



New Jersey Family Lawyer

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Chair's Column

Happy 50th Anniversary

by Jeralyn Lawrence

Happy anniversary to us! The year 2015 marks the 50th anniversary of the Family Law Section. Many of you joined me at our section's anniversary party/casino night extravaganza on Jan. 23, and it was a pleasure to celebrate with such great company. Thank you for coming out and showing your support! That night we extended a heartfelt thank-you to the 44 chairs who preceded me, and recognized them for their love and devotion to the section. We acknowledged how during each of their respective terms they nurtured and grew the section, and how they are collectively responsible for cultivating the dynamic section we are today.

There is no doubt that we are a collection of eccentric, brilliant, hardworking, and even over-worked, professionals, committing our days to making a positive impact on the lives of our clients and their children. Our section is unified, collegial, and a significant asset to the New Jersey State Bar Association. For establishing a small, intimate section half a century ago, and continuing to breathe life into its success and prosperity, we owe a debt of gratitude to our previous chairs: Charles M. Grossman, Monroe Ackerman, Richard J. Feinberg, Edward S. Snyder, Gardner B. Miller, Gary N. Skoloff, Bernard H. Hoffman, Thomas S. Forkin, Laurence J. Cutler, Hyman Isaac, Anne W. Elwell, Thomas P. Zampino, Lee M. Hymerling, Jeffrey P. Weinstein, David M. Wildstein, David K. Ansell, Frank A. Louis, Alan M. Grosman, Myra T. Peterson, James P. Yudes, Richard A. Russell, John J. Trombadore, Lynne Strober, John E. Finnerty Jr., William J. Thompson, John P. Paone Jr., Patricia M. Barbarito, Mark H. Sobel, Neil D. Rosen, Mark Biel, Lynne Fontaine Newsome, Cary B. Cheifetz, Michael J. Stanton, John F. DeBartolo, Madeline Marzano-Lesnevich, Bonnie C. Frost, Ivette Alvarez, Lizanne Ceconi, Edward J. O'Donnell, Charles F. Vuotto Jr., Thomas Snyder, Andrea Beth White, Patrick Judge and Brian Schwartz. Without their enduring advocacy to promote our section and the influence



they have had on its members, I truly believe we would not be as profound an organization as we are today.

Looking back to 1965, 50 years ago, this section's first chair was Charles Grossman, who was leading a group of 39 members. At the time, the practice was moving toward improving the statute relative to adoptions, and the pressing issues at hand were support for 'deserted wives' and child support. At a period when the average annual income was \$6,450, some monthly alimony obligations might have equated to a single hour of our current hourly rates! The cost of living was so drastically different than it is today. It is unfathomable that a postage stamp was \$0.05, a loaf of bread was \$0.21, and the annual tuition at Harvard was \$1,760. Considering the exponential increase in the cost of living over the past 50 years, I am almost inclined to believe our current child support guidelines are based on the cost of living in 1965, not 2015!

No one would have expected that 50 years later, the section would have expanded to 1,319 members, still advocating and playing just as integral a role in amending alimony law. We have continued to be inspired by the example of leadership and service the past chairs have provided for us all, and I can only imagine we will continue to enhance the integrity of the section in our fortitude to blaze trails, create law, actively lobby, and advocate that fairness and equity remain the foundation of our practice.

This has been an exciting time to be chair of the section, and it is especially meaningful to be able to celebrate and recognize a section I love so much during its golden anniversary. It is truly an honor to be part of the reflection and reevaluation that comes with celebrating 50 years of the Family Law Section, and I hope that the chair of our section in 2065 is able to reflect on the next 50 years with as much pride and admiration as I feel looking back at our last half century.

Each of us has the ability to individually shape what the membership in 2065 and beyond will think of our contribution to the section and our profession. It is imperative that we make sure we leave our section better than we found it. Today we are large in number, but it is worth pausing to remember that 50 years ago there were only a handful of us. It gives me confidence that 50 years from now we will have grown with just as much veracity and charisma, and it is important to know that we can all help facilitate this success. Let us be the ambassadors of the practice and make our future section members proud of our dedication.

There truly is no better guide to set our course for future years than the history that shaped our past. I am so grateful to be a part of that history. Hopefully the section's 100th anniversary will be commemorated with recognition of an incredible amount of professionalism, unity, compromise, respect and collaboration. I cannot imagine a more diplomatic legacy to be associated with. I give you my promise that I will do my part, and it is my hope that you will join me. ■

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History of the New Jersey State Bar Association

Family Law Section¹

Part One: 1965-1990

by Lee M. Hymerling

In 2015, the Family Law Section (“FLS”) marks its 50th anniversary. Those years have seen the Section grow and prosper.

The Early Years

Few records remain that date back to the early years of the Family Law Section although it is known that the early Chairs of the Section included Charles M. Grossman (1965-1968); Monroe Ackerman (1968-1970); Richard J. Feinberg (1970-1971); Edward S. Snyder (1971-1973); Gardner B. Miller; Gary N. Skoloff; Bernard H. Hoffman; Thomas S. Forkin; Lawrence J. Cutler; Hyman Isaac; Anne W. Elwell; and Thomas P. Zampino (1980-1981).

The later years and those who then lead our Section have been chronicled in the pages of the *New Jersey Family Lawyer* that was first published in July, 1981: Lee M. Hymerling (1981-1983); Jeffrey P. Weinstein (1983-1984); David M. Wildstein (1984-1985); David K. Ansell (1985-1986); Frank A. Louis (1986-1987); Alan M. Grossman (1987-1988); Myra T. Petersen (1988-1989); James P. Yudes (1989-1990) and Richard A. Russell (1990-1991).

Over the early years of the Family Law Section, the Section almost always convened for a meeting and a continuing legal education program at the annual meetings of the State Bar in Atlantic City in May and for a midyear dinner (traditions that continue to this day). As time passed, to these annual affairs added were programs at the State Bar Mid-year meetings usually held at desirable resort or foreign locations throughout the world. There can be no doubt that, apart from the perennial tasks of serving as the seminal organization representing the interests of New Jersey’s family lawyers, the Family Law Section has lead the way in CLE; responsibly advocating change and, providing a ready platform for networking with our colleagues throughout New Jersey’s twenty-one counties and fifteen vicinages. The Family Law Section has also been second to none in knowing

how to having a good time. In later recent years, our retreats have annually taken more than two hundred participants to some of the most desirable locations in this country and beyond. They have taught us all how much we like to be with each other while at the same time learning from some of our most gifted members. Although we are all skilled and competitive advocates, we also know that professional relationships count and need to be fostered. The Family Law Section has well provided the vehicle for us to interact with each other outside of the courtroom and our offices. It is against that backdrop, that the splendid history of Section should be reviewed.

1970-1979:

The Adoption and Implementation of New Jersey’s Divorce Reform Act that Created No-Fault Divorce and Equitable Distribution

In the seminal years of 1970-1975, the Family Law Section addressed and served as the spokesperson for New Jersey family lawyers in the lead up to and the passage of what became to be known as the Divorce Reform Act. Our then only six year old Section faced the advent of no-fault divorce and equitable distribution. From generations of our statutory law concerning dissolution being static, all of a sudden we were confronted with the expansion of the traditional three fault-based grounds for divorce (i.e., adultery, desertion and extreme cruelty). We as practitioners and the Section were presented with and advocated for the addition of multiple additional causes of action. Thus, N.J.S.A. 2A:34-2 was expanded to include the liberalization of extreme cruelty to require only a three month waiting period from the last act of cruelty asserted. Even

more significantly, we witnessed and some of us advocated for the adoption of New Jersey's original form of No-Fault divorce-- of separation "...provided that the husband and wife have lived separate and apart in different habitations for a period of at least 18 or more consecutive months, provided further that after the 18 month period, there shall be a presumption that there is no reasonable prospect of reconciliation..." Overnight, our focus turned away from who did what to whom and we began to edge its way away from fault to substance.

At the same time, we embraced the new concept of equitable distribution that gave great economic substance to our practice and vast equitable powers to our courts. We as family lawyers and the matrimonial bench were presented with what might be characterized as having been a *tabula rasa*, an almost blank slate upon which to create new law with few legislative guideposts. For those recently admitted to the Bar, it must be difficult to comprehend how blank that slate was and how challenging it was to create new jurisprudence to give substance to the concept. The scope of the challenge can be seen in the scant statutory paragraph by which equitable distribution in New Jersey was created:

In all actions where a judgment of divorce or a divorce from bed and board is entered, the court may make such award or awards to the parties, in addition to alimony and maintenance, to effectuate an equitable distribution of the property, both real and personal, which was legally and beneficially acquired by them or either of them during the marriage.

This paragraph contained no factors. Statutory factors were not added for seventeen years. The words were straight forward. They were an invitation for advocacy and a challenge to the judiciary. All of a sudden, family law matters commanded much more attention in our State's appellate courts and new law and concepts were thrust upon family lawyers. All of a sudden our Section not only had a new lease on life but a new generation of lawyers was presented with challenges on a vastly expanded stage.

Thus began equitable distribution. In every sense of the term, equitable distribution, although a statutorily created equitable remedy was logically assigned to the part of our Chancery Division that more than a decade later became the Family Part of the Superior Court.

In the years that immediately followed this statutory revolution, our Section and its officers together with a small executive committee, witnessed and guided the beginnings of what was the transformation of a circumscribed practice, with Courts having limited jurisdiction guided by limited legal authority, to what has become a vibrant area of the law and a vastly expanded but still understaffed bench.

A mirror of how far we have come can be seen in a microcosm in the work of one of our members, a past Chair of our Section and the true Dean of our practice, Gary Skoloff. It is not insignificant that in October, 1971, Gary Skoloff authored the 2nd edition (1971-72) of New Jersey Family Law Practice, a treatise that was softbound and, excluding its appendices, only spanned 176 pages.

In his Preface to the Third Edition of the Skoloff treatise and the first to be hard bound, copyrighted in 1976, then ICLE Director, later Appellate Division Judge Howard H. Kestin, wrote, "Because matrimonial law is among the most rapidly developing fields of practice, a treatise of this nature becomes quickly dated..." The Third Edition excluding its appendices had grown to 396 pages. We now know that its later editions have grown several fold to multiple volumes and literally hundreds upon hundreds of pages.

1980-1983:

The Pashman Committees; The Expansion Of Our Section's Executive Committee; The Creation of an ICLE Family Law Symposium And The Advent Of The New Jersey Family Lawyer; and the creation of the Tischler Award

The next stage of the development of family law in New Jersey and of our Section came with the advent of two New Jersey Supreme Court Committees that forever shaped our practice as well as the Family Law Section; the creation of what has become the annual ICLE Family Law Symposium; the expansion of our Executive Committee; and the creation of the *New Jersey Family Lawyer*.

The importance of the Phase I and Phase II New Jersey Supreme Court Committee on Matrimonial Litigation to the New Jersey family law practitioners and to the Family Law Section cannot be understated. Both Committees were chaired by the late great Justice Morris Pashman. The first Committee consisted of Justice Pashman, together with Justices Worrall Mountain and

Sydney Schreiber. The charge of the Committee was broadly framed by Chief Justice Robert Wilentz and the entire Supreme Court to reach every facet of “doing justice” in family law matters. During the approximately one year tenure of the Phase I Committee, plans were made for the responsibilities of the larger Phase II Committee which was to explore in the broadest way how family law matters were to be heard in the New Jersey Judiciary. The Phase II Committee consisted of the same three Justices together with trial court judges; attorney members that included but were not limited to no fewer than eight attorneys who had already or were later to serve as Chairs of the Family Law Section: (alphabetically) David K. Ansell; Barry I. Croland; Anne W. Elwell; Lee M. Hymerling; Gary N. Skoloff; Edward S. Snyder; David M. Wildstein; and Thomas P. Zampino along with various lay members.

Thomas P. Zampino (now a retired judge of the Superior Court) served as Chair during the 1980-1981 year during which the Phase II Pashman Committee did its work. Justice Pashman’s skilled and patient leadership drew the best from all who were privileged to serve. At the time, although the Executive Committee was small, the challenges it faced were immense.

Quite apart from the work of the Phase II Pashman Committee, during that year, an initiative was introduced that has stood the test of time, The Family Law Symposium. In the fall of 1980, ICLE held what was entitled The First Biannual Family Law Symposium at which the following presentations with accompanying articles were prepared:

Recent Changes in the Law of Alimony and Child Support in New Jersey. What Changes Hath Lepis Wrought?, by Lee M. Hymerling, Esq.

Must Matrimonial Lawyers Now Learn How to Treat Tort Cases? An Analysis of *Tevis v. Tevis*, by Gary N. Skoloff, Esq.

To What Extent are Pensions Subject to Equitable Distribution? Have Recent Cases Cleared or Clouded The Issue? by Gary N. Skoloff, Esq.

Counsel Fees and Costs – Considerations and Comments, by Thomas S. Forkin, Esq.

Motion Practice in Matrimonial Causes. Some

Practical Considerations, by Albert L. Cohn, Esq.

Motion Practice: Changing Trends Following the Pashman Report, by Thomas P. Zampino, Esq.

Analysis of Recent Statutory Changes Affecting the Matrimonial Law Practice: Abolition of Dower and Curtesy, Creation of Elective Share and the New Criminal Code, by David K. Ansell, Esq.

From this first undertaking, what has become an annual tradition took root. Now held yearly, as many as 700 family lawyers have attended one of the largest annual continuing legal education programs in New Jersey. For most of the last three decades this annual symposium has been moderated by Frank A. Louis, Esq.

The Pashman Phase II Report was issued on June 10, 1981 and served as the backdrop of and platform for the next two years of the Family Law Section. I had the privilege of serving as the Section’s Chair from May, 1981 to May, 1983. Among the long lasting initiatives introduced during my two years as Section Chair was the creation of the Saul Tischler Family Law Section Award² to publicly recognize those who had made singular contributions to the development of family law in the State of New Jersey. The first such Award was presented to Justice Pashman. In presenting the Award to Justice Pashman, as quoted in the January, 1983 issue of the *New Jersey Family Lawyer*, I observed:

Few if any, other members of the bench or bar have made so significant a contribution to the administration of family justice. ... With caring and respect, Justice Pashman adopted the family law and its practitioners. Better than anyone else before him, he recognized the importance of our practice and dared us to be better than we were....”

Following a brief hiatus following the presentation of the Award to Justice Pashman in 1983, the Award has been presented annually each year since 1986.³

For historical purposes, I now reproduce portions of my Chair’s columns from the April and May, 1983 issues of the *New Jersey Family Lawyer*, my last two of the

nine times per year columns were then written. These columns document the events of my chairmanship:

For the April, 1983 issue I wrote in part:

In a sense, this month's column might be regarded as a "State of the Section" report. I am pleased to report that Section is healthy and prosperous, and that the prosperity is beyond anyone's reasonable expectations only two years ago. That prosperity is the result of the hard work and devotion of many individuals. Immediately coming to mind are our Section's First Vice chairman and nominee for the Chairmanship, Jeff Weinstein, as well as our Section's other current officers, David Wildstein and David Ansell. That prosperity in no small measure is the result of the hard work and devotion of the 30-plus additional members of our Section's Executive Committee. That prosperity is also the result of the countless other individuals who have worked on Section projects, have edited and contributed to the *New Jersey Family Lawyer*, or have participated in Section sponsored symposia or lectures.

...More particularly cataloging the major developments of the past two years, nine specific areas come to mind. I will discuss each of them below. These nine areas represent what I perceive to be our Section's greatest accomplishments:

Creation of the New Jersey Family Lawyer

More than any other single development, the emergence of the *New Jersey Family Lawyer* as a major publication stands as the principal accomplishment of my administration. Although in the past the Section issued an occasional newsletter, rarely did that publication ever exceed six pages and rarely did it contain more than Section announcements and perhaps a single scholarly piece.

Contrast the past with the 17 issues of the *New Jersey Family Lawyer* that have already appeared. The issues have averaged 20 pages in length, contained numerous timely articles and attracted critical acclaim from throughout the Bar. Other than the quarterly publications of the American Bar Association Family Law Section, in my view no current family law publication holds a candle to the *Family Lawyer*...

Expansion of the Executive Committee

After the fact, I must confess having taken some liberties with regard to the Section's By-Laws. The By-Laws as they are presently constituted call for an extremely small Executive Committee consisting of the four officers together with a limited number of trustees. Historically, the Executive Committee was never geographically broadbased or truly representative of the Section's membership. Without intending any criticism to my predecessors, the Executive Committee in the past rarely functioned as a board of directors, but instead as a periodic social gathering. That has all changed. The current Executive Committee consists of members spanning all the way from Morris County in the north to Cape May County in the south, from Somerset County in the west to the traditional counties of the east. Its membership includes not only individuals practicing traditional family law, but also juvenile law practitioners and those who have a particular interest in matrimonial practice involving the less advantaged of our society.

Just as the size and breadth of Executive Committee representation have expanded, so too has the length and breadth of its function. Meeting approximately 10 times a year and generally for at least four hours a session, the Executive Committee has become the principal decision-making arm of our Section. All major matters come before the Executive Committee. The most telling commentary upon the increased importance of the Executive Committee is the gratifying fact that my successor has indicated to me that most current Executive Committee members have asked to be reappointed. The emergence of the Executive Committee as a viable force in our Section is an outstanding and hopefully lasting innovation.

Bench/Bar Relations

During the last two years our Section has enjoyed an extremely close working relationship with the Bench. That relationship has assumed both a formal and informal posture. On a formalized basis, for the first time statewide meetings have taken place between representatives of the Family Law Section and representatives of the

New Jersey Matrimonial Judges Conference as well as the New Jersey Chapter of the National Conference of Juvenile and Family Court Judges. The agenda for the meeting which took place last December with matrimonial judges spanned numerous topics of concern to matrimonial practitioners; the agenda for the meeting which took place last month with Juvenile Court judges spanned the gamut of current topics relating to Juvenile Court practice. Our Section was honored at both meetings with the personal attendance of Justice Daniel O'Hern of our Supreme Court; additionally in attendance at the December meeting was Retired Justice Morris Pashman.

Such meetings accord a unique opportunity on a statewide level to consider topics of common Bench/Bar interest. Although matrimonial practice differs from county to county, and indeed from judge to judge, we must always remember that we are one state; thus the Family Law Section is especially suited to according an appropriate forum for the exchange of ideas...

This is not to suggest that the Bench and Bar have always agreed. One need go no further than last year's dispute concerning the proposed Retainer Rule. It is significant that the current R. 1:21-7A does not appear as originally proposed, but in a modified form which has not presented significant problems since it became operative earlier this court year.

Relations with the Legislature

During the past two years our Section has also enjoyed an excellent relationship with our state Legislature. Two years ago, our Section sponsored a program concerning what we perceived to be an increased legislative awareness of the family law area. Our guests at that meeting were then Senator Steven Perskie (now a Superior Court judge) and Senator Wynona Lipman, who recently received a Chairman's Citation for her ongoing work with regard to this substantive area of law. Over the past two years, I have appeared before both the Senate and the Assembly Judiciary Committees, as have Jeff Weinstein and others. Frequent appearances have also taken place before the Commission on Sex Discrimination in the Statutes chaired by Senator Lipman,

as well as even more frequent meetings with that Commission's staff. In the past, our legislative efforts have been merely to react to legislation proposed by others; during the past year, however, we have affirmatively taken the initiative.

During the last two years, we have seen the adoption of the New Jersey Support Enforcement Act and the Domestic Violence Law,⁴ as well as the Juvenile Justice package sponsored by Assemblyman Herman which led to the enabling legislation for the creation of the Family Part. Our Section now has under consideration what would be a significant initiative with regard to possible amendments to the desertion and separation causes of action for divorce.

For the May, 1983 I wrote in part:

This final Chairman's Report will be devoted to my views concerning our Section's unfinished agenda. Prime focus will be placed upon three separate topics: (1) the development of the Family Court; (2) the need to further and strengthen our close working ties with the bench; and (3) the importance of continuing to provide needed services to our membership.

The Family Court

My chairmanship ends on the dawn of a new era in the administration of family justice in New Jersey. Within a relatively few months, the Family Part of the New Jersey Superior Court will come into existence. Conceived by such visionaries as Chief Justices Weintraub and Hughes, and born of the hard work of many, the Family Part offers both a challenge and a threat to the family bar, and thus to our Section.

The challenge beckons our Section to help mold a new institution; the threat appears in the form of the unknown. What will this new court mean to us? No one knows for sure.

Two years ago, I appointed a committee to study recommendations about what form the Family Court should assume. Although our committee filed no formal final opinion, its views were incorporated into memoranda which I submitted to the original Family Part Planning Committee of the New Jersey Supreme Court. The memoranda recommended that the

new Family Part should have several sub-parts, including matrimonial justice, domestic relations justice and juvenile justice. The passage of time has seen a modified form of these recommendations incorporated within draft memoranda which have preliminarily been approved by the current Family Court Committee. Although it would appear that the Family Court will not have sub-parts as such, it now appears that it will maintain separate matrimonial, domestic relations and juvenile calendars. It must be a priority of our Section that these distinctions be preserved. It must be a priority of our Section to resist efforts by those who may seek to comingle the several distinct functions which will be performed by the Family Court. It must be a priority of our Section to continue to endorse the concept of the specialist judge...

Similarly, it is incumbent upon our Section to forcefully, but responsibly, strive to preserve what we already have—a distinguished matrimonial justice system which is, indeed, second to none. The experience of the Pashman Committee taught all those who participated that New Jersey's matrimonial justice system stands at the forefront nationally. We have a system that recognizes the importance of assigning distinguished judges to this bench. We have a system that recognizes the importance of fashioning individualized justice to each case. While recognizing the importance of calendar control, our Section must ever remember that what is most important is dispensing quality justice to those who pass through the system. As the Family Court continues to be molded, we as a Section must resist judicial shortcuts which might serve to short-change the public.

