

WLIB NEWSLETTER

WOMEN LAWYERS IN BERGEN

Volume 12

Summer 2024

Welcome to the Summer edition of the WLIB Newsletter. I want to thank Linda Spiegel, our editor in chief, and everyone who contributes to the Newsletter. The contents of our Newsletter exemplify the diversity that each of us brings to this wonderful organization.

Congratulations and thank you thank Diane Lucianna, our outgoing President, for her dedication to WLIB. Diane is a force to be reckoned with! Diane single-handedly planned and executed so many events for WLIB. She grew our network through her own connections in the community and brought WLIB to the place it is today. Thank you, Diane. As your Vice President for two years, I learned so much from you and am grateful for your hard work.

I am proud and honored to be your new President. I look forward to the next two years working with our Executive Board members: Vice President Sheila O'Shea Criscione, Treasurer Helene Herbert, and Secretary Erica Fields, to make this organization even greater!

Our word is PROGRESS and WLIB is ON THE MOVE! We are growing and expanding and continuing to be a force in the Bergen County legal community.

We have lots of great programs



planned for WLIB: Mentoring Seton Hall students, Breast Cancer Awareness Day, Pro Bono work with Northern New Jersey Legal Services, Past Presidents/Founders Dinner, networking cocktail party, trip to the Hermitage Museum, Take Your Kids to Work Day, and new CLE programs – in addition to our annual events such as our Law Clerk Luncheon, Holiday Party, JR Scholarship, and continued support of the Women's Rights Information Center.

In addition to programming, we are updating from within. We are revamping our website to make it more user friendly and visually appealing. We are increasing our social media presence to market WLIB to new members and

to show the world what WLIB has to offer. We are searching out new banking opportunities with our sponsors, such as Blue Foundry and Columbia Bank. We are developing a more robust advertising program to bring in revenue to the organization and highlight those companies who support us.

It is a GREAT time to be part of WLIB.

If you have an idea for programming or CLE, CALL ME!

ATTEND our Board Meetings and PARTICIPATE in our events.

WLIB is here for YOU!

Tamra Katcher, Esq.
President

INSIDE:

- Do I Need a Contract - 3
- Book Review - "Pride and Prejudice" - 5
- Restaurant Review - "Kinchley's" - 5
- Young Lawyers Corner - 6
- Notice to Readers - 6
- Meet and Mingle Photos - 8
- Tamra Katcher, Esq. Interview - 9
- Stay Fido, Stay - 10
- Weekend Getaways - "Orlando, Fl." - 11
- AI Products and Services - 13
- Kelly Castor, Esq. Interview - 15
- Diversity in the Profession Photos - 16
- Judge Natalie R. Capano, J.S.C - 17
- Jean Robertson Update - 17
- Hon. Kelly Conlon, J.S.C. - 19
- Hon. Lina P. Corriston, J.S.C. - 21
- Announcements - 23
- Annual Dinner Photos - 24
- Summer Legislative Report - 25
- Calendar of Events - 26

WLIB Membership

To renew or begin your membership with WLIB

please go to www.womenlawyersinbergen.org.

If you have any questions regarding membership,

please contact Kohar Boyadjan, Esq., Membership Chair

at 201-968-5800 x 213 or kohar@damelegal.com.

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One More Thing to Think About - Do I Need A Contract?

By: Ellen Marie Walsh, Esq.

You are harried as you are trying to head out the door for a special night. You have helped the kids with homework, made their dinner, secured a babysitter and gotten dressed. But have you thought of everything? Does the new New Jersey Domestic Workers' Bill of Rights Act, N.J.S.A. 34:11-69 et seq. ("the Act"), signed by Governor Phil Murphy on January 12, 2024, now require you to have a written contract for your babysitter?

Taking effect on July 1, 2024, the Act aims to address a widespread acknowledgment that domestic workers lack the protections afforded to other workers. The Covid-19 pandemic underscored this gap, bringing attention to the vulnerability of these workers. The Act is a culmination of years of research and surveys regarding the working conditions that domestic workers in New Jersey face, which led to a proposed Bill of Rights for Domestic Workers in September 2020. In January 2024, that Bill of Rights became a reality.

One of the protections afforded to domestic workers by the Act is a written contract. The Act mandates that employers provide domestic workers with a written contract detailing essential terms of employment. This contract must include the hourly wage, overtime wage, weekly schedule, frequency of payment, breaks, leave and sick time, paid holidays, any other benefits, modes of transportation, value of housing if provided, sleep and personal time for live-in workers, the term and any other terms as agreed to. The written agreement shall be signed and dated by all parties.

This requirement is based on a finding that domestic workers are often asked to perform tasks beyond their initially agreed-upon job duties. For instance, it is not uncommon for someone hired to be a nanny to be asked to do laundry or make meals, tasks that were never discussed during the hiring process. Additionally, since domestic workers operate within private family residences, work hours can be ambiguous, leading to underpayment for the actual work and hours performed. The Act intends to address these issues by ensuring that a written contract clearly defines the boundaries of the employment relationship.

"Domestic worker" is defined by the Act as a person who works in residence to 1) provide care for a child, or 2) provide care or companionship for a convalescing, sick or elderly person or person with a disability, or 3) provide housekeeping or house cleaning services, or 4) provide cooking services, or 5) provide food or butler service, or 6) park cars, or 7) clean laundry, or 8) provide gardening services, or 9) provide personal organizing services, or 10) provide any other domestic service. The term includes part time and full time employees, as well as salaried and hourly employees. It also includes employees who are less than 18 years old. Finally, it includes workers who have more than one employer. The Act only applies to "domestic services" which are provided in or about a private home.

The Act does not include persons who are family members performing the work. Nor does it include house sitters, pet sitters, dog walkers, house repair/maintenance contractors, individuals paid through Medicare or Medicaid, or employees of businesses operated out of a private residence. While this definition and these exceptions suggest the babysitter in the above example is entitled to a written contract, there is one more exception that works to exclude the occasional babysitter.

That is, the entire Act does not apply to workers hired for casual work or for work totaling less than five hours per month. Casual work is defined as irregular, uncertain or incidental work that is outside the individual's customary engagement. So, if the babysitter you hire is a student who is performing the services outside the school day, or a friend who babysits on occasion outside his/her normal work hours, that person is not considered a domestic worker even if they provide more than five hours of services a month. However, the exception is narrow. If the person's primary vocation is babysitting, and they provide more than five hours of service per month for you, they would be classified a domestic worker and be subject to the Act's provisions.

