



CL&L managing partner Ralph Lamparello was installed as President-Elect of the New Jersey State Bar Association at its Annual Meeting in May. He is pictured here at the convention with New Jersey Supreme Court Chief Justice Stuart Rabner, center, and Hudson County Assignment Judge Peter F. Bariso, Jr.

Lamparello Becomes President-Elect of State Bar Association

Ralph J. Lamparello, CL&L managing partner, took the oath of office as President-Elect of the New Jersey State Bar Association on Thursday, May 17, at the association's Annual Meeting and Convention in Atlantic City.

He is on track to assume the presidency of the NJSBA in 2013 when he will become the first attorney from Hudson County to serve as President of the NJSBA in 40 years. Mr. Lamparello will also continue to serve as a trustee for the New Jersey State Bar Foundation, the NJSBA's charitable and educational arm.

"I am honored to continue my service to the NJSBA and the legal profession as President-Elect of the State Bar," said Mr. Lamparello.

A long-time member of the NJSBA and past president of the Hudson County Bar Association, Mr. Lamparello is a former chair of the association's Judicial and Prosecutorial Appointments Committee and the Meeting Arrangements and Program Committee. He serves as chair of the foundation's Law Center Committee and is a former chair of its Investment Committee.

Mr. Lamparello is also a trustee of the Association of the Federal Bar of the State of New Jersey, and is a member of the American Bar Association, the Association of Criminal Defense Attorneys of New Jersey, the Hispanic Bar Association and the New York State Bar Association. He is also a master of the American Inns of Court – Hudson Inn.

Presiding Judge Thomas P. Olivieri Joins CL&L



Judge Thomas P. Olivieri

After 20 years as a New Jersey Superior Court Judge, the last 10 as Presiding Judge of the Chancery Division in Hudson County, the **Hon. Thomas P. Olivieri** brings his considerable skills to the firm, offering expertise in the areas of complementary dispute resolution and arbitration, as well as consultation with private and public sector clients. Judge Olivieri will also be available to manage litigation as a special master and will offer guidance to the firm on complex matters.

Appointed to the bench by Governor James Florio in 1992, Judge Olivieri initially presided over domestic violence and child support matters in the Family Division. He later sat in the Criminal Division, where he presided over a panoply of criminal cases--including a death penalty case--and then served in the Civil Division, where he supervised numerous

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D'Anton to Chair Elder and Disability Law Practice

Chasan Leyner & Lamparello is proud to announce that **Michael A. D'Anton, Ph.D.** will chair the firm's Elder and Disability Law practice. Dr. D'Anton, an experienced attorney and licensed psychologist, has more than 35-years of experience working with the elderly and disabled. He has served as a consulting medical examiner with the New Jersey Division of Disability Determinations, as a psychologist with the United States Department of Veterans Affairs and as court-appointed counsel for alleged mentally incapacitated litigants. Dr. Danton is a recognized expert on the diagnosis and treatment of post-traumatic stress disorder and has been lauded by the Disabled American Veterans and the American Legion for his advocacy and humanitarian work on behalf of disabled veterans. He is admitted



Michael A. D'Anton, Ph.D.

to practice before the United States Court of Appeals for Veterans Claims.

Together with the attorneys at Chasan Leyner & Lamparello, Dr. D'Anton will offer the following services:

- Preparation of wills, estate planning and administration, creation of powers of attorney and advanced directives (commonly known as living wills), and creation of special needs trusts;
- Medicare, Supplemental Security Income [SSI], Social Security Disability [SSD], Medicaid and Department of Veterans Affairs benefit applications and appeals of benefit denials;
- Planning when a spouse or companion requires long-term care; assistance in selection of nursing home or other long-term care facilities, representation in all facets of guardianship, conservatorship and commitment proceedings; and,
- Advocacy of individuals subject to elder abuse.

New & Noteworthy



Joseph A. Lagana

Joseph A. Lagana was sworn in for a three-year term as a member of the Borough Council of Paramus at its reorganization meeting on January 7, 2012. Joseph, who practices with the Insurance Defense Department, is no stranger to public and professional service. He is currently the President of the Bergen County Bar Association's Young Lawyer Division and serves on the Paramus Planning Board and Shade

Tree Commission. Before relocating to Paramus, Joseph served on the Ridgefield Planning Board, Rent Leveling Commission and the Bergen County Committee for Community Development.

Earlier in the year, **Ralph J. Lamparello** and **Thomas P. Olivieri** joined former CL&L partner and newly appointed Hudson County Assignment Judge **Peter F. Bariso, Jr.**, in employment and labor law seminars held in conjunction with the New Jersey State Bar Association and the New Jersey Institute of Continuing Legal Education. Mr. Lamparello was also a panelist at the New Jersey Institute of Continuing Legal Education's 2012 Labor and Employment Law Forum, which presented a review of developments in the law during the preceding year. Mr. Lamparello participated in a segment titled "Hot Topics and Tactics in Employment Litigation," and discussed the most recent legal

decisions and developments in employment law.

