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SUMMER 2022

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BY LEGAL SERVICES OF NEW JERSEY

SZAFERMAN LAKIND NAMES CRAIG J. HUBERT CO-MANAGING PARTNER



Craig J. Hubert
Co-Managing Partner

Szaferman Lakind personal injury attorney Craig Hubert has been named Co-Managing Partner of Szaferman, Lakind, Blumstein & Blader, P.C., sharing the role with Barry Szaferman and Brian Paul. Craig has been a member of the firm's Executive Committee for over 15 years and a vital part of the firm's success.

Founded in 1977 and centrally located in Lawrenceville, New Jersey, Szaferman Lakind is a full-service, Martindale-Hubbell™ AV-Preeminent® law firm that has been listed among U.S. News – Best Lawyers® “Best Law Firms”* from 2014 through 2022 in the New Jersey Metro area. The firm was most recently recognized in the areas of Commercial Litigation, Family Law, Land Use & Zoning Law and Personal Injury Litigation – Plaintiffs. The firm's 25+ attorneys practice throughout New Jersey and provide legal

representation to businesses, investors, professionals, families and individuals in several areas, among them family law, general and commercial litigation, personal injury, business law, workers' compensation and commercial real estate and land use.

Craig is certified by the Supreme Court of New Jersey as a Civil Trial Attorney and Criminal Trial Attorney, and represents clients in complex litigation involving serious accidents, nursing home negligence, products liability and unsafe premises, as well as victims of criminal acts, sexual assault and child abuse. His representation has resulted in over \$100 million in recoveries on behalf of his clients. Over the course of his distinguished career, Craig has been selected to the New Jersey Super Lawyers list, issued by Thomson Reuters* for his Personal Injury – Plaintiff work since 2005. He has also been included in the Best Lawyers in America®* list for his Personal Injury – Plaintiffs work in the Princeton-Metro area since 2013.

“Craig has been instrumental in the growth and success of the firm,” commented Co-Founder Barry Szaferman. “Although I expect to continue in my present role for years to come, I recognize the importance of planning for the future. I have total confidence in Brian, Craig and all of the partners in the firm to build on our success by maintaining our culture of working hard for our clients, treating our employees well and contributing to the community.”



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Arnold Lakind
Founding Partner

ARNOLD LAKIND PREVAILS IN LAND USE APPEAL

Last year, Szaferman Lakind was retained to represent a developer on Long Beach Island on the appeal of a denial of subdivision approval. Our client wanted to convert a defunct bar into a residential development and applied to subdivide the property into six (6) residential lots in Long Beach Township. In an effort to thwart the subdivision, the Township amended the zoning ordinance to rezone the property for commercial use and to prohibit the proposed subdivision. However, we were able to file the application with the Land Use Board days before the rezoning became effective and thus, the prior residential zoning was applicable to the application.

However, the Ordinance in effect at the time of the application contained an unusual provision, as it would only permit the proposed subdivision if the rear line of each lot was located at the median line of the block. If the rear line of each lot were not at the median line of the block, the proposed subdivision was not compliant. Because the block was irregularly shaped, the Township professionals and the Land Use Board determined that the median line of the block was irregular and our client's rear lot line was not at the block's median line. As a result, the Long Beach Township Land Use Board denied the subdivision application in its entirety, which, because of the intervening adoption of the Ordinance rezoning the property to a commercial use, would have barred the residential use at great cost to our client.

Arnold Lakind was retained by the property owner to handle an appeal of the denial and to contest the Township's interpretation of the Ordinance. The case was tried in February and resulted in a decision in favor of our client as the Court found that the Township's interpretation of the Ordinance fulfilled no legitimate purpose. The Judge construed the Ordinance in the manner advocated by our client and ordered the Land Use Board to issue an approval of the subdivision for all six (6) lots.

ARNOLD LAKIND SUCCESSFUL IN U.S. DISTRICT COURT

Some time ago, investors in Johnson & Johnson (J & J) stock filed a securities fraud class action against the New Jersey drug manufacturer. The Plaintiffs, a class of J & J investors, maintained that J & J withheld information from the investing public about its vulnerability to personal injury lawsuits growing out of talc exposures in baby powder. As a result, the investors alleged that J & J's stock value was inflated at the time of purchase.

