

# Lawyer

Summer 2024

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Volume 43, Issue 3

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- MCBA Golf Outing  
October 10, 2024
- Xtreme CLE 2024  
October 16 & 17, 2024
- November GM Meeting & Casino Night  
November 14, 2024

### From the President's Desk...

Over the last nine months serving as President of this association, I have been honored to have had several opportunities to speak to you as a group. You may have noticed that when I introduce myself or enter an appearance I say, "I'm Jenn Zoschak and my pronouns are she/her." Have you ever wondered why? I'm pretty sure that, even if you don't already know me—given my big New Jersey hair, the matching purse and high heels and the fact that I am ALWAYS reapplying my lipstick—chances are people correctly identify me as female. So why do I do it?

Safety. Privilege. Inclusion. By introducing my pronouns, I hope I am creating a space and culture for other people to identify theirs and to feel safe about it. I recognize the privilege I have in that my gender identity isn't questioned and that I never have to feel the fear and pain of being misgendered. I know that I am seen for who I am, but I also know that not everyone is. It costs me six syllables. One breath. It



Jennifer Zoschak, Esq.

probably means nothing most of the time, but maybe someone in that room needs to hear it and feels safer because I say it. So I do. But enough about me...

One of our goals this year was to increase the benefits we provide to our members, so we have partnered with Windfall Group Purchasing – a company offering discounts to our members on office supplies and services, travel, marketing, and prescriptions. Look for an e-mail describing your membership and all of the savings available to you at no charge!

The MCBA has had a very busy summer and we are looking for-

A Publication of the Mercer County Bar Association

# Mercer County Lawyer

Winter 2024

Volume 43, Issue 1

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ward to an even busier fall. Our Real Estate Section hosted a successful luncheon at Revere to discuss the new changes to Real Estate Brokerage Commissions. Thanks to our Young Lawyers partnering with APALA, and our sponsors, Northwestern Mutual and Smolin Accountants, we had a great axe throwing event at Stumpy's in Princeton. It was great to see so many people meeting new people, relaxing and laughing over pizza and drinks, and who knew how well Judge Singh could throw an axe! Renzi Legal Resources sponsored a successful Women Lawyers Happy Hour, and Denise Mariani of Stark & Stark hosted a donation drive for the Trenton Rescue Mission.

In September, we remembered and honored the colleagues we recently lost at The Opening Ceremony and Memorial Service, and welcomed the new class of law clerks during a luncheon event, followed by our very well-attended Judges & Law Clerks Dinner. It was my honor to introduce the Rising Leader Award, presented to Assistant Prosecutor Christian E. Fischer, and the Harry O'Malley Award, given to former Bar President Jeffrey Posta. I was so touched by their words in accepting these awards and hope that you were, too. Real Estate Section Chair Kevin Moore, Esq., hosted another luncheon event – this time at the Nassau Club – where a panel discussed what in-house counsel looks for when retaining outside-counsel.

October will also be a busy month. Don't forget that our Golf Outing was rescheduled for October 10<sup>th</sup> and there is still time to sign up. The day will include lunch, a golf clinic, and an evening reception, so come spend some time in the sun! October is Domestic Violence Awareness month, and the Women Lawyers Section is hosting a donation drive to benefit WomanSpace – the local organization that assists victims of domestic and sexual violence, their families, and children. Please look for the purple flyer in this issue, the Weekly Update, and in your e-mail and follow the QR code.

Special thanks to our CLE committee and all of the judges, attorneys, and experts who have signed up to participate in our upcoming Xtreme CLE on October 16<sup>th</sup> and 17<sup>th</sup>. This

virtual event gives you the opportunity to earn all the credits you need and a chance to attend seminars on a variety of topics and updates. This is a tremendous undertaking, and we are very grateful to Joe Paravecchia, Evan Lide, and Ryan Moriarty for all the time and energy they put into ensuring we offer over twenty programs for our members to choose from. Please remember that if you can't attend all of the seminars you want, they will be available to access on-line through the end of the year.

November will bring our General Membership meeting, which will include a Casino Night at Stone Terrace in Hamilton on November 14<sup>th</sup>. This event will not only be a lot of fun but will include a silent auction to support the Bar Foundation and the presentations of our Community Partners Award to the Bayard Rustin Center for Social Justice and the Michael Nizolek Award to Michael Donohue, Esq., of Stark & Stark. We will be voting on the 2027 slate for Board of Trustees and the Secretary position, and we need a quorum, so I hope to see you all there!

We will wrap up the year with our Holiday Party on December 12<sup>th</sup> at Mountain View Golf Course, so please join us. The evening will include a toy drive for Children's Home Society, presentation of the Bar Foundation Scholarship, and special recognition of former Prosecutor Angelo Onofri on his well-deserved retirement.

As always, I want to thank all the Committee Chairs, our dedicated staff and Executive Director, who make these events possible. We are lucky to have you.

**\* NEW to Mercer County Bar Association! \***

**We welcome the following new members...**

John J. Flood, Esq., *Vlasac & Cassidy, LLC*

Zachary C. Gold, Esq., *Cruz Gold & Associates*

Theresa Hilton, *Acting Mercer County Prosecutor*

Daniel James Kelly, *Governor's Disaster Recovery Office*

Christopher J. Leavell, Esq., *Klehr Harrison Harvey Branzburg LLP*

Edward Albert Vasquez, Esq., *Law Offices of Edward A. Vasquez*



## Young Lawyers Committee AXE Throwing

*Experience The Throwdown*

# STUMPY'S HATCHET HOUSE

Thank you to our Sponsors!



On Wednesday, July 24, 2024, the MCBA Young Lawyers Committee co-hosted an Axe Throwing event at Stumpy's Hatchet House. APALA was our gracious co-host and sponsor of this successful and fun-filled event. Thank you to our YLC Committee chairs, Chris Jackson and Neethi Vasudevan, for organizing this event, and thank you to all who were in attendance to make this a special event.

We also want to thank our business sponsors, Northwestern Mutual and Smolin, Lupin & Co., LLC, for their generous contributions.





## Xtreme CLE **October 16 & 17, 2024**

Xtreme CLE is Mercer County's premier legal education program, providing exceptional programming at affordable pricing. All programs will be held virtually via Zoom. Please join us for this valuable opportunity!

### About the Program

The two-day seminar is exclusively designed to meet the continuing educational requirements of attorneys and features outstanding local and regional speakers. Obtain more than 2 years of CLE credits. Registrants will have access to all recorded sessions until the end of this year, and can obtain 60 MCLE Credits in the library.

