

## **NJ LAWS EMAIL NEWSLETTER E389**

### **Recent Cases:**

#### **1. Lab Report Not Admissible in DWI Case. Bullcoming v New Mexico 131 S. Ct. 2705 (2011)**

The Sixth Amendment's Confrontation Clause gives the accused "[in all criminal prosecutions, . . . the right . . . to be confronted with the witnesses against him." In *Crawford v. Washington*, 541 U. S. 36, 59, this Court held that the Clause permits admission of "[testimonial statements of witnesses absent from trial . . . only where the declarant is unavailable, and only where the defendant has had a prior opportunity to cross-examine." Later, in *Melendez-Diaz v. Massachusetts*, 557 U. S. \_\_\_\_, the Court declined to create a "forensic evidence" exception to *Crawford*, holding that a forensic laboratory report, created specifically to serve as evidence in a criminal proceeding, ranked as "testimonial" for Confrontation Clause purposes. Absent stipulation, the Court ruled, the prosecution may not introduce such a report without offering a live witness competent to testify to the truth of the report's statements.

The Confrontation Clause, the opinion concludes, does not permit the prosecution to introduce a forensic laboratory report containing a testimonial certification, made in order to prove a fact at a criminal trial, through the in-court testimony of an analyst who did not sign the certification or personally perform or observe the performance of the test reported in the certification. The accused's right is to be confronted with the analyst who made the certification, unless that analyst is unavailable at trial, and the accused had an opportunity, pretrial, to cross-examine that particular scientist.

#### **2. Laurick Motion to vacate DWI guilty plea Requires Prima**

**facie Case for Relief. State v. Weil App. Div. 2011, A-5999-09T4, decided July 5, 2011, Unpublished.**

In this appeal, defendant urged the court to revisit State v. Bringhurst, 401 N.J. Super. 421 (2008), and hold, in essence, that a defendant who files a Laurick post-conviction relief petition to obtain relief from enhanced penalties for driving while intoxicated based on a purported uncounseled prior DWI conviction is absolved from establishing a prima facie case for relief where her time delay has resulted in destruction of most of the records pertaining to the prior conviction. The court declines to do so and affirm defendant's conviction. Unpublished.

### **3. Social Networking websites for business owners and Professionals**

**By Kenneth Vercammen, Esq.**

A newer way to connect with friends and obtain business is become active in online social networking websites. There are many free online site for attorneys to list their names, practice areas and contact information. Now that I have an iPhone I can check emails and social media requests for information at the gas station and even at a 20 second traffic light. Visit some of the Social networking sites below for ideas. These are examples of Ken Vercammen's online profiles:

**Facebook** is the largest free [social networking service](#) and website. According to Wikipedia.org, Facebook users can create personal profiles and create groups. Facebook users can request another user to become a friend. I am a member of several Facebook running clubs where members post messages on activities. Users can also create events and invite friends. My law office has an annual summer happy hour at Bar Anticipation in

Lake Como where we invite our 400 plus Facebook friends. Friends can post photos and tag names of persons in the photos. Additionally, for the businesses such as offices you can set up a "fan page." Users can add links to YouTube videos, post photos.

Facebook had 845 million monthly active users at the end of December 2011. Approximately 80% of the monthly active users are outside the U.S. and Canada. They had 483 million daily active users on average in December 2011. They also had more than 425 million monthly active users who used Facebook mobile products in December 2011.

Facebook: Law Office

[http://www.facebook.com/pages/Kenneth-Vercammen Associates-PC/149816077985](http://www.facebook.com/pages/Kenneth-Vercammen-Associates-PC/149816077985)

**LinkedIn** is a business-related **social networking site**. It is mainly used for **professional networking**. As of November 2011, LinkedIn reports more than 135 million registered users in more than 200 countries. Members can create business profiles. Instead of "friends, user can invite other members to "connect." LinkedIn also supports the formation of interest groups, and as of March 24, 2011 there are 870,612 such groups whose membership varies from 1 to 377,000.

Linkedin.com:

<http://www.linkedin.com/in/kennethvercammen>

I can now check my LinkedIn messages on my iPhone while in an elevator for 25 seconds at the courthouse. LinkedIn's mobile app also has a section for "People you may know" and with one click you can invite them to become one of your connections.

**Google+ aka Google Plus** is Google's attempt to rival Facebook. Google+ integrates social services such as **Google Profiles** and **Google Buzz**. It was opened to the public in September 2011 and now already has a user base of 90 million.

<http://www.google.com/profiles/kenvercammen>

**Twitter** is an online [social networking service](#) and [micro blogging](#) service that enables its users to send and read text-based posts of up to 140 [characters](#), known as "tweets". Many of the sites listed below will permit the user to forward for free a tweet to Twitter setting forth new webpages and page updates. There are now 300 million users.

