

WLIB NEWSLETTER

WOMEN LAWYERS IN BERGEN

Volume 12

Winter 2024

I am very satisfied with the events we have had in the past few months. The Tribute to Our Founders which was held in October at Fresh and Fancy Farms was a beautiful event in a beautiful setting. The mums were brightly colored, the tables were outside, the wine was flowing, the pizza oven was warm and inviting and the company was terrific. Retired Judge Marguerite Simon was one of the guests of honor. She was the first elected president of Women Lawyers in Bergen in 1977 and was honored by our group. Several other original founders and members were there whom we recognized and honored. It was a nice night for original members such as Hedy Grant, Lorraine Abraham, Retired Judge Lois Lipton as well as many prior WLIB presidents.

On November 3rd, we had the Law Clerks Reception and changed it up this year. Following the advice of Linda Spiegel, we restored it to the Courthouse as opposed to a bar restaurant and provided a gourmet lunch in the Courthouse. Most of the judges and their law clerks attended and were introduced to the group and to each other. It was a nice way for them to meet each other and to meet us. There are some of us who recruit our new associates from law clerks and meeting them in this venue was very helpful. Everyone was appreciative of Women Lawyers in Bergen for providing this event and having it in the Courthouse at lunchtime was not just convenient for everyone, but a huge money saver for us.

On November 9th, I was very proud to be a part of the program inducting the Honorable Julie Kim to the bench. She had a beautiful ceremony in the Courthouse with a three-piece orchestra playing the Star-Spangled Banner, bagpipers, color guards, honor guards and of course, the procession of judges. I presented her with the crystal gavel which



she appreciated, and I am preserving WLIB's tradition of presenting female judges with gavels at their swearing in ceremony. I like the idea that it is a crystal gavel because it is timeless, unique, and feminine.

I feel I have started to accomplish my goal of camaraderie and believe that the Women Lawyers are a cohesive, friendly group communicating by listserve emails, in person social events and professional events. But now I feel we need to have some community outreach and charitable events. We are now collecting for the Women Rights Information Center. We did a paper product drive at the Fresh and Fancy Farms event and did a gift drive at the holiday party. Aside from collecting for Women Rights Information Center, several members of WLIB, including Helene Herbert, Helayne Weiss, Donna Dorgan and others, regularly appear at the Women Rights Information Center and provide legal advice and legal help to the women in need. I would encourage this and would like to have a specific date when we can have a WLIB group attend and provide legal help to these women. Two of our superstars, secretary Helene Herbert and past President Helayne Weiss will be honored this May by the Women Rights Information

Center as Persons of the Year. WLIB will be attending the Annual Gala to support and honor these amazing women. We are so proud to have them as prominent members of our group.

The holiday party this year was called the "Jean Robertson Holiday Party." I donated the supplies, food, liquor etc. and our members, instead of paying for the holiday party, were asked to donate what they would have paid for the event to the Jean Robertson Scholarship Fund. We need to replenish that fund, and this was a good way to do it. We also collected for the Women Rights Information Center holiday gift drive.

This winter we will dedicate our services to community outreach. I want to do a mentoring event with Seton Hall Law School and asked Viviana Torres, who is a member and helps us frequently, to work with us in creating an event, maybe a networking event which we could sponsor. I am open to

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WLIB Membership

To renew or begin your membership with WLIB please go to 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.

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Meet Justice Rachel Wainer Apter

By: Diane Lucianna, Esq.

On the afternoon of Wednesday, November 15, 2023, Tamra Katcher, Helene Herbert and I had the honor of meeting with Justice Rachel Wainer Apter at her Newark chambers. A youthful, pretty woman came to the door with her hand out and a smile on her face and said "Hello, I'm Rachel" and we were at that moment, honored to meet the youngest female New Jersey Supreme Court Justice, appointed at age 42 in 2022.

Justice Apter was friendly, happy to be in photographs and glad to tell us about her background and ascent to the bench. Her office was full of family pictures, and you could see she is as devoted a wife and mother as she is a jurist.

She explained to us that she grew up in Morris County in a non-attorney family and because after college she worked as a legislative assistant on anti-poverty issues in Washington DC, she realized she should go to law school and use her degree to continue anti-poverty policy work. But then two things happened: she found she loved legal analysis, and she developed a passion for civil rights law.

After law school, she obtained prestigious clerkships for three important judges. Of course, it didn't hurt that she was an A student at Harvard Law School and had caught the attention of the Dean who gave her glowing reviews. First, she clerked for Judge Rakoff, US District Court of Southern District of New York, then Judge Katzman of the Second Circuit Court of Appeals and finally, and most importantly, Justice Ruth Bader Ginsburg on the US Supreme Court. In the midst of these demanding and important jobs, she got married and gave birth to two of her three children.

She was the mother of a toddler and pregnant while working for Justice Ruth Bader Ginsburg and she describes it as a job where working at home was not an option. She worked very late a few nights a week and was home the other nights to put her children to bed.

