

ET SEQ.



December 2009

MARK YOUR CALENDERS

DECEMBER

13th- Shopping Party for Kids
17th- Bridgeton Kid's Pizza Party
18th- Wrapping Party for Gifts
19th- Children's Breakfast Party

JANUARY

20th- General Membership Meeting

2009-2010 Officers

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A MESSAGE FROM OUR PRESIDENT BRENDAN J. KAVANAGH, ESQUIRE

A Holiday for Giving

You may recall that in last month's Et. Seq. article I urged all of you to take the opportunity during the Thanksgiving holiday to reflect on those "gifts" of life for which we should be thankful. Now, with the Christmas and Hanukkah holiday season upon us, I wish to focus your attention on the importance of spreading joy and happiness with others.

If you are like me, life can often seem like a rat race with each passing day as we try to improve our careers and our lives. Indeed, it is wholly appropriate that the holiday season essentially wraps up the year. To me, the holiday season is a great opportunity to take a step back, appreciate our accomplishments and good fortune, then share some of them with those who are in need.

As children, we looked forward to this time of year because we knew it meant a long break from school which would be spent playing with our new toys and gadgets. But as adults, the roles are reversed. Many of us are responsible for purchasing these items for our children and/or our relatives and friends. It is certainly a busy time of year that can be very stressful for everybody. The key is to not let the stress get the best of you.

I often feel that, in the interest of trying to make the holiday season "perfect", we lose site of the true meaning of the holiday season. To combat this temptation, I try to attend certain events that keep the true spirit of the holiday alive. These include: (1) attending the Millville Christmas Parade; (2) a trip to Manhattan to view the tree at Rockefeller Center and see a Christmas show; (3) attendance at my kids Annual St. Mary's Christmas show; and (4) our Bar Foundation's Holiday Breakfast and luncheon for underprivileged and mentally incompetent children.

For those of you who have not had the pleasure of attending the breakfast at Gia's, we have been organizing this event for many years. Not only do we feed underprivileged children and their families

a delicious warm breakfast on a Saturday morning, but we also arrange for Santa and Mrs. Claus to hand out presents which, for many of the kids, are the only ones they will receive. We also hold a similar event, a pizza party, at the Bridgeton Hospital Adolescent Mental Health Unit. I encourage as many of you as possible to attend this event as well. Once again, Santa provides each child with several gifts and one very large gift (last year it was a Wii Game System) to be shared by the entire unit. I'm sure that those of you who were there last year will agree that the memory of seeing the joy on those kid's faces will last a lifetime.

So as the holiday season fast approaches I urge each of you to steal some time from your busy schedules and reduce your stress level by partaking in events and activities that truly offer the chance to experience the spirit of Christmas and Hanukkah. Certainly a lot of hard work goes into planning these events and it takes some sacrifice, both in time and money, to make them a great success. On behalf of the entire Bar Foundation Board of Trustees, I thank all of those individuals who offer their time and dollars to make the holiday breakfast and luncheon two events that should not be missed.

With that in mind, it is time to announce the Lawyer of the Month for the very special month of December, our own, **Michael D. Capizola**. Mike's completed questionnaire is attached below. For those of you who know Mike, I am sure you will agree that he and his wife Fran are very giving people in every sense of the word. Fortunately for us, Mike is not only an excellent attorney and generous individual, but he also has a comedic flair as evidenced by his questionnaire answers. Enjoy reading along and may each of you have a blessed and joyous holiday season.

