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1. Selecting A Guardian in Your Will for Minor Children

If you have minor children, the most important reason to plan your estate is to ensure proper provisions are made for your children. While it can seem overwhelming to deal with all the issues involved, consider what would happen if you died with no provisions. At that point, your children's guardian would be determined by the courts and there may not be adequate funds available until they reach adulthood, leaving them dependent on the goodwill of relatives.

When selecting a guardian, consider the following:

Who would be the best guardian for your children?

While your first inclination may be to select your parents, consider whether they will have the energy to raise your children. A better alternative may be a sibling or friend. One of your most important considerations will be whether you think that individual will be able to raise your child like one of their own. If you have several children, is it reasonable to expect one person to raise all of them? You may want to name more than one guardian, but make sure the guardians will work together to keep the children as close as possible. If the person you are considering lives in another city or state, consider whether you want to uproot your children while they are going through the trauma of their parents' death. Make sure you're comfortable with the guardian's parental style and moral beliefs.

Have you talked to your selected guardian? Once you've settled on a guardian, discuss your decision with that person to make sure he or she is willing to take on the responsibility? Be sure to name a contingent guardian in case your first choice is unable to serve. Discuss your wishes regarding how you want your children raised, indicating your preferences for education, religion, lifestyle, and other factors.

Have you made adequate financial arrangements for your children? You wouldn't want your children to be a financial burden, or their presence may be resented. Determine how much is needed for living expenses, hobbies, medical expenses, and college. Consider other items as well. For instance, will your guardian's home comfortably accommodate your children, or should

you leave funds for an addition to the home? Include a financial cushion so there is plenty of money until your children at least reach adulthood. Should the person who has physical custody also handle their finances? You can name two guardians, one for physical custody and one to handle their finances. Decide whether trusts should be set up and how money should be distributed when your children reach adulthood.

Have you reviewed your choice of guardian recently? Just because you've selected a guardian doesn't mean that person is still the best choice. As your children grow, review your guardian choice every couple of years.

SOURCE: kbowman@bizactions.com

2. What You Should Know about Organ Donation in Your Living Will

When planning your estate, spend some time thinking about whether you want to donate your remains to help another individual or to further medical research. Putting that intent in writing can be a great help to the loved ones you leave behind.

Organ Donation wishes should be included in your Living Will Advanced Directive.

What are the options?

Transplantation: Successful organ and tissue transplant are more common than ever before. Doctors have success using donations to save the lives of people whose organs have been damaged through trauma or disease.

Education or Scientific Research: Perhaps you want to help eradicate a debilitating disease or medical condition. Or maybe you believe that medical students should have the opportunity to study and learn from a body with the conditions you possess. If so, you may want to donate your entire body for research and instruction.

Most medical schools need such donations. These institutions do not accept bodies from which organs have been removed. Each institution has other specific criteria that it uses to determine whether a donation can be accepted.

After the medical school has used a donated body for study or instruction, it will generally cremate and bury, or scatter, the ashes in a specified plot. However, the remains can be returned to family members for burial - usually within a year or two. An attorney can help draft a document that specifies your intentions in this area.

SOURCE: kbowman@bizactions.com

3. State Bar Applauds Municipal Court Law Certification Plan

The New Jersey State Bar Association is pleased the New Jersey Board on Attorney Certification is recommending adding municipal court law to the list of specialties for which lawyers can be certified. Creating Municipal Court Certification was first proposed to the Supreme Court 5 years ago, and many of the most experienced attorneys have supported establishing the Certification program

The state bar brought the concept to the attention of the courts last year, saying municipal court law is a unique and meaningful area of law similar to the other categories the Judiciary already certifies, including matrimonial, civil, criminal and workers compensation.

"The profession and the public will be well served through the certification of municipal court lawyers. For many people, the only exposure to the court system is through the municipal courts which handle roughly 6 million cases each year," said State Bar President Richard H. Steen.

"Allowing this certification means people will have an easier time finding a lawyer who is best able to represent them in a municipal court matter."

The state bar will study the court's proposal carefully and submit any comments it may have to the courts for consideration, Steen said.

Attorney certification programs are the result of the U.S. Supreme Court opinion allowing attorneys to advertise their services. In New Jersey, the certification program began in 1980. In order to become a certified attorney, lawyers must take continuing legal education courses for several years, show substantial involvement in litigation, have an unblemished reputation, and pass a written exam.

Recent Cases:

4. No More than 180 Days Jail in a Municipal Court Case. *State v. Federico* 414 NJ Super. 321 (App. Div. 2010)

Defendant, convicted at a bench trial in municipal court and on trial de novo in the Law Division, may not receive a custodial sentence of more than 180 days for all consolidated charges disposed of in a single proceeding.

5. No Warrantless Search of Truck Sleeper Compartment Based on Smell of Weed. *State v. Pompa* 414 NJ Super. 219 (App. Div. 2010)

Following his conviction of various drug offenses, defendant appealed the denial of his motion to suppress in excess of thirty pounds of marijuana seized by police without a warrant from a closet in the sleeper cabin of defendant's tractor trailer. The court held that the closely regulated business exception permitted a warrantless administrative inspection of certain areas of the tractor-trailer, but concluded that the search turned unlawful when it progressed into unregulated areas without the exigent circumstances required by *State v. Pena-Flores*, 198 N.J. 6, 28 (2009).