


# WLIB NEWSLETTER

## WOMEN LAWYERS IN BERGEN

Volume 12

Winter 2023

 On Friday, October 28th, Women Lawyers in Bergen hosted an event which to me was hugely important and fulfilling. It was our First Annual Rally Against Breast Cancer and it was held on the green outside the Bergen County Courthouse. It was a huge effort to effectuate, and our committee worked on it since July. I have great thanks to the committee of Erica Fields, Lynn Feldman, Sheila O'Shea, Simone Tsigounis, Kelly Castor, Amy McIsaac, Eileen Mulroy, Tamra Katcher, Kohar Boyadjian and the amazing members of my law firm.

This event was my brainchild because I have been Director of the Susan Lucianna Breast Cancer Fund for the past 14 years. Now that I am President of Women Lawyers in Bergen, I was able to coordinate Women Lawyers with my breast cancer charity as the fit seemed perfect.

The background behind my charity is as follows:

25 years ago, my beautiful sister and coworker Susan, at age 38, was diagnosed with stage two breast cancer. She was a paralegal for many years in my office and Nancy's. She went through surgery, chemotherapy and radiation while working with us. She did well for six years but then it recurred in lungs, liver, and brain. At about that time I also was diagnosed with stage two breast cancer and was mother to a 5-year-old and a 7-year-old. I also went through major surgery, chemotherapy, radiation, and later ovary removal. But as I said at the rally, this is not about me.

Susan was brave, optimistic, selfless, and when the recurrence occurred, got herself a beautiful King Charles Cavalier puppy, "Molly" to be her therapy dog. Molly came home to Susan sick with pneumonia and the pet shop was willing to refund her money



and euthanize Molly. Instead, Susan spent a fortune curing Molly and then as good lawyers do, we sued the pet shop to recover the money. Susan fought for Molly and Molly provided love and support for Susan as only dogs can do. My sister Nancy and I helped Susan through more radiation, chemotherapy, and many indignities for three years until her death at age 48 in 2007. At that point, Molly became my family dog and continued her job as therapy dog for my sick husband.

I am a 19-year Breast Cancer survivor and thank God every day that I have lived to raise my children. 14 years ago, I created the Susan Luciana Breast Cancer Fund as we would meet various people in waiting rooms who not only had cancer but who could not pay their bills; double indignities.

I run this charity out of my law office, and it provides grants to breast cancer patients with quality-of-life needs. In the last 14 years we have paid out over \$150,000 to approximately 100 women. That may not sound like much compared to the big national charities but to these 100 women it has enhanced their life.

Most importantly I do not have any overhead expenses, I take no salary, I have no rent, employees or overhead of any kind. I even file the yearly taxes myself as the charity is 501(C)(3) approved. We help women mainly from Englewood Hospital as their Patient Navigator has them fill out a form which she emails to me, and I send them the grant. I make it very easy for them and I know they are legitimately sick and in need.

When I became President of Women Lawyers in Bergen in June 2022, I said in my speech at the Annual Dinner it was my intention to have this event and I was lucky enough to attract the attention of two great people: Erica Fields and her mom Lynn Feldman. Lynn Feldman, I've known for many years as she was a criminal trial lawyer in the Bergen County Courthouse until she herself was afflicted with two primary cancers - breast cancer and lung cancer. She also has survived and is hugely grateful for that blessing. It is our intention to make this event a yearly event and to attract the people we know to come to it - the members of the Bergen County Courthouse and the legal community. I papered the courthouse with flyers, emails, word of mouth to get them to come to this

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### WLIB Membership

To renew or begin your membership with WLIB please go to [www.womenlawyersinbergen.org](http://www.womenlawyersinbergen.org).

If you have any questions regarding membership, please contact Cathe McAuliffe, Esq., Membership Chair at 201-488-2030 or [cathemcaul@aol.com](mailto:cathemcaul@aol.com).

# Breast Cancer Rally

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The lawyers at the Law Offices of Nancy E. Lucianna, P.C., bring a diverse set of backgrounds and areas of interest to the firm. This, along with attorney Lucianna's extensive legal experience, allows the firm to offer a range of practice areas, including criminal defense, personal injury and wrongful death, workers' compensation, personal injury and wrongful death related to police misconduct and excessive force

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# Announcements

WLIB sends it's condolences to our current President **Diane Lucianna** and our former secretary, **Nancy Lucianna** on the loss of their father, **Frank P. Lucianna, Esq.**

Frank P. Lucianna, of Englewood Cliffs, New Jersey, died peacefully, at the age of 99, on November 28, 2022 surrounded by his loving family, six weeks short of his one hundredth birthday. Frank was known as "The Dean of The NJ Criminal Bar," having practiced criminal defense in the State of New Jersey for 71 years. He tried over 100 murder cases and represented countless criminal defendants including Richard Kuklinski, "The Ice Man", and many notorious criminal defendants. He forged the first successful defense in the State of New Jersey of the "Battered Women's Syndrome" to achieve a full acquittal of Dorothy Rapp who was charged with murdering her husband. Frank had his own unique dramatic courtroom style, skilled cross-examination ability, and sentencing arguments, all that made both juries and courtroom attendees cry. He was known as "A Legend" in the Bergen County Courthouse and

mentored many younger lawyers. He often said his greatest joy and pride was his wife and his family, God, the Law and his Country. He was a sergeant with the 459th Bombardment group in World War II, serving as a Flight Maintenance gunner. He earned four Bronze Battle Stars, Good Conduct Medal, Presidential Citation, Air Medal, American Theatre Medal, WWII Victory Medal & Distinguished Service Medal. Frank graduated from Fordham College in 1948 and Fordham Law School in 1951. He was an avid distance runner and athlete. He practiced law at Lucianna & Lucianna, Esqs., Hackensack, New Jersey until, immediately before his death, driving himself to work every day. At age 89, he received the Bergen County Bar Association Lifetime Achievement Award even though he wasn't retired. Mr. Lucianna is survived by his loving wife, Dolores Lucianna, of 67 years, his devoted and loving daughters, Diane Lucianna, of Saddle River, New Jersey and Nancy Lucianna of Piermont, New York and his grandchildren, Elizabeth Wafer and Derek Wafer. He is predeceased by his loving daughter Susan Lucianna. 🕊



