

Ralph J. Lamparello concludes an impactful year as head of the State Bar Association

Ralph J. Lamparello, CL&L managing partner, has spent the past year serving as President of the New Jersey State Bar Association, the largest legal organization in New Jersey. The year began with his installation at the State Bar's Annual Meeting, held in May of 2013 and attended by more than 2,500 lawyers, judges, law clerks and other legal professionals. He dedicated the meeting to New Jersey lawyers and to the theme of judicial independence.

In his installation speech, he said, "As I have the great privilege of serving the

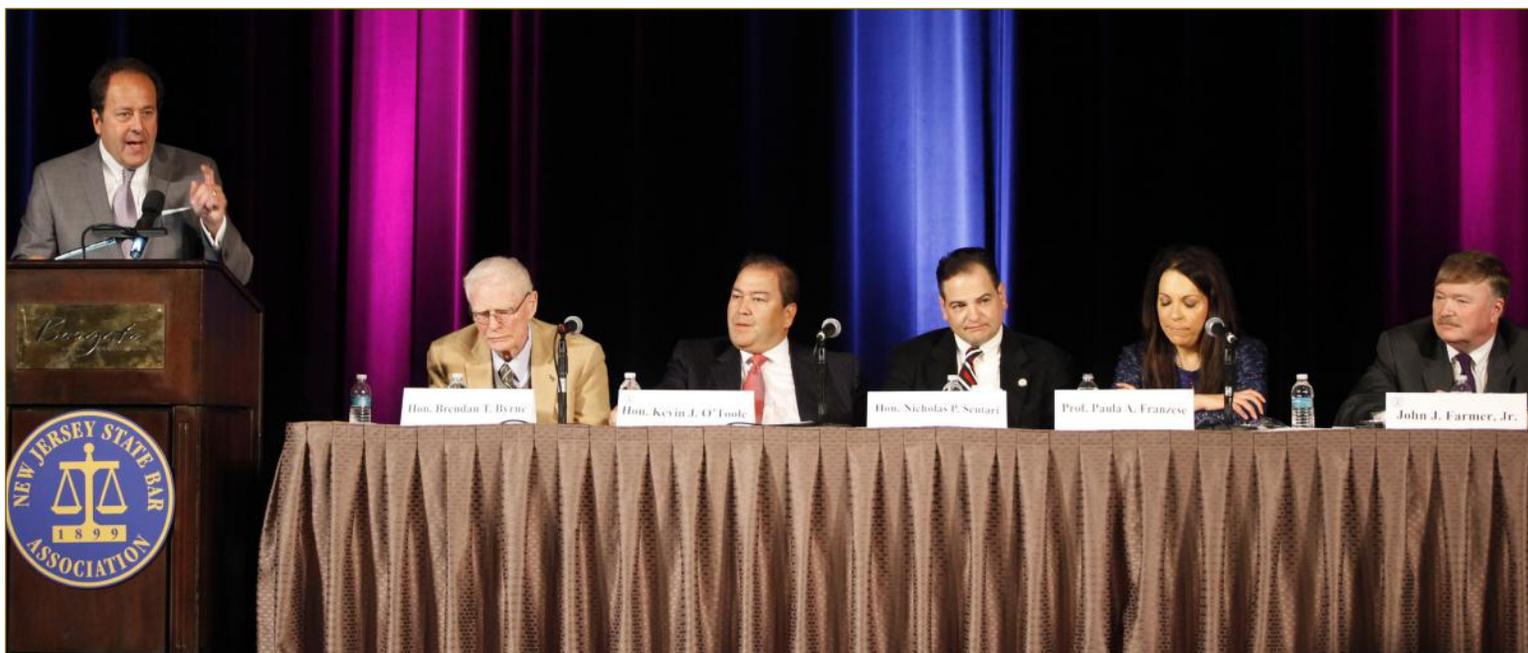
New Jersey State Bar Association and our members as President, I plan to tell people across this state about New Jersey lawyers. My message to them is that when people are in distress, they can count on a New Jersey lawyer, and when people need help, they can count on a New Jersey lawyer."

