

WLIB NEWSLETTER

WOMEN LAWYERS IN BERGEN

Volume 13

Spring 2025

Happy Spring WLIB! The trees and flowers are blooming, the grass is growing, the days are getting longer, and baseball is back! I am a huge baseball fan. When pitchers and catchers report in February, I get very excited and now the 2025 MLB season is underway! Just the thought of it makes me happy!

Spring is a time to awaken from our winter habits of hibernation, get some fresh air, and let the sunshine into our lives. We say hello to friends and neighbors who we haven't seen all winter and rejoin the world. I love waking up in the morning hearing the birds chirping to each other – it is an encouraging sign of what each day will bring.

We are in a time that is rapidly changing – daily if not hourly. In both our professional and personal lives, we are experiencing the uncertainty that each day brings. The current state of affairs is difficult for everyone. We are nervous, anxious, overwhelmed, and exhausted. Our sense of consistency and stability has been and will continue to be unmoored.

I encourage you to take full advantage of this new season. Get out of the house! Get out of the office! Attend social events with friends and colleagues. Pick up the



phone and reconnect with someone. Put down your phones and interact with each other. Human interaction and mutual support will help during these times so be sure to get out there. Take care of yourself by starting a new hobby or picking up one that has gone by the wayside. Get some exercise – take a walk, do some yoga – get moving!

WLIB provides us an excellent opportunity to connect with each other – professionally and personally. Over the past few years, WLIB has incorporated events that allow us to come together not just as professionals but as friends. We recently had a Happy Hour at Brix City Brewing Company and Armenian Night

at Kohar's house; and we are planning for more social events to enrich our personal connections. We have had wonderful CLEs that enrich us professionally and more are in the works. Our listserv has been very active with members referring cases to each other and seeking insights or assistance with cases. We have broadened our reach by starting a Mentorship Program with Seton Hall Law School, and by tapping into the law clerks as future members.

It is my hope that WLIB provides each and every member with resources for personal and professional growth. I encourage you to make connections within our membership so that we can support each other during these changing times. If you need an ear, please do not hesitate to pick up the phone and make a call. We are all here together on this

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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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New Jersey's Pay Transparency Act: A New Era for Workplace Fairness

By Sheila O'Shea-Criscione, Esq.

Breaking the Silence on Pay

For far too long, employees and those seeking employment have been left in the dark about salaries and benefits, leading to unfair wage gaps and many missed opportunities. But now, New Jersey is putting an end to pay secrecy. The New Jersey Pay Transparency Act, signed into law by Governor Phil Murphy on November 18, 2024, and set to take effect on June 1, 2025, will enable a new standard of openness and fairness, reshaping the hiring landscape. Whether you are in search of a job, seeking a promotion, or simply want to know where you stand, this law will ensure that salary secrecy is a thing of the past.

Understanding the Pay Transparency Act

At its core, the New Jersey Pay Transparency Act, Senate Bill 2310, requires employers to disclose salary ranges and benefits in job postings and internal promotion opportunities. The law is designed to help close wage gaps and promote equitable hiring practices by fostering transparency.

1. Who Must Follow this Law?

This law applies to employers with at least 10 employees who operate in New Jersey for 20 calendar weeks or more. The legislation extends its reach to job placement agencies and employment referral firms, ensuring all hiring intermediaries uphold transparency standards.

2. Salary and Benefits Must Be Disclosed

Employers must include hourly wage or salary range for the position and a general description of benefits and other compensation programs available in all job postings, internal and external. However, employers can still offer a salary exceeding the posted range when making a final offer. This requirement applies not only to new job postings but also to transfer and promotional opportunities within a company, assuring that employees seeking advancement are also granted equal transparency.

3. Necessary Promotion Notifications

Companies must take measures to notify current employees of promotional opportunities before extending a final offer, to protect fair access to advancement. This aims to eliminate favoritism and ensure that all qualified employees are aware of internal growth prospects within the workplace. However, certain automatic promotions, such as those based on tenure or performance, are exempt from this notification requirement.

4. Enforcement and Penalties

The New Jersey Commissioner of Labor and Workforce Development is responsible for enforcing the law. Employers who fail to comply may face penalties, including a fine of up to \$300 for a first violation and up to \$600 for each subsequent offense. Additionally, each non-compliant job posting is considered a separate violation.

5. Exemptions and Special Cases

While the New Jersey Pay Transparency Act applies broadly, certain employment scenarios require additional clarification to ensure compliance.

a. Internal Promotions vs. External Hires

Employers must disclose salary ranges for both internal promotions and external job postings. However, automatic promotions based on tenure or established performance metrics that follow a predetermined pay scale are exempt from this requirement.

b. Commission-Based and Variable Pay Roles

For positions that rely on commission, profit-sharing, or performance-based bonuses, employers must still provide an estimated compensation range. Transparency in earnings structures is essential, requiring employers to outline minimum guaranteed pay, potential commission earnings, and any other variable compensation components.

c. Independent Contractors and Freelance Positions

The law does not extend to independent contractors or freelance workers who negotiate their own rates. However, businesses hiring contract workers should maintain clear, fair, and consistent pay policies to uphold transparency and avoid disputes.

d. Remote and Out-of-State Workers

For companies based in New Jersey that employ remote workers in other states, compliance may depend on the worker's location. Employers should consult legal professionals to determine which pay transparency laws apply and ensure adherence to all relevant regulations.

Why This Act Matters

This law is not just about compliance but economic justice and workplace fairness. The New Jersey Pay Transparency Act is designed to empower workers, particularly those who have been historically marginalized during salary negotiations.

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The Law Offices of Barbara B. Comerford concentrates its practice in the area of disability law including ERISA Long Term Disability Insurance claims, disability income insurance claims, Social Security Disability claims, and government pension claims. We provide free initial consultations.

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.

