36* and adopted in a detailed Attorney General Directive in 1993.<sup>8</sup> The directive provides for specific procedures and considerations to be undertaken by prosecutors. Pursuant to these mandates, New Jersey prosecutors have a duty to apprise victims of the legal process from a procedural standpoint, including providing an overview of the legal process and the role of a witness.

From a practical perspective, prosecutors or their designees must notify victims of court events and inform them as to whether their appearances are necessary. In addition, victims must be compensated to the extent possible and are to be provided with the least inconvenient and most comfortable accommodations as practicable when necessary. Notifications for specified events and certain timelines are also mandated.<sup>9</sup>

Substantively, victims are to be informed of their ability to submit written statements regarding the impact of the crime in advance of charging decisions and must be notified of the ability to submit similar impact statements to the court for purposes of sentencing.<sup>10</sup> While these provisions do not give victims direct control over charging decisions, plea bargaining, or sentencing recommendations, they are designed to welcome victim input into the litigatory process as much as practicable, and to guide prosecutors in service.

### **Fair Treatment of the Accused**

More than simply seeking to pursue the highest consequence possible, prosecutors are charged with weighing a myriad of considerations in dealing with the accused. Firstly, as with all attorneys, prosecutors are to maintain candor at all times before a tribunal, and this is to include all statements and evidence offered while litigating a case.<sup>11</sup> Further, prosecutors are to refrain from pursuing charges against anyone if they know that those charges lack probable cause.<sup>12</sup>

Beyond the ethically obvious, and once a case is being actively prosecuted, New Jersey has additional procedures in place to ensure that the rights of defendants are properly safeguarded, and that criminal prosecutions are conducted in a just manner, including bail reform requirements, disclosure mandates, and alternatives to incarceration that may also benefit communities generally.

### **Bail Reform**

On Aug. 11, 2014, New Jersey became one of just a handful of states to take steps toward largely eliminating its cash bail system when Gov. Chris Christie signed P.L. 2014, c. 31 into law.<sup>13</sup> Following voter approval of a constitutional amendment allowing for pre-trial detention without bail that November,<sup>14</sup> *N.J.S.A. 2A:162-15* and *N.J.S.A. 2A:162-16-19* ultimately became law, taking effect on Jan. 1, 2017.

These statutes established a more equitable and practical framework for the detention of criminal defendants, based on factors like public safety rather than on a defendant's ability to pay. The procedures put in place by these reforms provide several safeguards to ensure that defendants are not held unnecessarily or unjustly. This includes a pretrial risk assessment tool which generates release recommendations.<sup>15</sup>

Simultaneously, there are multiple mechanisms available within the new regime that allow prosecutors to advocate for state interests. Importantly, prosecutors may file for pre-trial detention in a number of circumstances wherein a defendant is charged with serious offenses, including first- and second-degree crimes, domestic violence, or in situations where the prosecutor believes there is a serious risk that: (a) the eligible defendant will not appear in court as required; (b) the eligible defendant will pose a danger to any other person or the community; or (c) the eligible defendant will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure or intimidate, a prospective witness or juror.<sup>16</sup> At least one of these criteria must be established by clear and convincing evidence in order for such motion to succeed.<sup>17</sup>

Given that defendants are afforded the right to counsel in pre-trial detention hearings, and various evidentiary and litigatory mechanisms are available to both parties,<sup>18</sup> prosecutors may also employ

discretion in this setting, negotiating pre-trial release conditions that safeguard public safety and the criminal justice process while also affording the defendant the ability to remain in a non-custodial setting pending trial.

Since defendants receive jail credit for time served in custody awaiting trial,<sup>19</sup> prior to bail reform being enacted, some criminal defendants would be pleading guilty to step *out* of jail, having already served the maximum applicable penalty for their ultimate conviction, which seems counterintuitive to most notions of justice. By allowing for a reduced population of incarcerated people pre-trial, this is now likely to happen less frequently.

Further, given that several specified aspects of a particular individual and the context of the charged offense can be considered in New Jersey, there is an increased likelihood that decisions about who is detained pre-trial will be less arbitrary. Prosecutors play an integral role in the just, efficient, and practical application of this process. Studies have shown that New Jersey's bail reform program has led to optimal outcomes by several metrics.<sup>20</sup>

### **Disclosure Mandates**

*Brady v. Maryland*<sup>21</sup> and *Giglio v. United States*<sup>22</sup> are two well-known United States Supreme Court cases which mandate that prosecutors make certain disclosures in criminal cases. While *Brady* mandates the disclosure of exculpatory evidence generally, *Giglio* mandates that prosecutors must disclose information that impeaches the credibility of a witness. The New Jersey Supreme Court in *State v. Carter*<sup>23</sup> held that "Evidence impeaching the testimony of a government witness falls within the Brady rule when the reliability of the witness may be determinative of a criminal defendant's guilt or innocence."<sup>24</sup> In *State v. Womack*,<sup>25</sup> the Court held that exculpatory or impeachment information in the possession of

any member of the prosecution team, to include police officers, is imputed to the prosecutor. For decades following these court decisions, there were differing procedures and standards across New Jersey's 21 counties as to how prosecutors were charged with procuring such information and determining whether disclosure was mandated.

That changed when on Dec. 4, 2019, New Jersey Attorney General Gurbir Grewal signed directive 2019-6, establishing uniform policies to comply with *Brady* and *Giglio* across all New Jersey counties.<sup>26</sup> This directive codified procedures into a proactive responsibility for prosecutors across the state to gather potential *Brady* and *Giglio* evidence. Therefore, for every prosecution, prosecutors need to make themselves aware of potential *Giglio* related to every civilian and government witness.<sup>27</sup> The directive further specifies when such material must be turned over to the defense, or to the Court to make a determination.<sup>28</sup>

This directive implemented more reliable uniformity statewide, and specified important procedures for all prosecutors, ensuring that all defendants are afforded proactive full disclosure where legally mandated.

### **Alternatives to Incarceration that Benefit Communities**

While scholars and professionals cite several objectives for criminal sentencing that have evolved and been debated over time,<sup>29</sup> a consistently cited goal is rehabilitation.<sup>30</sup> However, the rehabilitative benefit of incarceration has consistently been questioned.<sup>31</sup> In New Jersey, prosecutors not only have the discretion to recommend non-custodial sentences for certain crimes but also have at their disposal several diversionary programs accessible by consent as part of a collaborative resolution process, or by way of judicial or defense-driven processes.

New Jersey's pre-trial intervention program (PTI) allows defendants to have

certain charges dismissed if they are first-time offenders and successfully complete a probation-like program.<sup>32</sup> Another standout diversionary program in New Jersey is Drug Court, renamed Recovery Court in 2022 to better reflect the objectives of the program.<sup>33</sup> Recovery Court offers eligible defendants an opportunity to avoid incarceration by way of a rigorous rehabilitative program, which upon successful completion may offer opportunities for expungement.<sup>34</sup> While New Jersey has placed some restrictions on prosecutorial discretion in this realm, there are still important mechanisms to challenge admissions, allowing prosecutors a seat at the table to help ensure that the most suitable defendants are being availed of the program's benefits.

Recovery Court has shown to be effective, with a lower recidivism rate among participants compared to other specialized caseloads.<sup>35</sup> <sup>36</sup> Communities have benefitted not only in terms of less offender recidivism, but also in terms of productivity. Compared with employment status upon entering Recovery Court, graduate employment rates are substantially higher.<sup>37</sup> Probationary treatment in general has shown to be beneficial in terms of recidivism and productivity.<sup>38</sup>

New Jersey continues to pioneer diversionary programs, with a mental health program in its early stages.<sup>39</sup> Counties including Middlesex and Morris already have operating pilot programs.<sup>40</sup> These programs allow for prosecutors to consider the rehabilitative aspects in pursuing a criminal case and sentence beyond traditional avenues.