As his year of service began, he quickly dedicated himself to leading the organization in the fight to preserve the independence of New Jersey's esteemed judiciary. In appearances throughout the state and in printed editorial pieces in the state's

newspapers, he continued to emphasize the importance of an independent judiciary and highlight the current threats to that independence by the executive and legislative branches of government.

"In arguing for passage of the United States Constitution and an independent judiciary, Alexander Hamilton said 'the judiciary is beyond comparison the weakest of the three departments of power...' It has neither the sword of the executive nor the purse of the legislative branch," Mr.

...continued on page 8



Ralph Lamparello moderated a panel at the 2014 NJSBA Annual Meeting discussing the impact of today's political climate on judicial independence. Speakers included, from left, Gov. Brendan Byrne, Sen. Kevin O'Toole, Sen. Nicholas Scutari, Seton Hall Law School Prof. Paula Franzese and Rutgers Law School Dean John Farmer Jr.

Joseph A. Lagana wins election to state Assembly



Joseph A. Lagana

Joseph A. Lagana was elected to the New Jersey Assembly in November, and is now representing the 38th Assembly District, which includes the towns of Bergenfield, Fair Lawn, Glen Rock, Hasbrouck Heights, Hawthorne, Lodi, Maywood, New Milford, Oradell, Paramus, River Edge, Rochelle Park and Saddle Brook. Mr. Lagana, who was named a partner in the firm on March 1, began his Assembly term in January 2014 and will serve on the Assembly's Financial Institutions and Insurance, Judiciary and Appropriations Committees. Prior to his election, Mr. Lagana served as a Paramus councilman and served a term as Council President and Budget Chair.

John L. Shahdanian II and Amanda E. Jackson successfully defend Anazco Trucking Company in wrongful termination case



Amanda E. Jackson

John L. Shahdanian II and **Amanda E. Jackson** of CL&L's Labor and Employment Department, successfully defended Anazco Trucking Company, a regional freight distributor, against a former employee who claimed wrongful termination because of disability. The plaintiff, who sustained a foot fracture while unloading an Anazco truck, claimed that Anazco's decision to fill his position a week after the accident constituted disability discrimination.

The New Jersey Law Against Discrimination prohibits an employer from discharging an employee because of a disability, among other things. At trial in Hudson County before the Hon. Francis B. Schultz, the plaintiff argued that his submission of his medical records constituted a request for an accommodation and for a temporary medical leave. In returning a verdict for Anazco, the jury found that the plaintiff was terminated for legitimate reasons and that he never made the employer aware of his need for an accommodation.

Two new associates welcomed

Kenneth M. Kaup and **Joseph E. Santanasto** recently joined the firm as associates. Mr. Kaup obtained his undergraduate degree from Rutgers University and his Juris Doctorate degree from St. Thomas University School of Law, Miami, Florida. He joined the Workers' Compensation Department following three years of practice with another law firm and after serving as in-house counsel for a large insurance car-

rier where he handled insurance defense and workers' compensation claims.

Mr. Santanasto earned his Bachelor's degree from Fordham University in New York and his Juris Doctorate from Seton Hall School of Law. Prior to joining the firm, he served as a judicial law clerk to the Hon. Patrick J. Arre. Mr. Santanasto currently practices in the Employment and Labor Law Department.



Pictured from L-R: Joseph Santanasto and Kenneth Kaup

CL&L attorneys speak at Bar event in Rome

As President of the New Jersey State Bar Association, **Ralph J. Lamparello** led the organization's November Mid-Year meeting in Rome, which was attended by over 400 attorneys, judges and their traveling companions. Participants attended educational seminars, networking receptions, and enjoyed the breathtaking sights and memorable cuisine of the Eternal City.

Mr. Lamparello moderated a panel discussion for the showcase program on judicial independence, which featured Supreme Court Justice Jaynee LaVecchia, Assignment Judges Peter F. Bariso, Jr., Superior Court, Hudson County; Patricia K. Costello, Superior Court, Essex County; and Georgia M. Curio, Superior Court, Cumberland County; John L. Farmer, Jr. Senior Vice

President and General Counsel of Rutgers University, and Senator Nicholas Scutari, Chair of the New Jersey Senate Judiciary Committee.