In an effort to defend itself, J & J subpoenaed communications between news organizations and several law firms who represented plaintiffs who had contracted diseases claimed to be associated with talc exposures. J & J sought all communications between the firms and all of its members, with the press.

Fearing that their First Amendment rights were at issue, two of those firms and two individual attorneys retained Arnold Lakind to file a motion to quash the subpoenas. Arnold prepared a lengthy brief in which he argued that compulsory disclosure of communications with the press was a violation of the lawyers' First Amendment rights, that compliance with the subpoenas would chill free speech, and that the subpoenas were unduly burdensome. J & J argued in response that if there were communications with the press about the dangers of talc exposures, then the information, which the class plaintiffs claimed to have been hidden, was in fact in the public domain. The attorneys' First Amendment rights must, therefore, give way to J & J's discovery needs.

In reply, Arnold argued that the attorneys' selection of information given to the press was itself tantamount to speech and protected by the attorneys' First Amendment rights and that those rights must be balanced against J & J's purported need for the subpoenaed information. In a lengthy and well-reasoned decision, the United States District Court quashed all four subpoenas.

PARTNER MICHAEL PAGLIONE SETTLES CONSTRUCTION ACCIDENT CASE FOR JUST UNDER \$1 MILLION



Michael Paglione
Partner

Michael Paglione recently represented a 31 year old who fell 30 feet through a commercial rooftop while working at a construction site. His employer was a roofing contractor hired by the project's General Contractor to replace the roof on a commercial building. Although our client was required to wear a fall protection harness at all times while on the roof, he and his co-workers were forced to remove their harnesses in order to reach the break station, which had been set up by his employer on the other side of the roof. At one point, as he was returning from the break station, our client fell through a weak section of the warehouse roof to the concrete floor, some 30 feet below. Due to the impact, he sustained severe fractures to both ankles that required multiple surgeries to repair.

Under New Jersey workers' compensation law, you cannot sue your employer for negligence. However, you can sue a General Contractor for negligence if OSHA rules are violated. In this case, our client's subcontractor/employer had been hired by the General Contractor. Michael successfully argued that the General Contractor should have supervised the placement of the break station, which would have likely prevented this horrific accident from occurring.

Michael retained four experts on this case, including an OSHA/Construction Liability expert, the client's surgeon, a vocational expert and an economist. He claimed monetary damages for pain and suffering, as well as loss of future earning power.

As a result, Michael was able to settle the case for just under \$1 million.

Michael Paglione focuses his practice on a variety of personal injury matters including construction injuries, OSHA violations, severe burn cases, serious accidents and catastrophic injuries. To contact Michael please call (609) 275-0400 or email him directly at mpaglione@szaferman.com.

TANYA L. PHILLIPS APPOINTED AS A WORKERS' COMPENSATION JUDGE



Tanya L. Phillips

Tanya L. Phillips, a former Partner in the Szaferman Lakind Workers' Compensation practice, has been appointed as a Workers' Compensation Judge. The Senate Judiciary Committee approved Tanya on May 19, 2022 and she was then confirmed by the New Jersey State Senate on May 26, 2022.

Ms. Phillips has been practicing in the areas of workers' compensation and social security disability for 19 years, representing the interests of injured workers.

Tanya is an active member of the Mercer County Bar Association and served as President in 2021. She also served as President of the Mercer County Bar Foundation from 2017 through 2020. Tanya serves as the Treasurer of the Mercer County American Inn of Court - Hon. F. Patrick McManimon Session. She is a Barrister of the Justice James H. Coleman, Jr. New Jersey Workers' Compensation American Inn of Court.

"We are so proud of Tanya's appointment as a Workers' Compensation Judge," commented Co-Founder Barry Szaferman. "Her knowledge, hard work and expertise have led her to this position and she will make an excellent and fair judge."



Lionel J. Frank
Partner

HELP FOR THE PROBLEM GAMBLER IN A GROWING WORLD OF LEGALIZED GAMBLING



Turn on the television, radio or go on the internet and you will see and hear various advertisements for betting on countless sporting events allowed by a growing number of states throughout the country.

With increased betting comes increased problems for betters who can become reckless and addicted to placing bets on their favorite teams and sports.

A non-profit organization called The Council on Compulsive Gambling of New Jersey ("CCGNJ") provides information, education and referral services to people and their families affected by problem gambling. Through their federally registered service mark 1-800-GAMBLER®, counselors provide gambling help to those who need assistance addressing their gambling issues.

