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## The First Annual TWITA Awards

Recognizing outstanding service by lawyers

Marc Garfinkle, New Jersey Law Journal

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It is no secret that Americans love heroes and that we look everywhere to find them. Moreover, at this time of year, during the sleepy segue between the Oscars and the Final Four, we cry out for new types of champions to honor. Already we pay homage to seemingly normal people who are gifted at pretending to be someone else, to astonishingly tall people who can put a ball through an elevated net, to grade-school dropouts who can drive very fast while pumping impressive amounts of carbon into the atmosphere, and to young entrepreneurs whose hand-made alcoholic spirits apparently taste smoother than anyone else's. We have no shortage of heroes. We love awards and we love winners. That said, this is a good time and place to announce the winners of the First Annual TWITA Awards.

But first, some background. TWITA, the acronym for, "That's What I'm Talking About!" is my personal Johnny-come-lately not-for-profit enterprise, whose mission is to identify and acknowledge groups and individuals whose service to lawyers or to the law exemplifies the best of our profession. The candidates are drawn from a pool of people and organizations that have personally impressed yours truly, and the winners are announced unceremoniously in this column following deliberation, often heated, by a committee of one. We present the awards in no particular order, thus demeaning none of the honorees who, frankly, care little about awards or publicity. We eschew the use of envelopes so as to avoid any embarrassing mix-ups.

Without further ado, the first honoree is—drum roll, please—William Kane and the NJLAP! We lump the two together because in so many ways, Bill Kane *is* the New Jersey Lawyers Assistance Program. Since its inception, this program, unique in all the country, has provided free counseling and treatment for New Jersey lawyers who have substance issues, mental health challenges and related problems. Every day, NJLAP works with individuals and groups to address behavior that can harm a lawyer's clients and destroy a lawyer's career. While Kane is the face and the voice of NJLAP, he knows that it would be impossible to provide the services they offer and to keep the promise they make without his experienced team of top professionals. That promise is: "Never again will a lawyer have to say, 'There was nowhere to turn.'"

That's a big promise. Attorneys with anxiety, alcoholism, drug dependency, depression, gambling issues and the like are all welcome, free of charge. They may come and go as they wish. Even bar candidates who have hurdles to surmount with the Committee on Character may avail themselves of the services of the NJLAP. Confidentiality is absolute. While attorneys may choose to seek private assistance, they may receive the same services at NJLAP, free of charge, and the quality of the service is second to none. When the OAE requires an attorney to undergo evaluation for fitness to practice or to demonstrate rehabilitation from a habit or infirmity, attorneys need not engage expensive specialists. The experts at NJLAP can help. Their expertise and credibility are even enhanced by the fact that they work exclusively with lawyers and our problems.

Although the program is housed at the State Bar Center in New Brunswick and, for historical reasons, the salaries of the staff are paid from the Supreme Court budget, Kane is quick to point out that NJLAP is independent of the NJSBA which itself is a voluntary-membership organization, and not related to our licensing authority. NJLAP's presence at the NJSBA campus should not suggest that NJLAP is an arm of the NJSBA, but is housed at that facility and pays rent to the NJSBA. NJLAP works for judges and lawyers; it does not work for the bar.

This independence is important. When Kane learned that some of my clients have been reticent about NJLAP because of its proximity to the NJSBA headquarters, he acknowledged that some attorneys misunderstand NJLAP's status. The group's venue is the result of the Bar Center's central location and excellent facility, made even more desirable by the favorable rent they charge NJLAP. They remain independent and do not share any client records with the NJSBA, the OAE or anyone else. The program's mission is clear, and they accomplish it every day. Thus, our first TWITA Award ever goes to Bill Kane and his NJLAP.

Next up is the ACDL-NJ list serve. I never thought I'd give an award to a mailing list, but our local branch of the Association of Criminal Defense Lawyers has an outstanding list serve which exemplifies many of the qualities of professionalism that make us proud to be lawyers. Any lawyer practicing criminal or Constitutional law should join the group ACDL-NJ and take advantage of that collective of knowledge, expertise, helpfulness and concern of top practitioners, many of whom visit and contribute to the site daily.

Every day, all day long, there are attorneys helping attorneys. There are no limits to the value here, because there is no sense of competition—only cooperation among the lawyers. Lawyers ask for referrals and information. They share insights about prosecutors, witnesses and experts. They ask for and offer strategies and tips, briefs and transcripts, unpublished opinions and novel ideas, leaving the notion of "trade secrets" for some other trade. These are professionals helping other professionals. On any given day, the best criminal and Constitutional lawyers in New Jersey are on that list serve, helping each other, yielding immeasurable benefit to other lawyers and, more importantly, to the clients they serve. It makes one proud to be a lawyer. Perhaps they'll be proud of their TWITA Award.

The next recipient of a TWITA is the NJSBA's Solo and Small-Firm Section and its annual conference, which just completed its 2017 run. The section fills a critical need in this state, since the large majority of New Jersey attorneys are solos or small-firm lawyers, most of whom require information, inspiration and CLE credits. They also need to network with peers. The Solo and Small-Firm Section offers it all, serving the needs of solos and small firms and assuring their interests are well-represented in matters of concern to the bar.

The section runs its annual conference for the benefit of its members. It is impossible to attend this conference without gaining information or making a connection that will help you going forward, and there is no better place to get it all. Like ACDL-NJ, this section has a list serve, with members rushing to assist colleagues who write for information or advice. Because of how important their work is and how well they do it, the Solo and Small-Firm Section of the NJSBA gets a TWITA.

Finally, for our Lifetime Achievement Golden TWITA Award, we leave New Jersey for the West Coast to find our honoree, a personal friend of mine, Matthew Coles. I did not fact-check this, and if my recollection of old events contains alternate facts, I apologize in advance. In the spring of 1975, in San Francisco's sketchy Tenderloin, Matt Coles and a few other first-year Hastings students were making plans to room together the following year. Matt was a Yale grad, an outstanding conversationalist, an incurably political creature and fun to be with. I thought then that Matt was perhaps the most intelligent person I had ever met. I don't recall having revised that opinion.

Matt revealed to us that he was gay, something he thought we should know before we moved in together. Well, stand back. Watching Matt come out of the closet was like watching a tsunami rise out of the ocean or a tornado descend from a cloud. He exploded the closet and went on to change the

world we live in. While still in school, he drafted Berkeley's ground-breaking municipal ordinance which mandated equal treatment in housing for LGBTs. In 1977, as a 3L, Matt drafted California's first comprehensive LGBT non-discrimination bill, which was championed by his friend, San Francisco Supervisor Harvey Milk, and passed almost unanimously. (Dan White, the lone dissenting member of the Board of Supervisors, later murdered Milk and Mayor George Moscone.) Matt's legislative model emerged everywhere.

Following graduation, Matt was invited to teach Constitutional Law at Hastings (you may read that part again!) which he did briefly with distinction before leaving academia for the battlefield, rolling up his sleeves and going to work for the ACLU. As a staff attorney, he quickly climbed the ladder there and became head of the Gay and Lesbian Task Force, responding to injustice with his unexcelled focus, passion and intelligence. After three decades fighting bigotry for the ACLU, he recently retired as their Deputy National Legal Director and Director of the Equality Center. Today, he is back at Hastings, teaching Con Law. We know about Rosa Parks, Martin Luther King Jr. and Spartacus. Now you know about Matt Coles and why he gets our Golden TWITA.

We all have our heroes. You've met a few of mine. Tell me who yours are. •

*Next Week...*

Appellate Law

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