



NEW JERSEY STATE BAR ASSOCIATION

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MEMORANDUM

To: NJSBA Board of Trustees and Legislative Committee

From: Valerie Brown, Legislative Counsel

Date: September 22, 2008

Re: **Legislative Mid-Session Report - Jan. 2008 through Sept. 2008.**

The 213th State Legislature (2008-10) began on January 8, 2008. This report provides an update on significant legislation since the start of the session.

NJSBA ended the 212th Legislative Session with several significant achievements:

- Enactment of two NJSBA-drafted laws – **irreconcilable differences** and legislation to clarify the **Uniform Probate Code with the Wrongful Death Act**
- Defeat of legislation to extend the **\$75 attorney assessment**
- **ELEC regulations** substantially narrowed to exempt attorneys from the coverage of lobbying laws.
- NJSBA's legislative committee refined **criteria for review of legislation**
- **NJSBA Day in Trenton** conceived and launched for 2008
- Participated in **ABA Lobby Day** to build NJSBA's visibility with New Jersey's Congressional delegation and with the American Bar Association
- **Legislative Training Program** launched to educate SBA members of legislative procedures and protocol

OVERVIEW OF SELECT LEGISLATION FROM 213TH LEGISLATIVE SESSION (MID SESSION REPORT)

ENVIRONMENTAL LAW

Bill to Limit Attorney Access Through OPRA to DEP Records

On June 16, New Jersey State Bar Association's Environmental Law Section representatives John Spinello, Jr and Cristina Stummer testified in opposition to S-1922/A-2963 (Smith/McKeon),

which, among other things, **would prohibit parties in litigation with the Department of Environmental Protection (NJDEP) and the parties' counsel from obtaining public records under the Open Public Records Act (OPRA)**, and instead require public records to be obtained exclusively through discovery. This new limitation would apply to all litigation, including matters in State and federal courts and administrative proceedings.

Following the testimony of Mr. Spinello and Ms. Stummer, S-1922 was held by the Senate Environment Committee. However, the Assembly bill, A-2963, was reported by the Assembly Environment Committee and is awaiting a vote by the full Assembly. In addition to the NJSBA, the following groups oppose the bill: New Jersey Foundation for Open Government, ACLU-NJ, The Center for Civic Responsibility, Common Cause New Jersey, The League of Women Voters New Jersey, New Jersey Broadcasters Association and New Jersey Environmental Council.

NJSBA POSITION

While the NJSBA agrees NJDEP should have sufficient legal authority to recover the costs associated with complying with OPRA, as originally contemplated by the Act, we strongly object to this bill. Prohibiting requests for public records under OPRA for matters "in litigation" will have the unintended consequence of accelerating discovery, truncating settlement discussions, and impose unnecessary discovery costs on all parties.

The most problematic provision in the bill is Section (c), which requires all public records requested in connection with matters in litigation to be obtained through discovery. In this respect, the bill would likely have an adverse effect on the Division of Law's workload by shifting routine records requests from OPRA procedures in the NJDEP to "discovery." Under Section (c), a party could not obtain public records from NJDEP through OPRA once a party is "in litigation," including contested cases docketed in the Office of Administrative Law (OAL). This is contrary to the current discovery rules adopted by the OAL, which provide, in part, as follows: "Public documents accessible under legislative authorization shall not be discoverable under this subchapter except for good cause shown. A party shall exhaust administrative remedies to obtain public documents before seeking discovery under this subchapter." N.J.A.C. 1:1-10.1(d). This rule, which seeks to ensure information is exchanged among parties in the most efficient and least costly manner, would become void if the bill were to be enacted.

This course is not advisable. In administrative and civil matters, it is not unusual for parties to agree to defer discovery until fully exploring and sometimes exhausting settlement discussions, so as to avoid incurring unnecessary discovery costs when settlement appears possible or likely. However, counsel often relies upon OPRA to access relevant public records held by NJDEP to better understand the record and assess a client's legal position. If every party would need to commence "discovery" in every contested case just to obtain copies of routine public records, the bill may have the unintended effect of accelerating discovery, inhibiting or truncating settlement discussions, and imposing unnecessary discovery costs on all parties including the State.