In June, on behalf of CCGNJ, Lionel J. Frank negotiated a groundbreaking license agreement with the National Council on Problem Gambling ("NCPG"), a Washington, D.C., non-profit organization also focused on programs for the problem gambler, to use CCGNJ's 1-800-GAMBLER® mark, in 49 states other than New Jersey, in all U.S. Territories and in the District of Columbia.

The license agreement will permit a very recognizable and easy to remember helpline telephone number to be used by a growing number of people and their families seeking gambling assistance in this new world of legalized gambling.

Lionel J. Frank is a Partner at Szaferman Lakind and concentrates in commercial law, with particular emphasis on intellectual property, trademark and copyright law, antitrust, unfair competition, corporate, real estate, land use and alternative dispute resolution.



Brian G. Paul
Co-Managing Partner

BRIAN G. PAUL NAMED TO CHAMBERS & PARTNERS HIGH NET WORTH IN NEW JERSEY RANKINGS FOR FAMILY LAW

Co-Managing Partner Brian Paul has been named to the Family Law/Matrimonial High Net Worth Guide Rankings in New Jersey issued by Chambers & Partners. Brian is one of 11 attorneys in New Jersey to be included in this list.

According to Chambers & Partners, "Our Family/Matrimonial: High Net Worth rankings table identifies the leading professional advisers to the Private Wealth market in New Jersey. Our research into the top ranked firms below provides you with the relevant information required when looking to procure legal or other advisory services."

Brian is certified by the Supreme Court of New Jersey as a Matrimonial Law Attorney, and specializes in litigating, mediating and arbitrating financially complex high net worth divorce actions. During his twenty-five plus year career, Brian has been involved in many appellate cases that have helped shape New Jersey family law, with the New Jersey State Bar Association awarding him its Amicus Curiae Award on five separate occasions for his efforts in representing and advocating the NJ State Bar Association's position on family law cases before the New Jersey Supreme Court.

"Brian's inclusion in the Chambers & Partners rankings is a testament to the level of service that he provides his clients", commented Szaferman Lakind Co-Founder Barry Szaferman. "His exceptional skill and knowledge in dealing with high net worth matrimonial matters provides great value to the firm and I congratulate him on this honor."



Samuel Gaylord
Partner

WHAT TO DO IF YOU ARE INJURED AT WORK

An Article By: Samuel Gaylord

In New Jersey, workers' compensation benefits are no fault. This means that workers are entitled to benefits regardless of fault for the incident. If you are injured while in the course and scope of your employment, the first thing you should do is

report the accident and your injuries immediately to your supervisor. They should provide you with the appropriate workers' compensation insurance information.

In New Jersey you are entitled to three workers' compensation benefits:

- 1) Medical benefits
- 2) Temporary disability benefits
- 3) Permanent partial disability benefits

Medical Benefits

Your employer and/or their workers' compensation carrier are permitted by law to choose the doctor that will treat you. They are responsible for the costs of all reasonable and necessary curative medical treatment for the injuries you sustained in the work place accident. Once the authorized doctor reports that you will not get any better from additional treatment, they will indicate that you have reached maximum medical improvement.

After the doctor indicates that you have reached maximum medical improvement your employer/ workers' compensation carrier is not responsible for providing any additional treatment. Treatment after you reach maximum medical improvement is usually palliative meaning that it makes you feel better but will not heal or help to heal your condition. Any palliative treatment you receive after the authorized doctor releases you is usually your responsibility and will not be paid by the workers' compensation carrier.

Temporary Disability Benefits (Wage Replacement)

If the authorized doctor keeps you out of work for more than seven days, you are entitled to temporary disability benefits. These benefits are 70% of your average gross weekly wage and there is a maximum amount per week that you can receive. This year the

maximum temporary rate is \$855. Your gross weekly wage is calculated by obtaining your average weekly wage for the six months before the accident including overtime. If the authorized doctor indicates that you can perform restricted or light duty and your employer does not have light duty work, then you are entitled to receive temporary disability benefits until the authorized doctor indicates that you have reached maximum medical improvement.

