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1. Recent Cases: Improper for Judge to File Contempt Proceeding then Serve as Judge of Case. Ippolito v Ippolito 443 NJ Super. 1 (App. Div. 2015)

In this matrimonial action, the family judge instituted a contempt proceeding, pursuant to Rule 1:10-2, against defendant upon the judge's receipt of a letter from plaintiff's counsel claiming that defendant violated an order which prohibited defendant from "threatening or intimidating any expert in this matter." Because the judge presided over the very contempt proceeding he initiated, failed to appoint counsel to prosecute the matter, and shifted the burden of persuasion to defendant, the court vacated the order under review and remanded the contempt proceeding to the assignment judge to designate another judge to preside over the contempt proceeding.

2. 3rd Party Intervention still does not Permit Police to Search Private Home. State v. Wright 221 NJ 456 (2015)

The third-party intervention or private search doctrine does not exempt law enforcement's initial search of defendant's home from the warrant requirement. Absent exigency or some other exception to the warrant requirement, the police must get a warrant to enter a private home and conduct a search, even if a private actor has already searched the area and notified law enforcement.

3. Protective Sweep of Car's Interior not Permitted. State v Robinson 441 NJ Super. 33 (App. Div. 2015) cert denied

The court reverses an order denying defendant's motion to suppress the handgun seized in a "protective sweep" of his car.

Following a routine late-night traffic stop on the Garden State Parkway, police dispatch advised the patrol officer that defendant driver and one of his three passengers had open warrants and were known to carry weapons. Deciding to proceed "tactically," five officers approached with guns drawn and ordered all occupants out of the car. The two men with warrants were arrested and placed in patrol cars. Neither of the two remaining passengers possessed a driver's license. Because there are no facts in the record to support a reasonable suspicion on the part of the officer that the unlicensed drivers were dangerous and could return to the car to obtain immediate access to a weapon, the court deems the search unreasonable.

Judge Nugent dissents, concluding the totality of circumstances justified both the officer's belief that a gun was in the car and his protective sweep for the safety of the officers on the scene as well as the public under the community caretaking doctrine.

4. Community Events:

April 11 Metuchen Library
Wills, Estate Planning & Probate Seminar
at 7:00pm Free community program
480 Middlesex Ave, Metuchen, NJ 08840

You do not have to be a Metuchen resident to attend but registration requested

(732) 632-8526

<http://www.metuchenlibrary.org>

<https://www.facebook.com/events/186548045057052>

**5. Nuts and Bolts of Elder Law for Attorneys and paralegals
Nuts & Bolts of Elder Law & Estate Administration Annual
Seminar for Attorneys and paralegals April 18, 2016**

April 18 5:00 PM- 9:00 PM NJ Law Center

Includes a 240 + page book, plus CD with sample forms, documents & checklists! and dinner

Speakers:

-KENNETH A. VERCAMMEN, ESQ. Co-Chair, ABA Estate Planning & Probate Committee, Past GP Solo Section Attorney of the Year

-WILLIAM P. ISELE, ESQ. Past NJ Ombudsman for the Elderly

-MARTIN A. SPIGNER, ESQ. Law Office of Martin A. Spigner, Cranbury

-ADAM DUBECK, Esq.

Tuition \$137 - \$180 General Tuition

Tuition, reduced fee for NJSBA Elder & Disability Law Section and NJSBA Young Lawyers Division, Free for Superior Court Judges, Seminar #S15900W6

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Editorial assistance provided by Gailen Davis. Ms. Davis is participating in Kenneth Vercammen's Spring Law Clerk Internship Program and will be attending law school in the fall.

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