In addition, it is not clear why NJDEP needs additional statutory authority to recover its actual costs. If it costs the NJDEP more to respond to requests for copies of or access to public records than OPRA presently allows it to recover, we would support giving NJDEP additional statutory authority to recover its actual costs incurred in responding to requests for public records. However, the NJDEP is already permitted to recover any extraordinary costs incurred through the assessment of a special service charge. In *Fisher v. Div of Law*, 400 N.J.Super. 61, just decided on April 29, 2008, the Appellate Division upheld the Division of Law's assessment of a special service charge under OPRA. Given this authority and the recent decision, it is unclear why NJDEP needs additional statutory authority to recover its actual costs.

The NJSBA recognizes the substantial workload associated with NJDEP's compliance with the law, and has offered to meet with NJDEP and legislative staff to better understand the issues NJDEP has raised, discuss possible solutions and determine whether statutory changes are appropriate and in the public interest. We nevertheless oppose this bill.

BILL STATUS

S-1922 is awaiting review by the Senate Environment Committee and A-2963 was released from the Assembly Environment and Solid Waste Committee and is awaiting Assembly vote.

JUDICIAL ADMINISTRATION

Legislation Pending to **Revise New Jersey's Peremptory Challenge Statutes**

S-1981/A-2715 (Adler/Roberts) would vest the New Jersey Supreme Court with rulemaking authority over peremptory challenges.

NJSBA POSITION

NJSBA opposes this bill because the model jury selection procedure has only been in place for approximately twenty (20) months, and there have been changes made by the Administrative Office of the Courts, through directives, that have modified certain of the procedures. This is an evolving process, as the original Supreme Court Committee intended that it should be. There is simply insufficient data and analysis of the effect of the more intensive *voir dire*, open-ended questions, and attorney participation, to determine whether peremptories should be altered or reduced. This uncertainty, we understand, contributed to the Supreme Court Committee's original decision not to seek reduction in the number and scope of peremptory challenges.

Secondly, the NJSBA opposes the reduction in peremptory challenges. While some modification may be required in order to address certain outdated provisions regarding the number of peremptories (particularly with regard to certain criminal charges), reductions in the number of peremptories is unwarranted. Despite the Court's apparent objective of promoting expeditious trials and minimizing backlogs, those goals should be in harmony with the need to safeguard the interests of the parties and the interests of justice in selecting jurors, which is a vital consideration in the administration of justice.

Finally, the State Legislature and State statutes play an important role regarding the selection of a jury, as with the Rules of Evidence. In these areas, both the Legislature through its authority by statute, and the Court, through its rulemaking authority, has an important and recognized role to ensure that the interests of justice are met.

BILL STATUS

On June 16, A-2715 passed in the General Assembly (53-23-1), and the S-1981 was substituted for the Assembly bill, which is awaiting Senate vote.

New Judgeships for Drug Courts

S-1950/A-2805 (Cunningham/Watson Coleman) **creates two additional judgeships**, increasing the statewide judiciary from 441 to 443. These judgeships would be a component of the State's drug court program. The expansion of this program is expected to result in a net savings to the State as supervision and treatment through drug courts has been shown to be significantly less costly than incarceration.

NJSBA POSITION

NJSBA is monitoring the bill.

BILL STATUS

Both bills were approved in the State Legislature and are awaiting the Governor's signature.

Expansion of State Judiciary and Funding for Legal Services of New Jersey (LSNJ)

S-1784/A-2789 (Sweeney/Burzichelli) creates eight additional Supreme Court judgeships and provides funding for Legal Services of New Jersey and Rutgers and Seton Hall law schools clinics.

