

THE NJSBA DOCKET

May 31, 2026



Hello friends,

Welcome to the latest issue of *The NJSBA Docket*, a monthly bulletin with news from the legal community and Association highlights.

Be sure to check out the [calendar](#) for our lineup of educational offerings and networking opportunities. Here's a primer of what we have in store for the coming weeks, as well as the latest court notices from the Judiciary:



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News and Notices from the Courts—May 2026

- The state Department of Law and Public Safety [invites applications](#) from law firms willing to serve as special counsel for New Jersey Infrastructure Bank—Environmental Infrastructure Financing Program Matters. Submissions will be accepted until July 1.
- The state Supreme Court adopted [three amendments](#) to the Family Part Court Rules 5:4-4, 5:5-3 and 5:20-2.
- The Judiciary announced [35 attorneys](#) who earned state certification in civil trial, criminal trial, matrimonial, workers' compensation or municipal court law.



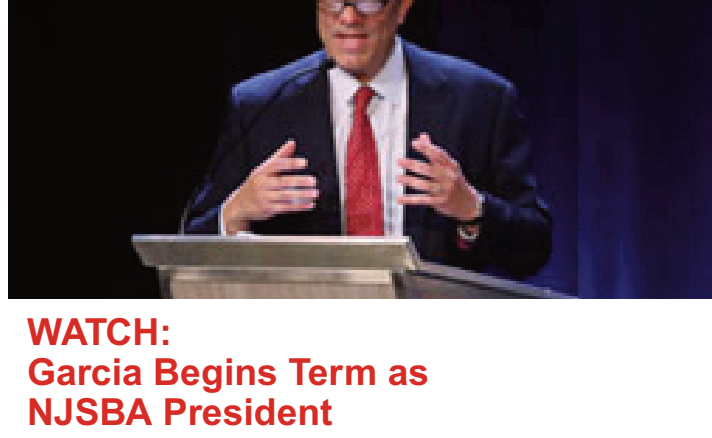
New Jersey Commission on Professionalism in the Law Awards Set for June 11

The New Jersey Commission on Professionalism in the Law will present its [annual awards](#) on June 11 to celebrate lawyers who uphold the profession's highest ideals. This year's top award recipients are Jeffrey J. Greenbaum, Joyce M. Maxberry Malliet and Nancy Eberhardt. Dozens of attorneys representing bar associations across the state will also receive Professional Lawyer of the Year Awards, given to those who are respected by colleagues for their character, competence and exemplary professional behavior.



NJSBA to Host Annual PRIDE Flag Raising Ceremony

Join the NJSBA as it raises the [PRIDE flag](#) over the New Jersey Law Center on June 3. Members of the LGBTQ Rights Section will be on hand for the celebration, which is free and open to all. The festivities will start at 4 p.m.



WATCH: Garcia Begins Term as NJSBA President

Norberto A. Garcia was sworn in last week as president of the NJSBA for the 2026–2027 term. Watch his [welcome video](#) to hear friends and colleagues share insights about the Association's new president.



Supreme Court, Appellate and Third Circuit Decisions—May 2026

U.S. Court of Appeals for the Third Circuit Criminal—Search Warrant

[USA v. Jabar Evans](#)—Jabar Evans appealed his convictions for drug and firearm offenses that followed a search of his hotel room pursuant to a warrant. He alleged three trial court errors on appeal. His claim that the District Court erred by admitting improper lay opinion testimony has merit, but any error was harmless in light of the evidence, the Third Circuit found. The panel affirmed the judgments of sentence.

Criminal—Firearm Possession Sentence

[USA v. Steven Newkirk](#)—Steven Newkirk entered an open guilty plea to one count of being a felon in possession of a firearm. Based on his offense level of 26 and his criminal history category of IV, the U.S. Sentencing Guidelines advised 92 to 115 months' incarceration. The District Court sentenced Newkirk to time served, which was just shy of two weeks. The government filed an appeal, arguing that Newkirk's sentence was procedurally and substantively unreasonable. The Third Circuit agreed with the government on both points and vacated and remanded for resentencing.