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# Beyond Dobbs: Concerns for the Future of Family Building Through Assisted Reproduction

*By: Debra E. Guston, Esq.*

As we begin to absorb the state-by-state impact of the *Dobbs*<sup>1</sup> decision on abortion care access, concerns on the future of other health care issues have been emerging. Most notably among these are the rights to purchase and use contraceptives and the availability of fertility treatment and the use of in vitro fertilization. While starting with a brief legal/scholarly look at why there are concerns, this article is intended to outline potential threats to family formation through assisted reproduction without specific reference to current legal impediments. These concerns remain, at the moment, theoretical, however imminent the threat may feel.

To recognize that these concerns are real, we must understand several legal principles that the *Dobbs* opinion implicates and turns on their heads.

First, as any first-year law student will learn, the 14th Amendment to the U.S. Constitution confers on all persons subject to the jurisdiction of the United States a right to equal protection of the laws and due process before a state can deprive a person of life, liberty or property. From this Amendment and other constitutional principles, the United States Supreme Court has defined a right to substantive due process, not just procedural due process. These cases<sup>2</sup>, wide ranging in their subject matter, have been a developing body of law since the late 1800's. Substantive due process forms the basis for the rights to unionize and to have safe work places and wage and hour laws; to purchase contraceptives; to have consensual, private intimate relations; to marry a person of your choice regardless of race or gender; among others.

With *Dobbs*' pronouncement that neither the Constitution, nor principles of substantive due process require a right to an abortion, fears of a gradual or even imminent erosion of all of these other substantive due process rights come into focus. While the author of the majority opinion, Justice Samuel Alito opines that marriage equality and contraception is not to be considered at risk by the *Dobbs* decision, comments in the concurring opinion of Justice Clarence Thomas make it clear that he believes reconsideration of these two most recent substantive due process areas must be undertaken.

So why be concerned about family building through assisted reproduction? First, one of the basic concepts of the *Dobbs* decision is that abortion is different than the other substantive due process cases, because abortion involves the "ending of potential life," borrowing

that concept from *Roe*. As we commonly understand many anti-abortion arguments, so too, do some forms of contraception "end potential life," by not allowing a fertilized egg to implant in the uterus. Some of these stated arguments are based in real science and some not, but this is an argument made that would, if adopted by a court, threaten the use of many forms of contraception. In the scope of fertility treatment, contraceptives are used as part of a regimen to regulate the menstrual cycle of an intended mother or gestational surrogate – that tool could be lost – making the high probability of pregnancy much reduced.

Another family building concern is that of taking *Dobbs*' principles and coupling them with so-called "personhood" laws. These laws, currently taking many forms across the United States, start with a principle that life begins at conception/fertilization and that all pre-embryos, embryos, zygotes and fetuses have the right to constitutional – procedural due process. If that position were to prevail, doctors or lab technicians could be subject to criminal or civil action if they fertilize an egg in a laboratory and that collection of cells "dies" for some reason under the "care" of the fertility clinic. It has become abundantly clear that miscarriage care is presently under threat for some of these reasons as well as that such care is the same set of medical procedures as surgical abortion care.

Further complicating these concerns are the abundance of cryo-preserved embryos, at various stages of development. Could it become illegal to donate these frozen embryos for scientific research or even perform genetic testing on them, which could lead to injury. Could the destruction of excess embryos be prohibited after parents have concluded their family building efforts? And, if frozen embryos are people, can you transport them, experiment on them, destroy them without their consent? Sounds dystopian, but that is where we well may end up.

And what of the embryo? At what stage of development do they attain due process rights and become a juridical person? Would this be the moment a sperm breaks through the shell of the egg? When it begins to divide? When they start to look some form of a person? Or, as many current abortion bans state – when there is a "fetal heartbeat," the point of time in the early weeks of pregnancy when electrical activity in the developing fetus starts to produce a pulse audible by medical equipment? Would an embryo need

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1. Dobbs v. Jackson Women's Health Organization, No. 19-1392, 597 U.S. \_\_\_\_ (2022)

2. Bray v. Alexandria Women's Health Clinic, 506 U.S. 263 (1993); Casey v. Planned Parenthood, 505 U.S. 833 (1992); Cruzan v. Missouri, 497 U.S. 261 (1990); Geduldig

v. Aiello, 417 U.S. 484 (1974); Griswold v. Connecticut, 351 U.S. 479 (1965); Lawrence v. Texas, 539 U.S. 558 (2003); Lochner v. New York, 198 U.S. 45 (1905); Loving v. Virginia, 388 U.S. 1 (1967); Meyer v. Nebraska, 262 U.S. 390 (1923); Obergefell v. Hodges, 576 U.S. 644 (2015); Roe v. Wade, 410 U.S. 113 (1973) and Slaughterhouse Cases, 83 U.S. 16 Wall. 36 (1872)