NJSBA POSITION

NJSBA strongly supports this bill. Central to the vitality of New Jersey's courts is a well-funded judiciary with adequate judges and related court personnel to serve the public. Delaying justice due largely, or partially to a lack of judges, denies justice to every New Jerseyan.

This legislation will enable the Judiciary to better allocate judges to meet statewide caseload demands. New Jersey's judges continue to be among the hardest-working, most able in the nation with high individual caseloads. The increased number of judges proposed by the bills will translate into more timely processing and disposition of cases, again, to serve the public, litigants and attorneys.

Further, we strongly support efforts to increase funding for Legal Services of New Jersey (LSNJ). This economic downturn necessitates a renewed sense of urgency by lawmakers to assist our most needy. The strength of our justice system will be measured by the degree to which we provide for the weakest among us.

BILL STATUS

S-1784 is pending before the Senate Judiciary Committee, A-2789 was recently released from the Assembly Judiciary Committee with amendments and is awaiting Assembly vote. It is expected to be considered in the Fall.

Legal Services of New Jersey (LSNJ) Funding

P.L.2008, c.35 (Buono/Greenwald), provides **four million in funding for LSNJ for FY2009.** (A-2800)

LSNJ continues to experience significant shortfalls in Interest on Lawyers Trust Account (IOLTA) funding, and is anticipated to return to the Legislature in the fall to request additional funding.

NJSBA POSITION

NJSBA has been fully supportive of funding for LSNJ, particularly in light of the current ‘justice gap’, the gap between those needing legal services and those receiving services..

BILL STATUS

On June 30, the bill was signed by the Governor. (P.L.2008, c.35)

Court Security

S-1785/A-2760 (Sweeney/Pou) creates in the General Fund a separate non-lapsing account, entitled the **Court Security Enhancement Fund** to address security at New Jersey’s courthouses. The bill increases court fees.

NJSBA POSITION

NJSBA is reviewing this bill.

BILL STATUS

Both bills are pending committee review in the State Legislature.

S-1420/A2707 (Cardinale/Connors) Increases certain fees in **Special Civil Part**; increases certain fees paid to persons to serve process in Special Civil Part.

NJSBA POSITION

NJSBA is reviewing this bill.

BILL STATUS

S-1420 passed in the Senate (25-14) on June 23 and was referred to the Assembly Judiciary Committee.

LEGAL MALPRACTICE

State Bar Association Seeks to Reduce Legal Malpractice Statute of Limitation from Six to Two Years

S-1815/A-2858 (Lesniak/Cryan) Requires **legal action against certain licensed persons** to be brought within two years.

Purpose of the Bill

NJSBA supports S-1815/A-2858 to reduce the statute of limitations period for certain actions against professionals who are “licensed persons” as defined in *N.J.S.A. 2A:53A-26*. Specifically, the legislation amends *N.J.S.A. 2A:14-1* to reduce the current six year limitations period to two years for actions against certain licensed professionals which are subject to the requirements of *N.J.S.A. 2A:53A-27*. New Jersey’s statute of limitations would continue to be subject to the discovery rule. The rule would continue to apply to those cases in which injury or wrong is not readily ascertainable through reasonable diligence (*Vastano v. Algeier*, 178 N.J. 230, 236 (2003)). The legislation also prohibits the award of attorney fees in any action subject to the requirements of *N.J.S.A. 2A:53A-27*, unless they are authorized by statute or court rule.

New Jersey’s statute of limitations is substantially greater than those in New York, Connecticut, Pennsylvania, and Delaware. The current statute of limitations in *N.J.S.A. 2A:14-1* applies to most professional malpractice and professional negligence claims with the notable exception of claims for medical malpractice. There is a two year statute of limitations for medical malpractice claims which is set forth in *N.J.S.A. 2A:14-2*. A reduction in the statute of limitations period will provide businesses offering professional services the ability to predict with greater certainty potential liabilities and to plan for such liabilities.

