

E509 1. New Year's Resolution - Put your Estate Planning in order.

2. New Criminal Rules effective Jan 1, 2017

3. Next community events

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/ Advance 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 or under circumstances that render him or her unconscious as to everything around them, while causing pain and anguish to the family.

Our state has passed a "Living Will" law, often called a "Death with Dignity" law, which allows a person to direct that heroic measures not be taken to prolong life in these unhappy situations.

This "Living Will" is not a substitute for a regular Will, which affects property rights. The "Living Will" is an independent document to be 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, despite 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 most valuable investments. As you know, all business must grow, and one of the safest ways to grow is to get referrals from satisfied clients. Thank you for referring friends and family. May the New Year bring 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 Superior Court motions online, or refer cases out.

On Jan. 1, 2017, NJ shifted from a system that relies principally 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 also sets 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/index.html>

The Supreme Court of New Jersey approved mandatory eFiling in Criminal matters with certain limited exceptions. Noncompliant filings must be resubmitted electronically within ten days.

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

After reviewing this study, the bail reform bill proposed drastic changes to the state's bail

procedures. Importantly, the bail reform bill moves from a monetary-release system to a non-monetary risk assessment system in determining whether to release suspects prior to trial. The new system will permit pretrial release for low risk offenders and will allow judges to require non-monetary conditions to release depending on risk, such as supervision by a new pre-trial services staff, 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 of bail on minorities and the poor, and improve public safety by disallowing the pretrial release of high-risk offenders.

The bail reform bill also comes with strict time requirements. Most 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 hearing to hold a plenary hearing where the State must prove by clear and convincing

evidence that the suspect should be detained pending trial. These defendants are then required to be tried within 180 days of indictment.

These strict time deadlines, in addition to the new pretrial release supervision conditions, require the use of more judicial and public resources. Recognizing the need for more resources, Senate President Steve Sweeney recently introduced a bill that would allocate \$9.3 million to hire 20 new judges to help provide more timely pretrial hearings. Counties need to hire additional prosecutors and court security to provide prompt pretrial hearings and comply with the speedy trial mandate.

Understanding the bail reform initiative and its impact on the state judiciary is crucial to successfully navigating the New Jersey trial court system in the upcoming year. The New Jersey Judiciary has suffered from judicial vacancies for years, and the new bail reform bill will place a great deal of strain on an already overburdened court system. This is important for criminal and civil practitioners alike. As a young lawyer, 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 know and understand the new bail reform bill, pretrial hearing procedure, pretrial supervision requirements and deadlines for trial if your client is not granted pretrial release. You may be required to work weekends, and 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

\* Person's 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 "does this 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 materials provided at 12:00 sharp. We previously held this seminar for the Metuchen and Edison Adult schools. This program is limited to 15 people. Please bring a canned food donation, which will be given to a community food bank. Please email us if you plan on attending or if you 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#December>

January 23, 2017 South Brunswick Library  
Seminar: Remove & Expungement of Criminal  
Arrests and Convictions-

Free Seminar 7:00pm-7:45

COST: Free if you pre-register. Complimentary  
materials provided. Please bring a  
canned food donation, which will be given to the

Community Food Bank. Please email us if you plan on attending or if you would like us to email the materials.

SPEAKER: Kenneth Vercammen, Esq.

(Author- Criminal Law Forms by the American Bar Association)

The NJ statute on expungement was revised effective April 18, 2016. If someone has been arrested or even had a private criminal complaint signed against them in the Municipal Court, they have a criminal record, even if the charges were dismissed or received a Conditional Discharge Under NJ Law past criminal arrests and convictions can be expunged/erased under certain instances. This program will discuss the expungement process. I served as a Municipal Prosecutor and was amazed how minor criminal guilty pleas and even dismissed charges can affect someone's ability to get a job or advance a career. Do you have children or someone you know or work with that needs an expungement?

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

<https://www.facebook.com/events/1800395393542>



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Can't attend? We can email you materials  
Send email to [VercammenLaw@Njlaws.com](mailto: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 hire 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.