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FALL 2015

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U.S. NEWS & WORLD REPORT LISTS SZAFERMAN LAKIND AMONG "BEST LAW FIRMS" FOR THIRD CONSECUTIVE YEAR

U.S. News & World Report and *Best Lawyers*® have listed Szaferman, Lakind, Blumstein & Blader, P.C. among the Metropolitan Tier-1 "Best Law Firms" of 2016.

According to **BestLawFirms.USNews.com**, "The U.S. News - Best Lawyers Best Law Firms rankings are based on a rigorous evaluation process that includes the collection of client and lawyer evaluations, peer review from leading attorneys in their field, and review of additional information provided by law firms as part of the formal submission processes."

Based on attorneys Barry Szaferman, Arnold Lakind, Brian Paul and Craig Hubert being listed among the *Best Lawyers in America*® 2016, the firm qualified for Best Law Firms Metropolitan Tier-1 consideration and was selected by U.S. News - Best Law Firms for

that distinction for the 3rd consecutive year.

Upon confirmation of the 2016 *Best Law Firms* recognition, Managing Partner, Barry D. Szaferman, observed, "When we opened our legal practice in October of 1977, we had great professional aspirations. Now 38 years later, we are honored to be listed among the Best Law Firms in America for three consecutive years. *Best Law Firms* is testament to the caliber of Szaferman Lakind's attorneys and staff and the firm's unyielding commitment to our clients' success."



FAMILY LAW



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EXECUTIVE COMMITTEE

FAMILY LAW



BRIAN G. PAUL
PARTNER
EXECUTIVE COMMITTEE

PERSONAL INJURY PLAINTIFF



CRAIG J. HUBERT
PARTNER
EXECUTIVE COMMITTEE



FAMILY LAW ATTORNEY BRIAN PAUL ARGUES GRANDPARENT VISITATION CASE BEFORE NEW JERSEY SUPREME COURT



BRIAN G. PAUL
EXECUTIVE COMMITTEE
PARTNER

At the request of New Jersey State Bar Association, Brian G. Paul recently argued its position in a grandparent visitation case before the New Jersey Supreme Court. By way of background, all parents in the United States have a constitutional right to parental autonomy that prevents a court from second-guessing a fit parent's decision regarding what is in the child's best interest unless the court first determines that judicial intervention is necessary to protect the child from harm.

On the basis of that constitutional right, the New Jersey Supreme Court determined in 2003 that New Jersey's grandparent visitation statute, N.J.S.A. 9:2-7.1, ("GVS"), which indicates that courts may order visitation over the objections of a parent if it determines the visitation is in the best interests of the child, would be unconstitutional unless the Court first determined that judicial intervention was necessary to protect the child from harm prior to applying the best interests test. The Court reasoned that a "best interests test" is the proper standard to be used when two fit parents disagree and the court is thrust into the position of serving as a referee or tie-breaker, and that a dispute between a third-party grandparent and a fit parent is not a dispute between equals, thereby requiring that a harm threshold first be met.

In a 2014 decision, R.K. v. D.L., supra, the Appellate Division determined that when a grandparent visitation complaint is filed, a court is required to conduct an initial case management conference to determine what discovery, psychological evaluations, expert testimony, mediation and other litigation related procedures should be ordered. The issue before the Supreme Court in Major v. Maguire was to determine the circumstances under which a court could require the parents and children to engage in the protocol established in R.K. v. D.L. Brian argued for the NJSBA that in order for the grandparent visitation statute to be applied in a constitutional manner, a court may not validly order parents and children to engage in discovery, psychological evaluations, mediation and the other R.K. v. D.L. protocol items without first determining that the allegations contained in the grandparent's complaint, when accepted as true,

require judicial intervention in order to protect the child from harm, since harm is the constitutional imperative that must be present in order for the court to second-guess a fit parent's decision regarding what is in the child's best interest.