Statutory History

This legislation is consistent with New Jersey laws limiting claims against certain professionals, such as the statute of repose set forth at *N.J.S.A. 2A:14-1.1*, which bars claims against architects, engineers and contractors for damages for injury from an unsafe condition of an improvement to real property more than ten years after the performance of services and construction *N.J.S.A. 2A:14-1.1*.

Recovery of Attorneys’ Fees

This legislation also reverses *Saffer v. Willoughby*, 143 N.J. 256 (1996) which allows as permissible consequential damages the recovery of attorneys’ fees incurred in the prosecution of an attorney malpractice case. Generally, an award of attorney’s fees is only permitted under limited circumstances set forth in Rule 4:42-9. Under the American Rule parties to litigation each bear their own costs. However, the New Jersey Supreme Court in *Saffer* created an exception to the American Rule. Thus, attorneys appear to be the only professional group subject to paying attorneys’ fees to a prevailing party in a malpractice case. These fees may surpass the underlying damage claim. This legislation addresses this disparity.

BILL STATUS

Both bills are pending in the State Legislature.

MEDICAL MALPRACTICE

Legislation Introduced to Reinstate the \$75 Attorney Assessment for Five years Instead of Three Years

On June 9, S-1939 (Vitale), which extends Medical Malpractice Liability Insurance Premium Assistance Fund (the Fund) and collection of annual surcharges for five years, was introduced in the State Legislature and referred to the Senate Commerce Committee. The NJSBA strongly opposes any effort to impose an annual attorney assessment.

Highlights of S-1939 include the following:

An annual \$75 assessment would be imposed on every attorney for five years, with very limited exceptions (e.g., lawyers who are completely removed from the practice of law, full-time duty with the armed forces, VISTA or Peace Corps and not engaged in the practice of law; those who have not made their New Jersey Lawyers Fund for Clients Protection payments; those who have not practiced law for at least one year.)

An annual three dollar surcharge would be imposed on employers for all employees subject to the New Jersey Unemployment Compensation Law

A student loan reimbursement program for certain obstetricians/gynecologists would be established.

On June 7, 2004, then Governor James McGreevy signed a law, despite the NJSBA's strong objections, to impose a \$75 attorney assessment for three years to bail out high-risk specialty doctors and to reimburse medical students for their student loans.

In 2005, the **NJSBA challenged the new law in court**. In 2007, the NJSBA issued its position on the Medical Care Availability Task Force final report, rejecting the finding that "failure to extend the Medical Malpractice Liability Insurance Premium Assistance Fund program could have untoward consequences for patient access". Again, in 2007, under the leadership of former Bar presidents Lynn Fontaine Newsome and Edwin J. McCreedy, the NJSBA was successful in defeating passage of legislation to reinstate the attorney assessment.

NJSBA POSITION

The **New Jersey State Bar Association strongly opposes this bill**, as we did the initial passage of the legislation imposing the \$75 attorney assessment in 2004.

We believe it is fundamentally unfair to tax thousands of lawyers in New Jersey who do not practice in the medical malpractice area to pay for harm caused by negligent doctors. We continue to strongly object to the Medical Malpractice Liability Insurance Premium Assistance Fund (the Fund) capitalized, in part, by lawyers, notwithstanding the societal role of the medical profession. While we are supportive of malpractice premium relief for physicians in high-risk specialty areas, based on demonstrative need, we believe such relief should be paid for by the State through the General Fund, *not* by attorneys.

Moreover, we continue to object to using part of the attorney assessment to pay for a medical student loan reimbursement program, particularly in light of the difficulty of public service agencies to recruit and retain talented attorneys. Civil legal aid organizations, and prosecutor

and public defender offices, among others, are experiencing vacancies and high turnover rates that materially affect the administration of justice. The primary reason cited by lawyers for not pursuing or remaining in public interest jobs is high student loan debt. New Jersey does not have any programs to provide similar relief for law students despite a well documented "justice gap" between those needing legal services and those receiving them.