The Act also does not apply to independent contractors. However, both the IRS and the New Jersey Department of Labor use a very strict test for determining whether a worker is an independent contractor. If the employer controls work hours, gives instructions, requires that things be done in a certain sequence, then he/she is not an independent contractor. If the worker is performing duties in the usual course of business in your residence, i.e. preparing meals, then the worker is not an independent contractor. Finally, if the worker is not customarily engaged in an independently established trade, occupation, profession or business, then the worker is not an independent contractor. Moreover, the IRS has announced that it is looking very closely at domestic workers who have been classified as independent contractors. It is apparent that classifying the domestic worker as an independent contractor should be the exception rather than the rule.

In the event you are hiring someone who meets the definition of domestic worker, as set forth above, then the protections provided by the Act apply. As already discussed, this includes a written contract with the above enumerated terms. The written contract may not contain mandatory pre-dispute arbitration agreements, non-disclosure agreements, non-compete clauses or non-disparagement agreements. Further, the contract should be in English and in such other language as may be preferred by the worker. The Department of Labor, which is responsible for enforcing the Act, will be making model contracts available on its website. At last check, no model contracts were yet available. However, other organizations have issued model contracts which are very helpful. For sample agreements consult the following websites, 1) dol.gov/agencies/wb/Domestic-Workers and 2) domesticemployers.org/resources-and-faqs/templates.

The Act also requires that domestic workers be provided with uninterrupted paid rest periods of at least ten (10) minutes for every four consecutive hours worked, unless the nature of the work prevents the domestic worker from being relieved of all duties for such a period of time. If the domestic worker is not relieved of all work duties, an "on duty" rest period shall be provided. During such a period, the domestic worker may engage in personal activities such as resting, eating, drinking a beverage, making phone calls or other personal choices.

For every five consecutive hours worked, domestic workers must be provided an uninterrupted 30-minute meal break. This break can be unpaid if the domestic worker is relieved of all work duties and is permitted to leave the work site. If both of these conditions are not met, the break must be paid and the meal break is considered an "on duty"

continued on page 6

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Barbara B. Comerford is a Lawline Faculty member who presents national seminars on ERISA LTD and Disability insurance claims. She has also conducted seminars throughout the country on Social Security Disability law.



Book Review

By: Tamra Katcher, Esq.

Pride and Prejudice

By Jane Austen

Dearest Readers... Bridgerton is my guilty pleasure. The beautiful people, the beautiful clothes, and the fact that no one in the Ton must work. Sign me up! When I decided to read Pride

and Prejudice for the second time, the pages of the book soon became meshed with the beautiful characters and sets of Bridgerton, making the story come alive.

Much like Bridgerton, the story of Pride and Prejudice is set in the early 1800s. The story is about the Bennet family and Mrs. Bennet's objective to marry off her five daughters to husbands from suitable families. The trials and tribulations of the band of sisters is described in elegant detail. A very eligible bachelor, Mr. Bingley, takes a liking to the eldest Bennet, Jane, but then moves away without even a goodbye. The Bennet's cousin, who is in line to inherit the family estate, proposes to the quick-witted Elizabeth who in no uncertain terms advises him that he would be the

last person she would marry. Meanwhile, the younger Bennet sisters are enamored with the British soldiers who are staying in a nearby town.

Time passes, seasons change – the cousin marries a neighbor, and Lydia, one of the younger daughters, elopes with a soldier, while Jane remains home grieving the loss of Mr. Bingley. Elizabeth, however, finds herself falling in love with Mr. Bingley's best friend, Mr. Darcy.

The focus on marriage and the "right" match is the main storyline. However, there is a clear undercurrent about the times and who is who. One's stature in the community is of the utmost importance, especially for the Bennet family who has little money and is set to lose their home and family estate when Mr. Bennet passes. The Bennet's wealth, or lack thereof, becomes an issue leading to the quick departure of Mr. Bingley and the animus between Elizabeth and Mr. Darcy. There is a clear distinction between the haves and have-nots such that the pride of a wealthy and high stature family brings a prejudice toward those who are less fortunate.

I truly enjoyed this novel and enjoyed it even more on the second go-round. I caution those who wish to give it a go that it is written in old English – so sometimes the author's meaning takes time to understand. The beginning of the novel can be a bit tedious, but I encourage you to press on as you will not regret it! Take time to enjoy this book. A beach-read it is not – but take this on your porch or deck, like I did, and truly immerse yourself in a time and place that is long past. 🐦

Restaurant Review

By: Kathleen A. Hart, Esq.



586 N. Franklin Turnpike., Ramsey, New Jersey 07760
(201) 934-7777



When my sister said she had never been to Kinchley's Tavern, I was surprised, especially since I have lived in northern Bergen County for decades. I decided we

needed to take her there for dinner on a recent Saturday night.

Kinchley's Tavern is located on Franklin Turnpike, just up the road from Don Bosco High School. It is easily recognizable with a large horse on the building. It has been open since 1937 and by the looks of it, will be around for a while longer. Upon entering, there is a small bar area and a well-lit dining room of about 25 red and white checkered tables. The walls are wood and adorned with beer signs, clocks and train memorabilia.

We did not have a reservation and were told there would be a short wait. We sat at a mostly empty bar for about 10 minutes. The bartender was attentive and served us drinks while we waited for our table. By the time we were seated, the bar was full.

We were seated at a booth and our server came right over with menus. We decided to order appetizers and started with garlic bread (\$8.00) and fried ravioli (\$10.00). The garlic bread was okay. However, the ravioli was

continued on page 6

Young Lawyers Corner

The Young Lawyers Committee of Women Lawyers in Bergen meets on the 1st Wednesday of every month. Each meeting is hosted by one of the members. If anyone would like additional information including the location of the next meeting or are interested in joining the Committee, please contact Sarah Gloates Horta, Esq. at sarah@snglaw.com.

Notice to Readers

When you are considering changing a vendor or are seeking a specialist, please consider those who advertise in our newsletter.

Thank you.

Restaurant Review

continued from page 5

quite tasty with a flavorful marinara for dipping. Other appetizers include shrimp cocktail (\$12.00), mussels fra diavolo (\$12.50) and a Caesar salad (\$9.00)

Pizza is the star at Kinchley's and that is what we got. We ordered a large cheese pizza (\$12.00) as well as a large veggie pie (\$22.00). The pizza had a nice crispy crust and was cooked perfectly. There was a good cheese/topping ratio to sauce. The pizza was delicious and made me wonder why we don't go to Kinchley's more often. You can create your own pizza with a variety of toppings (\$2.50 per topping for a whole pizza) or order one of the specialty pizzas

which include mushroom, onion and sausage (\$19.50), white pizza (\$15.00), meatball (\$18.00) and a garbage pie featuring pepperoni, sausage, onion, mushroom, sweet peppers and anchovies (\$24.50). Gluten free pizza is available as well.

