Mandelbaum Salsburg

Attorneys at Law

View from the Bar

Spring 2018

A Letter from Our CEO & Chairman

The first quarter of 2018 has brought many exciting new opportunities to our Firm. We relocated our New York office to a bigger, more modern, and better located space near Rockefeller Center, we welcomed two partners, Jeffrey Wasserman and Raj Gadhok from well-known New Jersey firms and enlisted two more associates, Ethan Wells and Ronen Yair who are part of our growing personal injury and healthcare practices respectively. We have implemented new technology procedures to better protect our data and keep our client's information safe, and continued our commitment to the communities we serve by participating in a number of charitable activities such as our "Go Green for Brain Injury Awareness" denim day fundraiser, and a food drive for a local food pantry. We are fortunate to be able to continue our growth and to expand the ways in which we can better serve you, our trusted clients and friends. As a Firm, we truly value the relationships we have with our clients and have built our business around those relationships. We hope you find the stories in this edition of our "View from the Bar" newsletter engaging and useful and we encourage you to share it with your colleagues.

In addition to our bi-annual newsletter, we make every effort to keep our clients informed of the latest news and events that impact their business and personal lives and have worked hard to enhance our online presence on social media sites that are readily accessible to you. We encourage you to follow @MandelbaumLaw on Linked In, Facebook and Twitter.

Very truly yours,

William S. Barrett, Esq.
Chief Executive Officer

Barry R. Mandelbaum, Esq.
Chairman of the Board

Cyber Security Risks of Employees Working at Home

By Dennis J. Alessi, Esq.

A 2017 Gallup survey, as reported in the New York Times, found that 31% of those surveyed work remotely four to five days a week, and 43% of those surveyed spend at least some of their time working remotely.

Although recently, one major, high-profile employer did begin retrenching from a very liberal personnel policy of working from home, the general expectation is that this trend in employment will only increase. This article is not to discourage employers from permitting working remotely; but rather, to raise awareness of the cyber security legal risks for employers to take appropriate actions to minimize.

Almost assuredly, cyber security of confidential and proprietary information is the greatest risk because essentially all working remotely entails electronic communications over the Internet. Employers need to consider that there are three distinct areas of cyber security risk. The first, obviously, is the employer's own confidential and proprietary information. This includes its unique methods of providing its goods or services; its marketing and pricing strategies; customer lists; and sources of referrals.

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Pendente Lite Period and the "Status Quo" of a Marriage

By Lynne Strober, Esq.

As family law attorneys we are often asked many questions by our clients as to what they can expect when going through a divorce as far as the paying of expenses, etc. In general, the answer is that they can expect close to the status quo to be maintained until the end of the case and then thereafter to the extent possible with two households. The status quo is how various bills and living expenses were paid during the marriage which is the standard of living the parties enjoyed during the marriage and how the parties utilized the available income. Many times parties do not separate until the end of the case. Therefore, the parties are still maintaining one primary household. Once the parties have separated, it is not expected, in most circumstances, that the income that maintained one home can as easily maintain two households. Absent an agreement by the parties, the Court would have to allocate the same income among two separate households.

This is referred to as the pendente lite period. Pendente lite support is support ordered by a Court or agreed upon by the parties pending the entry of a Judgment of Divorce. It may take various forms.

Child Support

In general, child support is based upon the Child Support Guidelines or if a case is above the Guidelines, meaning that the net combined income of the parties on an annual basis is more than $187,200, some additional support may be ordered to address the way the children live and for the children to benefit from the wealth of their parents. However, no matter how wealthy the parents are, the amount to be provided is not unlimited. During the pendente lite period, the Court may or may not utilize the Child Support Guidelines.

Credit Card Spending/Asset Change

Courts may put limits on credit card spending, may preclude the parties from making major non-emergent purchases or otherwise prevent the parties from altering or transferring the assets.

Insurance

Insurance cannot be changed if in existence within 90 days of the filing of the Complaint for Divorce.

Vacations and Additional Discretionary Spending

Courts do not frequently provide for grandiose vacations that occurred during the marriage during the divorce process unless same can be accomplished without a disruption to the payment of the parties' fixed expenses. They do look however to not disturbing the day-to-day life of the family. If the parties saved as part of their marital lifestyle, usually it is not mandated that savings continue during the pendente lite stage. However, all income needs to be accounted for.

If the parties spent money on a country club or very extravagant restaurants during the marriage some of that spending may be curtailed, but not eliminated. Parties are typically not required to cancel country club memberships or sell assets until the discovery process is completed. The goal is to wait until all the fact finding occurs before major financial changes are made.