BILL STATUS

S-1939 is currently pending in the Senate Commerce Committee.

Revisions to the Uniform Principal and Income Act

A-2533 (Cohen) Broadens **power to adjust principal and income for trusts** administered in New Jersey; restores "safe harbor" threshold to between four and six percent.

NJSBA POSITION

On May 9, 2007, P.L. 2007, c.93 (A-2867) which revised a trustee's power to adjust principal and income under "Uniform Principal and Income Act of 2001" was signed by the Governor. After careful consideration of this new law by the of New Jersey State Bar Association Board of Trustees, Legislative Committee and Real Property Probate and Trust Law Section, the NJSBA expressed concerns regarding the changes effectuated by the signing of P.L. 2007, c.93 (A-2867).

NJSBA urges amendments to the "Uniform Principal and Income Act of 2001" (the "Act") to revise the extent to which a trustee may adjust between principal and income in making distributions from a trust to an income beneficiary and still retain a presumption that the distribution is fair and reasonable to the remainder beneficiaries of the trust.

A-2533 amends the Act as follows:

Currently, the Act creates a "safe harbor" for a trustee by providing that a distribution of between three and five percent of the value of the trust's assets is presumed to be fair and reasonable to all of the beneficiaries of the trust. However, it modifies this safe harbor by making the range of percentages dependent on possible future action by the U.S. Department of the Treasury or Internal Revenue Service. Making New Jersey law dependent upon possible future action by the Internal Revenue Service creates a degree of uncertainty that would harm the efficient administration of trusts. A-2533 removes the incorporation of federal tax regulations and restores the four and six percent thresholds to create safe harbors within which the trustee's action is presumed to be fair and reasonable.

The current Act provides that its provisions relating to a trustee's power to adjust principal and income shall apply to all trusts administered in New Jersey under New Jersey law unless contrary to the provisions of the trust's governing instrument. Furthermore, the current Act does not define the phrase "administered in New Jersey". A-2533 establishes clarity and broadens the application of the power to adjust.

Finally, subdivision (8) of subsection (c) of the current Act's "savings clause" prevents the trustee from exercising a power to adjust if the effect of the adjustment would be to satisfy the trustee's obligation of support or other legal obligation. It is difficult to envision a circumstance where this provision might apply. To determine whether it applies would require an analysis of the trustee's obligations of support "and other legal obligations" and such an analysis would be unduly cumbersome. Thirteen states that have adopted a power to adjust provision within the Uniform Principal and Income Act have deleted the Uniform Act's savings clause provision prohibiting an adjustment that would benefit a trustee directly or indirectly. In accordance with the other states which have adopted a power to adjust provision, A-2533 eliminates subdivision (8) of subsection (c) in its entirety as it has the potential to be too broad.

BILL STATUS

A-2533 is currently pending in the Assembly Financial Institutions and Insurance Committee.

WORKERS' COMPENSATION

Legislative Reform Urged for Workers' Compensation System

On May 5, the **Senate Labor Committee** held a public meeting to discuss ways to improve New Jersey's worker's compensation system, driven ostensibly by a series of articles in the *Star Ledger* about the system. NJSBA was among a select group of invited organizations which presented testimony. **Arthur H. Kravitz, Chair and Marcia S. Freedman**, Chair-Elect of NJSBA's Workers' Compensation Section, provided the NJSBA's policy position.

NJSBA has worked to address issues facing the workers' compensation system and recommend improvements, and we enjoy a lengthy history of working cooperatively with the Legislature and the Administration with the mutual goal of achieving the best and fairest workers' compensation system in the nation.

NJSBA POSITION

The Association made the following recommendations to improve the system:

While we recognize that the State faces challenging fiscal times, we support an increase in the number of Deputy Attorneys General assigned to the Second Injury Fund to handle complex cases.

We recommend an amendment to statute and regulation to ensure that an injured worker receives treatment and wage replacement benefits in a timely manner under the Uninsured Employers' Fund.