# Primer on the listing of the Lower Hackensack River as a Federal Superfund Site

*By: Daniele Cervino, Esq., Beattie Padovano, LLC*

On September 7, 2022, the United States Environmental Protection Agency named the Lower Hackensack River as a federal superfund site. The processing of the Superfund listing took seven years. The goal within the next two decades is to allow the public to catch and eat fish from the River. The federal superfund law is formally known as the Comprehensive Environmental Response Compensation and Liability Act of 1980, 42 U.S.C. 9601 (1980) or CERCLA. The study of the River commenced in 2015 when the USEPA conducted a Preliminary Assessment of the Lower Hackensack River. The report was prepared by Ecology & Environment Inc. and was issued in September of 2015. The Preliminary Assessment was conducted to determine whether or not the Lower Hackensack River ranked for Federal Superfund designation. The Preliminary Assessment was conducted in accordance with the Superfund Regulations set forth at 40 CFR 300.420. The purpose of the Preliminary Assessment was to determine the potential threat to public health or the environment posed by the River as well as the potential full release of hazardous constituents into the environment. The study was initiated in response to discussions, meeting and a letter issued by Captain Bill Sheehan, the Executive Director of the Hackensack Riverkeeper dated February 10, 2015. The petition stated that the Hackensack River from the Oradell Dam to its mouth in the Newark Bay warrants listing as a National Priorities List Site. New Jersey issued a letter endorsing the listing of the River in a letter dated July 23, 2021. The Lower Hackensack River is located in Bergen and Hudson Counties and covers approximately twenty municipalities. While the River originates in Rockland County, New York, the New Jersey portion of the Hackensack River is 32 miles from the State line to Newark Bay. Below Oradell Dam the River is tidally influenced. The portion of the River studied is located between the Oradell Dam at River mile 23.3 and the mouth of the River at River mile 0 in Newark Bay. The upper part of the River does not warrant listing and is not significantly impacted. The lower section of the River includes the Hackensack Meadowlands and several tributaries. The Hackensack Meadowlands District is over 5000 acres of emergent wetlands. There are over 17 tributaries to the Hackensack below the Oradell Dam.

Land Use within the study area included commercial uses, industrial land uses, public land uses and residential uses. A total of ten historic locations were identified adjacent to Lower Hackensack River. All ten are listed on New Jersey Register of Historic places. In early 20<sup>th</sup> century, the Lower Hackensack River

became highly industrialized and sewage and pollution quickly came to adversely impact the River as well as the Meadowlands. By the 1920's, there was a ban on bathing in the River due to pollution concerns.

Most of the responsible sources that caused the sediment contamination of the River is unknown, however there are nine Superfund Sites within a mile radius of the Hackensack River. They include the Standard Chlorine Chemical Site, PJP Landfill, Ventron/Velsicol (also within the Berry's Creek Study Area), Scientific Chemical Processing, Universal Oil Products, SYNCON Resins, Diamond Alkali, Diamond Head Oil Refinery and the Maywood Chemical Company.

The Preliminary Assessment and Site Investigation Reports prepared by EPA were completed in an effort to understand the nature of the contamination found in the River. USEPA conducted an Environmental Record Search of the Lower Hackensack River through a company known as Environmental Data Resources or EDR. This company is commonly used in due diligence processes such as Phase I's to determine what environmentally impaired sites are located within a certain radius of the site being investigated. The EDR search shows sites that are historically contaminated, businesses that use hazardous materials, active contaminated sites that are currently under remediation and those that have active environmental permits. The report shows a mapping of these sites as well as very detailed information on these sites. While initially thousands of sites were found, they were narrowed down to identify sources with potential of sediment contamination. Only sites adjacent to the River (within 500 feet) or its tributaries were evaluated as sources. A considerable amount of data was collected to identify contaminants in the sediments and surface water of the Lower Hackensack River. The EPA narrowed the contaminants under the study to metals including cadmium, lead, mercury, dioxin, benzo(a)pyrene, dibenzo(a,h)anthracene, PCB's and Dieldrin (a pesticide). USEPA considered studies by the U.S. Army Corp. of Engineers and the U.S. Fish and Wildlife Service in the early 2000's that showed the degradation of the wetlands in the Meadowlands.

The study that led to the Superfund listing concluded that the subject area has endured years of resource extraction, habitat loss, alterations and degradation. Sewage and pollution quickly began to affect the River. Enumerable historical sources of contamination to the Hackensack River are expected to have existed over the River's long history of industrial and commercial

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## Jean Robertson Update

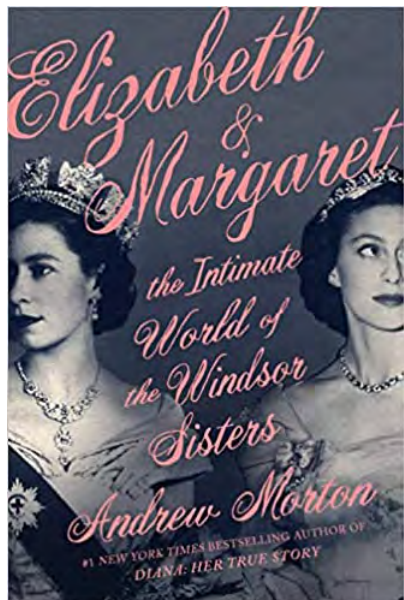
*By: Kathleen A. Hart, Esq.*

The WLIB Jean Robertson Women Lawyers Scholarship Committee is hard at work planning fundraisers for the upcoming year. The Committee is working on a spa night. As many know this is a great way to pamper yourself and help raise money for a good cause. Details will be provided as this scheduled.

The Jean Robertson Women Lawyers Scholarship Foundation provides an annual scholarship award of \$2500.00 to a woman attending law school in New Jersey who best exemplifies the goals

and ideas of the late Jean Robertson

In Jean's memory, the Jean Robertson Women Lawyers Scholarship was formed to raise money to assist female students attending New Jersey law schools. The scholarship is awarded to students who embody the ideals and values that Jean held and taught by example. The funds for the scholarship are made up entirely of voluntary contributions by members of the bar and others committed to honoring the work of Jean Robertson. 🙌



## Book Review

By: Tamra Katcher, Esq.

### Elizabeth & Margaret: the Intimate World of the Windsor Sisters

By Andrew Morton

Biographies are not usually my thing, but this book came recommended so I added it to my "to do" reading list well before the Queen passed away in September. Like many in the US, I am fascinated by the monarchy – their traditions,

their clothes, and their pomp and circumstance. I watch *The Crown*, including the new season, and much like the TV series, this book provided a look into the lives of the two Windsor sisters but it's actually TRUE! The book focused more on Margaret and how her trials and tribulations affected her sister, Queen Elizabeth.

