

# TRUE COUNSEL

JANUARY 2015

## LEGAL HIGHLIGHTS

BRIAN PAUL RECOGNIZED BY STATE BAR

SECURITIES PRACTICE RANKS AMONG TOP TEN U.S. LAW FIRMS

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## SZAFERMAN LAKIND REPEATS ANNUAL LISTING AMONG “BEST LAW FIRMS IN AMERICA”

For a second consecutive year, the law firm of Szaferman, Lakind, Blumstein & Blader, P.C. has achieved Metropolitan Tier 1 ranking of “Best Law Firms™” for 2015 by *U.S. News & World Report* and *Best Lawyers in America* in the following four practice areas:

- Commercial Litigation
- Land Use & Zoning Law
- Family Law
- Personal Injury Litigation – Plaintiffs

According to *U.S. News & World Report*, firms included in the 2015 “Best Law Firms” list are recognized for professional excellence with consistently impressive ratings from clients and peers. Achieving a ranking signals a unique combination of quality law practice and breadth of legal expertise.

In order for a firm to be considered for “Best Law Firms in America” recognition, one or more attorneys in the firm must be identified as “Best Lawyers in America.” Szaferman Lakind has three such attorneys: Founding Partner **Arnold Lakind** in Commercial Litigation and Land Use & Zoning Law, **Brian Paul** in Family Law and **Craig Hubert** in Personal Injury Litigation-Plaintiffs.



**ARNOLD LAKIND**  
FOUNDING PARTNER



**BRIAN G. PAUL**  
PARTNER,  
EXECUTIVE COMMITTEE



**CRAIG HUBERT**  
PARTNER,  
EXECUTIVE COMMITTEE

The 2015 Awards were given in 74 national practice areas and 120 metropolitan practice areas. Over 17,000 attorneys provided more than 595,000 law firm assessments, and over 7,000 clients provided over 42,000 evaluations.

Szaferman Lakind Co-Founder and Managing Partner, Barry D. Szaferman, said “On behalf of all our attorneys and staff, I would like to thank *U.S. News & World Report*, *Best Lawyers*®, the legal community, our peers and our clients for this honor. Receiving such recognition for a second consecutive year makes it all the more satisfying.”

## SZAFERMAN LAKIND PARTNER, LIONEL FRANK, PROCURES NAMING, TAGLINE AND LOGO COPYRIGHTS FOR MIDJERSEY CHAMBER OF COMMERCE

At the September Power Luncheon of the MIDJersey Chamber of Commerce, featuring recently elected Trenton Mayor Eric Jackson, Lionel Frank presented Robert Prunetti, President and CEO of MIDJersey, with certificates of registration from the United States Patent and Trademark Office (“USPTO”) for MIDJersey’s recently adopted principal service marks. Lionel, who is also a member of the Board of Trustees of MIDJersey, filed and prosecuted the registration applications on behalf of the chamber before the USPTO.

The protection of a service mark and trademark is critical to a business or organization as an identifier of the source and quality of the services and goods represented by the marks. An applicant who is successful in registering a mark with the USPTO has the exclusive right to use the symbol ® in close proximity to the mark and has a right to preclude others from using the mark. Procuring the mark does not ensure complete protection. Between the 5th and 6th years after registration of a mark, the registrant must file a Declaration of Use showing continuing use of the mark in commerce. If such declaration is not filed, the mark will be cancelled and all the benefits derived from registration will be lost. After five (5) years of continuous use of the mark subsequent to the registration, a registrant may also file a Declaration of Incontestability of the mark. When this declaration is filed, the registration becomes “conclusive” evidence of the validity of the mark and its registration, of the registrant’s ownership of the mark, and of the registrant’s exclusive right to use the mark in commerce for the services and goods for which it received registration.



