

Forum

Summer 2009

NJSBF Honors Noted Litigator and Retired Ethics Chief

The New Jersey State Bar Foundation’s highest award—the prestigious Medal of Honor—was presented in June to William S. Greenberg, Esq., a partner at McCarter & English, LLP; and David E. Johnson Jr., former director of the Office of Attorney Ethics of the Supreme Court of New Jersey, for their longstanding commitment to New Jersey’s legal legacy and outstanding contributions to improving the justice system.

Supporting the troops

“I am most honored to be recognized by the New Jersey State Bar Foundation,” said Mr. Greenberg. “but the real honor goes to my colleagues at McCarter & English who have helped me make our representation of wounded and injured soldiers so effective....[That program] has been among the



For their enduring dedication to New Jersey’s legal system, the New Jersey State Bar Foundation presented its prestigious Medal of Honor to William S. Greenberg (left) and David E. Johnson Jr. (right) at the Foundation’s annual Medal of Honor Awards Dinner Reception held June 11 at the New Jersey Law Center in New Brunswick.

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American Mock Trial Invitational Sets Record

A record number of high school mock trial finalists from around the nation and as far away as Canada and South Korea took part in the fourth annual American Mock Trial Invitational (AMTI) in New Brunswick in May. Twenty-six teams—nearly double the fourteen who took part in 2007 when the AMTI was last held in the Garden State—representing those countries as well as California, Florida, Massachusetts, Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, Ohio, South Carolina, Tennessee and Washington faced off in the 2009 competition.

A highlight of the three-day AMTI event for the approximately 500 students and their supporters was a trip to Ellis Island, where the

Hon. Stuart Rabner, Chief Justice of the New Jersey Supreme Court, described how Ellis Island helped a nation of immigrants become Americans and how diversity has strengthened the country.

In the case all the teams presented, *Campbell v. Cornwall*, plaintiff Cameron Campbell, a teenager severely burned in a fire, sued defendant T. K. Cornwall, owner of the barn in which the fire occurred. The mock trials took place in the Middlesex County Courthouse, with Judge Travis L. Francis presiding over the championship round.

After four rounds in the AMTI, Menlo School from Atherton, California, emerged triumphant. A coin toss had Menlo acting as the defense

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Administrator Thanks Foundation for Her "Bully-Free School"

At least that is how many parents whose children attend Richard E. Byrd Elementary School, Glen Rock, now refer to the institution presided over by principal Linda Weber.

A former school psychologist and director of early childhood programs at other schools before taking over the reins at Byrd, Dr. Weber has made teasing and bullying reduction a priority.

"Working in the public schools, I became acutely aware of the bullying and teasing that was not being addressed.....I wanted to foster an atmosphere in which children accepted responsibility for their behaviors and their consequences."

Dr. Weber had participated in other programs on social skills development but found them too cumbersome and time-consuming to integrate into her teachers' and paraprofessionals' weekly schedules. That is where trainings conducted by the New Jersey State Bar Foundation's Leisa-Anne Smith entered the picture. Learning about the Foundation's user-friendly, comprehensive violence prevention program, including Conflict Resolution, Peer Mediation, Character Education and Teasing and Bullying, Dr. Weber attended trainings for school administrators at the New Jersey Law Center in the summers of 2003 and 2004. She was not disappointed.

"The Foundation training was much more explicit than other models," she explained, "and provided excellent materials to take home to use as groundwork for an anti-bullying initiative. The case studies were practical and realistic, and the language simpler and more direct, which helped the teachers and assistants understand and buy into the program. The activities could be easily modified according to the children's ages." She also found the opportunity to share ideas with other administrators in attendance helpful. "My expectations were realized. I

walked away with great ideas and materials that I used to begin our Bully-Free School initiative."

After some further research she introduced the program on the first day of school in 2003 before a school-wide assembly. Dr. Weber followed up by personally presenting four lessons in each classroom, with teachers attending all the presentations. Classroom workshops were completed by November 2003.

To her great satisfaction, the faculty took their lead from Dr. Weber's enthusiasm. Since then, they have reinforced her model in daily interaction with their students, including readings to students, discussions, and establishment of consequences.

No new school initiative succeeds without the strong support of the parents. So did the program earn an instant "A" from the other half of the Home and School Association? Not quite. At the outset a number of parents were not only skeptical but "actually hostile" to the new curriculum and policies, including asking both students and their parents to sign a contract promising that they would work to help eradicate bullying at the school.

"I read comments" said Dr. Weber, "such as 'She's taking this bullying thing too far.'" Fortunately, since that time the thinking of many parents has evolved. "I believe they are now on board and respect the conflict resolution skills and strategies we are trying to teach their children. Parents now proudly refer to us," she announced, "as the 'bully-free' school."