The dynamic between the two sisters became apparent when their grandfather, George V died, and their uncle Edward became King. Edward's reign lasted 325 days before he abdicated the throne to marry a divorcee from the United States. Elizabeth and Margaret were thrown into the public light as their father became King and the sisters suddenly were in direct succession to the throne.

years old but was next in line to be Queen. Elizabeth was educated in politics, history, and subjects that would require her attention in her future role as sovereign while Margaret was educated in the arts and other less "important" subjects. This split between the two sisters became a constant theme throughout their lives. Margaret was the younger sister and always trying to be the center of attention. Ultimately, Margaret became her sister's biggest supporter. She represented her sister on visits throughout the world. Through it all, Elizabeth remained a steadfast supporter of her sister and always looked out for her best interest – even when Margaret made that difficult.

If, like me, you watch *The Crown*, you will note the differences between fact and fiction. The interesting part about this book was the detailed account of the lives of the Windsor sisters as they were thrown into public life and how that affected their lives and relationships as adults. Although not a "page turner", from a historical perspective the book and the sisters' story was very interesting. I would recommend this book if you are a history buff or wish to be a fly on the wall of Buckingham Palace – or Balmoral, or Sandringham. Enjoy. 🐦

## Restaurant Review

By: Kathleen A. Hart, Esq.



If you know me, you know I am in love with Italian food and am always on the lookout for a good Italian restaurant. As you can guess, I found one. I was

meeting friends for dinner and one suggested Pearl. Pearl is a small BYOB located a block from the train station. The outside of the building is white with blue awnings, which seemingly transport you to a small bistro on the Mediterranean. There were a few tables available to enjoy dining outside.

Once inside, the dining room was cozy, with warm grey walls and bright paintings. We had a reservation and were brought to our table. As it is a BYOB, our server, Jeremiah, brought a wine opener and our menus. He recited the specials and allowed us to review the menu.

For appetizers, we decided to share the crab and avocado crostini (\$20.95) and a Caesar salad (\$14.95). Both were enough for the three of us and then some. The dressing on the salad was perfect and tangy. The crostini were piled high with crab and a whipped avocado. There were three large slices of perfectly toasted bread. Observing the food on the other tables, it was apparent to me that all the other appetizers were also quite large.

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Does what happen in Vegas really stay in Vegas? Not really... I just got back from a 3-night, 2-day stay in Las Vegas and brought back a nasty cold. Aside from that, it was a nice break and it truly felt like I was in another world. The flight going was 5 hours and it took about 4 hours to get back home so it is not a quick trip. The 3-hour time difference didn't help either! Surprisingly, the weather in Las Vegas was only in the 50's and 60's and it got quite chilly once the sun set – it is not always hot and humid!

Since the airport is literally across the street from the Strip, we took a short cab ride to our hotel/casino – the Excalibur. There are too many hotels/casinos on the Las Vegas Strip to count. The Excalibur is one of the older hotels/casinos on the Strip but it has a giant food court and shopping area so you don't have to venture far to spend your hard-earned gambling winnings. The Excalibur is close to the new stadium where the Las Vegas Raiders play – it's a gorgeous stadium that puts Metlife Stadium to shame! I'm sure it would be great to see a game there and since the Raiders were playing at home that weekend, there were tons of Raiders fans in town.

Since this was our first time visiting Las Vegas, we took an open-air bus tour of the Strip with Big Bus Tours. Our tour guide Roger was great – he gave us interesting information about almost every

hotel/casino as the bus made its way through the 4.20 miles of Las Vegas Boulevard South, also known as the Strip. Our first stop was the famous "Welcome to Las Vegas" sign which is not very big and sits in the middle of the road. There was a lot of new construction going on – Roger explained about the new hotels/casinos coming soon. I personally found the politics of building hotels/casinos to be quite interesting. There are numerous stops along the bus tour, so you can get out and pick up another bus along the way.

There is so much to see on the Strip – especially at night as all the hotels/casinos are lit up. The water fountain show at the Bellagio runs every 15-20 minutes and is a must-see. Each hotel/casino has lots of restaurants – from low-end food courts to high-end steak houses so there is something for everyone. There are sky-bridges and connected walkways through most of the hotels/casinos so it is easy to play a few slots at any of the casinos – we played at both MGM and Luxor but had no luck! (Tip - all but one of the casinos permit smoking.)

We took the bus tour to the end of the Strip, also known as Downtown Las Vegas or "Old Vegas." This is where the first hotels and casinos were built, including the Golden Nugget and the Golden Gate Hotel. We took a tour of the Mob Museum, officially called the National Museum of Organized Crime and Law Enforcement at the historic former Las Vegas Post Office built in 1933. The museum has many interesting artifacts, including the original brick wall (with

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## Covid Escapes

*continued from page 16*

bullet holes) from the Valentine's Day Massacre in Chicago in 1929. New Jerseyans can truly appreciate this museum!

After the museum, we walked two blocks to Fremont Street – a 5-block pedestrian street and tourist attraction that is called “Glitter Gulch.” Our tour bus guide warned us that Fremont Street is not appropriate for kids after dark but I would argue that it's not a place for kids during the daylight hours either. Unfortunately, Fremont Street is full of cheap tourist shops and drunks. We did not spend more than 10-15 minutes there and left to take the tour bus back to the Strip. I would not recommend visiting Fremont Street!



Luckily, we were able to get tickets for the Cirque du Soleil show “O” at the Bellagio. Although I can't really explain the story of the show, it was fabulous. There was synchronized swimming, diving and acrobatics along with amazing music and lights. I would definitely recommend catching any one of the 6 Cirque shows in Las Vegas. (Tip - get tickets in advance since most shows are sold out.) The current hottest ticket on the Strip is Adele at Caesars Palace – tickets start at \$600 so good luck!