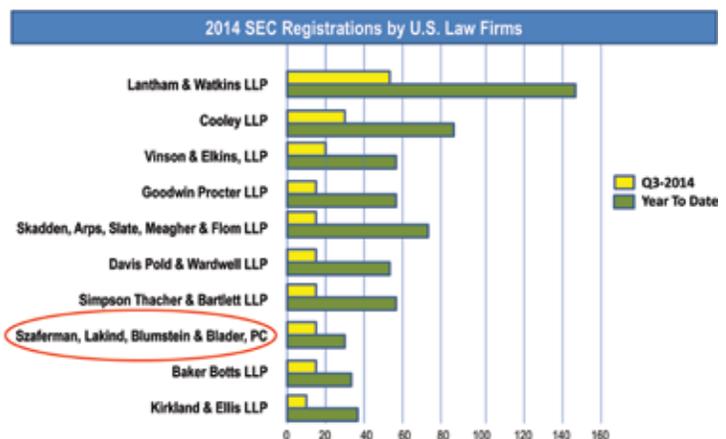
PARTNER, LIONEL J. FRANK, ESQ., PRESENTS MIDJERSEY CHAMBER OF COMMERCE PRESIDENT AND CEO, ROBERT D. PRUNETTI WITH FRAMED COPYRIGHT DOCUMENTATION AS STACY MATTIA, SENIOR VP, JP MORGAN CHASE & CHAIRWOMAN OF THE BOARD, MIDJERSEY CHAMBER OF COMMERCE, LOOK ON.

Protection of the intellectual property of a business or organization, which includes its service and trademarks as well as copyrights and patents, is critical to the success of such entities in today’s very competitive business environment. An audit of the intellectual property of a business or organization and a program to protect such property and maximize the commercial benefits which may be derived therefrom, should be considered a priority.

**PROTECT YOUR INTELLECT.**  
CONTACT SZAFERMAN LAKIND.

## BUSINESS SECURITIES GROUP RANKS 8TH AMONG UNITED STATES LAW FIRMS FOR NUMBER OF SEC REGISTRATIONS IN 3RD QUARTER, 2014

Per data compiled by Vintage, a PR Newswire company



## INDIVIDUAL RETIREMENT ACCOUNTS IN THE NEW YEAR



SCOTT BORSACK, PARTNER

In years passed it has been my practice, and that of a few of my colleagues, to place articles in our newsletter about year-end income tax opportunities and planning. This year I write about a change in the rules which affect individual retirement account (“IRA”) rollovers that became effective at the start of the New Year. If you have IRAs and plan on moving balances from one account to another, take note that the rules have changed. If you fail to adhere to the rules, a distribution from an IRA which you intended to be nontaxable could be taxable, subjecting you to taxes and interest as well as a penalty for premature distribution (depending on your age).

If you have one or more IRAs you should be well acquainted with the timing rules which allow taxpayers to take a distribution from one IRA and deposit the funds into another account within 60 days of the first distribution and treat the transfer as a qualified rollover. Another way to accomplish the same result is to open a new account and request the new custodian initiate a transfer of the balance from the old account into the new account. Either means of proceeding, prior to 2015, would be treated as a non-taxable transaction. That all changed with the opinion of the United States Tax Court in *Bobrow v. Commissioner* which was decided in 2014. Essentially the Tax Court interpreted provisions under the Internal Revenue Code to allow for only one distribution to a taxpayer from an IRA that could be rolled over into another IRA during the

course of the year. So under *Bobrow*, if an IRA participant has three IRAs and moves the balance in account A into account B during the course of the year, she could not move the balance in account C into a new account (or any account for that matter) during the same calendar year as the transfer from account A to account B. To protect taxpayers, the Internal Revenue Service (the “IRS”) delayed implementation of the decision until 2015.

What this ruling does not affect are custodian to custodian or trustee to trustee transfers. As noted above, a transfer between financial institutions which does not require the issuance of a check to the taxpayer directly will not be affected by the rule. So if you have an IRA at Fidelity and wish to move it to Vanguard, to preserve the single transfer that can be made during the course of a year, you would need to open a new account at Vanguard and ask Vanguard to take the funds from Fidelity and place them into your Vanguard account. If you accepted a check from Fidelity and deposited it into Vanguard yourself, that would consume the one transfer that a taxpayer can make during the course of a calendar year. A subsequent attempt by a taxpayer to take a distribution from an IRA intended as a rollover during the same calendar year would be treated as a taxable distribution regardless of whether the amount was deposited into an IRA or not.