Brian argued that the Court should adopt a two-step process. When a complaint for grandparent visitation has been filed, it should be evaluated at the initial case management conference required by R.K. v. D.L. to determine whether the allegations set forth in the complaint, when accepted as true, demonstrate that the parent's decision has placed the child at risk of harm. If the Court is satisfied that harm has been alleged properly, it should only then consider the discovery related protocol set forth in R.K. v. D.L. If it is unclear whether a showing of harm has been adequately pled, then the grandparents should be ordered to amend their complaint, and the matter scheduled for a motion to dismiss hearing. If, at the motion to dismiss hearing, the court determines that sufficient harm has been pled, then the remaining procedural guidelines articulated in R.K. v. D.L. should be followed. Otherwise, the complaint should be dismissed.

Brian argued that such a two-step process properly balances the parents' constitutional right to parental autonomy, while insuring that the legislative intent of the GVS is met via the procedural safeguards outlined in R.K. v. D.L. The Court reserved on its decision and will issue a reported decision in the upcoming months.



PHOTO: NEW JERSEY SUPREME COURT, TRENTON, NJ

IF YOU HAVE A FAMILY LAW PROBLEM, ASK WHAT SZAFERMAN LAKIND CAN DO TO PROTECT YOUR FAMILY.

CRAIG HUBERT LEADS TEAM IN SECURING \$1,530,000 SETTLEMENT FOR FAMILY OF OFFICER IN FATAL AUTO CRASH



AUGUST 2008: NJ POLICE OFFICERS JOINED HUNDREDS OF PEOPLE ATTENDING THE FUNERAL OF OUR CLIENT, A NORTH BRUNSWICK POLICE LIEUTENANT (PHOTO: FRANK H. CONLON, STAR LEDGER)

In August 2008, two (2) North Brunswick police officers were involved in an automobile crash on U.S. 130 South, in Middlesex County, N.J. The officer in the passenger seat, a North Brunswick Lieutenant, represented by Szaferman Lakind, lost his life, leaving behind his wife and two children, ages 4 and 7.

On-duty officer North Brunswick Lieutenant Keith Buckley operated the vehicle, a 2006 Dodge Viper, that had been rented by his brother from Exotic Car Rentals of New Jersey. Prior to returning the high-performance vehicle, Lt. Buckley picked-up a fellow on-duty officer at lunchtime and proceeded to head southbound on

Route 130 at a speed experts found to be in excess of 90mph.

As it descended a Route 130 entrance ramp, the Dodge Viper lost directional control, left the roadway, traveled across the asphalt berm and struck a guiderail and then ultimately a utility pole at approximately 45mph. Within an hour of the crash, our client was pronounced dead at Robert Wood Johnson University Hospital from a fatal head injury.

In February 2014, the driver of the rented Dodge Viper, Lt. Buckley, was sentenced in NJ Superior Court to three (3) years in prison after

pleading guilty to third-degree official misconduct. As a condition of his guilty plea, Buckley forfeited his job, his right to hold public office and his police pension.

Attorney Craig Hubert, Partner, spearheaded a team of Szaferman Lakind attorneys and recently secured a civil settlement of \$1,530,000 for the deceased officer's wife, including \$250,000 for each of their two minor sons.

Attorney Hubert's civil suit alleged claims against the State of New Jersey, Exotic Car Rentals and the utility pole owner (alleging it was on the wrong site of the guardrail).

Hubert commented, "I am most pleased to achieve yet another success for families of law enforcement officers that have been victimized by acts of negligence and other wrongful conduct."

LET US NAVIGATE THE LEGAL LABRYNTH FOR YOU.



Craig J. Hubert
Executive Committee
Partner
Personal Injury



Janine G. Bauer
Partner
*Litigation,
Environmental*



Robert E. Lytle
Executive Committee
Partner
*Litigation, Superior
Court-Criminal*



Arnold Lakind
Executive Committee
Partner
*Commercial and
General Litigation*



Michael R. Paglione
Partner
Personal Injury



Thomas J. Manzo
Attorney
Personal Injury

PARTNER DAN GRAZIANO DELIVERS SEXUAL HARRASSMENT AND BULLYING PRESENTATION TO AREA DAY SCHOOL



DANIEL J. GRAZIANO
PARTNER

Dan Graziano recently presented a review of school law issues including sexual harassment, child abuse and bullying to faculty and staff at Far Hills Country Day School.

Partner Dan Graziano advised, "These presentations, and others on good governance practices for independent school boards, have been found to be a valuable resource for a number of our school clients

including Wardlaw-Hartridge school, Stuart Country Day School and Chatham Day School."