And the students themselves? "Since the inception of the program here at Byrd, I have been thrilled with the knowledge and awareness of the student body with regards to bullying." Not long ago a parent excitedly approached Dr. Weber to tell her that the Bully-Free School initiative was working.

Bully-Free *continued from page two*

The mother had overheard one of her children telling the other that he was being a bully because of his poor treatment of another sibling who had less power than he.

Besides the Foundation's Teasing and Bullying training, Dr. Weber and a physical education teacher at Byrd also attended Peer Mediation workshops at the Law Center. "The excellent training we received at the Foundation" coupled with her subsequent research "helped us to create a strong program that has endured and been continued by other teachers over the past four years," she said.

The statistics bear out Dr. Weber's success. Data collected from September 2003, when her anti-bullying initiative went into effect, through the end of the year indicate that the incidence of bullying dramatically decreased. "Once students understood what was involved," she explained, "and the consistency of the consequences, they began to make



Principal Linda Weber reads to a class at the Richard E. Byrd Elementary School, Glen Rock

better choices regarding interaction with their peers."

Dr. Weber thanks the Foundation for the pivotal role its trainings have played in the success of her initiatives. "I am extremely grateful to Leisa-Anne Smith for the wonderful underpinning she and the Foundation provided. With the information I learned in her classes. I continued to read and research and

was ultimately able to develop a program that has grown over time and is respected by other administrators. [This is] a direct result of attending the Bar Foundation's programs."

See page 8 for information on the next round of Teasing and Bullying training for administrators as well as other violence prevention training. ■

Bully for Foundation Trainer

Leisa-Anne Smith, Esq., director of Conflict Resolution, Peer Mediation and Teasing and Bullying Programs at the New Jersey State Bar Foundation, is winding up her governor-appointed term of service on Gov. Jon Corzine's 14-member New Jersey Commission on Bullying in Schools.

Over a nine-month period, the commission has been studying school bullying laws; assessing legal remedies and protections available to child victims, their parents and teachers; evaluating training, funding and reporting of bullying; assessing actions of state agencies on bullying issues; and convening public hearings throughout New Jersey in 2009. Its findings and recommendations, including new proposed legislation, will go to Gov. Corzine this summer.

"I am incredibly honored to have been a part of such important work," said Ms. Smith, a member of the New Jersey Bar who is also active in the New Jersey Coalition Against Bullying. "Bullying prevention is my passion."

Ms. Smith reaps tremendous satisfaction from her association with the Bar Foundation, which dates back to 1992. "I am extremely proud to work for the Foundation, an organization that was at the forefront of anti-bullying training well before any legislation was enacted," she said. "The Foundation offers more training in this area, and has been doing so longer, than any other entity in the state."

To learn more about training available in conflict resolution, peer mediation and teasing and bullying, please contact Ms. Smith at 732-937-7517. ■

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most personally and professionally rewarding experiences of my career at the bar.”

Although the majority of his 40-year distinguished career has involved corporate litigation, for the past several years Mr. Greenberg, a retired brigadier general, has devoted much of his energy to helping New Jersey’s military reservists gain the services and benefits to which they are entitled. Realizing that there weren’t sufficient numbers of military lawyers to deal with the everyday problems of deployed soldiers and their families at home, he established and still chairs the New Jersey State Bar Association’s Military Legal Assistance Program, formed through the association’s Military Law and Veterans’ Affairs Committee in conjunction with McCarter & English. The program, staffed by *pro bono* volunteer attorneys, provides needed assistance to members of Reserve Components called to active duty in Afghanistan and Iraq after September 11, 2001.

“We focus on military disability issues on behalf of wounded and injured war veterans whose legal process for benefits begins—and often ends—at Walter Reed Army Medical Center,” explained Mr. Greenberg. His efforts to encourage lawyers to donate their time on behalf of the organization have helped some 4,000 New Jersey members of the armed forces navigate the justice system as they worked through disability claims, child custody issues, support payment disputes and employment problems. Under his leadership, the program has received both local and national recognition and earned him the State Bar Association’s Presidential Achievement Award.

Recently appointed by Gov. Jon Corzine to be a member of the New Jersey World War II Memorial Commission, Mr. Greenberg was personally responsible for raising the largest amount of private donations, including contributions from his colleagues at McCarter & English and its clients. Since 2001 he has been special assistant to the adjutant general of New Jersey for Homeland Security and Military Legal Assistance. In addition to his role as special litigation counsel to the Adjutants General Association of the United States, he served in that capacity *pro bono* for the National Guard Association of the United States.