<http://twitter.com/#!/KenVercammen>

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**YouTube** is a way to get your videos published. Upload, tag and share your videos worldwide! Founded in February 2005, YouTube allows billions of people to discover, watch and share originally created videos. YouTube provides a forum for people to connect, inform, and inspire others across the globe and acts as a distribution platform for original content creators and advertisers large and small. The Mac computers have a built in camera and video, so attorneys can record their own short videos and post on YouTube. I practice for my seminars by recording 5-minute clips of the presentation, then uploading the clip to YouTube. We can also add a one-paragraph narrative as a description to the video.

<http://www.youtube.com/user/kvercammen>

### **Free Legal sites:**

**JD Supra** is a repository of free legal information shared by the professionals who generate it. Users can create profiles, share documents, articles, forms, and pleadings.

website [www.jdsupra.com/profile/KennethVercammen/](http://www.jdsupra.com/profile/KennethVercammen/)

**Avvo** Legal rating: The company that owns Avvo has listed all the licensed attorney in NJ. It is free to create a profile. For NJ attorneys, an initial profile is already there. When you claim it, add what you want as often as you want to give prospective clients, competitors, and the media a clear picture of your résumé

and expertise. Website also includes lawyer-submitted legal guides. Attorney profiles, unbiased ratings and free access draw over 2.5 million visitors to Avvo every month.

Avvo draws an enormous pool of consumers by offering them information on attorneys and whether there has been any ethical discipline. Attorneys have the opportunity to get noticed by these prospective clients through free and paid marketing solutions.

Avvo claims it gets three times the traffic of Martindale-Hubbell and averages more than 160,000 lawyer contacts per month.

<http://www.avvo.com/attorneys/08817-nj-kenneth-vercammen-571594.html?edit=true>

**Justia Lawyer Directory:** Users can Participate in the Justia community by creating a free account. Claim and update your Justia Legal Directory profile, ask or answer questions in Justia's Legal Answers or participate in Justia Legal Birds and Blawgsearch communities. By registering you can choose to also receive announcements of upcoming new free services.

**Martindale.com Connected** is a free site for attorneys to post newsletters, articles and set up a profile  
<http://community.martindale.com/members/2445864/default.aspx>

**AttorneyPages.com** helps lawyers gain exposure on the Internet quickly and inexpensively, or free, via one of the respected online directories of consumer oriented lawyers. With a focus on performance, AttorneyPages offers an affordable law firm marketing solution that generates outstanding results.

[http://attorneypages.com/law-firm/59301\\_2060929.htm](http://attorneypages.com/law-firm/59301_2060929.htm)

**Legal Playground** is a social networking website that allows members of the legal community to connect with prospective clients. It has member profiles to locate a convenient lawyer, which could assist your requirements. This top web application helps to search for lawyers by name, organization, practice fields, or location. Thus you can view their profiles, photos, videos and blogs to study more and in fact communicate them effectively.

<http://www.legalplayground.com/vercammen/>

**LawPivot** is a legal Q&A website that enables companies, especially startups, to confidentially receive crowd sourced legal answers from highly qualified lawyers for a fraction of the cost. Additionally, the site allows lawyers to market their legal services by sharing expert advice and engaging in discussions. The company's Q&A technology utilizes a personalized search algorithm to provide companies relevant lawyers on LawPivot to provide answers to their specific legal questions.

[https://www.lawpivot.com/account/attorney\\_profile/5f5349a6f07903b97e05378ad](https://www.lawpivot.com/account/attorney_profile/5f5349a6f07903b97e05378ad)

**Meet the Elite** allows Attorneys, Accountants, Insurance Agents and Financial Planners the ability to create a free web profile to network and promote their services.

<http://www.MeetTheElite.net/vercammen>

**LawLink** is a social network for the legal community with over 8,000 members nationwide. LawLink states it now receives over 150,000 unique visitors a month.

LawLink consists of four

separate but interconnected  
social networks:

<http://www.lawlink.com/profile.aspx?networkProfileID=3841>

**Mylegal.com** states they help lawyers make smart buying decisions by offering Legal Vendor Deals from the best legal vendors around the world.

<http://www.mylegal.com/MyWall/tabid/81/asuid/47535/Default.aspx>

**Rocket Lawyer, Inc.** is an online legal forms and services company in **San Francisco, California** in the United States. Rocket Lawyer's primary service allows users to create, store, share, and **E-sign** legal documents from a single account dashboard. RocketLawyer also connects users with attorneys for legal document review. Attorneys can sign on for free and potentially get cases from individuals who realize online forms may not solve their problems.

<http://www.rocketlawyer.com/profiles/view-profile-Kenneth+Vercammen.aspx>

### **Non- legal sites:**

**Myspace** is considered by many to be the original social networking site. However, Facebook has overtaken it. Myspace had 33.1 million unique U.S. visitors.