The Nightingale By Kristin Hannah

The Nightingale is a wonderful work of historical fiction about the family of Vianne and Isabelle, set in France during the Nazi invasion of World War 2. At the beginning, the reader is shown the calm before the

storm with Vianne and her husband, Antoine, and their daughter, Sophie, having a picnic and casually talking about the war. The war that was somewhere else. The war that was not and would not affect them. However, the innocence of ignorance gave them little respite as the war was finally knocking at their door when Antoine was drafted.

Isabelle, Vianne's younger sister, was living with their father in Paris. The Nazis were infiltrating restaurants and shops such that the residents were unable to continue their way of life. Stores started closing, food was in short supply, and petrol was hard to find...at least for those who lived there. Isabelle's father sent her off with the neighbors to the country, to Vianne's, in hopes she would be safe from the gloom overtaking the city. But the neighbor's car could only go so far with the limited supply of gas and food was

nowhere to be found. Isabelle found herself walking with a throng of thousands making their way out of the city and hopefully to the safety of the country. On her way, Isabelle met Gaetan, a young man, who took her under his wing and protected her as best he could during their travels.

Isabelle and Gaetan finally made it to the Loire Valley and Vianne's house – where they parted ways. Gaetan went to join the revolutionaries who were fighting the Nazis, while Isabelle stayed with her sister and young Sophie. Much to their dismay, the country did not remain quiet – the Nazis found them. The Nazis quartered at Vianne's house, set up their airport across from her home, and rationing made life near impossible. Then they came for the Jews, and Vianne's best friend, Rachel, was taken away. Isabelle, being the energetic young woman that she was, could not sit and allow the Nazis to take over their home – so she joined the revolutionaries...and she became a hero.

I loved this book. The characters were so vivid and realistic that they could have been my friends and neighbors. I experienced their triumphs and disappointments as if I were there every day. I felt like I was watching a movie in my mind. The story was gripping – the kind of page-turner that you don't want to put down.

Go to your library, go online – get this book. I am sure you will enjoy it as much as I did.

Until next time – happy reading.

PS. If you are interested in other similar books, I reviewed "A Woman of No Importance" many years ago. Great book. Same theme of the female heroine during WW2. Be sure to check that out.... 🐦

Restaurant Review

By: Kathleen A. Hart, Esq.



STEAK HOUSE

178 Broadway, Brooklyn, NY 11211
(718) 387-7400



I am not going to fib; Peter Luger Steakhouse is not for vegetarians. While there are some vegetable side dishes and fish offerings, this is a restaurant for carnivores. As some of you know, my sister has been treated for cancer. We decided to go prior to commencing her chemotherapy.

Peter Luger Steakhouse was established in 1887 and is an old school NY steakhouse. There are two locations, one in Brooklyn and another in Great Neck, NY. Reservations are a

must. We took a drive to Brooklyn on a Saturday night. There are parking garages in the area.

The entrance to Peter Luger brings you into a well-lit bar area. The bar looks like it is out of the past, with an old school cash register on the back wall. There was dark wood and little décor on the walls. Other patrons were waiting along one wall and there were some people at the bar. Even though we had a reservation, we had to wait about 15 minutes.

There are three dining rooms. We were seated in the smaller front room. The walls were a deep dark wood with sconces along the same. The room was bright, and every table was occupied. Our server brought us menus and took our drink order. Unlike other steakhouses, the Peter Luger menu is not extensive. There are a few appetizers, some entrees, sides and steak.

We started with a Caesar salad (\$18.95). The salad was well dressed and more than enough for the three of us to share. Other appetizers include a wedge salad (\$23.95), Luger bacon (\$8.95) and sliced tomatoes and onions (\$17.95).

For the main course, we ordered steak for two (\$147.90). As the steak includes no sides dishes, we also ordered the creamed spinach (\$18.95) and the Luger's special German

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Dinner at Kohar's House

March 20, 2025



Kohar's Dessert Recipe

Knefeh

Ingredients

For the syrup

2 cup granulated sugar.

1 1/4 cup water.

1 teaspoon lemon juice.

For flavoring the syrup:

1 Tablespoon orange blossom water or rose water

Or vanilla

For the cream filling

□ 2 cups whole fat milk.

□ 3-4 Tablespoons corn starch.

□ 8 oz sweet cheese (you can substitute mozzarella cheese)

For the knafeh:

□ 1 lb pound knafeh

□ 1 cup butter

Instructions

Make the Syrup:

In a saucepan over medium-high heat add sugar, water, lemon juice and any your flavors, stir to combine.

Bring to a boil then . Turn heat down to low and let it simmer for about 10 minutes.

Turn heat off and let it cool completely and come to room temperature.

Make the filling:

In a saucepan whisk together cold milk and cornstarch until dissolved.

Place on your stovetop on medium, keep stirring the mixture until it bubbles and thickens.

Take off heat, let it cool completely.

Make the knafeh:

In a microwave-safe bowl or in a small saucepan melt ghee and let it cool so you can handle.

Thaw the knafeh (shredded phyllo dough) and using a food knife cut them and shred.

Place shredded knafeh in a bowl and mix it with the melted butter.

Brush a pan (I used 13x9 baking dish) with butter

Place ½ of the knafeh in the pan and press down.

Place the milk custard on top and the shredded cheese. Place the remaining knafeh on top of the cheese and press down.

In a preheat your oven to 350F bake the kneafeh.

Brush a 10" round pan with some of the melted ghee. Note5

Bake in the middle rack for 30 minutes until sides turn brown then move it up to brown the top for 10 to 15 minutes.

Pour cooled syrup over while hot and let it rest for 10 minutes



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A CENTURY'S JOURNEY: AMERICA'S 28TH AMENDMENT

By Walter M. Luers, Esq.

On January 17, 2025, President Biden broadcast on several media accounts that “the 28th Amendment is the law of the land, guaranteeing all Americans equal rights and protections under the law regardless of their sex.” The President referred to the Equal Rights Amendment (“ERA”). President Biden’s tweet highlighted the legal arguments and history related to the century’s old and continuing effort to ratify the ERA.

