

A Message from the President



I am honored to take a few minutes, as the fall gets under way, to fill our members in on some very important developments.

This spring, the New Jersey State Bar Association asked its members to respond to a survey about what we're doing right and what areas we need to improve.

Over 2,000 of you responded to our survey and took part in focus groups, allowing for a statistically significant sampling with a 95 percent level of confidence. Such a robust response generated data that we can analyze and use to improve what it means to be a member of the state's largest organization of judges, lawyers and other legal professionals.

First and foremost, you told us that overwhelmingly you are satisfied with your membership, and for that we are so very proud and grateful. We are committed to being your voice and helping you be the best attorneys and advocates you can be.

"NJSBA membership has opened my life (not just my career) to the benefit of wise counselors who are part of the NJSBA organization...The group has helped me to have the right skills to look for good work and to market my niche," one member said.

Added another: "The NJSBA looks after the interests of lawyers in New Jersey."

You told us what you value most about belonging: opportunities to network and connect, both in person and through CommunityNET; discounts on continuing legal education (CLE) courses; and access to meaningful practice benefits, like free legal research.

"The NJSBA has provided more information and connection with other NJ attorneys, like-minded and otherwise. I appreciate the access to CLE and daily updates on issues that may deal with my area of practice," said a member.

You told us that membership in the bar association is most valuable when you get involved with our sections, committees and division.

"The members I've interacted with have been professional, well-informed advisors and adversaries who have a great sense of humor," a member stated.

To encourage even more of those connections, we are working internally and invigorating our leadership to ensure our sections, committees and division have the necessary support to thrive.

You also told us that we need to do a better job at a few things.

“I think there can be more opportunities for using and developing this network and its resources.”

It “operates as a closed club.”

“They’ve got to reach out to the small firms and realize the stress of running a law firm and what’s involved.”

Here’s what we’re doing to address those concerns.

We are analyzing the ways we reach out to you to make certain the information you receive is tailored to you. Starting this fall, on the first Tuesday of each month at noon, we’re hosting a call-in program for members to ask questions and learn more about what the NJSBA is doing.

We know that solo and small-firm attorneys—almost three-fourths of state bar members—face different issues than their colleagues in larger firms, so we are making a concerted effort to bring these members information that will be relevant to their practices and will help build their Main Street businesses.

For lawyers new to the profession, we are committed to helping you plant roots in the legal community that will serve you throughout your career. We are continuing to put resources in place to ensure you have the opportunity to network and make connections that will advance your career, find answers to your practice questions, and get your CLE credits in an affordable manner and when it’s convenient for you. And we’re planning a job fair in November that will bring opportunities to you.

For attorneys in South Jersey, we are working to find more opportunities to connect with you closer to home, and we have some ambitious plans to unite the state’s legal community with an eye toward overcoming geographic constraints in programming and other opportunities.

You may have already seen emails, videos and social media updates coming to you that are more targeted to your region or practice area, and we are committed to continuing to deliver up-to-date, real-time information that will help you thrive and grow as lawyers and business leaders.

A top priority of the NJSBA is to improve the lives of our members, and to help them become their very best. We are indebted to our members, whose volunteer efforts make this organization what it is, and we continually strive to recognize that service and make it easier for you to be involved.

Thank you for your dedication to the NJSBA. We would be nothing without the commitment and involvement of lawyers like you.

If you want to read the details of the survey’s findings, visit njsba.com.

NJSBA MEMBER SURVEY HIGHLIGHTS

- ▶ **74 percent** of members want information from the NJSBA via email.
- ▶ **CLE, FastCase and CommunityNET** are the most commonly used member benefits.
- ▶ **68 percent** of NJSBA members also belong to a specialized section, committee or division.

KEY ISSUES THE NJSBA SHOULD FOCUS ON IN THE YEAR AHEAD:

- ▶ Statewide issues
- ▶ Reducing professional malpractice statute of limitations to two years
- ▶ Judicial independence

TOP THREE ISSUES FOR SOLO AND SMALL-FIRM ATTORNEYS:

- ▶ Statewide issues
- ▶ Reducing professional malpractice statute of limitations to two years
- ▶ Non-lawyers performing legal work

TOP THREE ISSUES FOR LAWYERS WITH FIVE OR FEWER YEARS IN PRACTICE:

- ▶ Statewide issues
 - ▶ Non-lawyers performing legal work
 - ▶ Not enough jobs for new attorneys
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The NJSBA Year in Review

SUCCESSFUL ADVOCACY ON ALL FRONTS IN 2015-2016

The New Jersey State Bar Association proved again to be a leading force in influencing legal and policy decisions last year.