### Course Materials

The seminar course materials will be online for attendees as part of their event registration. You will also have access to all course materials and recordings following the initial broadcast.

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 After 10/09: \$185

**Public Employee**  
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### Participant Information

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REFUNDS: Refunds are issued upon written request to all pre-registrants. Notice of cancellation must be received at least 48 hours before the program date. NOTE: Pursuant to Regulation 201:08 regarding Alternate Verifiable Learning Formats, the Board on Continuing Legal Education has allowed all 24 credit hours for the compliance period to be fulfilled through approved courses offered in alternative verifiable learning formats.

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**MCBA** MERCER COUNTY  
BAR ASSOCIATION

WOMEN LAWYERS COMMITTEE

# Happy Hour

SUMMER SIPS & SAVORS  
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THANK YOU TO OUR EVENT SPONSOR

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On Wednesday, July 31, 2024, the MCBA Women Lawyers Committee hosted a happy hour event at Brick House Tavern & Tap. Thank you to our co-chairs, Ayesha Hamilton and Chinsu Shajan, for organizing this successful networking event, and to everyone who attended to make this a special time.

We also want to thank our business sponsor, Mark Renzi of Renzi Legal Resources, for his generous contribution.







MCBA was honored to host the Judges and Law Clerks Dinner on Thursday, September 26, 2024. The dinner was held at Mercer Oaks, and awards were presented as follows:

**Rising Leader Award**                      **Christian E. Fisher, Esq.**  
**Harry O' Malley Award**                **Jeffrey S. Posta, Esq.**

Congratulations to Christian and Jeff!













# Mercer County Bar Association's Domestic Violence Awareness Month

*Donation Drive*

**Now - October 31st**

Domestic violence impacts people across all demographics, involving physical and emotional abuse. It affects 1 in 3 women and 1 in 4 men, often leaving lasting effects on families. In recognition of Domestic Violence Awareness Month, the Mercer County Bar Association's Women's Committee is hosting a donation drive for WomanSpace, Inc., a nonprofit aiding those affected by domestic and sexual violence. WomanSpace offers essential services like crisis intervention, shelter, and counseling, supported by state and county funding as well as donations.

By partnering with WomanSpace, we aim to provide much-needed resources to those impacted by domestic violence and help them on their journey to safety and healing. WomanSpace has provided a list of their most needed items and also created an Amazon Wish List for the MCBA to utilize.

Donations can be dropped off Monday -Thursday 10:00-3:00 at the Mercer County Bar Association office located at 1245 Whitehorse-Mercerville Road Suite 420 Hamilton, NJ 08619 or Oswald & Zoschak P.C. located at 3500 Quakerbridge Road Suite #107 Hamilton, New Jersey 08619.



MCBA is proud to announce that Robt Martin Seda-Schreiber of Bayard Rustin Center for Social Justice will be receiving this year's Community Partner Award.



He was born an activist. Robt Martin Seda-Schreiber established the [Bayard Rustin Center for Social Justice](#) in Princeton.

“I marched on Washington in the womb,” said Seda-Schreiber, whose parents were influential in making him the person he is today.

Seda-Schreiber, 54, is a national community organizer and chief activist at the center, which he named after one of his heroes, Bayard Rustin, a black queer pioneer who was Dr. Martin Luther King Jr.’s closest adviser. Rustin’s beloved partner, Walter Naegle, is board member emeritus at the center.

“Robt is a dynamic spokesperson for the LGBTQ+ community,” Naegle said. “He approached me several years ago about using Mr. Rustin’s name for the BRCSJ in Princeton, and I gave him my blessing.” The center, located at 12 Stockton St., serves the whole community, but particularly LGBTQ youth, Naegle said. “It provides a safe space for meetings, organizing, and mentoring, where young people can share their experiences about being different in a society that champions conformity.”

Seda-Schreiber started the center after a nearly 25-year career as a middle-school art teacher in the East Windsor Regional School District. While there, he formed the first Gay-Straight Alliance in a middle school in New Jersey — one of the first in the nation.

The National Education Association named him “Social Justice Activist of the Year” in 2017. He also has been honored as New Jersey’s state champion of equality, has served as a Fulbright Memorial Fund Scholar to Japan, and has received two Senate



proclamations recognizing his service to the community.

Holding on to people, forming relationships, and making connections are some things that Seda-Schreiber values deeply. “So many of my former students from my days and years as a middle-school art teacher have become supporters of the center,” he said, adding that some stop by and “share a meaningful moment.”

Seda-Schreiber works to build a loving community — a loving community of “angelic troublemakers,” a term coined by Rustin. “Most people don’t know that comes from him,” Seda-Schreiber said.

Rustin brought nonviolence to the Civil Rights Movement. Seda-Schreiber, who has written extensively about Rustin, said the civil rights activist went one day to the home of King, who at the time had armed guards because he was being threatened on an hourly basis. The two men spoke from dusk until dawn, and the movement changed.

“Dr. King got rid of all his guns, and that’s when the nonviolent movement began,” Seda-Schreiber said.

Seda-Schreiber was born in Brooklyn in 1969, the year of the Stonewall uprising. He moved to East Windsor with his mom and dad when he was five years old. He grew up attending the New Jersey school in the same district where he later taught. “My mom and dad are exemplary of that work that Dr. King talked about,” he said. Seda-Schreiber was raised in a loving home where everyone was recognized and loved for who they were.

“What my folks did was create a safe space before that term was even coined,” he said. Seda-Schreiber said he used to come home at night, and he’d have friends in his house.

His friends would say to him: “I’m not here to see you; I’m here because this is the only place I feel safe, the only place where I can be myself.” Seda-Schreiber’s parents never thought about it, he said. It was just who they were.

“They spoke lovingly to each other. They treated each other with respect that was bar none,” he said.

Schreiber has made many friends during his time at the Bayard Rustin Center. One of them is Adam Gopnik, who writes for *The New Yorker*. The two met when Seda-Schreiber contacted Gopnik about a book that Gopnik had written about Rustin. Gopnik characterized Seda-Schreiber’s activism as being radical with a pragmatic and real-world approach. Gopnik used a phrase he coined — “radicals of the real” — to

describe it. It's a phrase that Seda-Schreiber liked when he heard his friend use it. "He's a passionate and empathetic man," Gopnik said. "He's got a terrific and, I think, inculcated sense" of social justice and activism. Gopnik said the center is a beautiful place "in a fine old house" with an atmosphere of welcome.

Tony Valenzuela, a national partner of the center, is also the executive director of One Institute, the oldest LGBTQ organization still operating in the country.

