

□□ NJ LAWS EMAIL NEWSLETTER E509

NJ LAWS EMAIL NEWSLETTER Kenneth Vercammen, Attorney at Law

Janu.

Greetings!

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1. New Year's Resolution - Put your Estate Planning in order

Don't put off having a proper Will prepared and your Estate Planning. A portion of your Estate Planning may be tax deductible for income tax purposes.

You also need a Power of Attorney and Living Will/Directive. Modern medicine and machinery can keep a person alive for long periods of time.

Unfortunately, a person is often kept alive in great pain and suffering in circumstances that render him or her unconscious as to their

around them, while causing pain and anguish to the family.

Our state has passed a "Living Will" law, often called a "[Dignity]" law, which allows a person to direct that heroic measures be taken to prolong life in these unhappy situations.

This "Living Will" is not a substitute for a regular Will, which covers property rights. The "Living Will" is an independent document signed in addition to your regular Will.

Please let us know if you want a Living Will/ Advance Directive prepared.

Happy 2017!

I would like to thank my friends for another good year. There were many issues in the economy. This year was our single best year for referrals. So many of you were kind enough to tell others about our services. Since 1985 [over 30 years], I have helped individuals and businesses with legal matters. With changing laws, it is important that your estate planning documents are updated to reflect your current and valuable investments. As you know, all business must grow, and the safest way to grow is to get referrals from satisfied clients. Thank you for referring friends and family. May the New Year bring you happiness and good health to you and those you love.

2. New Criminal Rules effective Jan 1, 2017

No more mandatory cash bail for indictable criminal charges. Everyone with a Warrant gets to spend at least one night in jail.

Attorneys need to set up an eCourts login and file Supreme Court motions online, or refer cases out.

On Jan. 1, 2017, NJ shifted from a system that relies primarily on setting monetary bail as a condition of release to a risk-based system that is more objective, and thus fairer to defendants because it is unrelated to their ability to pay monetary bail. The statute of limitations deadlines for the timely filing of an indictment and the disposition of criminal charges for incarcerated defendants.

Source: <http://www.judiciary.state.nj.us/criminal/cjr/inc>

The Supreme Court of New Jersey approved mandatory electronic filing of Criminal matters with certain limited exceptions. Noncompliance with the rules must be resubmitted electronically within ten days.

Ring in the New Year with Bail Reform- from the Journal.

After reviewing this study, the bail reform bill proposes changes to the state's bail procedures. Importantly, the bail system moves from a monetary-release system to a non-monetary risk assessment system in determining whether to release suspects for trial. The new system will permit pretrial release for low risk offenders and will allow judges to require non-monetary conditions of release depending on risk, such as supervision by a new pre-trial services agency, adherence to a curfew, and in some instances, the use of ankle bracelets. For high risk offenders, pretrial release can be denied without the option for bail. The new system should correct fundamental issues such as jail overcrowding, the disparate impact on minorities and the poor, and improve public safety by disallowing pretrial release of high risk offenders.

The bail reform bill also comes with strict time requirements, notably, pretrial hearings on risk assessment and release must be held within 48 hours of arrest. The 48-hour requirement will result in court staff and prosecutors holding hearings over the weekend.

If a prosecutor wants to detain a suspect without bail, the prosecutor will have three days after the risk assessment to hold a plenary hearing where the State must prove by a preponderance of convincing evidence that the suspect should be detained pretrial. These defendants are then required to be tried within 180 days of indictment.

These strict time deadlines, in addition to the new pretrial supervision conditions, require the use of more judicial and prosecutive resources. Recognizing the need for more resources, Senate Bill 2000, introduced by Senator Steve Sweeney, recently introduced a bill that would allocate \$100 million to hire 20 new judges to help provide more time for pretrial hearings. Counties need to hire additional prosecutors to provide security to provide prompt pretrial hearings and comply with the 48-hour trial mandate.

Understanding the bail reform initiative and its impact on the New Jersey judiciary is crucial to successfully navigating the New Jersey criminal justice system in the upcoming year. The New Jersey Judiciary has suffered from judicial vacancies for years, and the new bail reform bill adds a great deal of strain on an already overburdened court system that is so important for criminal and civil practitioners alike. As a result, you should be aware of the impact of the bail reform bill in order to successfully navigate your case through the changing system.

If you are a criminal practitioner, it is imperative you understand the new bail reform bill, pretrial hearing procedures, supervision requirements and deadlines for trial if your client is granted pretrial release. You may be required to work week long hours if you may need to quickly prepare for an in-depth plenary hearing if your client is a high risk offender or accused of a violent crime.

Bail Reform Highlights

- * Persons accused of crimes will now receive a risk assessment hearing within 48 hours of arrest to determine the amount of bail.
- * The bail reform system shifts the focus from a monetary-based "how much can the person afford" system to one that questions whether the person pose a flight risk."
- * Due to the need for a risk assessment hearing within 48 hours of arrest, the case backlog in civil may exponentially increase

Source: <http://www.njlawjournal.com/id=1202774975577/Ringing-in-the-New-Year-with-Bail-Reform?mcode=0&curindex=0&curpage=ALL>

3. Next community events:

Wednesday January 11, 2017

2017 update Wills and Estate Planning- Free Seminar

12:15-1:00 PM and again 5:15pm-6pm

Law Office of Kenneth Vercammen,

2053 Woodbridge Ave, Edison, NJ 08817

COST: Free if you pre-register by email. Complimentary lunch provided at 12:00 sharp. We previously held this seminar at Metuchen and Edison Adult schools. This program is limited to 50 people. Please bring a canned food donation, which will be given to the community food bank. Please email us if you plan on attending.

would like us to email the materials.

January 21 Edison Elks Irish Night 8:00 pm

Willie Lynch Band Elks Annual Dance

75 Old Post Rd Edison, NJ All are welcome!

For tickets call 732-985-2487 For the band's schedule see
<http://www.willielynchband.com/Schedule.html#Deceml>

January 23, 2017 South Brunswick Library

Seminar: Remove & Expungement of Criminal Ar
Convictions-

Free Seminar 7:00pm-7:45

COST: Free if you pre-register. Complimentary
provided. Please bring a canned food donation, wh
given to the Community Food Bank. Please email us if yo
attending or if you would like us to email the materials.

SPEAKER: Kenneth Vercammen, Esq.

(Author- Criminal Law Forms by the American Bar Asso

The NJ statute on expungement was revised effective
2016. If someone has been arrested or even had a privat
complaint signed against them in the Municipal Court, the
criminal record, even if the charges were dismissed or r
Conditional Discharge Under NJ Law past criminal ar
convictions can be expunged/ erased under certain instar
program will discuss the expungement process. I served as a
Prosecutor and was amazed how minor criminal guilty pleas
dismissed charges can affect someone's ability to get a job o
a career. Do you have children or someone you know or worl
needs an expungement?

South Brunswick Library

110 Kingston Lane

Monmouth Junction NJ 08852

732-329-4000 x 7637

southbrunswicklibrary@gmail.com

<http://www.sbpl.info/events-calendar/all-events/>

<https://www.facebook.com/events/1800395393542189/>

Can't attend? We can email you materials

Send email to VercammenLaw@Njlaws.com

More info: The requirements are very formal. There can be a waiting period between 6 months up to 10 years after the criminal case is finished. For someone who had a drug charge, they can have an attorney apply for Expungement 6 months after the Conditional Discharge is complete. The statute requires notices served by the attorney on the State Police, Attorney General and numerous other government entities.

Typical Court costs and Legal fees for expungement range from \$1,500-\$2,500.