Economic Emergencies

If an economic emergency occurs during the pendente lite period, such as the collapse of a business, a party wins the lottery, earns significantly more, has significant medical expenses or becomes unemployed the Court may make a change in the status quo such as selling an asset or modifying the support to address the available funds and needs.

Alimony

One way that the alimony is ultimately determined is, by among other information, and proofs, a lifestyle analysis is performed by a forensic accountant that determines what the expenses were during the marriage and how they were paid. The lifestyle of the marriage is a guide although not the singular factor during the divorce process and when the case is ultimately resolved.

Conclusion

Ultimately, Courts look at many factors in determining support. The ability of the higher earner to pay the support and the needs of the recipient spouse are of primary focus and viewed within the context of the determined marital lifestyle. The spending habits of families differ. Ultimately, all the income is utilized either for ongoing expenses, debt satisfaction or savings. The goal is to continue the economic lifestyle to the extent reasonable and possible upon divorce. Proving the lifestyle may include addressing issues of unreported income, cash expenditures, whether the spending was business or personal, whether the spending was reflective of the marriage or of a temporary nature, whether it was non-recurring, etc. The lawyer will paint a picture of the spending. We have utilized pictures of: a client on a private jet, in their deluxe highly landscaped luxurious backyard pool area, their fleet of family luxury automobiles, etc. We may use accounting reports along with a full depiction of the client's economic life whether we are in a negotiation or before a Court to present the facts of each particular case.

Lynne Strober is a member of the Firm and Co-Chair of the Matrimonial and Family Law Practice Group. She can be reached at lstrober@lawfirm.ms.

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Cyber Security Risks

What many employers may not consider is that employee remote accessing of electronic records most likely includes similar confidential and proprietary information of the employers' clients\ customers. Consequently, a data breach, through remote employee accessing, can cause a financial loss or disruption not only of the employer's business, but also, that of its clients/customers. This can then result in legal actions against the employer for these losses/disruptions.

For those employers who conduct business directly with individual consumers, there is a third cyber security risk with employees working remotely. There are both federal and state of New Jersey laws which require companies to maintain the security of electronically stored personally identifiable information of consumers ("PII"). PII includes information such as name, address, date of birth, social security number, credit card account numbers and similar information. These laws imposed extensive notification and other remedial obligations on employers when there is a data breach of electronically stored PII.

Many companies are now sufficiently aware of their cyber security risks that they have implemented significant technical safeguards at their office locations. However, it is reasonable to assume that most employees working remotely do not have such safeguards on their personal, at-home electronic devices. Often media reports that a major company, with a great deal of electronic consumer information, and with a high level of technical security at its offices, has still had this information hacked through a remote location source, such as a vendor, supplier, or customer, which did not have such a high level of technical security. Obviously this same risk exists with employees working remotely through their personal electronic devices.

To minimize these risks we uniformly recommend that our clients take the following actions: (1) purchase or pay-for all laptops and other electronic devices which employees will use in working remotely; (2) ensure that the same security measures are install on these devices as those on the devices at the company's offices; (3) adopt personnel policies that employees must use only these company provided, or paid-for, devices in performing all remote work; cannot have any personal information on these devices; have no expectation of privacy on them, and the employer will periodically monitor these devices to ensure that these security measures are in place; and (4) then actually conduct such monitoring for this purpose and to ensure that these personnel policies are being complied with.

Dennis J. Alessi is a Member of the Firm and Co-Chair of both its Employment Law and its Healthcare Law Practice Groups. He can be reached at dalessi@lawfirm.ms.

Expungements: What Are They, Should I Get One?

By Joseph Discenza, Esq. and
Nicholas Waltman, Esq.

An expungement is the extraction and isolation of all records on file with any court, detention or correctional facility, law enforcement or criminal justice agency concerning a person's detention, apprehension, arrest, trial or disposition of an offense within the criminal justice system. Expunged records include complaints, warrants, arrest, and commitments, processing records, fingerprints, photographs, index cards, "rap sheets" and judicial docket records.

A criminal offense can range from the simplest petty disorderly person offense to indictable offenses. Indictable offenses in the State of New Jersey are commonly referred to as misdemeanors, and felonies in other jurisdictions.

In New Jersey, all municipal court matters involving disorderly persons, petty disorderly persons and violation of town ordinances, as well as many indictable offenses, are expungable.

There are a growing number of individuals who, for one reason or another, were arrested, and others who have actually been convicted of a disorderly person's offense or crime.