Some ERA supporters greeted this announcement enthusiastically. But like many other civil rights laws and amendments that also faced political opposition and Court challenges, the ERA’s one-hundred year’s journey to becoming an amendment is not yet complete.

Although the text of proposed amendments has changed somewhat over time, the version that has passed Congress and has been approved by 38 States reads: “Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.”

In 1923, the first iteration of the ERA was introduced in Congress. According to the Brennan Center for Justice, a version of the ERA was introduced in Congress every year after that until 1972. On March 22, 1972, with bi-partisan support, the ERA passed both chambers of Congress.

For ratification to be complete, three-quarters of the states (which is 38) had to ratify it.

Progress came swiftly. After one year, thirty states ratified the ERA. Congress extended the original 1979 deadline to June 30, 1982. By that extended deadline, 35 states had ratified the ERA. From then until 2017, the ERA and the ratification process lay dormant.

In 2017, the ERA was jump-started when Nevada ratified the Amendment, followed by Illinois in 2018. Following this new momentum, on January 15, 2020, Virginia became the 38th state to ratify the ERA.

However, the National Archivist¹ declined to certify and publish the amendment because 38 states had not ratified the amendment by the original 1979 deadline or the extended 1982 deadline.

The main argument against ratification is that the ratification deadlines set by Congress have passed. However, as attorneys, we know that deadlines can be extended. The Twenty-Seventh Amendment, which states that Congress cannot make changes in the compensation of Senators and Representatives effective until after “an election of representatives shall have intervened,” was passed by Congress in 1789 but was not ratified by 38 states until 1992.

To overcome objections that the ratification process simply took too long, supporters argued that the proposed amendment had no ratification deadline. To resolve doubt, on May 20, 1992, Congress overwhelmingly passed the 27th Amendment, unanimously in the Senate and 414 to 3 in the House.

Based on the process followed by the 27th Amendment, Congress may be able to extend or revive the ratification deadline for the ERA. Indeed, a joint resolution introduced in 2019 would eliminate the ratification deadline for the ERA, but the bill stalled.

If Congress did extend or eliminate the ratification deadline, those opposed to the ERA might raise rescission. Idaho, Kentucky, Nebraska, Tennessee and South Dakota have withdrawn their ratifications of the ERA. However, according to the Brennan Center, during the post-Civil War reconstruction era, Congress passed resolutions that adopted the 14th and 15th Amendments, even though some states had rescinded their ratifications. Congress ignored the rescissions.

Two recent cases have addressed some of these issues. In *Illinois v. Ferriero*, 60 F.4th 704 (D.C. Cir. 2023), Illinois and Nevada filed suit to compel the National Archivist to certify and publish the ERA. The trial court dismissed the suit. On appeal, the D.C. Circuit Court of Appeals affirmed. The Court

held that the States could not compel the National Archivist to certify the amendment, principally because Illinois and Nevada did not show “clearly and indisputably” that the National Archivist had a “duty to certify and publish the ERA or that Congress lacked the authority to place a time limit” on ratification. The plaintiffs did not seek further appellate review.

In *Valame v. Biden*, 23-cv-03018-NC (N.D. Cal.), the plaintiff argued that the ERA had been ratified and, therefore, the United States’ “draft registration requirements discriminate against him on the basis of sex.” The District Court dismissed plaintiff’s case, and held that the ERA is not a part of the Constitution and the National Archivist owes the plaintiff no duty to certify and publish the ERA. According to Court records, Valame’s appeal to the Ninth Circuit is pending.

Because courts have, so far, agreed with arguments that the National Archivist cannot be compelled to certify and publish the ERA, the path forward runs through a sharply divided Congress. No doubt ERA supporters lament that the super-majority support that the ERA enjoyed over fifty years ago likely would not be attainable today in Congress as presently constituted. For these reasons, the status of the 28th Amendment remains unclear.

The author is a partner at Cohn Lifland Pearlman Herrmann & Knopf, where he is the chair of the Firm’s Open Public Records Act and Open Meetings Act practice, and works on a broad range of civil litigation.

¹ On February 7, 2025, the current Administration dismissed the prior National Archivist. According to the National Archives website, United States Secretary of State Marco Rubio is the acting National Archivist.

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. Applications have been sent to our local law schools and the award will be made in 2025.

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 composed entirely of voluntary contributions by members of the bar and others committed to honoring the work of Jean Robertson.

If you would like to get involved on the Jean Robertson Scholarship committee, please contact Tamara Katcher, Esq. 🙋

Announcements

Condolences to the family of our long time member **Linda Lanz, Esq.** and to her law partner for 30 years, Steven Morey Greenberg, Esq., on the passing of Linda after an 18 month illness. Linda and Steven were introduced by Linda F. Spiegel, Esq. as possible law firm partners and they clicked. Linda Lanz graduated from Barnard College, New York, New York, with a B.A.,

then attended Columbia University Graduate School of Business where she earned her M.B.A. She obtained her J.D. from Fordham University School of Law.

Congratulations to all the members of WLIB who obtained the honor of being listed as Super Lawyers. 🙋

Restaurant Review





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fried potatoes (\$18.95). The steak was perfectly cooked and served on a hot plate with Peter Luger sauce. Peter Luger Sauce is a sweet onion steak sauce that compliments the tender steak. The steak and sides were more than enough for the three of us and we took the leftovers home. The creamed spinach was not as creamy as expected. I really enjoyed the potatoes, which were golden fried with tender onions throughout.

Other entrees include steak for one (\$73.95), steak for three (\$221.95), double cut lamb chops (\$72.95), filet of sole (\$43.95) and crab cakes (\$69.95). The side dishes are where the eyes can be bigger than the stomach. Side dishes include grilled asparagus (\$16.95), sauteed onion (\$13.95) and roasted mushrooms (\$17.95). The portions are generous, large enough to share and to bring home for the next day.