In addition to Mr. Lamparello, firm speakers and panelists at program seminars included **Steven L. Menaker**, who was a panelist in a program titled Ethics: A Funny Thing Happened on the Way to the Courtroom; **John V. Mallon**, who spoke at the Hot Tips in Civil Litigation program, **Michael D. Witt**, who participated in Under the Tuscan Sun: How Public Entity Law Shines a Light on Public Employees, and **John L. Shahdanian II**, who presented on the panel titled, A Rose by any Other Name: Prominent Employment Cases with Italian Surnames.

Thomas R. Kobin succeeds in reducing a jury award from \$1 million to \$16,000 on retrial

Thomas R. Kobin successfully defended the City of Newark in an employment retaliation case brought by two police officers under the New Jersey Law Against Discrimination. The officers claimed that the City had retaliated against them after they made complaints of discrimination based on their national heritage.

The case was originally tried by another law firm and the jury awarded \$1,000,000 in damages to the plaintiffs. Mr. Kobin substituted as counsel after a new trial on damages was ordered. Following a two-week trial, he persuaded the jury that the officers' claims were exaggerated and that they had suffered only minimal injuries. The second jury reduced the award to the plaintiffs to a total of \$16,000.



Ralph and Carol Lamparello (bottom row, second and third from right) pictured with members of the firm, their spouses and friends at the NJSBA Mid-Year meeting in Rome Italy.

Maria P. Vallejo named to the 2013 "New Leader of the Bar" List

Maria P. Vallejo was recently named to the 2013 "New Leader of the Bar" list by the New Jersey Law Journal. Formerly known as "40 Under 40," the list identifies a select group of distinguished young attorneys who are noted for their outstanding career achievements and contribution to the legal community through their leadership in bar and other activities, lectures and publications.

Ms. Vallejo practices in the Miscellaneous Litigation Department and Personal Injury Group and specializes in personal injury, commercial, government-entity defense and appellate practice. She also serves on the District VI Ethics Committee by appointment of the New Jersey Supreme Court, and is an active member of the Hudson County Bar Association and

Foundation, where she serves as a trustee of the Association and a member of the Foundation's scholarship committee. She also continues to be an active member of the Hudson Minority Concerns Committee after an appointment in 2010.

Prior to practicing law, Ms. Vallejo had a successful career working as a journalist for nearly 10 years. For the last 7 years of her journalism career, she worked for Dow Jones & Co.®, where she was an editor and financial news writer.

Other members of the firm who were named to the "New Leader of the Bar" list in past years include Thomas R. Kobin, in 2006; John L. Shahdanian II, in 2008; Thomas A. Morrone, in 2011, and Nicole R. Cassata, in 2012.



Maria P. Vallejo

Three CL&L attorneys promoted

Chasan Leyner & Lamparello takes pleasure and pride in announcing the elevation of three attorneys. **Peter L. MacIsaac** and **Joseph A. Lagana** were promoted to partner and **Joseph A. Garcia** has become of counsel to the firm.

Mr. MacIsaac joined CL&L as an associate in 2005 and, during his tenure as a member of the Personal Injury practice group, achieved significant verdicts and settlements on behalf of the victims of medical malpractice, products and premises liability. Mr. MacIsaac also practices in the Miscellaneous Litigation Department, in the areas of commercial and business disputes.

Mr. Lagana became an associate with the firm in 2007 and practices in the Insurance Defense Department, with a concentration in Personal Injury Protection (PIP) arbitrations – defending the Firm's clients against claims for excessive or unnes-

sary treatment of persons injured in motor vehicle accidents.

Mr. Garcia came to CL&L in 2009 and specializes in the fields of governmental, election, school and labor law. Mr. Garcia presently serves as General Counsel to the

Hoboken South Waterfront Operating and Maintenance Corporation and as Special Labor Counsel to the Hoboken Housing Authority. He is also Special Counsel to the Clerk of the City of Newark and the Clerk of the City of Orange.



Pictured from L-R: Joseph Lagana, Joseph Garcia, Peter MacIsaac.

Client matters are successfully resolved in the Appellate Division

Raymond J. Seigler, a member of the Labor and Employment Department, represented the City of Bayonne and two individual police officers on appeal in a lawsuit brought by plaintiffs seeking damages for violations of their civil rights. The plaintiffs alleged the two police officers used excessive force while arresting one of the plaintiffs. Mr. Seigler successfully reversed an award of \$106,000 assessed against the defendants.