"Through his leadership at the [Bayard Rustin Center](#), Robt has made a deep impact in New Jersey and beyond to educate about Rustin's legacy and support queer and trans communities today in our continued struggle for LGBTQ rights and liberation," Valenzuela said.

Dr. Sara Wasserman, who has a doctorate in teacher education and teacher development, started at the center as a volunteer and now works there full-time as a queer educator and local community organizer.

Wasserman met Seda-Schreiber when she came to the center for a Planned Parenthood event, and the two began talking. She said she "was blown away by his approach to social justice and advocacy from an intersectional lens." He not only created a physical space for community members, "but he was even more so dedicated to building that space with everyone," she said. Her favorite quote of his is: "We will never speak FOR anyone but we will speak WITH everyone."

Dr. Peniel Joseph, who is a professor at The University of Texas at Austin and vice president of the center's board, called Seda-Schreiber "a first-caliber social justice leader." Joseph said the center's work "is more vital than ever in this age of political backlash, retrenchment, authoritarianism, and anti-democracy that have gripped the nation, divided Americans from themselves, and triggered new waves of violence against historically marginalized and oppressed groups."

As in King's day, violence is not an unfamiliar occurrence in the social justice activism of today. But, Seda-Schreiber said, he does not fear for his personal safety and he looks to his heroes for strength.

A threat of violence occurred last year at the center when it received a bomb threat because the center was going to host a drag queen story hour for children. The threat was determined to be unfounded.

Seda-Schreiber said the children didn't know there was a threat and they felt safe. He said they persevered, and "together as a chosen family, we sashayed down the block" to a home and held the story hour there. "We created a field trip," he said.

“Our queer community, if nothing else, knows how to come together and how to pull ourselves together as fabulously as we possibly can. We need to overcome obstacles, which is what we’ve always done.”

Having people feel fabulous, empowered, respected, and loved is what Seda-Schreiber and the others involved with the center strive to accomplish. That and preserving Rustin’s legacy and educating people about the man who has largely been “lost to history because of who he loved” and “who he was,” according to a piece on the center’s website. “This cannot happen again. This is our work. This is our Dream @RustinCenter HQ.”

In addition to his writings on Rustin, Seda-Schreiber is working with Tony and Grammy award-winning musician Bryan Carter on a concert paying tribute to Rustin at Lincoln Center. It will take place Oct. 18 and 19. Tickets and further information on the tribute can be obtained on the Jazz at Lincoln Center website at [jazz.org](http://jazz.org).

“This cat is so talented and so beautiful,” Seda-Schreiber said of Carter. “They reached out to me and wanted me to share some stories about Bayard,” Seda-Schreiber continued. “We’re so excited about this project.”

In addition to collaborating with musicians, Seda-Schreiber works with legislators, of course. Currently, he is working with U.S. Rep. Bonnie Watson Coleman, D-N.J. 12th District, to establish a national LGBTQ advisory board.

“I do not think, as a member of Congress, I have been in any space that is more loving and caring than this space right here,” Coleman said of the center. “I’m so glad you are here...not only for young people and old people, and whoever else needs a safe space for that moment, but for people like me that have been elected to office and need to see the good that gets done.”

Both young and old people frequent the center. In addition to youth, there are people in their 60s, 70s, and 80s, some of whom came out later in life and are now living life as their true selves.

Those involved with the center help each other find their way in the hope that they achieve what King talked about. “We all deserve to be here and be who we are,” Seda-Schreiber said, noting that is an ideal that this country is supposed to be founded on. Seda-Schreiber and those involved with the center will keep fighting for equal rights for LGBTQ people and to eliminate homophobia and transphobia. Until then, the center will be a refuge where angelic troublemakers — those who are different — can grow, get support, and continue the “beautiful struggle,” looking to the past for the

strength to move forward.

“It’s about respecting how far we have come and also recognizing how far we have to go,” Seda-Schreiber said.

### Nick Petruncio

Nick Petruncio is a professional writer and editor who has worked for various newspapers and news websites in New Jersey, New York and Pennsylvania. He won an award for sensitivity in reporting mental health issues and is passionate about social justice. He grew up in rural Pennsylvania and has called New Jersey home since 2005. He graduated from Syracuse University and enjoys traveling, dining out, taking walks by the ocean and going to Broadway shows. He lives in Red Bank with his partner.



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Szaferman Lakind is pleased to announce that two of its attorneys have been named "Lawyer of the Year" in the 2025 edition of The Best Lawyers in America<sup>®</sup> for the Princeton area. Arnold C. Lakind has been recognized for his work in Land Use and Zoning Law, while Brian G. Paul has been honored for his contributions to Family Law.

In addition to these honors, ten Szaferman Lakind attorneys were acknowledged across six practice areas, reflecting the firm's dedication to providing high-quality legal services.

#### Honored Attorneys:

Janine Bauer – Environmental Law

Jeffrey K. Epstein – Family Law

Samuel Gaylord – Workers' Compensation Law – Claimants

Jeffrey M. Hall – Land Use and Zoning Law, Real Estate Law

Arnold C. Lakind – Commercial Litigation, Land Use and Zoning Law

Lindsey Moskowitz Medvin – Family Law

Robert P. Panzer – Family Law

Brian G. Paul – Family Law

Barry D. Szaferman – Family Law

Brian M. Schwartz – Family Law (Summit, NJ)

Szaferman Lakind is proud of all the attorneys recognized in this year's edition of The Best Lawyers in America<sup>®</sup> and remains committed to serving the legal needs of clients throughout the region.