For the non-pizza eaters, other entrees include chicken parmigiana (\$19.50), eggplant rollatini (\$16.00), fried calamari (\$23.00), pasta with clam sauce (\$17.00) and baked lasagna (\$18.50). A children's menu with smaller pasta dishes is also available.

We did not have room for dessert. However, there is a variety offered including ice cream and sherbert (\$3.50), cheesecake (\$9.00) and an egg cream (\$5.00).

Our server was very attentive. We

had a small hiccup when one of my dining companions (who shall remain nameless), spilled both pizzas and the staff were kind enough to make two new pizzas without any charge. We did not wait long for refills of our drinks and the few leftovers were boxed up to go for a delicious lunch the next day.

Kinchley's does not accept credit cards, so make sure you bring cash. If you forgot, there is an ATM available. I would suggest a reservation, especially with a large group. We dined early on a Saturday night and when we left, the restaurant and bar was full of patrons waiting to be seated.

Overall, our dinner was great, and we will be back. Next time without any pizza accidents. I give it three forks. 🍴

One More Thing

continued from page 3

meal break. Again, during an on duty meal break, the domestic worker should be allowed to engage in personal activities. However, the "on-duty" breaks, both rest and meal breaks, are only allowed if they have been agreed to in the written contract. This agreement may be revoked at any time. Failure to comply with this requirement can create liability for additional pay to the domestic worker of up to two hours at the workers regular rate of compensation for each day that the meal or rest period was not provided.

Additionally, live-in domestic workers are entitled to a period of 24 hours of rest after working six consecutive days for the same employer. This day of rest may be unpaid.

As to termination, domestic workers are entitled to two weeks' notice or four weeks for live in domestic workers. The notice requirement is dispensed with if the employer has a good-faith belief that the domestic worker

has engaged in significant misconduct. If the required notice is not provided the employer will be liable for pay during the notice period.

The Act prohibits the practice of holding the original copies of a domestic worker's personal documents and monitoring the activities of a domestic worker in a bathroom, his/her living quarters, while dressing, or during private communications.

Employers of domestic workers are now responsible to notify the employees of their rights pursuant to the Act and how to file a complaint when their rights are violated. Employers are also responsible to create and maintain records of the hours worked, the pay rate, meals and rest breaks, leave time earned and used, as well as the written contract. The Act makes it unlawful for an employer to interfere with, restrain or deny, or threaten retaliatory action against a worker for the exercise of any right set forth in the Act. This includes threats to report the worker or their family members to government agencies regarding citizenship or immigration status.

Complaints of violations shall be made within two (2) years of the violation with the Department of Labor or with a court of competent jurisdiction. A knowing violation will be considered a crime of the fourth degree. Otherwise, it is a disorderly persons offense.

The Department of Labor will be issuing regulations which set forth the procedure for filing a complaint with the department. For complaints filed with the department, violations may result in penalties and fines and restitution for lost wages and benefits. The restitution will include presumed damages. These damages will be set forth in the regulations which are forthcoming. A fine for violating the act can range from \$100 to \$4,000 for each day during which a violation continues.

Finally, the Act amends other legislation whose applicability did not previously extend to domestic workers. Now, the Law Against Discrimination, the Wage and Hour Law, the Worker Health and Safety Act, the Workers'

continued on page 15



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Meet & Mingle

May 8, 2024

with Elected Women Officials



Women Lawyers in Bergen President Tamra Katcher, as interviewed by Diane M. Lucianna, Past President, on June 11, 2024.

Tamra, you have just started your first week as President of Women Lawyers and I, as Past President, want to interview you and ask you questions about things people don't know about you.

So, first question. What are your plans for the next year?

One of my main goals is to get more membership involvement because you and I had that problem over the past two years and it was always just like four of us that we are doing all the work and so to that end, I am putting in place chairs and co-chairs for the committees that are going to be held accountable. They are going to be required to go to the Board Meetings and give updates and hopefully it'll move forward so that the Executive Board isn't the only one doing the work.

My second main goal is to have a calendar of events set out in advance so that people can plan. But I'd like to have a master calendar so that everyone can know what's coming and hopefully get more people involved.

So, when I started two years ago, in the beginning, there was a good turnout from the women in the Bergen County Prosecutors Office, at least at that organizational event, and then it dwindled. Are you going to try and see if you can pull them back in?

I would love to see the Prosecutor's Office involved. I know some of the people that were interested in being involved have left and retired. But like Natalie Candela, she approached me in the hallway, I know that there are other people that are interested. So, I think overall we're going to have a Membership Chair, to kind of work on that aspect of bringing in new members. Maybe we should have co-chairs and one of them be a member of the Prosecutor's Office.

Tell me about your practice, Tamra. I know you do a lot of criminal, but specifically what kind of work do you do?

So, I have for the majority or most of my career have done criminal work. I was a prosecutor for the first third of my career. And now I've been doing defense work. I tell people that ask me, that I do everything from speeding tickets to homicide cases. I also have taken up a specialty in gun permitting and more recently expungements. I have become an expert in expungements because I have been heading up the Bergen County Bar Expungement Clinic for the past few years and working closely with the Public Defenders' Office in Trenton and their expungement unit, so it has become another area of my specialty.

Aside from your position as head of Women Lawyers, do you have any other leadership positions?

Yes. I have recently been contacted by the New Jersey Association for Justice (NJAJ) to be the Co-Chair of their Criminal Practice Committee. I'll be doing that with two other attorneys so there are three of us that will be doing that. I am the President of a group of DWI attorneys. And I am the Co-chair for the Criminal Practice Committee for the Bergen Bar.

You are in terrific physical shape; how do you stay that way?

As you know I do yoga. I try to have a daily practice of whether that's 10 minutes or for 30 minutes or an hour, it depends on what my schedule allows for. I try to do some yoga every day. And, as you know, I'm getting my 200-hour yoga teaching certification and that has

inspired me as well. I also tend to eat healthily; I try to eat as healthily as possible. You know, I had a steak and french fries for lunch yesterday, so it's not like I'm denying myself, but I do try to eat healthy. I've been practicing yoga for probably 20 years now.

You do any other physical exercise or sports that you like?

I do not. I ride my bike when we are down the shore, but that's about it. I used to do a lot of walking with my dog, but I don't do that anymore because he had surgery, so he doesn't walk as well as he used to. I like watching sports, but I don't really play any.

Now we know you have a son, Jack, who's 15, what do you guys like to do together?

Well, as a mom you can appreciate my son at the age of 15 doesn't want to spend much time with me anymore. But we've always been very interested in cars and going to car shows. We actually went to the drag races two weekends ago together so that was a lot of fun. Enjoying biking on the boardwalk when we're down the shore.

