



Dictum

The newsletter of the NJSBA Young Lawyers Division

Vol. 41, No. 2 — November 2016

How Does Your Paycheck Compare?

This summer, most of the 'big law' firms in New York City announced they were raising new associates' starting salaries to \$180k. It is fairly common for New Jersey to track New York when it comes to compensation trends, but it is not at all clear that \$180k is anywhere near what the typical Young Lawyer's Division (YLD) member can expect to make this year.

Unfortunately, there is no reliable source of information about what young lawyers are actually making in the Garden State. To remedy this, the YLD is conducting a member survey so we can provide information about compensation, benefits, and quality of life issues to our members before it is time for end-of-the-year reviews.

We hope this information, which is being collected anonymously and will be reported anonymously, will help YLD members benchmark their compensation against their peers, so we can all make more informed career decisions.

Please take a minute to fill out the YLD compensation survey. The data is being collected anonymously and will be reported anonymously in the December edition of *Dictum*.

Click [here](#) to take the survey. ■

If you have any questions about the survey, please [contact Emily Kelchen](#), the editor of Dictum.

➔ YLD
COMPENSATION
SURVEY

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The opinions of the various authors contained within this issue should not be viewed as those of the Young Lawyers Division, Dictum, or the New Jersey State Bar Association.

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Dictum is the publication of the NJSBA Young Lawyers Division (YLD), and is a member-driven newsletter. **We welcome submissions**, including articles and news on any relevant topic, such as practice tips, work/life advice, and information regarding upcoming meetings and events. Please submit articles to EKelchen@civiljusticenj.org with the subject line YLD *Dictum*.

Practice Tips from the YLD Chair

by Marisa Trofimov

As the chair of the Young Lawyers Division, I am technically a young lawyer; however, I recently realized I have been practicing for almost 10 years. Over the years I've learned a lot about what it means to be a good attorney, thanks in large part to a very involved mentor who helped me along the way. Below are 15 tips I think every young attorney should know before delving into the practice of law to help preserve his or her reputation in the legal community and perhaps make life a little bit easier.

1. **Remember that every email, letter and even quotes from telephone conferences can be presented to the court.** It can be tempting, when you come across a rude attorney, to just give it right back, but remember it could come back to bite you. If you come across a truly obnoxious opposing counsel, there is nothing wrong with insisting that all communication take place in writing. There is no upside to taking the bait and sinking to his or her level. And, it is probably wise for most communication with *pro se* litigants to in writing throughout a case.
2. **Take everything every client says with a grain of salt.** I have exactly one client in my entire career that I actually trust now without seeing verification. One. And I have been representing that client for eight years now. It is not necessarily that clients will purposefully lie to you, but they are frequently so emotional they see things through their own lens. Do not hesitate to ask clients for proof of what they are saying before relaying that information to an adversary or court.
3. **Remember, it is not your case.** You did not make the mess in which your client finds him or herself. It can go a long way toward settling a case down the road to separate yourself from your client to opposing counsel early on. It also does not harm your client in any way to be civil or even friendly to opposing counsel. Remember, it is very likely you may have to work with that same opposing counsel again.
4. **Return phone calls, emails and letters promptly.** My general rule of thumb is to try to return any client or attorney call within 24 hours (on weekdays,

of course). If the question is not urgent, a quick email from you or contact from your staff indicating you will get back to them even in a week is perfectly acceptable. Sometimes all it takes for clients or opposing counsel to calm down is to recognize that you are paying attention.

5. **Do not throw another attorney under the bus, so to speak, unless absolutely necessary.** There is nothing a court hates more than having to serve as referee to two attorneys. And as I mentioned above, it is highly likely you will have to work with opposing counsel again. Even if you are drafting a motion certification to be signed by your client, making allegations against opposing counsel in that certification is not wise, unless it is in the rare instance where opposing counsel is acting unethically. It only serves to burn the bridge with the opposing counsel and anger the court.
6. **Except in some extreme exceptions, if another attorney has already been retained on the other side call that attorney to introduce yourself and discuss the case before you run to court and file any application (again, there are exceptions to this rule).** You never know when litigation can be avoided once two levelheaded attorneys take the emotion out of a case. Plus, it is just plain polite to introduce yourself as long as it will not harm your client's case.
7. **Always remember that you are the attorney, not your client.** Even if you are representing other attorneys, they are typically too emotionally involved in the case to always make rational decisions. Remember that your job is to guide a client, not simply act as his or her puppet.
8. **Be prepared, even over prepared.** Even if you are confident that a case will settle, keep in mind being unprepared makes you look bad if the case does not settle. Other attorneys can also sense when you are prepared. It may be the difference between opposing counsel recommending settlement or litigation. Never give information to a client, an adversary, and especially the court if you are unsure of the answer. It is perfectly acceptable to tell them you need to