After working for Justice Ginsburg, she and her family eventually moved back to New Jersey. She then took a job at Orrick, Herrington, and Sutcliffe, where she joined the Supreme Court and Appellate Practice Division and became an appellate litigator. She stayed there for five years and managed to work out an arrangement where she worked from home three days a week and came in to the office two days a week, something unheard of in the 2014 pre-COVID world. Yet she made that happen and was able to be with her children and practice law at the same time. Because she and her husband had friends in the Englewood area and because they are observant Jews, the family settled in Englewood. Englewood has been her happy hometown since she moved from Washington DC, and she is raising her children in Englewood. She is now the mother of a 10th grade girl, a middle school girl and a grammar school boy and describes the three of them as

loving the Bergen County area and having a wonderful childhood in Englewood.

The Justice left Orrick after five years and was able to convince the National ACLU to create an appellate practices division which she ran in New York City. When Governor Murphy was elected governor, she was asked to lead his law and justice transition team. She had started at the ACLU two months earlier, but she said yes and spent several months working at the ACLU during the day and volunteering on the Governor's transition team at night, all with young children.

After Attorney General Grewal was nominated, he asked Justice

Apter to come to New Jersey full time to rethink how NJ as a State could enforce state level civil rights laws. She had only been at the ACLU for five months, but she said yes. She became an Assistant Attorney General and Counsel to the Attorney General. She litigated and argued on behalf of New Jersey on civil rights cases across the country. Several months later, she became the Director of the Division of Civil



Rights of New Jersey. She spent four years overseeing a "fantastic team that continues to do wonderful work today."

Justice Apter is happy to tell us lessons she learned from Justice Ginsburg. She says that her job as a clerk for Justice Ginsburg was by far the best job she ever had. While she clerked, she had a toddler, an infant, and was breastfeeding. Justice Ginsburg gave her advice on how to build a career and a home life at the same time and she based it on her own life experiences. She said to compartmentalize, make special time for the children when you would read to them, play with them, go to the park with them, feed them and then after they went to sleep, go back to your work. Her second bit of advice was "don't be afraid to ask," and advocate for yourself. Ask if you can change your schedule to accommodate your family situation and quite often, they will say yes if you are doing the work. Next, be thoughtful and intentional. She had carefully formulated plans in place before she spoke and was decisive. Understanding time is precious made her work harder. Lastly, Justice Ginsburg taught her it's a marathon not a sprint and you don't need to accomplish everything right now.

Thus, Justice Apter has worked incredibly hard to be where she is and at age 43 is continuing to work hard to achieve many young female lawyer's dream of being married, mother of 3 children and a Supreme Court Justice all at the same time. We presented her with our crystal gavel from Women Lawyers in Bergen, thanked her for speaking to us and she promised she will speak at our next important function. Expect to see her at the 2024 Women Lawyers in Bergen Annual Dinner as our guest speaker and this time there will be no COVID in the way. 🙌

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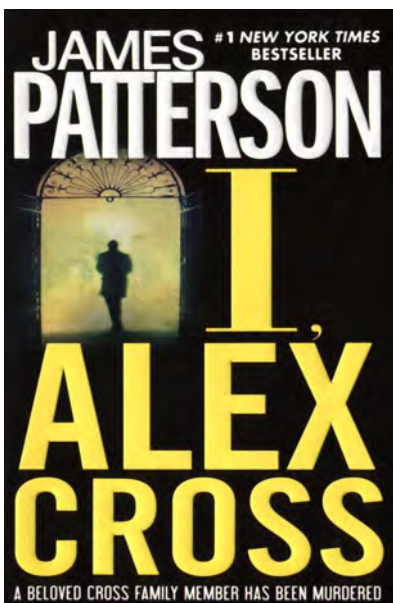
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Book Review

By: Tamra Katcher, Esq.

I, Alex Cross

By James Paterson

Power and greed are never a good combination and that is surely the case in this James Patterson book. This book is the 16th in the 30-book series by Patterson featuring his character Dr. Alex Cross,

DC Metro Police Homicide Detective and FBI profiler.

Alex Cross is living with his children, his grandmother (Nana Momma) who raised him and is now helping him raise his three children, and Bree, his girlfriend, fellow detective, and soon-to-be-fiancé. Cross gets a call from work that there has been a murder and the victim is Caroline Cross, Alex's niece, his brother's daughter. Her remains were found in Virginia and Alex travels to the medical examiner's office to make the identification. Alex gets pulled into the case along with the FBI and the Secret Service! Alex soon finds out

that Caroline had been a high-priced escort working at a private and very exclusive club set in the hills of Virginia called Blacksmith Farms. FBI surveillance determined that many heavy-hitters from Washington as well as foreign dignitaries were regulars at the club where anything goes and your fantasies are realized – for a price. Amongst the many high-end customers was a particular individual named Zeus. The girls involved with Zeus did not know his real name and he wore a mask during their interludes. The one problem with Zeus was that he had homicidal tendencies and girls who serviced him were dying and their remains were being discovered across the area. Who was Zeus and who were the people helping him to cover up his propensity for murder? The FBI, DC Metro, and the Secret Service were all baffled and for some reason the President (a woman) wants to be updated on the search for Zeus. How did all the pieces of this puzzle fit together? Alex, the ever diligent detective, embarks on this investigation to find out what happened to his niece and all the other young woman who died at the hands of Zeus.