Obviously, we did not order dessert. Peter Luger does offer cheesecake, apple strudel and chocolate mouse cake each for \$14.95.

Our meal was delicious, and our server did not rush us. He was attentive for a busy dining room. Peter Luger does not take credit cards, so bring cash or a debit card. The acoustics were loud in our room. The other rooms seemed a little quieter. Once we get the all clear for my sister, I am sure we will be back to celebrate. I give it three forks. 🙋

 Below Average	\$ 20 or less per plate
 Average	\$\$ 20-40 per plate
 Above Average	\$\$\$ 40 or more per plate
 Exceptional	

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.

President's Message

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big ball spinning through space. No one is alone. Know that WLIB is here for you.

Thank you, as always, to Linda for being our newsletter Editor in Chief and all those who contribute. Thank you to our Executive Board: Sheila, Helene, and Erica. Thank you to all our co-chairs. Thank you to everyone who volunteers their precious time to make WLIB great. 🙋

Happy Spring. Namaste.

Tamra Katcher, Esq.
President

Workplace Fairness

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Who Benefits from This Law?

Those seeking jobs will benefit from knowing salary expectations upfront, eliminating the frustration of applying for positions without clarity on compensation. Current employees will gain from increased transparency in promotions, ensuring fair advancement opportunities, and reducing pay disparities. Women and minority workers, who have historically faced wage gaps due to pay secrecy, will benefit as salary transparency makes inequities easier to identify and address. Employers, despite facing new regulations, can benefit from enhanced trust within their workforce, increased employee satisfaction, and a more competitive hiring process.

Steps Employers Should Take to Ensure Compliance

To avoid penalties and ensure a smooth transition, employers should take proactive steps, including:

- Employers should start by conducting compensation audits, reviewing current pay structures, and setting clear salary ranges for each position. This approach enhances transparency and mitigates legal risks.

- Job posting templates should be revised to ensure all internal and external advertisements clearly state the required salary and benefits information.
- Employers should implement structured internal communication plans to inform employees about promotion opportunities through emails, internal job boards, or staff meetings.
- Training programs should be developed for HR teams and hiring managers to ensure they fully understand and implement the new compliance requirements consistently across all departments.

The Future of Workplace Transparency

The New Jersey Pay Transparency Act is not just another labor law—it's a paradigm shift in how salaries and benefits are communicated. By shining a light on pay practices, this law challenges outdated norms and fosters a culture of trust and fairness in the workplace. With June 1, 2025, fast approaching, businesses must take action now. Compliance isn't just about avoiding penalties—it's about embracing a future where workers have the knowledge they deserve.

The days of salary secrecy are numbered. Transparency is here to stay. 🐼

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We are making plans for a family trip to Cabo! We have friends who have been going for 30++ years and have laid our plans and can't wait for some fun in the sun. Here's getting to know Cabo and some great advice.

Cabo San Lucas is situated at the very end of the Baja California Peninsula, a long, narrow strip of land in western Mexico. The town is known for its stunning coastline where the Pacific Ocean and the Sea of Cortez meet at the iconic "El Arco" (the arch).

Los Cabos International Airport (SJD) has more than 200 flights from all of the tri-state airports, with many direct flights. It's a six-hour flight – but once you are out of the clouds, the views of the aqua coastline against the starkness of the desert will take your breath away.

- ☼ Cabo San Lucas became known as a great fishing spot, and in 1917, an American company built a floating platform to catch tuna, further solidifying its reputation as a fishing village.
- ☼ In the 1970s, Cabo San Lucas began to attract tourists, and the area developed into a popular vacation destination.

- ☼ American celebrities, including Bing Crosby and Lucille Ball, began to flock to Cabo because it was such a secluded destination.
- ☼ Today, Cabo San Lucas is a vibrant tourist destination with resorts, golf courses, and a multitude of activities for visitors of all ages to enjoy.

For the ideal mix of quiet beaches and warm, sunny days, head to Cabo San Lucas in May or June, when wintertime crowds have dispersed and the summertime storms are yet to descend. You can expect average daily temperatures this time of year to be highs around 90 Fahrenheit (32 Celsius) and lows of 66 Fahrenheit (19 Celsius).

There is no need to rent a car, as most hotels will offer airport transportation. Taxis are everywhere in Cabo to get you to your activities, or just heading out for an evening dinner. Water taxis are readily available around the marina to take you to most beach destinations. Uber is available in most parts of the busier cities.

When R&R is at the top of your to-do list, Cabo delivers. From family-friendly all-inclusives to hotels with infinity pools perched above the Sea of Cortez, there's about a thousand ways to kick back. But venture away from the polished resorts and you'll

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Weekend Getaway

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see Cabo's adventurous side—it's a place where the desert meets the sea meets the mountains, and local flavors come alive. Hike to a waterfall in the desert at Canyon of the Fox, take a dip in the El Chorro hot springs, or discover some of the best marine life at Cabo Pulmo. And when you need a break from thrill-seeking, head downtown to fuel up on Bajan specialties like chocolate clams, fresh seafood tostadas, and ridiculously good fish tacos.

Whether you want to chill out or go all out, there

is something for everyone of all ages to do!

☀ The whale-watching season in Cabo runs from mid-December to mid-April, while the peak months in January and February are considered the best months to see whales, especially humpbacks and their calves.

☀ Hop aboard a catamaran, and enjoy a sunset cruise! Sail along the Sea of Cortez as you reach El Arco where the sea meets the Pacific Ocean. Take in stunning sights of Lovers Beach – and if you are lucky – you might spot sea lions, stingrays, and other marine life.