SZAFERMAN LAKIND ATTORNEYS CAN SPEAK ON AN ARRAY OF TOPICS FROM SCHOOL LAW ISSUES TO BUSINESS BEST PRACTICES. CONTACT US TODAY TO SCHEDULE AN EVENT.

LEARN MORE ABOUT US

- *Founded 1977*
- *Full-service Law Firm*
- *40+ Attorneys*
- *100 + Employees*
- *Strength & Resources of Large Firm*
- *Personal, Caring and Friendly Environment*

AV-Rated by Martindale-Hubbell® and listed among the Best Law Firms 2014, 2015 & 2016, by *U.S. News & World Report*, the law firm of Szaferman Lakind is a full-service law firm with a multi-faceted team of attorneys who provide legal representation for families, businesses, investors and individuals.

- *Commercial and General Litigation*
- *Family and Matrimonial Law*
- *Personal Injury Law*
- *Workers' Compensation*
- *Business Law*
- *Securities Law*



THE SLBB GENERAL AND COMMERCIAL LITIGATION DEPARTMENT

Szaferman Lakind is a multi-practice law firm consisting of 40+ attorneys located in Mercer County, N.J., approximately one-third of whom work in our General and Commercial Litigation Department.

THE BREADTH OF OUR EXPERIENCE

Four of our attorneys have served as judges. Two, Stephen Skillman and Anthony Parrillo, are retired Presiding Judges of the Superior Court, Appellate Division, a third, Linda Feinberg, is the retired Mercer County Assignment Judge, and the fourth, Paul Koenig, is the retired Presiding Judge of the Mercer County Superior Court Civil Division. Two attorneys served as judicial clerks in the Supreme Court of New Jersey and many have clerked in the Superior Court. Among us are five attorneys who served as Deputy Attorneys General, two members of the United States Army Judge Advocates Corps and three Assistant County Prosecutors.

Our attorneys have appeared in courts at every level and have extensive experience in the State and Federal Trial Courts. One has argued six cases in the Supreme Court of the United States, others have argued a large number of cases in the Supreme Court of New Jersey, the Third Circuit Court of Appeals, and the Appellate Division of the Superior Court.

THE SIGNIFICANCE OF OUR CASES

We have handled a large number of significant and interesting cases. The New Jersey Supreme Court and the New Jersey Superior Court Reports contain published opinions of broad interest and precedential value. In the last 50 years, the courts have reported approximately 45,000 such opinions. The retired Judges in our department have authored more than 4,000 judicial decisions; 600 of which have been reported.

The attorneys in our litigation department have over 150 judicial decisions reported in the New Jersey Supreme Court and Superior Court reports.

Today, there are over 80,000 licensed lawyers in New Jersey. Fewer than half of these lawyers will have handled a single case which warrants inclusion in the judicial reports. Our litigation practitioners average nearly ten reported cases each.



JUDGE STEPHEN SKILLMAN (RET.)
OF COUNSEL



JUDGE ANTHONY J. PARRILLO (RET.)
OF COUNSEL



JUDGE LINDA R. FEINBERG (RET.)
OF COUNSEL



JUDGE PAUL T. KOENIG (RET.)
OF COUNSEL

BUSINESS AND TECH: GOOGLE'S DECISION TO RESTRUCTURE AND CONTINUE ITS FOCUS ON THE FUTURE THROUGH INNOVATION



AN ARTICLE BY
LIONEL J. FRANK
PARTNER

On August 10, 2015, the remarkable company Google announced that it was restructuring itself. A new holding company named "Alphabet" was formed to be the parent company of Google, Inc. Google, Inc. will continue to focus on its core businesses in internet search, advertising, You Tube and Android (according to Google's "core mission to organize the world's information"), while independent companies will be set up to pursue Google's "moonshot"

interests such as Google Glass, Life Science (that works on the glucose-sensing contact lens), Calico (focused on human longevity), the Project Wing drone system, and self-driving cars, among many others. Each company will have its own CEO and budget, and will allow the public



and investors to better understand what each is focused upon, as well as which are profitable and which are not.