In many instances, the punishment was a fine, a probationary term and/or community service. In most instances, the "punishment" phase of the incident is resolved in a fairly short period of time. There remains, however, a record of the event. Even the simplest arrest (except for motor vehicles offenses) gives rise to a "record" wherein the incident would show up on a person's criminal history (rap sheet). This is a lifetime event, and unless action is taken to remove such an incident from a person's rap sheet, it will remain there until the person dies – and beyond.

Every day that you have a criminal conviction on your record can mean a lost opportunity in life. This opportunity can be a job you wanted and were otherwise qualified for, a financial aid package you needed, or the opportunity to vote or obtain a firearm permit. Many companies and schools pursue a background check on prospective candidate

Once the process is completed, the records will be removed from public view and you will be lawfully entitled to answer, "no" to any question regarding the expungement records or underlying incident.

For many individuals, an expungement is appropriate. There is a complex set of laws involving expungements. On December 19, 2017, former Governor Chris Christie enacted new expungement laws .The new expungement law in New Jersey will take effect on October 1, 2018. The new expungement law will reduce the waiting periods for expungement eligibility and increase the number of convictions an individual can expunge.

To ascertain whether or not you need an expungement and are eligible to receive one, contact Joseph Discenza Chair of the Municipal and General Criminal Defense Practice Group or Nicholas Waltman of Mandelbaum Salsburg at 732-628-0900, or jdiscenza@lawfirm.ms or nwaltman@lawfirm.ms.

Stormy Daniels' Gag Order Explained. Is it fair?

Reprinted from the March 21, 2018 Star Ledger Op Ed Section

By Steven I. Adler, Esq.

The "Me Too" and "Time's-Up" movements rekindled the nation's collective awareness concerning sexual harassment and abuse which all but disappeared since the Clarence Thomas Supreme Court confirmation hearings in 1991. What contributed to this lack of discourse concerning the prevalence of sexual harassment in our society over the past twenty five (25) years? The use of non-disclosure agreements (NDAs) and confidentiality clauses in settlement agreements surely played a part.

NDAs and confidentiality clauses are standard fare when parties settle sexual harassment and abuse cases. In exchange for a settlement payment – such as the $130,000 payment made on President Trump's behalf to Stormy Daniels – the victim of harassment agrees not to discuss the claims made, or the terms, and sometimes even the existence, of the settlement. These agreements usually also call for significant financial penalties should the plaintiff violate the confidentiality clause. For example, in the agreement at issue in the Trump-Daniels lawsuit, Daniels is required to pay the President $1 million for each of her breaches of the confidentiality clause.

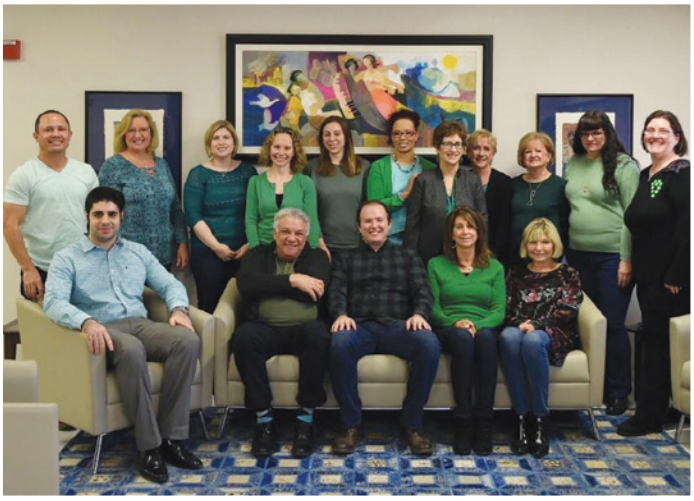
Is this agreement enforceable? Probably not because the $1 million liquidated damage amount for each breach appears to be an unenforceable penalty rather than an estimation of likely damages should confidentiality be breached. This confidentiality clause kept Daniels relatively quiet until her recent appearance on *60 Minutes*. If there were no such provision, or if the court in the pending litigation refuses to uphold it, she undoubtedly will disclose more of the sordid details on television or in a book deal which is likely to follow.

Confidentiality clauses serve useful purposes. They protect the reputation of the alleged harasser when frivolous claims are brought. They also protect the plaintiff who does not want it known that she was subjected to sexual abuse or that she sued her employer. Finally, confidentiality clauses make it easier to settle cases because they protect the good will of the employer. In fact, companies will pay more to a victim of harassment as hush money to avoid the impact of these types of allegations on their bottom-lines. Bad publicity from these cases can be devastating, as Harvey Weinstein's now bankrupt company recently learned.

