

DISPUTE RESOLUTION IN MUNICIPAL COURTS: HOW ADVOCACY WORKS

2011 Seminar Material

Moderator

Peter H. Lederman, Esq.

*Lomurro, Davison, Eastman & Muñoz, P.A.
(Freehold)*

Judges

Honorable Roy McGeady, PJMC

*Presiding Municipal Court Judge, Bergen
County (Hackensack)*

Honorable Mark T. Apostolou, Sr., JMC

*Municipal Court Judge
(Asbury Park, Bradley Beach, Brielle,
Deal, Eatontown, Fair Haven, Manasquan,
Neptune City, South Belmar)*

Prosecutors

Shirley Grasso, Esq.

*Law Offices of Shirley Grasso
(Hammonton)*

Kathleen A. Sheedy, Esq.

*Law Offices of Peter C. Lucas, LLC
(Oakhurst)*

Kenneth C. Strait, Esq.

*Kenneth C. Strait & Associates
(Montclair)*

Defense Attorneys

Ross M. Gigliotti, Esq.

*Gigliotti & Lehrfeld, LLC
(Cherry Hill)*

Greggory M. Marootian, Esq.

*Law Office of Greggory M. Marootian
(Livingston)*

Richard R. Uslan, Esq.

*Richard R. Uslan, P.A.
(Somerville)*

Alcohol Awareness Specialist

**Lisa Harmon Mollicone, M.A., LCADC,
ICADC, CJC, CPS**

*Licensed Clinical Alcohol & Drug
Counselor (Freehold)*

New Jersey Institute for Continuing Legal Education

S1671.11





THE NEW JERSEY INSTITUTE FOR CONTINUING LEGAL EDUCATION

The New Jersey Institute for Continuing Legal Education was created in 1961 to help lawyers and judges increase their general professional competence, keep abreast of developments in the law, and become more proficient in selected areas of practice. Since 1961, ICLE has served the educational needs of the New Jersey bench and bar and continually strives to respond to their many and varied concerns.

A non-profit, completely self-supporting organization, ICLE is the joint venture of the New Jersey State Bar Association, Rutgers - The State University of New Jersey, and Seton Hall University. Representing a merger of the practicing bar and the academic community, the Institute is governed by an autonomous Board of Trustees, which includes representatives of the State Bar Association, deans of the law schools and officers of the participating universities.

The Institute presents more than 250 seminars each year throughout the State, offers audio and video cassettes of seminars, markets software programs especially designed for the practicing attorney, and publishes comprehensive practice manuals and lecture handbooks. Its programs and publications must be financially self-supporting since ICLE is not subsidized in any way. The professional staff of attorneys and other professionals, aided by a dedicated support staff, is headquartered at the New Jersey Law Center in New Brunswick, along with the State Bar Association, the State Bar Foundation, and IOLTA.

The ingredients which contribute most to the stature of the Institute are the talent, time and effort expended by the very best of New Jersey attorneys, representing every field of specialization and every type of practice. The voluntary participation of practicing lawyers and judges as ICLE lecturers, authors, and advisors is appreciated and encouraged, for without their assistance, and the continued support of those we serve, high quality continuing legal education would not be possible.

The material contained in this publication is for educational purposes only and is not intended as a substitute for the professional services an attorney would normally provide to a client, including up to the minute legal research

Table of Contents

	<u>Page</u>
Municipal Court Trial Advocacy Peter H. Lederman, Esq.	1
Internet Advocacy Resources	1
What is Advocacy?	3
General Principles of Municipal Court Advocacy	4
Basic Premise	5
Municipal Court Tracts	6
Advocacy Considerations in Trial	8
The Six Intangibles	9
Appearance of the Client	10
Driving Record	12
“Brag Sheet” Information	13
Defense Counsel, Prosecutor, Judge & Officer	14
Counseling	15
Severity of the Offense	17
Other Advocacy Considerations	18
Attachments	
2008 Municipal Court Statewide Statistics	31
Mission Statement/Statement of Core Values	32
 Dispute Resolution in Municipal Courts: How Advocacy Works DWI, Motor Vehicle Infractions, Assault Cases and More Richard R. Usan, Esq.	 33
Advocacy Issues from the Defense Perspective	33
Attachments	
Sample New Client Form (DWI)	35
Sample New Client Form (Non DWI)	37
 Advocacy: What to Do and Not Do Before the Court to Enhance the Probability of Success Honorable Mark T. Apostolou, J.M.C. Honorable Roy F. McGeady, P.J.M.C.	 39
 Alcohol Evaluation, Education and Counseling for the DWI Offender PowerPoint Presentation Lisa Harmon Mollicone, M.A., LDADC, ICADC, CPS, CJC	 47
 About the Panelists...	 57