☀ Enjoy a rugged immersion into the Baja coastline's stunning natural landscapes during an outing, which combines a camel safari with an ATV ride through the Cabo desert. Get up-close-and-personal with the humped mammals, with plenty of photo opportunities. Then, join your guide and race along canyons and river trails. No adventure would be complete without a complimentary te-

quila tasting! Or try zip-lining over the canyons with views of the Sea of Cortez. Or you can horseback ride on a sandy trail along the beach and see the stark sand and cacti landscape roll down into the turquoise water from your elevated perch.

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Like Mother, like Daughter- WLIB Congratulates another “Marose” for her Appointment to the Judicial Bench.

By: Evelyn Nissirios, Esq.

The saying “the apple does not fall far from the tree” is quite fitting to the most recent judicial appointment from Bergen County! Bergen County’s family law attorney, Michelle J. Marose, was sworn in as Superior Court Judge on January 31, 2025. Her mother, the Honorable Evelyn Marose, A.L.J. (Ret.) is an Administrative Law Judge in Newark, New Jersey currently on recall, and Past President of Women Lawyers in Bergen.

Anyone who is familiar with Judge Evelyn Marose and Judge Michelle Marose knows that the mother- daughter duo share a very close-knit and loving relationship. It was no surprise to anyone that Judge Michelle Marose followed in her mother’s footsteps, joining the Superior Court Bench after approximately 20 years of private practice. Watching Judge Evelyn Marose drape the black robe over her daughter was a moment those of us in the audience will never forget. It was a moment of immense pride, respect and deep admiration. It was a moment every mother dreams of, but only a few actually experience.

I had the distinct pleasure of not only working alongside Judge Michelle Marose for over a decade but also litigating a case against her just prior to joining the firm. Judge Marose’s attention to detail, rigorous work ethic and passion for the law is second to none. Her willingness to help others made her an integral part of our team.

Judge Marose attended Mary Washington College, where she received a Bachelor of Arts in Political Science. From 1996-2003, Judge Marose worked for United States Congresswoman Marge Roukema of the Fifth District of New Jersey, in the Congresswoman’s Washington, D.C. office and New Jersey District Office. Judge Marose earned her Juris Doctorate at Seton Hall University Law School, graduating with the class of 2003. During her last year of law school, she worked in the Immigration and Human Rights Clinic at Seton Hall’s Center for Social Justice. After her graduation, Judge Marose completed a one-year clerkship with the late Honorable George



W. Parsons, Jr., J.S.C., in the Family Division in Bergen County.

Upon completion of her clerkship, Judge Marose found her forever home at Rubenstein, Meyerson, Fox, Mancinelli & Conte, PA., (now known as Meyerson, Fox & Conte, PA) where she practiced for twenty years prior to her elevation to the Superior Court bench.

When I asked Judge Marose what made her want to become a Judge, she stated without hesitation, “*I saw the opportunity to serve. My father was in the United States Army Reserves for 28 years and retired as a Lieutenant Colonel. He was a high school teacher and a basketball and track coach. My mother volunteered for everything when*

my sister and I were young. If there was an opportunity to volunteer and help, my mother did it. Public service was infused in my family from a young age, and I couldn’t help but follow that path as well.”

When I asked Judge Marose if she would miss the days of private practice, she paused. “*There are aspects of private practice that I will miss. I will miss the camaraderie the most. I will certainly not miss the late-night phone calls!*”

Aside from a busy litigation practice, Judge Marose dedicated her time to volunteering with various committees throughout the years. Judge Marose served as a member of the Fee Arbitration Committee for four years. She dedicated eleven years to the District Ethics Committee, serving most recently as the Chair of District IIB prior to being appointed to the bench.

Judge Marose was also a faithful member of Women Lawyers in Bergen and supported the organization at various events over the years. When I asked Judge Marose to reflect on her experience with the WLIB she stated, “*WLIB is a wonderful organization. It has always been a source of support for women lawyers in helping them attain their goals in the profession.*”

Judge Marose is currently serving in the Family Division in Passaic County. We wish Judge Marose all the best in this next chapter of her career! 🙌

Evelyn P. Nissirios, Esq.

By Janet B. Lurie, Esq.

The members of WLIB are hardworking, talented and noticed! Evelyn Nissirios is one of them. Evelyn was nominated by the Hon. Carol Novey Catuogno, A.J.S.C. for the position of Secretary of the District IIB Ethics Committee, while she was serving as a member of District IIA. Judge Catuogno obviously recognized Evelyn's intelligence, knowledge of the law, her organizational skills and willingness to work hard at a position that involves a tremendous time commitment. Evelyn was selected and appointed by the Office of Attorney Ethics (OAE) and she began her tenure as Secretary of the District IIB Ethics Committee on December 1, 2024.

Evelyn did her undergraduate studies at Rutgers University, New Brunswick (dual major in Economics and Philosophy) and graduated from the Thomas M. Cooley School of Law, completing law school in 2 years because she went year round. Evelyn had an externship with the New Jersey Attorney General's Office in Trenton. Graduating in 2008, Evelyn worked for a private law firm in Passaic County handling civil litigation and tax related matters while getting significant experience "on her feet" appearing in Municipal, Superior and Federal courts.

Evelyn joined the firm of Rubenstein, Meyerson, Fox, Mancinelli and Conte, PA (now Meyerson, Fox and Conte, PA) in 2013 as an associate in the Family Law Department and became a partner in the firm in 2020. Given Evelyn's unique background, I inquired "Why family law?" She replied:

Matrimonial/family law is a unique area in the legal field. I usually get the occasional "eye roll" when asked, "what area of law do you practice?". The truth is, as a family law attorney, I meet with clients everyday that are at the lowest point in their lives. They are vulnerable and some have lost all hope. While I can never promise a client a specific outcome, what I always say to them is that they "will land on their feet". I promise to stand along side them and make the process a little easier as they navigate the difficulties with issues such as custody and parenting time and financial support. The greatest compliment I get from clients is "thank you for giving me my life back." There is no greater feeling than seeing a client make it to the other side, standing with their head held high.