As the Family Court emerges, our Section should be willing to experiment. Building upon the strengths of an already good system, the organized family bar should be willing to try new techniques in the public interest. A perfect example of this lies in the area of custody, where mediation appears to be the wave of the future.

The highest immediate priority for our Section with regard to the Family Court should be a maximum effort to convince the Supreme Court of the importance of having significant

lawyer representation on a permanent Family Court Committee. Indeed, an effort should be made to encourage lawyer involvement in the leadership of that committee or its subcommittees. Recalling his encouraging words at our Section's Annual Dinner in March, I am convinced that Justice Pashman will be a significant ally in such an effort.

Importance of Continued Warm Bench/Bar Relations

The New Jersey bar as a whole and our Section in particular enjoys and profits from a warm relationship with the bench. That relationship must continue. It is absolutely vital that the bench and bar work together in the public interest.

The model I advocate is obviously one of cooperation, rather than confrontation. Following such a model, we will be able to maximize our influence and further an even warmer working relationship between the bench and the bar.

Service to Our Constituency

If our Section is to continue to grow, it will do so because lawyers throughout New Jersey feel that we are giving them something. Our product has both tangible and intangible aspects. Intangibly, our Section must vigorously represent its constituency in the houses of the Legislature as well as the committees of our Supreme Court. Tangibly, our Section must continue to produce timely programs as the circumstances warrant. Just as the regional meetings following the issuance of the Pashman Report responded to an informational need, so too should future meetings alert our membership to new developments. Continued cosponsorship of the Bi-Annual Symposium and other programs with the New Jersey Institute for Continuing Legal Education will further address this need.

Most particularly, this publication represents the most tangible manifestation of what our Section gives to its membership. The quality of this publication should not be compromised. Drawing upon the vast resources of the New Jersey bar, we should be able to continue to present scholarly articles on timely topics...

1983-1985:

The Creation of the Family Part and the Supreme Court Family Part Practice Committee

Following upon the work of the Pashman II Committee, Chief Justice Wilentz appointed a pre-preliminary Family Part Planning Committee, also chaired by Justice Pashman, and consisting of Superior Court Judges Harvey R. Sorkow, Eugene V. Serpentelli, Robert W. Page and Juvenile Domestic Relations Court Judge George J. McCollough. That Committee was succeeded by a larger Committee that was chaired by Supreme Court Associate Justice Daniel O'Hern on which, in addition to expanded judicial representation, members were appointed from the Bar and the public. Much of the work of the larger Committee was done by no fewer than 10 Subcommittees and was a portend of things to come.

The initiatives undertaken by Pashman I, Pashman II and the pre-Planning and Planning Committees led to the eventual appointment of the Supreme Court Family Practice Committee that has, for the thirty years that followed has and continues to play a huge recommendatory role in fashioning the Court Rules under which the Family Part has operated.

Following the tradition established in the Pashman II Committee and continued during the tenure of the O'Hern Committee, the Family Practice Committee had significant Bar and more particularly Family Law Section membership. The shape and scope of the agenda of that Committee as well as its composition was, in no so small part a product of the shared vision of Chief Justice Wilentz and Justice Pashman, who both recognized the great benefit of according the opportunity for experienced practicing lawyers to serve on committees that were allowed to shape and guide judicial procedures in the Courts in which they practiced. Both of these distinguished jurists, neither of whom had an extensive family law background, instinctively knew that much was to be gained by giving responsible members of the Family Bar, not as representatives of the Section, but as active members of a deliberative recommendatory body charged to fashion procedures under which the new Family Part would operate.

Chief Justice Wilentz, always an active, interested and skilled judicial administrator, also had great wisdom when he and the Supreme Court appointed the Ocean County Superior Court Assignment, Judge Eugene Serpentelli to serve of the Family Practice Committee's

first Chair, a position held by Judge Serpentelli served for more than 25 years. By his appointment of Bar/Section members to serve as Chairs of some of the Practice Committee's subcommittees elevated and solidified the important role that family law practitioners have had in shaping many of the Family Part's procedures.

In his November, 1983 Chair's column, Jeffrey Weinstein wrote, in part:

It is really gratifying to share good news.

As most of you are probably all too painfully aware, it is not very often that we as matrimonial lawyers receive good news in the mail. Fortunately, I just received some great news. The Family Part Practice Committee is chaired by the Honorable Eugene V. Serpentelli, J.S.C. On November 7, 1983, Judge Serpentelli wrote to me: "Rest assure that I fully realize that the tremendous task we have awaiting us cannot be soldered without the active involvement of many talented matrimonial practitioners in our State and, in particular, without the constant input from the Family Law Section. I trust you know that I have always approached my relationship with the bar as a partnership-all of us lawyers with perhaps different orientations and daily work experiences, with common ultimate goals."

In the December, 1983 issue of the *Family Lawyer*, Chair Weinstein wrote of the new year heralding the advent of the new Family Part of the Chancery Division of the Superior Court. Thirty years later, it is hard to fathom that the Family Part has been in existence for a little more than three decades. In that issue, Jeff also focused upon some of what were the Court Rules of the day.

Quite apart from our Section's influence in shaping procedures that guided the creation of the Family Part and the Court Rules established by the Supreme Court under which it has operated, our Section has also been unafraid to voice its opinions in a matter of great concern. In the July, 1983 issue of the *New Jersey Family Lawyer*, appeared an Editor's column, urging the reappointment to the Superior Court of Sylvia Pressler, a matter that was the of great concern to the Bar as a whole. Our publication and our Section was willing to speak out on a matter that then had some urgency.

Not insignificantly, in the same issue of the *New Jersey Family Lawyer* was an article entitled "The Respon-

sibility for Conveying Information on the Tax Implications of Divorce-Related Proceedings" written by the Honorable Virginia A. Long, who was then a Superior Court Chancery Division Judge in Mercer County who, of course, later went on to serve with distinction in the Appellate Division and later the New Jersey Supreme Court. Looking in the proverbial rear mirror, how fortunate the *Family Lawyer* has been to be able to draw articles from distinguished Judges, scholars, practitioners and others who have been willing to author quality and often scholarly articles with our Section's membership.

Heralding the Family Part's creation, the Section sponsored an introductory program at which Justice O'Hern, accompanied by Superior Court Judges Harvey Sorkow and June Strelecki addressed "... the advent and possible future directions of the Family Court." Given the newness of the Family Part, Chair Weinstein characterized this as a "must come" meeting for family law attorneys. The Section also sponsored a program at the State's midyear meeting in Bermuda on November 17th.

On February 28, 1984, Chair Weinstein also calendared a meeting on February 28, 1984 for the Section's Executive Committee with the Presiding Judges of the Family Part. This was a singular development that stood as a reflection of the relationship that our Section had, through working in the public interest, forged the Family Part Bench.

Later in 1984, David Wildstein became the Section's Chair. Among the issues that he confronted was whether numeric Child Support Guidelines should be adopted. As it turned out, several years later, Guidelines were adopted because they were required by federal statutory law.

It is significant to note that, in the *Family Lawyer*'s Editor's column that appeared in the Fall of 1984, I lamented that, following the creation of the Family Part (and the merger of the Juvenile and Domestic Relations Court into what had been the Superior Court, Matrimonial Division), "fewer judges were assigned to the combined court than had been assigned to the two courts standing alone." By the fall of 1984, bench strength of the combined Court only stood at 60 judges. As we look back upon those times, it is difficult to fathom how much was accomplished by so few then serving on the Bench. Even with more than double of what had been the bench strength of the combined court of the mid-1980's, the hard working Judges of today's Family Part struggle to keep up.

A highlight of David Wildstein's year as Chair was a unique program sponsored by the Family Law Section at

the State Bar's midyear meeting in London. The program entitled "Comparative Divorce Law" included as participants New Jersey Superior Court Judge Florence Peskoe; English Solicitors Michael Simmons and George Doughty; Chair Robert Johnson of the Family Law Bar Association for England and Wales; Senior Judge of the Family Court in England, Mr. Justice Reeve; FLS Chair Wildstein and me.

In the April, 1985 issue of the *Family Lawyer*, there appeared an article concerning parenting responsibilities versus custody/visitation authored by Judge Robert J. Williams, then Presiding Judge of the Family Part in Atlantic and Cape May Counties, who was later to become an Assignment Judge, an Appellate Division Judge and then Administrator Director of the Courts. Then as now, the *Family Lawyer* sought to present to its readers the perspectives of some of our best judicial minds.

David Ansell became Chair for the 1985-1986 year. The principal speaker at the Section's annual dinner at The Manor in West Orange was Marvin Mitchellson, a noted California matrimonial attorney. In his May, 1986 Chair's Column, without specifically endorsing the concept, Chair Ansell addressed the question of "whether or not our Divorce Statute should be amended to provide for an additional cause of action that being 'irreconcilable differences,'" placing our Section and the *Family Lawyer* at the forefront of an important then unresolved issue. Mr. Ansell wrote:

Our Section has not taken a formal position on this issue but the Executive Board of our Section does in fact feel that we should begin exploring the issue and make an effort to ascertain the feasibility of amending the Statute. In addition to this being a substantive issue of law, it is also a very serious philosophical issue, one that has far-reaching affects on our society.

Marriage as an institution in our society has undergone very drastic changes in the last 20 years. Without making a value judgment as to whether or not those changes are positive or negative, I believe that we should at least recognize the fact that those changes have taken place and that we, as a society, view marriage much differently today than we did 20 years ago. Perhaps those changes should be recognized in our Divorce Law.

This article is not intended in any way to be an endorsement to amend the Statute to provide

for a cause of action of “irreconcilable differences”. It is intended to alert the Bar to the issue and perhaps welcome comment from interested parties as to the advisability of said change.

As a specialist in matrimonial law and as an observer of the “watering down” of the current Extreme Cruelty Statute, I do feel that some thought should be given to providing a vehicle for the parties to obtain a divorce without the necessity of alleging Extreme Cruelty in detail in a Complaint for Divorce. I am sure all matrimonial practitioners have observed Complaints based upon Extreme Cruelty which in effect make a “mockery” of the concept as originally espoused by our Legislature. The test has been held to be “subjective” in nature and one need only allege for instance, “my spouse’s actions (or non-actions) upset me” in order to prevail for a divorce on the grounds of Extreme Cruelty under our present case law and practice.

In the day-to-day practice, that which is set forth above or some slight variation of the same is all that is alleged in order to obtain a divorce on the grounds of Extreme Cruelty. Now that the necessity of corroboration is no longer required, a litigant need only set forth a few facts in a Complaint for divorce based upon Extreme Cruelty and the divorce is automatically entered. We in effect do in fact have a cause of action of “irreconcilable differences” without the Legislature authorizing it. So many of the Complaints for divorce filed in this state allege in effect irreconcilable differences that perhaps some thought should be given to making it a specific cause of action.

Our Committee has commenced an investigation as to the experience of other states who have the Cause of Action referred to above and how that has affected the practice. The general consensus of those who have practiced under that Statute have found the following:

1. The acrimony and bitterness between parties has dissipated since there is no need to establish fault.
2. Resolution of difficulties and negotiating is promoted as a result of the focus being changed from establishing fault to resolving problem.

3. The existence of such a Statute has not in any way increased the likelihood of divorce. Those States that have “irreconcilable differences” as a cause of action for divorce have not experienced an increase in the divorce filings.
4. The cause of action of “irreconcilable differences” eliminates the punitive aspect of divorce proceedings and lifts any stigma attached to the “guilty” spouse.
5. The integrity of the court system is often undermined where unfounded evidence is used to establish the grounds of extreme cruelty. Oftentimes collusion and perjurious testimony occurs.
6. There is a greater opportunity and probability of reconciliation since acrimony and bitterness are out of the proceedings.
7. The parties do not feel compelled to seek mitigating divorces.
8. The parties no longer need to “fabricate” grounds for divorce by collusion and perjury.
9. Hostilities between the parties will lessen and the traumatic affect of a divorce on all parties, especially the children involved, will lessen.
10. Irreconcilable differences will eliminate many unnecessary expenses accompanying divorce which expenses are required to prove fault grounds.
11. The parties do not have to wait the 18-month period when a marriage is irretrievably over.

Thus, the above are some of the advantages to having such a Statute.

Again, our Committee welcomes comment from the Bar on this very important issue, and in the coming months, the Committee hopes to produce a report which would in fact make a recommendation as to the advisability and desirability of amending the Statute to include a cause of action for “irreconcilable differences.”

Chair Ansell’s well reasoned thoughts written in 1986, were ahead of the times. It was more than twenty years later that the Legislature adopted of Chapter 6, Section 1, of the Laws of 2007, effective January 20, 2007, that irreconcilable differences for a period of six months, was finally incorporated within the law.⁵

Frank Louis followed David Ansell as Chair of the

Section for 1986-1987 Bar year. Proudly, he announced in his first Chair's Column that Chief Justice Wilentz had agreed to meet with representatives of the Family Law Section, observing that the meeting confirmed "what has become apparent over the last few years that the Section, by effectively advancing the interests of lawyers and the public, has matured to the point where we can proudly state that we are an integral part of the administration of justice in the Family Part." In the December, 1986 – January, 1987 *Family Lawyer* issue, Chair Louis noted that then under consideration was a proposal as to whether the Supreme Court should create a Family Law specialization.

In his May, 1987 article, Chair Louis wrote that there had been an, "... effective partnership our Section has forged with the Supreme Court. It represents the type of relationship all Sections and the State Bar Association itself should develop with the Court. We should be justifiably proud that it is the Family Law Section setting the way. ..."

Alan Grossman served as Section Chair during the 1987-1988 Bar year. Continuing a past tradition, during his year, regional membership meetings were calendared each with prominent judicial speakers. Alan presided at each such session. The Saddle Brook session featured Judges Carmen A. Ferrante and Harvey Sorkow, together with Elaine Sheps, a former member of the counsel of the ABA Family Law Section; the Parsippany regional meeting included Judges Herbert S. Friend, Presiding Judge of the Family Part in Morris County and June Strellecki, Presiding Judge of the Family Part in Essex County and Larry Cutler. The New Brunswick session included Mark Epstein, Presiding Judge of the Family Part in Middlesex County and Alexander Lehrer, Presiding Judge of the Family Part in Monmouth County, together with David Wildstein. The Atlantic City session included Judge Dennis Braithwaite, then Presiding Judge of the Family Part in Atlantic County and Judge Vincent Segal joined by Frank Louis and then FLS Vice Chair James P. Yudes.

Among the significant articles that appeared in the *Family Lawyer* during Chair Grossman's year was a Report of Child and Family Project, a FLS special project approved by the Trustees of the NJSBA, through which family care experts joined forces to analyze the help being provided to families and particularly children who come in contact with the Family Part. Reproduced in an article written by Project Chair Lynne Strober-Lovett, and spanning two issues, was a discussion of the presentation made by Judge Serpentelli together with other members of the Ocean Court Family Part staff.

Myra Peterson served as Section Chair during 1988-1989. Her final Chair's Column that appeared in the May, 1989 issue of the *Family Lawyer* presented a thumb nail sketch of the work and breadth of our Section and, in part, read:

Members of our section participate in numerous projects throughout the state under the umbrella of the Family Law Section Child and Family Project, which is ably led by Lynne Strober-Lovett. Present projects include a program in Bergen County whereby divorcing parents are educated about the impact of divorce on their children and ways to soften that impact; judicial seminars on how to interview children; cable television programs on various aspects of family law; a project in Morris County dealing with problems with the functioning of the family unit; seminars about structuring visitation and dealing with the problems caused by the relocation of the custodial parent; creating a bibliography of materials relating to the impact of divorce and family dysfunction which will be available to the general public; evaluation of custody mediation programs throughout the state, creation of an encyclopedia of social services available throughout the state, so that knowledge of the myriad of services available is available to our courts, the bar, and the general public; and preparation of video cassettes dealing with problems in family law, which will be produced by ICLE and made available to Family Part litigants.

The untold *pro bono* hours that our members spend to help the bench, other members of the Bar, and the general public are somewhat invisible. Our members work diligently and givingly, usually without special recognition or commendation, without plaques to put on their walls, without titles to place in Martindale-Hubbell listings. They give these hours to make Family Part practice more humane, more even-handed and more responsive to the needs of the general public.

James Yudes became Section Chair became Section Chair for the 1989-1990 Bar Year. Chair Yudes' year was marked by controversy, challenge and promise. His first Chair's column that appeared in the *Family Lawyer's*

August, 1989 issue, addressed the creation of the Supreme Court Committee on Masters and Hearing Officers, appointed to study how judicial assistance/adjuncts might aid in support of the Judiciary. The report recommended a two year pilot program of the use of "Judicial Commissioners Appointed by the Supreme Court" to serve in a role similar to that of federal magistrates.

Also during the Fall of Mr. Yudes' year, The NJSBA returned to London for its mid-year meeting with the Law Section sponsoring a banquet held in historic and ancient Middle Temple Hall during which an address was given. The December, 1989 issue of the *Family Lawyer* contained an article written by Queen's Counsel and a past Chair of the Family Bar Association of England and Wales, James Townend. The text of his address was accompanied by a sketch of the Middle Temple Hall. During his address as it appeared in the *Family Lawyer*, Mr. Townsend wrote of the common legal heritage shared by England and the United States:

England and the United States share a great common heritage. Principal among other matters we share a system of law and, despite some minor difficulties arising on the other side of the Atlantic, a common language. Yet precisely because of this language it was the Inns of Court which became the great teaching centres of the law in early times and not the universities of Oxford and Cambridge. In 1468, Fortescue CJ wrote that law was not taught at these universities because the only language there used was Latin whereas in England laws were written in the English, the French and the Latin tongue. Indeed, English was not an official court language until the 17th century. A Middle Temple minute of 1570 shows a member of the Bar being disciplined for attempting to argue in English before the Chief Justice!!

Also during Chair Yudes' year, the *Family Lawyer* announced and later published portions of the Report of the Pathfinders' Committee, a special New Jersey Supreme Court Committee chaired by Camden County Family Part Presiding Judge Robert W. Page and including Judges Rosalie B. Cooper, Howard H. Kestin, B. Thomas Leahy and Birger M. Sween. The report not only reviewed the history of the creation of the Family Part and noted as its principal concern:

The Committee envisioned the Family Part as a ,..." a ship which pushed off from the shore five years ago and sailed out into uncharted waters. The ship is of old design, untested in the new waters, and considered inferior to other ships in the fleet. Its crew includes many good sailors; but a few do not wish to be on board and are lacking in necessary seamanship skills. At times, the different parts of the ship function in sharp contrast with members of the crew pulling in different directions. Limited resistance remains, not only to new ideas, but also to a unified, cohesive ship run in accord with the plans of the original supporters of the voyage. The lines of communication from the captain to the crew are sometimes blurred to the point where some directives and course settings are either unknown or ignored."

In its 145 page report, the Pathfinders pointed to three specific areas of concern: lack of uniformity from county to county; the need for the Presiding Judge and Case Manager to have control over key personnel to do their job effectively; and the need for the Family Part to have sufficient resources to reach its full potential. Beyond this overview, the report presented a detailed analysis of the challenges that then confronted the Family Part.

The Pathfinders Report was first issued in April, 1989 and was released to the public in early December, 1989. In his December, 1989 Chair's Column, Chair Yudes wrote:

I would like to work with the Chief Justice as a partner with the objective of improving the delivery of legal services to families in transition. We, as family lawyers, have much to offer the Chief Justice in evaluating and implementing the recommendations of the Pathfinders Committee. I trust the Chief Justice to do the right thing. It is my hope that Chief Justice Wilentz feels he can trust the organized Family Law Bar, for without trust, the Partnership can not work. The Chief Justice has expressed, on several occasions, his belief that attorneys must be given a participatory role in the administration of justice. Allowing the Family Law Section to work with the Chief Justice in critiquing and implementing the Pathfinders Report gives Chief Justice Wilentz an obvious opportunity to implement his philosophy of Bench-Bar relations.

A thorough analysis of the Pathfinders Report appeared in the January, 1990 *New Jersey Family Lawyer*.

Also appearing in that Report was an interview that I conducted with Pathfinders Committee's Chair Judge Robert W. Page. In part that interview read:

Mr. Hymerling: Part of the report focuses directly upon the relationship between the bench and the bar. Could you comment upon what you found and what the Pathfinders found about the relationship between bench and bar in the family area.

Judge Page: We felt that it was the best in any area of practice in New Jersey. Certainly, as we went around, people did not hesitate to share their concerns. But at the same time, people were optimistic and willing to donate their time and their efforts. Certainly publication of articles both in the *Family Lawyer* and in the *Law Journal*, are very much a joint product today. Prominent members of the bar in the areas of family law teach new judges and every year participate in teaching all of the family court judges. I think that the bench doesn't hesitate to respond upon being asked to do so also. Just as the bar doesn't hesitate on a particular task. Yes, there are people who will always find problems I suppose. I suppose there is always going to be a healthy tension in any kind of practice., particularly one that's got a lot of problems. The litigants on a daily basis are very emotional. But the joint resolution of those problems between the family law bench and bar – the willingness to jointly participate in the resolution of those problems is the highest in the Family Part, in my opinion, of anywhere in the state's court system.

Mr. Hymerling: Let me conclude by drawing from the report and specifically from a simile or metaphor contained in it about the ship which pushed off the shore and sailed out into uncharted waters. Is the chart becoming clear now?

Judge Page: Well, I think very much so. The Chief Justice is definitely charting the waters and providing the directions at this point. There is commitment and the directions are being provided. One thing is firmly committed and should be clear to everyone – we are going to upgrade the court. It is going to be that which we all want. Exactly how, that is very much subject to negotiation and ideas but the idea of the commitment and the direction is clear and firmly established.

