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Profile: Lee Ann Pounds, Esq.



Lee Ann Pounds may have graduated from the University of Alabama Law School in 1993 but her decision to become a lawyer occurred early in her childhood. Born and raised in Birmingham, Alabama, both sets of Lee Ann's grandparents owned and operated their own small, local businesses providing Lee Ann at a young age with a bird's eye view of the trials and tribulations faced by the small business owner. Observing firsthand the day-to-day issues her grandparents confronted, Lee Ann realized she wanted to be a professional capable of counseling similarly situated business people and entrepreneurs.

After graduating as *magna cum laude* and Senior Editor of Law Review, Lee Ann accepted a federal clerkship with the U.S. District Court. An associate position with Balch & Bingham followed, where Lee Ann practiced employment and general civil litigation. With family, friends and careers in place, and professional knowledge and relationships with others in that legal community, Lee Ann had built a very rewarding and promising lifestyle in Birmingham with her husband, Crawford. Then Crawford, a Partner with Pricewaterhouse Coopers' Business Assurance Practice, was offered the opportunity to concentrate his efforts in their pharmaceutical industry group based in Florham Park, New Jersey. It was a complicated but inviting option for the couple. After considering the

opportunities, they decided in 1999 to make the move to the Garden State.

Once in New Jersey, Lee Ann sought a professional environment where she would be challenged while drawing upon her roots and her commitment to help small to medium sized businesses and entrepreneurs as well as individuals. It was the pursuit of these ideals that led her to Laddey, Clark & Ryan. The philosophy and practice of Laddey, Clark & Ryan offered Lee Ann a sophisticated law firm practice with a professional focus on partnering with individuals, municipalities and small businesses, as well as large corporations.

Lee Ann was particularly impressed by the established reputations among the seasoned litigators at Laddey, Clark & Ryan and their commitment to public service. This commitment by the Partners to their communities provided a powerful role model for Lee Ann, who is currently serving as the Vice President of Public Affairs for the Sussex-Warren County Chapter of New Jersey Association of Women Business Owners. The organization encourages and

Lee Ann draws upon her roots and her commitment to help small to medium sized businesses and entrepreneurs as well as individuals

facilitates business solutions for female entrepreneurs by expanding their professional knowledge and base of resources. Lee Ann also volunteers time and talents in her Randolph, New Jersey community,

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New Jersey Enhances Access to Public Records

By Michael S. Garofalo, Esq.

Historically, citizen access to government documents in New Jersey has been limited to public records that: 1) were required by law to be made, maintained, or kept on file; or 2) were available because the public interest in releasing the information outweighed the government's interest in keeping the document confidential.

With the adoption in June 2002 of the New Jersey Open Public Records Act (OPRA), it is now the policy of the State of New Jersey that all government records, with specific exceptions, be readily available to the public.

OPRA defines a "government record" as: 1) any document made, maintained or kept on file in the course of official business by a public agency or; 2) any document received by a public agency in the course of its official business. When adopted, OPRA specified more than 25 exceptions to its policy of open access. Governor McGreevey has since expanded that list by Executive Order. The dispute between a private citizen and public agency over the availability of a government record may be presented to the Government Records Council, a public agency established by OPRA to mediate and/or decide complaints filed by any person concerning the denial of access to a government record.

Requests by citizens for government records must be made in writing directed to the person designated by the public agency as the Records Custodian. In each New Jersey municipality, the municipal clerk is designated by OPRA as the records custodian. Yet, for practical reasons, each municipality may opt to designate, by ordinance or resolution,

multiple records custodians to handle requests for information made to the various departments of local government (i.e., the police department, tax office or construction department).

OPRA requires that all records custodians adopt a form to be used by the public when requesting a government record. However, a citizen need only make a request in writing in order to secure a public document so long as the request includes the person's name, address and phone number and a specific description of the record sought. OPRA permits the public agency to charge a fee for providing the record.