But he's still come into himself, so I kind of let him do his thing with his friends. He doesn't even want to watch a movie with me, but we do. The other day we watched part of Ratatouille, which is one of our favorite movies to watch together. It's getting more difficult as he's getting older to do things with him, but you know, he's a great help around the house and as he has gotten older that's been nice, to kind of share that partnership with taking care of our house together.

You have any ideas for some kind of fun events for Women Lawyers in the next year?

Well, when I was talking to Natalie the other day in the courthouse, she was saying that we should do cocktails. And I remembered our event at Forte, how they had that awesome outdoor area. So I think a cocktail party out there can be planned.

I'd like to do another one of those networking events because I think that was a good socializing evening for our members. There's a place in Wallington called Make Wine with Us and I am in a wine group, and they go there quite often and I'm going to contact that place to see what we can do there. And I think kind of honing in on what some of our members have as hobbies. Like Donna Dorgan and the Hermitage tour that you guys started to work on. And Kohar wants to do another Armenian night, things like that just so we can all be together. You know, we don't have to be in a bar necessarily. I would like to highlight some of our members' hobbies and bring that to the attention of others, like I was teaching yoga a couple times. I think that it's important for us to get to know each other as people, so that helps.

Anything you would like to say to the membership who's going to be reading the newsletter and reading about you?

Well, like I said in my speech, we have come such a long way. The years that I've been directly involved with WLIB, we're on such a great trajectory. We're seen, we're heard, we're respected, and I believe that it's my job as the President now to keep that ball rolling in the right direction. I think the only place we can go is up. We have so much going for us. It is a great organization, and I am just proud that I am now the President, and I can continue that tradition. 🙌

Stay, Fido, Stay.

By: Erica Fields, Esq.

We are used to seeing K-9 officers assist human handlers on drug busts. We do not bat an eye at seeing a dog help its visually impaired owner cross the street. Now, with the New Jersey Supreme Court's unanimous decision in Players Place II Condominium v K.P. and B.F. (A-60/61-22) (088139), we will certainly be seeing more dogs working as emotional support animals in residential places.

The case began when Defendant K.P. purchased a unit in the Plaintiff's Condominium (hereinafter "Players"). K.P. then married B.F. and they lived in the unit together. B.F. had a long history of mental illness dating back to the seventh grade. She had anxiety, depression, bipolar disorder, PTSD, and ADD. She was on several medications for her conditions.

K.P. and his wife, B.F., notified Players that they were looking into adopting an emotional support dog, but that it would "likely" be over the 30-pound limit that Players allowed for in its bylaws. Before Players had a chance to respond, the defendants adopted a 63-pound dog named Luna. Players warned that it would commence litigation, and Defendants warned they would also file a complaint for disability discrimination under both the anti-discrimination portions of the Fair Housing Act (FHA) and the Law Against Disabilities (LAD). Suit commenced as promised.

The Chancery Court held a bench trial over several days. Players' President testified that their policy does not mention emotional support animals (ESAs) and considers any animal living with a person as a pet. He admitted that two ESA requests had been granted in the past. B.F.'s social worker testified about B.F.'s long struggle with mental health. The social worker testified that she had "never prescribed an ESA or known a doctor to do so," and that it was more common for patients to decide to adopt an ESA on their own. She noted that ESAs can have a huge benefit for those suffering from mental health, as the animals could "decrease symptoms" and improve the quality of life and "ability to function day to day." In B.F.'s case, after obtaining Luna she reported her depressive episodes were milder than before, and she spent less time in the closet during crying spells and was better able to handle stressors. The social worker also warned that should Luna be taken away, the effects on B.F. could be disastrous. A psychiatrist further testified that B.F. had been unable to be in the unit alone before obtaining Luna, but now was able to.

Players called a forensic psychologist as an expert witness. The psychologist admitted that B.F. had "some mental illnesses," although the precise nature varied slightly from those of her providers. However, the expert did not find that B.F.'s mental illnesses caused a "substantial limitation" of her major life activities. He noted she had done "quite well" through her life before getting Luna, and therefore Luna was not required for B.F. to enjoy the unit.

In its ruling, the lower Court found that B.F. was not "handicapped or disabled" under the LAD. However, under equitable grounds, as the dog "lessened [B.F.'s] episodes" and had not "been at all disruptive," Luna would be allowed to stay.

The Plaintiff appealed on the grounds that its rules should have been enforced and Luna should not be allowed to stay, and the defendants cross-appealed alleging that the Court erred in finding that B.F. was not disabled, and therefore unable to shift fees under the LAD or the FHA. The Appellate Court issued a divided opinion, modifying and affirming the lower court's decision. The Plaintiff appealed as of right pursuant to R. 2:2-1(a)(2).

The New Jersey Supreme Court began its analysis by focusing on



the New Jersey LAD and the FHA. The LAD prohibits discrimination based upon a person's disability. A disability is defined as "any mental, psychological, or developmental disability [...] which [...] is demonstrable medically or psychologically by accepted clinical or laboratory diagnostic techniques." Mental illnesses are included in this definition. The FHA states that "a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford [a person who is handicapped] equal opportunity to use and enjoy a dwelling." 42 U.S.C. 3504(f)(3)(B). The LAD's definition of disability is far broader than the FHA's. State law does not require that such a disability "result in substantial limitation of a major life activity." The question the court must address is not whether an ESA will "cure" or "eliminate" the disability, but whether it will alleviate "at least one symptom of the disability."

The Court also recognized that "assistance animals are not pets." As such, unlike with pets, housing providers may not limit the breed or size of a dog used as a service or support animal only because of the size or breed. However, they may limit animals that pose a "direct threat" "to the health and safety of other" that "cannot be eliminated or reduced to an acceptable level."

In sum, the Court found that when assessing a claim under the LAD, the disabled tenant has the initial burden to show that the requested accommodation was necessary to "afford him... an equal opportunity to use and enjoy a dwelling." The housing authority may not bar the tenant's request relying on an internal "no pets" policy. The burden then shifts to the housing authority to show that the accommodation requested is "unreasonable." The Court recognized that litigation would result if an agreement could not be reached between the parties, but during that time, "the parties should engage in good-faith, interactive discussions to evaluate the accommodation and explore possible alternatives." The Court noted that there must be an inquiry as to the "cost" to the provider and the "benefit" to the tenant.

This holding is a great win for renters or housing association owners who have or plan to adopt emotional support animals, but any exuberance should be tempered with the understanding that this case left several questions for future review. How much alleviation of mental health symptoms is necessary to shift the burden of the housing authority to prove unreasonableness? Unlike Luna, what constitutes significant disruption from an animal?

The New Jersey Supreme Court is still silent regarding the woman who attempted to take a peacock as an Emotional Support Animal on a 2018 Newark flight. 🐔

Weekend Getaways

by Amy S. MacIsaac, Esq.