### **A Proactive Roadmap for Equitable and Effective Public Service**

New Jersey prosecutors play an integral role in the state's criminal justice system and are tasked with balancing a myriad of interests. Through the enactment and continued development of laws, directives, and programs, New Jersey has

established a cohesive and multi-dimensional roadmap toward serving those interests and resolving some of the issues and inequities that may exist. Consistent prosecutorial familiarization with these standards, policies, and mechanisms will help ensure that the public is served effectively and fairly in the criminal justice setting. ■

*The views expressed in this article are solely my own and do not represent the official positions or policies of the State of New Jersey, the Office of the Attorney General, or any other governmental entity.*

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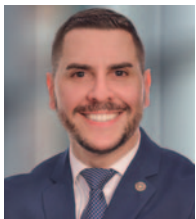


COMMENTARY

# From Courtroom to Community

## Lessons Learned Outside the Law Office

By Robert N. Holup



**ROBERT HOLUP** is an associate in Riker Danzig LLP's trusts & estates and litigation groups, based in Madison. He is deeply involved in professional and community service, having received the NJSBA Young Lawyers Division's Service to the Community Award in both 2021 and 2023, and serves on the executive committee of the NJSBA Young Lawyers Division, as well as the Pro Bono and Diversity committees. Robert is also a member of the Generation Now Committee for Volunteer Lawyers for Justice and was previously selected as a fellow of the NJSBA's Leadership Academy.

**A**s attorneys, we know how precious our time is. For young lawyers especially, the demands can feel relentless. We balance the steep learning curve of practice with the pressure to prove ourselves, while also dedicating time to building relationships with colleagues and clients. Simultaneously, many of us are starting families, working to maintain friendships, pursuing hobbies, and—somewhere amid it all—get sleep and tend to our own well-being.

Given this reality, the thought of adding another commitment, such as pro bono work or volunteering, might seem impossible. Volunteering often brings to mind long-term obligations or structured commitments, which can seem unmanageable with a calendar already boiling over. But the truth is, volunteering does not have to be all-consuming to be meaningful. And importantly, the benefits go far beyond the simple satisfaction of giving back. For lawyers in particular, volunteering, whether in a legal or non-legal capacity, can reinvigorate your perspective, sharpen your professional skills, and foster connections that enhance both your career and your life outside the office.

My own experience has taught me that service builds skills the courtroom never could. It can strengthen emotional intelligence, improve communication, renew a sense of purpose, and at times, provide valuable, hands-on legal experience. Often, the most meaningful service takes only a few hours—time that pays back dividends in personal growth, professional development, and community impact.

### **Volunteering is Worth the Time**

It is easy to relegate volunteering to the “someday” list, rather than thinking of it as a necessity; it will be a nice gesture to get to once your career slows down, the kids are older, or your inbox is not bursting at the seams. But in the legal profession, where the work can be mentally taxing, emotionally draining, and at times isolating, service outside the office is not just an act of charity, it is a

crucial tool for personal renewal and professional growth.

Volunteering shifts your focus from problems you are paid to solve to the challenges you choose to take on because they matter to you on a different level. In that shift, you rediscover the “human” side of your skills: the listening ear, the empathetic response, the ability to find common ground across differences. These moments can restore a sense of purpose that is easy to lose amid the grind of the legal profession.

It also reintroduces you to the best in people. As most (if not all) of us have experienced, client interactions involve conflict, crisis or damage control. Over time, these day-to-day experiences can profoundly shape the way we see the world, often in a more negative light. Volunteering allows us to meet people who radiate kindness, resilience, and optimism (both fellow volunteers and community members alike). These encounters are refreshing reminders that human decency is alive and well—lifting our mood and fostering positive thinking in both our personal and professional lives.

Community engagement also reconnects us to the very reason many of us went into law in the first place—to help people. That original motivation can easily get lost under contentious adversaries and billable hours, but fortunately a few hours of service can reignite that spark.

The ripple effect should not be underestimated either. A few hours of your time can have a long-lasting impact, not only on the people you serve, but also on the people you work with and potential

clients. When you take the time to invest in something bigger than yourself, people notice. It builds credibility, fosters trust, and positions you as a person of integrity both inside and outside the profession.

Perhaps the most surprising benefit? Volunteering often gives more than it takes. You might show up intending to help someone else, only to leave with a fresh perspective, new connections, and the kind of energy that carries over into your work and personal life. Far from draining your limited time, service can actually make you more effective and grounded in the hours you do spend at the office.

One of the biggest misconceptions about volunteering is that it has to be a major, ongoing commitment. In reality, service is scalable.

For those with packed schedules, small acts still count. That might mean spending an afternoon packing bags at a food pantry, mentoring a law student over coffee, lending your expertise to review a nonprofit’s contract, or organizing a small donation drive for a cause you care about. Even something as simple as sharing a charity’s post on LinkedIn can expand its reach and connect it with new supporters.

A mindset shift from “I don’t have time” to “I can make time” is key. You do not need to do everything, but rather, you just need to do something.

As lawyers, our roles already carry influence. But when we engage in volunteerism, individually and collectively, we amplify that impact. We model civic

engagement for colleagues, clients, and our communities. We strengthen the social fabric by showing that our profession is not only about billable hours, but also about service. A group of young lawyers packing boxes of produce might seem like a small act. But in the hands of those who receive them, those boxes become so much more than simple meals.

Individually, volunteering can make you a more balanced, grounded, and fulfilled person. Collectively, we have the power to move mountains.

### Personal Benefits: Recharging Through Service

Take, for example, an afternoon spent helping at a local food bank. The surface benefit might seem purely altruistic—you helped put food on someone’s table. But beneath the surface, you have done much more for yourself.

For me, volunteering is intentional; a reset that helps me manage stress and anxiety and break up the grind of legal work. It offers a welcome reprieve from document review, dense legal research or rounds of revisions to a brief. Instead of analyzing statutory language, I might be unloading crates of fresh produce, greeting families at a community event or swinging a hammer on a build site. The tasks may change, but the satisfaction remains immediate and tangible. It lifts my mood, clears mental angst and restores perspective.

Beyond stress relief, these moments build skills we sometimes do not get to practice in the office:

- Enhanced emotional intelligence. You learn to read the room, respond to unspoken needs, and connect with new people from all walks of life.
- Stronger communication skills. Volunteering often puts you in conversations with people who do not speak the “legal language.” Explaining, instructing or simply listening in plain human terms sharpens your

understanding and builds rapport.

- A renewed sense of perspective. It is easy to get consumed by the urgency of our own deadlines. Volunteering reminds us of bigger priorities—health, wellbeing, community, and connection.

### Professional Benefits: Service as Skill-Building

While the personal rewards of volunteering are powerful, the professional benefits are just as valuable.

For starters, many of the “soft skills” honed in volunteer work, including empathy, adaptability, and clear communication, translate directly to client interactions, negotiations, and courtroom advocacy. They make you a more relatable, trusted, and persuasive lawyer.

engage with opposing counsel, and appear in court. Similarly, programs like Wills for Heroes pairs direct client interaction (intake and counseling) with substantive drafting, as attorneys prepare wills and related estate-planning documents for first responders, honing both client-service and technical skills.

In both legal and non-legal contexts, showing up consistently builds credibility. As psychologist Dr. Daniel Siegel writes in *The Power of Showing Up*, presence, not perfection, makes the biggest difference in relationships. The same applies to our profession. Being there, even for a few hours, signals commitment, reliability, and care—qualities that reflect well on you as both a person and a professional.



To celebrate Earth Day, members of the Young Lawyers Division volunteered at the Raptor Trust, a nonprofit dedicated to rehabilitating injured birds of prey.

Volunteering can also give you practical, hands-on legal experience in ways that traditional casework may not. For example, serving as pro bono counsel in a landlord-tenant matter not only deepens your knowledge of a new area of law, but also offers opportunities to learn how to manage an individual client,

If you are asking, “How am I going to figure this out?” don’t worry. Pro bono organizations provide support and training, and I have found that other attorneys who have handled similar pro bono assignments are happy to share guidance and mentorship. It is far less daunting than it appears.



The Young Lawyers Division wrapped up a summer of service by lending a hand with Habitat for Humanity in Greater Middlesex and Morris. The organization builds affordable housing for low-and moderate-income families.

### Young Lawyers Division in Action

I have been fortunate to volunteer with my peers in the Young Lawyers Division (YLD) on a range of projects. Each has been a reminder of how service not only strengthens individuals, but the whole of our professional community.

In recent years, YLD members have worked with organizations: Meeting Essential Needs with Dignity (MEND), the Community Food Bank of New Jersey, Habitat for Humanity, and Wills for Heroes. Many have become annual traditions. For example, in recent years we have worked with MEND’s “MEND On The Move” program to load produce, caravan to distribution sites, and run a free farmers market for hundreds of local families.

