

PRESIDENT'S PERSPECTIVE

JOHN E. KEEFE JR.

Speaking Up for a Noble Profession and Fairness



I am grateful to have been able to share my thoughts with you, the members of the state's largest organization of attorneys, judges and other legal professionals, about the value of really talking to each other and a willingness to be open to many viewpoints in our pursuits.

Now, with this final column as president of the NJSBA, I write to urge you to use your voice to stand up for what is right. To stand by in silence is to be complicit. We are required to do more, to speak up and join together in a chorus for change.

As you know, the top legislative priority of the NJSBA has been successful passage of legislation to provide stability and predictability to professional malpractice cases, protect consumers and put all professionals on a level playing field. We have been undeterred from this mission for several years, and vow to continue. The professional malpractice bill, A-4880, recently moved through the Assembly Judiciary Committee, and the NJSBA was honored and proud that so many of our colleagues from county and affinity bar associations joined us in support of this measure. It was one of the finest days I have experienced as an attorney.

The bill is critically important. It will improve a broken insurance market and provide a level playing field for licensed professionals. Of key importance, and contrary to what some have said, it will provide substantial protection and better protection for New Jersey consumers than currently exists. Pricing lawyers out of the insurance market does not benefit consumers.

In the past five years, it has become increasingly more difficult and more expensive for lawyers and law firms to purchase professional malpractice insurance.

Our insurance broker testified that insurance for a small or solo practitioner in New Jersey in the areas of real estate, family and personal injury is double that of an attorney with a similar practice and firm in Pennsylvania or New York. On average across the board, New Jersey malpractice rates are 33

percent higher than Pennsylvania and 49 percent higher than New York. That is a direct result of a statute of limitations that is far longer than that of our neighboring states—and of other professionals in our state—and of the *Saffer v. Willoughby* provision that calls for fee shifting in legal malpractice cases.

The NJSBA is grateful to Assemblywoman Annette Quijano and Assemblyman Benjie Wimberly for their leadership on this legislation, and we vow to continue this pursuit on behalf of all attorneys because it is important and it is right.

Evelyn Padin, who will be sworn in as the first Latina president in the 120-year history of this great association in May, will undoubtedly keep waging the fight. She was a standout at the recent hearing. She shared her personal experiences and insights in a powerful way.

It has been a privilege to serve the 18,000 members of this organization. Even as I conclude my tenure, I vow that I am not yet done fighting for lawyers and for them to be treated fairly. We deserve nothing less.

While we remain hopeful A-4880 will succeed on its merits alone, I urge you to speak up in favor of its passage, to write to your Senators and Assembly members and to speak out against those who lodge intellectually dishonest objections against it. As the song goes, "silence like a cancer grows."

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I am grateful for this journey, but also looking forward to the day when I can return to my practice full time and be home more regularly with Estee and my boys.

I leave you knowing that this organization—your professional home—is relevant, powerful and in good hands. I look forward to bearing witness to the momentum and energy Evelyn and our current leadership will keep focused on this measure and all of the good work of the NJSBA.

And so, one final time, I bid you to do good and do well. ☺