MICHAEL D. CAPIZOLA

1. Nickname “Mike” (“Honey” to my Wife)
 2. Birthdate/Place of Birth July 1, 1938 / Atlantic City, NJ - It went downhill after that
 3. Current Hometown Buena, NJ
 4. Names of your Spouse/Children Wife, Fran; Children, Edith Taylor, Michael C. Capizola, Lisa Woodward, David A. Capizola, Jessica Marino; and 10 Grandkids
 5. Undergrad/Law School Georgetown / Harvard Law
 6. Areas of Practice My partners make me do workers comp now, but I still remember some other stuff
 7. Describe your First Car 1929 Ford Pickup that never ran and then a 1955 Chevy
 8. Favorite Hobby Skiing
 9. All-time Favorite Movie Pope of Greenwich Village
 10. Favorite Type of Music Classic Jazz
 11. What is currently playing in your CD player or on your iPOD: WRTI-JAZZ
 12. Last Book you Read NJAC - It had no plot.
 13. Favorite Food Italian
 14. Favorite Vacation Spot Kenya - I found Obama's birth certificate there
 15. Favorite Sports Team USA Women's Beach Volley Ball Team
 16. If I won the Power Ball Lottery I would... not have time to spend it and would not want Uncle Sam to get it so I would give it away to friends in need and charity - but I don't play the lottery!
 17. If I wasn't an attorney I would not be Lawyer of the Month. I was Boss of the Year once. Is this a demotion??
-

SAVE THE DATES

Sunday, December 13th– Shopping at Toys R Us for Children’s Holiday Breakfast.

Thursday, December 17th– Holiday Pizza Party for South Jersey Healthcare Children’s Mental Health Unit in Bridgeton.

Friday, December 18th– Holiday Wrapping Party at Basile & Testa in Vineland.

Saturday, December 19th– Children’s Holiday Breakfast at Gia’s in Bridgeton.

Wednesday, January 20th– General Membership Meeting, “Vicinage XV Address” at Cumberland County College in Vineland.

Thursday, February 25th– General Membership Dinner, “Celebrating Our 40/50 Year Members” at Centerton County Club in Pittsgrove.

March 26th– Tri-County Dinner hosted by Cumberland County Bar Association at Running Deer Golf Club in Pittsgrove.

Friday, April 30th– Law Day Breakfast at Gia’s in Bridgeton and Law Day Golf Tournament (course to be determined).

Thursday, May 20th– “Annual Party on the Deck” at Hotel Charlesworth in Fortescue.

June– Installation Dinner of New Officers and Board of Trustees (to be determined).

PLEASE NOTE: All reservations made for an event and not honored will be invoiced. If you have made a reservation and cannot attend the event, cancellations can be taken until 12 noon the day of the event. If you already paid for the event and cancelled before 12 noon the day of the event, you will receive a credit. If you **DO NOT** cancel before the event, you will not receive a credit and will be invoiced for the event if you had not already paid.

A MESSAGE FROM GEORGIA CURIO, ASSIGNMENT JUDGE

NOTICE TO THE BAR

Modification to Criminal Division Backlog Reduction Program

Beginning October 26, 2009, the Criminal Division will resume scheduling Criminal matters for trial, with one week per month dedicated to status conferences and motion hearings; prior to October 26, 2009, the Plea Cut-Off Rule will be relaxed; therefore, matters currently on the trial list may be negotiated and where appropriate, pleas entered. After October 26, 2009, the Plea Cut-Off Rule will be STRICTLY ENFORCED, with authority to accept pleas from the trial list to be obtained from the Criminal Presiding judge or, in his unavailability, the Assignment Judge. Parties are encouraged to review their files at this time and pursue whatever negotiations they deem appropriate prior to October 26. Thereafter, the Plea Cut-Off Rule will be strictly enforced.

This modification to the Backlog Reduction Program will be reviewed and reassessed periodically. If necessary, the original Backlog Reduction Program will be reinstated.

NOTICE TO THE BAR CRIMINAL JUSTICE ACT APPLICATIONS

The United States District Court for the District of New Jersey will be accepting applications to the Criminal Justice Act Panel of attorney. Since, 1971, the United States District Court for the District of New Jersey has maintained a list of attorneys to be appointed as counsel for eligible defendants pursuant to the Criminal Justice Act ("CJA"), 18 U.S. C. 3006A. The District CJA Panel consists of 100 attorneys, divided by Vicinage who are members in good standing of the Bar of this District, and have trial experience and knowledge of the Federal Rules of Criminal and Appellate Procedure, the Federal Rules of Evidence, the Federal Sentencing Guidelines and the Local Rules of both the District and Circuit Courts. The CJA Committee selects the 100 attorneys for the CJA Panel based upon merit and experience.