Alongside the farmers market, families can also access additional resources such as children’s book giveaways, nutrition education, and other valuable social services. The produce was appreciated, but the real value was in the conversations. We met people who shared their

stories, laughed with us, and left not just with food, but with a sense of connection and value.

As someone who did not attend college or law school in New Jersey, these events have been personally invaluable to me for building relationships with fellow lawyers beyond the confines of work. We bonded over shared effort and purpose, and those connections have lasted long after the end of the service event.

### Getting Involved

As lawyers, we are cautioned against making guarantees in our line of work, but here is one I will make: once you start volunteering, you will find yourself looking for the next opportunity before you know it. The benefits for you, your career, and your community are too compelling to ignore.

The best volunteer experiences align with your interests, values, and schedule. Start by identifying a cause you care about—whether food insecurity, animal welfare, youth mentorship, environmen-

tal sustainability, or legal aid—and look for organizations in that space. If you have been on the fence, start small: sign up for a one-day event, lend a hand at a community fundraiser, or keep an eye out for YLD service events throughout the year! The goal is not perfection or total transformation—it is participation.

Here are just a handful New Jersey organizations actively seeking volunteers for legal or non-legal opportunities:

- Volunteer Lawyers for Justice—Newark
- Legal Services of New Jersey—Statewide
- Meeting Essential Needs with Dignity (MEND)—Orange
- United Methodist Aid to the Community (CUMAC)—Paterson
- Toni’s Kitchen—Montclair
- Literacy Volunteers of America, Essex & Passaic Counties—Bloomfield
- Central Jersey Animal Rescue—Milltown
- CASA of Passaic and Union Counties—Elizabeth
- Boys & Girls Clubs of Mercer County—Trenton
- Caring Hospice Services of South Jersey—Mount Laurel

You can also explore opportunities by visiting [volunteermatch.org](http://volunteermatch.org). Another simple way to get started is to visit an organization’s website and sign up for their listserv. This keeps you informed about the work they are doing in the community, upcoming volunteer opportunities, and creative ways you can contribute on your own. If you have an idea for a volunteer event or simply want to get involved but are not sure where to start, feel free to reach out. I would be happy to brainstorm possible events or opportunities with you.

Find a cause that speaks to you. Clear an afternoon. Step out of your comfort zone. From the courtroom to the community, the lessons you will learn outside the law office will be some of the most valuable of your career.

Let’s get to work! ■



# New Jersey District Court Programs Pave Way for Second Chances

By **Rebekah Conroy** and **Mary Toscano Carpenito**

**T**he District Court hosts three problem-solving courts that provide structure, education, and opportunity to individuals with critical needs: the reentry program (ReNew Court), which helps justice-impacted participants begin their lives following incarceration; the Pretrial Opportunity Program (POP) which incentivizes life-altering changes for individuals with addiction issues; and the newly created Veterans Court, which provides support and services to veterans navigating the federal criminal justice system. Through these programs, participants—aided by a cadre of volunteers including Judges of the District Court, the Office of the Public Defender, the U.S. Attorney’s Office, the U.S. Probation Office, U.S. Pretrial Services, and pro bono attorneys from the district—are provided a platform for hope, for change, for redemption, and for transformation.

The ReNew, POP and Veterans Court programs do more than change the lives of their participants. These programs change the lives of families, uplift the trajectory of generations of people, and return individuals to society, to dignity, to family, and to purpose.

### **The Reentry Program Provides a Path Forward to Justice-Impacted Individuals**

On a humid evening this past August, approximately 50 community members gathered in the Camden District Court to celebrate the most recent class of graduates from Camden ReNew Court. Kyle Williams, a United States Probation Officer for the District of New Jersey, presented the graduates with their diplomas and remarked, “Each graduate before us has displayed unparalleled courage and determination in their journey towards rehabilitation and reintegration into society. This program is not just about fulfilling court obligations; it is about transforming lives, fostering growth, and promoting second chances.” ReNew participants exemplify transformative change.

For many, ReNew is the first and only time they have had a community of support, “participants could be real and learn from each other,” graduate JB explained, and mentoring sessions provided a “judgment free zone” where participants support each other. Having completed the program, JB now works for Volunteers of America. Graduate ER is currently enrolled in CDL school and will obtain his commercial driver’s license. He explained ReNew taught him how to identify and accept positive opportunities and to “keep trying no matter how many times you fail.” ER was recently a guest speaker at a Reentry Simulation at Rutgers–Camden and currently works for a cooperative distributing automotive replacement parts throughout the country. Graduate CW, who now works in recycling and waste management, enjoys learning about the stock market, something he learned about through ReNew’s financial workshop. CW chose the word “progressing” as his personal theme for 2024, and continues to progress “professionally and as a father.”

Participants in reentry programs have served their terms of incarceration and enter the program as they begin their time of supervised release. They engage in intensive support structures that help them rebuild their lives. Many are offered what they describe not as a second chance, but a first chance. A first chance to be a present parent, a supportive sibling, a contributing member of their community. A first chance to live with dignity and purpose. Through intensive counseling, guidance, training, and mentoring, participants create for themselves a new life, lifestyle, and the promise of a fulfilling future.

### **The POP Program Provides an Avenue to Fulfillment**

POP was created in response to the Department of Justice’s Smart on Crime Initiative and created a unique opportunity to meaningfully contribute to reforms of the criminal justice system. Two U.S. District Court Judges for the District of New Jersey, Judge Katharine S. Hayden and Judge Esther Salas started POP on May 27, 2015, with only two participants in its inaugural session. For more than a decade, POP has proven that front-end alternatives to incarceration can drastically improve outcomes for defendants. Defendants must first enter a guilty plea, and then once enrolled in POP, participants have intensive multifaceted supervision and guidance, and in a group setting focus on one another’s progress, treatment and program goals. POP provides an alternative to incarceration-without compromising community safety.

Participants who successfully complete the POP program can receive a reduced period of incarceration or even non-custodial sentences. In June of 2025, the Pretrial



**REBEKAH CONROY** is an experienced trial attorney at Stone Conroy LLC. Appearing regularly in state and federal courts, Rebekah’s practice is focused on complex business litigation including contract and franchise disputes, trade secret disputes, shareholder and intra-family financial disputes, and the representation of attorneys in ethics proceedings. She serves as president of the Association of the Federal Bar of New Jersey (AFBNJ) and regularly participates in volunteer legal activities. Rebekah served as a volunteer attorney for Trial Lawyers Care, providing pro bono legal representation to 9/11 victims and their families. She also is a volunteer attorney with the District of New Jersey’s federal prisoner re-entry program, ReNew.



**MARY TOSCANO CARPENITO** is the chair of Greenbaum, Rowe, Smith & Davis’s Criminal Defense & Regulatory Compliance Practice Group. She focuses her practice on white collar criminal defense, internal corporate investigations and complex civil litigation. Her work encompasses the defense of clients in criminal investigations, RICO actions, contract and business disputes, and allegations of legal malpractice. She is experienced in all aspects of litigation, including internal investigations on behalf of financial institutions and other corporate entities, pre-trial motions and plea negotiations, and trial and post-trial proceedings, and has tried numerous cases to verdict. Prior to entering private practice, Mary gained extensive experience as an Assistant U.S. Attorney in the U.S. Attorney’s Office for the District of New Jersey.

Opportunity Program celebrated its 10th anniversary. Graduates of the program reunited to recollect the monumental ways that the program had improved their lives. POP has 22 graduates, many of whom have accomplished life-changing goals such as sustained sobriety, literacy, vocational training, obtaining high school and college degrees, and successful, long-term employment.

The impact of these changes on participants' and their families cannot be overstated. David, a 2024 POP graduate recalled that through POP "I became available mentally and emotionally, first to me, and that benefits everybody around me. When you stop hurting you, you stop hurting other people." 2021 graduate DaQuwann also reflected on the impact of his sobriety on others, "The impact on my family—they're the most important to me. Moving my family out of the circumstances we grew up in. Me being the first one motivated them to change too. I feel like I'm in a dream sometimes because my whole family was riddled with drugs. Thank God for the POP program—they are directly responsible for changing my family's life because they helped change me."