find out the information, whether by conducting more research (a good excuse for clients), checking your notes, or asking your client.

9. **Provide your adversary with courtesies (such as extensions on motion dates) when it will not negatively impact your client.** You might need a return favor someday. For example, if an attorney (or even a *pro se* litigant) calls and requests your permission for a one-week extension of a motion, give it to them if it will not substantially harm your client. We all know the court is going to grant the extension anyway, so why make yourself look unreasonable when your objection will not change the court's decision (provided it will not harm your client). The same goes for when you serve papers on an adversary. There are those attorneys who will purposefully serve motions or letters demanding an immediate response right before opposing counsel's pre-planned vacation. (Or in my husband's case, right before the birth of each of our children by planned C-section. And it was the same attorney each time.) Other than angering the other attorney and possibly the court, there is nothing to gain by this behavior.
10. **Treat court staff with respect.** Believe me, I have run across my fair share of court staffers who give me the most asinine responses, frequently because they have no legal background and do not understand the consequences of their decision on other aspects of a case. But, they still deserve to be treated with respect. Just remember, the court staffers have to deal with all sorts of ridiculous *pro se* litigants, in addition to attorneys. And, if appealing to your sense of empathy doesn't convince you to treat them with respect, just remember they could work in that courthouse, granting or denying your requests, for decades to come. And believe me, they all talk.
11. **Do not serve papers (motions, letters, etc.) on an adversary at the end of the day, especially on a Friday, if it can be avoided.** Most Outlook email programs have a way to program when your email is sent, so use it.
12. **Do not push the envelope when it comes to following Court Rules, Rules of Evidence or Rules of Ethics.** Sure, you may get away with it one time, but both the judge and opposing counsel will certainly remember your behavior, and it will start to sully your reputation.
13. **Beware of clients who have already fired a previous attorney.** Sometimes clients do have a legitimate reason for firing a previous attorney. For example, maybe that attorney was one of the bad apples who never returned calls. But approach those clients with caution. The likelihood they will turn on you too is quite high, especially if you will be their third attorney for the same issue. See the advice below if you have no control over which clients you are required to handle.
14. **Always remember your client can end up being your worst adversary.** The best way to combat this is to document, document, document, even if you can't bill for the documentation. It also may be helpful to send the client a formal letter or email if he or she is becoming unreasonable. Again, you may not be able to bill for this correspondence, but you will be happy you sent it if your client becomes even more adversarial down the road. Lastly, you can write a memo to the file on contentious issues so you have written your position in real time and can refresh your memory later if your client turns on you.
15. **Try your best to leave work at work.** You may not have much control over your work life as a young attorney, but there are things you can do. For example, I have made the choice not to give out my cellphone number to clients. After having received six phone calls on Thanksgiving Day during my first year of practice from the same distraught (and mentally ill) client with a non-urgent issue, it seemed like a no brainer going forward. You may not have that option if your firm supplies your cellphone, but you can choose not to socialize with clients outside of work or be Facebook friends with clients. For some practice areas, this might not work, but for individual clients I have found it helps not to blur the lines between work and personal life (especially when individual clients like to get free advice over lunch). Lastly, I have found that, for me, it is psychologically helpful to stay late and finish work, rather than do it from home. That way I do not associate home with my work. But again, that is what I have found works for me. It might not work for everyone. ■

Marisa Trofimov currently practices family law at the Deni Law Group, LLC in Flemington, and is chair of the Young Lawyer's Division of the NJSBA. She is a graduate of Yale University and Seton Hall University School of Law.