I really enjoy the Alex Cross character. He is a family man – a single father with three children,

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Restaurant Review

By: Kathleen A. Hart, Esq.



172 Piermont Road, Cresskill, NJ 07626
(201) 222-1100



As many know, my husband would rather eat something between two pieces of bread than a fancy meal. As we tend to go to the same places, when I heard there was a new restaurant in Cresskill, I knew we had to head over to Scotty's Bar & Grill.

Scotty's is located in a small strip mall in downtown Cresskill. It is owned by Scott Roberts, a former Marine, who does what he can to give back to the community.

There is a parking lot for Scotty's and the other tenants of the strip mall. Street parking is available and there are tables for outside dining, which will be nice in the warm weather.

When you enter Scotty's there are two distinct sides. To the right of the hostess stand is the front of the restaurant, which is clearly the sports bar area. There are at least 10 televisions along the walls, two pool tables, and dart boards, all surrounded by dining tables and windows. The room is on the dark side and somewhat reminded me of being in a friend's basement.

We opted to sit in the bar area. There are televisions on the wall, but the room had a nice vibe with a catty-cornered bar and walls adorned with a light wood shiplap. There were about twelve high top tables and a number of seats at the bar. We were seated and our server brought menus and took our drink orders.

The menu is not extensive. It is pub grub with some nice entrees beside the sandwiches. We started with chips and salsa (\$7.00). The chips were nothing out of the ordinary, but the salsa was wonderful. I could not place what was in the salsa, but I enjoyed it. Other

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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.

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.

Restaurant Review

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appetizers include fried calamari (\$12.00), a variety of wings (\$15.00) and a large Bavarian pretzel served with a beer cheese (\$14.00). We were told the pretzels are imported from Germany and will try it the next time we dine at Scotty's.

For the main course, my husband ordered the Philly cheesesteak (\$15.00). This was a good size roll stuffed with tender steak, cheese and perfectly cooked peppers and onions. The dish came with French fries, which were awesome. I opted for the fish tacos (\$20.00). These were three perfectly grilled corn tortillas full of tender fish, a delicious cabbage slaw and pico de gallo. The tacos were good but a little too big for me to finish. Other main dishes include a beef, turkey, veggie or salmon burger (\$16.00), a lobster roll (\$28.00), grilled chicken sandwich (\$15.00) and chicken pot pie (\$16.00). All sandwiches come with fries.

We did not order dessert and I did not see a menu. The portions of the meals were good and not huge, as some other places serve. Scotty's gets its bread from Rockland Bakery and the quality was evident in the sandwich.

Our server was attentive, and our glasses were never empty. The one downside is the acoustics in the room. The bar area gets loud. We dined early, so it wasn't a big issue but if you come later in the evening, you may have difficulty hearing. The other room was much quieter.

Overall, we had a good meal, although I would have liked more of a choice in the entrees. Scotty's is a sports bar and grill, so be prepared for sports on all the tv's in both rooms. The owner came by our table and introduced himself. We observed him greeting all the diners, which is good customer service. We will be back to Scotty's. I give it two and a half forks. 🍴

Book Review

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and a hard-working detective. He is relentless in his search for the truth. This particular story, as most of Patterson's books about Alex, intertwined Alex's drive to do his job at all hours of the day and night with his desire to be with his family and care for his children. It is an ongoing battle throughout the Cross series of books. I truly enjoyed the storyline in this book but the way Patterson organizes his writing can be a bit confusing. Some chapters flow from the others – meaning that they continue the storyline and the same characters, while other chapters cut into different aspects of the story and incorporate different characters. It took a bit of time and some re-reading to learn who the characters were so that I could smoothly read the book and understand who was who. Notwithstanding Patterson's writing style, it was a very interesting story – with many twists and turns – and I would recommend this book for those, like me, who enjoy the whodunnit stories! 🕵️

President's Message

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suggestions for other community outreach as that is an important part of Women Lawyers in Bergen. This winter, January, February, and March are usually somewhat quiet and often we do CLE's or virtual events. It is my understanding we may have Curry Night at the home of Erica Fields and Lynn Feldman. I am really looking forward to that and we will keep everyone posted in the meantime.

I am proud to say that the members of the Board and I went to see Judge Rachel Wainer Apter, who was not able to appear at our annual dinner. We presented her with a crystal gavel. I obtained biographical information for my article included in this newsletter, and we took photos with her.

I wish everyone a happy and healthy winter. 🍷

Sincerely,
Diane M. Lucianna





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Jean Robertson Update

By: *Kathleen A. Hart, Esq.*

This year, the Jean Robertson Women Lawyers Scholarship was awarded to Lori Meek, a third-year student at Seton Hall School of Law. Ms. Meek received the award at the WLIB Annual Dinner on September 13, 2023. WLIB congratulates Lori on her achievement!

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.