Orlando, Florida



For Spring Break, we decided to head to Orlando to enjoy the warm weather. It turns out that there is plenty to experience in the Orlando area other than Disney! We spent our first afternoon/evening exploring Old Town near Kissimmee. Old Town is the recreation of a classic Florida town featuring historic architecture and distinctive storefronts. Old Town is 18-acres of tree-lined brick streets with over 70 shops and restaurants and a small amusement park. Old Town hosts America's longest running weekly car show and cruise every Saturday. There is something for everyone at Old Town!

The next day, we visited Universal Resort Orlando. Universal has not one, but three theme parks – Universal Studios, Universal Islands of Adventure and Volcano Bay. Volcano Bay is Universal's water park. We did not get a chance to experience the water park during our trip, but the park has four tropical areas inspired by the Pacific Isles, 21 different attractions and a 200-foot volcano that houses an aqua coaster with over 1,500 feet of linear track. Like all modern theme parks, admission and park information requires the use of an app on your cellphone.

There are multiple options for admission at the three Universal Parks, including a fast pass option which helps with

long lines for some of the most popular rides. A one-day ticket to one of the parks costs about \$150 per person. Our family of 5 got tickets for 2 parks with the fast pass ride option for a single day admission and the total cost was \$2,500. This was by far the most expensive experience of our trip! We were able to experience 2 parks in one, long day, but there are enough rides, attractions and shows to fill at least 2 days. Due to the high cost, however, it is recommended that you do as much as possible in one day!

The most popular feature at Universal is the Wizarding World of Harry Potter which is located in both Universal Studios and Islands of Adventure. There were lots of kids and adults dressed in Potter gear throughout the parks. Hogsmeade is located in Islands of Adventure and Diagon Alley is located in Universal Studios. Both lands have awesome rides and attractions inspired by the Harry Potter films and books. One of the highlights is Hogwarts Express which takes passengers back and forth between the two parks and includes a stop at Kings Cross Station. The Harry Potter and the Escape from Gringotts ride in Diagon Alley is a popular, multi-dimensional ride.

If you are a roller coaster aficionado, you will love Universal. Jurassic World VelociCoaster, Revenge of the Mummy

continued on page 12

Weekend Getaways

continued from page 11

and the Incredible Hulk are a few of the biggest coasters at the park. In addition to giant coasters, Universal has a lot of interactive experience rides. My husband and I especially liked the E.T. Adventure ride which is only one of two original rides still remaining from the park's opening in 1990. Our teenagers' favorites were the Men in Black Alien Attack, Amazing Adventures of Spiderman and Transformers 3D and 4D rides/experiences.

In addition to the plethora of rides, there are several shows throughout the day. Some shows require separate admission with additional cost, but there are several shows that are included with general admission. We especially enjoyed the Blues Brothers show. Show times vary and information is available on the app. During our visit, Universal was celebrating Mardi Gras. Our family really enjoyed the free Mardi Gras nighttime parade – there was a surprisingly large number of beautiful floats and our kids enjoyed catching necklaces thrown from the floats.

Our long day at Universal was followed up by a visit to SeaWorld. I had not been to SeaWorld in over 30 years and I can't believe it's the same park! There were multiple areas of construction of new rides at the park so it seems to be ever-expanding. We were able to visit the park in one day and admission for our family of 5 cost about \$700. The main attractions are the sea creatures, big and small. Our admission tickets included the



three main shows – Dolphin Adventure, Orca Encounter and the Sea Lion Experience. These shows are held in large, open-air stadiums and are scheduled at various times throughout the day. The shows are both fun and educational. We really enjoyed seeing these beautiful creatures do amazing tricks and stunts!

There are so many ways to experience sea creatures at SeaWorld beyond the great shows. We visited the Alligator Habitat, Dolphin Nursery, Stingray Lagoon, Flamingo Cove and Shark Encounter which has one of the world's largest underwater viewing tunnels. You can really get up close with many of the animals at SeaWorld.

Today's SeaWorld is not just about the sea creatures! Sesame Street Land is perfect for younger children with both rides and attractions. Once again, roller coaster enthusiasts will love SeaWorld. The Manta and Kraken coasters are a must try!

Pipeline is a stand-up coaster and Ice Breaker goes both forwards and backwards with a reverse launch into the steepest beyond vertical drop in Florida – a 93 feet tall spike with 100-degree angle. Our favorite was the Journey to Atlantis flume ride/roller coaster. There is truly a ride for everyone at SeaWorld!

After a busy two days at Universal and SeaWorld, we spent the third day lounging by the pool at our hotel for some well-deserved rest and relaxation. The weather in Orlando in April was perfect – sunny skies with temperatures in the high 70's and low 80's. We really enjoyed this trip to Orlando – it is so much more than just Disney! 🐦



A Summary of The Use of Artificial Intelligence Products and Services as Reflected in the NJSBA Task Force on Artificial Intelligence Report.

By; By: Kelly Castor, Esq.

Artificial intelligence is technology that replicates human intelligence and problem-solving capabilities. In the last year, the availability of AI products has significantly increased necessitating action to protect legal professionals and our clients. In late 2023, the NJSBA created a Task Force on Artificial Intelligence and the Law composed of 27 attorneys and industry experts to provide practical guidance to legal professionals. In May 2024, the Task Force released its 36-page report focusing on the applications and implications of AI within the legal profession. The report is divided into substantive sections which coincide with the workgroups that were asked to deliver recommendations. These workgroups were: Artificial Intelligence and Social Justice Concerns, Artificial Intelligence Products and Services, Education and CLE Programming, and Ethics and Regulatory Issues.

There are AI tools that are tailored for the legal profession and those that are used publicly (i.e. Chat GPT, Claude or Gemini). Lawyers should only use AI tools designed for the practice of law when using client data or reviewing discovery or other sensitive information (never use client specific data only hypotheticals). The tools for public use generally gather data from the internet and other sources, pool them together to provide a response to the prompt. In addition to the security concerns, because the technology has been created to always produce a result, the information is subject to “hallucinations.” Hallucinations occur when the system produces a response that appears plausible but lacks a basis. These inaccuracies create, not just practical consequences, but also potentially ethical consequences. The Task Force suggests that these tools are best used for inspiration and non-legal tasks.

AI Tools that are specifically created for legal professions typically offer enhanced privacy controls; however, evaluating their privacy effectiveness remains challenging due to the lack of standardized regulations. Many of these tools require the attorney to upload or provide the company with access to client information. Prior to committing to the service, the Task Force suggests determining the company’s reputation and longevity by at least asking the following questions:

Q. Does the company have a proven track record of providing reliable, secure and compliant solutions specifically tailored to the legal sector?