The 18,200-member NJSBA continued to be a leading voice on the issue of judicial independence; helped shape policy and legislation; shared its expertise in numerous cases before the New Jersey Supreme Court; and attracted record numbers of attendees to its many educational conferences.

Here's a look at some of the year's highlights:

INTERNATIONAL OUTREACH: NJSBA HOSTS DELEGATION FROM CHINA

Professors from China met NJSBA staff and members from the Asian Pacific American Lawyers Association of New Jersey in November to discuss efforts to preserve judicial independence and promote fairness and access to the justice system.



The group of about 25 professors from the Henan Academy of Governance learned how the NJSBA educates its members through continuing legal education and the public through outreach projects, works with government on issues of concern, and gives NJSBA members a forum to have a voice on issues—all efforts to promote access to justice.



ANNUAL MEETING AND CONVENTION BREAKS ATTENDANCE RECORDS

Over 2,800 professionals took part in the largest annual gathering of the legal community. Held in Atlantic City, this year's convention featured nearly 100 educational seminars, dozens of networking opportunities and special events. In addition, the association honored a long-time bar leader, four young lawyers, two champions of equality and diversity, and a family lawyer at the three-day gathering.

MEMBER SURVEY IDENTIFIED KEY ISSUES FACING ATTORNEYS, PROFESSION

This spring, the NJSBA conducted a comprehensive member survey to learn more about the issues they face in daily practice and the larger trends facing the profession.

The association retained PublicMind, the polling arm of Farleigh Dickinson University that conducts political and corporate polls, to conduct the survey and hold focus groups. Armed with the results of the survey, the association is updating how it works with members to ensure they receive the most benefit of belonging to the NJSBA.

BYLAWS UPDATED AND REVISED

Members overwhelmingly approved a proposal to update and streamline the bylaws this spring. The changes ensure the future

health of the association, and were the first overhaul of the entire bylaws in over a decade.

DAY OF SERVICE MARKED WITH PRO BONO EVENTS

The NJSBA held several events to honor *Pro Bono* Week and the American Bar Association's National Day of Service, including young lawyers drafting estate-planning documents to first responders in Oceanport; the annual *Pro Bono* Conference; a free seminar for the public about wills; and the association collaborated with the Hispanic Bar Association of New Jersey in October for a community event in Union City where nearly 30 attorneys answered questions from hundreds of community members on topics including immigration, criminal matters, expungement, divorce, domestic violence restraining orders, employment matters and landlord-tenant law.

A FIRST FOR NJSBA LEADERSHIP; AND A MORE OPEN PROCESS

A bylaws election in the fall paved the way for a more transparent process in the selection of new leaders, as well as reducing the acrimonious campaigning and duration of any election.

Additionally, Thomas H. Prol became the association's first openly gay president. And Domenick Carmagnola joined the Executive Committee as secretary, putting him on the path to become president in six years.

Of special note, Paulette Brown, chair of the association's Labor and Employment Rights Section and trustee of the New Jersey State Bar Foundation, served as president of the American Bar Association.

HUNDREDS TAKE PART IN MID-YEAR MEETING IN NEW ORLEANS



Hundreds of lawyers and judges met in New Orleans for the Mid-Year Meeting for educational seminars and networking last fall. A highlight of the gathering, which was held from Nov. 4–8, was a spotlight program exploring the intersection of race and politics. The seminar, "RACE—Politics, Race and the Electoral Process," examined the unlikely 2006 re-election of New Orleans

Mayor Ray Nagin, offering a close look at civil rights issues, the politics involved and election law.

FOSTERING DIVERSITY AND INCLUSION

ACTION PLAN AND CHECKLIST ADOPTED

In a continued effort to foster and maintain a professional culture that is based on the principles of diversity, respect, inclusion and teamwork, the association demonstrated its commitment to diversity and to a culture of inclusiveness through a series of initiatives and the adoption of a Diversity and Inclusion Action Plan and Individual Checklist, which provides a roadmap for sustainable and longstanding diversity consciousness and meaningful inclusion.