### **The Veterans Court Provides Compassion, Accountability, Support**

The Veterans Court pilot program launched in 2025. Spearheaded by U.S. District Court Judge Zahid N. Quraishi, Veterans Court offers support and services to veterans navigating the federal criminal justice system. The primary goal of this judge-involved program is to provide comprehensive resources for veterans facing legal challenges. The Veterans Court focuses on addressing the unique challenges veterans face and aims to provide a path to rehabilitation rather than incarceration, assisting veterans in resolving and overcoming legal issues by connecting them with specialized resources.

Veterans Court is designed to meet

the needs of veterans who are facing criminal charges that are related to issues such as post-traumatic stress disorder (PTSD), traumatic brain injury (TBI), substance abuse, and other mental health concerns that are often a result of their military service. The program offers a collaborative approach, bringing together judges, attorneys, probation and pre-trial services officers, veteran service organizations, and mentors to provide a comprehensive system of support for participants. Veterans Court also provides the camaraderie of fellow veterans who understand participants' struggles and can provide guidance and support.

### **Problem-solving Courts Are Forward-facing, Offering Life-changing Transformation**

All three problem-solving courts recognize that addiction is not a moral failure but a chronic disease requiring treatment, accountability, and sustained support. These courts integrate substance abuse treatment with judicial oversight, helping individuals break the cycle of addiction and incarceration. Success for participants doesn't come easily—participants must commit to rigorous treatment, frequent drug testing, and regular court appearances—but for those who stay the course, the outcomes are often life-changing.

The challenge of overcoming substance dependency, and the stigma of incarceration is one of the most pressing and persistent struggles in our criminal justice system. Reentering society after incarceration is not only difficult—it is often met with indifference, judgment, or outright exclusion. But there are programs and individuals who refuse to look away. Through ReNew, POP, and Veterans Court programs, justice is being reimagined—not as a system focused solely on punishment, but as a pathway to healing, hope, and true rehabilitation.

Volunteer lawyers from the district help participants in all three programs

achieve their goals by providing pro bono services,<sup>1</sup> and—through requests made to the Association of the Federal Bar of New Jersey (AFBNJ)—much needed commodities such as used furniture, clothing for job interviews or employment, school supplies, grocery gift cards and other assistance with funding college courses or employment training. In addition, if a participant encounters a financial obstacle, they can request assistance to alleviate their financial instability. The AFBNJ has helped with missed overdue rent, the purchase of mattresses, costly motor vehicle repairs, and the purchase of tools for employment, to name just a few examples, to support participants on their successful transition back to society.

In a criminal justice system that too often emphasizes retribution over rehabilitation, ReNew, POP, and Veterans Court programs stand as powerful examples of what it means to believe in the power of second chances. They represent a commitment not just to reducing recidivism, but to restoring lives. They affirm that the work of justice is not finished at sentencing—it must continue with compassion, accountability, and a willingness to walk alongside those overcoming personal obstacles and returning to society. ■

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### **Endnote**

1. If you are interested in volunteering, please contact the Association of the Federal Bar of New Jersey Executive Director, Jordan Shumofsky, at [execdirector@afbny.org](mailto:execdirector@afbny.org). Volunteers are especially needed to assist with family law and municipal court matters.





# The NJSBA is Here to Help

**The NJSBA Member Assistance Program connects our members—and anyone else in their household—to trained, experienced mental health professionals and resources.**

At the heart of the program, provided through industry leader Charles Nechtem Associates, is 24/7 access to a mental health professional with at least seven years of experience. The professional will counsel callers and help them find resources. If needed, they will help people find an accessible clinician who is accepting patients. Members are eligible for **up to three** in-person counseling sessions per issue. They can also access **unlimited text, phone and email support** and search an extensive Wellness Library with 25,000 interactive resources to improve their personal and professional lives.

## **Contact MAP Counselors Anytime**

### **1-800-531-0200**

Phone counseling services are available 24 hours a day, 7 days a week, 365 days a year with immediate access to clinicians. Access to English and Spanish speaking therapists, with other languages upon request.

### **Text via the CNA app**

Available from the Apple App Store and Google Play.

### **Connect via the website, [charlesnechtem.com](http://charlesnechtem.com)**

Click “Member Login” and log in as a new user. The employer is NJSBA.

### **Email**

Reach out to [inquiries@charlesnechtem.com](mailto:inquiries@charlesnechtem.com)

**The Member Assistance  
Program is a benefit  
of membership.**

## **NJSBA**





## COMMENTARY

# THE BALANCING ACT A Lawyer's Journey in the National Guard

By Col. Joseph H. Ruiz



**COL. JOSEPH H. RUIZ** serves as the Chief of Staff-Air and Senior Advisor to The Adjutant General for the New Jersey Air National Guard (NJANG), headquartered at Joint Base McGuire-Dix-Lakehurst. Previously, he served as the State Staff Judge Advocate-Air, where he was the principal legal advisor to the Assistant Adjutant General of the NJANG. Ruiz has served as Chair of the New Jersey State Bar Association Military Law and Veterans Affairs Section. Previously, he served as the State Staff Judge Advocate-Air for the NJANG and advisor to the ANG Assistant to The Judge Advocate General. Mr. Ruiz just completed a term as Chair of the New Jersey State Bar Association Military Law and Veterans Affairs Section and has nearly two decades of experience in federal sector labor and employment law. The views presented in this article are those of the author and do not necessarily represent the views of DoD or its components.

In the legal profession, we often speak of balance between zealous advocacy and professional civility, between work and rest, between personal growth and public service. For those of us who wear two uniforms, those of a military service member and of a practicing civilian attorney, the balance is not just a metaphor, it is a daily mandate. In my career as a lawyer in the New Jersey Air National Guard, I have come to understand that this balancing act is not only possible, but necessary. Like all acts of balance, it requires deliberate effort, deep conviction, and a community of support.

In the last two years, I have spent more nights on the road than at home, passed through more airports and toll booths than I can remember, and on more than one occasion, have awoken unsure of what city I was in. Repeated military activities, often with little warning, have taken me across the country and beyond in support of federal missions, state emergencies, and a series of evolving national security priorities. The mission is always dynamic and spans the spectrum from coordinating mobilizations, to advising on operational law, to supporting immediate response authorities. Time zones and weekends do not give these responsibilities pauses, and they certainly don't consider whether you have a brief due in federal court the next morning.

As lawyers in the National Guard, our commitments do not exist in silos. We shoulder two high-stakes responsibilities: the mission and our clients. Our civilian roles as litigators, in-house counsel, government attorneys, and everything in between remain ever-present, even as we pivot to answer the call to serve. This dual obligation, noble as it is, is not without tension.

## The Employer Equation

The Uniformed Services Employment and Reemployment Rights Act (USERRA) offers essential protections for service members, but it is not a cure-all. The statute does not ensure that you won't be passed over for a promotion, that your practice won't suffer, or that your clients will understand your sudden absence. In an increasingly competitive and client-driven legal landscape, extended military absences can present reputational and financial risks that USERRA cannot mitigate.

We rely on our employers, including law firms, public agencies, and corporations, to stand behind us. Fortunately, many do. In my experience, the most supportive employers recognize that the leadership, judgment, and resilience we hone through military service enhances our value as legal professionals. However that recognition often comes only after difficult conversations, earned trust, and sustained transparency.

## The Personal Frontline

Even more fundamental than our legal and military obligations is the responsibility we have to our families. Being activated repeatedly, sometimes for months at a time, means missed birthdays, first games, school concerts, and dinner table conversations that can't be recreated. No court or command structure rivals the expectations placed on us as parents, partners, and family members.

Our families, like our employers, serve alongside us. They shoulder the absences, the uncertainty, and the emotional labor of our callings. In truth, our ability to serve rests squarely on their shoulders. The text messages from a spouse updating you on a child's school project, the FaceTime calls between flights, the hand-drawn pictures tucked into your go-bag are the intangible assets that sustain us.

## The Mission Behind the Mission

Burdens aside, the draw to serve never weakens. As lawyers, we are trained to pursue justice. As service members, we are committed to defending it. This overlap fuels a sense of purpose that transcends inconvenience. It is not about the money, it never is. Most Guard lawyers can attest to the fact that the compensation doesn't come close to what we could earn full-time in the civilian sector. What keeps us invested is the belief that our small acts, consisting of reviewing a deployment order, advising a commander, or resolving a thorny jurisdictional issue, all contribute to a mission far greater than ourselves.