Bi-Lingual Lawyering: Barriers and Advantages

by Jonathan Amira

Marketing your skills is essential for finding the right job in the legal profession. For me, one particular skill I was able to highlight when it came to applying for jobs was my ability to speak Spanish. Yet, practicing law in another language besides English comes with a unique set of challenges I never anticipated this early in my career. Along the way, I have not only been able to improve this skill, but hone it from conversational into professional aptitude. Being bilingual has been both an asset and a challenge unlike any I've anticipated as a practicing attorney.

My first language is English, and I subsequently learned Spanish. My mother emigrated from Colombia to the United States as a teenager, and taught herself English at home by watching the news, and reading books. My father is American. English was always our main spoken language in the house, but my mother made it a point to give me some exposure to Spanish. My formal Spanish-study period clocks in at about 10 years (from middle school to college). In college, I began to study more seriously, ultimately majoring in the language (in addition to psychology) and attended two study abroad programs in Spain and Argentina. Currently, I practice by speaking with my mother, watching DVDs and Blu-rays dubbed in Spanish, and playing games on the language-learning app Duolingo. While honing my vocabulary and grammar is always helpful, there are challenges that go beyond language ability.

When I began working as an attorney, doing *per diem* immigration work for a solo practitioner, the first challenge I realized in discussing the law in another language is semantic expression to other clients. I am perfectly comfortable having a normal conversation and making small talk. However, the law is a completely different story. As a new attorney, trying to explain the law in layperson English to a client is difficult enough as it is. For me to interpret and make comprehensible the abstract concepts of law in another language greatly increases difficulty. Additionally, not everything in English translates perfectly to Spanish. It's a challenge to say: "So, you have a traffic ticket in violation of N.J.S.A.

39:3-10b for driving without a license. I can try to get it amended down, but then there's your DWI..." Much of the time I find myself doing less-literal interpretation, because it doesn't make as much sense in literal Spanish. Instead, I explain legal concepts and the work I plan to do with more description and plain words. So my explanation in literal English comes out more like: "You have a traffic ticket for driving without a license. I can get it reduced, but you also have this DWI." The expression becomes more simplified.

My primary concern, though, becomes misrepresenting the law to the client. Lawyers are not trained to be certified interpreters, but it is still my job to give my client a fair and accurate representation of what the law is. To give clear expression of the law in a different language, you have to be very careful about how you choose your words, and be sure to simplify but not oversimplify.

The other major hurdle I have is that when dealing with foreign clients there can be a cultural barrier involved in understanding the law. Generally speaking, my impression is many Americans have a rudimentary concept of what laws are and how they work in our country, whether it's what the first few amendments to the Bill of Rights are or how a trial works. Put yourself in a foreign client's position. If you were in a foreign country and found yourself in a legal predicament, especially a country where you are still learning or struggling to comprehend the language, are you going to know or understand what's going on? That's the situation many of my clients are finding themselves in. As a new lawyer, this kind of situation can be very challenging to clarify and help them comprehend. However, regardless of my skill in being able to communicate with my client, I am still professionally obligated to utilize a courtroom interpreter under any circumstances. To a point, it is always to the lawyer's benefit to hire a professional legal translator when needed.

On the other hand, the most obvious advantage of speaking two languages is that it expands my client base, considerably. Not only does the potential for more business grow, but so does my personal ambition to help

as many people as I can who are in need of legal services. As a new attorney, I still have certain challenges learning to keep up with the law, in addition to how to conduct myself in an office environment, utilize the technology and resources at my disposal, etc. As a new attorney working with clients in another language, my challenges often feel more complex, as indicated by the differences in semantic expression and cultural differences. Realistically speaking, I need to remind myself that in due time I will learn as much of the law as I need to, both in English and Spanish, and that my challenges, while unique, will eventually give way to ones more complex, but surmountable. ■

Jonathan Amira is an associate at Leschak & Associates, LLC in Freehold. He is admitted to practice in New Jersey District Court and federal immigration court.