New Jersey Supreme Court Criminal—Newly Discovered Evidence

[State v. Nirav Patel \(Hudson County and Statewide\)](#)—The state Supreme Court considered the defendant Nirav Patel's claim that newly discovered evidence entitles him to a new trial. The Court reversed the Appellate Division and remanded for sentencing. The Court held it is undisputed that the documents the defendant relied on were in his possession leading up to his trial. He also had reason to know they existed because he not only signed some of them but also emailed them to himself. And as an experienced businessperson, he understood that corporate agreements like the ones he found are commonly written down. Despite that, the defendant never searched for the documents during the four years from his indictment to trial. Under those circumstances, he cannot establish that he acted with reasonable diligence. Further, the documents raised serious concerns that a fraud on the court has been committed.

Criminal—Expert Testimony

[State v. Thomas J. DiNapoli \(Union County and Statewide\)](#)—The state Supreme Court considered whether a defendant's proffered expert testimony on causation under N.J.S.A. 2C:2-3(c) is admissible in a vehicular homicide prosecution and whether an N.J.R.E. 104 hearing is required to make that determination. The Court held that the defendant's proffered expert testimony regarding the assessment of the defendant's culpability for the victim's death, pursuant to prong one of N.J.S.A. 2C:2-3(c), is relevant in a vehicular homicide prosecution. An N.J.R.E. 104 hearing is not necessary to determine whether defendant's proposed experts may testify.

Insurance—Insurance Coverage Exclusion

[Mist Pharmaceuticals, LLC v. Berkley Insurance Company \(Union County and Statewide\)](#)—The state Supreme Court considered whether an insurer properly denied coverage based on an exclusion set forth in an insurance policy it issued to a limited liability company or whether, as the insured argued, the insurer forfeited its right to rely on the exclusion and is estopped from disclaiming coverage. The Court held that the claims asserted in the underlying actions fall squarely within the disputed exclusion; the insurer properly reserved its rights with respect to that exclusion in its communications with the insured; and the insurer had the right to refuse to contribute to the settlement under the circumstances of this case. The Court affirmed as modified the Appellate Division's judgment.

Civil—Personal Injury Medical Expenses

[Lakita D. Murray v. Christopher B. Punina \(Middlesex County and Statewide\)](#)—The state Supreme Court considered whether evidence of the plaintiff Lakita Murray's future medical expenses is admissible in her personal injury trial even though they would not exceed her personal injury protection (PIP) coverage limits. The Court held that future medical expense benefits that do not exceed a claimant's PIP coverage limits are "collectible" for purposes of N.J.S.A. 39:6A-12 and therefore inadmissible during a plaintiff's personal injury trial against a tortfeasor.

Civil—Civil Procedure

[Marcos D. Doglio vs. Boasso America Corporation, et al. \(Essex County and Statewide\)](#)—The Appellate Division addressed whether the Rules of Court denying a trial court sua sponte reverse its order granting reconsideration of a final order granting summary judgment pursuant to Rule 4:49-2. The plaintiff filed a complaint pursuant to the Conscientious Employee Protection Act (CEPA) alleging the defendant retaliated against him after he reported alleged violations of state and federal law. At the summary judgment stage, the issue before the trial court was whether the plaintiff met the definition of "employee" for purposes of CEPA. The trial court granted the defendant's motion for summary judgment and denied the plaintiff's subsequent motion for reconsideration. It later augmented its order, filing an additional order and statement of reasons reiterating the denial of plaintiff's motion for reconsideration. The trial court then reversed itself, issuing a sua sponte order pursuant to Rule 4:49-2 and Rule 1:1-2(a) vacating both the summary judgment order in favor of the defendant and the supplemental denial of reconsideration order. Without notifying the parties and giving them an opportunity to be heard, it reinstated the plaintiff's complaint. The Appellate Division reversed the lower court. Although acknowledging and encouraging a court's ability to self-correct in appropriate circumstances, it balanced the trial court's earnest attempt at self-correction with the parties' and the court's need for finality. Rule 4:49-2 permits reconsideration of final orders or judgments only within 20 days of their



NJSBA Diversity Summit Returns for 2026—Earn up to 5.7 Credits

The NJSBA Diversity Summit is a premier educational and networking event exploring power, justice and accountability within the context of longstanding systemic inequities in the legal profession and beyond. This year's [program on June 25](#) will address topics ranging from the state's role in civil rights investigations to practical guidance for navigating power dynamics within law firms, government agencies and corporations. Attendees can earn up to 5.7 CLE credits.