The National Guard operates at a unique nexus of state and federal authority. We are the connective tissue during natural disasters, civil unrest, and global deployments. Our legal expertise is vital to ensuring our actions are both lawful and ethical, that the rights of all parties are protected, and that our operations are aligned with constitutional principles. We are simultaneously interpreters of law and protectors of the institutions it upholds.

## Resilience Through Community

How do we sustain the balance? First, by acknowledging that perfection is not the goal and presence is. That may mean letting go of guilt when we miss a deposition due to orders or a school play because of a drill weekend. We cannot be in all places at once. What we can do is bring our full selves to each role, each day, as best we can.

Second, we build a team. That team consists of our families, colleagues, commanders, and our friends. It includes the mentors who remind us why we serve, and the junior members who remind us who we serve. We cultivate a network that holds us accountable, checks in on our well-being, and

shares best practices for managing the load. Inevitably, something will break back home the moment we leave. It could be a flat tire, a broken hot water heater, or the terrifying moment someone thinks there's an intruder in the house. We are often not in a position to help. In those moments, our community becomes the lifeline. They step in when we physically cannot, and that support makes all the difference.

Finally, we commit to the long game. The arc of service is not defined by a single deployment or a trial victory. It is defined by a career spent navigating complex, competing obligations with integrity and purpose.

## A Profession of Purpose

There is no generic blueprint for balancing service in the National Guard with a civilian legal career. It is a tightrope walk over shifting winds, where the weight of duty on each side must be constantly readjusted. But it is also a privilege. Few professionals are entrusted with such consequential responsibilities in two distinct spheres. And fewer still are given the opportunity to serve their community, their clients, and their country all at once.

We do not do this for the paychecks or accolades. We do it because we believe in the rule of law, in the power of service, and in the enduring value of showing up, even when it's hard. Especially when it's hard.

To my fellow lawyers in uniform, stay steady. Your service matters. Your sacrifices are seen. And your commitment to both the courtroom and the command post is a testament to the best our profession can offer. ■



# Representing Nonprofits Offers Challenges, Rewards, and a Renewed Sense of Purpose

By **Andrew J. Provence**

**T**here is an undeniable link between the practice of law and earning a living (often a good living). But having practiced for over 25 years, I have observed that a career in law offers more than financial rewards. Lawyers know the thrill of winning a motion, obtaining a favorable judgment, exonerating a client or closing a complex transaction. Many of us know the thrill of racing through newly-released opinion to find your client prevailed based upon an argument you raised in your brief. These achievements excite and help sustain careers that can be, let us acknowledge, mundane at times.

In this same light, representing nonprofits can be particularly rewarding. Representing nonprofits, particularly 501(c)(3) organizations, provide lawyers with an opportunity to remain connected with the idealism that originally drove many to a career in law (in some instances many years or decades ago). My law school class was filled with aspiring human rights attorneys, environmental advocates, politicians and Supreme Court justices. Most have done well for themselves, albeit in the more traditional career path of moving from firm to firm. Representing nonprofits gives lawyers a chance to re-connect with that benevolent mission of improving society one matter at a time.

### 501(c)(3) Nonprofit Organizations: Numerous and Varied

There are over 1.5 million 501(c)(3) nonprofit organizations in the United States,<sup>1</sup> each of which exists to promote religious, educational, scientific, literary, or charitable purposes. This is a broad umbrella: food banks, community theaters, schools, and human rights, animal rights and environmental organizations are just a few examples. Nonprofits also come in all shapes and sizes. St. Jude Children's Research Hospital has over 5,000 employees,<sup>2</sup> The Salvation Army over 62,000 U.S. employees,<sup>3</sup> and Goodwill Industries over 140,000 employees.<sup>4</sup> The United Way has a presence in over 35 countries and territories.<sup>5,6</sup> Feeding America and the American National Red Cross have annual revenues exceeding \$3.8 billion dollars.<sup>7</sup> And yet, there are no shortage of nonprofits that can still be categorized by the old cliché "three people and a fax" (though I concede the "fax" has been unceremoniously replaced by the "website", which in turn, is being replaced by "social media accounts").

### The Upside of Nonprofit Representation

My practice has focused on the representation of small (but mighty) environmental groups in New Jersey. No lengthy explanation or psychology degree is needed to discover how this occurred. When the woods behind my childhood home were replaced by a subdivision, the beach became my new favorite place to recreate. When the Jersey Shore experienced red tides and other insults in the 1980s, out-of-state beaches with crystal clear waters that were open to all replaced it. An advocate for land conservation, a cleaner ocean, and public access to the Jersey Shore was born.

My representation of numerous nonprofit organizations has actually provided some of my more memorable moments as an attorney. Can you imagine the thrill of watching a sitting Govern-

nor sign a bill you helped write, and then take selfies with you afterwards? Or arguing (and winning) a case before the New Jersey Supreme Court that would shape public policy for years to come? Or being honored by a client at a gathering of its Board and loyal supporters just for doing your job well (and with a smile)? These are definitely not typical days at the office, but ones I would not have experienced if not for my work with nonprofit organizations.

Beyond the personal experiences or accolades, there is another perk of representing nonprofits and that is being able to work with some truly exceptional people. Many Executive Directors are not compensated like CEOs of private companies, because they choose not to be. They have selected a mission over personal enrichment. Their dedication to and laser focus on that mission is admirable and infectious. The way they interact with their supporters, politicians, regulators, and the press can be a master class in public relations. They may not (or may) have law degrees, but their intelligence and cleverness can be both impressive and humbling. In short, they are an inspiring bunch to be around.

### Applying Legal Skills to Nonprofit Clients

How do I enter this world of nonprofit representation, you may be asking yourself. There is no magic key needed. Just a passion and an availability. A willingness to take on a new, but somewhat familiar challenge. Consider the skill set that we attorneys uniformly possess: strategic thinking, analytical diligence, and problem solving. These are skills that all cor-

porations need, profit or nonprofit.

We can employ these skills in a variety of ways to assist nonprofits in furthering their missions...and in operating their daily operations. Nonprofits need guidance and representation on the "fun stuff," like issue campaigns and working with lawmakers and regulators. Lawyers can use their legal writing skills to help draft or revise important letters and position papers. We can help develop talking points, as we are trained in communicating clearly, and quite familiar with walking the line between saying nothing and volunteering too much. In this sense, a lawyer can become a trusted advisor to an Executive Director and other members of the team. Particularly in smaller organizations, this can be an important role and appreciated service.

But nonprofits are also corporations and like any corporation, a nonprofit will often find itself in need of legal advice. Here, an attorney may serve as general counsel, helping a nonprofit address a range of issues, such as corporate formation, bylaw drafting and revisions, personnel matters and vendor contracts. This is an opportunity for an attorney to help a nonprofit client address matters that can be, at a minimum, a distraction from its mission. This is also an opportunity for an attorney to stay sharp on a broader range of legal work. Getting such matters resolved quickly and professionally, and allowing a nonprofit to get back to its good work, is always a rewarding win.

There are, of course, some nuisances to representing nonprofit organizations. States have laws governing the creation and operation of nonprofit corporations,



**ANDREW J. PROVENCE** is the owner of Litwin & Provence, LLC, in Basking Ridge, and has been representing nonprofit organizations since 1998. His nonprofit clients include organizations advocating for the conservation and preservation of natural areas and farmlands, the shore region and its ocean waters. Andrew successfully argued for enhanced public access to the Jersey Shore before the New Jersey Supreme Court and was instrumental in drafting state legislation to ban offshore drilling off the New Jersey coast. His practice also includes the representation of corporations and individuals in a transactional capacity.

but these may largely mirror statutes pertaining to for-profit corporations. If a nonprofit wants to solicit donations in a particular State, they may have to register as a charity first. If your client is a 501(c)(3), it is imperative that you steer them away from activities that can be construed as endorsing any political candidate or intervening in any campaign for public office, which can strip them of their tax-exempt status. And beware of any for-profit business asking to partner up for a percentage of retail sales...as these types of arrangements (called commercial co-ventures) raises ethical and regulatory concerns. But the learning curve for representing nonprofits is no higher than any other area of law that I have practiced, and should not be considered a bar to entry.