A distinguished career

“The New Jersey State Bar Foundation is proud to bestow its highest honor on Mr. Greenberg for his distinguished career and outstanding *pro bono* efforts on behalf of New Jersey’s members of the military,” said former NJSBF President Mary Ellen Tully. “With his more than 100 published opinions and other writings, teaching at Seton Hall and service to the state, he personifies the qualities a Medal of Honor recipient should possess.”

A graduate of Johns Hopkins University and Rutgers School of Law, he joined McCarter & English in 1968 as an associate following a judicial clerkship, eventually returning as a partner in 1993. The Supreme Court of New Jersey named him a Certified Civil Trial Attorney in 1983 and later appointed him to the Mercer County Ethics Committee. Among his noteworthy affiliations, Mr. Greenberg served as president of the Association of Trial Lawyers of America-New Jersey and was a trustee of both the State Bar Association and State Bar Foundation. A former commissioner of the New Jersey State Commission of Investigation, he also served as assistant counsel to the Governor of New Jersey and as commissioner of the New Jersey State Scholarship Committee.

Since 1989 he has been the author of *The Trial Handbook for New Jersey Lawyers* as well its *2005 Annual Supplement*. The following year he also authored the *Civil Trial Handbook, Volume 47* of the New Jersey Practice Series and has written regularly for legal periodicals and other publications. An academic as well, Mr. Greenberg serves as the first adjunct professor of military law at the Seton Hall University School of Law, where he teaches a broad survey of military legal matters including military justice and military and veterans’ benefits. He is recognized as a *New Jersey Super Lawyer* in the 2005–2009 editions.

Ethics above all

“The Medal of Honor is a high tribute for which I am especially grateful since it comes from my peers,” said Mr. Johnson. “I share this recognition with members of the Office of Attorney Ethics who work to assure the fair and evenhanded pursuit of the highest professional standards at the bar.”

Admitted to the New Jersey Bar in 1971, he began his legal career with a five-year stint in private law practice with Wesley L. Lance in Clinton, during which time he served as attorney for the Township of Lebanon, Hunterdon County. In 1976 he joined the Judiciary’s Central Ethics Unit, subsequently renamed the Division of Ethics and Professional Services, and was appointed its chief four years later. Mr. Johnson has also served as secretary or counsel to the Supreme Court of New Jersey’s Advisory Committee on Judicial Conduct, its Attorney Disciplinary Structure Committee and its Unauthorized Practice of Law Committee.

In October 1983 Chief Justice Robert N. Wilentz appointed Mr. Johnson director of the Office of Attorney Ethics (OAE) of the Supreme Court of New Jersey, which conducts complex disciplinary investigations and prosecutions as well as those requiring emergent temporary suspensions. He held that position until his retirement in February 2009. As the chief

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disciplinary counsel, he oversaw a staff of 64. During 1991 to 1993 he also served as a member of the Supreme Court's New Jersey Ethics Commission. As a result of the commission's findings, the Court implemented numerous changes in the attorney disciplinary system including public disciplinary hearings, the abolition of private reprimands, the adoption of time goals, the use of full-time professional investigators and the implementation of diversion programs for minor misconduct.

In one capacity or another, he has served the Supreme Court of New Jersey under five chief justices: the Honorables Richard J. Hughes, Robert N. Wilentz, Deborah T. Poritz, James R. Zazzali and Stuart Rabner.

During the 25 years Mr. Johnson served as director, the ethics system has evolved into one of the most respected in the nation. He was responsible for the management of the OAE as well as the work of 18 district ethics and 17 fee arbitration committees. In addition he oversaw the Supreme Court's Random Audit Compliance Program, the Trust Overdraft Notification Program and the collection and analysis of the annual Attorney Registration Program.

Dedication to the profession

"The New Jersey State Bar Foundation is proud to bestow its highest honor on Mr. Johnson," said Ms. Tully. "His longtime service to the Supreme Court and commitment to establishing

and maintaining the highest standard of ethics has ennobled our profession and served the citizens of this state most honorably. He epitomizes the qualities a Medal of Honor recipient should have."

During 1990-1991 Mr. Johnson was president of the National Organization of Bar Counsel, an international association of disciplinary counsel. He also served as its liaison to the American Bar Association's Standing Committee on Professional Discipline and its Standing Committee on Ethics and Professional Responsibility.

Among his publications are *Trust and Business Accounting for Attorneys* and articles for the *Rutgers Law Review* and the *New Jersey Law Journal*. He was associate editor of the *Law Review* at the University of Memphis School of Law and served as faculty on numerous American Bar Association (ABA) National Conferences on Professional Responsibility, as well as the ABA's National Forums on Client Protection. Additionally, he was a member of the ABA's evaluation team that reviewed the Kentucky attorney discipline system in 1990 and recommended changes.