The Jean Robertson Women Lawyers Scholarship Committee is planning fundraisers for the upcoming year, including the WLIB Holiday Party. In the season of giving, we hope you consider donating to the Jean Robertson Women Lawyers Scholarship. 🕊️

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WLB Annual Dinner

September 13, 2023





Weekend Getaways

by Amy S. MacIsaac, Esq.

San Francisco and Northern California



After our trip last fall to Las Vegas, my mother and I headed back out West to Northern California. We took a week-long trip this September as part of a tour of San Francisco and the Yosemite Valley. If you don't mind a long flight and time change, a trip to Northern California can be a great getaway from New Jersey. Tip - make sure to have a good pair of walking shoes since this trip included a lot of walking. The weather was pleasant (in the 80's) but some days were a bit windy so pack a variety of clothing.

We spent the first couple of days in San Francisco. We enjoyed a ferry boat from Sausalito to San Francisco where we took in the sights of Alcatraz. Did you know that "The Rock" is now a national park? Alcatraz is not only the sight of one of the most infamous prisons, but it was the sight of the first lighthouse in the Western U.S. Although we only saw Alcatraz from the shoreline, tours of the sight are available and are very popular.

Next, we ventured to one of the seven wonders of the modern world – the Golden Gate Bridge. It is truly spectacular in person! Tip - there are vista points on both the north and

south sides on the bridge with limited parking lots. There are several guided tours of the bridge by foot, bicycle or bus. The views are amazing! Our next stop was Lombard Street – the crookedest street in the world! There are 8 sharp turns on Lombard Street so make sure you are well rested if you try to walk it. San Francisco is a vibrant city with lots of coffee shops and restaurants, however we could not ignore the significant homeless population as well.

We then headed about 2 hours south to Monterey. If you've never been to Monterey, make sure you get there during your next trip to California. Foodies will love the eclectic array of restaurants like Crab House and Old Fisherman's Grotto. Monterey is known for its uber-fresh seafood and it does not disappoint! There is a lot to do in Monterey including the aquarium, a nature preserve and Old Fisherman's Wharf. We especially enjoyed Cannery Row – an area filled with hotels, restaurants and boutiques. There is something for everyone in Cannery Row! Did you know that Monterey is the mecca of whale watching? Make sure to take time for a boat cruise to watch the local dolphins and whales!

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Weekend Getaways

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When visiting Monterey, make sure to check out Carmel-By-the Sea, which is only about 15 minutes away. Carmel Beach is one of the most iconic spots on the coast – the beach is breath-taking! There is a nice, laid-back downtown area filled with restaurants, shops and art galleries. The Historic Carmel Mission is also a must see!

The final part of our adventure included a trip about 4 hours north of San Francisco to the Yosemite Valley. If you are a lover of nature and the outdoors, this is the place for you. Visitors to Yosemite Valley are greeted by the beautiful Bridgveil Falls which plunges 620 feet. Tip - there is an easy paved trail from the parking lot to the base of the waterfall. We then proceeded to El



Capitan. El Capitan is a vertical rock formation that is 3,000 feet from base to summit and it is gorgeous! Fun fact: El Capitan is 2.5 times taller than the Empire State Building! It was amazing to see climbers dotted along and up the mountain and to think they sleep out overnight up there is mind blowing! Hiking El Capitan is not for the beginner hiker – it takes 10-12 hours on average to hike to the summit and some parts are brutal. El Capitan is a true natural wonder!

Our trip to San Francisco and the Yosemite Valley was fun-filled and packed with adventure. From the beach to the Golden Gate Bridge to El Capitan, there is so much to experience in Northern California! It was a real treat to see a different area of the country! On to our next adventure! 🐦

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Law Clerk's Luncheon

November 3, 2023



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Garretson Forge and Farm

A Tour by Donna Dorgan, Esq. , Master Gardener

On September 21, 2023, members of Women Lawyers in Bergen County toured the gardens and homestead at Garretson Forge and Farm (“GFF”) in Fair Lawn, New Jersey. GFF is a Dutch Colonial style farmhouse that dates back to 1719 and is a window to Bergen County’s past. GFF remained in the Garretson family and was farmed well into the twentieth century. In 1974, a group of concerned citizens from Fair Lawn formed a non-profit to acquire the remnants of the Garretson farm to save it from the bulldozer and suburban redevelopment. The non-profit transferred GFF to the County of Bergen in 1976.

The Lenni-Lenape lived in the area we call New Jersey for thousands of years before the arrival of settler-colonialists from Europe. The Lenni-Lenape had established a trail near the Passaic River which led to the Council Rock meeting place in Glen Rock. GFF was built on the Lenni Lenape trail which underlies part of the present day River Road in Fair Lawn. The Council Rock is a large gneiss glacial erratic that was adopted by the settler-colonialists and used as a permanent marker for land deeds long after they had removed the Lenni-Lenape from the area. Early Garretson deeds reference the Council Rock.

The States-General of the United Netherlands charted the Dutch West India Company (“WIC”) in 1621 and gave it vast monopoly privileges and powers from the coast of Africa, the



Initially, Dutch traders established trading posts in North America to foster trade with the native Americans. There was a demand for furs in Europe, particularly beaver fur, which could be obtained from North America. The WIC established forts along the Delaware, Hudson and Connecticut rivers. The WIC established Fort Amsterdam at the southern tip of Manhattan in 1625.

