

PRISON MUSEUM POST

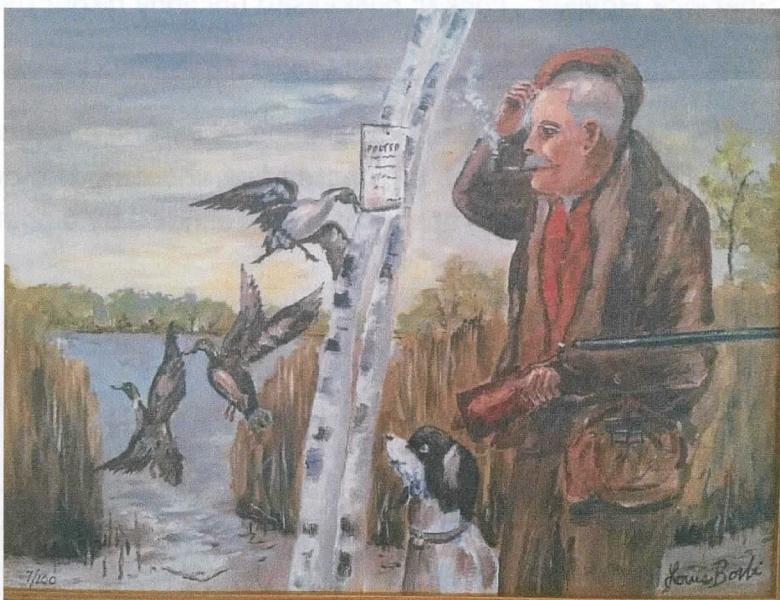
*The Official Newsletter of the Historic Burlington County Prison Museum Association
Incorporated in 1966*

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November 13, 2017

WHY IT'S FUN TO BE A PMA MEMBER

In this issue you will see how much fun PMA members have discovering intriguing things about our local history, especially when we stumble across information that we are not even looking for. This happened few months ago, and it all started with this rather unusual painting:



Before we tell you about the fascinating journey this painting took us on, we want to say

**THANK YOU TO OUR MEMBERS
ANNUAL MEETING, SATURDAY, DEC. 9 at 11 a.m.**

Thanks to our new and old members for their dues and additional donations, which along with admissions and gift shop receipts pay for all our expenses. Our members are listed at the end of this newsletter. If you have paid your dues and are not listed, or if we have made a mistake in your listing, just let us know and we will correct it in the next newsletter.

Our annual membership meeting will be held on Saturday, December 9, 2017

at 11 a.m. at the PMA Office in the Warden's House. Election of Board of Trustees will be held. If you are a member of the PMA and would like to serve on the Board, please email us at pma1811@verizon.net or send us a letter at PO Box 483, Mt. Holly, NJ 08060 before November 30, 2017.

BACK TO THE PAINTING

The painting was donated to the PMA by PMA member Andy Sahol and now hangs in our office in the Warden's House. Andy is the grandson of Ellis Parker, who served as Burlington County's Detective from 1897 until 1936. Internationally known as the "American Sherlock Holmes", Parker possessed uncanny deductive reasoning skills.

The painting, done by Andy's friend Lou Borbi, depicts Parker engaged in one of his favorite past-times, i.e., duck hunting. But instead of shooting the ducks flying all about, Parker is scratching his head, apparently confounded by a posted sign.

THE ORIGINAL PAINTING

Borbi painted the picture from a **photograph** of the original. Andy had the photograph, but could not remember anything about the original painting.

A Camden Courier-Post article dated July 12, 1952 gave us the answer. It reported that the Camden County Jail, which was scheduled to be demolished within a few months, contained a little known "art gallery". The article lamented the fact that the gallery would be demolished along with the Jail. (On the right is the jail being demolished. A Lit Brothers store was later built on the site.)