Mr. Johnson has a bachelor's degree from Rutgers University, a J.D. from Memphis State University School of Law and an M.P.A. from Rider College School of Public Administration. ■

Do You Receive the Forum Newsletter by Postal Mail? Don't Get Left Behind!

As the New Jersey State Bar Foundation looks to a high-tech future, the move is on to web-based services. More and more publications, including the *Forum*, the Foundation's newsletter, may soon be offered online only.

If you already receive the *Forum* electronically, you don't have to do anything else. You will continue to receive it online. But if you receive it by postal mail and want to ensure uninterrupted service, please fill out the form below and mail or fax it to the Foundation:

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In Brief

Mainland Regional Wins State Mock Trial Title

In its first win since 2003, Mainland Regional High School of Atlantic County captured the coveted state title in the New Jersey State Bar Foundation's 2008–2009 Vincent J. Apruzzese High School Mock Trial Competition March 31. The winning team edged out second-place finisher West Morris Mendham High School of Morris County. In all, 249 New Jersey teams participated. The students tried a fictitious civil case in which the American Association of Recording Companies alleged that teenager Dillon Matthews illegally downloaded and distributed copies of popular songs to friends, a charge Dillon denied. Mainland went on to compete in the American Mock Trial Invitational in May. [See the related AMTI story on p. 1.]

Mainland students included Hannah Bishop, Ben Brezel, Joseph Clayton, Josephine Dronney, Benjamin Gottlieb, David Ju, Ian Kimmel, George Papademetriou and Eliot Rollins. Teacher-coach was Christopher Fernandez and attorney Kim Bloomer of Ocean City served as Atlantic County mock trial coordinator. Funding was provided by the IOLTA Fund of the Bar of New Jersey.

Law Fair and Law Adventure Winners for 2009

NJSBF's 18th annual Law Fair mock trial competition for grades 3–6 drew 131 entries from schools throughout New Jersey who prepared original cases; its Law Adventure competition geared to grades 7 and 8 attracted 164 entrants who prepared cases on unlawful discrimination or Second Amendment issues. The winners presented their cases at the New Jersey Law Center:

Law Fair Winners—

Grade 3: Riker Hill Elementary School, Livingston, first place; Harrison Elementary School, Livingston, second place; Washington School, Nutley, honorable mention; Maud Abrams School, Cape May, honorable mention.

Grade 4: Milltown Primary School, Bridgewater, first place; Mount Pleasant Elementary School, Livingston, second place; Glenwood School, Short Hills, honorable mention; Radcliffe School, Nutley, honorable mention.

Grade 5: Johnnie L. Cochran, Jr., Academy, East Orange, first place; General Charles G. Harker School, Woodwich Township, second place; Liberty School, Great Meadows, honorable mention; The Learning Community Charter School, Jersey City, honorable mention.

Grade 6: Solomon Schechter Day School of Essex and Union, West Orange, first place; Lake Riviera Middle School,



Members of the Mainland Regional High School team are jubilant on hearing they have won the state mock trial championship.

Brick, second place; Round Valley School, Lebanon, honorable mention; Mount Pleasant Middle School, Livingston, honorable mention.

Law Adventure Winners—

Grade 7: East Brook Middle School, Paramus, first place; Bloomfield Middle School, Bloomfield, second place; East Brook Middle School, Paramus, two honorable mentions; Heritage Middle School, Livingston, honorable mention; Emily C. Reynolds Memorial Middle School, Hamilton, honorable mention; George C. White Middle School, Hillsdale, honorable mention.

Grade 8: St. Leo the Great School, Lincroft, first place; Haddonfield Friends School, Haddonfield, second place; Gretta R. Ostrovsky Middle School, Wood-Ridge, honorable mention; Valley Middle School, Oakland, honorable mention; Bloomfield Middle School, Bloomfield, honorable mention; Wanaque Elementary School, Wanaque, honorable mention; Clinton Township Middle School, Clinton, honorable mention; Harrington Park School, Harrington Park, honorable mention; East Amwell Township School, Ringoes, honorable mention.