Records custodians are cautioned that any denial of a request for a public record must be in writing and must inform the citizen why the record is not subject to public access. The burden of proving that a specific record is not subject to public access is on the records custodian, a dramatic shift in New Jersey law that historically imposed upon the citizen the burden of showing that a public record was subject to disclosure. Any written denial of access must inform the citizen of his right to appeal to the Superior Court or the Government Records Council.

OPRA requires the public agency to provide immediate access to certain records, such as bills, budgets or contracts. The agency is permitted up to seven business days to provide access to most other records, but the records custodian is given the flexibility to provide access as soon as practicable when records are archived, in storage or in use. The citizen and the records custodian may agree to longer time frames for access. Such an agreement should be memorialized in writing by the records custodian.

Where government records contain information that is exempt from public disclosure under OPRA, but the record is otherwise available for public access, the records custodian must insure that the confidential information is redacted prior to its release. Perhaps no other provision in OPRA will provide as many questions for local officials. Law firms that represent local governments must become well versed in the many nuances and exceptions to public access under OPRA in order to effectively assist the records custodian.

OPRA was intended to throw open the door to citizen access of New Jersey public records. The law was crafted to draw a careful balance between a citizen's fundamental right to know the business of government and government's interest in securing the confidentiality of certain information.

As this article was being written, the Government Records Council ruled in favor of releasing documents that the New Jersey Attorney General had argued were potential evidence in a criminal matter. Undoubtedly, the views of advocates for open government will be in conflict with various agencies and citizens seeking to keep certain information confidential or proprietary.

Michael's practice areas include real estate, land use and municipal law.

Michael can be contacted at mgarofalo@lclaw.com, or by calling 973-729-1880.



LCR In The News

Partner Andrew A. Fraser presented retiring Assignment Judge Reginald Stanton a proclamation from the Sussex County Bar Association in recognition of his years of service to Morris and Sussex Counties. Mr. Fraser is the President of the Sussex County Bar Association.

Partner Richard I. Clark has been placed on the court-approved mediator list by the New Jersey Supreme Court, for Civil, General Equity, and Probate matters. Mr. Clark concentrates his practice on issues involving estate planning and administration, municipal law, real estate development, zoning and land use. He is a Trustee of the New Jersey State Bar Association's Land Use Committee as well as a member of the League of Municipalities Land Use Drafting Committee, a Diplomat in New Jersey Municipal Law and Court-approved in Mediation.

Kerry Jean Moore Joins Firm

Kerry Jean Moore has joined the firm as a Senior Law Clerk. Ms. Moore will be sitting for the New Jersey Bar Exam in July 2003. Her 15+ years of law firm experience includes five



years as a corporate paralegal, three years as the Director of Corporate Paralegal Services at Fried Frank Harris Shriver & Jacobsen in New York City, and seven years as the Director Of Professional Development at Sills Cummis Radin Tischman Epstein & Gross in Newark. Kerry Jean received her J.D. from Seton Hall University (2000) and her B.A. from Boston College (1988). Kerry Jean lives in Sparta with her husband and two daughters.

Partner Brian M. Laddey has been named a Trustee of the New Jersey State Bar Association. Each year the state's premier legal organization selects one Trustee from each county to serve as a representative. Mr. Laddey will be sworn in on May 15, 2003 during the New Jersey State Bar Association's annual meeting. Brian is a former President of the Sussex County Bar Association.

Partner Richard I. Clark will be presenting seminars on municipal land use issues on behalf of the New Jersey State Bar Association and the Institute for Continuing Legal Education. The seminars are part of a series on 2003 Land Use regulations. Mr. Clark recently spoke on significant court decisions and legislation at a New Jersey Planning Officials event. He currently represents the municipalities of Vernon, Wantage, Frankford, Franklin and Oxford.

Partner Thomas N. Ryan and **Associate Lee Ann Pounds**, of the Firm's Labor and Employment Practice Group, presented a seminar on "Sexual Harassment in the Work Place" for



Wantage Township employees and supervisors. Mr. Ryan, the Chair of the practice group, may be reached at 973-729-1880 or at tryan@lcrlaw.com if your organization requires training in employment matters.