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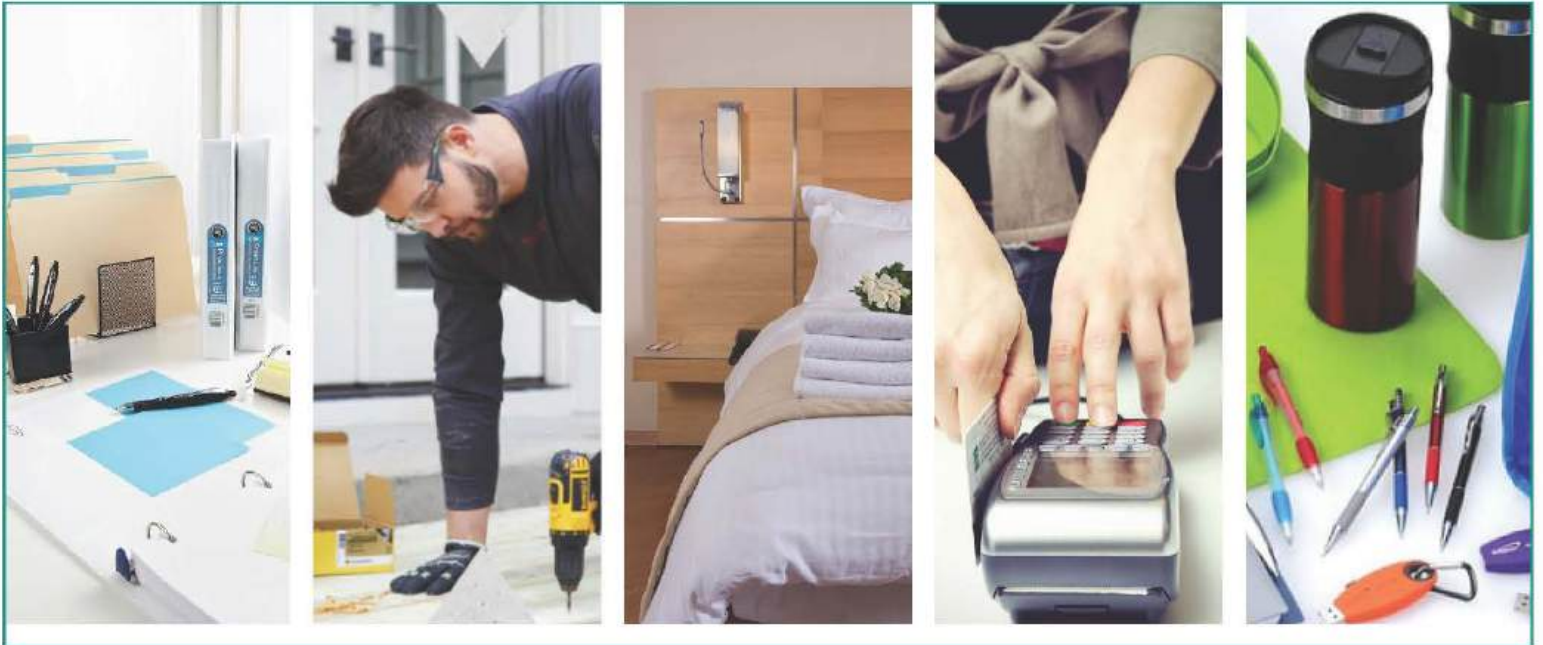
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# The Vital Role of Graciousness and Kindness in Legal Practice

*Submitted by: Robert Bratman, Esq.*

In the high-stakes world of law, where battles are often waged over matters of grave significance, it can be easy to lose sight of one of the profession's foundational virtues: civility. Yet, seasoned attorneys and legal scholars alike agree that graciousness and kindness—qualities too often dismissed as secondary—are crucial to the effective practice of law. These values not only help maintain a healthy professional atmosphere but also enhance the lawyer's role as a trusted advocate and officer of the court.

Civility in the legal field, while fundamental, is frequently tested. The pressures of litigation, mounting caseloads, and the inevitable clash of opposing interests can strain even the most patient attorney. However, demonstrating respect and courtesy toward opposing counsel, the judiciary, and clients is not just a matter of etiquette; it is a professional obligation that fosters trust and credibility.

## **A Stronger Profession**

The legal profession is, at its core, a service industry. Lawyers advocate for their clients, but they also serve as me-

diators, negotiators, and advisors. The relationships lawyers build with their colleagues—whether adversarial or collaborative—are essential to the smooth operation of the legal system. When lawyers engage with one another in a gracious manner, they elevate the profession as a whole. A calm, measured tone in communication or a gesture of goodwill can shift the dynamics of a negotiation, opening doors to amicable settlements that serve the best interests of clients.

Justice Ruth Bader Ginsburg, renowned for her measured words and strong convictions, once noted, "You can disagree without being disagreeable." In her long-standing friendship with the late Justice Antonin Scalia, Ginsburg demonstrated that even sharp legal minds with opposing views can maintain mutual respect and admiration. Their relationship serves as a reminder that while the law may pit lawyers against one another, civility allows for the preservation of professionalism and dignity.

## **The Bench Expects It**

Judges, too, value and expect gracious-



ness in the courtroom. When lawyers are contentious without cause, or when they allow personal animosities to overshadow the legal merits of a case, they risk losing credibility with the bench. More importantly, incivility wastes the court's time and resources. Judges are not swayed by belligerence, but rather by clear, reasoned argumentation grounded in law and fact.

Chief Justice John Roberts has emphasized the importance of maintaining decorum in the courtroom, pointing out that the adversarial system is designed to produce just outcomes through reasoned dialogue, not through hostility. Lawyers who treat the court—and each other—with respect are far more likely to find their arguments met with consideration rather than skepticism.

### **Clients Deserve It**

While the law is a complex and often combative field, clients entrust their lawyers with their most sensitive and pressing matters. A lawyer who is not only knowledgeable but also compassionate and understanding can provide much-needed reassurance in times of uncertainty. Kindness in dealing with clients, especially when explaining complicated legal issues or outlining realistic outcomes, fosters trust and can ease the inevitable stress clients experi-

ence during legal proceedings. Moreover, clients observe how their lawyers interact with opposing counsel and the court. Attorneys who exhibit professionalism, even in contentious situations, set a positive example for their clients. This professionalism reflects well not only on the lawyer but also on the legal process as a whole, reinforcing public confidence in the justice system.

### **A Profession Built on Respect**

The demands of practicing law are substantial, and the stakes can be high. Yet the legal profession is one built on mutual respect—respect for the law, for the courts, and for one another. Graciousness and kindness are not signs of weakness but of strength. They are the marks of a lawyer who is confident in their ability to advocate fiercely for their client while maintaining the dignity and decorum that the profession demands.

In an age when incivility often feels rampant, the legal community has an opportunity—and a responsibility—to lead by example. By treating colleagues, clients, and the courts with respect and kindness, lawyers not only contribute to a more just and efficient legal system but also reaffirm the values upon which the profession is founded.



# **HOPEWELL VALLEY GOLF & COUNTRY CLUB**

**Thursday, October 10, 2024**

Registration & Lunch 11:30 am

Golf Shotgun 1:00 pm

Golf Clinic 4:00 pm

Pickleball 3:30 pm

Evening Reception 5:30 pm

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## Do's and Don'ts for Appellate Oral Argument

*Submitted by: Mitchel E. Ostrer, J.A.D.  
(retired and temporarily assigned on recall)*

It's been months since you filed your brief. And oral argument is finally on the horizon. Here are some tips for the appellate advocate preparing for oral argument.