Chief Justice Wilentz went far to demonstrate his commitment to good Bench-Bar relations by appearing as the Section's guest speaker at our annual Section dinner on March 15, 1990.

The Section's first twenty-five years were marked by challenge and opportunity. Our Section saw New Jersey's divorce law radically change and then evolve. We saw our Section reinvent itself to become, within the structure of the New Jersey State Bar Association, a force serving not only its membership and the State Bar itself but also the public. We also saw the Section provide its members with the ability to network, to teach each other and to learn from each other. Along the way, the Section has also permitted Section members to respect each other and to enjoy non-adversarial time together. ■

Endnotes:

1. I extend thanks to conversations with Gary N. Skoloff, Edward S. Snyder and Lawrence Cutler, past Chairs of NJSBA, Family Law Section as well as the NJSBA staff.
2. The Award was named for Saul Tischler who served for many years as the Standing Master of the Supreme Court who supervised the approval of basic matrimonial pleadings.
3. The later Tischler Award recipients have been as follows: 1986--Lee M. Hymerling; 1987--Gary N. Skoloff; 1989 --Richard Feinberg; 1990 --Frank A. Louis; 1991 --Hon. Eugene D. Serpentelli; 1992 --Barry I. Croland; 1993 --Laurence J. Cutler; 1994 --Hon. Robert W. Page; 1995 --Richard A. Russell; 1996-- John J. Trombadore; 1997-- David M. Wildstein; 1998-- John E. Finnerty; 1999-- Edward S. Snyder; 2000 --Hon. Ann R. Barlett; 2001 --Alan M. Grossman; 2002 --John P. Paone, Jr.; 2003-- Robert J. Durst; 2004-- Patricia M. Barbarito; 2005 --Mark Biel; 2006--Lynn Fontaine Newsome; 2007 --Hon. Herbert S. Glickman; 2008-- Cary B. Cheifetz; 2009 --Mark H. Sobel; 2010 --Michael J. Stanton; 2011-- John F. DeBartolo; 2012 --Bonnie C. Frost; 2013 --Lizanne J. Ceconi; 2014-- Edward J. O'Donnell; 2015 – Madeline Marzano Lesnevich, Esq.

4. On January 9, 1982, the Legislature adopted the “Prevention of Domestic Violence Act.” Looking backwards, in the February, 1985 issue of the Family Lawyer, I wrote:

The Domestic Violence Act – Three Years Later

On January 9, 1982, the Legislature adopted the “Prevention of Domestic Violence Act” thereby dramatically and irreversibly transforming the procedure by which many domestic disputes are resolved in this state. In large measure, the Act represented a legislative recognition that traditional injunctive relief as embodied in *Roberts v. Roberts*, 106 N.J. Super. 108 (Ch. Div. 1969) did not represent an adequate response to the volatile nature of domestic disputes. Graphically, the Legislature found and declared that domestic violence was, as indeed it continues to be, a “. . . serious crime against society . . .” The Legislature quite appropriately found and declared that “. . . victims of domestic violence come from all social and economic backgrounds and ethnic groups . . .” and that “. . . a positive correlation between spouse and child abuse . . .” does in fact exist. Based upon these and even more dramatic legislative findings, the Act declares that “. . . it is therefore the intent of the Legislature to assure the victims of domestic violence the maximum protection from abuse the law can provide.”

Indeed, the Act has done just that. Before the adoption of the Act, it was extremely difficult to evict a violent spouse from his or her home absent demonstrative corroborated proof. Before the adoption of the Act, a victim of domestic violence all too frequently found it necessary to flee the marital home in order to evade further abuse. Before the adoption of the Act, the orientation of our law was directed to preserving the rights of the abuser to the detriment of the allegedly abused.

The premise of the domestic violence law can be seen in its title. Our domestic violence law quite properly has been captioned the “Prevention of Domestic Violence Act.” Its intention is to avoid future violence. In practice, what the Act has meant is that when actual violence has occurred, an immediate Order may be obtained either from a municipal or Family Part judge which will give prompt security to the complainant. The Act assures prompt response to emergency situations. The Act says to law enforcement officials, municipal judges and judges of the Family Part, “Protect the victim!” And so it should.

Has the Act made a major contribution to solving, or at least tempering, a critical societal problem? Indeed it has. The perspective of more than two years’ experience with the Act leads to the inescapable conclusion that domestic violence was and continues to be a major problem – a problem that prior civil and criminal remedies had been unable to radically address. When the domestic violence law was originally adopted, much of the Bar voiced skepticism. Family practitioners throughout the state posed the same questions: Was the Act an overreaction? How possibly could the legislature finding that “. . . there are thousands of persons in the state who are regularly beaten, tortured and in some cases even killed by their spouses or cohabitants . . .” be true? Would municipal judges and the Superior Court be equal to the task of handling what many anticipated would be a flood or both meritorious and frivolous complaints? Bypassing *Roberts*, would family law practitioners encourage their clients to utilize the domestic violence law to gain leverage or economic advantage? How would law enforcement officials adjust to an increased involvement in dealing with family crises?

5. Earlier versions of that bill were previously introduced in the 1995; 1998-1999 2002-2003 and the 2004-2005 sessions of the Legislature. It is noted that a bill had been passed by both houses of the Legislature in January, 1999 but was, in 1999, conditionally vetoed by Governor Whitman.

History of the New Jersey State Bar Association

Family Law Section

Part Two: 1991-2015

by Mark H. Sobel

During the period from 1991 through 2014, the Family Law Executive Committee, led by its 24 chairs, advocated for dynamic change to focus attention upon the primary complaint voiced by litigants, lawyers and judges: It takes too long and it costs too much. This period's long examination and retooling of our system started in 1991, with John Trombadore as chair, and was a primary focus of our attention throughout the next 24 years under the leadership of Lynne Strober (1992-1993), John E. Finnerty Jr. (1993-1994), William J. Thompson (1994-1995), John P. Paone Jr. (1995-1996), Pat M. Barbarito (1996-1997), Mark H. Sobel (1997-1998), Neil D. Rosen (1998-1999), Mark Biel (1998-2000), Lynne Fontaine Newsome (2000-2001), Cary B. Cheifetz (2001-2002), Michael J. Stanton (2002-2003), John F. DeBartolo (2003-2004), Madeline Marzano-Lesnevich (2004-2005), Bonnie C. Frost (2005-2006), Ivette Alvarez (2006-2007), Lizanne Ceconi (2007-2008), Edward J. O'Donnell (2008-2009), Charles F. Vuotto Jr. (2009-2010), Thomas Snyder (2010-2011), Andrea Beth White (2011-2012), Patrick Judge (2012-2013), Brian Schwartz (2013-2014) and Jeralyn Lawrence (2014-2015).

Our section and its leaders recognized that the system was, in large part, failing its constituents. It was a system in which the costs were exponentially increasing and the delays in resolution were seemingly never ending. Constrained by the system's economics, and the changing societal views that both expanded the scope of work within family law and reduced the resources to do that work, the intense pressure to effectuate change was palpable. In response, many positive actions taken by our section, championed by its chairs and advocated in the *New Jersey Family Lawyer*, were initiated to improve both the level and the efficiency of service over these last 25 years.

One of the most critical activities during this period of time occurred on April 9, 1996, with the Supreme Court's creation of the Special Committee on Matri-

monial Litigation. That committee was chaired by the Honorable Linda R. Feinberg (Ret.) (then the assignment judge in Mercer County) and my colleague and the first editor-in-chief of the *Family Lawyer*, Lee Hymerling. The committee was authorized to review the practice of family law "from the administration of the family court, to the practice of family law by lawyers and make recommendations for its improvement." I, along with several of my colleagues in the Family Law Section, as well as numerous lawyers and judges not necessarily devoting their full time to family law, formed this committee, which had extensive meetings and public hearings through 1996, until issuing its final report on Feb. 4, 1998.

The committee, affectionately renamed the Feinberg-Hymerling Committee, held multiple public hearings throughout the state of New Jersey and sought comments from lawyers and judges to obtain a wide range of views for analysis regarding procedural and substantive changes needed to improve the system. The report of the committee determined that:

A common theme that resounded throughout much of the testimony was that the process of divorce took too long and cost too much. A further theme was that the system could be improved through various procedural initiatives to be undertaken and a greater commitment of resources to be made to assure the prompt resolution of matrimonial matters.

As part of the analysis at that time, the sheer workload of the judges in the various parts was examined, which, in 1997, indicated on average a Criminal Division judge handling approximately 500 cases, a Civil Division judge approximately 1,000 cases and a family part judge over 3,800 cases! As a result, the committee determined:

The demands and stress that the Family Part Judges must accept make understandable why the Family Part experiences so much judicial turnover. While relatively few judges represent the core of the Family Part serving for as many as ten or more years, the Family Part service of most rarely exceeds three years. Often, assignment in the Family Part comes as a judge's first judicial assignment. Family Part Judges hesitate to serve in the years immediately preceding tenure hearings. Each of these factors has an impact upon the way the Family Part functions and how its work is perceived by a skeptical public.

This core analysis focused appropriate attention that a family court judge had the hardest judicial job in the system. These positions were given the least resources, experienced the most aggravation and were generally assigned to the younger and more inexperienced judges. That core determination led to a series of 54 separate recommendations from the committee. Those changes, which, in large part, were accepted by the Supreme Court, became effective on April 5, 1999, and are now more commonly referred to as best practices. Over the past 16 years, this dynamic change to focus on the efficiencies and costs of the system resulted in a myriad of specific alterations in family part procedure. Many of these were championed by our chairs, as well as through the editorials and articles published in the *New Jersey Family Lawyer*. Many were advocated by the above-referenced past chairs in numerous speaking engagements, and virtually all were the subject of significant lobbying efforts by our section members.

The following semi-nostalgic trip over the past 25 years highlights some of these individual dynamics, which we now accept as a core framework of family court practice. It was not always that way.

Consensual Agreements

In an effort to remove cases from the system, to promote prompt resolution and to reduce the costs associated with same, the executive committee, and specifically the *New Jersey Family Lawyer*, throughout this 25-year period, published numerous articles and held numerous seminars dealing with topics including, but not limited to, property settlement agreements, prenuptial agreements, postnuptial agreements, mid-marriage

agreements, agreements regarding custody and visitation (it was later politically corrected to parenting time), as well as the appropriate negotiative techniques and the utilization of experts to reach such resolutions. By way of limited example only, in 2006 the *New Jersey Family Lawyer* published a series of articles by Toby Solomon (regarding mid-marriage agreements), as well as articles by Andrea White O'Brien, David Wildstein and Chuck Vuotto, (providing an encyclopedic series of clauses for matrimonial settlement agreements), all of which were designed to help educate and assist section members in crafting appropriate agreements dealing with the many issues regarding the dissolution of a family.

Our section and our publication first voiced support for the determination by the Supreme Court in *Marschall v. Marschall*, wherein the Supreme Court stated:

Any possibility that New Jersey might regard antenuptial agreements fixing post-divorce rights and obligations as generally void or unenforceable, or that the courts of this state will grant them only grudging acceptance, should be discarded.

Perhaps now forgotten, at that point in time many courts were cautious or reluctant regarding enforcement of agreements fixing the parties' rights, because they were conceived as being against public policy, which favored the preservation of marriage.

Our section not only supported the *Marschall* opinion, but advocated its broader acceptance, successfully lobbying for the codification of N.J.S.A. 37:2-31, *et seq.* (the Uniform Premarital Agreement Act). While it may seem that the acceptance of such agreements to resolve family issues and the existence of such legislation has been around forever, in fact it has not. Our section was one of the chief proponents to make this valuable resource not only more widely available but, through the efforts of our educational endeavors, both accepted and understood by our members so that it could be implemented throughout the system. As we now know, it has and provides avenues of resolution not previously available.

Collaborative Law, Mediation and Arbitration

During my tenure as chair (1997-1998), one of the 'hot topics' being debated was the issue of mediation and, more specifically, mandatory economic mediation. I spent a significant part of that year with my colleague,

Hanan Isaacs, debating the pros and cons of mandatory economic mediation throughout the state. The dynamic at the time was the push between taking individuals out of the system through mandatory economic mediation and the basic constitutional right of access to the courts without a required expenditure of funds by such litigants prior to having their day in court. This lively debate ultimately ended with a resolution that remains in place today (see Rule 5:5-6), that promotes and facilitates mandatory economic mediation but does so with an initial period of two hours free, so litigants have the opportunity to participate in the process without the mandatory requirement to pay for it in order to effectuate access to the courts.

In conjunction with these activities, and as an expansion over the past 25 years of these activities, the issues of collaborative law were discussed and evaluated. In 2005, the Advisory Committee on Attorney Ethics issued Opinion 699, which, after extensive lobbying by our section, approved for the first time collaborative practice for dispute resolution with family court matters. This crucial first step to approve and establish a collaborative practice that may now be taken for granted was unprecedented at the time, and was strenuously debated regarding whether or not it would negatively affect the core business of family lawyers.

In conjunction with those efforts, four of our critical resources in this area—John Finnerty Jr., Cary Cheifetz, Amy Shimalla and Amy Wechsler—assisted in educating our section regarding the intricacies of mediation and arbitration. Their efforts, both in the *New Jersey Family Lawyer* (Oct. 2006) and numerous other articles and seminars, assisted our section in understanding the use of mediation as an alternative tool and an effective means of resolution. Given the fact that most of us were trained in an adversarial system, the teaching dynamics for such a change required time and re-education. Those efforts are still ongoing, but were commenced within our section, spearheaded by our chairs, and have now been generally accepted as one of our tools of resolution. As one of the numerous recommendations of our section, Rule 1:40-1 now provides that all attorneys have an affirmative responsibility to advise clients of the availability of a complimentary dispute resolution program. We now have a rigorous system of education and certification of mediators and arbitrators, none of which existed prior to 1991.

The currently existing Rule 5:3-5 regarding attorney retainer agreements in large part originated from the

dynamic of providing a litigant information on complimentary dispute resolutions. Thus, Rule 5:3-5 (a) now requires to have annexed to all retainer agreements “the statement of client rights and responsibilities in the form appearing in appendix XVIII of the Rules.” That appendix, set forth on page 2731 of the 2015 edition of the *Rules Governing the Courts of the State of New Jersey*, sets forth a listing of the client’s rights and client’s responsibilities, which is required to be annexed to each retainer agreement. I had the opportunity of drafting those and appearing before our Legislature in support of them. Seeking symmetry as lawyers often do, initially there were 10 client rights and 10 client responsibilities. After examination by the Legislature, one of the client’s responsibilities was eliminated, thus leaving us with nine specifically enumerated client responsibilities. While the lack of symmetry has affected me, I have moved on (by the way, I am not revealing which one of my drafted responsibilities they rejected).

The evolution of this area was commented upon by the Appellate Division in 2006, in *Lehr v. Afflitto*, 382 N.J. Super. 376 (App. Div. 2006), and examined in a thoughtful article by Hanan Isaacs in the Oct. 2006 edition of the *New Jersey Family Lawyer*. Our publication and our seminars continue to present numerous suggested forms for mediation agreements, arbitration agreements and the clauses to be contained within these mediation and arbitration determinations.

Keeping Current

One of the functions of our section and the *Family Lawyer* was to expand the opportunities for our members to continually learn from the recent decisions of our courts and incorporate those precedents into their practice. Those efforts have included, at a time prior to the immediate proliferation of opinions through the Internet, a column first commenced by Myra Peterson and later continued by the various chairs, of short summaries of recent decisions in each *Family Lawyer*. These were supplemented on an annual basis by a more comprehensive analysis of recent developments in family law by numerous individuals, but in large part spearheaded by the Honorable Robert W. Paige, the Honorable Thomas H. Dilts, and the Honorable E. David Mallard as well as our colleagues Jim Yudes, Bonnie Frost and David Tang. Each year, these efforts culminate in the review (in writing) edited by David Wildstein and (orally) at the Family Law Symposium by John Paone Jr. All of these efforts

throughout the years have, in large part, set the Family Law Section apart from the other sections in the state bar by providing ongoing educational opportunities that are far more expansive and detailed than in many other practice areas.

Parenting Coordination

Another topic our section explored with both diligence and sensitivity is the subject of parenting coordination. This is a concept that did not exist 25 years ago. It is now a procedure that is both widely accepted and widely criticized. Its evolution from non-existence to ephemeral thoughts to effective assimilation within our system took years, and significant effort by our section leaders.

Past chairs Bill Thompson, Ed O'Donnell and Tom Snyder led initiatives during their tenures. One of our past chairs—John E. Finnerty Jr.—wrote a series of articles detailing the appropriateness of parent coordination, including but not limited to one in the *New Jersey Family Lawyer* in Jan. 2007, in which John affectively advocated that: “Parenting coordination is another complimentary dispute resolution alternative with a transition back into the system in an efficient manner. People who cannot keep control of their family and create their own resolutions are given a forum with a trained professional who teaches, cajoles, diffuses and, when all else fails, has the ability to make recommendations that, as opposed to mediation can be made public.”

As John advocated for our section and educated its members: “Attorneys must accept parenting coordination for what it is—another complimentary dispute resolution technique that if unsuccessful integrates into the litigation system.”

As with many of our efforts, parenting coordination has had its stops and starts, has had its mandatory program and has been eliminated as a mandatory program. That does not mean it doesn't work, nor does it mean that our section does not promote new ideas. Much in the same way, we first articulated that cross-motions must deal with the same subject matter as the original motion in an effort to streamline the process. However, our practical experience indicated that what we forged was a series of adjournments to deal with non-responsive cross-motions or arguing whether those cross-motions were on the same subject matter or not. As a result, we went back to the old rule after testing out a new procedure. That is the dynamic of this section, and that is the dynamic of the people who have worked for the past 25

years in the leadership of this section—to test new ideas, to challenge the existing systems, and to try to create a better model for family practice. They don't all work, but they all provide an educational experience for us and a better understanding of how the system should work. Our section members should be proud to have spent so much time testing ideas and effectuating such programs.

Financial and Psychological Experts

Over the course of the past 25 years, an element has been inserted into the dynamic of the family law litigation process that had been absent—the proliferation of experts, especially in the area of financial analysis and psychological assessments. We now have things such as valuation reports, cash flow analysis, marital lifestyle reports, net worth calculations and best interest evaluations. As a result, our section and our publication have endeavored to inform, educate and instruct in the utilization of these experts and the pitfalls of blind reliance on such experts. As a result, we have become familiar with acronyms such as CPA, ABV, AICPA, ASA, CBA, CBFA, CFA, and a variety of the other qualifications of experts. We have also had to become increasingly versed in cap rates, discount rates, and normalization of income, as well as the *Diagnostic and Statistical Manual of Mental Disorders* (DSM), bonding and alienation issues previously only giving passing examination in our litigated matters. Finally, we have had to understand qualifications of such experts, including but not limited to a thorough examination of *Fry v. The United States*, 293 F. 1013 (D.C. Cir. 1923), and the commonly referred to “general acceptance standard which requires that scientific testimony is only admissible if it is based on a scientific technique that is generally accepted in a relevant scientific community.” Over the past 25 years, the tension between using experts but not abdicating to experts has been a dynamic of our practice. That dynamic and tension still exists, and forms a core part of our current examination of our system.

Rule Changes to Effectuate and Articulate Supreme Court Decisions within Our Practice Area

Our section has appeared as *amicus* in a variety of Supreme Court arguments. We have, on numerous occasions, submitted materials to the Supreme Court for consideration in family court matters. In large part, our efforts over the past 25 years have focused on an articu-

lation of alterations in our rules to effectuate Supreme Court determinations in our practice area. By way of example, Rule 5:5-2 was adopted as a byproduct of the Supreme Court's decision in *Weishaus v. Weishaus*, 161 N.J. 11 (2000). By way of further example, Rule 5:5-9 was promulgated to articulate issues regarding entry of judgments after the Court's determination in *Entress v. Entress*. A third example of our efforts in this area was the drafting of Rule 5:5-6, as referenced above, regarding mandatory early settlement programs. Our continuous efforts to reshape the Rules of Court so the rules themselves are a further explanation and exploration of the case law in our area has been an effort to which each of our chairs has devoted substantial time, and section members and legislative liaison committees have devoted countless hours.

Best Practices

Each of our chairs has had to deal with the goal of best practices to conclude all cases within one year, despite our practical knowledge that such a goal is virtually beyond the capability of the system. One of our chairs, Lizanne Ceconi, devoted a substantial amount of her time to analyzing best practices, articulating the difficulties to achieve them and exposing the necessity for better bench-bar relations in hopes of coming close to that goal. Her columns in the *New Jersey Family Lawyer* regarding this topic are both insightful and hysterical. Should you have the desire for some nostalgia, I would suggest reviewing her Oct. 2007 column and her Aug. 2007 column regarding the subject. As she effectively articulates, the month of June has become a red-letter month for family lawyers, knowing that 'clearing the calendar' has become the primary goal of many vicinages.

While this is one of her achievements as chair, her expansion and development of the Family Law Annual Retreat is a legacy uniquely hers. Her incredible efforts have made our annual event the polestar for how a section can achieve educational advancement and have a lot of fun at the same time. These efforts promote collegiality, offer access to judges in an informal setting, and allow for interaction with our experts in a non-confrontational setting. We should be mindful that over the past 25 years these activities have expanded exponentially from our first trip to the Atlantis during my year as chair to a host of incredible locations where we have been able to interact with each other outside the normal confines of our traditional adversarial roles to more recent trips to St. Martin in the Caribbean; Austin, Texas; and Key West.

Matrimonial Law Certification

In 1997, a program was instituted to establish basic qualifications and testing in order to obtain designation as a certified matrimonial lawyer. Initially, this was thought to be a means of information dissemination to the public regarding the individuals who specialized in this field of law. Hotly debated at the time was whether or not this would carry with it the ability to pay referral fees, as is allowed in other types of certification programs. Ultimately, it was decided that such a payment for referrals was inappropriate in this area. Thus, after the initial flurry of practitioners to apply and sit for the required test, the current crop of candidates on an annual basis now numbers in the single digits.