We planned to visit Hoover Dam on the last day of our trip, however there was a problem with the tour company we booked and we ended up renting a car and driving to Hoover Dam on our own. (Tip - there are only 3 tour companies on the Strip that run day tours to Lake Mead or Hoover Dam so book in advance and always confirm your reservations the day before.) Hoover Dam is only about a 40 minute car ride from the Strip and the roads were easy to navigate. Hoover Dam provides hydroelectric power for much of the Southwest and controls the Colorado River as it flows into Lake Mead. The Dam was built during the Depression and is a National Historic Landmark. There is a modern visitor center with various guided tours of the Dam and its powerplant throughout the day ranging from \$10-\$30. There is a café with hot food for lunch in addition to a small tourist shop. If you are visiting Las Vegas, there is no reason not to head out to Hoover Dam – it is spectacular! This was my favorite part of our trip!

I felt like time stood still and I was in another world while in Las Vegas. While I don't think it's for everyone, it is a fun place to gamble, eat and drink and truly get away from the mundane of suburban life! Viva Las Vegas! 🇺🇸

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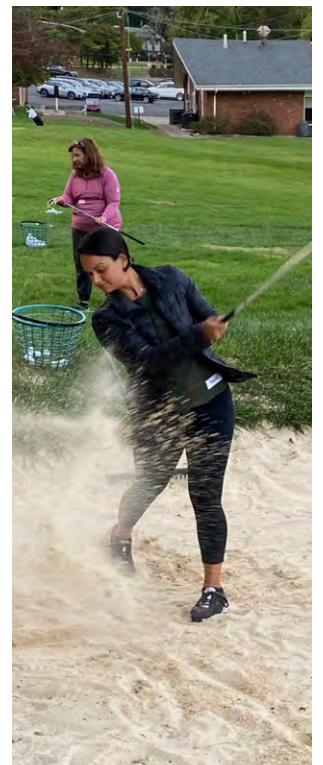
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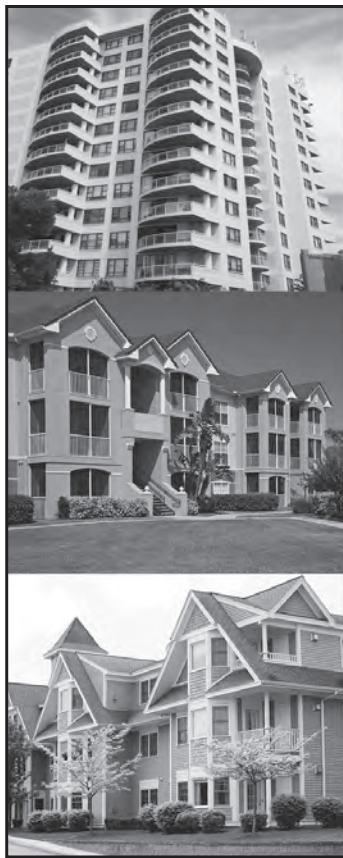
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Barbara B. Comerford is a Lawline Faculty member who presents national seminars on ERISA LTD and Disability insurance claims. She has also conducted seminars throughout the country on Social Security Disability law.

# WLIB Golfing with a Pro

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## WLIB enjoying Bergen Bar Foundation Casino night!

### Restaurant Review





*continued from page 14*

These included homemade stuffed artichoke (\$16.95), Nonna's homemade meatballs (\$12.95) and baked clams oreganato (\$14.95).

At Pearl, pasta is the dish to order. All the pasta is homemade on site by the owner's grandmother. I ordered the gnocchi Sorrentino (\$24.95) while my friends ordered the bucatini cacio e pepe (\$24.95). One would expect the portions to be overwhelming. However, the portion size of each dish was perfect. The gnocchi were light and served with a nice red sauce. I could only eat half because of the appetizers, but it was just as good the next day. The cacio e pepe was creamy, and peppery and was perfect with the al dente bucatini. Other entrees include fettucine carbonara (\$24.95), pappardelle Bolognese (\$24.95), shrimp scampi over linguine (\$38.95) and grilled branzino served with lemon basis and tomatoes (\$36.95).

We opted to skip dessert. Pearl's menu does include limoncello cake (\$10.95), tiramisu (\$10.95), a ricotta cheesecake (\$10.95), and a cannolo (\$8.95).

The food was quite tasty at Pearl. Jeremiah, our server, was attentive but not too overbearing. We did like the fact the restaurant is BYOB. This is a great place to go for a girls night out as the portions can be shared. I would recommend reservations as the dining room is not large. On a crowded night, I can certainly see a long wait. I do believe I will return to Pearl. I give it 2.5 forks. 🍴

 Below Average  
 Average  
 Above Average  
 Exceptional

\$ 20 or less per plate  
 \$\$ 20-40 per plate  
 \$\$\$ 40 or more per plate



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& Daniel M. Donohue, Esq.

**111 Main Street**  
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## Presidents Message

*continued from page 1*

event and purposely made it on a non-motion Friday lunch break. It is my wish that next year many of these people attend. I noticed the Bergen County Courthouse is not the bustling busy place it was pre COVID and I am hoping next year it is a different scenario. Nevertheless, our event was beautiful and well attended. I am so grateful to everyone who participated. Thank you to New Jersey Senator Holly Schepisi who immediately agreed to participate, to New Jersey Assemblywoman Deanne Defuccio who eloquently spoke at our event, to Commissioners Mary Amoroso and Germaine Ortiz who without hesitation participated and spoke, and to Doctor

Doug Holden and Doctor Jean Weng who participated and spoke. Jean has been my friend for over 20 years and is a breast cancer survivor. I would also like to thank the many sponsors who contributed money, food, giveaways, literature, and education and who spent hours at our event.

I am grateful that the officers and members of WLIB get the point that my little local charity and our organization are a natural fit to support each other. Many of the recipients of Susan's charity showed up at the rally and one even told me that the help we gave her pulled her from a sense of despair to hope. That is the goal of this charity. By the way the event raised \$9,535 for Susan's charity and we can now support more of these women.