Evelyn is active in WLIB, writing articles for the Newsletter and she hosted this year's spectacular holiday party in her beautiful



home. She is working with our immediate past president Diane Lucianna, assisting with our marketing and advertising. Evelyn also has significant involvement with the BCBA, serving on several committees, Professionalism and the Law, Family Law, Diversity and the Profession and Mental Health. She is a frequent panelist for ICLE, her most recent seminar was "The Challenges of Professionalism in October 2024 and Beyond" alongside of some of the most esteemed judges in Bergen County. She serves as a panelist for the Matrimonial Early Settlement Panel as well as being a volunteer panelist for the Bergen County Non-Dissolution Docket. Before being appointed as Secretary of the District IIB Ethics Committee, Evelyn served a year as a member of the District IIA Ethics committee as an attorney member.

Lest you think that WLIB and the BCBA are Evelyn's only 'extracurricular' activities, she just completed a five year tenure with the Saddle River Board of Education, where she was a trustee and served as the Chair of the Negotiations Committee, Chair of the Safety and Wellness Committee, and Co-Chair of the Curriculum Committee. Evelyn said her experience as a trustee gave her insight as to how a district operates both on a fiscal and administrative level.

I failed to mention that Evelyn is fluent in Greek!

I offered to write this article on Evelyn because we are both with Meyerson Fox and Conte, PA. I once asked her how she managed to give 100% and more to all of her various activities and she told me that she feels that if she is able to contribute to the community, she should. During our interview, Evelyn made the following comment:

The most rewarding aspect of my career has been the opportunity to serve as *pro bono* counsel in contested adoptions, representing indigent litigants. While I enjoy litigating cases, there came a point in my career where I felt that there had to be something more we as attorneys can do to give back to our community. Serving as *pro bono* counsel and helping those who really need our expertise the most is by far the greatest and most rewarding feeling.

That comment says a great deal about Evelyn. She is selfless in all of her endeavors both personally and professionally. She is community oriented and as such will be able to serve as Secretary to the District IIB Ethics Committee with insight to all sides. While writing this, a popular quotation came to mind and it says it all: "If you want something done ask a busy woman." 🙌

Find yourself saying, "Not one more thing!?"



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SPRING 2025 LEGISLATIVE UPDATE

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.

SAMPLE OF STATE LEGISLATION PASSED SINCE LAST REPORT

S3848 Passed 3.12.2025 Approved P.L. 2025, c. 34 Concerns alcoholic beverages licenses for sporting facilities, makes changes to the law governing classification, issuance, fees and other issues relating to such licenses.

S1445 Passed 3.7.2025 Approved P.L. 2025, c. 33 Requires public institutions of higher education to readmit students whose enrollment was interrupted due to military service.

S3990 Passed 3.4.2025 Approved P.L. 2025, c. 23 Extends early voting period for primary elections and extends challenger appointment deadline; appropriates \$6 million.

S3825 Passed 3.6.2025 Approved P.L. 2025, c. 27 Provides project grant under "Securing Our Children's Future Fund" for career and technical education expansion in the State's County vocational school districts; appropriates \$7.65 million.

S4136 Passed 2.28.2025 Approved P.L. 2025, c. 22 Authorizes public bodies to continue using newspapers to be utilized by a person for the purpose of complying with any legal requirement, or a public body, as defined in section 3 of the "Open Public Meetings Act," from January 1, 2025, through June 30, 2025, if the newspaper's publication is in print or electronic format.

A166 Passed 1.30.2025 Filed with the Secretary of State Urges Miss America Pageant to return to Atlantic City for 2025 and every year thereafter.

S2331 Passed 1.30.2025 Approved P.L. 2025, c. 5 "Equitable Outcomes in Child Support Collection Act"; establishes procedures regarding collection of child support on behalf of children in custody of DCPP.

SAMPLING OF RECENT DECISIONS – ALL APPROVED FOR PUBLICATION

Contract– Dispute Resolution

Lahoud v Anthony & Sylvan Corp, No. A-3049-23 (Appellate Division; Decided February 6, 2024)

Facts: In January of 2023, plaintiff entered into a contract with A & S to build an in-ground swimming pool at his home in Mantoloking. The contract contained an ADR clause whereby the plaintiff was required to participate in ADR in the event of a dispute, but defendant reserved the option to commence legal action in any court of competent jurisdiction. When A & S's work on the contracted project was unsatisfactory to plaintiff, plaintiff filed a three-count complaint in the Law Division against A & S asserting claims for breach of contract, violation of the NJ Consumer Fraud Act and for declaratory relief declaring that the "non-mutual and so-called arbitration provision" violates the public policy of NJ and is not enforceable. Defendant moved to dismiss with prejudice based upon the ADR clause. The trial Court granted defendant's motion. On appeal plaintiff presents two arguments: 1) the ADR language did not advance public policy supporting enforceability of arbitration provisions; and 2) the motion court erred in upholding a one-sided ADR provision.

Held: Plaintiff failed to show that the ADR provision was unconscionable and therefore, the ADR provision is enforceable.

Criminal law

State v. Ahjhir K. Jones, 2025 N.J. Super LEXIS 22 (Appellate Division; Decided March 20, 2025)

Facts: Defendant, Jones, was arrested in Morris County for theft-related charges and in Essex County for possession of a firearm. The state contested Jones's eligibility for recovery court under N.J.S.A. 2C:35-14, which disqualifies individuals from recovery court if they possessed a firearm while any criminal charges were pending. Specifically, the state argued that the defendant's possession of a firearm during the Essex County incident, while other charges were pending in Morris County, rendered him ineligible. The trial court ruled that Jones was eligible for recovery court, reasoning that the firearms charge was resolved before his application for recovery court. The state appealed, challenging the trial court's decision based on the interpretation of N.J.S.A. 2C:35-14(a)(5).