Volunteer Speakers Needed

The Foundation offers a free Speakers Bureau to schools, community organizations and senior groups on all aspects of the law. If you are an attorney who would like to share your expertise with the public, please consider becoming a volunteer speaker. To sign up, please go to www.njsbf.org, "Volunteer Opportunities" and "Attorney Volunteer Form." ■

Mock Trial *continued from page one*

team opposite the plaintiff's team, second-place finisher Victory Christian Center School, Charlotte, North Carolina. Ultimately Menlo scored more ballots and clinched the AMTI championship. The three New Jersey teams in competition—Marshall Academy, Mainland Regional High School and North Brunswick High School—placed fifth, fourteenth and eighteenth, respectively.

But while one fictitious drama was unfolding in mock court, a real-life drama was being played out in another courtroom.

AMTI was established in 2006 by the New Jersey State Bar Foundation and the North Carolina Advocates for Justice to permit high school state mock trial champions with weekend religious obligations to compete in a national forum on weekdays. In 2005 North Carolina had hosted the National High School Mock Trial Championship (NHSMTTC). When a request was made to accommodate the religious needs of New Jersey's winner, Torah Academy of Bergen County, the NHSMTTC board refused to make any changes in its schedule. The Foundation took a principled stand, working with Bergen County Congressman Steven Rothman and the North Carolina Advocates for Justice on ironing out a solution. Eventually, North Carolina took the initiative to adjust the schedule, and the competition proceeded smoothly with no complaints from any participants about the minor adjustments. In the fall of 2005, however, NHSMTTC announced that it would never make accommodations again for religious observances across the board. That policy decision prompted the Foundation and the North Carolina group to establish AMTI in the following year.

In May 2009 history repeated itself. Maimonides School of Massachusetts encountered the same problem at this year's NHSMTTC, hosted by the Georgia State Bar Association. NHSMTTC's rejection of the school's request for a similar rescheduling resulted in parents and school officials filing a complaint with the U.S. Department of Justice. In the midst of the ongoing battle, a judge in the Superior Court of Fulton County, Atlanta, notified the NHSMTTC that the Court would withdraw the use of its facilities if the former did not ensure full participation by every team. NHSMTTC grudgingly acquiesced, again on a one-time basis, but inserted an asterisk and wording in its program materials that impugned the validity of the school's score—and promptly reaffirmed its no-accommodations rule. "This is not how it should be," said Justice Rabner, who addressed the AMTI participants at a convocation on Ellis Island. "NHSMTTC's policy sends the wrong message."

Foundation president Mary Ellen Tully agreed. "Freedom to exercise religion is a fundamental guarantee in the First Amendment to the Constitution," she said. "Students learning about the law and the justice system should not have to forfeit matches or be viewed as less than full participants because of religious affiliation."

In addition to its sensitivity to students' religious needs, AMTI does not interfere with proms, advanced placement exams or Mother's Day, as it is scheduled on early weekdays. AMTI is the only nationwide mock trial competition that allows representation by more than one team—in fact, as many as three of a state or country's top six championship teams are eligible to participate. To learn more about AMTI, please contact Sheila Boro, 732-937-7519. ■

Law and Education: Perfect Together



More than 300 educators flocked to the NJSBF's annual Law-Related Education Conference on March 13 to attend workshops on law and morality in the classroom, genocide, special education, gangs, the legacy of Abraham Lincoln and New Jersey's court system. The day got off to a dynamic start with a performance (depicted above) of IRL: In Real Life, an original play about cyber-bullying commissioned and funded by the Foundation and performed by the George Street Playhouse's touring theater.

2009 Summer Training Dates

Conflict Resolution, Peer Mediation and Character Education

Elementary School Level (grades K-5)

Peer Mediation Training

Wednesday, August 5

Character Education Training

Thursday, August 6

Middle/High School Level (grades 6-12)

One-Day Conflict Resolution Training

Tuesday, July 14

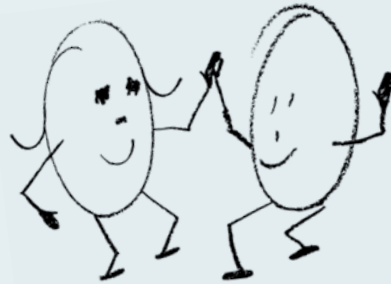
Peer Mediation Training

Tuesday, July 28

Character Education Training

Tuesday, July 30

All training sessions are held from 8:30 a.m. to 2:30 p.m.



Teasing and Bullying

All Grades

Administrator Training (for superintendents, principals and vice principals)

Thursday, July 16, and Thursday, August 13

All training sessions are held from 8:30 a.m. to 3:30 p.m.

All sessions are held at the New Jersey Law Center in New Brunswick. Spaces are limited. To register for any training, call 1-800 FREE LAW to request a registration form. Please note that although the training is free, a \$20 security deposit check for each training is required. Checks should be made payable to the New Jersey State Bar Foundation and must accompany each registration

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