In addition, **John L. Shahdanian II** was a panelist in a New Jersey Institute for Continuing Legal Education seminar entitled "Public Employment Law Update." The February program provided a review and analysis of recent and noteworthy decisions from the New Jersey Public Employment Relations Commission (PERC).

On March 9, 2012, **John L. Shahdanian II** and **Mitzy Galis-Menendez** provided Anti-Discrimination and Harassment training to the more than 70 staff and supervisory employees of the New Jersey State Bar Association (NJSBA). Ms. Galis-Menendez is a current member of the Board of Trustees of the NJSBA and Mr. Shahdanian, is a member of the Executive Committee of the NJSBA's Labor and Employment Law Section.

Ralph Lamparello and Joel Leyner Selected as Best Lawyers In America®, Lamparello Named Top 100 Super Lawyer

Managing partner **Ralph J. Lamparello** and firm co-founder **Joel A. Leyner** were selected for inclusion in the 2012 edition of The Best Lawyers in America®. Mr. Lamparello was selected in the practice areas of Commercial Litigation, Employment Law (Management), Labor Law (Management), Litigation (Construction, Environmental, Labor & Employment and Municipal). Mr. Leyner was recognized in the practice areas of Bet-the-Company Litigation, Appellate Practice, Commercial Litigation, and Personal Injury Litigation (Plaintiffs).

Best Lawyers in America® compiles lists of outstanding attorneys throughout the United States and in 79 legal specialties by conducting exhaustive peer-review surveys in which thousands of leading attorneys evaluate their professional colleagues.

In addition, Mr. Lamparello was named a "Top 100" attorney in New Jersey for 2012 by New Jersey Super Lawyers®, a peer-nominated list of lawyers who have attained a high degree of recognition and professional achievement and who exemplify excellence in the practice of law. This marks the fourth consecutive year Mr. Lamparello was recognized in the Top 100. Mr. Lamparello was also recognized as a Super Lawyer in the field of employment and labor law.

Other members of the firm also received Super Lawyer recognition, as follows:

Steven L. Menaker, for general litigation; **John V. Mallon**, for insurance coverage; and **John L. Shahdanian II**, for employment & labor law. **Joel A. Leyner** was selected for the 2012 Super Lawyers Business Edition.

In addition, four members of the firm were named Rising Stars® by Super Lawyers®. Rising Stars®, who are under the age of 40 or practicing less than 10 years, included: **Mitzy Galis-Menendez**, for general litigation; **Thomas A. Morrone**, for personal injury defense; **Nicole R. Cassata**, for insurance coverage; and **Kirstin Bohn**, for general litigation.



*Pictured Sitting L-R: Joel A. Leyner and John V. Mallon
Standing L-R: Steven L. Menaker, Ralph J. Lamparello and John L. Shahdanian II*

Bob Kaye Elected Chair of NJSBA Business Law Section

At the May Annual Meeting of the New Jersey State Bar Association in Atlantic City, **Robert A. Kaye** was elected Chair of the Business Law Section. The Section has more than 1,000 members. For the past two years, Mr. Kaye was Secretary for the Section. The Business Law Section provides regular informational and educational programs and publications concerning developments in New Jersey, and federal laws and regulations affecting New Jersey profit and nonprofit business organizations. Mr. Kaye has a broad background handling business transactions, including business formations, partnership and shareholder agreements, employment contracts, business acquisitions and sales,

and commercial leasing and financing. Mr. Kaye is the co-founder and president of the Hudson-Bergen Inn of Transactional Counsel, Inc., formed in 2003.



Robert A. Kaye



Ralph Lamparello talks with Senate President Stephen M. Sweeney at the New Jersey State Bar Association's Annual Meeting. Ralph was installed as President-Elect of the Association at the meeting.

Mallon to Chair NJSBA Insurance Committee



John V. Mallon

John V. Mallon, co-chair of the firm's In-surance Defense Department, was also appointed as Chair of the New Jersey State Bar Association's Insurance Defense Committee. Mr. Mallon was Vice Chair

of this committee last year. The Committee acts as a forum for attorneys who practice civil defense litigation and makes recommendations to the Bar Association's Board of Trustees positions that should be taken on pending legislation, joining litigation as amicus curiae and changes to the court rules. Mr. Mallon leads a group of 14 attorneys handling matters related to automobile, aviation, premises liability and insurance coverage disputes. In recognition of his extensive trial experience, he has been designated as a Certified Civil Trial Attorney by the New Jersey Supreme Court since 2001.

Olivieri (cont'd)

jury trials, including medical malpractice and product liability cases.