[www.myspace.com/kennethvercammen](http://www.myspace.com/kennethvercammen)

**Flickr** users share photos and short video. Yahoo purchased

it. Yahoo claims that Flickr had a total of 51 million registered members

<http://www.flickr.com/photos/kenvercammen/>

**Orkut** is a social networking site purchased by Google. It has over 60 million users worldwide

<http://www.orkut.com/Main#Profile.aspx?rl=ls&uid=17513593040289518671>

**FriendFeed** is a real-time feed aggregator that consolidates the updates from social media and social networking websites, social bookmarking websites, blogs and micro-blogging updates, as well as any other type of RSS/ Atom feed

<http://friendfeed.com/vercammen>

**Gather** has 4.5 million monthly unique U.S. visitors and 4.4 million globally

Members receive their own subdomain, where they can publish articles and share comments. Also, members can create groups pertaining to their own efforts, or to any other topic.

<http://vercammen.gather.com/>

**Plaxo** is an online address book , formerly a social networking service.

<http://KennethVercammen.myplaxo.com/>

**Virb.com:** Users receive a personal profile page where they can post blogs, photographs and videos. Additionally, users may add others as friends and send them messages, and update their personal profiles to notify friends about themselves.

<http://virb.com/kenvercammen>



**Digg** is a [social news website](#). It consisted of letting people vote stories up or down, called *digging* and *burying*, respectively  
<http://digg.com/users/kenavercammen>

**MetaCafe** was similar to other video viewing websites such as [YouTube](#) or [Dailymotion](#), but has since transformed itself into a short-form video entertainment site with several differences. The site now showcases curated, exclusive and original premium entertainment-related video content.  
<http://www.metacafe.com/channels/vercammen/>

**Bebo:** The website's name is an acronym for *Blog Early, Blog Often*.<sup>[4]</sup> Users receive a personal profile page where they can post [blogs](#), [photographs](#), [music](#), [videos](#) and [questionnaires](#) to which other users may answer. Additionally, users may add others as friends and send them messages, and update their personal profiles to notify friends about themselves. Bebo is very similar to other social networking sites, mainly [Facebook](#)  
<http://www.bebo.com/Profile.jsp?MemberId=8364427537>

**Hi5** is a [social gaming website](#)  
[http://hi5.com/friend/p164548434--Kenneth\\_Vercammen--html](http://hi5.com/friend/p164548434--Kenneth_Vercammen--html)

**Veoh:** We added short law videos.  
<http://www.veoh.com/users/vercammen>

**MyYearBook** is a [social discover website](#), it provides the opportunity to interact and meet new people.

Non-members cannot view profile unless they have an account themselves.

<http://www.myyearbook.com/vercammen>

**StumbleUpon** is a discovery engine (a form of [web search engine](#)) that finds and recommends web content to its users. Its features allow users to discover and rate Web pages, photos, and videos that are personalized to their tastes and interests using peer-sourcing and [social-networking](#) principles.

<http://www.stumbleupon.com/stumbler/vercammen/public/>

**Delicious** (formerly **del.icio.us**) is a [social bookmarking web service](#) for storing, sharing, and discovering [web bookmarks](#).  
<http://delicious.com/kenvercammen>

**Yelp for Business Owners. Yelp, Inc.** is a company that operates [yelp.com](http://yelp.com), a [social networking](#), [user review](#), and [local search](#) web site. [Yelp.com](http://yelp.com) claims it has more than 54 million monthly [unique visitors](#) as of late 2010. Yelp provides online local search capabilities for its visitors. A typical search includes what the user is seeking (e.g. a barber shop) and the location from which the search is to be performed, entered as a specific address, neighborhood, city/state combination, or zip code. Each business listing result contains a 5-point rating, reviews from other site visitors, and details such as the business address, hours, accessibility, and parking. Site visitors can aid in keeping the business listings up to date, with moderator approval, and business owners can directly update their own business' listing information

[https://biz.yelp.com/biz\\_info/vpxChJrKU8akUwJEKpxNxA/](https://biz.yelp.com/biz_info/vpxChJrKU8akUwJEKpxNxA/)

**Squidoo** is a community [website](#) that allows users to create pages (called *lenses*) for subjects of interest. Squidoo had 1.5 million hand-built lenses as of October 2010.

<http://www.squidoo.com/lensmasters/KenVercammen>

**Chamber.com** Business networking. Approx 2,000 members

<http://kenneth-vercamm-shorenj-ypd.chamber.com/>

**Spoke** is a business directory and social networking site mainly used for professional networking. The site collects and aggregates information from public sources, private databases and member uploads

<http://center.spoke.com/profiles/KennethVercammen>

**Multiply** is a social networking service with an emphasis on allowing users to share media - such as photos, videos and blog entries - with their "real-world" network. It is currently the biggest "social shop" in Southeast Asia with over 125,000 merchants and 20 million unique visitors. In addition to a profile, we posted some videos.

<http://vercammen.multiply.com/>

**YELLOWPAGES.com** is an Internet web site operated by AT&T Interactive.

<http://www.yellowpages.com/edison-nj/mip/kenneth-vercammen-attorney-155904?lid=155904>

**Athlinks** is a free-of-charge sports social networking website which primarily presents race results for running, swimming, cycling, mountain biking, triathlon, and adventure racing. Sports. I post my running race and triathlon results.

<http://athlinks.com/racer/23481836>