FIRST LEADERSHIP ACADEMY CLASS GRADUATES



The inaugural year of the Leadership Academy saw all 14 fellows graduate the program. The attorneys spent the year acquiring the skills necessary to become the next generation of bar and community leaders. The curriculum for the inaugural year tapped bar association, government, business and community leaders, who discussed their paths to success, communication skills, finding work/life balance, marketing and social media skills and how to manage financial information.

NEW JERSEY LAWYER LAUNCHES DIGITAL EDITION

In October, the *New Jersey Lawyer*, the NJSBA's award-winning bi-monthly magazine, launched a digital edition.

The electronic magazine includes all of the articles, artwork and advertisements found in the print version. Whenever possible, links and citations are activated, so readers can search the cases directly from within the articles. It can be viewed on computers, tablets and smartphones.

140,000 MEALS DONATED THROUGH NJSBA'S LAWYERS FEEDING NEW JERSEY CAMPAIGN



The second Lawyers Feeding New Jersey campaign raised enough money to provide more than 100,000 meals for residents without enough to eat. Lawyers Feeding New Jersey was a two-month virtual effort to fight hunger that ended in February. Over 200 lawyers, law firms, and legal organizations donated to the effort. All donations

benefited Community FoodBank of New Jersey, which works with food banks and affiliates across New Jersey.

Advocacy

The NJSBA has a robust advocacy program. The association passionately and effectively serves as the voice of the profession from the halls of Trenton to the Administrative Office of the Courts.

AMICUS ACTIVITY

The association is perhaps at its most zealous when the association takes on the role of *amicus curae* before the federal courts, state appellate courts and the New Jersey Supreme Court (sometimes at the request of the Court) to provide insights and guidance on issues that affect the practice of law.

With assistance of its volunteers, the NJSBA filed, argued and saw decisions in nearly a dozen cases last year. The association has tackled cases that cover everything from *voir dire*, to the delivery of notices in real estate matters via email, to the application of the Law Against Discrimination.

Here are some highlights of the NJSBA's *amicus* activity.

- In *State v. James Buckner*, the Court found the use of recall judges was constitutional. The association had urged the Court to consider the public policy ramifications that would have sent shockwaves throughout the legal industry if the justices were to find that the use of retired judges who have been tapped to hear some matters for the past 40 years was not allowed
- In *Ekaterina Schoenefeld v. State of New York*, the NJSBA has argued that, as New Jersey has recognized through the evolution of its *bona fide* office rule, with today's technological advancements, New York's in-state office requirement for non-resident attorneys impermissibly discriminates against such attorneys.
- Though the NJSBA did not agree with the Court's findings in *Peter Innes v. Marzano-Lesnevich*, regarding whether attorneys can be held liable for counsel fees if, as trustees and escrow agents they intentionally breached their fiduciary obligation, the association is continuing to advocate for reform of professional malpractice statutes in the Legislature.
- In a case of first impression the association is a friend-of-the-court in *Heredia v. Piccininni*. The will determine if judges must ask open-ended questions during jury selection and if the failure to do so is grounds for a new trial. In short, the case will set the stage for how *voir dire* is conducted at future trials. The NJSBA argued that using open-ended questions during the jury selection process is a critical way to assess the attitudes and preconceptions jurors may have that could conflict with their ability to consider the case fairly. Further, the association said such questions are required under existing Administrative Office of the Courts directives and that should be enforced.

- In a unanimous decision the Court agreed with the NJSBA's argument that *Sergio Rodriguez v. Raymours Furniture*, holding that a private agreement that contractually shortens the statute of limitations for a Law Against Discrimination (LAD) claim frustrates the purpose of LAD and is, therefore, unenforceable. The NJSBA argued in support of the plaintiff's claims that the contract was a unilateral contract of adhesion that unreasonably and unconscionably limited citizens' rights to access the courts.

TAKING A LEAD ON COURT REPORTS

The NJSBA offered comments on a variety of proposals issued by the Court aimed at keeping pace with technology and the changing landscape of the legal profession. Despite the NJSBA's urging not to do so, the Court adopted proposals to implement admission by motion and to offer the uniform bar exam to qualified applicants beginning in 2017. The NJSBA also provided comments on proposed rule amendments to address the handling of metadata in documents related to litigation and legal transactions.