The WIC had the affirmative obligation to “advance the peopling of those fruitful and unsettled parts, and do all that the service of those countries, and the profit and increase of trade shall require.”² To fulfill WIC’s obligations to establish settlements to help secure its trading posts, the WIC offered patroonships to wealthy individuals. The patroons were obligated to bring European settlers to “New Netherland,” but would be entitled to rule over their private dominions.

Reynier Pauw was an initial shareholder of the WIC and his son, Michael Pauw, established the first patroonship on the west

bank of the Hudson River. He named his patroonship “Pavonia,” which is in present day Jersey City. Although Pauw’s patroonship lapsed, it did foster the establishment of a community of European settler-colonialists in New Netherland. The early Garretsons were part of the 17th century Dutch migration to New Netherland.

In 1634, the WIC conquered Curacao, an island off the cost
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Americas and West-Indies.¹ The WIC’s privileges included rights to trade, make contracts, build forts, to appoint and discharge governors and to make war. The company was required to make a separate accounting every six years of all gains and losses attributable to its business and to its wars. It published its accountings and paid dividends to its investors.

¹ The Avalon Project, https://avalon.law.yale.edu/17th_century/westind.asp

² Id.



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Garraston Forge and Farm

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of Venezuela, which had been controlled by the Spanish. In 1637, the WIC conquered the Portuguese slave trading post at Elmina, off the coast of Ghana, and turned it into a hub for the African slave trade. The WIC brought slaves from Elmina to Curacao and then distributed the slaves throughout the Caribbean and North America. African slaves provided labor for the patroonships and the European settlers. Slavery was well established in Bergen County. Slaves lived and worked on the Garretson holdings into the 1840s.

In 1719, Peter Garretson purchased land, which had been part of an area that the Europeans designated as the Slooterdam Patent, and began construction on the homestead. The Garretsons expanded the home around 1760 and again in the 20th century.

Generally, the Dutch did not practice primogeniture and entail; they tended to leave property to all of the children, including women. Although English law restricted a woman's right to own real property in fee, the Dutch would enter into agreements under the auspices of the Dutch Reformed Church to ensure that their female heirs were protected. Over time the size the Peter Garretson's land holding were divided amongst family members and sold. Present day GFF is less than two acres.

The oldest part of the house is the kitchen area and it includes a jambless fireplace. The Dutch settlers in the Hudson Valley did not enclose their fireplaces.³ The English settlers built jambs and mantels around their fireplaces. The key to success with a jambless fireplace is to keep the fire adjacent to the wall, so that smoke would travel up the flue and to the outside. Undoubtedly, open-hearth cooking can be hazardous, particularly with small children in the home.

GFF also has a traditional Dutch door that was common in the Netherlands. A Dutch door is split in half so that the bottom portion may stay closed while the top portion can be opened. The design keeps animals out and children in while permitting a breeze and light to enter. GFF has a collection of tools and furnishings that were common in the colonial and Early Republic eras. In addition to cooking and farming tools, GFF has a number of spinning wheels which were used in home textile production.

3 New York's Crailo State Historic Site has a jambless fireplace. For more information, see <https://crailoblog.blogspot.com/2017/02/dutch-jambless-fireplaces-by-anne.html>

The house was built with undressed sandstone, which was likely to have been quarried in the area and transported along the Passaic River. At that point, The Passaic was a thriving and healthy fishery. In fact, the Lenni-Lenape had constructed a number of weirs along the Passaic River to capture fish as they traveled upstream. The outside of the GFF is one and one-half stories high with a gambrel roof. By building homes with steep

gambrel roofs, owners could avoid taxation for a second story as the upper level is considered an attic.

The volunteer Master Gardeners of Bergen County maintain GFF's kitchen garden. Rutgers Cooperative Extension provides training for Master Gardeners. GFF is an organic garden and designed to foster environmentally friendly and sustainable agricultural practices. Open-pollinated heirloom vegetables like



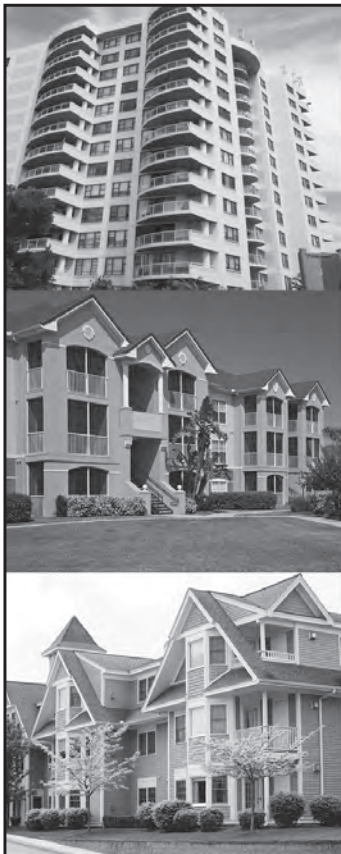
those grown in the 18th and 19th century are cultivated. Perennials such as asparagus, raspberries and rhubarb are established. Crops are rotated and fertilized through the use of staged composting. Salt hay has been used on the property since the 1700s to keep down weeds. Surplus crops are donated to a local food pantry in Paterson.