We recommend better enforcement of the Fund to reduce the number of non-compliant uninsured employers and those who misclassify workers as independent contractors or into low risk job titles to evade paying properly calculated premiums.

Workers' compensation judges should be given jurisdiction to decide whether a lien with the Division of Temporary Disability Insurance is appropriate and should be re-paid to the Division. We believe these judges have the necessary expertise to resolve these matters fairly.

We support efforts to modernize and improve the Division of Workers' Compensation computer system to enhance appropriate tracking and record-keeping, which is vitally important to the system.

Finally, we echo the support of virtually every speaker at the Senate Labor Committee hearing, beginning with Justice James H. Coleman Jr., calling for improvement in the vetting of workers' compensation judges. In 2000, the NJSBA Workers' Compensation Section established a committee to confidentially screen judicial candidates and report directly to the NJSBA President. We renew our commitment to serve the Governor and the Legislature in this important role, akin to the process of the NJSBA Judicial and Prosecutorial Appointments Committee to review judges of the NJ Superior Court.

STATUS OF THE BILLS

On May 22, Senator Paul Sarlo and others introduced a package of bills (S-1913, S-1914, S-1915, S-1916, S-1917, S-1918) to reform the workers' compensation system, following hearings by the Senate Labor Committee. The NJSBA's Board of Trustees, Legislative Committee, and Workers' Compensation Section reviewed each bill and has provided timely comment to the State Legislature. All of these bills are now awaiting the Governor's signature.

S-639/A-1581 (Sarlo/Cohen) Increases workers' compensation for loss of hand or foot.

NJSBA POSITION

The NJSBA supports an increase in the number of weeks of disability for statutory hand, feet, toes, fingers, the great toe and statutory thumb. This is in keeping with the reasonable remuneration for permanent injuries and functional loss to the other parts of the human anatomy reflected in the Legislative Workers' Compensation Charts for permanent Disability.

BILL STATUS

On June 12, A-1581 was released from the Assembly Labor Committee with amendments and was referred to the Assembly Appropriations Committee.

WRONGFUL DEATH

S-995/A-1158 (Scutari/Oliver) Expands wrongful death act to allow recovery for mental anguish, emotional pain and suffering, loss of society and loss of companionship. The bill would expand the type of damages which may be recovered under wrongful death actions to include mental anguish, emotional pain and suffering, loss of society and loss of companionship. Wrongful death statutes establish a cause of action for an individual's beneficiaries when that individual dies as the result of the wrongful conduct of another person. Under present law as set forth in N.J.S.A.2A:31-5, damages are recoverable only for pecuniary

loss in wrongful death actions, together with hospital, medical and funeral expenses incurred for the deceased.

This legislation was extensively debated by many sections and committees within the Association, including the Health & Hospital Law Section, Civil Trial Bar Section, Insurance Law Section, and others. Faced with concerns raised by these groups, an ad hoc committee was formed to examine this issue and to make recommendations to the Board of Trustees.

Under current law, litigants in wrongful death actions may recover for pecuniary loss only, not for emotional pain and suffering caused by the decedent's wrongful death. Accordingly, children and the elderly who may be without incomes, in effect, have no pecuniary value. The measure of a just society should recognize the full extent of loss in cases of wrongful death, and therefore allow remedy for loss of pain and suffering. New Jersey remains in the minority of states to limit recovery in this way.

This legislation seeks to rectify this problem and move New Jersey toward the majority of jurisdictions in the United States that more equitably compensate victims of wrongful death victims by statute or case law.

Legislative Status: On January 8, 2008, A-1158 was introduced and referred to Assembly Judiciary Committee. On May 8, 2008 S-995 was withdrawn from the files.

NJSBA Position: Support/High Priority

NJSBA DRAFTED BILLS – PENDING – NEW!

Domestic Partnerships & Civil Unions

NJSBA's Board of Trustees approved legislation prepared by the **Family Law Section** to amend New Jersey's divorce statutes, to include termination/dissolution of a domestic partnership or civil union under the grounds of "irreconcilable differences."