While mandatory continued legal education has in some way taken the place of this certification program, it is illustrative of our section's efforts over the past 25 years to continually advocate the need for current education and continual study in this ever-evolving field of law. While I must admit that my primary motivation when I sat for the initial test was the pervasive fear that the headline in our publication would read "Chair of Section Flunks Exam," the byproduct of that fear was a nightly ritual of going home and reading and re-reading our rules in preparation for the test. One unintended byproduct of that was that the associates in my department were under the impression the appropriate training in our department was to continually read and re-read the Rules of Court, since on occasion, when they would borrow my rule book, it was annotated with various colored highlighters, pen notations and references to cases. The other byproduct was reaffirmation that no one thinks they know everything; even the 'pillars' of our profession. Thus, when I left the first exam with my colleagues, Frank Louis, Lee Hymerling and Jim Yudes, we were reviewing our answers to one particular question (like we were back in high school) and discovered each one of us had answered a multiple choice question with a different selection. This prompted a comment by Frank along the lines of "I think I got that question wrong and I wrote that Rule."

Regardless of the lack of current participation in sitting for the exam, it was and is an effort to promote education within the system. Our section, as well as its vibrant publication, has consistently reinforced that goal to keep our members informed of the current status of both relevant decisions and legislative directives.

Our Section's Focus Upon All Aspects of Family Practice

During the past 25 years, virtually every aspect of our system has been examined, critiqued, reviewed and analyzed. Our section's efforts have not only dealt with substantive law, but also how the system actually works. During his term, one of our past chairs (Ed O'Donnell, 2008-2009) was confronted with the elimination of court reporters and the utilization of 'court smart.' As we all know, the utilization of tapes as opposed to court reporters has made the reading back of questions virtually impossible, the conducting of a trial more difficult and the obtaining of accurate renditions of what occurred in court virtually impossible. There are gaps in the tapes, there are problems with the microphones and there is a total inability to utilize this system in any effective way during an actual hearing. All of these concerns were voiced by Ed during his year as chair, including but not limited to his March 2009 column on the subject. This issue is just one of the real-life 'work issues' our section has dealt with during the past 25 years. Others have included the scheduling of motions, the staggering of motion times, the utilization of telephones for case management conferences, the requirement that litigants attend management conferences or motions, the presence of children in the courtroom, the closing of proceedings and the swearing-in of clients during a motion. The above are only a small segment of the myriad of real life day-to-day areas of practice our section has dealt with, articulated positions on and advocated before both our Legislature and our courts to create a system that effectively manages, but does so with an eye to the realities of our current environment. As a result of these efforts, there have been position papers, legislative alternatives and rule amendments that have dealt with a long list of procedural issues. In part, as a result of our efforts, we now have tentative decisions, staggered motion dates and telephone case management conferences. These efforts continually illustrate our section's commitment to incorporate efficient and economically appropriate mechanisms for family law litigation.

Retirement and Alimony Reform

The interplay between alimony and retirement within our ever-changing social dynamic regarding how and when people actually retire has been a critical issue for our section. In particular, our former chair Brian Schwartz provided an insightful analysis in the March

2009 *New Jersey Family Lawyer* regarding retirement issues and an analysis of the case law existing within that arena. The lobbying efforts of both Brian and our current chair, Jeralyn Lawrence, helped effectuate the current articulation of the new alimony statute. With our section's assistance, and under Brian's and Jeralyn's effective leadership, a new alimony bill was enacted on Sept. 10, 2014. In large part due to our efforts, the final version of that law was significantly different from many of the options our section considered. As Jeralyn set forth in her chair's column this past December: "The Family Law Executive Committee's time and widespread focus devoted to the alimony bill ensured it received the attention it needed to make it to the governor's desk."

Jeralyn then went on to appropriately thank those individuals instrumental in shaping our thoughts, concerns and proposals through the legislative process, specifically recognizing Brian Schwartz, Amanda Trigg, Stephanie Hagan, Tim McGoughran and Michael Weinberg "for leading the charge in what seemed an impossible endeavor."

Now, in lieu of permanent alimony we have open durational alimony, in lieu of an unspecified standard regarding retirement we have a statutory directive regarding it and importantly, through our efforts, we do *not* have standardized alimony guidelines. It is a testament to not only the chairs but also the section members to have effectively managed and advocated a rational and reasonable resolution culminating in the current alimony statute.

Children of Divorce

Perhaps no chair focused more attention on the attorney's role in dealing with children of divorce than Chuck Vuotto Jr. His insightful column in July 2010, regarding the duties owed to children, and his formulation of various endeavors to analyze these issues, are part of our commitment to moving our body of law forward in a meaningful and progressive manner. As part of that dynamic, Chuck focused our attention on the Rules of Professional Conduct, and perhaps the somewhat inconsistent standard found in Rule 5:8-A (Appointment of Counsel for a Child). All of this education helped sensitize us to these issues, which form a large part of our ongoing work.

Title 9 DYFS Cases

As a further commitment to our role to educate family lawyers, our section has focused its attention on

the unique body of law contained within Title 9 DYFS cases, the procedural elements of those cases and the evidential components of those cases. The efforts regarding educating our populous have, in part, been spearheaded by our colleague Allison Williams, who helped illustrate the unique procedures in these types of cases. By way of example only, her insightful article in Oct. 2010 focuses on N.J.S.A. 9:6-8.46 (the DYFS evidence rule) as well as the utilization of *in limine* motions and the general standard regarding burden of proof in such cases. Our continued commitment to education in the myriad of practice areas in which family lawyers participate is evidenced by the publication of such articles and the willingness of the section to investigate and educate our members regarding such activities.

Adoption

During the year 2010-2011, our chair, Tom Snyder, focused the attention of our section on the open adoption records bill detailing whether or not a birth parent who places a child for adoption but does not submit requests for non-disclosure forfeits his or her privacy rights. This complicated issue, with varying competing concerns of a highly sensitized nature, is the exact type of activity our section, our chairs and our publication devoted time, attention and analysis to so that a reasoned approach could be achieved. As Tom articulated: "The interest of adoptees in having access to non-identifying medical and family history information is unquestionably compelling. However, access to this information should not come solely of the expense of the right of anonymity promised to birth parents."

Subject-specific Editions of the New Jersey Family Lawyer

During the past 25 years, one of the evolutions of the *New Jersey Family Lawyer* has been to utilize some of its publications for specific issue exploration. This has enabled us to devote the entire publication to one critical issue, and allow for varied explorations and examinations of that issue. By way of example only, in the June 2012 edition we focused virtually all of the articles on the issue of alimony. One of our former chairs, Cary B. Cheifetz, as part of our ongoing effort to prevent the imposition of alimony guidelines as the statute was then envisioned, submitted an insightful article indicating the difficulties in utilizing alimony guidelines within our litigation setting. As Cary concluded, "no alimony worksheet could

possibly encompass all the equities necessary to fashion a support award that is fair to each party. Alimony guidelines may provide some measure of predictability but only at the ultimate cost of fairness and equity." It is exactly that type of publication that is read throughout the state by judges, legislators and lawyers, and helps promote discussion and provide a format for our section to advocate effective change within our practice.

Inclusion and Expansion of Our Membership

During the past 25 years, certain chairs have focused our attention on two vital aspects regarding the continued viability of our section—*inclusion* of members practicing in varied aspects of family law and *inclusion* notwithstanding geographical separation. In large part, several of our chairs during the earlier period (Lynne Strober, Pat Barbarito and Lynne Newsome), all understood from their own careers, as well as examining the health of our section, that broader participation by not only female members but also those who did not primarily deal with mainstream dissolution cases provided both an untapped resource and a necessary adjunct to the progress of our section. Through their efforts many new programs were instituted, including young lawyers, the expansion of the executive committee and the inclusion of individuals who practice in a wide variety of areas not traditionally thought of as 'mainstream family law.' As a result of their efforts, our executive committee expanded the scope of its expertise and benefited from the inclusion of previous untapped resources. A look around the room at any meeting today clearly illustrates the impact of their work over the past 25 years.

Additionally, there was a time when the section was viewed as 'North Jersey' and 'South Jersey.' Everything from the number of northerners and southerners on the committee to the mix on the executive board to the location of meetings was the subject of debate. Our chairs from south of the Raritan River, including Bill Thompson, John Paone Jr., Neil Rosen and Mark Biel, all considered the elimination of this divide to be a cornerstone of their years as chair. As a result of their efforts, we now see increased participation by all of our colleagues, including those located in the more southern part of the state, and the effective unification of the entire section.

Furthermore, some of our section chairs' involvement in state bar association activities—serving as trustees and in other important roles within the state bar—not only gave us a voice at these meetings but served to high-

light the difficulties faced by family law practitioners. The efforts of John Trombadore, John Finnerty Jr., Mike Stanton, John DeBartolo, Bonnie Frost, Ivette Alvarez, Andrea Beth White and Patrick Judge are prime illustrations of both the time volunteered by these chairs and the results of such proactive work. The above dynamic, and the clear illustration that our chairs, our section and our publication can enact meaningful change, is a tribute to all of the members' efforts and involvement over many years.

Conclusion

Fifty years ago, our section probably had as many members as our current executive board now has. This is a sign that what we have done over the last 50 years has both encouraged family law practitioners to join our section and opened leadership roles within our section to a wide array of qualified individuals. The value of being a section member has continued to be enforced by the chairs, by the *New Jersey Family Lawyer* and by the section's continued focus on seeking inclusion for all its members. As a result, we do have a dynamic section, which now exceeds over 1,300 members. We also have a publication, the *New Jersey Family Lawyer*, which has transitioned from Lee Hymerling as editor-in-chief to myself to today's extremely dynamic editor-in-chief, Charles Vuotto Jr.

It is a section that is repeatedly identified by state bar trustees as the poster child for what a bar association section should be. These achievements have come about through the hard work of all of the section's members. It is important to recognize that every section member can provide an important and meaningful contribution to the Family Law Section. It is a legacy over the past 50 years we should be proud of, embrace and work to preserve. ■

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Family Law and the Family Law Section Over the Last 50 Years

(Editor's Note: The following is an edited conversation between Edward S. Snyder (chair, NJSBA Family Law Section, 1971-1973); Lee M. Hymerling (chair, NJSBA Family Law Section, 1981-1983) and Jeralyn Lawrence (chair, NJSBA Family Law Section 2014-2015)).

Lee Hymerling: When you came to the bar, did you originally intend to be a family lawyer?

Ed Snyder: No.

Lee Hymerling: How did you fall into family law?

Ed Snyder: I needed a job out of law school so I started a clerkship with a judge.

Lee Hymerling: And who was that?

Ed Snyder: Vincent C. Duffy, a judge in Paterson, Passaic County. And he did matrimonial. Let me tell you what the calendar was like. He was the only matrimonial judge. He sat two weeks in family, being called matrimonial then; two weeks on criminal. And they alternated and there was no backlog.

Lee Hymerling: Was there a juvenile and domestic relations (DR) court judge in Passaic County at that point?

Ed Snyder: Yes.

Lee Hymerling: How many DR judges were there at the time?

Ed Snyder: Passaic County? One.

Lee Hymerling: So, Passaic County had the equivalent of one and a half judges doing all family and juvenile work. Is that right?

Ed Snyder: Right.

Lee Hymerling: And how many judges sit in the family part now?

Ed Snyder: In Passaic County?

Lee Hymerling: Yes.

Ed Snyder: I have no idea, but a lot. And there was no domestic violence calendar back then.

Lee Hymerling: What did you do after your clerkship?

Ed Snyder: After my clerkship, I was offered a job in Paterson. I worked at that job for about a year and

later I went to work for Monroe Ackerman. At this time, Monroe was chair of the Family Law Section of the state bar.

Lee Hymerling: At that point do you remember how often the section presented programs?

Ed Snyder: We had one program at the Annual Meeting. We had one program at the Mid Year Meeting and we had a dinner meeting, which I think was held at the Tower Steak House in Mountainside.

Lee Hymerling: Do you remember when you were chair of the section?

Jeralyn Lawrence: I believe it was in 1971 to 1973.

Ed Snyder: And in 1971 the Divorce Reform Act was enacted and became effective.

Ed Snyder: And we didn't expect equitable distribution. That was, we just expected no fault divorce. Equitable distribution was a big surprise.

Lee Hymerling: Did the Family Law Section, when you started to get involved, travel or did that come later?

Ed Snyder: We didn't travel like it is today, where everybody goes to Paris or what have you. For state bar conventions there would be five or six programs but there would be enough that every section would put on one program. That would be it. It is not like today when the Family Law Section alone puts on four or five programs.

Lee Hymerling: After your years as chair, when did you see the section begin to expand?

Ed Snyder: The section really expanded when you became chair. That's my first recollection of FLEC (the Family Law Section Executive Committee).

Lee Hymerling: We had meetings monthly but...

Ed Snyder: We did?

Lee Hymerling: When I was chair from 1981 to 1983, there were only three officers. Before then, the executive

committee consisted of about 12 people. In my years, I expanded the executive committee to have representation from all 21 counties, plus other people. I was kind of the moving party to get the Tischler Award going, but it wasn't awarded until 1983, and the *New Jersey Family Lawyer* was created and began to publish in 1981.

In 1979, 1980, Chief Justice Wilentz, who felt there had to be change in the family part, and it wasn't family part then, it was superior court, Chancery Division, matrimonial, and, at that point there was still the juvenile and domestic relations court. So you had two courts but not with the same jurisdiction. What the chief justice did was to appoint a three-justice committee, which was very unusual because usually if there was a committee, there was one justice. This committee consisted of Justice Morris Pashman, which was his introduction to family law, and Justice Sydney Schreiber and Justice Worrall Mountain. And to Justice Pashman's credit, he was the moving person who said that the committee needed lawyer and trial judge representation on an expanded committee, and thus was created the Supreme Court Committee on Matrimonial Litigation. Justice Pashman appointed lawyers to serve as co-chairs of virtually every subcommittee. We had a huge amount of influence. And that committee led to so many things, including what was called the preliminary disclosure statement that a year or two later became the case information statement.

Ed Snyder: Yes, that was the Pashman II Committee.

Lee Hymerling: Pashman II released its report shortly after my term ended.

Ed Snyder: Justice Pashman was a remarkable human being.

Lee Hymerling: Absolutely.

Ed Snyder: He made everybody feel important. Everybody on that committee felt that they were really contributing.

Lee Hymerling: He also taught me a huge lesson. It was at a state bar mid year convention in Acapulco. He was sitting in the main lobby. I came up to him and, among other topic, we began to talk about some pressing issue. I cannot recall what it was.

Jeralyn Lawrence: In the lobby?

Ed Snyder: You and Justice Pashman?

Lee Hymerling: In a way that he alone could do, he gave me the best advice that every section chair should hear from someone of his stature. And what he said to me is "Lee, you're pushing too hard. Just remember that you

do not have power. You have influence but you have to measure what you're going to do and what you're going to say. And you can have a lot of influence but you have to understand what you place..."

He taught me that the bar and our section could have great influence, but it always had to act responsibly and respectfully. That advice has always stuck with me. He was a truly great judge and justice, as well as a great person.

Jeralyn Lawrence: That's right.

Ed Snyder: On Pashman II we all had assignments and we reported regularly to the full committee. And I remember our last meeting. It was at a restaurant in Newark and it was Gary Skoloff's favorite restaurant, called La Strada.

Lee Hymerling: Pashman was the ultimate judicial politician. And he had enormous influence concerning the family part because, effectively, Justice Pashman, I'm sure Frank Louis would agree with this, Justice Pashman adopted family, even though he had never done family.

Ed Snyder: He was a great human being too.

Lee Hymerling: Yes.

Lee Hymerling: Justice Pashman cared about our practice and cared about the practice being better than it had been, and he would have been so proud of you, Jeralyn and Brian [Schwartz] and what you have accomplished over the last two years regarding alimony reform. You and the section have had great influence.

Ed Snyder: Much influence! I wouldn't even qualify it.

Lee Hymerling: Let's go on a little with history. Ed, what do you think of the evolution of the Family Law Symposium from the very beginning? It started in 1980.

Ed Snyder: It has really grown. It's quite incredible. The program was always good. From day one, the symposium was always good but the crowds were nowhere near what they are today. It's an event today.

Lee Hymerling: It's a happening.

Ed Snyder: It's really a happening. And I don't know whether it's better today. It's bigger but it was really a great event. I remembered I chaired at, I was the moderator a couple of times.

Lee Hymerling: And what do you think about the advent and carrying on of the continuation of the *New Jersey Family Lawyer* as part of the Family Law Section?

Ed Snyder: I like the *Family Lawyer*. It's really grown tremendously. It's really wonderful. I don't love every single article. I can't say I read it all, but it's the prime source for family law in New Jersey. It really is. I think it's

a wonderful, wonderful publication. I think there should be a few more pictures in it. What do you think?

Jeralyn Lawrence: What kind of pictures?

Ed Snyder: I don't know. Just spice it up a little. For example, you know, this Key West thing. There should be photographs from Key West of the people down there and the speakers and everything? Wouldn't that be nice in the next issue, not the 50th anniversary, but maybe one of the next issues?

Lee Hymerling: Absolutely. And in the past we've had some.

Lee Hymerling: Ed, how do you think ...the section has evolved as serving its constituency and as being a force?

Ed Snyder: It's evolved tremendously. You know what it is also, it's much more encompassing and welcoming. I hadn't gone to the state bar Annual Meeting in a lot of years, and I went last year for the first time in about 10 years, and I was shocked at how friendly everybody was and the luncheon they had after your [Jeralyn's] installation. It was a wonderful event. I thought it was great.

Lee Hymerling: How has the role of the section evolved?

Ed Snyder: I think it's evolved tremendously. I don't think any major legislation would be passed today without input from the section.

Jeralyn Lawrence: But, to me, that's, you know, that's one of the biggest platforms now, and I'm curious how it was back then, but I think the most important goal of FLEC is to influence legislation and to develop relationships with members of the Legislature –

Lee Hymerling: Absolutely.

Jeralyn Lawrence: – so that then, when they have a thought, you know, because a lot of them are legislating now –

Lee Hymerling: Well, let me tell you that, in the 80s, we really did that. We started giving recognition awards – and we gave a recognition award to Marty Herman, who later became a family part judge, but Marty was the chair of the Assembly Judiciary Committee.

Jeralyn Lawrence: Yes.

Lee Hymerling: And also we gave an award to Senator Wynona Lipman, who had a lot to do with family-related legislation. She was from Essex County, but we gave other people awards recognizing that it was important to have a bond with the Legislature, and the legislators really were important when, sometimes, other forces kind of ganged up against us.

But, Ed, let me ask you this question. From when you began, not just the advent of equitable distribution, how do you see the practice having evolved over the years?

Ed Snyder: It then was a completely different practice back in the day. For example, there was very little discovery allowed. We normally didn't even serve interrogatories because there was very little to discover. There was no equitable distribution. So there wasn't a lot of discovery required. There were times when we would get cases and go out to lunch with our adversary and settle the case right there. Now it's much more complicated. Back in the day, I knew most attorneys who did family work in the state. I might not have known them personally, but I knew everybody in the state who considered themselves matrimonial lawyers. Now people who come to the Family Law Section who are considered matrimonial lawyers, I don't know who they are. Now that doesn't make them bad.

There're so many.

Jeralyn Lawrence: And we're 1,350 members.

Ed Snyder: I know. It's developed into such a huge business, and the other thing, Lee, is, and I don't know that it's good or bad, but the handshake deal is really dead. Nowadays everything is in writing.

Jeralyn Lawrence: What was the practice like—my, my next column is going to deal with this a little bit, but I would've loved to practice law in the days of typewriters and carbon copy.

Lee Hymerling: No, you wouldn't.

Ed Snyder: No, you wouldn't.

Jeralyn Lawrence: So tell me why, because I think e-mail is the worst thing to happen to us.

Ed Snyder: No, no, no. Well, because everything took so long back then. It took forever to photocopy documents.

Jeralyn Lawrence: But don't you think that that was a deterrent to asking for unnecessary production of documents?

Lee Hymerling: We did not have discovery of right until after the Pashman Committee. The Pashman Committee allowed without leave of the court to serve interrogatories.

Ed Snyder: Yeah.

Lee Hymerling: So, in the 70s, when both of us were actively practicing, and for nine years under the law, we had to ask permission to serve discovery.

And it was very, very different.

Ed Snyder: Right.

Jeralyn Lawrence: But how was the practice different? You have your iPhone in front of you. You're getting texts and checking e-mails. I'm getting texts and checking e-mails.

Ed Snyder: I love it.

Jeralyn Lawrence: We're never turned off. Ever.

Ed Snyder: You know what? I just need to be on top of everything all the time; others don't.

Ed Snyder: I love it. I love being connected all the time. What about you, Lee?

Lee Hymerling: I agree. On balance, there's no question it's an invasion of your lifestyle.

Jeralyn Lawrence: Right.

Lee Hymerling: And there's no question that it means you're not off duty anytime, but you can have some self-discipline.

Lee Hymerling: Now, Ed, going back to the Family Law Section and its evolution, as time passed, what was your impression of the section?

Ed Snyder: The section grew and got better and got more relevant. It grew every year.

Lee Hymerling: And what's your recollection of the period of time when the special committee operated, the Feinberg/Hymerling Committee?

Ed Snyder: That was a really nice committee!

We did the counsel fee rule. I think that was really a big deal. I think that most family lawyers would say that was the most significant thing from that committee.

Lee Hymerling: And, Ed, what do you think are today's for, first, family lawyers today and, second, for the bar, for the family bar?