The IRS has not done very much to publicize the implementation of the *Bobrow* decision, but most financial institutions and investment advisors have been well coached here. Proceed with caution unless and until you are comfortable with advice you receive when it comes to moving funds between your IRAs. As always, we are available to answer your questions in this regard.

## BRIAN PAUL RECOGNIZED BY STATE BAR FOR *AMICUS CURIAE* BRIEF IN PALIMONY MATTER *MAEKER V. ROSS*

Executive Committee Member and Partner, Brian G. Paul, was recognized this December by the New Jersey State Bar Association (NJSBA) at their annual holiday reception for his outstanding effort in volunteering his knowledge and expertise by authoring the NJSBA’s *amicus curiae* brief that was presented to the New Jersey Supreme Court in the matter of *Maeker v. Ross*.

The issue in *Maeker v. Ross* was whether a recent amendment to New Jersey’s Statute of Frauds requiring all palimony agreements to be in writing should be applied retroactively, thereby preventing individuals operating under oral palimony agreements prior to the statute’s amendment date from continuing to have the ability to enforce their contractual rights.

The New Jersey Supreme Court agreed with Brian’s argument that applying the amendment to the statute retroactively would violate Article IV, Section VII, Paragraph 3 of the New Jersey Constitution, which expressly prohibits the Legislature from passing any law, “depriving a party of any remedy for enforcing a contract which existed when the contract was made.” As a result of the decision, oral palimony agreements that were entered prior to the 2010 amendment to the Statute of Frauds continue to remain enforceable.



BRIAN G. PAUL  
PARTNER, EXECUTIVE COMMITTEE



## TWO ATTORNEYS NAMED PARTNERS



**Benjamin T. Branche, Esq.**  
PARTNER

Benjamin T. Branche concentrates his practice on Mergers and Acquisitions, Tax, Trusts and Estates, Real Estate and Business Law. He has served as an advisor to privately held companies, professionals, entrepreneurs and individuals.

In addition, Ben serves non-profit and for-profit business clients, providing advice and consultation relating to commercial business transactions, commercial financing, joint ventures, real estate, leases, acquisitions/mergers, choice of entity and general business planning.

Ben was named a New Jersey "Rising Star™" by *SuperLawyers*® in 2010, 2011 and 2012.

Ben is admitted to the New Jersey, Pennsylvania, Maryland and District of Columbia Bars. He earned his Juris Doctor from Catholic University of America Columbus School of Law in 2004, and his Bachelor of Arts, with honors, from the University of Scranton.



**Eric M. Stein, Esq.**  
PARTNER

Eric M. Stein practices securities and corporate law, representing public and private companies and investment funds. In addition to assisting private companies with going public through direct public offerings, underwritten IPOs, self-filings, and reverse mergers, Eric advises public companies regarding compliance with federal securities filing requirements; this includes all recurring obligations with the SEC, FINRA, NASDAQ and NYSE, as well as Regulation D and S offerings.

Eric was admitted to the New York, New Jersey and U.S. District Court, N.J., Bars in 2005. He received his Juris Doctor from the Benjamin N. Cardozo School of Law and a Bachelor of Science from Rensselaer Polytechnic Institute in 2001.

## FIRM EMPLOYEES SERVE AS "ANGELS" TO AREA NEEDY CHILDREN WITH CONTRIBUTIONS TO HOMEFRONT



Szaferman Lakind attorneys and staff were "Angels" this holiday season, providing gifts to sixty-two (62) needy area children through HomeFront, a Mercer County agency combatting family homelessness. Pictured below are several of the firm's contributors.