On the other hand, as seen lately, confidentiality clauses enable harassers to continue their pattern of abuse and expose other, unsuspecting victims to this same treatment. Weighing the advantages and disadvantages of these provisions, the time has come to limit these gag-orders and Congress agrees.

Buried deep inside the new Tax Cuts and Jobs Act is a provision which disallows tax deductions for monies employers pay to harassment victims and for legal fees if the parties enter into a confidentiality agreement. In essence, since late December parties must choose between deductibility and confidentiality. For now this seems to be a fair middle ground. It enables companies to protect themselves and alleged harassers against frivolous claims by insisting upon confidentiality while at the same time also providing victims with some leverage to insist upon no confidentiality. Lawyers of course will find some work-arounds, whether through stronger clauses confirming that the amount being paid is not an admission of liability or requiring the victim to confirm in an agreement – whether or not it is true-- that there simply was no harassment. The settlement value of harassment cases also might go down somewhat to make up for a company's loss of the tax deduction when it is insisting upon confidentiality. Only time will tell whether this law goes far enough to expose harassers and deter this behavior in the first place.

Steven I. Adler is a Member and Co-Chair of the Firm's Labor & Employment Law Practice Group. He can be reached at sadler@lawfirm.ms.



This March Team Mandelbaum hosted a "Wear Green Day" to raise money and recognition for Brain Injury Awareness Month. All funds collected were given to Opportunity Project.

Federal Appeals Court 'Blurred Lines' Decision is, in Fact, Not so Blurry

By Joel G. MacMull, Esq.

On Wednesday, March 21, 2018, a three-member split panel of the United States Court of Appeals for the Ninth Circuit ruled that the 2013 Robin Thicke and Pharrell Williams smash hit 'Blurred Lines' infringed the copyright in Marvin Gaye's song 'Got To Give It Up.' See *Williams v. Gaye*, No. 15-56880. The decision upheld a Los Angeles' jury's 2015 verdict awarding Gaye's heirs over $5 million dollars in damages, further ruling that the jury's award of actual damages, infringers' profits, and a continuing or "running" royalty, were all appropriate.

In upholding the jury's damages award, the court rejected the Appellants' argument that indistinguishability is the relevant test. Rather, the court explained:

> *There is no one magical combination of…factors that will automatically substantiate a musical infringement suit, and as each allegation of infringement will be unique, the extrinsic test is met, [s]o long as the plaintiff can demonstrate, through expert testimony…, that the similarity was 'substantial' and to 'protected elements' of the copyrighted work. We have applied the substantial similarity standard to musical infringement suits before, and see no reason to deviate from that standard now. Therefore, the Gayes' copyright is not limited to only thin copyright protection, and the Gayes need not prove virtual identity to substantiate their infringement action.*

Judge Nguyen, however, issued a vigorous dissent. She wrote that 'Blurred Lines' and 'Got To Give It Up' were not objectively similar as a legal matter using an extrinsic test because the two songs differed in melody, harmony, and rhythm. She further warned that the majority's refusal to compare the two works properly allowed the defendants to copyright a musical style – something that, until now, has never been protectable under the Copyright Act.

It is this concept, the protectabilty of a musical style – as opposed to a song's lyrics or aural elements, i.e., the arrangement of its notes – that has received a lot of attention following the decision. Major publications such as Variety, Slate, Rolling Stone and Billboard have all warned of the parade of horribles that may follow in the decision's wake, but which, based on the specific facts of the case, is exaggerated in my view.

Quite simply, the appellate court did was it was supposed to here. That is, it reviewed the record on appeal and concluded that the jury's findings were substantially supported by the evidence. It did not, by contrast, chose to reweigh the evidence presented to the jury and overturn its verdict merely because it disagreed with its conclusion. It is worth noting too that among the testimony elicited during the trial were the defendants' admissions that the two songs were similar.

So, while it is predictable that this decision may in the short term give rise to a spike in copy-cat lawsuits as opportunists seek a windfall from deep-pocketed artists and their recording labels, the discovery phase of litigation will in the vast majority of these cases put these claims to rest. Further, once the dust settles it is likely that the legal landscape will look much as it does now, which is a good thing, as this intellectual property lawyer is too old to learn to dance to a different beat!

Joel G. MacMull is a Member and Vice Chair of the Firm's Intellectual Property and Brand Management Practice Group. He can be reached at jmacmull@lawfirm.ms.

Environmental Tips From One of Our Environmental Attorneys

By Douglas I. Eilender, Esq.

Don't Ignore Construction/Development Related Issues During Your Environmental Due Diligence.