The New Jersey State Bar Association was instrumental in advocating passage of an amendment to New Jersey's divorce statute to include "irreconcilable differences" as an additional cause of action. This legislation passed, virtually unanimously by both Houses of the State Legislature and has received widespread acclaim by litigants, judges and attorneys. (See attached May 26, 2008 New Jersey Lawyer article)

The proposed bill is needed to avoid confusion as to whether irreconcilable differences as a cause of action applies to domestic partners or partners in civil union, seeking termination or dissolution. Further, we believe that the New Jersey Supreme Court's landmark decision in *Lewis v. Harris*, 188 N.J. 415 (2006) bolsters the need for clarity and equality in this area. Finally, State law prohibits the formation of a new domestic partner if either the partner has been a partner in another domestic partner less than 180 days prior to filing the affidavit of domestic partnership. It is possible that a person could seek to terminate a domestic partnership, wait the 18-month separation period before filing a complaint and be required to wait an additional

180 days before entering into a domestic partnership, a result, which we believe creates unequal treatment of litigants.

The new bill is awaiting introduction.

Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPA)

This draft proposal, approved by the **National Conference of Commissioners on Uniform State Laws** would govern all aspects of **guardianships and protective proceedings** for both minors and adults. The proposal addresses aspects of guardianship proceedings over multiple jurisdictions, transfer of proceedings, the applicability, full faith and credit clause of the United States constitution to these cases and other issues.

The proposal is pending review by the Legislative Committee on September 22 and by the Board of Trustees on October 17.

Professional Services Corporations Act

This draft bill, **prepared by the Business Law Section**, permits expressly the use of alternate names as advocated by the **New Jersey Business Corporations Act**.

The amendment **clarifies the legislative intent that professional corporations may use or register alternate names** under N.J.S. 14A:2-2.1, as applicable to professional corporations under N.J.S. 14A:17-15. Prior to its amendment, this section of the Professional Service Corporation Act created uncertainty in the Division of Commercial Recording which at one point permitted the registration of alternate names for professional corporations and later refused to do so. In addition, the amendments clarify and expressly permit the use of “P.A.” and “P.C.” without periods.

The bill is pending review by the Legislative Committee on September 22 and by the Board of Trustees on October 17.

FEDERAL LEGISLATION & ADVOCACY

Legislation Introduced in Congress to Provide Financial Support for Military Legal Assistance Programs

H.R. 6414 (Pallone/Rothman) **The “veterans Advocacy Act”** establishes a pilot program for provision of legal services to assist veterans and members of the armed forces. The bill provides grants, not less than \$25,000 or more than \$100,000, for one year through the Department of Veterans’ Affairs and Department of Defense to organizations providing *pro bono* legal services by licensed attorneys.

If approved by Congress, the bill could fund NJSBA’s highly-praised Military Legal Assistance Program. At the American Bar Association’s Lobby Day in April, leadership in the State Bar Association urged each member of the New Jersey Congressional delegation to introduce this bill, which is similar to S-1569 (Feingold).

BILL STATUS

H.R. 6414 is pending before the House Military and Veterans' Affairs Committee.

LOOKING AHEAD

The Legislative Department staff looks forward to working on the following events from Fall 2008 to early Spring 2009:

- **Annual Legislative Distinguishes Service Awards** – December BOT 2008
- **Legislative Training Program** – December 2, 2008 6-8 PM, Law Center
- **NJSBA Day in Trenton** – Spring 2009
- **ABA Lobby Day** - Tuesday, April 21 - Thursday, April 23, 2009

LEGISLATIVE DEPARTMENT ADMINISTRATION

Janna M. Chernetz resigned her position to return to private practice.

A report prepared by Tamika S. Wilson summarizes Board of Trustees and Legislative Committee activity on legislation from January 8 to June 30, 2008.