Raise Your Profile with Public Speaking

The New Jersey State Bar Foundation believes “informed citizens are better citizens.” Whether it’s a consumer curious about lemon laws, a caregiver who needs to better understand disability law, a senior citizen interested in estate planning, or a student who is considering a career in law, your expertise can help educate citizens to better understand their legal rights and responsibilities. The easiest way to connect with people who are curious about the law is to volunteer to participate in the bar foundation’s Speakers Bureau.

You choose the counties you are willing to travel to, the type of audience you are willing to speak to, and the topics related to your areas of expertise, and the bar foundation will contact you if they receive a request for a speaker that matches your criteria. It’s that easy.

There are no meetings to attend and no fees to pay. The only requirement to participate is current NJSBA membership.

If you would like additional information, contact Jodi Miller at 732-937-7529, or if you are ready to volunteer right now, [click here to fill out the volunteer form.](#) ■



A Lawyer's Best Friend

by Aliza Anvari

Bubba loved probation and parole days. He would march out into the police department waiting room with all the gusto of a circus performer. Tail wagging fiercely, he greeted all subjects with a concerted sniff and then, sniff test permitting, offered himself out to receive pets and head massages.

No one can relax an anxious crowd more than man's best friend. Bubba's mere existence—as an overweight Chihuahua sporting a Napoleon complex—was comical. His ability to spread smiles was infectious. He was used as fake Taser target practice by the officers and always remained a good sport about it. It was as if everyone was in on the joke—everyone except Bubba, who remained happily oblivious.

I loved bringing my dog to work. It was the single greatest benefit to working as a police department prosecutor. Dogs were not prohibited, as they were routine visitors to the police department. Animal control issues in the sleepy and quaint New Hampshire town I worked in frequently fell in the realm of police enforcement duties. So it was this saving grace that allowed me to bring my best friend to work.

Steadfastly, Bubba became the *de facto* mascot and fixture at the police department. He strolled in town parades, participated in police community events and proudly sported a scarf with the police department acronym monogrammed in gold.

For seven years Bubba shared in my work-related trials, triumphs and tribulations. His warm chubby body was there to offer comfort when a case was lost and offer stress relief when times were tough. He made himself available not only to me, but to the whole department, including visitors.

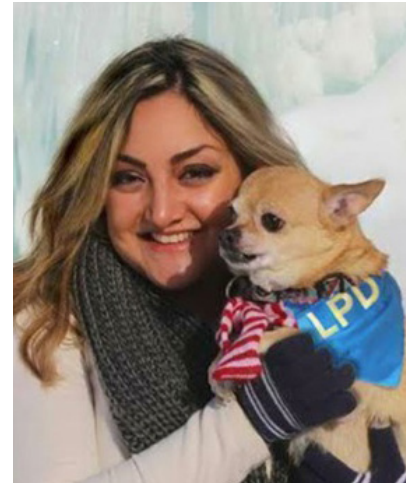
His favorite place to sleep was under my desk and curled up in his bed by my feet. I may have been down to the wire, pulling my hair out trying to meet motion deadlines, but was soon brought back to earth by the sound of Bubba snoring softly, a gentle reminder of the things that were truly important in life.

Bubba would alert me when it was time to pack up and go home. He would not take 'no' for an answer. (Oddly enough, despite his breed, Bubba had the brawny build of a boxer and the bark to match, both commanding and resolute). His bark would prevail against my protests. We would finally go home and I would get some badly needed rest.

I remember one work story quite fondly. It came from the chief. He said he was meeting with some officers on a very serious matter involving a death. He said things were very tense in the meeting, but Bubba walked in as if he was involved in the discussion. Somehow Bubba's presence diffused the stress of that moment (probably because the focus shifted to trying to kick him out of the room). It made me proud that my pet served a special purpose that day.

Bubba passed in February of this year. We were alone and he died in my arms, struggling for his last breath. (Bubba had been battling a heart condition the last year of his life—a life only prolonged through costly medication.)

Bubba's death devastated me. This wonderful creature had been my companion for nearly 14 years, his entire life. I would joke he had been my longest running male relationship; boyfriends came and went, but Bubba was always by my side. He was my rock, my constant. He would not forsake me for being crabby, gaining weight or talking too loud. He would be by my side when I was tired, weak or down on my luck. I didn't even need a leash for him. He never strayed far. He and I made a pact long ago that we were in this thing called life together.