Noting that New Jersey already has a skilled and diverse bar capable of delivering a wide variety of legal services, the NJSBA urged the Court not to adopt a proposal for admission by motion. The NJSBA told the Court that such a policy would create unnecessary risks to the public and defeat the very rationale for lawyer licensing. The Court acknowledged the legitimate concerns about admission on motion. The Court was concerned, though, about the barrier to the practice of law under the current rules, and placed a premium on allowing New Jersey lawyers to follow their clients to other jurisdictions and the potential benefits that would be reaped from such access through reciprocal admission by motion.

In connection with the UBE, the NJSBA had cautioned against its adoption before additional data was available on the impact the exam would have on the local practice of law. The Court concluded, however, that the potential benefits from the UBE outweighed the risks identified by the NJSBA. In adopting the UBE, the Court agreed to review its impact in three years.

The NJSBA also advocated for increased education about potential ethical issues in the handling of metadata in electronic documents, as recommended by a Supreme Court Working Group on the issue, but urged the Court to adopt rules that provided additional clarity

on the issue and permitted a lawyer to sequester a questionable document until an appropriate court ruling could be obtained. The Supreme Court declined to do so, following instead the Working Group’s recommendation to require a recipient of such a document to make an initial judgment about why a document containing metadata was sent and to take certain action based on that judgment.)

LEGISLATIVE ACHIEVEMENTS

NJSBA members continue their efforts to improve the laws and address current legal trends through legislation, policy changes, rules changes and case law.

The legislative agenda came to a dramatic close with the long-awaited **Uniform Trust Code** was signed into law after having been passed on the final day of the 216th legislative session. The bill codified 100 years of New Jersey trust law into statutory form. It represents a sea change in the area of trust law, especially for attorneys who are interested in venturing into the practice area as they now have a single source of reference instead of century-old case law to review.

The association’s **adverse possession** bill also passed both houses and saw its way to the Governor’s desk for the first time since its

introduction in 2004. The bill, authored by both the NJSBA and the NJ Law Revision Commission, sought to repeal conflicting statutes to establish a 20-year adverse possession period and protect the rights of owners of certain tidal-flowed property that has been dry for over 40 years. The bill was ultimately vetoed by the Governor, but its passage in both houses is a strong sign that success is imminent.

The NJSBA was also successful in providing amendments to a bill that imposes a presumptive termination date for child support, which make clear that presumptive termination only applies to child support, and not to emancipation, and also provides additional protections for custodial parents who will receive additional notices prior to termination of support.

The Juvenile Justice System will undergo major reforms thanks to a bill that promises an overhaul to focus on rehabilitation of adolescents and reduce recidivism, and—at the request of legislators—the association provided input on the reforms and supported the bill.

In the year ahead, the NJSBA will work to advance several bills it drafted that have been introduced, including A1982, the professional malpractice bill, and A339, codifying standards for removal of a child of divorced or separated parents out of the state.

Continuing Legal Education

The association’s, New Jersey Institute for Continuing Legal Education continued its role as the state’s leading provider of education to the profession. In the past year, 36,000 people took part in more than 650 conferences, seminars and legal events.

Chief among the success of that programming are the speakers who include hundreds of esteemed judges and attorneys who volunteered their time to improve the industry to explore key issues facing the profession from bail reform to diversity and inclusion to the new Uniform Trust Code. In addition to local speakers, events welcomed former White House Counsel John Dean; ABC’s John Quinones; and Todd Winegar, a nationally renowned plaintiff and defense expert. The institute expanded its History Meets CLE Series with programs that includes “Ben Franklin on Ethics and Virtue;” “Hamilton, Madison and The Federalist Papers;” and “Justice at Dachau.”

Let’s Talk

The NJSBA updated its website, an overhaul that earned it a national award. It had 297,000 visits, and 1.4 million page views.

There were over 13,000 discussions among members on key issues on CommunityNET. That’s an increase of 51 percent over last year.

It also maintains an active social media presence. There are over 10,000 followers of its FaceBook, LinkedIn and Twitter feeds. And there were nearly 2,000 views of the NJSBA’s YouTube channel.