Top News Stories for May

Catch up on the top Daily Briefing articles of the month.

Law Schools Must Move Faster on Teaching AI in Legal Practice

Law schools are [moving too slowly on AI](#), according to an adjunct professor at Washington University in St. Louis School of Law. As a result, many administrators still don't fully understand what meaningful AI education requires, and legal education hasn't yet caught up to legal practice.

LSAT Moves to In-Person Testing in August After China Cheating Scandal

The LSAT will require [in-person testing](#) starting in August, following a cheating services scandal in the remotely administered test in mainland China last year.

Seton Hall Asks Court to Withhold Report on Handling of Abuse Case

Seton Hall University doubled down on its yearslong battle to keep secret a [2019 report](#) on how the school handled a priest's sex abuse of seminarians, asking a state appellate panel to reverse a lower court's order to disclose the document and related records.

All Those AI Note Takers? They're Making Lawyers Very Nervous

A trendy productivity hack, [AI note takers](#) are capturing every joke and offhand comment in many meetings. They could also potentially waive attorney-client privilege.

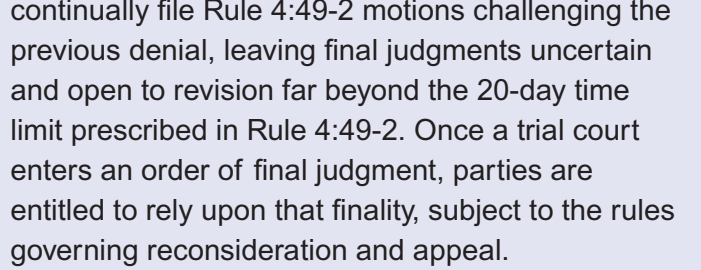
From Courtroom to Cork: How Two Lawyers Opened NJ's Hottest New Drinking Destination

Lawyers Karl Fowlkes and Jarel Rosser did pass the bar, and they know a little bit...about wine bars. The two attorneys are in the courtroom by day and [pop corks by night](#) at Newark's hottest new nightlife destination—Consigliere. The year-old establishment is carving a niche for its spirits and music with a long list of wines and a high-fidelity sound system.



Volunteer Lawyers Needed for Union County Law Day

The NJSBA seeks volunteers to take part in [Union County Law Day](#) on June 17 in Elizabeth. Bilingual attorneys, especially those who speak Creole and Spanish are needed to provide brief consultations for Union County residents on a variety of topics, including immigration, guardianship and criminal expungements.



entry to promote principles of finality, and prohibits reconsideration of a final order denying reconsideration, whether on the motion of the court or a party. The Appellate Division reasoned that if multiple motions for reconsideration of final orders were permitted by the court, any party could continually file Rule 4:49-2 motions challenging the previous denial, leaving final judgments uncertain and open to revision far beyond the 20-day time limit prescribed in Rule 4:49-2. Once a trial court enters an order of final judgment, parties are entitled to rely upon that finality, subject to the rules governing reconsideration and appeal.

New Jersey Appellate Division Employment—Cannabis Use

[Darlene Sanders vs. The Levari Group, LLC \(Cumberland County and Statewide\)](#)—The plaintiff Sanders appealed from two Law Division orders dismissing her claims against the defendant The Levari Group, LLC, d/b/a First Choice Freezer. At issue were certain provisions in the Cannabis Regulatory, Enforcement Assistance, and Market Modernization Act (CREAMMA), which prohibit an employer from refusing to hire an individual because that person has tested positive for cannabinoid metabolites. As a matter of first impression, this case asked whether CREAMMA provides that individual a private right of action against the employer for allegedly violating these prohibitions. The Appellate Division reversed the orders dismissing the plaintiff's claims based on CREAMMA, negligence, invasion of privacy, and breach of contract, and remanded for further proceedings.