Ed Snyder: Well, I think the biggest challenge for family lawyers is to find a way to get cases heard more quickly, and I think that the way to do that is to take them out of the courts, and I think that, and I've advocated this, I've written an article on it, and I think –

Lee Hymerling: I knew he was going to say this.

Ed Snyder: – that private judging is the way to go, like California. It's a little different than arbitration because a private judge can do anything, you can hire, if we are adversaries, Lee, we decide, we could hire anybody as a private judge. You'd still have to file everything with the courts because of people's right to know and, in California, you have to publish where that trial is going to happen and in whose office, again because people have the right to know that, but I think the court system is really floundering, and I think the big thing that the Family Law Section can do is to promote arbitration or

private judging, but people are afraid to arbitrate. They're afraid, and you can really preserve your right to appeal. We just did an arbitration agreement where we named an appellate arbitrator in it. So that, I think, is the biggest challenge. To wait for two or three years to get a trial date and then not to get a real trial date is preposterous.

Ed Snyder: And why not pick your own judge?

Lee Hymerling: But do you think there's a problem with that? Because that's really when justice is for the well to do who can –

Jeralyn Lawrence: Right.

Lee Hymerling: – afford to pay for a judge and then other –

Ed Snyder: No. Isn't that life in general, that wealthy people can have more purchasing power? And, by the way, if wealthy people take the big cases out of the courts, then the court system is available for people who can't afford it.

Lee Hymerling: I think the law's a pendulum. Do you think the law is now in balance between fairness for the supporting spouse and the supported spouse?

Ed Snyder: I think that the supporting spouse made some gains recently, and I think that it is more in balance, but I think that one of the big substantive issues that the court – the Legislature should deal with is college education.

Why should divorced parents be required to do things that an intact family isn't required to do? And, by the way, New Jersey is one of the few states in the country that requires college education in divorce situations.

Lee Hymerling: What do you think about the level of collegiality in the bar, meaning within the section and between the bar not in the section?

Ed Snyder: I like it better in the section. When I went to the annual retreats in Austin and Key West I was amazed at the collegiality. I had never, never realized it. I think it's getting better all around than it was. It started out great in the early years. Then there were problems with certain adversaries. I find very few issues, personal issues, anymore with adversaries. I really don't.

Lee Hymerling: You have a new associate coming to your firm who did not clerk but wants to be a family lawyer and has a genuine interest, what would be the lessons or the guidance that you would give as to what being a family lawyer is all about?

Ed Snyder: Well, what would it be? I'd just say be smart, learn, and be likable, because if you're likable you're going to get along with people. Alright? I didn't

learn that right away. I was a little bit difficult in the early days. Now, I'm not. I get along with just about everybody. Just be smart. Don't be arrogant. Listen and discuss and get along, really. I know it's clichés, but really.

Lee Hymerling: Mm hmm. And from a judge's point of view, what do you think are the things that a judge should either innately, or by instruction, bring to the table?

Ed Snyder: I don't want a judge who just sits back and overrules every objection and lets the trial just stretch out for days. I want a judge who tells you how he or she feels. So you can move on.

Lee Hymerling: So, judicial temperament, doing his homework...

Ed Snyder: Yes and reading the pleadings.

Some of the best judges we've ever had are judges who didn't practice family law, and I can even name some who did who turned out not to be good. But I know a lot of the good judges never practiced family law. You probably know that from down in Camden County, right?

Lee Hymerling: Absolutely.

Jeralyn Lawrence: Uh, huh.

Lee Hymerling: How do you feel about...is this one state in family law or are there different substates? Is there a consistency?

Ed Snyder: One of the things that has always bothered me are local rules. We are one state and we should have one set of rules. For example, it is clear when there should be oral argument on motions and when there shouldn't be oral argument on motions. Many judges don't ever allow oral argument. That's just wrong. One thing I love, and I think should be a universal rule, is tentative dispositions. I think every judge should be required to do tentative decisions. It's a lot of work, I'm not saying it isn't, but it makes life much easier, especially when you get that statement of reasons attached. You agree with that Lee?

Lee Hymerling: Absolutely.

Ed Snyder: Jeralyn do you agree with it?

Jeralyn Lawrence: Yes.

Ed Snyder: Lee's been an advocate of that forever.

Lee Hymerling: Tentative dispositions came from Burlington County, and they started and they do it with a vengeance. Their tentatives are very long. They might be 25 pages long, and the judges are disciplined. They know how to use computers. They know how to do things while they're on the bench.

Lee Hymerling: And what is the message you send

now as you describe the process of an initial interview to clients who know nothing about what the law is?

Ed Snyder: I want them to be educated and to make educated decisions, because they're going to regret it if they don't. They're going to regret it because they're going to spend a lot of money and then they're going to say, "Look at all this money I spent. Look at how much I paid you, and my case isn't resolved." And I say, "Well, gee, didn't I tell you right away where I thought your case could come out. You didn't agree with me."

Lee Hymerling: What would you say to judges if you could tell them what they should do or not do?

Ed Snyder: Maybe this isn't the most important thing but, be honest with me, if you give me a trial date, make it a trial date. I can take it if you say, "You know, you can't come in for six months or a year." I understand that. I can either go somewhere else, go to arbitration, or really try harder to settle the case, but don't schedule me for six months or a year, have me come in and prepare with everything there is to prepare, and then give me a half hour or an hour because of all your orders to show cause and then come back a month later. I just want them to be honest with us, as we have to be honest with them.

Lee Hymerling: And what would you say to the system generically if you were the Justice Pashman of the next era? What would you say should happen to the family court or should be embraced by the family court?

Jeralyn Lawrence: What is your view of collaborative law and/or private judging?

Ed Snyder: I am not a collaborator lawyer.

Jeralyn Lawrence: Maybe not collaborative in training, but it sounds like you think the stereotypical gladiator-type mentality that may have attracted some people to the legal profession is not the way we should be approaching cases. You think the kinder, gentler approach works better.

Ed Snyder: I can be tough if I need to be. I can be tough, but you have to know when you need to be tough.

Jeralyn Lawrence: How about the use of experts, and what was it like back in the day versus now. Were you always on a lifestyle or a business valuation? How were those kind of issues handled back then? Were experts being called in as a matter of course?

Ed Snyder: I never saw a lifestyle analysis until Crews. I think even now you don't need them. I think most judges, when they're candid, admit that they just look at the income.

Lee Hymerling: One of the nice things about our

practice is the thing that was said, I think it was in *Rothman*, that there is an endless stream of family law cases that come to court in divorce and no two are exactly alike. I believe that it is important that we keep remembering that, and there is between the lines of the statute an ability to interpret and end up with a fair result.

One of the other things that is so important is that the Family Law Section has never been static, because times change, attitudes change. And one attitude is not gonna change, and that is our profession can be subject to enormous criticism, and the section always has to have a very good rearview mirror and a sense of how we're being perceived. I really believe that you and Brian, or Brian and you...and I think we did too in our time...had the ability to look backwards but also the ability to look forward. And that's one of the challenges and one of the great things of our section. And that's why with the *Family Lawyer*, and I say it with so many other things, you want people to write, we want people to challenge people and their notions in the articles. We want the articles not to come from the same people all the time.

Ed Snyder: Yeah, you know what, that's interesting. There should be more comments to the articles in the *Family Lawyer*. I don't know how you get them. But I'd rather see...you know how like you read something on FaceBook and you see comments or anything online...

Jeralyn Lawrence: If they're structuring an article that they think is a little racy, they'll do like a point/counterpoint or something.

Ed Snyder: Yeah, I think that's a great idea. ■

Then and Now: A Historical Perspective

by Laurence J. Cutler

Most of the well-known, senior members of the matrimonial bar began practicing law within a two- or three-year window of Sept. 13, 1971, the effective date of the Divorce Reform Act. For those readers who fall on the younger side of this window, this article will give you a sense of how things were in those days, so you can better understand those of us old fogies who fall within this window.

The Way Things Were

The practice of law *then* was (and some of us continue to harbor the notion that it remains) an honored profession. However, access to the profession (as it is *now* to a lesser degree) was extremely limited, especially considering that undergraduate college (and, *a fortiori*, law school) was available to relatively few individuals.

The number of New Jersey attorneys *then*, at the beginning of the 1970s, was about 10,000—something on the order of one-ninth of the bar's present size *now*. The Administrative Office of the Courts (as hard as it is to believe) consisted of only a handful of people. Television was barely a generation old. Thus, given widespread, real-time dissemination of legal information and events via mass communication media, what lawyers did and how they did it *then* was far more of a mystery *then* what they do and how they do it *now*. In short, the practice of law *then* was akin to a cloistered society about which the public had little information. It was practiced *then* in the nature of a benevolent oligopoly, void of the degree of substantial scrutiny and regulation *now* governing the practice.

At the turn of that decade, the practice of law was not overbearing—it was what might *now* be termed low-pressure. Technology consisted of dictation equipment and a typewriter (if you were lucky, an electric one) consuming large quantities of carbon paper and tissue copies. There were no fax machines; no computers; no cellphones; no Blackberrys; no emails; no Internet; no interstate highways around here; no security entrances to courthouses; and no electronic calculators. Communication was

limited to in-person conferences, land-line telephone conferences, snail mail, and the occasional hand delivery (usually by the lawyer himself, or rarely, then, herself).¹

There were, however, court reporters instead of tape machines; hot courtrooms *sans* air conditioning (as an aside, most cars did not have air conditioning either); secretaries who called you “mister” (or rarely, then, “missus,” or even more rarely, “miss”); 115 volumes of New Jersey Superior Court Reports (as opposed to the over 400 currently); 55 volumes of New Jersey Reports (as opposed to the over 200 currently); and a pamphlet on New Jersey divorce law written by Gary N. Skoloff (as opposed to the multi-volume, 2,000-plus-page treatise in its present form); and presidential debates were scholarly discourses on international politics and national economics (as opposed to what I consider another installment of *Dumb and Dumber*).

A good-sized home could be purchased for about \$50,000. If your annual salary was \$40,000, you were making good money, especially considering that new associates started at between \$10,000 and \$13,000. Salaries of staff employees were far lower; paid benefits almost non-existent; and profit margins greater—the latter due to the fact that the practice of law *then* was solely a profession, lacking any real semblance of financial concerns (in most cases) or commercialization. In such posture, pre-Divorce Reform Act, lawyers rarely discussed fees with clients up front; almost never rendered monthly statements; and carried fees until the end of litigation.

But the practice, *then* (as opposed to *now*) was a much more genteel, measured, respectful, and cooperative way of life; informal mentoring was commonplace; collegiality was the rule, not the exception; and camaraderie was at its zenith. On Fridays, when matrimonial lawyers almost always had several motions (usually in two or more counties), ‘ready-hold’ and courtesy were the order of the day. Young lawyers would sit in the jury boxes during motions being argued by more senior lawyers and attentively learn from the more seasoned practitioners.

The local greasy spoons were filled with lawyers (while waiting for their motions to be heard) telling stories, laughing, and simply enjoying each other's company.²

Those bygone days were good—it was good to be a lawyer; it was good to be a member of the profession; it was good to be alive. Yet, as the 'good old boys' network leading up to *Kriegsman* was slowly, silently, imperceptively metamorphasizing, cooperation between members of the bar also was about to take a hit.

Enter Us

Life in the practice was starting to change. The so-called Baby Boomers (the old fogies of present) were coming on the scene in force. Products of post-WWII prosperity, coming in at the end of the silent generation (in which teenagers were seen and not heard; where the subjects of politics race, religion and sex were not discussed in public), deeply rooted in the new Rock and Roll music scene, wanting not just the success of their parents (few of whom, by the way, were divorced) but to surpass it, these 'newcomers' were assertive (if not downright aggressive), career-minded, hungry, desiring to get ahead. In other words, these young upstarts were driven (at least in substantial part) by the almighty dollar—acquisition of a substantial quantity of which was necessary to enjoy the trappings of success sooner rather than later.

Tectonic Collision

It was in this climate that the lofty language of *Kriegsman v. Kriegsman*³ appeared in print. While the case was rendered later in the 1970s, the seeds of change from the grand old practice had only barely been sown, and the judges who sat on that matter were clearly not only a product of, but also produced and were wedded to, perpetuation of the honored practice.

The decision was not well received in the quickly growing and quickly changing legal community. It was the beginning of the tectonic plate of the old school colliding against the tectonic plate of the new. And the friction would eventually (like all antiquated good things and myths) lead to the old school quietly slipping into history, and its eventual demise.

The Change

The world for matrimonial lawyers, and lawyers in general, was much different in the decades following *Kriegsman*. Recognizing the financial pressures of practice, the changeover to the attitude that the practice of law is also a business in addition to a profession is evidenced by the permissibility of lawyers to charge interest on overdue fees; to accept credit card payments; and even (of late) to be relieved, in appropriate circumstances due to outstanding fees owed to the applicant-lawyer.

Now

Now, the pressures of practice are particularly great on every lawyer. The number of judicial procedural requirements, filings, participation in alternative dispute resolution initiatives, and the like, place more and more responsibility on all practitioners. Striving to maintain incomes and profit margins is particularly strained and challenged. That a lawyer's tolerance to withstand frustration from all sides is especially trying is evidenced by the deterioration of the day-to-day contact in being champions of our clients' causes. While, in the abstract, being a protector is not much different in theory than before, the difference is found in the pressures of the times and atmosphere in which we presently find ourselves.

The Challenge

The challenge, therefore, confronts both old and young. The challenge is not necessarily to revive the way things were, for that is a time past, a generation past, and a world that no longer exists. Instead, the challenge is to learn from *then* and adapt to present circumstances existing *now* the best from that time, camaraderie, cooperation, friendliness, advocacy with diplomacy and dignity. The challenge is for the senior members of the bar to persuade the younger members of the bar that law can still be practiced employing these qualities; that the practice of law is still, as once envisioned, an honorable profession. And it is for the younger members of the bar to realize that what we are saying is true. ■

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Endnotes

1. I do not believe there was express delivery, and this was definitely pre-Lawyers Service.
2. As an example, in 1974 I can vividly remember, day after day, many of us routinely congregated at a luncheonette across from the Morris County Courthouse, eating lunch while one lawyer stood up and read from the morning's edition of *The New York Times* (to our fascination and disbelief) regarding the latest happenings in the continuing Watergate saga.
3. 150 N.J. Super. 474 (App. Div. 1977). Kriegsman said as follows:

Since the [plaintiff's law] firm undertook to represent plaintiff and demanded and was paid a retainer of \$2,000, they should continue to represent plaintiff through the completion of trial. The firm should not be relieved at this stage of the litigation merely because plaintiff is unable to pay to them all of the fees they have demanded. *See Drinker, Legal Ethics*, 140, n. 4 (1953). We are not unmindful of the fact that the...firm has performed substantial legal services for plaintiff and clearly is entitled to reasonable compensation therefor. Nevertheless, an attorney has certain obligations and duties to a client once representation is undertaken. These obligations do not evaporate because the case becomes more complicated or the work more arduous or the retainer not as profitable as first contemplated or imagined. *Cf. Suffolk Roadways, Inc. v. Minuse*, 56 Misc.2d 6, 287 N.Y.S.2d 965, 969-970 (Sup.Ct.1968). Attorneys must never lose sight of the fact that "the profession is a branch of the administration of justice and not a mere money-getting trade." Canons of Professional Ethics, No. 12. As Canon 44 of the Canons of Professional Ethics so appropriately states: 'The lawyer should not throw up the unfinished task to the detriment of his client except for reasons of honor or self-respect.' Adherence to these strictures in no way violates the constitutional rights of the members of the firm. *State v. Rush*, 46 N.J. 399, 407-409 (1966).

Memories of Bygone Years in Matrimonial Practice

by Gary N. Skoloff

(Editor's Note: These memories begin in the 1960s.)

- I. Fault was the most significant factor in a divorce case. If you represented the husband and he could prove adultery, the wife would not be entitled to alimony. The length of the marriage was irrelevant.
- II. Alimony—"The fundamental basis of alimony is an existing marriage, a guilty husband and an innocent wife." NJ Family Law Practice, 1965, p. 72.
- III. If the trial judge found fault on both sides, the trial judge could deny the divorce.
- IV. There were nine causes of action.
- V. Private detectives were the most important witnesses in a trial, not forensic accountants or valuation experts.
- VI. Equitable Distribution—if the house was in the husband's name only, even after a long-term marriage, the wife had no claim.
- VII. No Case Law—at best, one or two reported cases a year. The discretion of the judge was wide.
- VIII. Once upon a time there was no fax machine, no cell phone and no email. The United States Post Office, 'snail mail' and the office telephone were the only methods of communication.
- IX. Definition of Corroboration—in a contested or uncontested divorce, proof of the marriage was required based on either a certified copy of the marriage certificate or a witness to the wedding. This was corroboration.
Judge Nelson Stamler of Union County asked the husband and wife the amount of the fee each paid to their respective attorneys. Upon hearing the response, he ruled that they would *never* have paid that fee to the lawyers if they were not married. He ruled corroboration was not necessary and, very slowly, the judges changed the rule.
- X. PL Motion—you could not file a *pendente lite* motion for support without a corroborating affidavit for the cause of action.
- XI. The time period to be reached for trial in 1973 was five months to one year.
- XII. Minimum Fee Schedule—*The Lawyers Diary* set forth minimum fees set by the county bar association to be charged in divorces. In 1969, the fee for a contested case that went to trial was \$500 for the first day, plus \$150 *per diem* after the first day. An uncontested divorce was \$400 if the defendant was a resident of the state and \$450 if the defendant was a non-resident. A copy of the schedule, from page 754 of 1969 *Lawyers Diary*, follows. (See Exhibit A.) Also of interest is the Mercer County separate maintenance schedule found at page 775 of the 1969 *Lawyers Diary*. (See Exhibit B.)
- XIII. In 1965, the *New Jersey Family Law Practice*, published by the Institute for Continuing Legal Education (ICLE), was one volume, totaling 134 pages. In 1973, the *New Jersey Family Law Practice* was two volumes, totaling 259 pages in length. In 2012, the *New Jersey Family Law Practice* is three volumes, totaling 2,400 pages.
- XIV. On April 19, 1980, there was an ICLE course on proving the value of the homemaker's contributions for purposes of alimony and equitable distribution. Page 182 of the handout included values for 22 factors, including "tutoring, waitress, seamstress, laundress, chauffeur, family counseling, caterer" and the like. (See Exhibit C.) Try to imagine the time spent in depositions and at trial analyzing the 22 factors. Noticeably omitted was a value for "sex."
- XV. All males, including witnesses, had to wear a tie and jacket in court. Females could not wear pants.
- XVI. Essex County and Bergen County had two divorce judges. All other counties had one divorce judge.
- XVII. The Rules of Practice and Procedure were different in every county.

- XVIII.** Chief Justice Robert Wilentz would speak to the family court judges every year and tell them their work was the hardest and most important.
- XIX.** There was no Early Settlement Panel or intensive settlement conferences.
- XX.** You knew the names of the judge's staff and they knew your name.
- XXI.** People settled cases with handshakes and did not change their minds the next morning.
- XXII.** There was no formal prohibition on having sex with a client. ■

Gary N. Skoloff is one of the founders of Skoloff & Wolfe, PC, a past chair of the Family Law Section of the American Bar Association, and past president of the New Jersey Chapter of the American Academy of Matrimonial Lawyers. The Honorable Thomas P. Zampino (ret.) aided and abetted in the preparation of this article.

Exhibit A

County	Domestic Relations				
	Divorce		Contest. Resid. (+ trial fees)	Separation Agreement	Juven. Dom. Rel. Court Appear.
	Uncontested	Res.			
Atlantic	400	450	500	300*	100
Bergen	7	inn(1000	-	100
Burlington	400	450	550	300	75
Camden	400	450	500	300*	100
Cape May	425	475	500+159	-	-
Cumberland	450	450	450	-	-
Gloucester	450	600	600**	100	75
Hudson	600	650	750*	150	75
Hunterdon	450	500	450**	75+	-
Mercer	400	450	500**	100	75-100
Middlesex	600	650	750	100	
Monmouth	450+	500+	550	100	75
Morris	550	650	750*	250	100
Ocean	450	500	600	150	75
Passaic	450	500	-	150	-
Salem	400	450	450*	150	50
Somerset	600	650	750	100+	-
Sussex	500	550	600	100	1001.25
Union	400	450	500	100	75-123
Warren	450	500	450**	166+	75-100
			*includes one day of trial ** plus per client	*includes support	

EXHIBIT B
Matrimonial Cases

Divorce

Uncontested

Resident Defendant	\$400.00
Non-resident Defendant	450.00

Contested

Plus trial fee of \$150 per diem after first day	500.00
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Separate Maintenance

Uncontested	450.00
Contested, plus a trial fee of \$150 per diem after first day	500.00

Sequestration, in addition to above fees	150.00
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Contempt (Civil)	75.00
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Ne Exeat	100.00
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Injunction against Foreign Divorce	450.00
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Fees allowed by the court are the property of the attorney.

He may, however, in charging fees to a plaintiff or defendant wife, give consideration to the awarded fee actually collected from the husband.