Appropriate environmental due diligence on commercial real estate typically consists of a Phase I Environmental Site Assessment/ Preliminary Assessment Report ("Ph I/PAR"). This includes a visual site inspection and review of aerial photographs, Sanborn Maps, historical regulatory records and databases. The Phase I/PAR identifies what one would consider routine environmental issues, such as past manufacturing operations, underground storage tanks, trench drains, sumps or other issues that could adversely impact the subsurface or air quality of the property in question. What people sometimes miss are environmental issues related to construction, renovation or re-development. For example, if the building was built in the 1970s and you plan on performing a gut renovation, an asbestos survey should be completed so that you can get a handle on the estimated asbestos abatement costs. If there is a Deed Notice/Soil Remedial Action Permit in place due to the presence of historic fill or other residual soil contamination and a redevelopment is planned, the incremental increase in construction costs to dispose of the impacted soil and other NJDEP administrative requirements should be determined. Depending on the particular issue and proposed project/development, these construction and incremental increased costs attributable to pre-existing environmental conditions can add up. Failing to consider these costs and creating accurate budgets during due diligence can create major obstacles that can and should be avoided.

Douglas I. Eilender is Co-Chair of Mandelbaum Salsburg's Environmental Law Practice Group and a Member in the Firm. He can be reached at deilender@lawfirm.ms.

Divorce and Pets: What's in the Best Interests of Robert, Jennifer, Robin...Fido?

By David Carton, Esq.

In New Jersey divorce cases, a determination of custody and parenting time of unemanciapted children is governed by the standard of what is in their "best interests." While at times a vague and fact-dependent concept, it is what practitioners and judges must gauge their decisions and negotiations on.

On the opposite end of the spectrum, the division of property in New Jersey is based on sixteen Equitable Distribution statutory factors. In none of these factors do we have the language "best interests."

Anyone who has ever had a pet knows that he or she is more than a piece of personal property, such as a lamp.They are not chattel. However, the law in New Jersey treats pets as just that.

When pets are a part of divorce negotiations, they very often are tied into the children; as in what is good for the pet is what is good for the children. But this is not always accurate. What if the children are not the pet's primary caretaker and the parties are the ones invested in the pet? What if there are no children or the children are emancipated and out of the house?

Otherwise court's look at the title ownership. For example, who's name the pet was purchased or registered in or who pays for the pet's day to day expenses or vet expenses.

There is a movement afoot to change the law in other states.

While those of us in the tri-state area may see Alaska as an outpost of civilization to been seen from the deck of a cruise ship or on "Ice Road Truckers" they are on the cutting edge of this area of law.

Effective January 17, 2017 Alaska became the first state to empower courts to take in to account the "well-being of the animal" in custody disputes involving non-human family members. Effectively, courts in Alaska now are able to consider what is best for the pet in determining custody.

In Illinois, similarly the law has recently changed at it relates to the well-being of companion animals when determining sole or joint ownership.

While neither law defines the term "companion animal" the laws do exclude service animals so arguably, any animal can be considered a companion. Does this include the peacock that a woman recently tried to bring on an airplane under the auspices that is was a comfort animal is yet to be determined? Will a champion bred racehorse or dog be viewed differently than Squeaky the hamster is also as of yet unknown.

How will courts apply this standard? Are expert's needed and what will be the basis for their testimony? Will there be public outcry when the already backlogged courts are dealing with pet issues perhaps to the detriment of custody actions involving children?

All of these are question which will be answered as time passes. As of now, New Jersey does not have a law which changes the way we look at pets. We still view them as property with the "best interests" standard being inapplicable. However, perhaps we will move along the course of Alaska and Illinois in recognizing the true nature and benefit of pets.

David S. Carton is a Certified Matrimonial Law Attorney, a Member of the Firm and Co-Chair of the Matrimonial and Family Law Practice Group. He can be reached at dcarton@lawfirm.ms.

What Assets Are Not Counted When Applying for SSI?

By Richard I. Miller

Supplemental Security Income (SSI) is a federal program that helps people with disabilities and very low incomes pay for food, clothing and shelter. SSI is often confused with Social Security Disability Insurance (SSDI). One of the main differences between the two programs is that SSDI is available to people with disabilities no matter how much money they earn or have, while SSI places very strict limits on a recipient's income and assets. However, in most states, an SSI beneficiary also qualifies for Medicaid health coverage, which can be an extremely valuable benefit.