Q. Are there any case studies, testimonials or references from other legal professionals who have successfully used the tool? Reaching out to colleagues or requesting



Image Generated with AI

references from the provider can yield valuable insights. Q. If the company is relatively unknown, who are its owners, and are there any potential ethical concerns related to the ownership structure? Researching the company’s website, press releases and financial disclosures can help uncover this information.

[NJSBA-TASK-FORCE-ON-AI-AND-THE-LAW-REPORT-final.pdf](#)

Once these questions are satisfactorily addressed, the Task Force provides ten additional areas to consider, including data localization, privacy standards and data sources. This “Selection Criteria” allows Lawyers to make intelligible decisions about whether the AI product is fit for their firm and clientele. The Task Force provides practical, actionable guidance for legal professionals on integrating AI into their practices. By employing a structured evaluation framework, legal professionals can ensure ethical standards and privacy concerns are prioritized, enabling the safe and effective use of AI as the tools continue to evolve.

Please see the link below for a copy of the NJSBA Task Force report.

[NJSBA-TASK-FORCE-ON-AI-AND-THE-LAW-REPORT-final.pdf](#) 📄

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Kelly Castor, Esq. Recipient of the Diversity in the Profession Award 2024

By: *Laura Van Tassel, Esq.*

Kelly Castor, Esq. received the Diversity in the Profession Award in a ceremony on June 13, 2024. If you have not had the pleasure of meeting Kelly, I encourage you to meet her at one of the many WLIB or similar events. She is an energetic, intelligent and engaging attorney and person. I say person because Kelly notes that WLIB brings together not just lawyers, but individuals who are lawyers and can share life experiences with one another. Sharing legal issues and interests is important but so is sharing how to manage your practice or balance work and being a parent/life. She further notes that she never feels alone at the WLIB events as the members are warm and welcoming. Kelly notes that WLIB membership allows you to participate in different ways such as writing articles or being on event committees.

I asked Kelly about receiving the Diversity in the Profession Award and she was thoughtful about why her and why now, that is, at this point in time in her career. She believes this award represents efforts to educate the community-at-large to be respectful and allow all to have a say. Kelly puts forth her best self in everything she does whether being a parent or advocating for a client. It is important for all to see you/her/me and to make personal connections with others whether they are a client, attorney or any person. She is very positive about being your best self and

is honored to receive this award.

Kelly's resume is full of the many and diverse organizations and work in which she is involved numbering over 14 different organizations. This ranges from working on support for musicians during the COVID 19 pandemic, serving as the legal director of this 501(c)(3), to a wide variety of speaking engagements as well as running her solo law practice. She is the first black woman Trustee of the Bergen County Bar Association, and she is Co-Chair of the By-Laws Committee. Kelly is also a member of the Breast Cancer Event and Diversity Committee for WLIB.

Prior to opening her own practice Kelly worked at Katherine Houghton, Esq. law firm and credits that firm with giving her a wide variety of legal experience. She opened her own practice in 2008 in Hasbrouck Heights.

Kelly is from Essex County and attended Catholic High School in Montclair and went on to Saint Joseph's University in Philadelphia where she majored in History and International Relations with a minor in Latin. She then went on to Thurgood Marshall School of Law, Texas Southern University, Houston, Texas. In addition to her law

degree Kelly has earned a Certificate from the Institute for International and Immigration Law.

Congratulations to Kelly Castor on receiving the Diversity in the Profession Award. 🐾



One More Thing

continued from page 6

Compensation Law and the Unemployment Compensation Act all apply to domestic workers. There are fines associated with violating each of these laws. For instance, fines for violations of the Worker Health and Safety Act which can range from \$975 to

\$13,653, with 50% going to the employee. For violations of the Wage and Hour Law an employer can be liable from \$100 to \$1,000. Penalties for violations of the Law Against Discrimination are much higher.

The changes brought about by the Act are significant for a type of employment that heretofore went largely unregulated. The ramifications of the changes are not yet fully

known as the Act is new and the regulations have not yet been promulgated. Consequently, if you are hiring somebody to provide services for you in your private residence, make sure to determine if they meet the definition of domestic worker and to provide a written contract in the event that they do. 🐾

Diversity in the Profession Dinner June 13, 2024



Welcome Judge Natalie R. Capano, J.S.C

By: Laura Van Tassel, Esq.

I had the opportunity to cross paths with Judge Capano meeting her first when she was a law clerk and later as adversaries. It was an extreme pleasure to interview and speak with her now that she is a Superior Court Judge. I asked if becoming a Judge had been a goal of hers and she stated that her experience as a law clerk led her to want to become a Judge. She has found the transition from practicing attorney to the bench to be a great transition. She noted that the other Judges have been helpful and welcoming.

Judge Capano was a law clerk to the Hon. Brian R. Martinotti when he was sitting in the Family Part in Bergen County. Judge Capano thanks him for being a great guide and mentor throughout her career saying she truly appreciates his mentorship. She was excited to share with me that she was assigned to the same courtroom where she clerked for Judge Martinotti.

Judge Capano finds her membership in WLIB to have come full circle. When she was a law clerk she would rally the other clerks to attend the WLIB events. She stated that WLIB not only provides

great networking opportunities, but also provides very helpful information on work/life balance. It has been particularly important for her to see how other's in our profession have balanced being a mother



and an attorney. Judge Capano also notes that having a good reputation and good relationships are very important.

Her best life advice is that, you can have it all. You can have effective balance between being an attorney and being a

parent. Judge Capano stated that the most important thing to her was being a parent but she also wanted to be an attorney. She believes the bench is now more sensitive, within reason, to the balance between being an attorney and a parent.

Judge Capano has been assigned to the Family Part where she can use the expertise she developed practicing family law. Her colleagues on the bench have been helpful and are wonderful role models. She is very enthusiastic about the staff who she states are great.

Judge Capano graduated from the Pennsylvania State University with a degree in Spanish. She later went on to Seton Hall University School of Law graduating with her Juris Doctorate in 2002. Judge Capano is fluent in reading, writing and speaking Spanish, which will be helpful in her judicial career.

Judge Capano's resume is full of a wide variety of accomplishments. These range from civic participation such as member of the Board of Education, as well as being a member of the Early Settlement Panel, a member of political groups and associations for sports and scouts.

WLIB wishes Judge Capano all the best in her judicial career! 🙌

Jean Robertson Update

By: Kathleen A. Hart, Esq.

The Jean Robertson Women Lawyers Scholarship provides an annual scholarship award of \$2500.00 to a woman attending law school in New Jersey who best exemplifies the goals and ideas of the late Jean Robertson.