For over 20 years, HomeFront-NJ has worked to break the cycle of poverty and end homelessness in central New Jersey, serving thousands of families with emergency shelter, free food, clothing and household goods, as well as educational and recreational programs for both children and adults. To find out more, visit [HomeFrontNJ.org](http://HomeFrontNJ.org).



(L TO R), STANDING: ELAINE LIPTON; CRAIG HUBERT, ESQ.; KAREN ADORNETTO; JANINE DANKS FOX, ESQ.; GREGG JACLIN, ESQ.; JASON YE, ESQ.; BETSY SWEETSER, ESQ.; DIANA PABERS; JUSTIN CALTA, ESQ.; STUART TUCKER, ESQ.; STEVEN LIPSTEIN, ESQ.; KAREN HALKO. SITTING: ALTHEA WILLIAMS-KNAPP; LORI PERDUE; LISA WILLIAMS; JESSICA MILES.

## BARRY SZAFERMAN HONORED BY AJC WITH NATIONAL JUDGE LEARNED HAND AWARD

The Central New Jersey Region of AJC, Global Jewish Advocacy, honored the firm's co-founder and managing partner, Barry Szaferman, Esq., with its prestigious National Judge Learned Hand Award on December 15 at the Hyatt Regency Princeton.

The National Judge Learned Hand Award was established by AJC in 1964 to honor the memory of Judge Learned Hand for his extensive range of decisions which he tendered in more than 2,000 cases through his lifetime, especially those centering on questions of constitutional rights and anti-trust legislation.

The annual award was created to cite leaders in the legal profession for excellence and for their contributions to the legal community.

The recipients of this award are people who embody much of what the Judge represented: the rights of the individual and the importance of democratic values in an orderly society.

On receiving the award, Barry said. "It is particularly gratifying to me to receive this honor from the American Jewish Committee. I strongly believe in the mission of the American Jewish Committee. My parents were Holocaust survivors and I grew up not understanding how the world allowed the Holocaust to take place. The AJC promotes tolerance and mutual respect."

Managing Partner Barry Szaferman has enjoyed a distinguished legal career since starting Szaferman Lakind with fellow founding shareholders Arnold Lakind and Jeff Blumstein in October 1977. He has managed the firm since its inception, playing a vital role in its growth as one of the largest law firms founded in Mercer County and in its success as a full service law firm.



(L TO R): AMB. PHILIP D. MURPHY; JOHN MCKINNEY, JR.; KENNETH MACK; BARRY SZAFERMAN; MICHAEL GOODMAN; KIM PIMLEY; AND HON. BILL MATHESIUS.

During his tenure with the firm, Barry has served as Mercer County Counsel and as General Counsel to the Mercer County Improvement Authority. A leader in the Mercer County Bar, he was President of the MCBA and the Mercer County Bar Foundation, and served as the Mercer County Bar Association's Trustee to the New Jersey Bar Association from 2006 through 2010. He was the Mercer County recipient of the 2001 Professional Lawyer of the Year Award presented by the New Jersey State Bar Association's Commission on Professionalism in the Law. Barry has been selected a NJ SuperLawyer™ every year since 2005 and has maintained Martindale-Hubbell™'s highest rating of AV® Preeminent every year since 1992.



## MERCER COUNTY BAR ASSOCIATION RECOGNIZES MELISSA CHIBANGU WITH THE YOUNG LAWYER AWARD, 2014

Szaferman Lakind Attorney, Melissa Chimbangu, was surrounded by friends, family and colleagues at the Mercer County Bar Association 2014 Annual Awards Dinner in late 2014 as she received The Young Lawyer Award, 2014.

Melissa Chimbangu is a member of Szaferman Lakind's Commercial and General Litigation Group and her practice areas include intellectual property, labor and employment law, commercial litigation and consumer fraud litigation. She also represents individuals injured as a result of exposure to asbestos-containing products.

A graduate of Franklin & Marshall College, Melissa earned her law degree from the University of Maryland. She is co-chair of the Young Lawyers Division of the Mercer County Bar Association, is married and lives with her husband in Titusville, NJ.