The case was tried in the Superior Court in Jersey City, where the jury found that one of the officers used excessive force, the other failed to intervene, but the plaintiff suffered no injury. Despite the jury award of one dollar in damages, the trial court awarded plaintiffs' counsel the full amount of fees claimed. The New Jersey Civil Rights Act abrogates the American Rule, which provides that each party to a lawsuit is required to pay his or her own legal fees and allows a successful claimant to be awarded attorney's fees, regardless of the amount of the damages awarded.



Raymond J. Seigler

Mr. Seigler substituted for trial counsel and on appeal argued that the trial court erred in awarding fees for both successful and unsuccessful claims. The Appellate Division agreed, reversed the fee award and remanded the case back to the trial court with instructions to reduce the attorney fee award to reflect plaintiffs' limited success at trial.



John V. Mallon



Richard W. Fogarty

John V. Mallon and **Richard W. Fogarty**, of the Insurance Defense Department, were successful on appeal in resisting a claim against an insured of the Allstate Insurance Company. On the sixth scheduled trial date, the plaintiff asked for an adjournment because he couldn't locate his expert witness. The witness was necessary to prove that the plaintiff's injuries -- two cervical herniated discs and two lumbar herniated discs -- were permanent, a requirement of the motor vehicle Verbal Threshold Act.

The request for adjournment was denied and the plaintiff's complaint was dismissed with prejudice. After filing several unsuccessful requests to reinstate his complaint, the plaintiff appealed and claimed that the trial court was wrong in denying him his day in court. The Appellate Division agreed with the trial court and found no abuse

of discretion in dismissing the complaint because the plaintiff failed to demonstrate that exceptional circumstances prevented him from hiring another expert to testify to the permanency of his injuries.

Maria P. Vallejo, who handles bail forfeitures for the County of Hudson, successfully defended on appeal a trial court's decision to require a corporate bail surety to forfeit 80 percent of a \$75,000 bond, which it had posted for a defendant who failed to appear in court.

Defendants often post surety bonds, through bail bondsmen, to secure their release from jail pending trial. If the defendant then fails to appear in court, the bail is subject to forfeiture. Commercial sureties often argue against forfeiture claiming diligence in monitoring the defendant or reasonable efforts made to apprehend and return the defendant.

In this case, the surety argued it should be relieved from forfeiture because it was not informed that the defendant was a fugitive from another county when it bailed him out of the Hudson County jail. The Appellate Division rejected the surety's argument, finding that forfeiture was appropriate because the surety took no action to capture the defendant and return him to court.

In the latest chapter of the firm's dogged pursuit of a malicious boyfriend who sent revealing photographs of his former girlfriend to her family, friends and business associates, **Peter L. Maclsaac** persuaded the Appellate Division to reverse a trial court ruling which dismissed a complaint against the boyfriend for fraudulent transfer.

In an earlier lawsuit, the firm obtained a judgment of over \$500,000 on behalf of the girlfriend. When it went to collect on the judgment, it found that the boyfriend

...continued on page 6

plaintiff had 'sold' his business to a friend and was now receiving only a modest salary as a consultant to the friend's company. CL&L then filed a second lawsuit against the boyfriend claiming that his 'sale' was fraudulent. After trial, the court dismissed the complaint finding that the transfer occurred beyond the four-year statute of limitations for fraud.

On appeal, the Appellate Division agreed with Mr. MacIsaac that sufficient evidence was presented to support the fraud claim and that it was not barred by the statute of limitations. The appellate court reversed the lower court's decision and returned the case for a new trial, before a different judge. The court also ordered the new judge to consider whether the burden of proof – which is ordinarily upon the party which brings the lawsuit – should be shifted to the boyfriend because of the plaintiff's claim that the boyfriend lost or destroyed the critical financial documents.



Peter L. MacIsaac

The Firm represents Strike Force Protective Services, a provider of security services at concerts and sporting events. In this case, a plaintiff filed a lawsuit against the Strike Force and the Starland Ballroom in Sayreville, claiming he was injured at a Seether concert when the owner and Strike Force failed to protect him against rowdy, alcohol-fueled concertgoers who pushed him to the ground. The complaint was dismissed before trial because the plaintiff was unable to demonstrate that the owner or security force was negligent, as the incident happened quickly and could not have been anticipated.