In 2002, New Jersey Chief Justice Deborah Poritz named Judge Olivieri as Presiding Judge of General Equity, Hudson County. As the General Equity Judge, Judge Olivieri presided over corporate and shareholder disputes, mortgage foreclosures, real estate controversies and, in his capacity as Probate Judge, handled guardianships and will contests. Judge Olivieri holds the distinction of having served longer as Chancery Judge than anyone else in the history of the Hudson County Superior Court.

In addition to courtroom duties, Judge Olivieri served as the Chairperson of the Conference of General Equity Judges, was a member of the Civil Practice Committee in New Jersey, was involved in rewriting the foreclosure practice rules in New Jersey, was a member of a pilot court permitting jurors to ask questions of witnesses at trial and was part of a pilot program to

institute a business court in New Jersey. He also was one of six Domestic Security Judges appointed by the Chief Justice to handle emergency applications in the event of a terrorist attack or other domestic security situation.

Judge Olivieri has lectured frequently on Chancery practice and other substantive matters, including specific performance in real estate transactions, post employment restrictive covenants and guardianship.

Judge Olivieri graduated from the University of Notre Dame. He received his Juris Doctor from the University of Richmond School of Law. He began his legal career as an Assistant Prosecutor in Hudson and Bergen Counties and later joined Ralph Lamparello, the firm's managing partner, in Jersey City where they practiced law together as Olivieri & Lamparello.

Judge Olivieri is married to Judge Patricia K. Costello, Assignment Judge, Superior Court of New Jersey, Essex County.

Three New Associates Join CL&L



Pictured L-R: Samar Siyam, Larry E. Scienski, David L. Soffer.

The firm takes pleasure in welcoming associates **David L. Soffer**, formerly an Assistant Prosecutor in the Office of the Essex County Prosecutor, and **Larry E. Scienski**, formerly of Bauman & Viscomi, house counsel for Liberty Mutual Insurance Company. Mr. Soffer and Mr. Scienski will bolster the firm's defense of personal injury, property damage and Personal Injury Protection (PIP) claims. **Samar Siyam**, who joined the firm after a clerkship with the Hon. Esther Suarez, J.S.C. will also practice with the Insurance Defense Department.

Case Notes

John V. Mallon, co-chair of the firm's Insurance Defense Department, recently prevailed in a coverage dispute for Allstate Insurance Company which implicated liability coverage for a sexual assault committed by a child under the age of 14. Mr. Mallon was able to distinguish the policy language in question from that cited by prevailing case law, which held that summary judgment was inappropriate when the actor is under the age of 14, due to questions of mental capacity. Summary Judgment was entered based on the broader policy language and the egregious facts of the case.

Mr. Mallon also successfully defended the purchaser of a sailboat after the plaintiff, who was hired to inspect the boat, fell from a defective ladder and suffered significant bodily injuries. The purchaser found the ladder under a nearby boat and placed it against the sailboat for his own use. The plaintiff argued that the defendant was negligent in selecting a defective ladder to use to access the boat. Mr. Mallon argued that the plaintiff, as a professional inspector, was in the best position to assess the condition of the ladder. After a two-week trial in Passaic County against the marina, yacht broker and purchaser, the jury determined that the plaintiff was primarily responsible for the accident and entered a verdict on behalf of all the defendants.

Mitchell L. Pascual successfully defended Ultimate Services, Inc., a national commercial janitorial services provider, against a customer's claim that she slipped and fell in a large retail furniture store in Brooklyn, New York, and suffered injuries which required a knee replacement. Although both the customer and the store argued throughout the trial in the Kings County Supreme Court that our client was maintaining the

area where the customer fell, the jury returned a verdict finding that our client was not negligent and acted in accordance with its service contract.

Thomas A. Morrone successfully defended the driver of an Allstate insured commercial vehicle who rear-ended the plaintiff stopped at a traffic light. The plaintiff – a personal injury attorney - claimed he suffered a torn rotator cuff and back injuries. In an ironic set-back to any personal injury attorneys who are themselves the plaintiff, a Passaic County jury determined that the truck driver was not negligent, acted reasonably under the wet road conditions, and was unable to avoid the accident.



Thomas A. Morrone

John L. Shahdanian II, chair of the firm's Employment Law Department, together with **Amanda E. Jackson**, obtained Summary Judgment in a civil rights claim against Jersey City Fire Protection Subcode Official Michael Razzoli. The plaintiff, a restaurant franchisee, accused Razzoli of improperly delaying the issuance of construction permits, subsequently causing the restaurant to fail. In dismissing the claim, the Hudson County Superior Court Judge Martha T. Royster, agreed with the defense that the plaintiff had filed his lawsuit after the applicable statute of limitations had

run, and that the plaintiff had failed to comply with the New Jersey Tort Claims Act, which is a prerequisite to filing a suit against a public entity or public servant in New Jersey.