The GFF herb garden contains more than 85 varieties of medicinal and culinary herbs which were widely grown and cultivated in the colonial era. Medicinal herbs include valerian, St. John's wort, elecampane, feverfew, comfrey and agrimony. Culinary herbs include sage, marjoram, thyme, mint, onions, garlic and chives.

18th century Dutch cooking utilized herbs which are not so commonly used today.⁴ For example, lovage was commonly used to flavor meats and sorrel was used for salads. Daily consumption of rye or coarse wheat bread was common; white bread was a symbol of affluence. Pork was the most widely consumed meat.

If you missed the WLIB event, GFF is open to the public on alternate Sundays throughout most of the year. GFF has various open-house events, including seasonal festivals, holiday celebrations and workshops. Events often include historic re-enactors and demonstrate colonial cooking, crafts and arms. The Master Gardeners maintain a community seed bank for distribution of native and heirloom seeds. History resonates when experienced through many senses. It is easier to connect with persons and events that have gone before us and to envision what may lie before us, when we are able to touch, taste, smell, hear or feel history as opposed to just reading history. 🐾

4 See Peter Rose, History on Our Plate – Recipes from America's Dutch Past for Today's Cook.



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Victoria Pekerman, Esq.

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Continental Plaza II • Hackensack Ave.
 Hackensack, NJ 07601
 Tel: 201-527-6012 • Fax: 201-488-9481

WLIB Holiday Party

December 12, 2023



WINTER 2024 LEGISLATIVE REPORT

By: Carmela L. Novi, Esq.

For your information, helpful websites:

www.njleg.state.nj.us/ the New Jersey Legislature's site; enables you to find bills by subject and track where any proposed bill is in the process.

www.judiciary.state.nj.us/ the New Jersey judiciary site; includes a legislative news site that lists new laws by subject (e.g., family, criminal), bills on the Governor's desk and legislative updates. There is also a report opinions site where recent New Jersey Supreme Court and Appellate division opinions are posted.

www.ca3.uscourts.gov. The United States Court of Appeals (Third Circuit) discontinued issuing printed Slip Opinions. They are now available free of charge through the Court's website as noted.

Sampling of New Jersey State Legislature Bills Pending as of publication or Passed after August 30, 2023

Pending S524/A1700 Mental Health Diversion Program. If approved, would introduce Mental Health Diversion Program to the court system. This landmark legislation would change the way courts deal with individuals who are charged with certain non-violent crimes and diagnosed with a mental health disorder that is related to the crime is treated. The NJSBA has advocated for this legislation to address recidivism and mental health. It passed both houses but is still awaiting the Governor's signature.

Pending S2991/A5968. Equitable Distribution. Permits court to effectuate equitable distribution when complaint for divorce or dissolution of civil union has been filed and either party has died prior to final judgment; provides that surviving party would not receive intestate or elective share. It passed the Assembly on October 27, 2022 and Senate on December 11, 2023.

Motor Vehicles –

A4837/S3424 (P.L. 2023 c. 171) (November 20, 2023) Authorizes surviving spouse or family member of decedent to use motor vehicle registration certificate of decedent until registration certificate expires.

Seizures/Employment

A5916/S1237 (P.L. 2023 c.173) (November 20, 2023) requires the Department of Health to disseminate information on seizure first (non-medical procedures) aid to employers. Such information will be available on the Departments' website.

Reproductive Health Care Services

S3275/A4829 (P.L. 2023 c.170) (October 24, 2023) Requires establishment of new State website with information on rights related to, and health benefits coverage for, reproductive health care services.

State Budget

A4090/S1884 (P.L. 2023 c. 159) (September 12, 2023) Requires State Auditor to annually publish user-friendly report summarizing and analyzing contents of State's Annual Financial Report.

Sampling of Reported Decisions

Personal Injury

Doe v. The Estate of C.V.O., Jr. Appellate Division: October 12, 2023 (A-2780-21) (Approved for Publication).

Facts: In 2019, the legislature enacted the Child Victims Act, which amended the statute of limitations for civil sexual abuse claims and expanded the categories of liable defendants. (N.J.S.A. 2A:14-2b) The CVA enacted a two-year revival window for victims with otherwise barred claims arising from sexual abuse inflicted upon them when they were minors. The statute also created an expanded statute of limitations permitting suits within 37 years after a minor victim turned 18 or within seven years of the victim's discovery of their injury, whichever occurred later. (N.J.S.A. 2A:14-2a) Plaintiff brought suit under the act against the estates of his parents alleging that he had been abused by a sibling while both were minors. Trial court dismissed both the Plaintiff's claims under the CVA and his common law claims since the sibling who allegedly committed the abuse was also a minor at the time alleged.