On the plaintiff's appeal, **Mitchell L. Pascual** and **John M. Tuntevski** persuaded the Appellate Division that the owner took appropriate precautions to enforce its policy against unsafe crowd behavior by employing Strike Force, the band had performed at the venue in the past without incident, the incident escalated in a matter of seconds, and the plaintiff conceded that he felt safe the entire time until he was hurt. The judgment dismissing the complaint was affirmed.



Mitchell L. Pascual



John M. Tuntevski

The New Jersey Torts Claims Act ("TCA") regulates the terms and conditions to sue a governmental entity or its employees for their negligence. One provision of the TCA requires that an injury must be permanent or cause a substantial loss of bodily function before a lawsuit can be filed. **Roosevelt Jean**, who practices in the Insurance Defense Department, defended the Township of North Bergen against a claim of permanent injury suffered in an auto-

mobile accident. Mr. Jean persuaded the Appellate Division that the trial testimony of the plaintiff's four doctors was insufficient to prove that the accident caused a permanent lumbar injury or substantial loss of bodily function.



Roosevelt Jean

Similarly, the automobile verbal threshold requires that that an injury be proven by objective and credible medical evidence. In a second appeal, Mr. Jean successfully defended a motorist insured by Allstate Insurance Company from a claim arising out of a rear-end automobile accident. Mr. Jean persuaded the Appellate Division to affirm the trial court's dismissal of the complaint because the plaintiff failed to demonstrate by objective credible evidence that his claimed bulging and herniated disc and radiculitis was caused by the motor vehicle accident.

Defending a motorist who slams into the rear of a stationary vehicle is a difficult task because liability is almost assumed. Nevertheless, **John M. Tuntevski** successfully defended a New Jersey Manufacturers Insurance Company insured who was sued for causing permanent injury, including the aggravation of the plaintiff's preexisting neck and back condition. Mr. Tuntevski exploited an exaggeration by the plaintiff, who had no demonstrable prior accident, who failed to seek emergency medical treatment and who was able to return to work following the accident, by demonstrating that the medical conditions were neither permanent nor disabling, the necessary elements of a compensable motor vehicle claim.

Ralph J. Lamparello is awarded the Rodino Society Humanitarian Achievement Award

Managing partner **Ralph J. Lamparello** was recently honored by Seton Hall University School of Law's Peter W. Rodino Jr. Society with its prestigious Humanitarian Achievement Award. The award was bestowed at a reception on October 29, 2013, and is presented annually to a member of the bar whose contributions embody qualities brought to public service by the late Congressman Peter Wallace Rodino, Jr. Congressman Rodino served in the United States House of Representatives for 40 years and, as Chair of the House Judiciary Committee, oversaw the impeachment hearings that led to the resignation of President Richard Nixon.

Mr. Lamparello recently concluded his

service as President of the New Jersey State Bar Association, the state's largest legal organization, and in that capacity has traveled the state to discuss the need to preserve judicial independence and protect the judicial system from political interference, a particularly timely issue in the state given the long stalemate between the Executive and Legislative branches over appointments to the New Jersey Supreme Court. As President, Mr. Lamparello created the NJSBA's Taskforce on Judicial Independence, advocated for a constitutional amendment to support the reappointment of judges and justices for tenure and specifically urged the reappointment of New Jersey's Chief Justice Stuart Rabner.



Ralph J. Lamparello

Nine attorneys selected as 2014 Super Lawyers® and Rising Stars®

Managing partners **Ralph J. Lamparello**, **Steven L. Menaker**, **John V. Mallon** and **John L. Shahdanian**, were selected as 2014 New Jersey Super Lawyers®. Mr. Lamparello was selected for employment and labor; Mr. Menaker for general litigation; Mr. Mallon for insurance coverage; and Mr. Shahdanian for employment and labor.

Additionally, Mr. Lamparello was named a "Top 100" attorney in New Jersey for 2014 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 fifth consecutive year Mr. Lamparello was recognized in the Top 100.