Membership on the CJA Panel is ordinarily for a term of three years. On March 11, 2010, the term of one-third of the members of the CJA Panel will expire. The Court invites all attorneys interested in becoming members of the CJA Panel to submit an application to William T. Walsh, Clerk, United States District Court, Clarkson S. Fisher Courthouse, 402 East State Street, Room 2020, Trenton, NJ 08608; on or before January 22, 2010. Applications will also be accepted via email at njcja@njdc.uscourts.gov; however the document must be in a PDF format. Any inquires regarding the CJA Panel should be directed to William T. Walsh, Clerk, United States District Court, Martin Luther King, Jr. Federal Building, 50 Walnut Street, Room 4015, Newark, NJ 07102-3595, telephone number 973-645-6697.

FUNDRAISING COMMITTEE MEETING

Louis Charles Shapiro, Esquire, the Cumberland County Bar Association's Vice President of Fundraising is seeking volunteers from the membership to join and assist on his fundraising committee. Anyone interested in joining the committee, or who wishes to provide input, should contact him at his office by telephone at (856) 691-6800 or by email at shap1@prodigy.net.



ADVERTISE YOUR COMMITTEE MEETING

Is your committee going to meet soon? Let Lou Ann know and she can post the reminder memo in the Et Seq. You can also place any memo you would like the membership to know about your committee.

Just a reminder that committees should meet at least two times a year.

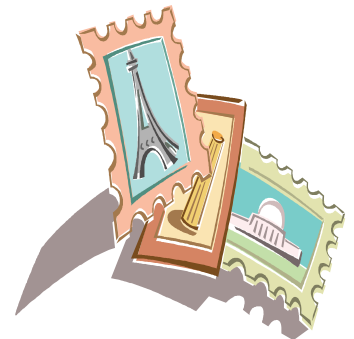
BY-LAWS COMMITTEE NOW FORMING

The Cumberland County Bar Association is seeking members to join the By-Laws Committee. If you are interested in joining this committee, please contact, Chair of the By-Laws Committee Joseph E. Ruth, Esquire at (856) 691-0100 or jruth@grucciopepper.com.

CENTENNIAL CACHE STAMPS OF THE CUMBERLAND COUNTY COURTHOUSE 1909-2009

Bennett Bardfeld has Cache Stamps Commemorating the Centennial of the Cumberland County Courthouse 1909-2009. If you would like a stamp, please contact Bennett. They are \$2.00 if you would like it sent by mail to you or \$1.00 if you would like to pick up the stamp at his office.

He also has a limited amount of stamps for the 1995 Dedication of the Cumberland County Courthouse and the 100th Anniversary of the Bar Association (1999).



BAR ASSOCIATION SNIPPETS FROM TED RITTER, C.C.B.A. HISTORIAN

On September 8, 1995 the Cumberland County Bar Association adopted a Resolution opposing a then-pending legislative proposal, which would have eliminated or reduced the hiring of law clerks for the State judiciary. Our Trustees observed that the functions performed by New Jersey Law Clerks were “an integral part of providing assistance to our judiciary and to the public at large in the pursuit of justice.”

. . .

In 1997, at the urging of the Cumberland County Bar Association, the Township Committee of Upper Deerfield adopted an ordinance establishing the position of Municipal Public Defender.

. . .

In the Fall of 1987, the Trustees addressed the state of relations between the legal and medical professions in our County. President, Robert A. DeSanto, appointed a new committee, comprised of Charles W. Gabage, Theodore H. Ritter and Michael L. Testa. The Committee drafted a “Medical-Legal Interprofessional Courtesy Agreement,” which it then submitted to the Cumberland County Medical Society.

. . .

On April 1, 1998 the Bar Trustees again took up the topic of the Court House Law Library. It was noted that the Library was not being maintained. Pocket parts were not being filed and new books were not being unpackaged and shelved. Carl Cavagnaro investigated and reported back to the Board that the Law Clerks were supposed to be maintaining the Court House Law Library.

. . .

At its February 1997 Trustee meeting, the Board of Trustees noted that Cumberland’s Jay H. Greenblatt was being installed as State Bar President on May 16, 1997 in Atlantic City. The County Bar encouraged our members to attend that event in support of Jay.

. . .