As with any other area of law, it is necessary to keep up on current events, particularly when there is a change of administration at the federal or state level. New initiatives may warrant careful inspection and analysis. Hard-fought laws may be repealed. Regulations years in the making may be amended beyond recognition or scrapped entirely. Funding that your organization was depending upon either as a potential or committed source may be frozen or disappear. Such developments can affect the services you provide. You may be asked to help prepare comments regarding a new set of regulations, help communicate legal or regulatory changes to Board members and/or supporters, or revise a tried and true vendor contract that is dependent upon public grant monies. Times do change, and as counselor, you can help nonprofit organizations navigate new challenges and effectively continue their missions.

### **Working with Nonprofits: Beyond Pro Bono**

There is a perception that performing legal services for nonprofits must be done on a pro bono basis. Not so. Non-

profits are often willing and able to pay for legal services, just not at the same level as large, for-profit corporations. Here, attorneys are advised to use some business sense. Offer a fee arrangement that is fair to both parties, such as a discounted rate or a flat monthly retainer. This allows nonprofits to be competently represented and the attorney to be adequately compensated for his/her efforts.

This is not to besmirch pro bono service, which I regard as one of the best aspects of the legal community. Many firms promote pro bono service by their ranks as a matter of ethical responsibility, professional development and reputation enhancement. Here, too, an attorney may have the ability to assist a nonprofit organization and to unlock new skills and foster new relationships that may translate to further business development in the nonprofit or for-profit realms. My point is that pro bono service is not the only type of legal arrangement nonprofit organizations seek.

### **Conclusion**

Ultimately, a legal career can be as unique and individual as the lawyer. We work to make a living, but remain motivated by a greater force. Representing nonprofits provides a unique opportunity to let our often-latent idealism to drive our careers forward, even if for just a portion of our otherwise hectic practice of the law. Indeed, you may find representing a nonprofit organization to be as or more rewarding than any client you have ever had the pleasure of serving. I know I do. ■

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### **Endnotes**

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4. Goodwill Industries International's 2024 Annual report, available at [goodwill.org/annual-report/](https://goodwill.org/annual-report/) (last visited Aug. 17, 2025).
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6. American Red Cross reported total revenues exceeding \$3.8 billion for fiscal year 2024. See American Red Cross: 2024 Annual Report, available at [redcross.org/content/dam/redcross/about-us/publications/2024-publications/478201-06-FY24-Annual-Report-Digital-3.28-ENG-ACC-FINAL.pdf](https://redcross.org/content/dam/redcross/about-us/publications/2024-publications/478201-06-FY24-Annual-Report-Digital-3.28-ENG-ACC-FINAL.pdf) (last visited Aug. 17, 2025).
7. In 2024, Feeding America reported total public support and revenue of \$5.2 billion. See Feeding America: Annual Report 2024, available at [feedingamerica.org/sites/default/files/2024-12/FA\\_24AnnRep\\_d5\\_ONLINE.pdf](https://feedingamerica.org/sites/default/files/2024-12/FA_24AnnRep_d5_ONLINE.pdf) (last visited Aug. 17, 2025).



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## COMMENTARY

# FROM NEWSROOMS TO CONCERT HALLS

## Serving the Civic Soul of New Jersey



**SCOTT A. KOBLER**, chair of NJ PBS/NJ Spotlight, is a partner at *McCarter & English, LLP*, based in Newark, where he brings four decades of experience in complex health care mergers, acquisitions, and capital financings. He is the recipient of the 2025 Samuel S. Saiber Professional Achievement Award and the 2025 Loretta Weinberg Award for Journalism Impact, recognizing his leadership in law and contributions to discourse in New Jersey.

**By Scott A. Kobler**

I didn't set out to become chair of a state authority in my mid-30s. I certainly didn't expect that sitting across from a strident adversary in a crowded Senate hearing room would be the moment that lit the fire. But that's exactly what happened on a summer day in 1992, when I found myself locked in a heated debate over the future of New Jersey Network (NJN), the state's public television system.

WNET, the respected broadcaster out of New York, had just presented a plan to absorb NJN. I knew what was at stake. Not just studios and programming, but the very soul of New Jersey's public media voice, spoken through some of the most dedicated and passionate journalists and staff you could ever find. To some, it was a fight over funding. To me, it was about civic responsibility and preserving something built by and for the people of our great state.

That day, I wasn't just a lawyer or board member. I was a citizen stepping up. Not for a paycheck or flashy headlines, but because doing the right thing matters. That hearing represented my full helping of public service, and my form of pro bono activism. I already knew that volunteering wasn't just something you do casually or on weekends. It's a way of life. A commitment to showing up, speaking out, and protecting what's worth saving. Someone saw in me the qualities that prompted them to ask me to lead.



Since then, I've deepened my engagement with public media, guided statewide arts organizations, and mentored younger advocates to find their own voices in service. Every role I've taken in media leadership has been rooted in the same conviction: protecting our trusted news sources, our common and unique stories, and our cultural identities and diversity.

Now for more than three decades, I've dedicated my time and energy to strengthening public discourse in New Jersey. My journey began with the New Jersey Public Broadcasting Authority, where I served as chair under five governors. It was a time of great transformation, not only for the state, but for the future of media. We saw early signs of the decline in local journalism and the growing need for trusted, nonpartisan content. All against the backdrop of a state without commercial television or a news program. My guiding belief then, and now, is simple: public media is essential to a functioning democracy.

That conviction led me to help found the New Jersey Network Foundation, and later to join in the transformation of NJN from state-run into NJTV, operating under a very different WNET Group/Channel 13—one of the nation's most respected public media institutions. Today, rebranded as NJ PBS, the network spans four stations, reaches a potential audience of 28 million people, and remains the only non-paywalled local media outlet that unites our entire state.

This wasn't just a structural shift, it was a civic one. At a time when others were scaling back, we doubled down on local storytelling, community affairs, and free public access. While chair of NJN, I, along with others, led fundraising efforts that brought in over \$100 million to support this mission and ensure that New Jersey's stories continued to be told—by New Jerseyans, for New Jerseyans. We walked the walk.

Another milestone came in 2019, when I helped guide the merger of NJ Spotlight into NJTV's news, creating a leading public affairs newsroom that now stands as one of the most respected sources for in-depth, locally focused journalism in the state. In an era of shrinking newsrooms, this platform remains a vital resource. Today, I continue to support efforts like the Corporation for New Jersey Local Media and lead initiatives exploring how NJ PBS can help support micro-local journalism.

During the pandemic, our mission took on new urgency. With schools closed and the digital divide exposed, NJ PBS launched *Learning Live*, delivering four hours of teacher-led academic programming each weekday. For thousands of students without internet or devices, it became their only classroom. *Learning Live* became a model replicated by PBS stations nationwide and reminded us of the profound role public media can play not just to inform, but to uplift and equalize opportunity. NJ Spotlight became the authoritative news source on the state's COVID status and response.

Just as public media educates and informs, the arts bring people together and give voice to shared experiences. I've been privileged to support New Jersey's cultural institutions, especially the New Jersey Symphony Orchestra (NJSO). Serving on its executive committee for nearly two decades, and now as a life trustee, I've helped guide its mission to bring the power of music and education to diverse audiences across the state. I also helped in the effort to relocate the orchestra to the New Jersey Performing Arts Center (NJPAC) when it opened in 1997 and helped steward the acquisition and eventual sale of the NJSO's Golden Age Collection, generating more than \$4 million in return.

NJPAC itself represents a transformative vision, conceived in 1986 by then-Gov. Thomas Kean as a cornerstone of Newark's revitalization. Today, it's one of

the nation's largest and most diverse performing arts centers. As a director, I supported its efforts in arts education, civic dialogue, and community engagement. I also served on the board of the Morris Museum, and remain active in the Newark Alliance, Catholic Medical Mission Board, and Integrity House.

Across every initiative—whether in newsrooms, classrooms, symphony halls, or community coalitions—my work has always been grounded in a deeply held sense of obligation to promote justice and the public good. That's why I believe so strongly in preserving public media and the arts. Not simply as cultural assets, but as civic necessities.

We live in a time when trusted information, educational equity, and creative expression are all under pressure—from funding cuts, from misinformation, and from structural inequities. And now, that pressure has only intensified. I've increased my efforts in response to staggering state and federal budget cuts to these very organizations that serve the public good.

And yet, I remain hopeful. I've seen what's possible when people act with purpose and passion. But nothing is guaranteed. These institutions don't sustain themselves. They need dogged champions. People who believe that informed, inspired, and engaged communities are worth fighting for.

