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A look inside ...

The Celebration Continues ...	1
President's Column	2
Guest Columnist	3
Spotlight on Memories	4
Ask A Busy Person	6
Classifieds	10
Year-At-A-Glance	12

The Celebration Continues!!!

The Celebration Continues

By: Gordon D. Griffin, Esq.

The professional life of the average Mercer County lawyer during World War II probably bore a marked resemblance to that of the early Abraham Lincoln or the fictional Mr. Tutt. The English-American common law was their comfortable security blanket. With the end of the war, simmering changes erupted.

For one, the tension between Federal and State laws, an issue as far back as the Civil War and Reconstruction, and which intensified in the New Deal era, became still more pronounced. Important changes in school law, voting qualification and civil rights, among others, occurred. In the civil law area of torts, the idea of punishing a wrongdoer for injury to person or property brought about the assessment of punitive damages in addition to compensatory damages in some cases. An important development in criminal law was the criminalization of certain activities evidencing ethnic or religious discrimination - the hate crimes. Not the least far-reaching and dramatic changes occurred in the Federal tax law. This body of statutes and regulations is now measured in volume by thousands of pages and in weight by hundreds of pounds. Tax simplification is a Congressional perennial that rarely blooms.

These trends in the law were accelerated by the contemporaneous explosion in information and the tools to handle it. As law offices progressed over the past fifty or so years: the stenographer was replaced by the computer expert; shorthand was replaced by dictating machines and E-mail; onion skin and carbon paper were replaced by photocopy machines; researchers were replaced by paralegals; libraries with books on shelves were replaced by software of endless variety; personal telephone contact was replaced by menus and touch tones; and so on and on.

Is it any wonder that a kaleidoscope of talents is needed to cope with today's vast

reservoir of knowledge? Accountants, banks, trust companies, brokerage houses, financial services concerns, real estate brokers, and life insurance companies, to name a few, overlap to some extent with law firms in the knowledge that is used and the services that are rendered. It should not be surprising, then, that the law office has perforce grown and changed in order to serve its clients and to meet its competition. The general practice firm has diversified into multiple specialty departments. The legal structure of the firm is no longer just a partnership or sole proprietorship; increasingly, it is a professional corporation or association. Personnel sizes that were unimaginable fifty years ago are commonplace now. The largest U. S. firm today has over a thousand lawyers. The ban on lawyer advertising disappeared some years ago. See the yellow pages for instance. In short, the practice of law today has many indicia of a business rather than a profession.

If these developments continue, as I believe they will, an important question for lawyers is whether the practice will evolve into multidisciplinary organizations. Put another way, will lawyers be co-owners and co-operators of enterprises with accountants, bankers, brokers, financial service providers, realtors, trust companies, life insurance companies, or others? This question has already surfaced, and the jury is still out on the answer. Objections voiced by some in the legal profession, including the New Jersey Bar Association, include the weakening of attorney-client confidentiality, the ethical problems of fee sharing, and the prospect of conflict of interest situations. Whether or not multidisciplinary organizations materialize, it is likely that more and more law firms or part-law organizations will be on line. The demands of a shrinking world and an expanding clientele

(Continued on page 3)



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would hardly permit it to be otherwise.

Has all this affected Mercer County's lawyer population? Notably, there has been a migration of large metropolitan law firms to the area, attracted by its academic, research, and service oriented climate. Partially as a result, the year 2000 New Jersey Lawyers Diary listed about 900 lawyers for Princeton, for example. At the end of World War II, if memory serves, there were about six practitioners in Princeton proper, not counting the few who might have been in the sparsely developed nearby areas. Intuition suggests that this influx will continue.

What about local government? Mercer County shares with the rest of New Jersey a phenomenon called "home rule syndrome." The State consists of 566 incorporated municipalities, and they cover every square foot of New Jersey's land mass. This configuration in part results from and in part is responsible for local resistance to any diminution of municipal powers and for cautious approach to municipal mergers. Perhaps as a result, three proposals to consolidate Mercer County's Princeton Borough and Princeton Township into one municipality were voted down by the electorate over the last couple of decades or so, all three by the Borough and one by the Township. This led to creeping consolidation, as it was then known, whereby the two municipal governing bodies by legislative action combined several departments or services, one at a time. However, in the light of these plebiscites on total municipal consolidation, it is unlikely that there will be a marriage of any of Mercer County's thirteen municipalities within the foreseeable future.

Land use regulation, chiefly planning and zoning, has been an important issue in Mercer County, as in most of New Jersey, because of population density, urban sprawl, open space acquisition, historic sites and districts, and the New Jersey Mount Laurel court decision and its progeny concerning affordable housing. Issues that have recently surfaced or resurfaced include active recreation areas, continuing care facilities for senior citizens, cell towers and parking.

State law requires periodic study and revision of land use master plans, so it may be assumed that this part of local government will continue to be in the public eye.

One aspect of municipal law practice has been progressively restricted over the years, namely, legal representation of municipal boards and bodies. It used to be that municipal entities such as the governing body, planning board, zoning board, board of health, library board, municipal prosecutor, and others were sometimes represented by the same lawyer, usually the municipal attorney. As municipal work became more sophisticated and better understood, the courts ruled that dual or multiple representation in some instances is barred by concern over conflict of interest. It has recently been judicially determined that a municipal court prosecutor cannot represent any person who is a defendant in another municipal court in the same county. One might perceive this as increasing the job market for lawyers. From a municipality's perspective, however, it may appear as a financial burden.

Perhaps today's municipal practice is heading toward the ambiance of the Abe Lincoln - Mr. Tutt experience of old. There's an increasingly one-on-one relationship with the client, the legal issues are frequently grass roots and interesting, and the subject matter is the citizen's stance on the first rung of the governmental ladder.

In this centennial year we can note with pride that the Mercer County Bar Association has matured wisely over ten decades. It has changed from a largely social organization into one that also has a lively educational component. The Association established law student scholarship and loan programs many years ago, and its continuing legal education programs today are strong and growing.

It boggles the mind to contemplate what the second hundred years will bring.