The goal of oral argument overlaps with the goal of your brief: to give the court the reason to rule in your favor. A main goal of oral argument is to answer the court's questions, which may pertain to the governing law, the underlying policy issues, or the factual record.

Oral argument also gives advocates a chance to respond to their adversaries. Appellants can take the wind out of a respondent's sails. Respondents can use argument as a form of a sur-reply, to respond to points the appellant made in reply, and to respond to points the appellant made in argument.

An advocate should demonstrate knowledge of the law and the facts, and show a commitment to the law and one's client.

### Prepare, prepare, prepare.

Preparation is essential. It is the antidote for nervousness. But if you are not prepared to prepare, then you would likely be better off waiving oral argument. Preparation pertains to the facts, the law, the court, one's client, and the argument itself.

An oral advocate must know the facts. You must know the record on appeal better than the court. It's no excuse that you did not try the case. It's your case now. If you or your adversary cited an exhibit or a snippet of testimony in a brief, you should not be surprised if the court poses a question about it. Study your key documents and the agency or trial court decision on appeal. It is often helpful to develop a list of good facts and bad facts and prepare to explain why the bad facts are not dispositive.

An oral advocate must also know the law. That means knowing the relevant cases, statutes and regulations. How does the "good law" help your cause and know how you can avoid "bad law" – that is, cases that go the other way? That often involves

knowing the facts of the relevant cases. If you have cited a case in your brief for an important principle, be prepared for a probing question about it.

In the weeks before oral argument, freshen up your research. Has an important case come down since you filed your brief? If appropriate, write a letter to the court disclosing it. See R. 2:6-11(d)(1) (“A party may, without leave, serve and file a letter calling to the court’s attention, with a brief indication of their significance, relevant published opinions issued, or legislation enacted, or rules, regulations and ordinance adopted, subsequent to the filing of the brief.”)

An oral advocate’s preparation pertains to the court as well. It’s a good idea for new advocates to “watch one, before doing one.” Observing your panel in action will give you a sense of what to expect. On the day of argument, know where you need to go and where you will sit.

Know how much time you have – thirty minutes in the Supreme Court and fifteen minutes in the Appellate Division – but be aware that “the court may terminate the argument at any time it deems the issues adequately argued.” R. 2:11-1(b)(3). So, don’t save the best for last. And appellants should reserve time for rebuttal before they begin their argument.

Preparation includes knowing your judges, including the correct pronunciation of their names. Judges will not rule against a party because a lawyer mispronounced their name, but they or a colleague may correct the lawyer, and interrupt an argument’s flow. Certainly, know if the judges on your panel have written or joined a key opinion at issue in the case. I can recall one instance in which an advocate asserted that a prior Appellate Division opinion was wrongly decided without seeming to be aware that I had written it.

Oral advocates must also prepare their clients. Especially if the client attends, explain the protocol. The client does not sit at counsel table and should avoid communicating with counsel during argument. Explain the differences between a summation before a jury and an argument before a panel of judges, so your client is not disappointed when the latter lacks the passion of the former.

When it comes to your argument, prepare to be flexible. Be ready to argue without interruption, and to respond to repeated interruptions with little chance to deliver a set argument. Although you may intend to address the key issues in one particular order, the court may force you to reshuffle. Do not tell an inquiring judge that you will get to their questions later. Answer the question and reshuffle.

As noted, one of your major goals is to answer the court’s questions. Try to predict

the toughest questions the court will ask and prepare answers in advance. Here are two questions you must always be prepared to answer. First, be ready to answer “Counsel, what is the standard of review?” And be aware that one standard may be nestled within another. Second, be ready to answer, “What rule of law do you propose to resolve this and related cases?” Another way a judge may put the question, is, “If you were free to write the holding in this appeal, what would it be?”

If you can, moot your argument before colleagues. Ask them to read the briefs and try to make your practice argument as realistic as possible. If you can, record your moot argument. When you review the recording, you will surely spot ways to improve your presentation and responses.

On the day of argument, pack smart. Bring to the podium the outline of your argument, whether it is on note cards, or a legal pad, or typed pages. If there’s a key document, or a statute, have it with you, tabbed or highlighted if necessary, so you can refer to it as needed. At the podium, don’t lean, sway or roam. Have “quiet hands.” Keep your voice up.

### The Argument

In the New Jersey Supreme Court, you will be asked if you wish to deliver opening remarks and time will be reserved for them. In the Appellate Division, there are no guarantees you will be able to deliver a prepared opening. But your chances are improved if you keep it short, and follow the suggestions below.

Your opening is a chance to present the theme and theory of your argument. Present your strongest point or two or three. If, after reviewing your adversary’s brief, you have concluded that a point you raised in your brief is weaker than the others, consider telling the court you’ll be relying on your brief for that one; in some cases, you may want to jettison the point entirely.

Use “headlines.” If you tell the court that it should affirm or reverse for three reasons, and then begin to hit each point briefly, judges are more likely to hear you finish before jumping in with questions. The judges will also appreciate the road-map.

Give the court the “decision rule” for this case and future cases, and give the court good reasons – based on the law and policy – to adopt it. After headlining your points, then delve into them in greater detail, highlighting when you’re moving to the next one. Close with a concise summary and a request for relief. If there is a memorable line that reminds the court of your theme, here’s the time to use it.

Your oral argument is not an “Audible” version of your brief, or the story from the

beginning. New Jersey appellate judges have read your brief and will likely tell you that and ask you to move on. Your opening is also not a jury summation.

Respondents must be prepared to adjust their opening to respond to the appellant's oral argument and the concerns the court has already expressed. Respondents should correct appellant's factual or legal errors, if they move the needle. Like the appellant, respondents should stick to their strongest points. Respondents should defend the court or agency below where defensible. Remember that the court can affirm for alternative reasons. Provide them, especially if you think the reasoning of the court or agency below is vulnerable to attack. If the standard of review favors affirmance, remind the court.

Rebuttal time should be used to correct the law and record on important points; not to rehash an appellant's initial remarks. If you don't need rebuttal, then waive it. If you use rebuttal, don't overstay your welcome. End on a strong note, reprising your theme and your request for relief.

### Answering Questions

A few points about answering questions. It is a main reason you are there. Be prepared for every kind of pitch: curveballs, fastballs and even helpful softballs. There is no such thing as a dumb question; even if you think it is one, do not show it. When a judge asks a question, stop and listen; don't interrupt; take a breath and think; don't rush. Headliners are helpful. "Yes." "No." "Sometimes." "It depends." Then explain, with a numbered list if appropriate. And when you don't understand a question or didn't hear it clearly, don't be afraid to say so. The alternative – answering a question you didn't understand – is fraught with danger. And if another judge interrupts you before you can finish your answer, try to circle back. The original questioner will appreciate it.