In announcing the restructure, Larry Page, one of the founders of Google and the CEO of the new Alphabet,

referred to a founder's letter in 2004, wherein it was written that, "Google is not a conventional company. We do not intend to become one." In the August announcement, Page also said, "We've long believed that over time companies tend to get comfortable doing the same thing, just making incremental changes. But in the technology industry, where revolutionary ideas drive the next big growth areas, you need to be a bit uncomfortable to stay relevant."

Alphabet



Page also explained how the holding company was named Alphabet. "We liked the name Alphabet because it means a collection of letters that represent language, one of humanity's most important innovations, and is the core of how we index with Google search. We also like that it means alpha-bet (Alpha is investment return above benchmark), which we strive for!"

Google continues to be a company shaping the future and worth watching. The principles it applies to growing its businesses may well apply to your business as well. Businesses today must either commit to embracing innovation or face the prospect of losing out to competitors. The marketplace will increasingly expect and even demand more efficient, lower cost services and products that apply new technologies.



BRIAN A. HEYESEY
ATTORNEY

ATTORNEY BRIAN HEYESEY NAMED PROSECUTOR IN TWO NEW JERSEY MUNICIPALITIES

Attorney Brian Heyesey has been named Municipal Prosecutor in the Borough of Spotswood and the Township of Jamesburg. Both towns are in Middlesex County.

Brian began serving these communities in June 2015.

Brian's legal practice with Szaferman Lakind is focused on personal injury law. He was named a 2015 SuperLawyers™ Rising Star and his career includes serving as Assistant Prosecutor for the Office of the Monmouth County Prosecutor.



JUDGE PARRILLO (RET.), JUDGE FEINBERG (RET.) & PARTNER BRUCE SATTIN TO PRESENT AT MCBA'S "XTREME CLES" THIS NOVEMBER

Judge Anthony ("Tony") Parrillo (ret.), Of Counsel, will deliver an "Appellate Pleadings" educational presentation to area attorneys attending Mercer County Bar Association's "2015 Xtreme CLEs" event at The Conference Center at Mercer County Community College this November.

In addition, Judge Linda Feinberg (ret.), Of Counsel, and Bruce Sattin, Partner, will be co-presenters of a session on Land Use, also to be held during Xtreme CLEs at Mercer County Community College.



JUDGE ANTHONY J. PARRILLO (RET.)
OF COUNSEL



JUDGE LINDA R. FEINBERG (RET.)
OF COUNSEL



BRUCE M. SATTIN
PARTNER



LIONEL FRANK AND RICHARD CATALINA JOIN EXPERT PANEL FOR "CREATE. PROMOTE. PROTECT YOUR BRAND." EVENT

In conjunction with the MIDJersey Chamber of Commerce, Szaferman Lakind attorneys joined an expert panel for a workshop breakfast in September titled, "Create. Promote. Protect Your Brand."

Lionel and Richard were joined by award-winning advertising agency Creative Marketing Alliance's Jeff Barnhart, CEO and President, and Ken Hitchner, Director of Public Relations, and by major league baseball's New York Yankees AA affiliate, Trenton Thunder Director of Marketing and Sponsorship, Lydia Rios.

Topics covered in the 2-hour breakfast event included:

- What is a "Brand?"
- How to protect your most valuable asset and image
- Intellectual Property and the differences between trademarks, copyrights and patents
- Promotional strategies and legal implications
- Digital Marketing
 - Social Media
 - Reputation Management
 - Regulated and Permitted Advertising

Visit Szaferman Lakind's YouTube Channel or visit Szaferman.com to see excerpts of this event and others.



PANELISTS (L TO R): RICHARD A. CATALINA, ESQ., OF COUNSEL, SZAFERMAN LAKIND; LYDIA RIOS, DIRECTOR OF MARKETING & SPONSORSHIPS, TRENTON THUNDER; KENNETH HITCHNER, MANAGER OF PR & SOCIAL MEDIA, CMA; JEFFREY BARNHART, PRESIDENT & CEO, CMA; LIONEL J. FRANK, ESQ., PARTNER, SZAFERMAN LAKIND

SEC ENACTS NEW RULES CREATING 'REGULATION A+



AN ARTICLE BY
KATHLEEN T. O'BRIEN
ATTORNEY

On March 25, 2015, the SEC adopted new rules amending Regulation A as mandated by the Jumpstart Our Business Startups Act (JOBS Act). These new rules, commonly referred to as "Regulation A+," allow issuers to raise up to \$50 million from both accredited and unaccredited investors through an offering process that is simpler and less expensive than a registered public offering such as an IPO. As such, Regulation A+

may provide start-ups and larger companies with a viable alternative to raise capital in the public market and obtain greater access to capital from 'unaccredited investors.'