Once an SSI applicant has shown that she is disabled, she must also prove that she meets the program's rules for income and assets. As far as assets are concerned, to be eligible for SSI, an applicant can have no more than $2,000 in assets ($3,000 for a couple), a figure that has not changed since 1989. If the applicant can use or liquidate an asset to pay for food or shelter, the asset will probably count as a "resource" against this limit. A resource would include any funds held in the applicant's bank accounts, retirement accounts, or in cash. The $2,000 resource limit does not disappear once a person qualifies for SSI. If an SSI beneficiary ends a month with more than $2,000 in her name, she will lose her benefits in the following month.

However, not all assets count towards the $2,000 resource limit. The major exclusions are:

- The SSI claimant's home (the principal place of residence), no limit on value
- One automobile, no limit on value
- Household goods (furniture, etc.), no limit on value
- Personal effects (jewelry, art work, etc.), no limit on value as long as the SSI claimant is actually using the items.
- Up to $100,000 in an ABLE account
- Assets in a special needs trust, no limit on amount

The Social Security Administration currently lists 44 resource exclusions in all. We are able to answer any questions you may have and help you to determine which assets you own that may be excluded from counting towards the $2,000 limit. We are also readily available to discuss with you setting up a special needs trust to protect an SSI beneficiary's assets while allowing her to maintain SSI eligibility.

Richard I. Miller is Chair of the Firm's Elder Law Practice Group and Co-Chair of its Special Needs Practice Group. He can be reached at rmiller@lawfirm.ms.

Mandelbaum Salsburg in the Community

Lectures and Publications

Robin F. Lewis, a Member in the Firm's Real Estate Practice Group, will be presenting as part of a panel of real estate industry experts at a NJICLE seminar on "Commercial Real Estate Transactions: From Handshake to Closing" on June 29th at the New Jersey Law Center.

Joel G. MacMull, Member & Intellectual Property & Brand Management Vice Chair will speak at the Arizona State Bar Association's "CLE in the Garden" program on April 6th in Phoenix where he'll present an in depth look at "In re Tam", aka: The Slants case that Joel and his colleague **Ronald D. Coleman** brought to the United State Supreme Court and won. Joel will also speak at the 140th Annual Meeting of the International Trademark Association (INTA) on May 21st.

Richard I. Miller, Chair of the Firm's Elder Law Practice Group, will be part of a panel of experienced Elder Care and Estate Planning attorneys to provide strategies and answer questions on elder care, gifting, and asset protection on May 16th.

On May 15th Mandelbaum Salsburg P.C., Sun Business Valuations and Northeast Private Client Services will host an educational seminar on "Exit Strategies for Business Owners." This invitation only event is for business owners who are looking to sell their business in the next 5 years or who have just started thinking about an exit strategy. During this networking and cocktail event, attendees will hear from an experienced panel as well as a former business owner.

Mandelbaum Salsburg in the Community, *con't.*

Lauren X. Topelsohn, a Member in the Firm's Labor & Employment Practice Group was quoted in both *Strait Times and Business Day* on March 27th concerning non-disclosure agreements as they relate to the Stormy Daniels, President Trump affair.

Martin D. Hauptman, Chair of the Firm's ERISA and Employee Benefits Practice Group, discussed cashing in retirement accounts in the March 26th Biz Brain column of NJ.com.

Casey Gocel, a Member in the Firm's Professional Practice Transitions Group, spoke at the Big Apple Dental Show on March 22nd. Casey spoke about practice transitions such as associate buy-ins, practice purchases and sales.

Dennis J. Alessi, Co-Chair and Member of the Firm's Labor and Employment Law Group, was interviewed on March 21st on New Jersey 101.5 Radio concerning issues that can arise from employees working from home and tips for both employers and employees to avoid employment law trouble.

Steven I. Adler, Co-Chair of the Firm's Labor and Employment Practice Group, on March 21st, authored an op-ed piece for NJ.com and the Star Ledger on non-disclosure agreements. He recently also was interviewed by ROI-NJ.com and NJ Biz on changes to the NJ Law Against Discrimination concerning equal pay for women.

Richard Simon, Co-Chair of the Firm's Banking and Finance Group, presented as part of a panel of experts at the New York Institute of Credit & Financial Poise's "Air Business Borrowing Basics" webinar on March 21st.

Lynne Strober, Co-Chair of the Family Law Practice Group and Associate, **Jennifer E. Presti**, co-authored an article for the Spring 2018 issue of Family Lawyer Magazine concerning ways social media can impact family law cases.