Sincerely,  
Diane M. Lucianna

### Young Lawyers Corner

The Young Lawyers Committee of Women Lawyers in Bergen meets on the 1st Wednesday of every month. Each meeting is hosted by one of the members. If anyone would like additional information including the location of the next meeting or are interested in joining the Committee, please contact Sarah Gloates Horta, Esq. at [sarah@snglaw.com](mailto:sarah@snglaw.com).

### Notice to Readers

When you are considering changing a vendor or are seeking a specialist, please consider those who advertise in our newsletter.

Thank you.

### **MERYL CONTE CLAYTON**

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# Beyond Dobbs

*continued from page 11*

a guardian before anything that might affect its viability could be done? Would “best interests” of an embryo apply, as that standard applies to children born alive, perhaps preventing some people from becoming parents? And while we might favor this as a public policy, could a genetic father be responsible for child support from the moment of conception?

Medical practitioners are understandably concerned, as are people suffering with infertility<sup>3</sup>. So, too, should attorneys be concerned. Careful monitoring of laws around the country is required. There must be consideration with clients as to states where they may seek a gestational carrier, a fertility clinic or store cryo-preserved embryos.

Surrogacy and donor agreements should carefully detail discussion of abortion and other medical care to prevent possible criminal action or civil liability. This area of law has just become more complicated and more fraught to potential liability. But at the heart of these challenges are the people who need assisted/third party reproduction to become parents. They are the people most likely to be harmed by limitations to medical care previously widely available. 🙏

3. Feinberg, Kawwass & Cedars, *Roe v. Wade and Threat to Fertility Care, Obstetrics & Gynecology* 2022; *Ethics Committee of ASRM, Compassionate Transfer: Patient Requests for Embryo Transfer for Nonproductive Purposes, FertilSteril*, Vol 113, No. 1 (2020)

## Superfund Site

*continued from page 12*

use. The environmental record sources studied showed that approximately 653 potential facilities and 268 potential Site Remediation Program Sites may be sources of contamination to the River.<sup>1</sup> The nature of the tidal influence on sediments in the River caused both upstream and downstream migration of contaminants. The area of contaminated sediments appears to extend from approximately south of the mouth of Overpeck Creek to the mouth of the Hackensack River. The Hackensack River supports sports fishery and contains wetlands and habitat for several environmental receptors, including spawning areas, and State wildlife management areas. As a result of the contamination, several fisheries have closed from the study area, including those for blue crab, white perch, American eel and several other fisheries have issued consumption restrictions.

The EPA study has documented the impact to the River. The next step in the process will be identifying those potentially responsible parties. The potentially responsible parties are set forth in 42 U.S.C. 9607. They include owners and operators of the site that caused the discharge, the current owner of the site that caused the discharge, transporters of materials that result in the discharge and those parties who arranged for the disposal of the materials that discharge. There are limited defenses to these potentially responsible parties. USEPA will issue general notice letters to those potentially responsible parties as well as CERCLA 104 E requests to obtain more information to connect discharges at those facilities to the Hackensack Superfund Site to continue its enforcement efforts.

The group of potentially responsible parties which will include municipalities and sewage authorities that discharged to the River will likely band together as a potentially responsible party group and conduct a Remedial Investigation and Feasibility Study which is the next step in the remediation process to document the extent and nature of the contamination in accordance with the CERCLA regulations set forth at 40 CFR 300.430. Once that remedial investigation/ feasibility study is completed, a Remedial Design will be evaluated in accordance with 40 CFR 300.435. The likely remedy for the Hackensack River will be dredging or encapsulation of the contaminated sediment. This remedial option has been selected for the Passaic River and the Berry's Creek Study Area. Those remediations are projected to cost approximately \$1 billion and \$350 million respectively. This process will take several decades and it will be that length of time prior to implementation of the remedy.

Due to the significant sedimentation, the River is barely navigable, however, fish do thrive in the River and the Bald Eagle has returned to the River after several years of compromise from exposure to DDT. The River is quite a treasure and I encourage members to take an Ecotour captained by Riverkeeper Bill Sheehan to understand the legacy of the River and all it has to offer. 🙏

1 An online database search can determine whether a property is a known contaminated site or regulated facility by conducting searches on the state and federal databases at <https://njems.nj.gov/DataMiner> and <https://enviro.epa.gov> respectively.



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# SWAG Event

December 12, 2022

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# 2022-2023 WLIB Committees

The following committees were formed for the 2022-2023 term. Our newly elected President, Diane Lucianna, Esq. is putting together the committee assignments for the 2022-2023 term. Committees may be added or eliminated by the President as needed. Please select as many choices as you wish for committee assignment and rank them in

order of preference and email your preferences to Diane Lucianna, Esq. at dianeluci@aol.com. Multiple choices are recommended inasmuch as you may not be assigned to your first choice depending on the number of volunteers for each committee. Thank you in advance for your commitment and dedication to this great association

## *Annual Dinner & Election*

Diane Lucianna, Esq., Tel: 201-342-9090  
Email: dianeluci@aol.com

This Chair will coordinate with the incoming President to plan the dinner and confer with the Nominating Committee Chair to coordinate the election and installation of officers.

## *Annual Programs*

### **A. Breast Cancer Event:**

Erica Fields, Esq., Tel: (201) 527-5319  
Email: Efields@geico.com

### **B. The Fountain:**

Kimberly Capers, Esq. Email: Kcapers@bcpo.net

### **C. Golf:**

Laura Van Tassel, Esq., Tel: (201) 664-8566  
Email: laura@vantassellaw.com

### **D. Holiday Party:**

Natalie Candela, Esq., Tel: (201) 953-1995  
Email: Ncandela@bcpo.net

These Chairs shall oversee the organization of the programs and events and do so in coordination with other committee chairs when appropriate. The President shall designate Subcommittee Chairs, in consultation with the Annual Programs Chairs, as may be needed for organizing and promoting the following programs (if applicable) and others as the Board may determine to have: Bring Your Children to Court Day, Holiday Party, Judicial Reception, Meet & Mingle With Elected Women Officials.