I could cite plenty of articles that laud the mental health benefits of bringing a pet to work, but it wouldn't do Bubba justice. What he offered to a teary victim or a reluctant witness was something more than sympathy. It was something akin to empathy and, oddly enough for a canine, humanity.

One day, when I am ready, I will get another dog. And I hope I will be lucky enough to bring him or her with me to the office. After all, what could be better than working beside your best friend? ■

Aliza Anvari is an attorney licensed in New Jersey, Pennsylvania and New Hampshire. For nearly seven years, she was employed as a prosecutor for Littleton, New Hampshire. She recently moved back to South Jersey, where she currently wears the hats of a real estate agent, court-appointed special advocate (CASA) and lawyer.

Do You Have Something to Say?

Do you have something to say that you think other members of the YLD should know about? Why not submit an article or announcement to the YLD's newsletter, *Dictum*?

In the next issue of the newsletter we would like to print articles on the following topics:

End of the year reviews: How to prepare for your own and how to prepare when you are a reviewer.

Goals: Setting professional goals for the New Year and tips for actually making progress on them.

In the spring, we would like to publish articles about:

Clerking: How did you get your clerkship and how did you make it a success?

Pro bono experiences: Do you have a story about your experiences to share?

E-filing and bail reform: Are these topics impacting your practice or your clients?

We are also open to publishing other submissions of interest to young lawyers, so don't let this list of topics limit your writing.

Submissions to *Dictum* should be 1,500 words or less, and concern something of interest to young lawyers. The deadline to make it into the next edition of the newsletter is Dec. 1. Please email anything you would like considered for publication to *Dictum's* editor, [Emily Kelchen](#), with *Dictum* in the subject line.



Happenings

Did you attend a cool legal or charitable event?

Did you get a promotion or take a new job?

Let us know, and you may be featured in *Dictum* and on the YLD's social media accounts. Shoot an email with pictures and a summary of your activities to *Dictum's* editor, [Emily Kelchen](#).



The Bar Wants to Know What Young Lawyers Think

The New Jersey State Bar Association is conducting a listening tour. The idea behind the project is for senior NJSBA staff to hold small listening tour/focus group meetings to gauge the interests of young attorneys to ensure the NJSBA is relevant to their needs. Group size will be limited to no more than 10 people per location, to maximize the interaction.

This is your opportunity to provide feedback, share ideas, connect with colleagues from your area and help the NJSBA shape the future of programs, services and benefits of membership. Food, beer and wine will be served.

The first session was held on Nov. 1. If you are interested in participating in a future focus group, see the dates/locations below and contact Paula Portner, senior managing director of membership, at pportner@njsba.com

As a thank you for your time, each attendee will receive a \$20 coupon for a future New Jersey Institute for Continuing Legal Education program or product.

Wednesday, Nov. 9

6 – 7:30 p.m.

Trenk Di Pasquale Webster
347 Mt Pleasant Avenue #300
West Orange, NJ 07052

Thursday, Nov. 10

6 – 7:30 p.m.

New Jersey Law Center
1 Constitution Square
New Brunswick, NJ 08901

Tuesday, Nov. 29

6 – 7:30 p.m.

Cooper Levenson
1415 Marlton Pike (Route 70) East, Suite 205
Cherry Hill, NJ 08034

Thursday, Dec. 7

6 – 7:30 p.m.

McElroy, Deutsch, Mulvaney & Carpenter, LLP
1300 Mt Kemble Avenue
Morristown, NJ 07960

Save the Date

Nov. 17—Job Fair at the NJSBA Law Center
Click [here](#) for additional information and registration.

Jan. 3—YLD Executive Committee Meeting
The YLD executive committee meetings are open to all YLD members looking to get involved with the state bar. The meetings are held at the New Jersey Law Center in New Brunswick at 6:30 p.m. Dial-in information is available for those who cannot attend in person. Everyone typically goes to dinner together after the meeting.

Feb. 7—YLD Executive Committee Meeting

March 7—YLD Executive Committee Meeting

April 4—YLD Executive Committee Meeting