Partner Andrew A. Fraser has been appointed Municipal Prosecutor for the Borough of Ogdensburg. Mr. Fraser is now the Municipal Prosecutor for Sparta, Hampton, Stillwater and Ogdensburg.

LCR In Action

Associate Michael Garofalo helped coach the High Point Regional High School Mock Trial team to the finals of the annual Sussex County High School Mock Trial Competition. Mike's son Patrick is a student at High Point Regional. Mike and his wife Amy reside in Wantage, New Jersey.



Laddey, Clark & Ryan has enlisted as a donor to the Newton Memorial Hospital Foundation's Capital Campaign. The campaign's goal is to increase the capacity of the Emergency Room, and bring the county its first state-of-the-art cancer center. **Partner Richard I. Clark** is Chairman of the Board of Directors of the Hospital.

Cases of Note

\$67,500 SETTLEMENT FOR CLIENT INJURY

Partner Andrew A. Fraser recently secured a settlement totaling \$67,500 for a client injured in an automobile accident. The client sustained neck and back injuries. The settlement was achieved following a successful arbitration of the matter, which was filed in Burlington County, New Jersey. Andrew is a member of the Firm's Personal Injury Practice Group.

SUMMARY JUDGMENT DISMISSAL SECURED

Partner Thomas N. Ryan and Associate Lawrence J. Supp secured Summary Judgment dismissal on behalf of two defendants in a contract/professional negligence action. Laddey, Clark & Ryan successfully defended its client, one of the State's largest real estate agencies, and one of its agents, against claims they knew or should have known of defects in a property they assisted the plaintiff in purchasing. The court concluded the agency and its agent had no knowledge and, therefore, no liability.

Results in any one case cannot be guaranteed. Results will vary from case to case based on particular facts and circumstances.

Richard Clark Elected Hospital Board Chairman



Partner Richard I. Clark was elected Chairman of the Board of Newton Memorial Hospital. The Community Hospital has more than 700 employees and is among the highest rated hospitals in the State. Richard has been actively involved with the hospital Board for several years.

OFFICE SPACE Available

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Lee Ann Pounds

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by sitting on the Board for Presbyterian Women in her Morris Plains Presbyterian Church, and participating in the Randolph Neighbors and Newcomers Club as well as the Shongum Lake Property Owners Association.

While becoming familiar with her new hometown, new job and preparing for the birth of her first child, Lee Ann jumped right in and became an integral part of Laddey, Clark & Ryan's Employment and Labor Practice Group. The Employment and Labor practice group provides sound advice and vigorous representation for business entities and individuals in a variety of areas including employment contracts, restrictive covenants and severance agreements. The group also counsels corporate entities on the development and implementation of employee manuals, policies and procedures. Along with group chair Thomas N. Ryan, Lee Ann has presented several seminars addressing specific employment policy and procedure cutting edge topics.

Most rewarding to Lee Ann's professional practice are the cases where she has had the opportunity to advise or assist a client at a critical juncture. Whether assisting in obtaining successful settlements on behalf of the Firm's clients in hard fought battles, or simply guiding a client through a critical

decision process, for Lee Ann the most gratifying professional satisfaction is seeing the relief on a client's face following a favorable outcome. Many of her clients have endured very traumatic circumstances and have overcome significant obstacles in their pursuit of justice.

Looking down the road, Lee Ann hopes to continually find new ways to enhance the employment and litigation services provided by the firm. Her personal future will continue to bustle as time away from her law practice is spent with Crawford and their two young daughters, Morgan and Ansley. The entire family has easily adapted to the lifestyle (and northeast weather patterns) of the Garden State and especially enjoy the availability and proximity of cultural activities in the metropolitan area. Someday, Lee Ann said, she would like to further her love of the water and water sports by owning a boat and a piece of waterfront property - looks like she has already charted an excellent course for smooth sailing.

*Lee Ann can be contacted at
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729-1880.*