On February 13, 1997 the Cumberland County Bar Trustees gave their final approval to the formation of the Cumberland County Bar Foundation, an IRS § 501(c)(3) tax exempt charitable organization with its own, separate, Board of Trustees. It was announced that the Cumberland County Bar Foundation will accept tax deductible donations and will exist to support our County Bar’s charitable endeavors including the Children’s Holiday Party, The Kids Count Program and College Scholarships. Ted Baker originated the idea, when he was our Bar President, and saw it through to fruition.

. . .

The May 1999, our Bar mourned the unexpected passing of Margaret D’Agostino. Marge, who was a registered nurse in addition to being an attorney, was an associate with Jacob & Ferrigno in Millville.

CHILDREN'S HOLIDAY SHOPPING DAY, WRAPPING PARTY AND BREAKFAST

The Children's Holiday Shopping Day, Wrapping Party and Breakfast have been scheduled. If you can help out at any of these events, please contact Emily Buonadonna at ebuonadonna@comcast.net or Beth White at bahellriegel@mail.widener.edu.

Sunday, December 13th– Shopping Day at Toys R Us at 7:00 a.m. in Vineland. Come out and enjoy shopping for all the kids!

Thursday, December 17th– Children's Pizza Party for the children at South Jersey Healthcare Mental Health Unit in Bridgeton at 11:30 a.m. We need your help making this a memorable season for these children.

Friday, December 18th– Wrapping Party at Basile & Testa at 5:00 p.m. in Vineland. Bring your scissors and tape! Pizza will be served. This is a great night to spend with friends from the Bar Association.

Saturday, December 19th– Children's Holiday Breakfast at 8:00 a.m. at Gia's in Bridgeton. We need your help to hand out all of our gifts, help with crafts and bring holiday cheer to all the children we help. Come out and see Mr. and Mrs. Claus and Frosty!

Any monetary donations for gifts can be send to the Cumberland County Bar Foundation, P.O. Box 2374, Vineland, NJ 08362.

ADVERTISE IN THE ET SEQ.

We are still taking Ads to be published in the Et Seq. All payments are due **prior** the posting.

Quarter Page	\$25.00 per issue
Half Page	\$50.00 per issue
Full Page	\$100.00 per issue



Discounts are available for multiple month postings: 10% off for 3 months, 15% off for 6 months and 20% off for a full year. Please note that there is no Et. Seq. published with in July or August.

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WELCOME NEWEST MEMBERS

CHARLENE BRAIDA- Charlene Braida graduated from the University of Delaware in Newark, DE with a B.A. in political science. Thereafter, she earned a certificate from The Institute for Paralegal Training in Philadelphia. While working full time as a paralegal, she attended the evening division of Temple University Beasley School of Law. After receiving her law degree, she practiced with two Philadelphia law firms, most recently at Wolf Block, LLP where she worked for more than twenty years, concentrating her practice in the area of real estate. She lives in Vineland and is looking forward to being a part of the Cumberland County legal community.

MARIANNE ROGERS- Marianne V. Rogers is the newest addition to Adler & Stomel located in Bridgeton, New Jersey and is currently focusing her practice on criminal law. After graduating from the University of Pennsylvania and the Widener University Delaware School of Law, Marianne clerked for the Honorable William L. Forester of the Superior Court of New Jersey, Salem County. Some of Marianne's interests include playing tennis and spending time with her family and friends.

PHILLIP DAVOLOS- Philip Davolos was born in 1978 in Bryn Mawr, Pennsylvania. He lived in Voorhees, New Jersey and Swarthmore, Pennsylvania during elementary school and high school. Philip graduated from the Episcopal Academy in 1997 and Kenyon College in 2001. Prior to attending graduate school, Philip worked as an Analyst in the Capital Markets Division of Allied Irish Bank in Philadelphia. Philip lived in China in 2000, 2003, and most recently in 2008. Philip earned a graduate certificate in Asian Languages (Mandarin Chinese) from Cornell University in 2003. He graduated from Case Western Reserve University School of Law in 2006. In law school, Philip was an active participant in the student government and served as a Senator in the Student Bar Association. Philip earned an M.B.A. from the Weatherhead School of Management at Case Western Reserve University in 2007. Philip is admitted to practice law in New Jersey (2009), Pennsylvania (2009), and New York (2008). Philip is an associate at the law firm of Chance & McCann, L.L.C.