So I invite you—whether as a donor, a volunteer, a board member, or simply as a viewer or audience member—to stand with the organizations that enrich our civic and cultural lives. Get involved. Stay curious. Speak up for access, truth, and beauty. Because when we invest in the public good, we invest in each other. And in the future we all share. ■



# Grow Your Practice While Helping Children with Special Education Needs



**ERIN BERMAN** is an education attorney with Northeast New Jersey Legal Services and a member of New Jersey Special Education Practitioners and the New Jersey State Bar Association School Law Committee. With 20 years of experience in education and education law, she has represented school districts, private schools and parents.

## By Erin Berman

A review of recent final decisions in the Office of Administrative Law (OAL) posted on the New Jersey Department of Education (DOE) website illustrates why children with disabilities desperately need pro bono attorneys. Without representation, a child with a disability has a less than 5% chance of prevailing. Indeed, even with representation, children prevail in only about a third of cases. Most of those children were represented by private attorneys using expert testimony.

In New Jersey, as in every state, Individuals with Disabilities Education Act (IDEA) guarantees a “free and appropriate public education” (FAPE) for all children with disabilities.<sup>1</sup> However, securing these rights for a child often requires parents to navigate a complex and challenging legal landscape. School districts and their legal teams can present a formidable obstacle, and many families simply lack the financial resources

to hire an attorney to advocate for their child's educational needs.

For an aspiring special education lawyer in New Jersey, building a successful practice requires not only a strong understanding of the law—it demands a strategic approach to client development. This is where pro bono legal work and the IDEA's fee-shifting provision become powerful tools.<sup>2</sup>

By taking on cases pro bono for families who cannot pay, an attorney not only fulfills a critical professional responsibility, compliance with "*Madden*,"<sup>3</sup> the volunteer attorney also gains invaluable experience in navigating the New Jersey special education system providing an opportunity to develop and refine the skills essential for building a successful legal practice. The intricacies of pro bono special education matters, which often involve navigating complex regulatory frameworks, provide a hands-on learning experience that few other practice areas can match.

Moreover, the IDEA's fee-shifting provision, which allows a "prevailing party" to seek compensation for attorney's fees from the school district,<sup>4</sup> can transform what began as pro bono work into a powerful engine for building a sustainable and profitable practice, creating a win-win situation for both the attorney and the families they serve.<sup>5</sup>

This article will discuss the significant need for volunteer attorneys to help families with children with special needs obtain special education services and how an attorney can build a special education practice by taking on pro bono special education cases to earn a *Madden* exemption, or possibly even seek compensation through fee shifting in certain cases.

## The Need for Pro Bono Counsel in Special Education

An analysis of final decisions in special education cases in the Office of Administrative Law shows the significant

challenge parents face, as evidenced by the high number of pro se litigants who must navigate complex OAL hearings without the benefit of legal counsel.

### 2024 Data (Based on 113 Posted Final Decisions<sup>6</sup>)

- **Overall Outcomes:** School districts won 86 cases. Children or parents prevailed (fully or partially) in 27 cases (31%).
- **Legal Representation:**
  - Parents represented themselves (pro se) in 59 cases (52%).
  - Parents were represented by an attorney or advocate in 54 cases.
- **Representation vs. Outcomes:**
  - Only five of the 59 parents who represented themselves prevailed (4%). One of these used a brief written by a non-profit.
  - In all five cases where a parent presented an expert but did not have an attorney, the school district prevailed.
  - Only three out of 113 cases (3%) resulted in a win for the parent on a substantive issue when they had neither an attorney nor an expert.

### Key Findings Across Both Years:

- **Legal Representation Matters:** Parents who have legal representation are far more likely to win their cases.
- **Experts are Crucial:** Presenting expert testimony, particularly with legal representation, significantly increases a parent's chance of success.
- **Pro Se Parents Struggle:** Parents who represent themselves rarely win, highlighting the difficulty of navigating these legal cases without professional help.

Of the 38 special education final decisions posted for 2025,<sup>7</sup> the school district prevailed in 29 cases, and the child only prevailed or partially prevailed in nine, or 24% of cases.<sup>8</sup> Parents appeared on behalf of children pro se in 24 cases, 63%,

and were represented by counsel in only 14. Of those 14, only four were represented by two nonprofit organizations that serve low-income families, while the rest were represented by private firms.<sup>9</sup> Seven parents were able to present expert testimony, all represented, and of those, six prevailed. The two remaining parents who prevailed without an expert were represented by the same nonprofit. Of the 24 parents who appeared *pro se*, only one prevailed.

The statistics from 2024 are very similar. Of the 113 special education final decisions posted for 2024,<sup>10</sup> the school district prevailed in 86 cases, while the child only prevailed or partially prevailed in 27, only 31% of cases. Parents appeared on behalf of children *pro se* in 59 cases, 52% and were represented in only 54 cases. Of those 54, only 11 were represented by nonprofit organizations that serve low-income clients, while the rest were represented by private firms. Most of those represented parents were represented by a handful of private attorneys, e.g., one attorney represented children in 12 decisions.

Of the 59 *pro se* parents, only five prevailed, 4%. One of those five relied on a brief drafted by a nonprofit, again on the narrow legal issue. In 28 cases parents were able to present expert testimony, and 23 of those cases, the parents were also represented. In 13 cases that involved an expert, the parents prevailed. In all five cases in which the parent presented an expert but was not represented, the school district prevailed. In only three of 113 cases, 3%, parents prevailed on a substantive claim with neither an attorney nor an expert.

Given the significantly lower success rates for unrepresented parties in special education matters before the OAL, the provision of pro bono counsel is a critical necessity to ensure equitable access to justice and a level playing field for students and families seeking appropriate educational services.

## Pro Bono Compliance and Building Your Practice

Volunteering to represent a child with a disability is a great way to learn a new practice area and build a new area of practice, while earning a *Madden* exemption.

An attorney handling such a case will gain experience in not only legal research and writing but also client management, negotiation and litigation skills. This experience builds confidence and a professional reputation, demonstrating a commitment to justice and a capacity for handling high-stakes, nuanced legal matters, all of which are invaluable assets when building a new practice area.

As noted above, attorneys who initially accept cases on a pro bono basis can even ultimately be awarded fees, under the fee shifting provision of IDEA.<sup>11</sup> While a case with awarded fees no longer counts toward pro bono hours, attorneys can easily meet the 25-hour exemption requirement with cases that resolve quickly, and recover fees on cases that require protracted litigation.

With fee shifting, if a parent is found to be a “prevailing party” in a special education dispute, they may be entitled to recover their reasonable attorney’s fees from the school district. This allows attorneys to seek compensation for their efforts after a successful resolution, transforming a pro bono commitment into a potentially fee-generating case, and providing a critical pathway to justice for families who need it most.

## Making a Difference with Legal Counsel

With a deep understanding of complex special education law and procedural requirements, pro bono legal counsel empowers families by navigating the legal system, building strong cases, and advocating effectively to secure the appropriate educational services their children are entitled to by law.

One example of a pro bono win

changed the life of a client. “John”<sup>12</sup> suffers from severe anxiety and began refusing to attend school in January 2024. John’s parents, “Carol” and “Jeff” tried everything, working with multiple therapists and psychiatrists, but nothing worked. Rather than consider ways to support and accommodate John’s disability, the school district filed quasi-criminal truancy charges against the parents. While NNJLS was able to successfully negotiate dismissal of the truancy charges and an Independent Education Evaluation (IEE) for a psychiatric evaluation, without the capacity to file due process at that time, progress toward securing an appropriate program was slow. A volunteer attorney agreed to assist, and within a few short months, secured an appropriate therapeutic school. John started attending school again in spring 2025, after more than a year of school refusal. Carol and Jeff are thrilled that John is finally back in a classroom, working on both his academic and emotional skills.

George Holland, the experienced school law attorney who handled this pro bono matter, explained: “I know from my years of experience how representation can change the trajectory of the life of a disabled child and, as a result, the lives of the family members of the child. Providing pro bono representation is something I feel is a professional responsibility. Being able to help them feels like a privilege.”

## Attorneys New to Special Education Grow Skills

Other attorneys find pro bono is work a great opportunity to help indigent children with disabilities while learning a new practice area. Michelle Lamendola, an experienced civil litigator and family law attorney recently accepted pro bono cases for that reason. In a few short months, she already helped two families negotiate favorable settlements, while gaining experience in special education law.