Separate maintenance agreements	100.00
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Specific Civil Action

Adoption	200.00
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If preliminary bearing required	250.00
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Bankruptcy (voluntary)

Petition (Business)	400.00
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Replacement Cost Approach
1980

Job Performed	Hours Per Week	Rate Per Hour	Value Per Week
Buyer, Food and Household	7.0	5.75	40.25
Nurse	2.0	7.14	14.28
Tutor	2.0	6.43	12.86
Waitress	2.5	3.41	8.53
Seamstress	1.0	3.75	3.75
Laundress	5.9	3.10	18.29
Chauffeur	3.5	5.50	19.25
Gardener	2.3	5.00	11.50
Family Counseling	7.0	25.00	175.00
Maintenance Worker	1.7	4.90	8.33
Nanny/Child Care	168.0	1.00	168.00
Cleaning Woman	7.5	3.21	24.08
Housekeeper	10.0	4.75	47.50
Cook	13.1	4.75	62.23
Errand Runner	3.5	3.79	13.27
Bookkeeper/Budget Man.	4.0	6.43	25.72
Interior Decorator	1.0	32.00	32.00
Caterer	1.5	7.71	11.57
Dishwasher	6.2	3.10	19.22
Dietician	1.2	6.80	8.16
Secretary	2.0	5.00	10.00
Maid/Hostess	3.0	20.00	60.00
Weekly Value:			\$793.79
Yearly Value:			\$41,277.08

The Section as Seen Through Four Past Chairs

by Derek M. Freed

I had the opportunity to interview four former chairs of the New Jersey State Bar Association's Family Law Section: Laurence J. Cutler (chair from 1977-78), Mark Biel (chair from 1998-2000), Charles F. Vuotto Jr. (chair from 2009-10), and Brian M. Schwartz (chair from 2013-14). Each person's experience as chair illustrates the growth and change of the Family Law Section since its inception.

We discussed many topics, including the evolution of the law, the section's relationship with the Legislature and Judiciary, the growth within the section itself, and moving the section toward the forefront of the New Jersey State Bar Association.

The Section's Beginning and the Impact of the Divorce Reform Act

Cutler: When I first joined in about 1971, the Family Law Section of the New Jersey State Bar Association was really coming out of being somewhat of a social club. By the time I became chair in 1977, I looked at it a little more business-like. I tried to move us more in that direction.

Before the Divorce Reform Act took effect in 1971, matrimonial law was sort of the 'back end' of the law. A lot of people just didn't want to practice family law. There were some fairly arcane rules in those days about how to practice.

The Divorce Reform Act totally changed the landscape. New Jersey became one of the first states in the union to have equitable distribution. There were many, many other things that the Divorce Reform Act changed.

Biel: The real first codification of the concept of alimony took place in 1971 in the Divorce Reform Act. It codified the right of the courts to make alimony orders that it deemed "fit, reasonable, and just." That was the law for a long time. It was a starting point.

On the Changing Face of Alimony

Biel: In 1980, the Supreme Court decided *Lepis v. Lepis*. But, we still didn't have codified alimony factors. By 1988, there was a groundswell of discussion regarding codifying alimony factors. Should the Legislature adopt

specific factors? What should those factors be? Would the factors help or constrain judicial discretion? Along with several others, I had the opportunity to testify before the Legislature regarding the issue. Ultimately, the factors fell into place.

In 1999, the concept of limited duration alimony (LDA) was before us. It gave credence to everything that we, as practitioners, were doing at the time. We were settling cases with what we were calling 'term' alimony. Without a statute that provided for limited duration alimony, mid-length marriages were an all or nothing proposition. A court could award permanent alimony or no alimony at all. Many of the attorneys felt that we shouldn't be in a position at a trial to answer a judge's question as to whether he or she had the authority to award term alimony. That was where the tension was.

At that time, there wasn't a lot of discussion of bright-line tests for limited duration alimony or permanent alimony. There wasn't a lot of discussion about alimony guidelines. The issue would rear its head once in a while, but it always fell by the wayside under the thought process that guidelines and formulas would reduce judicial discretion. We felt that it was not the best approach in the interests of justice.

Schwartz: Even before I became the chair, we knew that the 'alimony reformers' wanted the same alimony guidelines put in place in New Jersey as there were in Massachusetts. So, even at the time of the discussions concerning the alimony commission, guidelines were being demanded. From the start, we knew what we were dealing with.

On the Evolving Relationship of the Section with the Legislature

Cutler: There wasn't any real relationship with the Legislature leading up to my term as chair. We didn't deal with the Legislature because they had recently enacted the Divorce Reform Act. We didn't have the occasion to be involved with the Legislature.

Biel: We were involved with the Legislature regarding the changes to the alimony laws. The Legislature was

receptive to us because we weren't trying to promote any agenda. What our people had to say was taken very seriously because the section, across the board, felt very strongly that having a limited duration alimony concept bridged the gap and filled in a lot of the missing considerations of what the law should be.

Vuotto: I didn't feel as though there were any impediments to working with the Legislature. When I met with a legislator on a particular topic, they were generally receptive and listened to what the section had to say.

Schwartz: In the years leading up to my time as chair, the section did not have as much of a seat at the legislative table as I would've liked. We didn't have that kind of relationship with the legislators. However, I don't find that to be the case any more. From my perspective, we have improved our relationship with the Legislature over time. It is still not where it should be, but it is much improved.

On Building Consensus within the Section

Cutler: When I was chair, the section was coming into its own. It was feeling its way. We were a very cordial, friendly group. A lot of us agreed on a lot of things.

Vuotto: It is always better if you gain consensus. Very rarely did the section agree upon something unanimously. But, we did build consensus on massive pieces of legislation. We were able to get the majority of 70-80 lawyers to agree. We were able to do that very well.

Schwartz: It was important to me that we were all on the same page regardless of what our personal feelings were about a particular subject. At our meetings, we made time for members to express their personal feelings. It was extremely important, however, that once we came to a decision it was the position of the entire section. To the section's credit, we did that. Regardless of how people felt personally, they supported the consensus position.

Biel: Consensus was really important. The one thing that you didn't want to present to a legislator, a committee, or anyone else was an equivocal position. You wouldn't want to testify and say "it's really close and there are an equal number on my committee for and against the issue." We made sure that we addressed issues where we had gathered a consensus.

On the Role of Diversity

Vuotto: We made positive strides in terms of increasing diversity within the section. We are an all-inclusive group. We look for people from different backgrounds,

different practice areas, and different geographic areas. We definitely tried to be all-inclusive and increase diversity.

Cutler: In 1971, the vast majority of practitioners were men. By the time I was chair in 1977, we were starting to bring more women into the Family Law Section. But, it was still a work in progress, and we needed to increase diversity to where it is now. We also tried to get geographical diversity. Trying to increase diversity can be difficult, but it is something that ought to be done.

On How the Law Has Changed

Vuotto: I think that perhaps there is a greater recognition that social science and the way people actually live in society has to have a more immediate and direct impact on the development of the law rather than lagging behind. I think that currently you see that happening (the law changing based on the way people actually live) at a greater pace.

Cutler: We knew that it would take a couple of decades before the law became more settled and questions would be answered. Except for a few areas, the law has pretty much developed the way we could have predicted back in those days, given the fact that the New Jersey courts set the stage for equitable distribution right from the start as being comprehensive and encompassing.

On Working with the Judiciary

Cutler: In 1977, there were no family court judges because we were still working in the juvenile and domestic relations courts (instead of in the superior court). When the court system changed, we began to develop a relationship with the Judiciary. It started with the Pashman Committee in 1981, though that was an *ad hoc* committee. The Family Practice Committee was the first standing committee in the family practice. That took place in 1985. Since then, we have had an excellent relationship with the Judiciary, and especially with the Conference of Presiding Family Part Judges.

Biel: The relationship with the family bench was good. We had a viable bench-bar compact. When there were new laws, the Judiciary generally indicated they would work with it and address the open issues.

Vuotto: With respect to the bench, I thought that we had a good working relationship with the presiding judges. We had a very good, open-minded communication with the Judiciary and the Administrative Office of the Courts.

On Serving as Chair

Vuotto: Being elected as a chair of the section is, I think, one of the greatest honors that a family lawyer can have in the state of New Jersey in terms of contributing to the practice. It reflects the great confidence that your peers place in you to lead the section in the right direction over a one-year period. It is also a tremendous amount of work. Every past and future chair should be complemented and rewarded for the amount of time that they take away from their practice during their year as chair.

Cutler: My time as chair was a great way to give back to the section. It was a really wonderful time for me. It was valuable to me and, I think, helpful to building the section. We were turning the section from a social endeavor into an inclusive organization that would pursue family law avenues.

Biel: From a distance, I would say that it was one of the most rewarding experiences that I have had professionally in terms of service to the bar. It was an extremely important time in the development of the law. I got to be involved with attorneys throughout the state with whom I don't litigate very often, and to share ideas and share cultures and be involved in the Legislature.

Schwartz: I enjoyed being the leader of what I believe is the best section of the state bar. I enjoyed working with my fellow officers and the section members. It was very rewarding to know that you could talk with people and potentially educate them. I enjoyed my time doing it. But, it wiped me out completely.

Conclusion

In reviewing these comments from Cutler, Biel, Vuotto, and Schwartz, we can see how the section has evolved over the past several decades. While originally more of a social club, the section has developed into a force that impacts virtually every facet of family law throughout the state of New Jersey.

The chair's job is difficult. He or she must create consensus among a diverse (and opinionated) group of family law practitioners. He or she spends days and nights working on the agendas of the section, not only in his or her year as chair, but also during years as an officer and member of the section. Each chair sacrifices a portion of his or her law practice for the benefit of the section. Instead of spending time with their families, the chairs work with legislators, meet with representatives of the Administrative Office of the Courts or the Committee of Presiding Family Part Judges, and serve on various committees. While their approaches may be different, their visions are singular. Each chair desires to move the practice of family law forward and ensure that the voices of the membership are heard. For this, we owe them our gratitude. ■

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Past Chairs of the Family Law Section

(Editor's Note: In its 50-year history, the Family Law Section has been fortunate to have benefitted from the leadership of 45 chairs. As part of this anniversary issue, the Family Lawyer reached out to each chair, or someone close to them, for a brief biography. Those submissions follow.)

1. **Charles M. Grosman** (deceased). Grosman practiced law in Newark for 49 years, until his death. He was the first chair of the NJSBA Family Law Section, serving from 1965 to 1968. He was a partner in the firm of Grosman & Grosman, a fellow of the American Academy of Matrimonial Lawyers and a member of the American Bar Association Family Law Section.
2. **Monroe Ackerman**.
3. **Richard J. Feinberg** (deceased).
4. **Edward S. Snyder**. Snyder is a partner in Snyder & Sarno, LLC in Roseland. In 1999, he was the recipient of the Tischler Award. He has also been awarded the Silver Shingle from Boston University School of Law for outstanding service to the legal profession. Snyder was a council member of the Section of Family Law of the American Bar Association. He is a fellow of the American Academy of Matrimonial Lawyers, a charter fellow of the International Academy of Matrimonial Lawyers, and a diplomat of the American College of Family Trial Lawyers. He has been selected for Martindale-Hubbell Bar Register of Preeminent Lawyers since 1999, the Best Lawyers in America every year consecutively since 1993, and as a New Jersey Super Lawyer every year consecutively since its inception in 2005.
5. **Gardner B. Miller** (of Cedar Grove).
6. **Gary N. Skoloff**. Skoloff, of Skoloff and Wolfe, PC, of Livingston, has been a leader of the family law bar, both in New Jersey and nationally. He has argued many significant and high-profile matrimonial cases, including the well-known surrogate mother case of *Baby M*. Skoloff has published many articles and authored the *New Jersey Family Law Practice*, now in its 15th edition. He is a fellow and

past chair of the New Jersey Chapter of the American Academy of Matrimonial Lawyers, is an active member of the Essex and Morris county bar associations and has served as chair of the American Bar Association's Family Law Section. Skoloff received the Trial Bar Award from the Trial Attorneys of New Jersey, the Saul A. Tischler Award from the NJSBA Family Law Section, and the Clapp Award from the Institute for Continuing Legal Education for his many years of service to the institute.

7. **Bernard H. Hoffman** (deceased). Hoffman attended Washington Square College of New York University and New York University School of Law. He practiced law with Arnone & Zager, Esqs., in Red Bank before he opened his own family law practice in Red Bank. He retired in Jan. 2012 from Hoffman, Schreiber & Cores, Esqs. He was a member of the Monmouth Bar Association and served as chair of its Family Law Committee. Hoffman was a fellow of the American Academy of Matrimonial Lawyers and past president of the New Jersey Chapter. He was also a fellow of the International Academy of Matrimonial Lawyers. He served as municipal court judge in Shrewsbury for nine years. He was a member of the Red Bank Board of Adjustment in the early 1970s, the Red Bank Civil Rights Commission and Local Draft Board 46.
8. **Thomas S. Forkin** (deceased). Forkin was one of the pioneers of the Family Law Executive Committee. He was a frequent contributor to the *New Jersey Family Lawyer* and, with Dennis C. Mahoney and Allan R. Koritzinsky, co-authored *Tax Strategies in Divorce*. He also contributed a chapter in one of the earlier editions of *New Jersey Family Law Practice*. His mentorship of younger lawyers has been institutionalized in the Camden County Thomas S. Forkin Family Law Inns of Court.

- 9.** **Laurence J. Cutler.** Cutler, of Laufer, Dalena, Cadicina, Jensen & Boyd, LLC of Morristown, is certified as a matrimonial law attorney by the Supreme Court of New Jersey and is admitted to practice in New Jersey and New York, and before the United States District Court for the District of New Jersey, the Third Circuit Court of Appeals and the United States Supreme Court. A diplomate of the American College of Family Trial Lawyers, he is certified in matrimonial mediation and as a matrimonial arbitrator by the American Academy of Matrimonial Lawyers (AAML). Cutler is past president of the New Jersey Chapter of the AAML. He has been a member of six Supreme Court committees, including the Family Practice Committee, Matrimonial Certification Committee of the Supreme Court Board of Attorney Certification, Civil Practice Committee, Family Arbitration Committee, Domestic Violence Committee and Supreme Court Committee on Matrimonial Litigation (Pashman Committee, Phase II). He has also served as an affiliate in the Matrimonial Lawyers Alliance.
- 10.** **Hyman Isaac** (deceased).
- 11.** **Anne W. Elwell.** Elwell graduated from Columbia Law School in 1972. Following her graduation, she clerked for an appellate court judge but quit during her clerkship due to what can best be described as philosophical difference. She was a pioneer in developing the concept of joint legal custody in the late 1970s and later in the concept of psychological parenting, which first appeared in the reported decision of *V.C. v. M.J.B.*, 319 N.J. Super. 103 (App. Div. 1999). She sat on the Pashman Committee and was a member of the American Bar Association as well as a fellow of the American Academy of Matrimonial Lawyers. She was a frequent lecturer for ICLE. Elwell does want to make it clear, however, that the best life is definitely the one lived in retirement. She's living in a beautiful cottage in the woods in North Carolina, still political, still training horses, creating woodland gardens, volunteering for National Public Radio, and heavily involved as a trustee and adoption coordinator with Southern States Mastiff Rescue. She lives with four English mastiffs, each one of which weighs more than she does. She is happy, healthy, and unable to figure out how she ever had time to work.
- 12.** **Hon. Thomas P. Zampino** (ret.). Honorable Thomas P. Zampino (ret.) was chair for the 1980-1981 year. During that time, Judge Zampino (ret.) was fortunate to become a member of the Pashman Committee, and then a two-decade member of the Serpentelli Family Practice Committee. As Bob Dylan wrote, "the world it was a changing." In 1989, Judge Zampino (ret.) became the only past chair to become a judge in the family court divorcing over 40,000 litigants in a 22-year judicial career. For the last three years, Judge Zampino, J.S.C. (ret.) has served as a matrimonial mediator and serves as counsel to Snyder and Sarno, a firm that boasts three past chairs of the section. Significant change has evolved through the efforts of all past chairs and the members have impacted the practice in many positive ways. Thanks to his wife, Sandy, for her years of patience while he attended monthly meetings in Trenton for over 20 years.
- 13.** **Lee M. Hymerling.** During his two years as chair from 1981-1983, Hymerling, of Archer and Greiner, P.C., of Haddonfield, saw momentous development of the area of the law and huge growth in the section and the breadth of its reach. His two years as chair coincided with the work of the Phase II of the Supreme Court Committee on Matrimonial Litigation, chaired by the late great Justice Morris Pashman. The Family Law Executive Committee (FLEC) was more than doubled in size to include representation from all or most of the 21 counties of New Jersey. Two initiatives introduced during his chairmanship have left their mark on the section. The *New Jersey Family Lawyer* was created and first published in July 1981. Immediately, after his term he became the publication's first editor-in-chief. Second, the Saul Tischler Award was created and presented to its first recipient. So much of what the section continues to do so well can trace its present agenda to what was done so many years ago.
- 14.** **Jeffrey P. Weinstein.** Weinstein, of Weinstein, Lindemann & Weinstein of Roseland, has practiced matrimonial law for more than 40 years and is well known as a trial attorney and a compassionate advisor to his clients. His articles have appeared in *Fair\$hare*, *Journal of Divorce*, *New Jersey Family Lawyer*, and *National Business Institute*, and he has been cited in both national and local publications. He is a fellow of both the American Academy of Matrimonial Lawyers

and the International Academy of Matrimonial Lawyers, as well as a member of the Essex County Bar Association, the New Jersey State Bar Association, the American Bar Association, and the Association of Trial Lawyers of America. Weinstein was one of two lawyers who assisted the New Jersey Supreme Court committee in establishing the family part in the New Jersey court system. He has also been a master of the New Jersey Family Law Inns of Court, an association that enables young matrimonial practitioners to learn trial techniques from seasoned matrimonial lawyers.

- 15. David M. Wildstein.** Wildstein, of Wilentz, Goldman & Spitzer, P.A. of Woodbridge, is the father of two wonderful children and the proud grandfather of three grandchildren. He is an experienced and caring lawyer who proactively and strategically pursues the rights of litigants. His father, a well-respected lawyer, taught him to seek practical and creative solutions to complex issues and to persevere in the face of defeat. As chair of the section in 1984-1985, he was fortunate to work with an executive committee consisting of Lee Hymerling, Frank Louis, David Ansell, Jeff Weinstein and John Finnerty. He loved the camaraderie and the opportunity to improve the practice. He has chaired the Wilentz family law team since 1971. The lawyers he worked with have enriched his life both personally and professionally. He feels humbled to be listed in *Best Family Lawyers in America* and the recipient of the Saul Tischler Award. He has no plans of retiring. If he did, he would probably drive his wife insane.
- 16. David K. Ansell.** Ansell graduated from University of North Carolina and University of Virginia Law School. He is the former chair of New Jersey State Bar Family Law Section and past president of the American Academy of Matrimonial Attorneys. He is the former senior partner and chair of the matrimonial department of Ansell Grimm and Aaron. He is married to Rosemary, and the father of Mitchell Ansell (chair of Ansell Grimm and Aaron's criminal department), Allison Ansell Ryan (chair of Ansell Grimm and Aaron's matrimonial department) and Gena Ansell Lande (editor of various publications).
- 17. Frank A. Louis.** Louis, the founding partner of Louis & Russell, served as the chair of the Family Law Section in 1986, and is presently an *emer-*

tus member of the executive committee. He was selected by Governor Jim Florio as the bar association's representative to the Commission to Study the Law of Divorce. He was a member of the New Jersey Supreme Court Family Part Practice Committee from its inception until 2012, and has been a member of four other Supreme Court committees. In 1990, he received the Tischler Award and the Legislative Award from the NJSBA. Louis has lectured extensively for the Institute for Continuing Legal Education (ICLE); the Ocean, Monmouth, Middlesex, Bergen and Essex county bar associations and the New Jersey Society of CPAs. He has authored over 30 published articles and has been moderator and presenter at over 40 ICLE seminars and conferences since 1982.

- 18. Alan M. Grosman.** Grosman, of Short Hills, is a former president of the American Academy of Matrimonial Lawyers—New Jersey Chapter, and a former member of the National Board of Governors. The section chair from 1987-1988, he is a former chair of the American Bar Association's Alimony, Maintenance and Support Committee and served as an editor of the *ABA Family Law Quarterly*. He also served as founding editor and then as executive editor of the *Family Lawyer*. He is a former board member of *New Jersey Lawyer* and the *American Academy of Matrimonial Lawyers Journal and Digest*. Grosman has contributed articles to the *ABA Family Law Quarterly*, the *New Jersey Law Journal*, the *American Journal of Family Law*, *New Jersey Lawyer Magazine*, *New Jersey Family Lawyer*, and the *Proceedings of the Annual New Mexico Bar Association*. He has been a speaker at ABA, NJSBA, and AAML annual meetings, and has appeared on the Regis Philbin ABC TV "Morning Shower" and the NBC TV "Today Show."
- 19. Myra T. Peterson** (deceased). Myra T. Peterson passed away at the age of 73 on April 9, 2015. Born in Newark, raised in Union, and having graduated from Rutgers Law School, she enjoyed a distinguished career as an attorney, culminating in her election to chair of the Family Law Section of the NJSBA.
- 20. James P. Yudes.** While chair, Yudes established the first Family Law Retreat in Jan. 1990 at Paradise Island, Bahamas. In 1992, he established the Family Law Institute, designed to provide young lawyers

with broad training in trial skills. From 1991 to 1993, Yudes, of the Law Office of James P. Yudes, P.C. of Springfield, served as trustee liaison to the section. Since 1989, his *Family Law Citor* has been published, which establishes him nationally as the primary commentator on New Jersey family law. In 1989, Yudes was one of the eight New Jersey attorneys invited to establish a local chapter of the American Academy of Matrimonial Lawyers. His higher court decisions have established significant concepts in the law such as: *Dugan* (valuation), *Caplan and Miller* (imputed income), *Carr* (the black hole) and *Giovine* (marital tort) among others. His Third Circuit decision, *DiRuggiero*, established a national standard for child custody jurisdiction before the adoption of uniform laws.