Held: The Appellate Division affirmed the trial court's decision. The court agreed that the statute's language and legislative intent supported the trial court's interpretation that Jones was eligible for recovery court. The court reasoned that the phrase "at the time of any pending charge" requires that the firearms charge remain pending at the time of the recovery court application. Since the firearms charge was resolved prior to the defendant's applica-

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tion, he was not barred from entering recovery court. The court emphasized that the legislative intent behind N.J.S.A. 2C:35-14 was to expand access to recovery court, and the state's interpretation would lead to an unreasonable result by disqualifying defendants with resolved firearms charges.

State v. Thomas P. Canales, 2025 N.J. Super. LEXIS 21 (Appellate Division, decided March 14, 2025)

Facts: The defendant, Canales, was facing charges of sexual assault and related offenses. The incidents involved sexual misconduct with minors and an adult over a four-month period, including exposure and groping. Witnesses provided differing identifications and descriptions of the assailant, creating inconsistencies in the case. Two trials were held: the first resulted in a mistrial, and the second resulted in a conviction that was later vacated due to evidentiary errors.

The trial court dismissed the indictment under the fundamental fairness doctrine [State v. Abbati, 99 N.J. 418 (1985)], reasoning that the state's case had been significantly weakened by the identification issues and the lack of new evidence. The dismissal occurred after two trials and with no new developments to bolster the state's case. The state appealed the trial court's dismissal of the indictment. The trial court's decision was based on the perceived unfairness of subjecting the defendant to further trials, given the issues with witness identification and the absence of new

evidence after the second trial. On appeal, the state contended that the trial court had erred in applying the fundamental fairness doctrine to dismiss the indictment.

Held: The Appellate Division reversed the trial court's decision. The court found that the trial court had abused its discretion in dismissing the indictment. The court emphasized that the state had presented substantial evidence of the defendant's guilt, and the public interest in prosecuting serious criminal charges warranted a retrial. Despite the identification issues and the prior trial difficulties, the court concluded that the state still had a strong case and that a third trial was justified. The case was remanded for trial.

Family Law

Voynick v. Voynick, 2025 N.J. Super. LEXIS 19 (Appellate Division, decided March 5, 2025)

Facts: Defendant Brian Voynick and plaintiff were married in 1979 and divorced in 2003. As part of their judgment of divorce, defendant was obligated to pay \$120,000 annually in permanent alimony. In May 2021, the defendant retired and sought to terminate or modify his alimony obligation, arguing that his retirement represented a substantial change in circumstances. He contended that his retirement should relieve him of his

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financial obligation. The trial court denied the defendant's motion, finding that he failed to show a prima facie change in circumstances under N.J.S.A. 2A:34-23(j)(3). Specifically, the court noted that defendant did not demonstrate an inability to continue paying alimony post-retirement. The court also pointed to the defendant's assets, which were valued at approximately \$8 million, as evidence that he could still afford to make the alimony payments.

Defendant appealed the trial court's decision, asserting that his retirement at a "good faith retirement age" should have been considered a prima facie change in circumstances that warranted a review of his alimony obligation. The defendant argued that the trial court erred in denying his motion and failing to consider his retirement as a factor in modifying the alimony arrangement.

Held: The Appellate Division reversed the trial court's decision in part. The court concluded that the trial court had misapplied its discretion by not considering the defendant's retirement as a prima facie change in circumstances under N.J.S.A. 2A:34-23(j)(3). The court emphasized that retirement, especially at a reasonable age, should be evaluated as a legitimate factor when considering a potential modification of alimony. The appellate court also noted that the trial court did not adequately consider the financial circumstances of both parties, including the plaintiff's ability to save for retirement. The case was remanded for discovery and a plenary hearing, where both parties' financial situations would be assessed, along with the statutory factors under N.J.S.A. 2A:34-23(j)(3), including whether the plaintiff had been unable to save adequately for retirement and still required alimony to maintain her standard of living.

Constitutional Law/Government

In re Tom Malinowski, Petition for Nomination for Gen. Election, Nov. 8, 2022, for United States House of Representatives New Jersey Cong. Dist. 7, No. A3542-21; A3543-21 (Appellate Division, decided February 26, 2025)

Facts: The Moderate Party appealed the decision of the New Jersey Division of Elections, which rejected its request to list Tom Malinowski as its nominee for the U.S. House of Representatives, 7th Congressional District, in the November 2022 general election. Malinowski had already accepted the Democratic Party's nomination for the same office, but the Moderate Party sought to list him as their nominee as well. The Division of Elections denied this request based on New Jersey's anti-fusion statute, N.J.S.A. 19:13-8, which prohibits a candidate from appearing on the ballot as a nominee of more than one political party.

The appellants, including the Moderate Party and individual voters, argued that the anti-fusion statute violated the New Jersey

Constitution by infringing upon their rights to vote, free speech, political association, assembly, and equal protection. The New Jersey Secretary of State defended the statute's constitutionality, asserting that it was consistent with both federal and state law, citing the Anderson-Burdick interest-balancing test. The trial court upheld the Secretary's decision to reject the nomination, concluding that the statute did not violate the State Constitution and that the burdens it imposed were justified by the state's regulatory interests.

The trial court's decision was appealed by the Moderate Party and individual voters. They contended that the anti-fusion statute was unconstitutional. On appeal, the court affirmed the Secretary of State's rejection of the petition, holding that the statute was constitutionally valid.

Held: The Appellate Division affirmed the trial court's decision, upholding the rejection of the Moderate Party's petition to list Malinowski as their nominee. The court concluded that N.J.S.A. 19:13-8, New Jersey's anti-fusion statute, was constitutional under the Anderson-Burdick interest-balancing test. The court found that the statute serves legitimate state interests in maintaining electoral integrity and political stability by ensuring that a candidate's name appears only once on the ballot. The court emphasized that the U.S. Supreme Court had previously upheld the constitutionality of state anti-fusion statutes under the federal constitution. The court declined to address broader arguments regarding cross-nominations and focused solely on the constitutionality of the specific statute at issue.