Remember that hypotheticals are about this case. The judge asking a hypothetical is usually trying to identify the boundaries around the rule that may govern this case. Help the court do so.

Questions may also take the form of a request for authority for a principle you're asserting. Or the court may challenge your authority or ask you to comment on your adversary's authority. You must know the cases and how to distinguish them.

A judge may ask you to comment on the relevant public policy. Sometimes a judge will ask you, simply, "Is it fair?" Ground your answer in the law and other evidence of public policy, not your personal preferences.

When it comes to factual inquiries from the court, never go beyond the record without permission. If the judge is asking for a fact, the judge usually has a reason. If you spot it, provide the fact and then address the reason.

Finally, if you're stumped by a question, consider telling the court so and ask for an opportunity to submit an answer in a post-argument letter.

When the questioning subsides, return to your prepared remarks, reshuffling and dropping points as necessary.

### It's a Conversation

An appellate oral argument is best described as a conversation – a formal, respectful one, but a conversation just the same. Recognize how the briefing has already advanced the conversation. Your oral argument picks up from there.

If you're successful, at the end of the conversation, the court will be convinced that you have the winning argument.









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## Mercer County Executive Benson Signs Ordinance Establishing LGBTQIA+ Office



For Immediate Release - October 1st, 2024

**Trenton, NJ** – Last week Mercer County Executive Dan Benson signed an ordinance passed by the Mercer County Board of Commissioners, which establishes a new Mercer County Office of LGBTQIA+ Affairs.

The new office will assist members of the LGBTQIA+ community to navigate government programs and access services that support job training, housing, and economic development. The office will also assess needs within the LGBTQIA+ community, provide educational materials to help members of the community understand their legal rights, and support government outreach to the community.

“Mercer’s vibrant LGBTQIA+ community plays a vital role in our success,” said County Executive Dan Benson “yet this population too often faces barriers in housing, health care, and access to government assistance. The new Office of LGBTQIA+ Affairs will be an essential resource to ensure that Mercer’s LGBTQIA+ residents and

business owners can navigate federal, state, county, and non-profit resources to receive the help they need.”

“Asking for help can be easier for some than others, and by creating this office of LGBTQIA+ Affairs, we position ourselves to better serve this community,” said Commissioner Chair John Cimino.

“I continue to be extremely proud of the work our board and administration have done in 2024 to move Mercer County forward,” said Commissioner Vice-Chair Kristin McLaughlin. “I know this is just beginning of more important, bold policies to come.”

“I ran for public office to assist vulnerable communities,” said Commissioner Nina Melker. “Being the mother of a daughter, who is LGBTQIA+, we are a proud PRIDE family. My daughter and her wife have built an amazing life. This new office will put Mercer County in a better position to serve the LGBTQIA+ community.”

“In Mercer County, we represent one of the most diverse communities in New Jersey, but diversity alone is not enough,” said Commissioner Sam Frisby. “We must actively work towards greater inclusion. That’s why the passing of this ordinance, which makes space for a community that has long been excluded and marginalized, is truly historic.





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**Tip: Leverage AI tools to streamline document-heavy processes such as mergers, acquisitions or contract negotiations. It will free up your attorneys to focus on higher-value tasks.**

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## Some Trenton Mobsters (Part 2)

*Submitted by: Franklin L. Flacks, Esq.*

“The Gang that Couldn’t Shoot Straight,” had its Mercer offshoot. On March 17, 1972, two lower-level mob thugs, Testa and Stasio, impersonating police officers, gained entrance to the Hiltonia home of Dr. Arnold Gordon. Armed with guns, they tied up Dr. Gordon and his wife and took money and jewelry.

A maid hiding upstairs called the police. When the police arrived, the thugs kidnapped Mrs. Gordon and the Gordon’s 14-year-old daughter and attempted to escape in a high-speed car chase. The getaway car crashed into a police vehicle, injuring two police officers. Testa and Stasio were caught.

Further investigation centered on the involvement of Albert “Reds” Pontani, who gave Testa details about the layout of the Gordon home. (We will learn more about Pontani below). Anthony Tassone was also involved in the planning. (We’ll also hear more about Tassone below). A lawyer had told Pontani that a large sum of cash would be in the house. The lawyer

was thought to be Larry Stein who was prominent in Mercer County legal circles.

The Mercer County Prosecutor’s Office set up a plan where a detective would pose as a friend of Testa, who wanted to help Testa make bail. Wearing a wire, the detective met with Pontani, who stated he had nothing to do with Testa, but he would have a friend visit him in jail. Thereafter Pontani told the detective that the bail money would be picked up in Trenton. Posing as a New York intermediary of Pontani, the detective called Stein asking where the bail money was. Stein said he had already given the money to Pontani.

Stein was then interviewed by the Prosecutor’s Office, and detectives were told by Stein he had given Pontani — a former client — \$5,000 to help a friend of Pontani. The Mercer County Prosecutor, Bruce M. Schragger, was personally acquainted with Stein. A few days later, Schragger called Stein asking to meet with Stein “to discuss the Pontani matter.” Stein



agreed to meet again.

Stein immediately arranged to have George Pellettieri Esq. accompany him. That evening, Schragger spoke with Pellettieri at a testimonial dinner. Schragger told Pellettieri that Stein was a target.

The next morning, Stein and Pellettieri met with Assistant Prosecutor Richard Altman who had recorded the interview without Stein and Pellettieri's knowledge. Pellettieri said he was there as Stein's friend, not as his attorney. Altman advised Pellettieri that Anthony Tassone was involved, and as Pellettieri's former client, raised an issue of conflict. Pellettieri then left the room temporarily.

Stein told Altman that he would not help the police with anything or anyone other than Pontani. Pellettieri then re-entered the room. Stein then explained how and why he gave Pontani the money.

At no time was Stein ever advised of his rights. Stein then explained his involvement in the conspiracy to burglarize the Gordon home. A polygraph was called in and for the first time Stein was advised of his rights. After the polygraph test, Stein gave a formal statement.

Stein was charged with multiple offenses. He challenged the charges, claiming he was not advised initially of his constitutional rights, among other issues. He was convicted and raised those issues all the way up to the New Jersey Supreme Court in State v. Stein, 70 N.J. 369 (1976). The Court reversed Stein's conviction.