Noted Arnold Lakind, "Melissa and her family should be proud of this well-deserved acknowledgement. Szaferman Lakind and its litigation group are happy to have her with the firm."

MELISSA A. CHIBANGU, ESQ.  
RECIPIENT OF MCBA'S  
THE YOUNG LAWYER AWARD, 2014

## ROBERT LYTLE RECEIVES 'EQUAL JUSTICE AWARD' FROM LEGAL SERVICES OF NEW JERSEY

Robert (Bob) Lytle, Partner and Executive Committee Member of Szaferman Lakind, was presented with the Equal Justice Medal for extraordinary *pro bono* contributions to Legal Services of New Jersey, and in particular, Central Jersey Legal Services. Lytle was recognized during the Equal Justice Awards Reception at the Bridgewater Marriott and accepted his award from Deborah Poritz, the former chief justice of the New Jersey Supreme Court. Other honorees included former Gov. Thomas Kean and former New Jersey Supreme Court Justice James Coleman.



FORMER CHIEF JUSTICE OF THE N.J. SUPREME COURT, DEBORAH PORITZ AND ROBERT E. LYTLE



ROBERT E. LYTLE WITH FORMER NEW JERSEY GOVERNOR THOMAS KEAN

## FIRM ANNOUNCES STRATEGIC GROWTH WITH ADDITION OF THREE ATTORNEYS



**E. Elizabeth (Betsy) Sweetser, Esq.**  
Of Counsel

Betsy Sweetser has joined the firm as Of Counsel in our Commercial and General Litigation Group.

Prior to joining Szaferman Lakind, Betsy was a Partner with Pellettieri, Rabstein & Altman. Betsy concentrates her practice in the area of complex civil litigation and appeals, with particular emphasis on trust and fiduciary litigation, partnership and shareholder disputes, insurance coverage and contract matters. Many of her cases have resulted in reported opinions.

Ms. Sweetser is a graduate of William Paterson College of New Jersey, Rutgers University School of Law in Newark, NJ and the Harvard Law School Mediation Training Program.



**Justin R. Calta**  
Attorney

The firm announces the strategic expansion of its Business Law Group with the addition of Justin R. Calta, Associate.

Prior to joining Szaferman Lakind, Justin served as a law clerk for the Honorable Ellen L. Koblitz, J.A.D. in the Appellate Division of the Superior Court of New Jersey, where he was responsible for preparing substantial memoranda on appeals before the court, editing judicial opinions and making recommendations on how the appellate panel should decide an appeal.

Justin's practice focuses on Corporate, Wills, Trusts, Estates, Real Estate and Intellectual Property.

Justin is a graduate of Rutgers University School of Law in Newark, NJ, and Antioch College, Yellow Springs, OH.



**Mengyi "Jason" Ye**  
Attorney

Szaferman Lakind's Securities Law Group announces its latest addition to the practice: Mengyi "Jason" Ye.

Jason's practice includes debt and equity financing, general corporate governance and compliance with the requirements of the Securities and Exchange Act of 1934, including periodic filings, current reports and proxy statements.

He is a graduate of Rutgers School of Law and achieved Honors and Dean's Listing with a B.A. from New York University. Jason is a native speaker of Mandarin Chinese and Shanghainese dialect and has experience working with a number of Chinese public companies.



## SZAFERMAN LAKIND CONDUCTS ANNUAL CLOTHING DRIVE

Dozens of Szaferman Lakind employees showed compassion and donated over 400-lbs of clothes, jackets, shoes, hats, etc. for Mercer County area people in need this winter.

The Rescue Mission of Trenton is a non-profit organization that serves the truly needy men and women who have no place to turn for shelter, food and clothing. The Mission provides a safe, clean and warm refuge for the homeless, the hungry, the transient and the addicted.

To find out how you can help those in need, visit [RescueMissionOfTrenton.org](http://RescueMissionOfTrenton.org).