## *\*Bar Association Liaison*

Eileen Mulroy, Esq., Tel: 201-410-5106  
Email: Mulroyei@gmail.com

Victoria R. Pekerman, Esq., Tel: 201-488-3900  
Email: vpekerman@shapiro-croland.com

The Bar Association Liaison will inform the Board and/or WLIB membership of relevant information concerning happenings at the New Jersey State Bar Association, Bergen County Bar Association, American Bar Association and at other women's bar associations and diversity bars as such information may become known and to convey the interests of WLIB to these respective associations as WLIB may deem appropriate.

## *Bylaws*

Helayne Weiss, Esq., Tel: 201-440-6300  
Email: hweiss@herbertandweiss.com

Sveltana Ros, Esq., Tel: 201-373-2060  
Email: Lros@pashmanstein.com

This Committee shall review, propose and draft bylaws amendments as needed and shall coordinate any Special Meetings called for discussion and vote and/or publication of any bylaw amendments to the membership.

## *Continuing Legal Education (CLE)*

Kathleen A. Hart, Esq., Tel: 1-732-399-9703  
Email: khart@weiner.law

The Committee shall be responsible for keeping Continuing Legal Education certification updated and organizing and assisting other members in presenting Continuing Legal Education programs. If you wish to present a program, or have an idea for a program, please contact one of the Chairs. The CLE Committee will assist to ensure that programs comply with applicable regulations so attendees receive NJ CLE credits. The Committee's goal is to provide members with an opportunity to obtain MCLE credits at a reasonable cost.

## *\*Diversity Committee*

Jennifer Blum, Esq., Tel: 201-336-9868  
Email: Jennifer.Blum@opd.nj.gov

The Diversity Committee, in coordination with the YLD Committee and with other diversity bars, shall actively recruit diverse members to WLIB and shall consider and propose ways to increase the diversity of our membership and be more inclusive of diversity members. The Committee shall organize events and programs to encourage diversity, including co-chairing the Diversity Dinner with the BCBA.

## *Jean Robertson Women Lawyers Scholarship Award*

Kathleen A. Hart, Esq., Tel: 1-732-399-9703  
Email: khart@weiner.law

Eileen Mulroy, Esq., Tel: 201-410-5106  
Email: Mulroyei@gmail.com

This committee is responsible for the annual Jean Robertson Women Lawyers Scholarship award. It will notify the law schools in New Jersey of the availability of the scholarship, read and evaluate all submissions for the scholarship and decide to whom to award the scholarship. The committee shall further be responsible for inviting the scholarship recipient and guest to the WLIB Annual Dinner for the presentation of the scholarship. The committee is also responsible for providing a written update in each issue of the WLIB Newsletter.

## *Judicial Appointments*

Kelly Castor, Esq., Tel: 908-377-4889  
Email: Kellycastor@gmail.com

Eileen Mulroy, Esq., Tel: 201-410-5106  
Email: Mulroyei@gmail.com

Jennifer Blum, Esq., Tel: 201-336-9868  
Email: Jennifer.Blum@opd.nj.gov

The Committee shall provide information and mentoring on procedures for becoming appointed to the Judiciary and coordinate with the CLE Committee to organize an educational program concerning Judicial Appointments.

## *Legislation & Litigation*

Carmela Novi, Esq., Tel: 201-642-2000  
Email: Carmela@wlg.com

The Committee shall seek out information concerning pending legislation and/or litigation relevant to our mission statement and the goals of this bar association and shall inform the Board and/or the general membership. The Committee shall be responsible for coordinating any public positions taken by WLIB concerning any legislation and/or litigation, including but not

limited to testimony before public bodies and/or drafting of amicus briefs. The Committee shall also provide a column entitled "Legislative Update" for each issue of the WLJB Newsletter.

## *Membership*

*Cathe McAuliffe, Esq.*, Tel: 201-488-2030  
Email: Cathemcaul@aol.com

All women attorneys who live or work in New Jersey are eligible for membership. The Membership Chairs shall coordinate with Treasurer to maintain accurate and updated information concerning membership rolls and shall coordinate with Treasurer to provide membership renewal invoices to current members and add new member information to the membership rolls and supply that information to the Newsletter Chair and Publicity Committee Chair.

## *Members in Transition*

*Linda F. Spiegel, Esq.*, Tel: 201- 489-1001  
Email: LFSSESQ@aol.com

The Committee shall provide information, mentoring and programming concerning starting or dissolving a practice (to enter the judiciary, join another firm, leaving government or other reasons), dealing with illness or disability of the lawyer (or lawyers' family members), retirement from law practice and other topics of interest to members nearing retirement, changing firms or practice areas, suffering an injury, caring for a family member or becoming a parent. Subcommittee, Seasoned Women Attorneys Group (SWAG) meets regularly for lunch and a program the second Monday of each month at Cheers in Hackensack, from 12:30 pm to 2 pm.

## *Newsletter*

*Linda F. Spiegel, Esq.*, Tel: 201- 489-1001  
Email: LFSSESQ@aol.com

The Newsletter is published quarterly, Fall, Winter, Spring and Summer. Anyone interested in advertising in the Newsletter should contact Victoria Pekerman, Esq. or Diane Lucianna, Esq. (co-advertising managers) at vpekerman@shapiro-croland.com or dianeluci@aol.com. Members interested in writing for the Newsletter should contact Linda F. Spiegel, Esq. WLJB welcomes articles written by members, as well as book and restaurant reviews. The Newsletter also welcomes announcements from our members and encourages all members to share their news whether personal or professional in our Announcements column.

## *Nominating Committee*

*Victoria Pekerman, Esq.*, Tel: 201-488-3900  
Email: Vpekerman@shapiro-croland.com

The Chair shall be the current Immediate Past President. The Nominating Committee shall make nominations of officers and trustees in accordance with the bylaws.