Roosevelt Jean

Roosevelt Jean achieved Summary Judgment on behalf of the township of North Bergen against a claim that the plaintiff suffered a severe spinal injury and permanent disability when the chin-up bar he was using at Bruin Stadium suddenly collapsed. The plaintiff and the product manufacturer brought suit against North Bergen, alleging negligent maintenance and inspection of township property. Mr. Jean convinced the Court that the plaintiff and the product manufacturer had failed to prove North Bergen's liability under N.J.S.A. 59:4-2. In vindicating the township, the Court held that a reasonable jury could not find that North Bergen's inspection program amounted to "palpably unreasonable" conduct.

Robert A. Cappuzzo, co-chair of the Insurance Defense Department, successfully defended a coverage claim for Allstate. The claimant lived with his mother, an Allstate insured, and was named as an additional driver on his (non-resident relative) sister's policy with Liberty Mutual. The arbitrator agreed that the claimant should be covered

Case Notes (cont'd)

under Liberty's policy since they collected a premium from him and since there was an expectation of coverage under *Lerhoff v. Aetna*. The decision is available online on the Forthright website under case number 1364444.

Daniel R. Lagana and **Richard W. Fogarty** prevailed in a Demand for Arbitration against New Jersey Manufacturers Insurance Company (NJM). The claimant, Cranio Associates, sought damages of \$0.14, which represented interest owed for services that were paid in full prior to the filing of the demand. While it was conceded that the interest was owed pursuant to N.J.S.A. 39:6A-5h, Mr. Lagana argued that the claimant had waived its right to interest by accepting payment in full before filing its demand. The arbitrator--in what can only be described as a sensible reaction to a frivolous claim motivated solely by an attempt to obtain statutory attorneys fees--held that acceptance of payment for its services without protest, without appealing the original payment and without asking for interest in the Demand for Arbitration had constituted a waiver. As a result, the request for attorney's fees was denied.

In another arbitration demand claim, **Daniel R. Lagana** successfully defended State Farm Indemnity Company against a claim for future surgery. The claimant was injured in an automobile accident in 2007 and again in June, 2009. As a result of the first accident, the claimant was found entitled to a two-level decompression surgery. After the second accident, the claimant--asserting exacerbation of the previous injury--requested a three-level decompression surgery. The arbitrator determined that the claimant failed to demonstrate that his condition was aggravated by the second accident and, after comparison of the MRIs conducted before and after the second ac-

cident, had also failed to prove that there was any difference in the condition of the third-level disc that would warrant surgery. The arbitrator's decision denying the claimant's demand for the third-level decompression surgery can be found at Forum File number NJ1353789.

Proving that being struck in the rear is no assurance of success, **Richard W. Fogarty** successfully defended an NJM-insured motorist against a claim that the plaintiff motorist suffered permanent neck and back injuries after being rear-ended. In a trial before the Hudson County Superior Court

Judge Christine Farrington, Mr. Fogarty persuaded the jury that the claimed injuries were not permanent. Therefore, under New Jersey's No Fault Law's verbal threshold, the jury found that the plaintiff had not suffered a compensable injury.



Richard W. Fogarty

Friedman and Maclsaac Become Of Counsel to the Firm

Jordan S. Friedman and **Peter L. Maclsaac** became Of Counsel to the firm in early 2012. Mr. Friedman concentrates his practice in civil litigation; governmental law; and business transactions, and leads the firm's real estate tax appeal practice. He serves, by appointment of the New Jersey Superior Court, as a special master, fiscal agent and administrator in business and estate disputes. He has represented individuals, municipalities, counties, public authorities, school boards, and private businesses in a range of litigation and contract matters in state and administrative law courts.

Mr. Maclsaac focuses his practice on representing patients who are harmed by negligent medical care. He has prosecuted cases against and obtained recoveries from health care professionals in fields including obstetrics, surgery, oncology, gastroenterology, cardiology, neurology, neurosurgery, emergency medicine and infectious diseases.

Established in 1957, Chasan Leyner & Lamparello provides a wide range of quality legal services for a diverse clientele. Specializing in litigation, our attorneys appear regularly in federal and state courts.

Supervised by civil and criminal trial attorneys certified by the Supreme Court of New Jersey, Chasan Leyner offers skilled representation in the following areas of law:

Appellate ■ Alternative Dispute Resolution

Aviation ■ Banking

Civil Rights Litigation ■ Commercial Litigation

Commercial Real Estate/Leasing

Corporate and Business ■ Criminal

Environmental ■ Family ■ Governmental

Insurance Defense ■ Labor and Employment

Medical Malpractice ■ Probate Litigation

Public Entity Litigation ■ School Law

Serious Personal Injury

Workers' Compensation Defense

To learn how our attorneys can effectively serve your legal needs, contact us at 201-348-6000, or visit us online at www.chasanlaw.com.