In addition, five 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: **Joseph A. Lagana**, for personal injury defense; **Kirstin Bohn**, for general litigation; **Amanda E. Jackson**, for employee litigation defense, **Raymond J. Seigler**, for employment and labor; **Maria P. Vallejo**, for general litigation.

Lamparello explained. "That is why Hamilton argued for the complete independence of the courts of justice."

During the year, Mr. Lamparello attended numerous meetings of county bar associations, and authored several columns in legal and lay publications that call on our state's political leaders to respect the judiciary as a co-equal third branch of government. Two of his columns were published in the state's largest newspaper, The Star-Ledger. He has also attended several American Bar Association sponsored meetings around the country, where he discussed the attacks on judicial independence in New Jersey.

In addition to the NJSBA Annual Meeting in May, Mr. Lamparello led the Association's members on its November Mid-Year Meeting in Rome, Italy, where he moderated a panel presentation on judicial independence. The program featured a Supreme Court justice, three Assignment Judges and a state Senator. At the invitation of the Dean, he also served on a panel focused on threats to judicial independence, held at Rutgers University School of Law-Newark. Further, at the NJSBA's 2014 Annual Meeting he moderated a distinguished panel titled Judicial Independence: How Today's Political Climate Affects our Courts, featuring, among others, former Governor Brendan T. Byrne, and Senators Kevin J. O'Toole and Nicholas Scutari as speakers.

As President, Mr. Lamparello led the organization's Board of Trustees in adopting a resolution supporting the independence of the judiciary as a cornerstone of our democracy. He also took a leading position in the state's newspapers when Supreme Court Associate Justice Helen E. Hoens was not renominated for tenure by Governor Chris Christie. He called the failure to nominate Justice Hoens for tenure an "erosion of the independence of our courts, whose role as the third branch of government is to balance the other two branches and to protect the rights of the citizens of this state."

In published reports throughout the state, he criticized the Governor for ignoring the clear intent of the New Jersey Constitution and praised Justice Hoens for serving "honorably, evaluating each case based on the law and on the facts before her. Her opinions were thoughtful and well-reasoned, and she always conducted herself with the utmost professionalism."

Mr. Lamparello also recently led the NJSBA in adopting a resolution to support the reappointment of New Jersey Supreme Court Chief Justice Stuart Rabner, whose initial seven-year term on the Court will end in late June. He also worked to secure the support for the same from 20 of New Jersey's 21 county bar associations.

"Since the New Jersey Constitution created our modern justice system in 1947, no Chief Justice has ever been denied reappointment. The fact that we do not know his status, less than 60 days before the Chief's initial seven-year term expires, is an unprecedented attack on the judiciary," he stated. On May 21, 2014, Governor Christie announced that he would reappoint Chief Justice Rabner for tenure.

In order to ensure that his initiative has a lasting impact, Mr. Lamparello asked the State Bar Board of Trustees to create an independent Task Force on Judicial Independence. He appointed the 14-member group of retired judges, law professors, esteemed lawyers and members of the public, and tasked them with the mission of making recommendations that will strengthen the independence of our courts.

That Task Force recently held the first of four scheduled public hearings to hear from the legal community and others on issues, concerns and recommendations related to judicial independence in New Jersey. Mr. Lamparello presented the first testimony to the Task Force, on behalf of the NJSBA, and addressed issues ranging from the historic underpinnings of an independent judiciary in our democracy, both state and national, to the reappointment of judges and justices, judicial compensation and senatorial courtesy.

Mr. Lamparello was recognized for his significant efforts on judicial independence with the prestigious Humanitarian Achievement Award from Seton Hall Law School's Peter W. Rodino Jr. Society (see related story). In accepting the award, he stated "There has been no more paramount issue facing us as a profession than the current threats to weaken our Judiciary, our third, co-equal branch of government, by undermining its independence. We are and we will continue to fight to preserve its integrity and guarantee that our courts are a steadfast, independent and strong guardian for our citizens."

Mr. Lamparello completed his term as the 115th President of the New Jersey State Bar Association in May, but will continue his efforts to preserve judicial independence in our state so long as there continue to be threats to that independence.

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 ■ Elder and Disability Law
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.