- 21. Richard A. Russell.** Russell is a partner in Russell & Laughlin in Ocean City. He has been a member of the executive committee of the Family Law Section since 1982, and was the section chair in 1990-1991. In 1995, he was honored as the 10th recipient of the Saul A. Tischler Award. He served on the Supreme Court Family Practice Committee continuously from 1984 to 2013, during which time he served on the Child Support Subcommittee, which developed the first child support guidelines in New Jersey and in every revision since (chair or co-chair of that subcommittee for many years). He has served as chair of the Matrimonial Committee of the Board on Trial Attorney Certification, is an editor *emeritus* of the *New Jersey Family Lawyer*, a fellow of the American Academy of Matrimonial Lawyers, a member of the Matrimonial Lawyer's Alliance and has been named to the list of Best Lawyers in America (Super Lawyers) for many years. He is a frequent writer and lecturer on family law issues.
- 22. John J. Trombadore.** During the past 45 years, Trombadore, of Snyder and Sarno, LLC, of Somerville, has served as assistant county prosecutor for Somerset County, public defender for Vicinage XIII, chair of the Vicinage XIII Ethics Committee, chair of the Family Law Section, chair of the Supreme Court Rules Practice Committee, president of the New Jersey Chapter of the AAML, recipient of the Tischler Award and diplomat of the American College of Family Trial Lawyers. Trombadore was listed in *New Jersey Monthly* as one of the Top 10 Lawyers in the

State in 2006, and as a New Jersey Super Lawyer 1998-2014. He is currently acting as an arbitrator and mediator in complex family matters.

- 23. Lynne Strober.** Strober is the chair of the family law department of Mandelbaum Salsburg, P.C., located in Roseland. She has been admitted to the practice of law for over 36 years. From 1988 to 1991, she was the chair of the Essex County Family Law Executive Committee, and from 1992 through 1993 she was the chair of the NJSBA Family Law Section. She has also served as the chair of the Matrimonial Certification Committee and was a member of the Supreme Court Board on Attorney Certification from 1998 to 2010, and is on the board of editors of the *Matrimonial Strategist*, a nationwide family law publication. Strober is a fellow of the American Academy of Matrimonial Lawyers, New Jersey Chapter. She has been named a Super Lawyer every year and has been named among the Top 50 Women Attorneys in New Jersey.
- 24. John E. Finnerty Jr.** Finnerty, of Finnerty, Canada & Concannon, P.C. of Fair Lawn, is a certified matrimonial attorney who litigated many precedent-setting New Jersey cases, including *Lepis v. Lepis*, *Nehra v. Uhlar* and *Davis v. Davis*. He has served on the Supreme Court Family Part Practice Committee for 11 two-year terms and was chair of that committee's Sub-Committee for Custody and Parenting Time from 2002 through 2008. He is also the former chair of the NJSBA's Family Law Section and has been honored with the state bar's Saul Tischler Award for a lifetime of contributions to family law. He is a senior editor of the *New Jersey Family Lawyer* and a frequent lecturer for the Institute for Continuing Legal Education. He also regularly publishes articles pertaining to family law. Finnerty was a significant contributor to the revisions and adoption of the amendments to New Jersey alimony law, which became effective Sept. 10, 2014.
- 25. William J. Thompson.** Thompson joined Archer & Greiner, P.C. of Haddonfield in 1979 and became a shareholder in 1986. He focuses his practice in all aspects of family law, including divorce, adoption, parental rights, custody, support and domestic violence. Thompson presently chairs Archer & Greiner's family law practice. He has served as an editor of the *New Jersey Family Lawyer*, co-chair of the Camden

County Family Law Committee, and was chair of the NJSBA Family Law Section in 1994-1995. He is also a past president of the Thomas Forkin Family Law Inn of Court. Thompson is a frequent lecturer for the Institute for Continuing Legal Education and various bar associations. He has been named as a Best Lawyer in America continuously since 2008, and a New Jersey Super Lawyer continuously since 2005. He was honored to receive the Camden County Bar Association's 2010 Professional Lawyer of the Year Award.

- 26. John P. Paone Jr.** Paone is the senior partner of Paone, Zaleski, Brown & Murray, with offices in Woodbridge and Red Bank, where he limits his practice to complex divorce and child custody matters. He is a past president of the Middlesex County Bar Association, and a member of the Monmouth Bar Association. He served as chair of the NJSBA Family Law Section in 1995-1996. He is a fellow of the American Academy of Matrimonial Lawyers and past president of the organization's New Jersey Chapter. Paone was in the first class of attorneys to be certified by the Supreme Court as a matrimonial law attorney. In 2002, the Family Law Section awarded him the Tischler Award for his contributions to family law practice and the legal profession. In 2015, Paone was recognized as a family law Lawyer of the Year by the lawyer rating service Best Lawyers.
- 27. Patricia M. Barbarito.** Barbarito, of Einhorn, Harris, Ascher, Barbarito & Frost, PC of Denville, served as chair of the Family Law Section in 1996-1997, and has been included on the list of New Jersey Super Lawyers for nine consecutive years. She has been named to the top 50 female New Jersey Super Lawyers list for seven consecutive years and has been included on the list of top 100 New Jersey Super Lawyers. A fellow of the American Academy of Matrimonial Lawyers and a certified matrimonial lawyer, she was named to the *New York Times* Top Ten Leaders in Matrimonial and Divorce Law in Northern New Jersey and is an AV preeminent-rated attorney by Martindale-Hubbell. Barbarito has been awarded the Legislative Service Award by the New Jersey State Bar Association as well as chosen for inclusion in the 2013 New York Best Lawyers List by Best Lawyers. In 2004, she was the recipient of the Saul Tischler Award for lifetime contributions to the advancement of family law.

28. Mark H. Sobel. Sobel, of Greenbaum, Rowe, Smith & Davis, LLP, of Woodbridge and Roseland, served as chair of the Family Law Section in 1997-1998 and is a former editor-in-chief of *New Jersey Family Lawyer*. He received the section's Saul Tischler Award for lifetime achievement in 2009 and currently serves on the section's executive committee. Sobel is also a member of the American and Essex County bar associations and a fellow of the American Bar Foundation. He is recognized in the family law practice area in *Best Lawyers in America* and is consistently selected for inclusion on the "Top 100 Attorneys in New Jersey" list in *New Jersey Super Lawyers*. Sobel received his J.D. from the University of Pennsylvania Law School, and earned his B.A. with distinction from George Washington University.

29. Neil D. Rosen (deceased). Rosen was an active and extremely competent and well-prepared family law attorney, principally in Ocean and Monmouth counties. He loved being a matrimonial lawyer and loved participating in the Family Law Executive Committee. Unfortunately, he never got to see it through to finish his term as chair. Soon after being sworn in his health deteriorated and he had to resign. He graduated Rutgers University and Seton Hall Law School. Rosen should be remembered as a great lawyer, colleague, and professional who absolutely loved what he did and the members of the executive committee. He was proud to have been a member, and loved everyone involved in the law, from lawyers to judges, clerks and staff.

30. Mark Biel. From the beginning of his career, Mark Biel, of Biel, Zlotnick & Stiles, P.A. of Northfield, was involved with bar associations. He had the opportunity to serve as president of the Atlantic County Bar Association and in many leadership capacities with the NJSBA, including multiple stints on the board of trustees; chair of the Family Law Section in 1998-2000; chair of the Professional Responsibility Committee; and vice-chair of the Judicial and Prosecutorial Appointments Committee. Through those positions he has had the wonderful opportunity of making lifelong friendships with lawyers throughout the state with whom otherwise he probably would never cross paths. He received the Saul Tischler Award in 2005, which was a distinct honor and privilege. He continues to prac-

tice full time although he still takes the opportunity to spend weekends with his wife at their retreat in Bucks County; write and lecture; ski (mostly on the East Coast now); play some competitive tennis; and enjoy his children and grandchildren.

- 31. Lynn Fontaine Newsome.** Past president of the New Jersey State Bar Association, Newsome, of Newsome O'Donnell of Florham Park, is certified as a matrimonial law attorney by the Supreme Court of New Jersey, has served on the Supreme Court Family Practice Committee and as a trustee of the New Jersey State Bar Foundation. She has also served on the NJSBA's Ethics Diversionary Committee. Newsome is a former chair of the state bar's Family Law Section and of the Morris County Family Law Committee, and a past president of both the Morris County Bar Foundation and the Morris County Bar Association. She is a member of the Association of Trial Lawyers of America and a former member of the District X Ethics Committee. Newsome is a member of the American Bar Association and serves in the House of Delegates. She sits on the executive council of the General Practice, Solo and Small Law Firm Division and is a member of the Family Law and Litigation Section.
- 32. Cary B. Cheifetz.** Cheifetz, of Ceconi & Cheifetz, LLC, of Summit, was section chair in 2001-2002. In 1979, he was a graduate of New York Law School and law clerk for the Honorable June D. Strellecki, former presiding judge of the family part (Essex County). He was a partner at Skoloff & Wolfe, P.C., until forming Ceconi & Cheifetz, LLC, with Lizanne J. Ceconi in June 1999. Cheifetz was a founding member of the Supreme Court Family Law Certification Committee, a former adjunct professor of law at Seton Hall Law School and past president of the Essex County Bar Association and American Academy of Matrimonial Lawyers. He is a diplomate of the American College of Family Trial Lawyers. Cheifetz is regularly included in Best Lawyers in America, Super Lawyers (Top One Hundred New Jersey Attorney List). He is a recipient of the 2005 Distinguished Service Award for Excellence in Continuing Legal Education from NJICLE, the recipient of the 2007 Saul Tischler Award and is co-author of *New Jersey Family Law* (Second Edition, LexisNexis). Throughout his career, Cheifetz has

focused on upgrading collegiality, education and professionalism in the family law practice.

- 33. Michael J. Stanton.** Stanton, of Norris McLaughlin & Marcus, P.A., of Bridgewater, is chair of the matrimonial practice group at Norris McLaughlin & Marcus, P.A. He is certified by the Supreme Court of New Jersey as a matrimonial law attorney. He is a member of the Matrimonial Lawyers Alliance and a fellow of the American Academy of Matrimonial Lawyers. Stanton served for six years as a trustee of the NJSBA and for over 20 years as a member of the Family Law Executive Committee, chairing the section in 2002-2003. Stanton is the 2010 recipient of the Saul Tischler Award and has been named in the family law sections of *Best Lawyers In America* and *Super Lawyers*. He is proud of his lifetime achievements as: husband of 40 years to Joani; father of Jessica A. Stanton, PhD. and Michael A. Stanton, Esq.; father-in-law of Ayodeji C. Perrin, Esq. and Kimber L. Gallo, Esq.; and grandfather of Emory and Teodor.
- 34. John F. DeBartolo.** DeBartolo chaired the Family Law Section in 2003-2004. He graduated Boston University School of Law, Boston University College of Liberal Arts, and New Brunswick High School. From 1977 to 1978, he clerked for the Honorable Neil G. Duffy in Essex County. In 1980, he founded with Bunce D. Atkinson the firm of Atkinson & DeBartolo, P.C. that continues today with five attorneys at their offices in Red Bank. While chair of the section, he co-authored, with Bonnie Frost, the *amicus* brief and argued on behalf of the NJSBA in *Weishaus v. Weishaus*. In March 2004, he arranged the Family Law Retreat in Las Vegas with a black tie event at the Liberace home. He served four terms on the Supreme Court Family Practice Committee. He has served as president of the Monmouth Bar Association and is trustee *in perpetuum*. DeBartolo received the Saul Tischler Award in 2011.
- 35. Madeline Marzano-Lesnevich.** Marzano-Lesnevich, the 2015 Saul Tischer Award recipient, founded and chairs the family law department of Lesnevich & Marzano-Lesnevich, LLC in Hackensack. She chaired the NJSBA Family Law Section in 2004/2005, and previously served on the editorial board of the *New Jersey Family Lawyer*. She received the NJSBA Distinguished Legislative Award in 1996.

Marzano-Lesnevich is currently a vice president of the national American Academy of Matrimonial Lawyers, is a past president of its New Jersey chapter, and a fellow of the International Academy of Matrimonial Lawyers. Certified by the Supreme Court of New Jersey as a matrimonial law attorney since the inception of the certification process, she also served on the Supreme Court Family Practice Committee, has been named a Super Lawyer for years, and extensively lectures and writes on family law nationwide. Among her partners are Amanda Trigg and her daughter, Francesca O'Cathain.

- 36. Bonnie C. Frost.** Frost, the 2012 Saul Tischler Award winner, is a partner in Einhorn, Harris, Ascher, Barbarito & Frost. She is a certified matrimonial law attorney and chaired the Family Law Section in 2005-2006. Frost is former chair of the Appellate Practice Committee, former member of the Supreme Court Family Practice Committee, vice chair of the NJSBA Legislative Committee and a senior editor of the *New Jersey Family Lawyer*. She is presently chair of the Disciplinary Review Board. Frost has participated in over 28 published opinions, including *J.B. v. W.B.*, *Reese v. Weis*, *Clark v. Clark*, *Steneken v. Steneken*, *McGee v. McGee*, *Reinbold v. Reinbold* and *Overbay v. Overbay*, and has participated as amicus for the NJSBA in *Weishaus v. Weishaus*, *Mani v. Mani*, *Fisher v. Fischer*, *Gac v. Gac* and *Segal v. Lynch*.
- 37. Ivette Alvarez.** Alvarez, of Einhorn, Harris, Ascher, Barbarito & Frost, PC of Denville, concentrates her practice in civil litigation with an emphasis on matrimonial/family law. She received her B.A. from the State University of New York and J.D. from Columbia University School of Law, and is admitted to practice in New Jersey and New York. Alvarez is chair of the Hispanic Bar Association of New Jersey's Judicial and Prosecutorial Appointments Committee, serves on the New Jersey Board of Continuing Legal Education, the Board of Legal Services of New Jersey and the New Jersey Supreme Court Family Practice Committee. She served as president of the Hispanic Bar Association, vice president of Membership for the Hispanic National Bar Association, chair to the NJSBA Family Law Section (2006-2007), and northern chair of the New Jersey State Bar Association's Judicial and Prosecutorial Appointments Committee. Alvarez received the NJSBA Legislative

Recognition Award in 2006 and the 2005 Professional Lawyers of the Year from the NJSBA.

- 38. Lizanne Ceconi.** Ceconi is a founding member and managing partner of Ceconi & Cheifetz, LLC in Summit, and focuses her practice on all aspects of family law, including traditional litigation and mediation. She has been recognized by her peers in the Best Lawyers in America and is a recipient of the Saul Tischler Award and the William J. McCloud Award for her leadership and expertise in family law in the state of New Jersey and Union County, respectively. In addition to lecturing and writing on family law topics, Ceconi served as president of the Union County Bar Association (UCBA), president of the Barry I. Croland Family Law Inns of Court and a member of the NJSBA and UCBA Judicial and Prosecutorial Appointments committees. She is also known for her contributions to the planning of family law retreats. Ceconi, who served as Family Law Section chair in 2007-2008, received her BA from Villanova University and a JD from Seton Hall Law School.
- 39. Edward J. O'Donnell.** O'Donnell, of Newsome O'Donnell, has been a member of the NJSBA Family Law Executive Committee since 1995, serving as section chair in 2008-2009. From 2005 through 2007, he was president of the Northern New Jersey Family Law Inn of Court. In his service to the Essex County Bar Association he served first as chair of its Family Law Committee, then as a trustee and officer of the association, which he eventually led as president in 2008-2009. O'Donnell currently serves as the NJSBA Essex County trustee. He has received numerous awards, including the Essex County Bar Association Family Law Attorney Achievement Award (1988); the Legal Services of New Jersey Equal Justice Medal (2008); and the prestigious Alfred C. Clapp Award, a distinction bestowed upon him by the New Jersey Institute for Continuing Legal Education (2012). In 2014, he became the 29th recipient of the Saul Tischler Award.
- 40. Charles F. Vuotto Jr.** Vuotto is the managing partner of Tonneman, Vuotto, Enis & White, LLC, in Matawan, and devotes his practice to family law. He is the editor-in-chief of the *New Jersey Family Lawyer*, the official publication of the NJSBA Family Law Section. He chaired the Family Law Section

in 2009-2010, is certified by the Supreme Court of New Jersey as a matrimonial law attorney, is a fellow and sits on the board of managers of the American Academy of Matrimonial Lawyers (AAML) and has been certified by the AAML as a family law arbitrator. Vuotto is also a trained divorce mediator. He was a member of the New Jersey Supreme Court's Family Part Practice Committee for the 2009-2011 term. On Dec. 19, 2013, Vuotto was appointed to represent the NJSBA on the *Ad Hoc* Committee on the Arbitration of Family Matters. He is also a member of the Matrimonial Lawyers Alliance (MLA).

41. Thomas Snyder. Snyder chaired the Family Law Section in the year 2010-2011. He served on the NJSBA Nominating Committee for the 2011 term. Snyder has provided testimony, on behalf of the NJSBA, to New Jersey State Legislators on New Jersey's alimony statute, New Jersey's adoption statute and the New Jersey Marriage Equality Act. Snyder contributed to NJSBA's *amicus curiae* briefs, specifically *Lewis v. Harris*, 188 N.J. 415 (2006), and *Tannen v. Tannen*, 208 N.J. 409 (2011). He is a recipient of the NJSBA's Annual Distinguished Legislative Award for 2006. Snyder has litigated the following reported cases: *D.W. v. R.W.*, 212 N.J. 232 (N.J. 2012); and *Anyanwu v. Anyanwu*, 339 N.J. Super. 278 (App. Div. 2001).

42. Andrea Beth White. White of Tonneman, Vuotto, Enis & White, LLC, has been certified by the Supreme Court of New Jersey as a matrimonial law attorney and is qualified pursuant to Rule 1:40 to mediate family law cases. She served as chair of the Family Law Section in 2011-2012, and is a senior editor of the *New Jersey Family Lawyer*. White is also a member of the American Association for Justice, New Jersey Chapter. She is a past chair of the Certified Attorney Section of the NJSBA and is on the court roster of approved economic mediators. She also serves as a panelist in the Monmouth County Early Settlement Program and lectures on family law issues. White served three terms as co-chair of the Monmouth Bar Family Law Committee and is a member of the Monmouth Bar Association, the Ocean County Bar Association and the Women Lawyers of Monmouth. She was a 2006 recipient of the Women Achievement Award from the Women Lawyers of Monmouth.

43. Patrick Judge.

44. Brian Schwartz. Schwartz was the chair of the Family Law Section in 2013-2014. His year was characterized by hard work and raucous fun. As for the work, during his term, he and his team of officers and other allies deftly fought off the wave of reformers who vigorously sought the imposition of 'alimony guidelines.' Due to their attention to detail and unmatched effort, the campaign for guidelines was soundly defeated. Instead, the alimony statute added long overdue amendments—specifically regarding changed circumstances, cohabitation and retirement—while preserving the sanctity of judicial discretion, equity and fair dealing. As for fun, Schwartz led a small army to the oasis known as Austin, Texas. The music...the food...the mechanical bull! Oh, and a spectacular lecture from Larry Temple, counsel to President Johnson. It almost seemed like his term was longer than a year.

45. Jeralyn Lawrence. Lawrence was fortunate to be the 45th chair of the Family Law Section, and served as chair during the year of the section's 50th anniversary. She was able to plan a special anniversary celebration where the prior 44 chairs were honored and recognized. Lawrence's term began amidst the alimony debate raging on, and with the help of 160,000 coalition members, as well as her fellow officers of the section, and through their work with members of the Legislature, four months into her term the governor signed into law revisions to the alimony statute. Another major piece of legislation was enacted during her tenure, now entitled the New Jersey Family Collaborative Law Act. One of Lawrence's main platforms for her year was ensuring the section became legislative gurus. The section heeded her call and the Family Law Executive Committee drafted legislation pertaining to college contribution and interstate relocation, which hopefully will become enacted into law, changing the practice of law significantly. Over 300 members of the section, friends and sponsors attended the annual retreat to Key West, Florida, for what was the section's most attended retreat to date. Lawrence's most prized possessions, Lawson, Amelia, Abigail, her parents Carol and Jerry, and her husband John, were by her side in Key West, and throughout the entire year of her term, with their continued undivided support. ■

Saul Tischler Award Recipients

(Editor's Note: Since its inception in 1984, 30 individuals have received the Saul Tischler Award recognizing their contributions to the practice of family law. As part of this anniversary issue, the Family Lawyer reached out to each award winner, or someone close to them, for a brief biography. Those submissions follow.)

1984 – Justice Morris Pashman (deceased)

Justice Pashman was born on Sept. 27, 1912, in Passaic. He was an associate justice of the New Jersey Supreme Court from 1973-1982. He chaired the New Jersey Supreme Court Committee on Matrimonial Litigation from 1979-1981; the New Jersey Supreme Court Preliminary Family Part Planning Committee in 1982; the New Jersey Supreme Court Family Court Committee in 1983; the Supreme Court Judicial Conference Committee in 1984; the Supreme Court Advisory Committee on Pretrial Intervention (PTI) from 1980-1982; and the New Jersey Supreme Court Task Force on Mental Commitments from 1976-1978. Justice Pashman was the assignment judge of the superior court from 1965-1973; and superior court of New Jersey, Law and Chancery divisions from 1961-1965. He was a county court judge from 1959-1961, the magistrate of the City of Passaic Municipal Court from 1948-1951 and mayor of the city from 1951-1955. Justice Pashman was also the commissioner of revenue and finance in Passaic from 1951-1959.

1986 – Lee M. Hymerling, Archer and Greiner, P.C., Haddonfield

During Hymerling's two years as chair, he saw momentous development of the area of the law and huge growth in the section and the breadth of its reach. His two years as chair coincided with the work of Phase II of the Supreme Court Committee on Matrimonial Litigation, chaired by Justice Pashman. The size of the Family Law Executive Committee (FLEC) more than doubled in size, attaining representation from all or most of the 21 counties of New Jersey. Two initiatives introduced during his term have left their mark on the section: The *New Jersey Family Lawyer* was created and first published in July 1981. Immediately after his term concluded he became the publication's first editor-in-chief. Second, the

Saul Tischler family law award was created and presented to its first recipient.