Permanent Partial Disability Benefits

After medical treatment concludes, the employee is entitled to a permanent partial disability award. The statute requires that in order to recover these benefits an employee must prove by objective medical evidence that (1) they have restriction of the injured body part; AND (2) a lessening of his/her ability to work OR a substantial impairment of their non-work activities. Permanent partial disability in New Jersey is paid according to the disability chart that includes values for all body parts. Normally after our clients finish their authorized treatment they are examined by a medical expert who apportions disability percentages for their injuries. Once both sides have their expert reports, the claim is ready for settlement discussions. If you receive a workers' compensation award you do not need to report it as income on your tax return or pay taxes on it.

Workers' compensation is an exclusive remedy, which means that an injured employee cannot bring a civil action against their employer as a result of the accident. They can only file a workers' compensation claim. However, if an individual or business other than a co-employee or the employer is at fault for the accident, the injured worker may be able to file a civil action against them for damages. This is referred to as a third party claim.

This is a broad overview of our workers' compensation system and each claim is handled on a case by case basis. If you should have any questions about workers' compensation, please do not hesitate to contact us. We welcome your questions.

Sam Gaylord, Esq. is a Partner at Szaferman Lakind and disability litigator in the State of New Jersey. To contact Sam please call (609) 275-0400 or email him directly at sgaylord@szaferman.com.



**Lindsey Moskowitz
Medvin**
Attorney

YOU KNOW YOU NEED TO FIND A DIVORCE LAWYER... BUT NOW WHAT? HOW TO FIND THE BEST FIT FOR YOU

An Article By: Lindsey Moskowitz Medvin

Going through a divorce is an extremely personal process and not all divorce attorneys are created equal. What is a good fit for one person, often times is not a good fit for another. The attorney that guides you through your divorce will help to shape your life not just for the duration of your divorce, but often for years to follow. I have found that an adversarial approach during a divorce often times leads to an adversarial relationship after the divorce. Some attorneys are more settlement minded and others tend toward litigation. It is important that you think through which approach is best for you and your family and then choose an attorney who is similarly aligned to resolve the issues of your matter.

Ask Questions

It is a good idea to ask questions. This serves multiple purposes. The first is that you will get answers to your questions and another is that you will get to know the style of communication of your lawyer. Some topics to consider are the approach to the case, experience in the field, thoughts on a particular aspect of your case and a general idea of the costs you can expect.

Understand the Cost

Although no divorce lawyer can give you an exact calculation of all the fees, an experienced lawyer should be able to provide you with a range based upon the particular facts of your case. By nature, many of us will look for a bargain or a deal. However, be wary of a lawyer who will advertise a free consultation or a flat fee divorce. Sometimes it is true that "you get what you pay for." Remember that you do not work for free and neither should a well-respected, hard-working lawyer.

Comfort is Key

You must be comfortable with your legal representative. You will spend a lot of time speaking with your attorney, sometimes regarding difficult decisions, intimate details of your relationship or about things that trigger an emotional response. You want to ensure that you are comfortable and those initial questions you ask will give you an idea of that level of comfort. Your lawyer should give you straightforward, honest answers so that you can feel confident in their legal knowledge, abilities, and style of communication. You must feel also comfortable being honest so that the attorney can best guide you.

In assessing the style of your prospective lawyer, you will want to consider whether he/she spent adequate time assessing your matter and explaining the issues of importance to you. You should also pay attention to whether the attorney's approach is too aggressive or too passive or whether it seems consistent with your desires.

Location

Often times when making a choice you will want to consider a local attorney. The reason for this is not only to reduce the billable hours associated with travel to the courthouse, but also for familiarity with the Judges and Court staff. It is helpful for your representative to know the Judges, law clerks, opposing counsel, and potential experts. If you are considering a lawyer that works for a firm, you will want to know which lawyer will be predominantly responsible for your case. You will want to meet with all of the lawyers who will be working on your matter and ensure that all of you are on the same page.

It is important to remember that not every lawyer is right for every client; nor is every client right for every lawyer. It must be a mutually good fit. Even though you may have been referred to an attorney by a friend, a co-worker or a relative, the lawyer you choose must be right for YOU. You are putting life-altering issues in the hands of this individual, so make sure that you feel confident in your choice.

Lindsey Moskowitz Medvin focuses her practice on family law matters including divorce, child custody, adoptions and name changes. To contact Lindsey please call (609) 275-0400 or email her directly at Imedvin@szaferman.com.