In Jean's memory, the Jean Robertson Women Lawyers Scholarship was formed to raise money to assist female students attending New Jersey law schools. The scholarship is awarded to students who embody the ideals

and values that Jean held and taught by example. The funds for the scholarship are made up entirely of voluntary contributions by members of the bar and others committed to honoring the work of Jean Robertson.

If you wish to donate to the Jean Robertson Women Lawyers Scholarship, you may make a donation when you renew your WLIB membership. WLIB thanks everyone for their continued generosity in helping to keep Jean's memory alive.



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continued on page 20

Meet the Hon. Kelly Conlon, J.S.C

By: Erica L. Fields, Esq.

As I had the pleasure to have the Hon. Kelly Conlon as an adversary in her previous life as Plaintiff's counsel for bodily injury cases. I was eager to interview her and ask about her position as one of the newest Bergen County Superior Court Judges in the Civil Division.

Judge Conlon's past may have portended her current role. She was interested in personal injury from a young age. Her father was in a bad accident prior to her birth. He was hospitalized for a long time and forced to undergo multiple surgeries. She remembered him often telling her how thankful he was for his attorney who helped him through that period, and who fought to get him the financial recovery he needed to keep him afloat and to maintain a good life for his family. Her father's favorable opinion of lawyers and the judicial system was such that he was one of a rare breed who was enthusiastic to appear for jury duty.

Judge Conlon soon found herself with the same appreciation of the judicial system as her father. She attended Penn State University, where she initially had an undecided major, but soon found herself double majoring in Political Science and Administration of Justice. Immediately after finishing college, she enrolled in Seton Hall Law School, and graduated in 2003.

Her first job was with Rosemarie Arnold's office in Fort Lee, where she handled bodily injury claims. She then moved to Davis Saperstein and Salomon in Teaneck, where she continued her bodily injury practice and became a Partner. While most injuries were typical, she notes that she particularly enjoyed handling cases that were "a bit more obscure," and those that involved seeking justice for children. In one case, where a client's hand was amputated in a machine, she traveled to Italy to take the deposition of the machine manufacturer. She also represented seven of the children who were victims of the tragic 2018 school

bus accident in Paramus.

Judge Conlon was an active member of the New Jersey Association for Justice and the New Jersey State Bar Association. For the NJSBA, she lectured on topics such as the Bad Faith claim in insurance suits, and to the Young Lawyers Section about how to do an opening statement and what information to get from a client at intake. She was also on the Township of Wyckoff Zoning and Planning Boards.

Since taking the bench in late March 2024, she states her biggest surprise has been the sheer volume of motion practice. "I don't know how the judges were surviving before the new crop of judges came." She has been pleasantly surprised at how professional and welcoming attorneys have been to her in her new position.

When not on the Bench, she still finds herself with traditional parental duties of helping ferry her children, 15-year-old Ryan and 11-year-old Abby, to their extracurricular sports and games.

Abby is a Girl Scout, and her mom has been active as a volunteer with the troop. She spends her free time watching her children's sporting events and seeing Broadway musicals and concerts with her husband.

Judge Conlon stated that she wanted to become a judge as the position allows her to be "Exposed to such a broad community of people that you are able to help," as opposed to private practice. She feels she can make a major difference in her

community, which is fulfilling. She looks forward to getting the cases moving again in Bergen, and having litigants get justice and finality.

WLJB welcomes Judge Conlon and wishes her success and fulfillment in her new role. 🐾





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Meet the Honorable Lina P. Corrison, J.S.C

By: Valarie A. Vladyka Esq.

I recently had the honor and privilege of interviewing the Honorable Lina P. Corrison, J.S.C. Judge Corrison is one of the newly appointed female judges to the Bergen County Superior Court.

A lifelong resident of Bergen County, Judge Corrison grew up Fort Lee. Her parents emigrated from Italy, leaving their families behind, to provide better opportunities for their children. Judge Corrison is the youngest of three children. Her two older brothers, both of whom attended law school, exposed her to the legal profession by sharing their insights and experiences with her. She found the law to be interesting and perfectly aligned with her love of reading, researching and analyzing complex issues. This early exposure to the law not only sparked her interest but also laid a solid foundation for her own legal career and ultimately led to her current position as a Superior Court Judge.

Judge Corrison graduated from Fairleigh Dickinson University with a major in finance and she earned her juris doctor degree from Fordham University School of Law. After graduating law school, she clerked for the Hon. William C. Meehan, J.S.C. from 1987-1988.

Prior to her appointment to the Superior Court, Judge Corrison worked in private practice for over 30 years. She began her career at Gallo, Geffner, Fenster, Farrell, Turitz & Harraka and, thereafter, moved to Ferrara, Turitz, Harraka & Goldberg, P.C. There, she gained litigation experience in various areas of the law, including matrimonial, probate/estate litigation, and will contests. In 2013, she expanded her practice areas with Morrison & Mahoney, LLP, to include insurance defense of complex matters such as professional and product liability as well as insurance coverage disputes. Just prior to her appointment to the bench, Judge Corrison was counsel at Harwood Lloyd, LLC.

The diverse experiences which Judge Corrison encountered in her career have prepared her for the types of matter which

come before her as a judge.

Judge Corrison is married to Terrence J. Corrison, Esq., also a graduate of Fordham Law, whom she met during a summer clerkship at Breslin & Breslin, P.A. They have three children, one of whom has continued the family tradition by attending Fordham Law, and just recently graduated in May.

When asked what has surprised her the most since taking the bench, Judge Corrison noted not only the volume of motions

being filed but also the unpredictability of her daily schedule. On any given day, she may be presiding over a trial, pre-assigned or sent to her that day, overseeing the landlord-tenant calendar, presiding over a Special Civil Part trial involving *pro se* litigants or working through the dozens of motions assigned to her.

When asked about the challenges of transitioning from a longstanding private practice to serving on the judiciary, Judge Corrison expressed that she is “overwhelmed by the kindness and generosity of the Judges” in Bergen County. Although she anticipated having the

support of her fellow members of the bench, she was pleasantly surprised by their generosity and willingness to assist. She noted that the Judges will step off the bench in their own courtrooms to offer guidance and support, always ready to answer any question at any time.

Judge Corrison stated that she is truly honored and grateful to serve as a judge in Bergen County. She considers it a tremendous privilege to have received this appointment and strives to be fair and impartial in her treatment of the parties, their counsel and in her rulings. Her hope is that every litigant and attorney who leaves her courtroom will feel that they have received a fair hearing.

After spending a little over an hour getting to know Judge Corrison, I have no doubt that her hope will be realized every day and that all who enter her courtroom have and will continue to be treated fairly and with respect. 🐾





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Announcements

Congratulations to **Helayne Weiss** and **Helene Herbert** on being honored by the Women's Rights Information Center on May 15, 2024 with the Phoebe Seham Award for their hard work and devotion to the WRIC.