Spotlight on Sections and Committees

The three-dozen sections and 50 committees and division that focus on everything from aviation law to ethics to real property, trust and estate matters represent the heart of the NJSBA. The thousands of members who take part in these groups organize CLE programs, organize volunteer opportunities, evaluate legislation, help draft *amicus* positions and provide valuable resources to other attorneys working in specialized fields of law.

Here are some highlights of the work undertaken by NJSBA sections and committees:

The **Criminal Law Section** held a series of programs on the bail reform and speedy trial changes that will soon go into effect;

New Jersey has an updated Uniform Trust Code largely thanks to the hard work of the **Real Property Trust and Estate Section**;

The efforts of the **Elder Law Section** and **Professional Responsibility Committee** led to a favorable opinion from the Court's Unauthorized Practice of Law Committee regarding the work Medicaid advisors;

Flora D. Darpino, the first woman to serve as Judge Advocate General of the United States Army, offered the keynote address at the 14th Annual Military Law Symposium, which is co-sponsored by the **Military Law and Veterans' Affairs Section**;

Two dozen volunteer attorneys from the **Diversity Committee** and Atlantic County Bar Association took part in a constitutional rights workshop with Atlantic City High School students;

At the request of the Board of Trustees, the **Municipal Court Practice Section's** Subcommittee on Judicial Independence in the Municipal Courts held public hearings to collect information to enhance the operation of the municipal courts and ensure the independence and uniformity of municipal courts in this state; and

The **Solo and Small-Firm Section** helped organize the annual Solo and Small-Firm Conference that brought together over 400 attorneys to two locations for networking and educational seminars. **Affiliated Organizations**

BY THE NUMBERS



Affiliated Organizations

NEW JERSEY STATE BAR FOUNDATION

The foundation is the educational and philanthropic arm of the association. Each year more than 15,000 people take part in free seminars the foundation organizes on topics such as elder law and legal issues facing those with disabilities. It also provides educational programs for schools, including training to prevent teasing and bullying, mock trial programs for elementary through high school students, and multiple publications for students and teachers. The foundation also provides annual grants to law-related programs around the state.

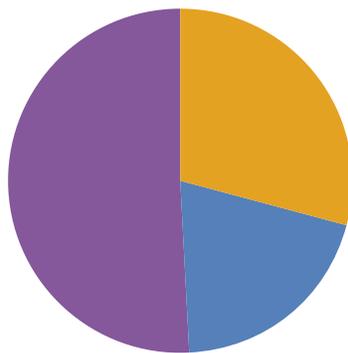
NEW JERSEY COMMISSION ON PROFESSIONALISM IN THE LAW

The state's three law schools, the NJSBA and Judiciary created the Commission on Professionalism in the Law two decades ago. The commission organizes educational programming to advance ethics and professionalism. It is instrumental in Professionalism Day, which the state and federal courts hold each fall, and holds an annual luncheon where the Daniel J. O'Hern Professionalism Award is presented and attorneys throughout the state are recognized as professional lawyers of the year.

NEW JERSEY LAWYERS ASSISTANCE PROGRAM

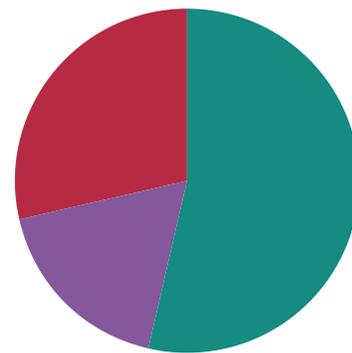
The Lawyers Assistance Program, which is free and confidential to all attorneys in the state, and is administered by the NJSBA. All members of the bar help fund the program that helps lawyers, law students, law school graduates and judges struggling with depression and any problem effecting attorneys' professional or personal well-being. It offers confidential counseling, referral services, and hosts regular support groups. It has provided assistance to thousands of members of the legal community in over 20 years of service.

Financials



FY 2016 REVENUE

Dues	3.5 million
Meetings	2.4 million
Education	6.1 million
TOTAL	12 million



FY 2016 EXPENSES

Operations and administrative	6.4 million
Meetings and membership services	2.1 million
Education	3.4 million
TOTAL	11.9 million