Held: The court affirmed in part and reversed and remanded in part. The court agreed that plaintiff's passive abuser claims against his parents under the Act failed because it expressly defined sexual abuse as committed by an adult against a child. Thus, the abuse allegedly committed by D.O. when she was a minor did not qualify as sexual abuse under the statute. However, the court ruled that plaintiff could assert passive abuser claims under common law, which did not expressly limit sexual abuse to abuse inflicted by an adult. The court ruled that the trial court erred in dismissing plaintiff's common law claims because they

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were timely filed under the CVA.

Taxation

Cargill Meat Solutions Corp. v. Dir., Div. of Taxation,

Appellate Division: October 12, 2023 (A-1537-21_ (Approved for Publication)

Facts: the Clean Communities Program Act (N.J.S.A. 13:1E-213 – 223) imposes a tax on the sale of litter-generating products in NJ involving manufacturers, wholesalers, distributors and retailers. Plaintiff, a Delaware corporation headquartered in Kansas manufactures litter-generating packaged meat products which it distributes throughout the U.S., including NJ. However, the Act exempted the tax for sales from a wholesaler or distributor to another wholesaler or distributor. Plaintiff relied on this exemption for tax years 2014 and 2015. The Division audited plaintiff's returns and concluded plaintiff was ineligible for the exemption. Plaintiff filed suit, arguing that it should not be subject to the tax because the legislature failed to specifically appropriate the revenue generated by the tax. Plaintiff further contended that it was entitled to the wholesaler-to-wholesaler exemption. The trial court dismissed plaintiff's challenge to the imposition of the tax, concluding that the legislature could rely on General Provision 2 of the Appropriations Act to appropriate revenues generated by the tax. The trial court further granted the division summary judgment on plaintiff's claim for an exemption, agreeing that plaintiff was ineligible.

Held: Affirmed for the reasons expressed by the trial court. The court noted that, for the tax years at issue, the legislature expressly suspended all statutory provisions that would have suspended all statutorily dedicated taxes, such as the litter-generating tax. The court found that the legislature intended, through General Provision 2, for revenues generated by that tax to be appropriated to the Clean Communities Program. Finally, the court agreed that plaintiff was not entitled to the wholesaler-to-wholesaler exemption because it was a manufacturer whom the legislature did not intend to be exempt from the tax.

Family Law

N.J. of Child Protection & Permanency v. D.A. Appellate Division: October 25, 2023 (A-1540-21) (Approved for Publication)

Facts: Defendant appealed the termination of her parental rights. Defendant had two children, born in 2016 and 2017. The children's father also had another child, born in 2008. In March of 2019 the child born in 2008 was brought to a hospital emergency

room with life threatening injuries. After a six-day trial, the court concluded that the Division had satisfied its burden under the applicable four-prong "best interest of the child" test (N.J.S.A. 30:4C-15.1(a)(1) – (4) and terminated the parental rights of both the mother and the father. The father was incarcerated at the time of trial and refused to participate. Over 100 exhibits were introduced at trial by the Division and several witnesses for each party. On appeal Mother sought reversal of the Judge's decision to terminate her parental rights and the childrens' law guardian cross-appealed, taking the position that the Division did not satisfy prongs 2 – 4 of the four-prong test.

On appeal, defendant did not contest the trial court's determination that her childrens' health, safety, or development had been or would continue to be endangered by the parental relationship, agreeing that determination was supported by the pervasive physical abuse occurring in the family home. However, defendant argued that the Division failed to prove the other factors for termination by clear and convincing evidence. In particular, Defendant argued that because one of her children had severe autism and special needs, it was unlikely that the division would find him a permanent home and thus defendant was in the best position to care for him and her other child. The childrens' law guardian also appealed the trial court's judgment, agreeing that there was no viable permanency plan and arguing that the trial court relied on inadmissible hearsay and lay opinions to find no alternatives to termination.

Held: Affirmed in part, reversed in part, and remanded. The court found sufficient clear and convincing evidence to support the trial court's determination that defendant was unable or unwilling to eliminate the harms facing her children, the delay of permanent placement would further contribute to the childrens' harm, and the Division had made reasonable efforts to help defendant correct the circumstances leading to her childrens' placement. However, the court found that it was unclear from the record whether the trial court sufficiently explored alternatives to termination, which necessarily affected the trial court's findings as to whether termination of parental rights would do more harm than good. (Approved for Publication)

Damages/Evidence/Motor Vehicle Torts

Rodriguez v. Cano, Appellate Division: October 12, 2023 (A-1561-21) Not Approved for Publication.

Facts: At a damages-only trial of an auto-negligence case, the defendant GEICO's attorney cross-examined plaintiff's treating physician. During cross-examination, the defense attorney focused on the fact that an insurance company had a pending fraudulent medical services action against the physician; his business partner, who was also plaintiff's chiropractor; his medical

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Announcements

Condolences to Past President Deborah Veach on the passing of her husband, James David Veach on December 3, 2023. Donations in his memory may be made to Temple Emeth

of Teaneck emergency campaign for American Friends of Magen David Adom (Israeli Red Cross). This is a cause that was dear to Jim's heart.