## ATTORNEYS JOIN FORCES, PARTICIPATE IN RELAY MARATHON

Four Szaferman Lakind attorneys along with three competitors from other firms joined forces to compete in a relay marathon while attending the New Jersey State Bar Association (NJSBA) Mid-Year Meeting in November. The annual event is presented by the NJSBA in conjunction with the New Jersey Institute for Continuing Legal Education.



(L TO R) MARK BONGIOVANNI, ESQ.; MICHAEL PAGLIONE, ESQ., PARTNER; BARRY SZAFERMAN, ESQ., MANAGING PARTNER; CRAIG HUBERT, ESQ., EXECUTIVE PARTNER; TOM MANZO, ESQ., ASSOCIATE; PATTY MERGNER; BILL MERGNER, ESQ.



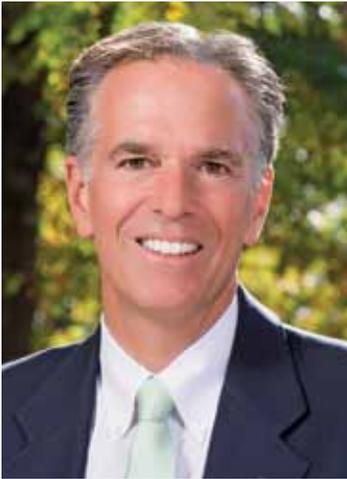
BRUCE M. SATTIN, PARTNER

## BRUCE SATTIN RECOGNIZED BY MERCER COUNTY BAR ASSOCIATION FOR HIS PRO BONO WORK

Szaferman Lakind Partner, Bruce M. Sattin, Esq., was recognized at the Mercer County Bar Association's 2014 Annual Awards Dinner for his *pro bono* work and years of involvement in MCBA's Lawyers C.A.R.E. Free Legal Clinic. Bruce and the other Mercer County attorneys who participate in the Bar Association's Lawyers C.A.R.E. program have been offering free 15-minute legal consultations to residents of Mercer County one evening every month on a first-come, first-served basis for over a decade.

Bruce has nearly 40 years of experience helping his clients with commercial and residential real estate transactions, zoning and land use, general business and corporate law, trusts and estates, and bankruptcy law.

Bruce has degrees from Temple University, University of Georgia and University of Pennsylvania. He is married and lives with his wife in Bucks County, PA.



CRAIG J. HUBERT  
PARTNER, EXECUTIVE COMMITTEE

## CRAIG HUBERT OBTAINS \$1 MILLION FOR SEXUAL ASSAULT VICTIMS FROM A RELIGIOUS INSTITUTION

Based on the allegations of sexual assault of two minor boys in the 1970s, Partner Craig J. Hubert secured a \$1 million settlement for the now-adult victims.

Mr. Hubert pursued numerous claims against the religious institution for its failure to hire, supervise and take appropriate action with regard to its constituents. The complaint in civil court also asserted an overall failure to ensure a safe learning environment and to prevent the sexual assaults of which the religious institution either knew or should have known.

Szaferman Lakind takes great satisfaction in resolving such cases whether by settlement or jury verdict. It is particularly comforting that we were able to provide meaningful compensation, which will, in turn, ultimately assist in securing psychological and psychiatric therapy for the victims. Many firms are unwilling to invest the time and financial resources in such cases due to the substantial legal obstacles, especially concerning the statute of limitations. Through our legal research, investigation and the diligence of our entire Personal Injury Team, we succeeded in overcoming these obstacles thus obtaining a substantial settlement, which will provide a means for a better future for our clients.

A New Jersey Supreme Court Certified Attorney, Craig has prosecuted many civil court cases on behalf of sexual assault victims, obtaining monetary compensation and systemic institutional changes for those victimized by such horrific circumstances. He works closely with law enforcement in an effort to achieve optimal outcomes in the civil courts for clients while ensuring that the criminal prosecutions are not compromised. Craig relates: "I always feel we are on the right side of the case when we represent victims of sexual assault against the individuals and the institutions that failed the victim in one of the most intrusive and inappropriate ways imaginable."



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