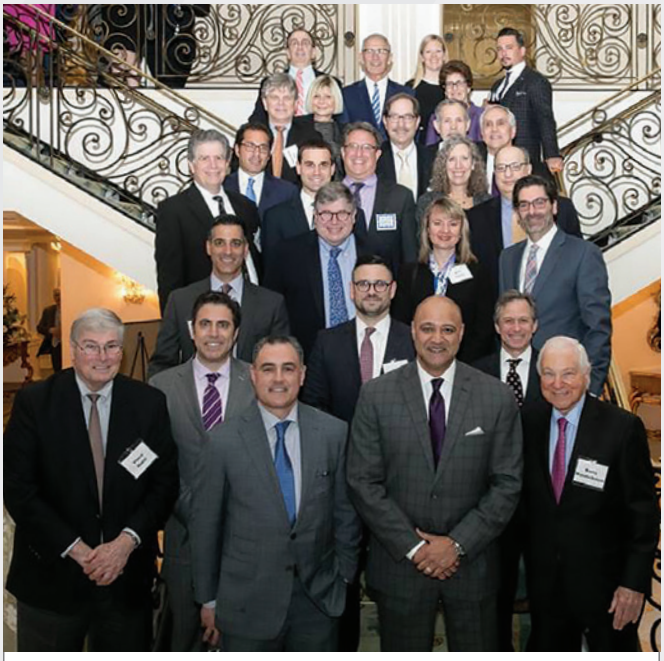
New York County Dental Society's March newsletter featured an article on Harassment in Dental Offices written by Mandelbaum Salsburg CEO and Chair of the Professional Practice Transitions Group **William Barrett** and Co-Chair of the Healthcare and Employment Law Practice Groups **Dennis J. Alessi.**

On March 16th, Mandelbaum Salsburg hosted a Firm-sponsored seminar on "2018's Hot Topics: Employment Law Issues for the New Year." Members **Peter Levy** and **Steven I. Adler** moderated our panel of experts which included Members **Dennis J. Alessi, Lauren X. Topelsohn,** and **Raj Gadhok.**

On March 15th Mandelbaum Salsburg sponsored a seminar presented by Women in Insurance & Financial Services on "The Impacts of Inheritance Tax Issues in New Jersey and the New Tax Changes." Member **Casey Gocel** was the featured guest speaker.

Steven Holt, Chair of the Firm's Tax Law and Trusts and Estate's Practice, answered a NJ.Com Biz Brain reader's question concerning changes to the Tax Code's standard deductions for the February 28th column.

Raj Gadhok, Member of the Firm's Commercial and Corporate Litigation Practice Group, spoke at the Prudential Center on February 28th as part of a panel on "The Intersection of Money and Amateurism in Major College Athletics."



On April 25th **Raj Gadhok,** a member of the firm, was sworn in as the President of the Essex County Bar Association for the 2018-2019 term.

Mandelbaum Salsburg in the Community, *con't.*

Lynne Strober was interviewed on 1450 WCTC radio about January being dubbed "Divorce Month" and legal considerations for couples.

Dennis J. Alessi, was quoted in the January 2018 issue of Healthcare Risk Management Magazine concerning Communication-and Resolution Programs and improvements for hospitals and health systems.

Richard I. Miller presented a seminar on January 29th at the JCC in Bridgewater, NJ concerning financial planning for families with special needs

Steven Holt, in January wrote in NJ.com about 529 accounts and related tax issues.

Douglas Eilender, Co-Chair of the Firm's Environmental Law Practice Group, authored an article in the Environmental Bankers Association's January 2018 Winter publication on "Why Lenders in the Commercial Real Estate Market Should Conduct Due Diligence."

Robin F. Lewis, Elisabete Rocha and **Lauren A. Carnevale,** attorneys in Mandelbaum Salsburg's Real Estate Practice Group, proudly sponsored and attended the CREW end of the year luncheon. CREW, which stands for Commercial Real Estate Women's Network, is a North American business networking organization dedicated to the advancement of women in commercial real estate. The Firm is a proud supporter of the organization.

Charitable Endeavors

On September 29th Team Mandelbaum will attempt an extraordinary feat – We're going to pull a plane! We'll be participating in the 2018 Special Olympics Plane Pull at Newark Airport to raise money for the athletes of Special Olympics New Jersey (www.njplanepull.org) Email llynch@lawfirm.ms to find out more!

On March 23rd, Team Mandelbaum hosted a wear green day in conjunction with our monthly denim day to raise money and awareness for Brain Injury Awareness Month. All funds collected were given to Opportunity Project.

Firm Accomplishments

In January the Firm's Labor & Employment Law Practice Group successfully defended a trial in United States District Court for the Southern District of New York for client Russo Realty Company. The case involved a $2.5 million withdrawal liability claim brought by the Trustees of a multi-employer pension plan. After the Trustees were unsuccessful establishing that the Firm's client was liable for the amount owed to the pension plan as a business under common ownership and control as the entity having liability which had filed for bankruptcy, the Firm's attorneys established that Russo Realty also was not liable as an alter ego of the other company. Mr. Adler handled the trial and **Stuart Gold** assisted **Mr. Adler** on this matter.