Creditors' and Debtor's Rights/ Dispute Resolution

Hopkins v. LVNV Funding LLC, 2025 N.J. Super. LEXIS 13 (Appellate Division, decided February 10, 2025)

Facts: LVNV had filed an action against Hopkins in Special Civil Part to collect a debt of \$746.71, allegedly owed to Credit One Bank. In response, plaintiff counterclaimed, arguing that LVNV and its assignors were not licensed under the New Jersey Consumer Finance Licensing Act (CFLA), making their claims invalid. Subsequently, plaintiff filed a class-action lawsuit against LVNV Funding and other defendants, alleging violations of the CFLA, the Consumer Fraud Act, and the Fair Debt Collection Practices Act (FDCPA). Plaintiff also asserted that the defendants had waived their right to arbitrate by engaging in litigation conduct inconsistent with arbitration. He pointed to defendants' delay in asserting arbitration, their motion practice, and the failure to raise arbitration as an affirmative defense as evidence of waiver.

The trial court ruled that the defendants had not waived their right to arbitration. It acknowledged that the defendants had

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not mentioned arbitration in their answer, but the court found that the litigation process had not been prolonged enough to constitute a waiver. Therefore, the trial court granted defendants' motion to compel arbitration. Plaintiff appealed the trial court's decision, challenging the finding that defendants had not waived their right to arbitration.

Held: The Appellate Division reversed the trial court's decision. The court concluded that the defendants had waived their right to arbitrate by engaging in conduct inconsistent with arbitration. Specifically, the court found that defendants' delay in asserting the right to arbitrate, their involvement in motion practice, and their failure to raise arbitration as an affirmative defense indicated a waiver of that right. The court emphasized that such conduct undermined the premise of arbitration as a means of resolving disputes efficiently. The case was remanded for further proceedings consistent with the appellate court's holding.

Attorney Referral Fees

[In re Opinion No. 745 of the Supreme Court Advisory Committee on Professional Ethics \(A-44/45/46/47/48/49/50/51/52-23\) \(089278\)](#)

Facts: In 2019, the Advisory Committee on Professional Ethics (ACPE) deemed the payment of referral fees by attorneys impermissible. In its Opinion 745, the ACPE declared that "certified lawyers generally may not pay referral fees to out-of-state lawyers" who are not licensed to practice law in New Jersey. Rule 1:39-6(d) created an exception to the general rule that New Jersey lawyers may not pay referral fees in that (1) certified attorneys could pay referral fees (2) without regard to any legal work performed, and (3) the referral fee could be paid out of, but could not exceed, the certified attorney's reasonable fee for legal services rendered. Rule of Professional Conduct (RPC) 1.5(e) states in part that legal fees can be divided between lawyers who do not practice in the same firm if (1) the division is proportionate to the services each lawyer performs or (2) the lawyers assume joint responsibility for the representation in a written agreement with the client. RPC 1.5(e) does not relate to the attorney certification program.

HELD: The Court Rules allow certified attorneys to pay referral fees to lawyers in other states even if they are not licensed in New Jersey, and the payment of referral fees does not raise concerns about the unauthorized practice of law. The Court vacated Opinion 745. 🐾

Weekend Getaway

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- ☼ Take a walking tour of local taco shops, sample different tequilas, or prepare an authentic Mexican meal from start to finish! Tasting your way through during this half-day cooking class in Cabo San Lucas. Choose from menus that change each day of the week, shop for fresh ingredients at a local market, then cook alongside a local chef as you learn the techniques and recipes of Mexican cuisine. This cooking class includes a hearty lunch, and it's limited to 14 people for personalized attention from the chef.

Bring lots of small bills. It's not necessary to convert your dollars to pesos. Just bring plenty of \$1, \$5 and \$10 bills so you can bargain better and pay with exact change.

The fishing is fantastic year-round but especially good in the fall. In the late winter, you can catch tuna and dorado and watch the gray and humpback whale migration.

You do not need a visa to visit Mexico, just a passport, but citizens of certain countries may.

Tipping in Cabo San Lucas is similar to that of the U.S., and it's acceptable to tip in U.S. dollars (only bills, no coins) or pesos, which is usually preferred.

Whenever you decide to go, just sit back and enjoy your surroundings, the sun, the cool breeze, the delicious foods and drinks and the hospitality of the Mexican people. Just don't forget your sunscreen! 🧴



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Moderator
Linda F. Spiegel, Esq.

Panelists
Carol Silver Elliott, Pres./CEO Jewish Home Family
Steven Morey Greenberg , Esq.
Linda F Spiegel, Esq.

DATE: May 7, 2025
TIME: 5:30 -6:30 pm
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Questions: Carmela Novi * carmela@wlg.com

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Calendar of Events

See flyers on pages 22 and 23 and
please check the WLIB website,
www.womenlawyersinbergen.org
for all events.

Board Meetings are currently being held via Zoom and are open to all members.
If you wish to attend the board meeting go to <https://www.womenlawyersinbergen.org/>
login as a member and you will find the Zoom link for the board meeting.

WLIB is proud to announce its new Mentorship Program!

In this unique program, interested students from Seton Hall Law will fill out a detailed questionnaire to pinpoint the types of law they are interested in and whether they have any specific concerns related to their future careers. An email will then be sent to the WLIB membership asking for volunteers who are best suited to assist the student.

Once a match is made, the mentor and mentee will be given each other's contact information. Mentors are encouraged to reach out to their mentees once a month to touch base, and to invite them to WLIB events. Once enough students are matched with a WLIB member, we will set up a date to have an in-person reception for all current (and future!) mentees and mentors. In future years, this reception will also include past mentors and mentees.

I encourage everyone to participate as we are positive that this program will increase the number of younger attorneys who join WLIB, and foster a supportive community for future young lawyers. If you have any questions or suggestions for this program, please reach out to me at any time.

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