Robert E. Lytle



Scott Borsack
Partner

ROBERT LYTLE AND SCOTT BORSACK AWARDED EQUAL JUSTICE MEDALS BY LEGAL SERVICES OF NEW JERSEY

Former Partner Robert “Bob” Lytle, recently appointed as a NJ Superior Court Judge, and Partner Scott Borsack were recently honored by Legal Services of New Jersey (“LSNJ”), with an Equal Justice Medal for their significant pro bono contributions. The ceremony was held on June 7th at the Grounds for Sculpture in Hamilton, New Jersey.

Bob and Scott were recognized for the legal assistance they have provided to clients of LSNJ. This recognition is awarded to those individuals or firms who have spent at least 40 hours providing full representation on one or more pro bono matters. LSNJ provides free legal assistance to low-income New Jersey residents, striving to secure substantive and procedural justice for those living in poverty. Each year, LSNJ recognizes the efforts of individuals and organizations who have contributed to obtaining justice for the economically disadvantaged.

Prior to his appointment to the bench Bob focused his practice on complex civil litigation and criminal defense in both state and federal court. His civil practice included various types of business and commercial litigation, consumer class actions, representing victims of mesothelioma, the prosecution of civil rights claims, the defense of professionals at administrative hearings and environmental litigation. In his criminal practice, Bob represented individuals, corporate officers and corporations who are subject to both traditional and white-collar prosecutions, as well as defending those charged with DWI. LSNJ also awarded Bob with the Equal Justice Medal in 2014 and 2019.

Scott concentrates his practice on representing clients in a variety of business and transactional matters. He has worked with clients and their advisors to bring tax efficiency to mergers acquisitions, dispositions, fund formations, workouts and debt restructuring, inbound and outbound investments and the use of tax pass-through entities such as partnerships and S corporations. Scott also represents regional and community banks, directing their loan transactions, preparing loan documents and clearing title issues. Additionally he also represents borrowers in loan transactions with their banks. During the pandemic, Scott provided free webinars on the Paycheck Protection Program and assisted businesses throughout New Jersey and beyond to navigate this complex program and he helped many businesses achieve loan forgiveness.



Michael Kahme, Esq., Charlene Borsack, Scott Borsack, Esq., and Erica Borsack attend the LSNJ Equal Justice Awards Reception.

ROBERT LYTLE APPOINTED AS JUDGE FOR THE SUPERIOR COURT OF NEW JERSEY



Robert E. Lytle

Robert “Bob” Lytle, former Co-Chair of Szaferman Lakind’s Litigation Department, has been appointed as a Judge of the Superior Court of New Jersey. Bob was nominated by Governor Phil Murphy on June 9, 2022. On June 20th, the Senate Judiciary Committee unanimously recommended Bob out of committee for consideration by the full Senate, who subsequently voted to confirm his nomination on June 29th. Bob was formally sworn in as a judge on

July 8th and he took the bench on July 11th.

Bob served for 10 years as a State and County Prosecutor before joining Szaferman Lakind in 2003. During his tenure, Bob acted as General Counsel to the firm and as a member of the firm’s Executive Committee. Bob’s practice focused on complex civil litigation and criminal defense in both state and federal court. His civil practice included commercial litigation, representing victims of mesothelioma and other asbestos-related diseases, consumer class actions, and the prosecution of civil rights claims. His criminal practice focused on the representation

of individuals, corporate officers and corporations who were subject to both traditional and white-collar prosecutions.

Bob’s achievements as an attorney have been widely recognized. He was the recipient of the Mercer County Bar Association’s Professionalism Award, as well as the Equal Justice Medal from Legal Services of New Jersey for his pro bono work in 2014, 2019 and 2022. Bob has also been included in the list of New Jersey Super Lawyers issued by Thomson Reuters* for his Class Action work from 2014 through 2022.

Among other distinctions, Bob served as the President of the Mercer County Bar Association, Chairperson of the New Jersey Supreme Court Committee on Character and as a member of the New Jersey Supreme Court Special Committee on Attorney Ethics and Admissions.

“It brings us great joy to witness Bob achieve his goal of becoming a Superior Court Judge,” commented Co-Founder Barry Szaferman. “His dedicated service, knowledge, and experience have led him to his judicial appointment and we know that Bob will perform the role with excellence.”

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