1987 – Gary N. Skoloff, Skoloff and Wolfe, PC, Livingston

Skoloff has been a leader of the family law bar, both in New Jersey and nationally. He has argued many significant and high-profile matrimonial cases, including the well-known surrogate mother case of *Baby M.* Skoloff has published many articles and authored *New Jersey Family Law Practice*, now in its 15th edition. He is a fellow and past chair of the New Jersey Chapter of the American Academy of Matrimonial Lawyers, is an active member of the Essex and Morris county bar associations and has served as chair of the American Bar Association's Family Law Section and the NJSBA Family Law Section. Skoloff also received the Trial Bar Award from the Trial Attorneys of New Jersey, and the Clapp Award from the Institute for Continuing Legal Education (ICLE) for his many years of service to ICLE.

1989 – Richard Feinberg (deceased)

1990 – Frank A. Louis, Louis and Russell, Toms River

Louis, the founding partner of Louis & Russell, served as the chair of the Family Law Section in 1986, and is presently an *emeritus* member of the executive committee. He was selected by Governor Jim Florio as the bar association's representative to the Commission to Study the Law of Divorce. He was a member of the New Jersey Supreme Court Family Part Practice Committee from its inception until 2012, and has been a member of four other Supreme Court committees. In 1990 he also received the Legislative Award from the NJSBA. Louis has lectured extensively for ICLE; the Ocean, Monmouth,

Middlesex, Bergen and Essex county bar associations and the New Jersey Society of Certified Public Accountants. He has authored over 30 published articles and has been moderator and presenter at over 40 ICLE seminars and conferences since 1982.

1991 – Hon. Eugene D. Serpentelli, Benchmark Resolution Services, LLC, Brick

Judge Serpentelli joined Benchmark Resolution Services upon his retirement from the bench in July 2007. Since that time he has functioned as a mediator, arbitrator, special master and discovery master in over 450 cases. These matters have involved personal injuries, malpractice, product liability, contracts, business disputes, construction, estates, matrimonial matters, alleged violation of the Law Against Discrimination and related statutes, other employment disputes, environmental matters, land use and governmental controversies and numerous other types of litigation and pre-litigation matters. Judge Serpentelli has participated in dispute resolution efforts throughout the state of New Jersey. Prior to his retirement, he served as a New Jersey Superior Court judge for almost 30 years. He was assignment judge of Ocean County for over 22 years, and at his retirement he was the longest serving assignment judge in the history of the Judiciary.

1992 – Barry I. Croland (deceased)

Croland was one of the state's premier matrimonial attorneys. His intelligence, fairness and dedication to the practice of family law were well known and recognized on local, state and national levels. He was the recipient of many of the highest professional awards and honors issued by his peers including the Bergen County Lifetime Achievement Award in 2007. Additionally, Croland was selected as a fellow of the American Bar Foundation (an honor limited to less than one percent of all lawyers in each state); was a member of numerous New Jersey Superior Court committees, including the five lawyer-member special court and a diplomate in the American College of Family Trial Lawyers. He recognized the importance of sharing his experience and knowledge through teaching, writing and editing. To that end, he was a senior editor and co-founder of the *New Jersey Family Lawyer* and master, president and co-founder of excellence, civility and integrity left an indelible mark on the profession and the bar.

1993 – Laurence J. Cutler, Laufer, Dalena, Cadicina, Jensen & Boyd, LLC, Morristown

Cutler is certified as a matrimonial law attorney by the Supreme Court of New Jersey and is admitted to practice in New Jersey and New York, and before the United States District Court for the District of New Jersey, the Third Circuit Court of Appeals and the United States Supreme Court. A diplomate of the American College of Family Trial Lawyers, he is certified in matrimonial mediation and as a matrimonial arbitrator by the American Academy of Matrimonial Lawyers (AAML). Cutler is a past chair of the Family Law Section of the New Jersey State Bar Association and past president of the New Jersey Chapter of the AAML. He has been a member of six Supreme Court committees, including the Family Practice Committee; the Matrimonial Certification Committee of the Supreme Court Board of Attorney Certification; the Civil Practice Committee; the Family Arbitration Committee; the Domestic Violence Committee; and the Supreme Court Committee on Matrimonial Litigation (Pashman Committee, Phase II). He has also served as an affiliate in the Matrimonial Lawyers Alliance.

1994 – Hon. Robert W. Page (deceased)

Judge Page sat on the bench in juvenile and domestic relations court in Camden County for 10 years before he was appointed to superior court in 1981. He was a pioneer and a visionary. Judge Page, who had a reputation for compassion for young people in trouble, said in a 1989 interview, "You have a lot of frustrations and failure, but this is where the action is for personal satisfaction." He insisted on getting parents involved with their children and supported family crisis intervention programs. Judge Page graduated from Merchantville High School and earned a bachelor's degree from Dickinson College in Carlisle, Pa., where he met his wife. He earned a law degree from Rutgers University in 1960 and a master's in law from the University of Virginia in 1992. He wrote a manual for family court judges in New Jersey and spent two years on a report that was published in 1990. That document reviewed family court procedures in all 21 New Jersey counties. He taught courses at the New Jersey Institute for Continuing Legal Education and at the National Judicial College in Reno, Nev. He was past chair of the Camden County Youth Services Commission.

1995 – Richard A. Russell, Russell & Laughlin, Ocean City

Russell has been a member of the Family Law Section Executive Committee since 1982, and was the section chair in 1990-1991. He served on the Supreme Court Family Practice Committee continuously from 1984 to 2013, during which time he served on the Child Support Subcommittee, which developed the first child support guidelines in New Jersey, and participated in every revision since. (He was chair or co-chair of that subcommittee for many years.) He has served as chair of the Matrimonial Committee of the Board on Trial Attorney Certification, is an editor *emeritus* of the *New Jersey Family Lawyer*, a fellow of the American Academy of Matrimonial Lawyers, a member of the Matrimonial Lawyer's Alliance and has been named to the list of Best Lawyers in America (Super Lawyers) for many years. He is a frequent writer and lecturer on family law issues.

1996 – John J. Trombadore, Snyder and Sarno, LLC, Somerville

During the past 45 years, Trombadore has served as assistant county prosecutor for Somerset County, public defender for Vicinage XIII, chair of the Vicinage XIII Ethics Committee, chair of the Family Law Section, chair of the Supreme Court Rules Practice Committee, president of the New Jersey Chapter of the AAML, and diplomat of the American College of Family Trial Lawyers. He was listed in *New Jersey Monthly* as a "Top 10" lawyer in the state in 2006, and as a New Jersey Super Lawyer from 1998-2014. Trombadore is currently acting as an arbitrator and mediator in complex family matters.

1997 – David M. Wildstein, Wilentz, Goldman & Spitzer, P.A., Woodbridge

Wildstein is the father of two wonderful children and the proud grandfather of three. He is an experienced and caring lawyer who proactively and strategically pursues the rights of litigants. His father, a well-respected lawyer, taught him to seek practical and creative solutions to complex issues and to persevere in the face of defeat. As chair of the section, he was fortunate to work with an executive committee consisting of Lee Hymerling, Frank Louis, David Ansell, Jeff Weinstein and John Finnerty. He loved the camaraderie and the opportunity to improve the practice. He has chaired the Wilentz family law team since 1971. The lawyers that he worked with have enriched his life both personally and professionally.

He feels humbled to be listed in *Best Family Lawyers in America* and to have been a recipient of the Saul Tischler Award. He has no plans of retiring. If he did, he would probably drive his wife insane.

1998 – John E. Finnerty Jr., Finnerty, Canada & Concannon, P.C., Fair Lawn

Finnerty is a certified matrimonial attorney who litigated many precedent-setting New Jersey cases, including *Lepis v. Lepis*, *Nehra v. Uhlar* and *Davis v. Davis*. He has served on the Supreme Court Family Part Practice Committee for 11, two-year terms and was chair of the committee's Sub-Committee for Custody and Parenting Time from 2002 through 2008. He is also the former chair of the NJSBA Family Law Section. He is a senior editor of the *New Jersey Family Lawyer* and a frequent lecturer for ICLE. Finnerty also regularly publishes articles pertaining to family law and was a significant contributor to the revisions and adoption of the amendments to New Jersey alimony law, which became effective Sept. 10, 2014.

1999 – Edward S. Snyder, Snyder and Sarno, LLC, Roseland

Snyder is a partner in Snyder & Sarno. He is a past section chair and a member of the Council of the Section of Family Law of the American Bar Association, a fellow of the American Academy of Matrimonial Lawyers, a charter fellow of the International Academy of Matrimonial Lawyers, and a diplomat of the American College of Family Trial Lawyers. Snyder has been awarded the Silver Shingle from Boston University School of Law for outstanding service to the legal profession. He has been selected for Martindale-Hubbell Bar Register of Preeminent Lawyers since 1999, *The Best Lawyers in America* every year consecutively since 1993, and as a New Jersey Super Lawyer every year consecutively since its inception in 2005.

2000 – Hon. Ann R. Bartlett, Warren County Superior Court

Judge Bartlett was appointed to the bench in 2001. She practiced matrimonial law for 25 years prior to joining the Judiciary. She was president of the New Jersey State Bar Association from 1999 to 2000, and with the NJSBA she chaired the Amicus Matters Committee, the Judicial Administration Committee and the Long Range Planning Committee. She served for more than a decade on the Family Law Executive Committee and the

Supreme Court Family Division Practice Committee. She served many years as an associate editor of the *New Jersey Family Lawyer* and was a founding director of the *New Jersey Lawyer*. As a state bar officer, she also served on the New Jersey State Bar Foundation as a trustee. Judge Bartlett received the Walter N. Reid Award for state bar leadership, the Distinguished Legislative Service Award from the state bar for work on matrimonial legislation, and the Professionalism Award for Hunterdon County. She is a life fellow of the American Bar Foundation.

2001 – Alan M. Grosman, Short Hills

Alan M. Grosman is a former president of the American Academy of Matrimonial Lawyers, New Jersey Chapter, and a former member of the National Board of Governors. He is a former chair of the American Bar Association's Alimony, Maintenance and Support Committee and served as an editor of the *ABA Family Law Quarterly*. He also served as founding editor and then as executive editor of the *Family Lawyer*. He is a former editorial board member of *New Jersey Lawyer* and the *American Academy of Matrimonial Lawyers Journal and Digest*. Grosman has contributed articles to the *ABA Family Law Quarterly*, the *New Jersey Law Journal*, the *American Journal of Family Law*, *New Jersey Lawyer Magazine*, *New Jersey Family Lawyer*, and the *Proceedings of the Annual New Mexico Bar Association*. He has been a speaker at ABA, NJSBA, and AAML annual meetings, and has appeared on the Regis Philbin ABC TV "Morning Shower" and the NBC TV "Today Show."

2002 – John P. Paone Jr., The Law Offices of Paone, Zaleski, Brown & Murray, Woodbridge

Paone limits his practice to complex divorce and child custody matters. He is a past president of the Middlesex County Bar Association and a member of the Monmouth Bar Association. He is a past chair of the NJSBA Family Law Section, a fellow of the American Academy of Matrimonial Lawyers and past president of the organization's New Jersey chapter. Paone was in the first class of attorneys to be certified by the Supreme Court as a matrimonial law attorney. In 2015, he was recognized as a family law "Lawyer of the Year" by the lawyer rating service Best Lawyers.

2003 – Robert J. Durst, Lawrenceville

Durst graduated Gettysburg College in 1964 and Villanova School of Law in 1967. He was admitted to

practice in Pennsylvania in 1967 and New Jersey in 1968. The founding partner of Bernhard, Durst & Dilts in Flemington, he merged the firm with Stark & Stark in Lawrenceville in 1989 and practiced there as an equity partner until retiring from practice in 2010. He was one of only two divorce attorneys originally certified by the New Jersey Supreme Court as a certified civil trial attorney, and was later certified as a matrimonial law attorney. Desiring to give back to the practice, he served multiple terms on the Family Law Executive Committee, the Supreme Court Practice Committee and two years as president of the New Jersey Chapter of the American Academy of Matrimonial Lawyers. He lectured frequently for the New Jersey Institute for Continuing Legal Education (NJICLE) and was a co-founder of the NJICLE Family Law Summer Institute. Creating new law, he was attorney of record *In Re Philips* and *Brennan v. Orban* before the New Jersey Supreme Court, as well as numerous reported Appellate Division cases. Durst was one of 100 divorce attorneys nationwide to be admitted as a fellow of the American College of Family Trial Lawyers and was a co-founder of the New Jersey Matrimonial Lawyer's Alliance.

2004 – Patricia M. Barbarito, Einhorn, Harris, Ascher, Barbarito & Frost, PC, Denville

Barbarito, a former chair of the New Jersey State Bar Association Family Law Executive Committee, has been included on the list of New Jersey Super Lawyers for nine consecutive years. She has been named to the top 50 female New Jersey Super Lawyers list for seven consecutive years and has been included on the list of top 100 New Jersey Super Lawyers. A fellow of the American Academy of Matrimonial Lawyers and a certified matrimonial lawyer, she was named to the *New York Times* Top Ten Leaders in Matrimonial and Divorce Law in Northern New Jersey and is an AV preeminent rated attorney by Martindale-Hubbell. Barbarito has been awarded the Legislative Service Award by the New Jersey State Bar Association as well as chosen for inclusion in the 2013 New York Best Lawyers List by Best Lawyers.

2005 – Mark Biel, Biel, Zlotnick & Stiles, P.A., Northfield

From the beginning of his career, Biel was involved with bar associations and had the opportunity to serve as president of the Atlantic County Bar Association and in many leadership capacities with the NJSBA, includ-

ing multiple stints on the Board of Trustees; chair of the Family Law Section; chair of the Professional Responsibility Committee; and vice-chair of the Judicial and Prosecutorial Appointments Committee.

2006 – Lynn Fontaine Newsome, Newsome O’Donnell, Florham Park

A past president of the New Jersey State Bar Association, Newsome is certified as a matrimonial law attorney by the Supreme Court of New Jersey, and has served on the Supreme Court Family Practice Committee and as a trustee of the New Jersey State Bar Foundation. She has also served on the NJSBA’s Ethics Diversionary Committee. She is a former chair of the NJSBA’s Family Law Section and of the Morris County Family Law Committee and a past president of both the Morris County Bar Foundation and the Morris County Bar Association. She is a member of the Association of Trial Lawyers of America and a former member of the District X Ethics Committee. A member of the American Bar Association, she serves in the House of Delegates, sits on the executive council of the General Practice, Solo and Small Law Firm Division and is a member of the Family Law and Litigation Section.

2007 – Hon. Herbert S. Glickman, Greenbaum, Rowe, Smith & David, LLP, Roseland

Judge Glickman’s practice focuses on the mediation and arbitration of family law issues, including consultation with regard to trial strategy, custody, relocation, alimony, child support, equitable distribution, parenting time and domestic violence. He serves as a discovery master and consults on complex cases and on high-conflict custody and relocation cases. For nearly all of the 24 years he served as a superior court judge, he presided over matrimonial and family-related cases. He has been in private practice since 2002. Judge Glickman is listed in *Best Lawyers in America* in the arbitration, mediation and family law mediation practice areas (2006–present).

2008 – Cary B. Cheifetz, Ceconi & Cheifetz, LLC, Summit

Cheifetz was the section chair from 2001-2002. In 1979, he was a graduate of New York Law School and law clerk for the Honorable June D. Strellecki, former presiding judge of the family part (Essex County). He was a partner at Skoloff & Wolfe, P.C., until forming Ceconi & Cheifetz, LLC, with Lizanne J. Ceconi in June 1999. Cheifetz was a founding member of the Supreme Court

Family Law Certification Committee, a former adjunct professor of law at Seton Hall Law School and past president of the Essex County Bar Association and American Academy of Matrimonial Lawyers. He is a diplomate of the American College of Family Trial Lawyers and is regularly included in Best Lawyers in America, Super Lawyers (Top 100 NJ Attorney List). He is a recipient of the 2005 Distinguished Service Award for Excellence in Continuing Legal Education from NJICLE, and is co-author of *New Jersey Family Law* (Second Edition, LexisNexis).

2009 – Mark H. Sobel, Greenbaum, Rowe, Smith & David, LLP, Roseland

Sobel is a past chair of the NJSBA’s Family Law Section and former editor-in-chief of *New Jersey Family Lawyer*. He currently serves on its executive committee. Sobel is also a member of the American and Essex county bar associations and a fellow of the American Bar Foundation. He is recognized in the family law practice area in *Best Lawyers in America* and is consistently selected for inclusion on the “Top 100 Attorneys in New Jersey” list in *New Jersey Super Lawyers*. Sobel received his J.D. from the University of Pennsylvania Law School, and earned his B.A. with distinction from George Washington University.

2010 – Michael J. Stanton, Norris McLaughlin & Marcus, P.A., Bridgewater

Stanton is chair of the matrimonial practice group at Norris McLaughlin & Marcus, P.A. He is certified by the Supreme Court of New Jersey as a matrimonial law attorney, is a member of the Matrimonial Lawyers Alliance and a fellow of the American Academy of Matrimonial Lawyers. He served for six years as a trustee of the NJSBA and for over 20 years as a member of the Family Law Executive Committee, where he served as chair for the 2002-2003 term. Stanton has been named in the family law sections of *Best Lawyers In America* and *Super Lawyers*. He is by far most proud of his lifetime achievements as: husband of 40 years to Joani; father of Jessica A. Stanton, PhD. and Michael A. Stanton, Esq.; father-in-law of Ayodeji C. Perrin, Esq. and Kimber L. Gallo, Esq.; and grandfather of Emory and Teodor.

2011 – John F. DeBartolo, Atkinson & DeBartolo, PC, Red Bank

DeBartolo chaired the Family Law Section in 2003-2004. He graduated from Boston University School of

Law, Boston University College of Liberal Arts, and New Brunswick High School. From 1977 to 1978, he clerked for the Honorable Neil G. Duffy in Essex County. In 1980, he founded, with Bunce D. Atkinson, the firm of Atkinson & DeBartolo, P.C., which continues today with five attorneys at their offices. While chair of the section, he co-authored, with Bonnie Frost, the *amicus* brief and argued on behalf of NJSBA in *Weishaus v. Weishaus*. In March 2004, he arranged the Family Law Retreat in Las Vegas including a black tie event at the Liberace home. He served four terms on the Supreme Court Family Practice Committee and has served as president of the Monmouth Bar Association and is a trustee *in perpetuum*.

2012 – Bonnie C. Frost, Einhorn, Harris, Ascher, Barbarito & Frost, PC, Denville

Frost is a certified matrimonial law attorney, former chair of the Family Law Section, former chair of the Appellate Practice Committee, former member of the Supreme Court Family Practice Committee, vice chair of the state bar Legislative Committee and a senior editor of the *New Jersey Family Lawyer*. She is presently chair of the Disciplinary Review Board. Frost has also participated in over 28 published opinions, including *J.B. v. W.B.*, *Reese v. Weis*, *Clark v. Clark*, *Steneken v. Steneken*, *McGee v. McGee*, *Reinbold v. Reinbold* and *Overbay v. Overbay* and has participated as *amicus* for the NJSBA in *Weishaus v. Weishaus*, *Mani v. Mani*, *Fisher v. Fischer*, *Gac v. Gac* and *Segal v. Lynch*.

2013 – Lizanne J. Ceconi, Ceconi & Cheifetz, LLC, Summit

Ceconi focuses her practice on all aspects of family law, including traditional litigation and mediation. She has been recognized by her peers in the Best Lawyers in America and is a proud recipient the William J. McCloud Award for her leadership and expertise in family law in the state of New Jersey and Union County, respectively. In addition to lecturing and writing on family law topics, she served as president of the Union County Bar Association (UCBA), president of the Barry I. Croland Family Law Inns of Court and a member of the Judicial and Prosecutorial Appointments Committees of the NJSBA and UCBA. She is also involved in the planning of family law retreats. Ceconi received her BA from Villanova University and a JD from Seton Hall Law School.

2014 – Edward J. O’Donnell, Newsome O’Donnell, Florham Park

O’Donnell has been a member of the NJSBA Family Law Executive Committee since 1995 and served as section chair in 2008-2009. From 2005-2007, he was president of the Northern New Jersey Family Law Inn of Court. In his service to the Essex County Bar Association, he served first as chair of its Family Law Committee, then as a trustee and officer of the association, eventually becoming president in 2008-2009. O’Donnell currently serves as the Essex County trustee on the NJSBA board. He has received numerous awards, including the Essex County Bar Association Family Law Attorney Achievement Award (1988), the Legal Services of New Jersey Equal Justice Medal (2008), and the prestigious Alfred C. Clapp Award, a distinction bestowed upon him by the New Jersey Institute for Continuing Legal Education (2012).

2015 – Madeline Marzano-Lesnevich, Lesnevich & Marzano-Lesnevich, Hackensack

Marzano-Lesnevich founded and chairs the Family Law Department of Lesnevich & Marzano-Lesnevich, LLC. She chaired the NJSBA Family Law Section in 2004-2005, and previously served on the editorial board of the *New Jersey Family Lawyer*. She received the NJSBA Distinguished Legislative Award in 1996 and is currently a vice president of the national American Academy of Matrimonial Lawyers, a past president of its New Jersey chapter, and a fellow of the International Academy of Matrimonial Lawyers. Certified by the Supreme Court of New Jersey as a matrimonial law attorney since the inception of the certification process, she also served on the Supreme Court Family Practice Committee, has been named a Super Lawyer for years, and extensively lectures and writes on family law. ■



Savannah

FAMILY LAW RETREAT



MARCH 30–APRIL 3, 2016