Albert "Reds" Pontani, of Hamilton Township, Mercer County, had longstanding associations with the Gambino Organization and would ultimately become a figurehead boss of the Philadelphia/South Jersey crime family. He even met with John Gotti in central New Jersey.

Initially, as early as 1983, Pontani had been identified as a "soldier" in the Scarfo organization. After the murder of Angelo Bruno, Pontani gained a more prominent role in the Trenton area. He was involved in gambling, loansharking, and drugs and had been arrested for gambling, burglary, and assault.

## Mobster is sentenced to 30-year prison term

**Harold A. News Wire Services**  
 NEWARK — The 42-year-old accused acting head of the Bruno crime family was sentenced Tuesday to 30 years in prison after a prosecutor asked that the reputed mafioso "never emerge from jail."  
 U.S. District Judge Maryanne Trump Barry called Albert "Reds" Pontani a "made member of the Bruno-Scarfo family" who was at the top of a "wide-ranging" criminal enterprise that operated in Philadelphia and southern New Jersey.  
 She sentenced three reputed mob associates to 15- and 20-year terms.  
 In asking for a 30-year-to-life term, Assistant U.S. Attorney Peter Harvey said Pontani "skillfully avoided prosecution and

conviction for extremely major crimes all his life."  
 "It's time Mr. Pontani went to jail for the rest of his life," he said.  
 The white-haired Pontani, wearing a light blue jacket and open-collared white shirt, stared forward, his head rocked to the right as the judge imposed sentence. He did not react, and earlier declined to address the court.  
 Federal law requires he served at least 10 years in prison before becoming eligible for parole because the jury found him guilty of running a continuing criminal enterprise. Pontani was also convicted of conspiring to distribute cocaine and PCP, a chemical component of the drug "speed," loan-sharking, conspiracy, and making and collecting illegal loans.  
 "Mr. Pontani should never en-

erge from jail," said Harvey. "I say that without hesitation and with great reflection."  
 On Monday, the government presented three witnesses — including a confessed organized crime hit man who has testified 10 times against Bruno family figures — to support post-trial allegations that Pontani was a member of organized crime; that he was involved in the murder of a drug-dealer; that he plotted to kill a mob rival, a hit never carried out; and that his drug-dealing went beyond the informant's scope.  
 Of those accusations, Ms. Barry said she only considered the organized crime link in her sentencing, saying the other allegations — which Pontani denies — were too dependent on hearsay.



Albert Pontani

In 1988, he was tried in Newark Federal Court with Scarfo for a drug and loan sharking conspiracy, along with Francis “Faffy” Iannarella of Trenton. Scarfo and Iannarella were also involved in another trial for the murder of John Calabresi in 1981, and the attempted murder of mob boss, Harry Riccabone in 1982. In the murder case, both were convicted and received life sentences, but their convictions were overturned in 1992. They were retried and acquitted in 1997. The 1988 drug conspiracy case was al-



Sammy “The Bull” Gravano

leged to have involved drug distribution from New Jersey to Central America. Also tried with Iannarella and Pontani were Angelo Belardo and Daniel Muccie, also from Trenton. Belardo had previously been tried with John Fioravante for a 1962 house burglary in Wall Township. Belardo testified for the State.

Pontani was convicted in federal court

of racketeering for the sale and distribution of cocaine, loan sharking, and extortion.

Joe Scaffidi and John “Johnny Keyes” Simone lived in Trenton. Angelo Bruno in 1956 sent Simone to Trenton to oversee operations there. Simone worked for a vending machine company, but he also ran a sizeable book-making operation. He worked under Charles “Pinky” Costello, the boss of Trenton’s numbers and gambling operations. Trenton was not as lucrative

as other New Jersey towns, but it became a base for the Philly mob for decades.

On or about Valentine's Day in 1981, an ambitious young Trenton gangster named Frank “Frankie Stale or Steele” Stillitano was snatched off the street by thugs. Twelve days later his corpse was found stuffed in the trunk of a car linked to his own brother-in-law at

Philadelphia International Airport.

Greater Trenton did not find out until 1997 who killed Stillitano until Sammy “The Bull” Gravano came out with a book admitting he killed Stillitano and 18 other mobsters. As Gravano explained, the murder was a hit; come up because Stillitano thought he could take over the rackets that Nikki Russo was running in Trenton for the New York Gambino family.

Scarfo also had a presence in Trenton. Stillitano had killed Russo’s son. The Gambinos ordered Stillitano killed, but Gravano couldn’t find him. Gravano asked Scarfo for help according to Phil Leonetti in his book *Mafia Prince*. Leonetti claimed that Scarfo’s soldiers killed Stillitano.

In the Gravano version, on March 23, 1979, Stillitano ran into Russo’s son and heir apparent, Michael Russo, outside of Trionfetti’s Restaurant in Chambersburg. They argued and came to blows. After the fight, young Russo called his father at DeGeorge’s Eldorado Cafe on nearby Franklin Street and was told to go there. When both Russos exited DeGeorge’s at 2:00 AM, they were sprayed with gunfire. Michael Russo was killed, and his father was shot in the shoulder. Russo, who previously helped the Gambinos



Frank “Frankie Steel” Stillitano

engineer a hit on John Simone, appealed to Gravano to get permission from the Don of the family, Paul Castellano, to kill Stillitano. Gravano was given permission to kill Stillitano.

Gravano also killed John “Johnny Keys” Simone in 1980. Simone was killed because after Angelo Bruno was killed, he talked to the Gambino family about his prospects for taking over the Philly mob. The national Mafia leaders had already decided that Nicodemo “Little Nicky” Scarfo would take over the Philly mob. Scarfo asked the national leaders to kill Simone.

Simone was snatched from the Sky View Country Club at the airport in

what is now Robbinsville and driven to Staten Island to be executed. On his way to his death, Simone knew what was about to happen and he suffered a heart seizure. He insisted on taking one of his heart pills so he could die like a mobster by the gun. According to Gravano, the killing ground was in some woods. Simone took off his shoes and told Gravano “I’ll walk out [of the van] on my own. Let me die like a man.” He was then shot. Gravano said “he died Cosa Nostra.”

Police in Trenton have believed for a long time that Gravano also killed a mob bookmaker in Hamilton named Salvatore “Italian Sam” Vasta on



The Gambino Family

March 24, 1995. This remains an unsolved murder.

Not to be overshadowed by the Gambino family and Gravano, the Genovese family also had been involved in a murder of small-time Trenton mobster Paul Campanile in March 1975, who was lured to a rest stop on the Garden State Parkway.