In order to sell securities under Regulation A+, a company must first file an offering document with the SEC for their review and comment. This offering document must include substantial disclosures about the company including a business plan, financial statements, beneficial ownership, executive compensation and material risks.

The rules create two tiers of securities offerings: Tier 1, which consists of public offerings up to \$20 million in a 12-month period, and Tier 2, for public offerings up to \$50 million in a 12-month period.

There are several key differences between Tier 1 and Tier 2 including:

- (1)** an offering conducted under Tier 2 is not subject to state registration and merit review- an often costly and time-consuming process;
- (2)** companies that complete Tier 2 offerings must file with their offering document two years of audited financial statements;
- (3)** companies that complete Tier 2 offerings must provide ongoing disclosure after the offering is completed, similar to the disclosures required under Form 10-K, Form 10-Q and Form 8-K; and
- (4)** unaccredited investors may only invest 10% of the greater of the investor's annual income or net worth in a company's Tier 2 offering.

The Regulation A+ exemption is available to companies based in the U.S. or Canada that are not currently SEC reporting. Blank-check companies, investment funds and those who are disqualified under the "bad actor" qualification rules are not eligible.

CONTACT OUR OFFICES TO DISCUSS YOUR COMPANY'S OPTIONS FOR RAISING CAPITAL IN THE PUBLIC AND PRIVATE MARKETS.

RUTGERS UNIVERSITY LAW SCHOOL INVITES SECURITIES ATTORNEY JASON YE TO JOIN ORIENTATION PANEL FOR INCOMING MINORITY LAW STUDENTS

Szaferman Lakind attorney and Rutgers University Law School graduate Jason Ye was invited by Rutgers' Minority Student Program (MSP) to join a panel of MSP alumni to address incoming law students in August.

Joining Jason on the panel were fellow Rutgers alumni Ms. Yvette Bravo-Weber, Rutgers School of Law, Assistant Dean for the Minority Student Program; Mr. Rajiv Parikh, Genova Burns, Partner; and Mr. Nexus Sea, Baker & Hostetler, Associate. According to MSP's website, "Almost 3,000 students of color and students from disadvantaged backgrounds have participated in the MSP and graduated from the law school. MSP alums can be found on the bench, in the U.S. Congress, in private practice, government agencies, major corporations, legislative bodies, public interest organizations, and academic institutions across the country."



(L TO R): YVETTE BRAVO-WEBER, RUTGERS SCHOOL OF LAW, ASSISTANT DEAN FOR THE MINORITY STUDENT PROGRAM; RAJIV PARIKH, GENOVA BURNS, PARTNER; NEXUS SEA, BAKER & HOSTETLER, ASSOCIATE; MENGJI "JASON" YE, SZAFERMAN LAKIND, ASSOCIATE

RESCUE MISSION OF TRENTON 2015 CLOTHING DRIVE AIMS TO BREAK A GUINNESS BOOK WORLD RECORD

Attorneys, paralegals and staff joined over 100 area businesses and organizations this Fall to help the Rescue Mission of Trenton break a Guinness Book World Record for “most donated used clothing.”

The month-long program was engineered by the Rescue Mission and donations are being collected through mid-November in hopes of having more than the current World Record: 153,240 pounds of “lightly used clothing.”

SZAFERMAN LAKIND IS PROUD TO SUPPORT OUR COMMUNITY.



SOME OF SZAFERMAN LAKIND'S DONATORS (L TO R): ROBERT E. LYTLE, ESQ.; KAREN ADORNETTO; LANE E ISOM; ALTHEA WILLIAMS-KNAPP; BRUCE M. SATTIN, ESQ.; KAREN HALKO; ELAINE LIPTON; LIONEL J. FRANK, ESQ.; BARRY D. SZAFERMAN, ESQ.; SUSAN JABANOSKI



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