Congratulations to **Kelly Castor, Esq.** who was honored at the Diversity in the Profession Dinner with the 2024 Diversity in the Profession Award. Please see the interview with **Kelly** in this issue as well as **Kelly's** article on AI.

Congratulations to our new officers, President, **Tamra Katcher, Esq.**, Vice President, **Sheila O'Shea Criscione, Esq.**, Treasurer, **Helene Herbert, Esq.** and Secretary, **Erica Fields, Esq.** Please see **Tamra's** interview in this issue as well as her first President's Message and her book review of *Pride and Prejudice*. Our newest officer, **Erica Fields, Esq.**, will be the subject of an interview in the Fall Newsletter and she has penned an article in this issue. Please see **Erica's** article in this issue entitled, "Stay, Fido, Stay".

Congratulations to **Linda F. Spiegel, Esq.** who was appointed to be the Co-Vice Chair of the American Bar Association's, Senior Lawyers Division, Alternate Dispute Resolution Committee for 2024-2025.

"Congratulations to **Felicia Farber, Esq.** on being named a Visiting Assistant Professor and Director Mediation Clinic at Rutgers Law School. We also congratulate Felicia on the publication of her second book, "Fake Out", which won an award at the 2024 Beach Book Festival and was a runner-up at the San Francisco Book Festival." 🐾

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WLB Annual Dinner

June 4, 2024



SUMMER 2024 LEGISLATIVE REPORT

By: Carmela L. Novi, Esq.

For your information, helpful websites:

www.njleg.state.nj.us/ the New Jersey Legislature's site; enables you to find bills by subject and track where any proposed bill is in the process.

www.judiciary.state.nj.us/ the New Jersey judiciary site; includes a legislative news site that lists new laws by subject (e.g., family, criminal), bills on the Governor's desk and legislative updates. There is also a report opinions site where recent New Jersey Supreme Court and Appellate division opinions are posted.

www.ca3.uscourts.gov. The United States Court of Appeals (Third Circuit) discontinued issuing printed Slip Opinions. They are now available free of charge through the Court's website as noted.

Sampling of New Jersey State Legislature Bills Passed after May 1, 2024

OPRA

S2930/A4045 (P.L. 2024, c.16, amending P.L.1963, c.73) Makes various changes to process for access to government records; the types of records available; the cost to the public for production of such records; appropriates \$10 million.

Teacher Certifications

A1669/S1287 (P.L. 2024, c.26) (June 28, 2024) Removes obstacles to teacher certification for certain teachers, repeals law establishing alternate certificate of eligibility.

Holiday

AJR86 (P.L. 2024, c. JR-1) (May 22, 2024) Designating fourth Wednesday in May of each year as "Crisis Professionals Day".

Public Benefits

S2330/A2027 (P.L. 2024 c.27) (June 28,2024) Establishes One-Year State Work First New Jersey Menstrual Hygiene Benefit Pilot Program and State Work First New Jersey Diaper Benefit Pilot Program; appropriates \$2.5 million to DHS

Taxes Exemptions

A4702/S3514 (P.L. 2024 c. 19) (June 28, 2024) Phases out sales and use tax exemption on zero emission vehicles; repeals annual sales tax holiday for certain school supplies and sport or recreational equipment.

Sampling of Reported Decisions

Personal Injury – Approved For Publication

Callahan v. Tri-Boro Sand & Stone et al. New Jersey Appellate Division; May 20, 2024 (A-2371-22) (085547)

Facts: Plaintiff, riding a dirt bike on a quarry site, struck a cable which was part of the quarry's dredging operation, sustaining serious injuries forming the basis of his suit. Plaintiff had been on the property without express consent of Defendant. Defendant filed motion for summary judgment, which was granted by trial court,

relying upon N.J.S.A. 39-3C-18, while also denying Plaintiff's motion to amend complaint. Plaintiff appealed the trial court's grant of summary judgment and denial of the motion to amend.

Held: The lower court's dismissal of the matter affirmed. The cable causing injury was not placed maliciously by Defendant but rather was part of normal business operations. Decision to deny motion to amend pleading also upheld as moot in light of granting of summary judgement.

Evidence – Approved for Publication

State v. Stokes. New Jersey Superior Court, Law Division (Mercer County), Judge Lytle.

Facts: Defendant was accused of first-degree murder in a killing which occurred in March of 2020. State filed motion to admit expert testimony pursuant to N.J.R.E. 702 by retired police detective previously qualified as an expert in media forensics and photogrammetry in NJ trial court cases over one dozen times. Court held 104 evidentiary hearing with proposed expert opining as to appearance/height of Defendant as shown on video footage taken near the scene of the crime using methodology called reverse projection photogrammetry. Before the trial court rendered its decision but after the hearing, the NJ Supreme Court, in State v. Olenowski, 253 N.J. 133 (2023) abandoned the Frye "general acceptance" test for admissibility of expert testimony, and replaced it with principles similar to the Daubert standard. Trial Court offered opportunity to State and defendant to submit additional briefs before issuing decision; both declined.

Held: Trial court admitted the testimony of the expert in light of the facts produced at the evidentiary hearing regarding the expert's educational background and experience in the subject field and other relevant factors as weighed against the new standard to be applied when determining admissibility of evidence under N.J.R.E. 702.

Land Use – Cannabis – Approved for Publication

Botteon et al. v. Borough of Highland Park, et al. New Jersey Appellate Division; May 1, 2024 (A-1227-22)

Facts: Plaintiffs, borough residents, challenged legality of two ordinances enacted by Highland Park permitting operation of cannabis retailers and related businesses. Plaintiffs argued that the ordinances were preempted by Federal law and inconsistent with state land use law. Trial court dismissed Plaintiff's suit.

Held: Dismissal of Complaint on time-bar basis was in error; however, trial court's dismissal of the suit was upheld on the basis that the State's Cannabis laws were not preempted by federal law given language in the applicable federal law which permits state regulation. 🐾

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Calendar of Events

July 2024

Monday, July 22 12:30 pm SWAG meeting in person at Tavern 61 in Hackensack for lunch and Networking.

August 2024

Monday, August 12 12:30 pm SWAG meeting in person at Hanami in Westwood for lunch and Networking.

Monday, August 12 5:30 pm WLIB Board Meeting on Zoom

September 2024

Tuesday, September 17 TBD Past President's Dinner at Fresh and Fancy Farms in New Milford.

Friday, September 20 12:30 pm Law Clerk Luncheon at the Bergen County Courthouse, Hackensack, NJ

October 2024

Wednesday, October 16 5:00 pm Seton Hall Law School mentorship event - Location TBD

November 2024

Friday, November 1 TBD Breast Cancer Rally at the Courthouse Square Park, Hackensack, NJ

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