Campanile was killed by Ruggiero "The Boot" Bolado, a capo in the Genovese family, who believed that Anthony "Little Nicky" Scarfo, a Jersey Shore mob boss, would sponsor him for full membership in the Cosa Nostra for doing this hit.

Another local Trenton mobster is Anthony Iannuzio. He was a scammer posing as a legitimate businessman who was convicted of fraud for taking money from a homeowner for installing an in-ground swimming pool, which was never completed.

Iannuzio was part of the Pontani crime family. In 2003, Iannuzio was charged with operating an illegal solid waste collection facility in the Trenton area and he was convicted and received a five-year sentence.

Pasquale "The Cat" Spirito came from Chambersburg. He worked for the Scarfo family in the 80s, who used

him as the getaway driver in the murder of John Calabrese, a long-time drug dealer who served under Angelo Bruno and who was a "made man" himself.

On April 29, 1983, Spirito was shot in the back of his head while sitting in his car in South Philadelphia. He was killed for failing to carry out the murder of another mobster per Scarfo's orders.

If you have been involved with law enforcement, then since the 1970s, you will be familiar with Anthony Tassone, Sr. Tassone was connected to the Gambino family and lived in Ewing Township. He was a colorful character who once testified in court that "he earned his living playing cards and shooting dice."

Tassone was involved in fixing horse races and served time for fixing races in Rhode Island in 1971 and again between 1983 and 1984 in Michigan. He also served time for orchestrating the botched burglary and kidnapping of the wife and daughter of Dr. Gordon in 1972. He was charged with running a numbers operation in 2001 but was found to be mentally incompetent. He died in 2009.

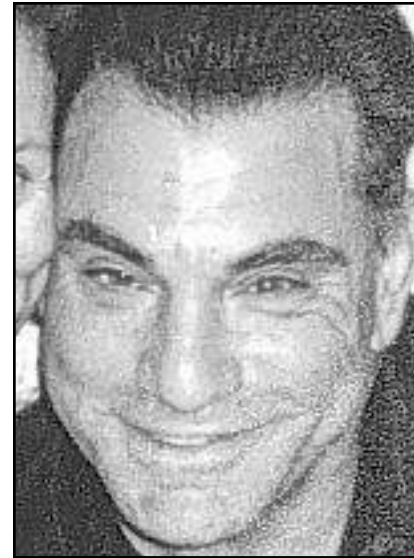
As mob members and their associates were involved in gambling operations

in Philadelphia and New Jersey, they also maintained a close relationship with African American gambling operations. This business relationship was mutually beneficial to both groups and the African American operations were not subservient to the mob. As a result of the 1988 gambling arrest of the Costello brothers, a mutually beneficial business relationship arose between the Costellos and the African American groups.

One such group was run by Wayne Peck, who conducted an illegal lottery in conjunction with the Gambinos and Gotti associate Anthony "Pushy" Pulcinello. The group had been in existence since 1954 and in its early years worked with the Bruno family.

Even recently, in March 2016, yet another Trenton mobster, Michael "Mickey Rome" Demattia was murdered. Demattia pled guilty to the murder of a 17-year-old drug dealer on Walnut Street with a shotgun blast between the eyes during a botched cocaine buy in 1990. He served only three years in prison but was jailed again in 1996, on a parole violation when he was caught with numerous guns in his apartment.

In June 2009, he was arrested again when police stopped his car in Tren-



Michael "Mickey Rome" Dimattia

ton while high on drugs and heavily armed.

While never officially a suspect, he was questioned in connection with the 1995 murder of mobster Salvatore Vasta in which Gravano was a suspect and Demattia was thought to be an informant. Demattia was shot to death in Hamilton Township in March 2016.

So, where are we today? Does the traditional mob still exist in New Jersey and in the Trenton area? As of 2019, the New Jersey US Attorney's Office stated that all five families of the mob still operate in New Jersey making millions of dollars not only from traditional mob rackets but also from new and innovative schemes. However, today's mobsters don't seem to be as sophisticated as the Asian, Russian,

or African American organized criminals.

Legalized gambling and the crack-down on opioids have cut into the mob's traditional cash flow and flashy mob hits are down. They still operate in the realms of extortion, loansharking, racketeering, gambling, and drug smuggling. The hotspots are the Port of Newark and the Jersey Shore towns.

According to the Mercer County Prosecutor's Office, there appears to be little, if any, remnant of the traditional Trenton mob left today. The old Italian and Irish neighborhoods of Trenton are gone.

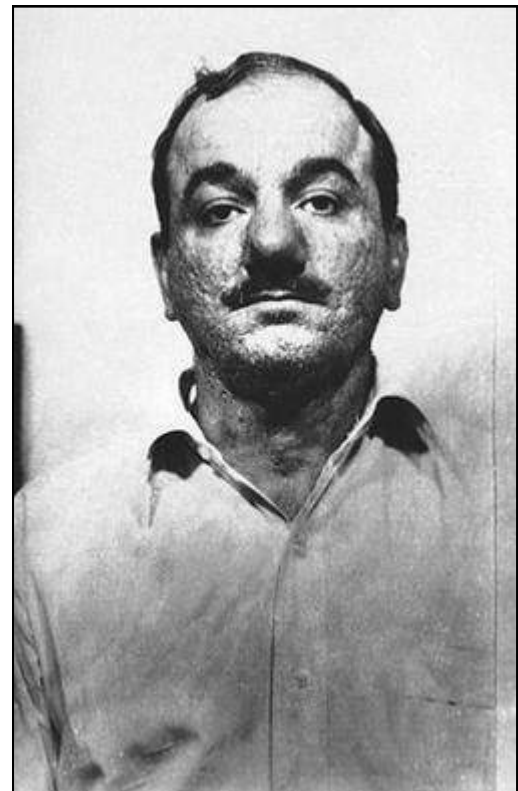
Instead, again according to the Mercer County Prosecutor's Office, we have mostly neighborhood organized gangs such as the Bloods, Crips, H Block, The Section and the 801<sup>st</sup> gangs.

In his song, "Atlantic City", from his album *Nebraska*, New Jersey's Bruce Springsteen — although not directly linked to Mercer County — sings about Philip "Chicken Man" Testa, boss of the Philadelphia mob in 1981. Testa was killed when a bomb went off as he walked up to his house. The bomb was remotely detonated from a van parked across the street. The lyrics are:

Well, they blew up the  
Chicken Man in Philly  
last night, now they blew  
up his house too.

Down on the boardwalk  
they're getting ready for a  
fight. Gonna see what  
them racket boys can do.

You gotta love this stuff!



Phillip "Chicken Man" Testa

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