Employment—Violation of Retaliation Settlement

[Town of Dover vs. Richard Gonzalez \(Morris County and Statewide\)](#)—The Appellate Division reviewed a Law Division order dismissing a counterclaim seeking relief under the Uniform Public Expression Protection Act. In 2014, the defendant, then a sergeant with the Dover Police Department, alleged he was subjected to employment-related retaliation in violation of the Conscientious Employee Protection Act and the Law Against Discrimination, for, among other things, his support of a candidate for Dover mayor. In 2015, the parties settled the defendant's suit. In exchange for his claims, the defendant received \$175,000 from Dover and was permitted to retire on favorable terms. A decade later, Dover filed a complaint in the Law Division against the defendant alleging he breached the non-disparagement provision by posting on social media comments about the plaintiff's then-mayor, a councilmember, the town clerk, and other employees. The defendant filed a counterclaim seeking dismissal of the complaint under UPEPA, alleging the plaintiff was attempting to prohibit him from engaging in political speech protected by the First Amendment. The Law Division dismissed the counterclaim for failure to state a claim upon which relief could be granted. On appeal, the Appellate Division vacated the order dismissing the counterclaim. The Appellate Division held that the plain text of UPEPA does include a categorical exclusion for parties who executed a non-disparagement provision in a settlement agreement with a public entity. The court remanded for the Law Division to consider whether the defendant is entitled to dismissal of the complaint pursuant to UPEPA.

Municipal—Ordinance Violation Fine

[State of New Jersey vs. Springfield Urban Renewal Center Corp. \(Union County and Statewide\)](#)—The plaintiff Township of Springfield appealed from a Law Division order reducing a fine imposed by a municipal court on the defendant Springfield Urban Renewal Center Corp., following its conviction for violating an ordinance. The ordinance required a certain type of safety fencing for construction sites and imposed a \$250 per day fine for each day the fencing was not installed. The municipal court found the defendant guilty and imposed a fine with costs totaling \$67,533. The Law Division affirmed the guilty finding but concluded N.J.S.A. 40:49-5 limited the total fine that could be imposed to \$2,000. On appeal, the Appellate Division reversed and held N.J.S.A. 40:49-5 limits the amount of a single fine to \$2,000 but contains no language barring the imposition of per day fines that cumulatively exceed \$2,000. The panel concluded its holding was supported by the plain language of the statute and Township of Pennsauken v. Schad. The Law Division's reliance upon Perrine Terrace Land Co. v. Brennan was inapposite because it was decided on different grounds, the Appellate Division held. Furthermore, although the New Jersey Supreme Court decided Perrine, the decision predated the 1947 Constitution when that court was not the highest court in the state. Therefore, Perrine does not have the same binding authority as Schad, the Appellate Division held. The panel reversed and remanded for resentencing.

Family—Domestic Violence

[G.G.S. vs. A.C.B. \(Camden County and Statewide\)](#)—The appeal raised important questions under the New Jersey Prevention of Domestic Violence Act when the predicate act of domestic violence involves egregious physical force—in the case, an acquaintance rape involving manual strangulation. While the Appellate Division acknowledged the deference generally shown to Family Part judges in domestic violence cases, given the disturbing facts proved at trial and found by the trial judge, the Appellate Division reversed the denial of plaintiff's request for a final restraining order and remanded for entry of an order.

Family—Child Support

[Della M. Bournes vs. Shawn J. Harris \(Mercer County and Statewide\)](#)—The Appellate Division affirmed the Family Part judge's order granting the plaintiff Della M. Bournes's motion to reinstate and enforce child support arrears under the Uniform Interstate Family Support Act. The parties divorced in Texas in 2005. Their marital settlement agreement was incorporated into the Texas divorce decree. Della M. Bournes's husband Shawn J. Harris agreed to pay plaintiff \$5,800 annually in child support for the parties' two unemancipated children at the time. In 2014, the children began living with their maternal grandparents in New Jersey while the defendant resided in Pennsylvania. The year before, the plaintiff filed and registered the Texas divorce decree in New Jersey. The defendant had the right to contest the validity or enforcement of the registered order and request a hearing within 20 days after notice of the registration. The defendant failed to do so. Instead, the defendant waited nine years to file a motion to contest enforcement. The Appellate Division concluded that under UIFSA, New Jersey had jurisdiction to enforce and modify the defendant's child support obligation.

Whether you are a law student just starting out, a mid-career professional looking to reinvigorate your practice, or an experienced practitioner, the NJSBA has something for you. Join a powerful network of 16,000 legal professionals today. [Learn more here.](#)