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practice; and another physician defendant in the case. The attorney noted that plaintiff's treatment was explicitly included in the insurance fraud complaint as an example of the physicians' fraud. According to defense counsel, her line of inquiry went to the doctor's credibility and the reasonableness of plaintiff's treatment, the implicit message being that plaintiff's damages claims were premised on unnecessary medical services.

The trial court belatedly realized the line of inquiry was inadmissible and instructed the jurors to disregard the testimony; and allowed plaintiff's counsel to engage in re-direct to allow the physician to explain his side of the dispute. The questioning went badly, with the physician angrily accusing the insurer of acting in bad faith and bringing false allegations against him in order to get money. The trial court denied plaintiff's requests for a mistrial. Jury no-caused in a 5-1 vote. The trial court denied plaintiff's motion for new trial and appealed.

Held: Reversed and remanded for further proceedings. The Court held that the jury's verdict could not be allowed to stand in light of defense counsel's patently improper questions. Under N.J.R.E. 608, a party may not use specific instances of conduct through cross-examination or extrinsic evidence in a civil action to attack a witness's character for truthfulness. Defense counsel unduly prejudiced plaintiff by improperly questioning the treating physician to create the impermissible inference the doctor was engaged in insurance fraud by billing for unnecessary treatments to plaintiff, with no evidence or intention of proving it. The Court held that this caused Plaintiff to be denied a fair trial, requiring reversal and remand for further proceedings.

Civil Rights

Kochetkova v. Garnet Health Med. Ctr., U.S. District Court for New Jersey October 5, 2023 (Civil Action No 22-06967(MEF)(JSA)

Facts: Plaintiff worked at a hospital located in New York and was fired after seeking and being denied, a religious accommodation to avoid the Covid-19 vaccination shot required by the hospital employer. The employee sued under the Civil Rights Act of 1964. The defendant hospital moved to dismiss, or in the alternative, transfer the action to the Southern District of NY.

Held: The Court denied the dismissal and granted defendant's motion to transfer venue. Court concluded first that venue was not proper in New Jersey. Venue was determined in plaintiff's case under the Civil Rights Act's special venue provision, which recognizes venue according to the State in which an unlawful employment practice was alleged to have been committed, the judicial district where pertinent employment records are maintained, or the judicial district in which the aggrieved person would have worked but for the alleged unlawful employment practice. The alleged unemployment practice in dispute was "committed" in New York. That was where plaintiff worked in defendant's hospital before she was fired. That, too, was presumably where the decision to fire plaintiff was made. Likewise, the relevant employment records were kept in New York at all pertinent times, and plaintiff would have worked in New York but for her allegedly unlawful termination. Court next concluded that the interests of justice required transfer of plaintiff's suit to New York rather than dismissal. The Court noted that it appeared that plaintiff's action might be time-barred if it were dismissed and she re-filed in New York. Court also found no basis to support defendant's assertion that plaintiff filed her suit as an act of bad-faith forum shopping. 🐾

2023-2024 WLIB Committees

The following committees were formed for the 2023-2024 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

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

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

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

Donna Dorgan, Esq., Tel: (201) 388-9849
Email: donna@dorganlegal.com

Helayne Weiss, Esq., Tel: 201-440-6300
Email: hweiss@herbertandweiss.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 WLIB 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: lfs@spiegellawfirm.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 on Zoom for a program the second Monday of each month.

Newsletter

Linda F. Spiegel, Esq., Tel: 201- 489-1001
Email: lfs@spiegellawfirm.com

The Newsletter is published quarterly, Fall, Winter, Spring and Summer. Anyone interested in advertising in the Newsletter should contact Nancy Lucianna, Esq. (advertising manager) at nlucianna@msn.com or Linda F. Spiegel, Esq. Members interested in writing for the Newsletter should contact Linda F. Spiegel, Esq. WLIB 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 WLIB 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 WLIB 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 WLIB 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 WLIB Newsletter, or sponsor a WLIB event, please contact the committee chairs.

WLJB Website

Linda F. Spiegel, Esq., Tel: 201- 489-1001
Email: lfs@spiegellawfirm.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: ttullosuzanned@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

Calendar of Events

January 2024

Monday, Jan. 8	12:30 pm	SWAG meeting via Zoom. Lil Corcoran from the Women's Rights Information Center will be speaking on opportunities to volunteer at the WRIC.
Tuesday, Jan. 16	5:30 pm	WLIB Board Meeting via Zoom.

February 2024

Monday, Feb. 12	12:30 pm	SWAG Meeting via Zoom. Janet L. Falk, Marketing Specialist will speak on "Why That Attorney and Not ME? How YOU can be the One Reporters Call."
Tuesday, Feb. 20	5:30 pm	WLIB Board Meeting via Zoom.

March 2024

Monday, March 11	12:30 pm	SWAG meeting via Zoom. Kelly Caster, Esq. will lead a discussion on AI.
Tuesday, March 19	5:30 pm	WLIB Board Meeting via Zoom.

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

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Vice President

Tamra Katcher, Esq.

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Linda at (201) 489-1001

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