NICOLE CURIO- Nicole Curio, daughter of Joan & Alex Curio, was born and raised in Vineland. She graduated from Vineland High School in 2001. Nicole received a Bachelor's degree from Penn State University in December, 2004 in "Communications Arts & Sciences" with a minor in "Law and Liberal Arts." Nicole then earned her law degree from Rutgers University-Camden in May, 2009. While in law school Nicole served as a board member for Hunter Moot Court and also was a member of the Child and Family Advocacy Clinic where she and fellow clinic members represented the interests of children in DYFS matters in the Camden County Superior Court. Nicole was also active in the softball association throughout law school. Nicole was sworn in to the New Jersey State Bar on December 3, 2009.

Richard M. Milstead, Esquire
HAS MOVED TO
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VICINAGE 15

COURTHOUSE CLOSING INFORMATION

CUMBERLAND COUNTY

All Judicial employees and court users can listen to:

Radio Stations

WVLT (92.1 FM)

WMVB (1440 AM)

WSNJ (1240 AM)

For courthouse closing information call:

856-453-8090 (local)

888-263-1920 (toll free)

GLOUCESTER COUNTY

All Judicial employees and court users can listen to:

Radio Stations

KYW (1060 AM)

For courthouse closing information call:

856-853-3462 (local)

800-688-0726 (toll free)

SALEM COUNTY

All Judicial employees and court users can listen to:

Radio Stations

KYW (1060 AM)

WSTW (93.7 FM)

WDEL (1150 AM)

For courthouse closing information call:

856-878-0441 (local)

888-263-1955 (toll free)

Additional information may also be obtained online from www.njcourtsonline.com. You need to select "Closings (unscheduled)" from the Quick Site Index.

For cancellation information on training classes, the regional toll-free hotline number is (866) NJCOURT or (866) 652-6878.

NOTICE TO THE BAR

FULL-TIME UNITED STATES MAGISTRATE JUDGE POSITION



RE: Full-time United States Magistrate Judge Position at Newark, NJ.

The United State District Court for the District of New Jersey has announced that it is seeking candidates for a full-time United States Magistrate Judge in the Newark vicinage.

In accordance with Section 631 (b) (5) of Title 28, United States Code, the Court has established a Merit Selection Panel to assist it in the selection of the full-time United States Magistrate Judge through review of applicants and the making of recommendations to the Courts. The appointment of a full-time United State Magistrate Judge is for a term of eight (8) years. The present salary is \$160,080 per year. To be eligible for appointment, the individual must be a member of good standing of the bar of the highest court of any state or the District of Columbia for at least five years, be less than 70 years of age, and not be related to a Judge of the District Court. Any candidate selected will be subject to a full field investigation by the Federal Bureau of Investigation and an Internal Revenue Service audit, after which the Court will make the appointment.

The Committee invites all qualified members of the bar who are interested and who would like to be considered for appointment to submit a completed application no later than December 31, 2009 to the following address:

William T. Walsh, Secretary
Merit Selection Panel
Martin Luther King, Jr. Federal Building and U.S. Courthouse
50 Walnut Street, 4th Floor
Newark, NJ 07102

Application forms are available from the Clerk's Office at the above address or on the web at:
<http://www.njd.uscourts.gov/forms/mag-appl.pdf>.

REFER THE CASE GET THE CHECK



Recent Cumberland County Results:

- \$1.5 Million Jury Verdict – TCA Dangerous Condition
- \$1.5 Million Trial Settlement – TCA Motorcycle Crash
- \$\$\$ Confidential – Wrongful Death Settlement
- \$1.3 Million Settlement – Products Liability
- \$800,000 Settlement – Products Liability
- \$485,000 Jury Verdict – Lawsuit Threshold



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Cumberland County Bar Association Committee Chairs:

Bankruptcy: Nathan Van Embden, Chair

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Bench Bar: Edward Duffy, Chair