Additionally on March 2, the Litigation Practice Group's attorneys settled a case filed in Delaware for its client Asta Funding, Inc., a publicly traded diversified financial services company, in which Asta claimed it was owed money under multiple, account servicing agreements relating to the collection of consumer debt. The case settled for $4.35 million. The case was handled by **Steven I. Adler** and **Lauren X. Topelsohn.**

In February 2018, Mandelbaum Salsburg announced the opening of its new midtown Manhattan office located at 1270 Avenue of the Americas, Suite 1808, New York, NY 10020.

Mandelbaum Salsburg in the Community, *con't.*

Congratulations to the following Mandelbaum Salsburg attorneys named to 2018 Super Lawyers list. **Steven Adler, Joseph Discenza, Raj Gadhok, Stuart Gold, Arthur Grossman, Robin F. Lewis, Barry Mandelbaum, Richard Miller, Vincent Nuzzi, Joseph Peters,** and **Lynne Strober** and Rising Stars **Mara Codey, Casey Gocel** and **Mohamed Nabulsi.**

Peter H. Tanella has been named Chair of Mandelbaum Salsburg's Business Law Practice Group, **Douglas Eilender** was named the Co-Chair of the Firm's Environmental Law Practice Group, and **David Carton** was named Co-Chair of the Matrimonial and Family Law Practice Group.

Joseph J. Peters was listed among New Jersey's Best Lawyers for Families in 2018 by New Jersey Family.

Mara Codey, an attorney in the Firm's Litigation Practice Group, successfully argued before the New Jersey Appellate Division on behalf of a client alleged to have not complied with its obligations under a Purchase Sale Agreement and an Assignment and Assumption of Lease Agreement in connection with the sale of commercial property. Our client allegedly owed a broker commission that was accelerated by the sale of the property. The Appellate Division concluded that our client was not obligated to pay the commission.

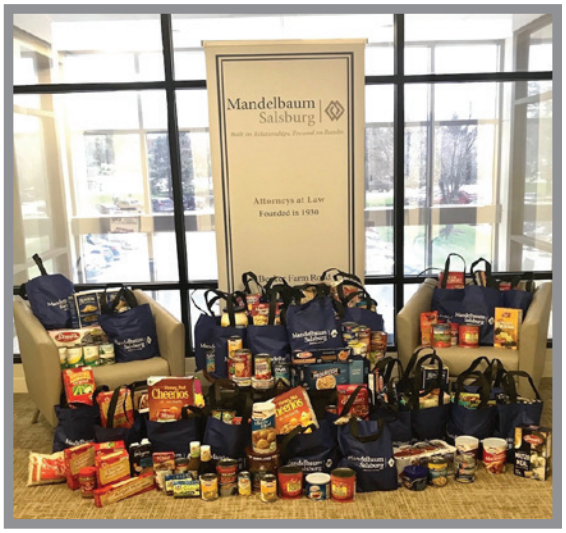
Hon. Paul Vichness (ret.), was elected as the Secretary-Treasurer of the Retired Judges Association of New Jersey. Judge Vichness serves as Of Counsel to Mandelbaum Salsburg and is a part of the Firm's Alternative Dispute Resolution Practice Group.

Damian Conforti was elevated to a Member of the Firm as of January 2, 2018. Damian is Co-Chair of the Firm's Government Enforcement and White Collar Crimes Practice Group.

In January 2018, Mandelbaum Salsburg announced the opening of its new office in Denver, Colorado located at 3900 East Mexico Avenue, Suite 300, Denver CO, 80210.

In January 2018 Mandelbaum Salsburg announced the launch of its Securities Law Practice Group coupled with the addition of Member **Vincent McGill,** who will Chair the Practice, and Counsel **Mark Orenstein.**

As our Firm continues to grow, we are excited to announce the addition of **Jeffrey Wasserman** who has joined the Firm as a Member in our Business Law and Banking and Financial Services Practice Groups, **Ethan C. Wells** who has joined the Firm as an Associate in our Commercial and Corporate Litigation Practice Groups in our Edison, NJ office and **Ronen Yair** who joined as an Associate in our Healthcare Practice Group in our Roseland, NJ office.



This April Team Mandelbaum joined forces with the more than 175 Primerus member firms around the world to fight hunger with our firm initiative to "FILL A BAG TO END HUNGER"

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