First, Michelle helped “Mary” negotiate occupational therapy for her granddaughter, “Jane.” Jane’s school district terminated her occupational therapy services, which Jane required to access her education. Even though Jane’s doctor wrote a letter recommending the school continue occupational therapy, Mary knew she would need an IEE to support her claim. The school district failed to properly deny the IEE request, and Michelle agreed to represent Jane. Michelle negotiated with the school district to restore occupational therapy, and even provide compensatory services for the services Jane was denied. Mary and Jane were so thankful Jane would get the services she needed.

Next, Michelle wanted to try litigating a case, but preferred to co-counsel with an experienced staff attorney to learn the process. She agreed to help “Martha” secure an appropriate private school for students with disabilities for her grandson, “Adam.” Adam’s mother, Martha’s daughter, tragically passed just a few years earlier. Adam was placed in a private school for students with disabilities by his father’s school district. Sadly, Adam’s father then became incarcerated, and Adam moved into his grandmother’s home, in another school district. That school district refused to continue his private school placement, placing him instead in an inappropriate in-district program, which could not meet his complex learning and emotional needs. With the help of a non-attorney advocate, Martha filed due process to contest the transfer, but the school district refused to relent for months. Within a week of Michelle entering an appearance, the school district agreed to continue the private school placement. Adam was so happy, he exclaimed “I get to stay at my school? Thank you lawyers!”

Michelle explained that “[v]olunteering with NNJLS has been an invaluable opportunity to deepen my understanding of education law while helping

deserving families who might not otherwise have access to legal counsel.” She added “[a]dvocating for low-income students to receive the full range of services required to meet their unique learning needs has been both a professionally enriching and personally fulfilling experience.”

### Clinical Limited-Scope Representation

Not all attorneys have capacity to offer full-scope representation, so clinical setting limited-scope representation is also an option to make valuable contribution and gain pro bono hours. One example is a free legal clinic to prepare clients for meetings with the school district. IDEA requires school districts meet with periodically with parents to develop a student’s Individual Education Program (IEP).<sup>13</sup> Many parents feel intimidated by these meetings with many educational professionals, unsure of the best way to advocate for their child. Clinics offer the opportunity to assist these parents with advocacy techniques. Pro bono attorneys can attend a Continuing Legal Education (CLE) seminar before the clinic, learning about the basics of IDEA and IEPs, while earning CLE credit. They can then meet with clients to advise on specific advocacy techniques, sharing their negotiation

and communication tips to prepare parents. There is also the option to take matters on for full representation after the legal clinic.

In sum, volunteering to help a child with a disability exercise their legal rights is a great way to build your practice, learn a new practice area, hone your litigation and negotiation skills, and earn a *Madden* exemption. Most importantly, pro bono special education work is an opportunity to change the life of a child with a disability. ■

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### Endnotes

1. 20 U.S.C. § 1400
2. 20 U.S.C. § 1415(i)(3)(B).
3. *Madden v. Delran*, 126 N.J. 591 (1992) (holding court assigned pro bono cases constitutional, when assigned alphabetically from a list of all attorneys in the vicinage). New Jersey attorneys are required to accept court-appointed pro bono cases, unless they complete at least 25 hours of voluntary, qualifying pro bono service, such as Northeast New Jersey Legal Services (NNJLS). See N.J.Ct.R. 1:21-12.
4. 20 U.S.C. § 1415(i)(3)(B).
5. While hours spent on a case that results in fee awards cannot count

toward a *Madden* exemption, the attorney can accept the case on a pro bono basis, and if the case requires extensive time, opt to seek fees shifting and forgo the pro bono hours.

6. The links to two cases are broken, and these decisions do not appear publicly available. These cases are not accounted for in these statistics.
7. Final decisions are currently posted through April 2025. Some 2024 decisions are included on the 2025 site. These numbers account for cases by the actual year of the decision.
8. These numbers account for consolidated cases as separate cases.
9. Non-attorney “advocates” are counted as attorneys. For both 2024 and 2025, only one advocate prevailed.
10. The links to two cases are broken, and these decisions do not appear publicly available. These cases are not accounted for in these statistics.
11. 20 U.S.C. § 1415(i)(3)(B).
12. Pseudonyms are used for parents and children.
13. 20 U.S.C. § 1414(d).

# NJSBA Charts the Future, Advocates Nationally and Welcomes the Next Generation

From shaping a strategic roadmap at a two-day retreat to influencing national policy at the ABA Annual Meeting, NJSBA leaders continue to strengthen the profession. President Christine A. Amalfe also connected with Seton Hall Law's newest students, promoting the values of service and membership.

## NJSBA Board of Trustees Attends Work Retreat

The New Jersey State Bar Association's governing body held its July meeting during a two-day work retreat at the Molly Pitcher Inn in Red Bank, where the Board discussed a strategic plan outlining the Association's renewed commitment to advancing the profession and delivering greater value to its members.

The retreat proved highly productive, with trustees engaging in in-depth discussions that shaped a clear path to broaden the Association's reach and enhance the membership experience across five core pillars: advocacy, continuing legal education, finance, membership and the sections and committees.





## NJSBA Delegates Shape National Legal Policy at Annual ABA Meeting

Leaders from the NJSBA attended the American Bar Association’s Annual Meeting in Toronto from Aug. 6–12, advocating on behalf of the state’s legal community on matters impacting the profession, justice system and the public.

The NJSBA’s delegates to the ABA joined thousands of colleagues in state bar associations around the country. The annual meeting culminated with the House of Delegates, a two-day session that brought together 550 delegates from ABA entities and state, local and specialty bar associations.

The House of Delegates adopted more than 50 policy matters during its two-day session, including one on law firm intimidation, several on immigration enforcement and detention, and resolutions on academic freedom and open, civil debate at universities.



## NJSBA President Addresses Seton Hall Law School Students at Orientation

NJSBA President Christine A. Amalfe addressed Seton Hall Law School’s incoming 1L students at orientation in August.

Amalfe shared words of inspiration and guided the students through the Lawyer’s Pledge, emphasizing the values and responsibilities of the legal field. She noted that, before long, the students would graduate and join the ranks of practicing attorneys—a journey into what she called “the greatest profession in the world.” She also promoted the benefits of an NJSBA membership, which is free for law students.





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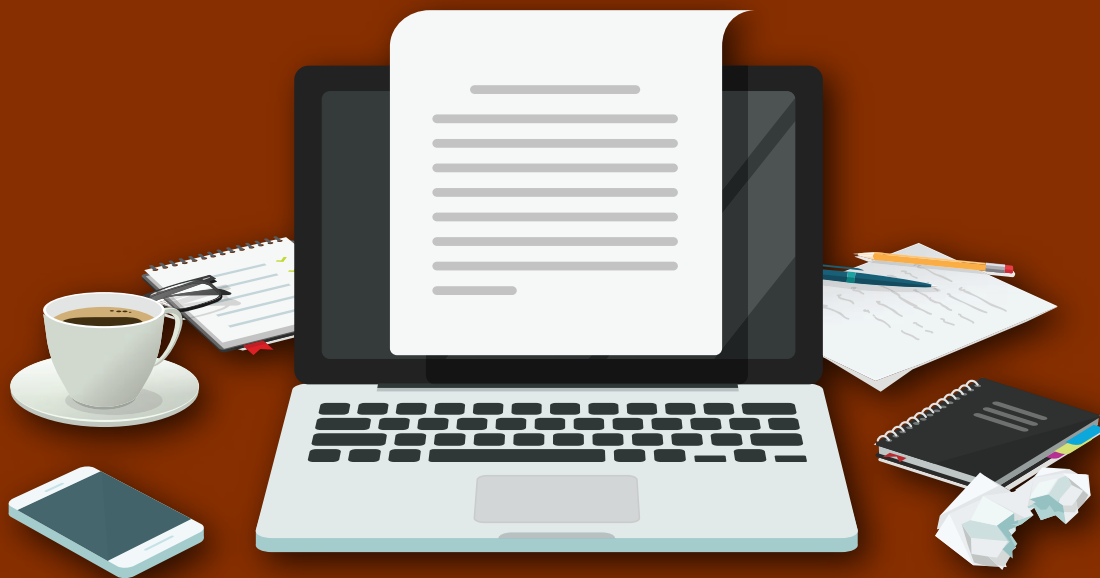


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