Children's Holiday Party: Emily Buonadonna and Beth White, Co-Chairs

Civil Practice: Michael Gaffney, Chair

Criminal Practice: Jennifer Webb-McRae, Chair

Elder Law/ Estate Planning: Mark Kutner, Chair

Et Seq.: Arnold Robinson, Chair

Judicial Selection: 2007-2010: Susan Romeo, Vincent Pancari, Chair and Cherylann Ferrigno; 2008-2011: Robert DeSanto, Joseph Chiarello and Steven Rothman; 2010-2012: Jeff DiLazzero, Michael Testa, Sr. and Matthew Ritter

Law Day: Evan Lide

Liberty Bell Award: Arnold Robinson, Millville; David Raczenback, Bridgeton; Harold Shapiro, Vineland

Matrimonial: Carl Cavagnaro, Chair

Membership: Michael Testa, Jr., Chair

Mock Trial: Matthew Bingham, Chair

Municipal Court: Joseph Chiarello, Chair

Nuts & Bolts: Jennifer Webb-McRae and Shanna McCann, Co-Chairs

Professionalism: Michael Capizola, Chair

Real Estate: Bennett Bardfeld, Chair

Scholarships: Isabella Garofola, Chair

Pro Bono: Jose Silva, Chair

Special Civil Parts: Michael Hoffman, Chair

Young Lawyers: Evan Lide, Chair

Worker's Compensation: Victoria Kavanagh, Chair

**If you are interested
in joining a committee,
please contact the
Committee Chair listed.**

ATTENTION ALL NEW JERSEY STATE BAR MEMBERS

December Fastcase Webinars Public Access to Court Records and Administrative Records Committee Meeting on R. 1:38 Open to All Members

Your December Fastcase Webinar Schedule

The following webinars are scheduled for NJSBA members to learn how to use Fastcase, your FREE online legal research benefit.

Friday, Dec. 11, 2009 12:00 PM - 1:00 PM EST

<https://www1.gotomeeting.com/register/590489689>

Wednesday, Dec. 23, 2009 12:00 PM - 1:00 PM EST

<https://www1.gotomeeting.com/register/722357313>

NJSBA Members have access to a complete New Jersey law library and can upgrade to the 50-state Fastcase Premium Plan for just \$195. Access Fastcase from the home page of www.njsba.com.

Read more about Fastcase:

[Fastcase website](#)

[Product Overview](#)

[FAQs](#)

[User Guide PDF](#)

[Tutorials](#)

[Resources](#)

What You Need to Know About R. 1:38 with Francis W. Hoeber, Special Assistant to AOC Administrative Director

The Government and Public Sector Lawyers Committee is opening their upcoming meeting to **All NJSBA Members**. The committee will welcome **Francis W. Hoeber**, special assistant to the administrative director of the Administrative Office of the Courts at a dinner meeting scheduled for **Tuesday, Dec. 15** from **6:30 to 8 p.m.** at the **New Jersey Law Center**, in New Brunswick. Mr. Hoeber will speak on R. 1:38 at the program titled **What You Need to Know about Public Access to Court Records and Administrative Records After Sept. 1, 2009**.

Registration is requested by Friday, Dec. 11 and the cost is \$16. Register Online at www.njsba.com.

NJSBA

One Constitution Square

New Brunswick, NJ 08901

732-249-5000

www.njsba.com

SAVE THE DATE

JANUARY 20, 2009

**STATE OF THE JUDICIARY ADDRESS
GIVEN BY
THE HONORABLE GEORGIA M. CURIO, A.J.S.C.**

**CUMBERLAND COUNTY COLLEGE
VINELAND, NJ
5:30 P.M. Cocktails
6:30 P.M. Dinner**

NUTS & BOLTS

**NJSBA REPRESENTATIVES WILL BE HERE TO
SHOWCASE THE NEW FAST CASE PROGRAM
THERE WILL BE 2 SESSIONS
4:00 P.M. AND 5:30 P.M.**

**TELL YOUR FRIENDS AND COLLEAGUES FROM
THE GLOUCESTER AND SALEM BAR ASSOCIATIONS
TO JOIN US FOR THE EVENING**

Look for more information coming soon.