## *Publicity*

*Nancy Lucianna, Esq.*, Tel: 201-947-6468  
Email: nlucianna@msn.com

The Committee shall disseminate flyers and other information concerning events and news relevant to WLJB and its members and shall coordinate with the Website Committee to make sure the most current event and news information is provided to the Website Committee for posting. Notices of all WLJB events are sent out to the press/media. Please be sure to give Kathy and her committee as much lead time as possible for providing publicity for upcoming events.

## *Sponsorship & Advertising*

*Nancy Lucianna, Esq.*, Tel: 201-947-6468  
Email: nlucianna@msn.com

The Committee shall solicit advertisements for the Newsletter and any Journals as appropriate. The Committee shall solicit sponsorships for membership recruitment events and other WLJB events. The Committee shall coordinate with other committees as needed to determine sponsorship and advertising needs. The Committee shall coordinate speaking engagements by members to provide community outreach and information to the public and attract advertising, sponsorship and potential clients for members. If you would like speak at an event, place an advertisement in the WLJB Newsletter, or sponsor a WLJB event, please contact the committee chairs.

## *WLJB Website*

*Linda F. Spiegel, Esq.*, Tel: 201- 489-1001  
Email: LFSSESQ@aol.com

*Diane Lucianna, Esq.*, Tel: 201-342-9090  
Email: dianeluci@aol.com

The Committee shall keep website updated and make adjustments as may be necessary from time to time and act as a liaison to the

webmaster and any other outside vendors providing web services. The Committee shall coordinate with the Membership Committee to provide website access to members and others as appropriate and make efforts to build and maintain an online directory. The Committee shall post event information and newsworthy information on the website. Any announcements for the website should be submitted to the Chairs via email. Any suggestions for additional features on the website are always welcome.

## *Women Rights Information Center* (WRIC)

*Helene Herbert, Esq.*, Tel: 201-440-6300  
Email: hherbert@herbertandweiss.com

*Helayne Weiss, Esq.*, Tel: 201-440-6300  
Email: hweiss@herbertandweiss.com

The Committee shall solicit and manage members to volunteer for the pro bono legal consultation sessions in the areas of family and immigration law hosted at the Women's Rights Information Center (WRIC) and schedule attorneys in advance to provide the consultations. The consultations are limited to 30 minutes. There is a great need for bilingual English/Spanish volunteer attorneys. Any interested members should contact the Chairs for more information.

## *Young Lawyers Division*

*Sarah Gloates Horta, Esq.*, Tel: 201-540-9017  
Email: sarah@snglaw.com

*Suzanne Tullo, Esq.*, Tel: 201-450-2652  
Email: ttulosuzanned@gmail.com

The Committee shall organize the Law Clerks Welcome and conduct membership outreach with the incoming law clerks and maintain follow-up contact information and outreach with outgoing law clerks. The Committee shall also conduct outreach with law students and recruit new women members of law firms in Bergen County, the Bergen County Bar Association and any other women attorneys either living or working in New Jersey to join WLJB.

Members of the Young Lawyers Division: Jacqueline Shulman, Esq., Jennifer Berardo, Esq., Adelina Herrarte, Esq., and Nicole Parelli, Esq.

\* Denotes a special (non-standing) committee. Some special committees may become standing committees by way of bylaw amendment. Others have been formed for a specific event.

# WLIB

## WOMEN LAWYERS IN BERGEN

Women Lawyers in Bergen | 79 Main Street | Suite #1 | Hackensack, NJ 07601 | [www.womenlawyersinbergen.org](http://www.womenlawyersinbergen.org)

### Calendar of Events

#### January 2023

|                     |          |   |
|---------------------|----------|---|
| Thursday, January 5 | 5:30 pm  | WLIB Board Meeting at New Years Party.  |
| Thursday, January 5 | 6:00 pm  | WLIB New Years Party.   |
| Monday, January 9   | 12:30 pm | SWAG Meeting via Zoom. Vivian Goldblatt will discuss "How to use an engineering expert in family, traffic and personal injury cases." |

#### February 2023

|                      |          |   |
|----------------------|----------|---|
| Monday, February 13  | 12:30 pm | SWAG Meeting via Zoom. Eleanor Galt-Lin will discuss "What you need to know about social security for yourself and your clients." |
| Tuesday, February 21 | 5:30 pm  | WLIB Board Meeting via Zoom.  |

#### March 2023

|                   |          |   |
|-------------------|----------|---|
| Monday, March 13  | 12:30 pm | SWAG Meeting via Zoom. Jackie Frank from Guaranteed Rate will discuss mortgages, lines of credit and other financing in family, real estate and business law. |
| Tuesday, March 21 | 5:30 pm  | WLIB Board Meeting via Zoom   |

#### April 2023

|                   |          |   |
|-------------------|----------|---|
| Monday, April 10  | 12:30 pm | SWAG Meeting via Zoom. Elle Barr, Esq. will discuss Our Family Wizard software and how it will assist you as attorneys and mediators. |
| Tuesday, April 18 | 5:30 pm  | WLIB Board Meeting via Zoom   |

#### May 2023

|               |          |  |
|---------------|----------|--|
| Monday, May 8 | 12:30 pm | SWAG Meeting via Zoom. Angela Kim, Esq. is our host with topic TBD |
|---------------|----------|--|

Board Meetings are currently being held via Zoom and are open to all members. If you wish to attend the board meeting go to <https://www.womenlawyersinbergen.org/login> as a member and you will find the Zoom link for the board meeting.

Board Meetings are usually held the third Tuesday of every month.

#### President

**Diane Lucianna, Esq.**

(201) 342-9090 [dianeluci@aol.com](mailto:dianeluci@aol.com)

#### Vice President

**Tamra Katcher, Esq.**

(201) 488-1234 [tkatcher@rwkdllaw.com](mailto:tkatcher@rwkdllaw.com)

#### Treasurer

**Sheila O'Shea-Criscione, Esq.**

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#### Secretary

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#### Immediate Past President

**Victoria R. Pekerman, Esq.**

(201) 488-3900 [vpekerman@shapiro-croland.com](mailto:vpekerman@shapiro-croland.com)

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Linda at (201) 489-1001

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