The article reported that an unidentified "chronic drunkard", who had been in and out of the jail numerous times "in recent years", had painted several murals on the walls of the Jail, including one of Parker. The photo which appeared with the

article clearly shows our painting. Camden County Sheriff J. James Hainsworth, who also served as the warden, appears in the photo with the mural, which looks like it must have been approximately 4 feet high and 5 feet wide.

Who was the artist? Did he know Parker (pictured at left) or just know of him? When did he paint the mural? Why would he paint a picture of Parker reading a notice? By 1952, Parker had been dead 12 years, and hadn't served as County Detective for 16 years. We started doing some research into the Camden County Jail to see if we could find some answers.



We have not yet uncovered the identity of the artist, but in the search, we stumbled across a lot of other very interesting information.

SCANDAL AT THE CAMDEN COUNTY JAIL

We found out that in 1951, an attempted jail break at the Camden County Jail sparked a grand jury investigation of conditions at the jail. The grand jury's report led to the indictment of several jail employees who were operating a "pay or else" system in which inmates who could pay were given unbelievable privileges, such as being taken out of the jail to visit family, attend sporting events and eat in fancy restaurants.

The grand jury didn't indict Sheriff Hainsworth, only because, they said, state law didn't clearly define the responsibilities of elected officials and fix penalties for failure to meet same. While he wasn't indicted, Hainsworth was totally lambasted in the grand jury report. The sheriff didn't like this one bit, and when the jail employees were indicted, he wanted the Court to expunge (delete) all the portions of the grand jury report which were critical of him. He argued that it wasn't fair to publicize the grand jury's statements about him because he wasn't on trial and so had no opportunity to refute their allegations and findings. The Judge denied his request, and so the Sheriff appealed to the New Jersey State Supreme Court. He was represented by an attorney named Frank Schlosser. The State was represented by Mitchell Cohen, who was the Prosecutor of Camden County. Both of them were really good lawyers. Mitchell Cohen later became a judge. He was very well-liked and highly respected. The federal courthouse in Camden is named for him.

The Sheriff argued that the grand jury was only supposed to decide whether or not to indict the jail employees, and were not instructed by the Court or anybody else to investigate public affairs such as conditions at the jail, or to make findings about whether or not a public official was being derelict in his position.

The Supreme Court disagreed. In a 45-page opinion, it basically said that a grand jury can investigate whatever the heck it wants, and people (including public officials) who get criticized in grand jury reports just have to suck it up.

SO WHAT DOES THIS HAVE TO DO WITH OUR JAIL?

Excerpts from the Court's opinion are attached. In the first few pages, the Court describes what was going on at the Camden County Jail, which we think you might find amusing. It looks like they had quite a party there in the early 1950s.

But what was even more interesting to us is that the Court backed up its finding that grand juries have authority to investigate public affairs with about 30 pages of historical documentation showing instances of grand juries doing just that, including documentation of grand jury investigations in *colonial Burlington County*. Yes, that's *colonial*, meaning over 300 years ago, when Burlington County was a part of the British colony of West Jersey. The Court cited the *Burlington County Court Book of West Jersey, 1680-1709* to show that as early as 1680, grand juries were reporting that the local government had been derelict in its duty -- **to build a jail!** (Prior to the building of a jail, it appears that people were incarcerated in private homes.)

We think you will enjoy reading the excerpts from the Court Book which are cited in the Camden Jail opinion. You will notice that colonial courts and grand juries had far-reaching powers. One minute they are chastising the governing body for not repairing a bridge, and the next ordering a couple whipped for engaging in premarital sex.

The big news is that we obtained a copy of the Court Book and will feature it in future issues of the *Prison Museum Post*. (Or at least, we will feature what is printable. Several entries in the book are too racy to print, seriously: one very descriptive case report involves a man sentenced to hang for engaging in an extramarital relationship with a bovine.) The book is a real find. It was printed in

1944 by the American Historical Association, and edited by yet another history-loving attorney, Charles J. Miller of Perth Amboy.

And to think we may never have come across the book had Andy Sahol not given us the mysterious painting.

Take your time reading the excerpts from the Court Book. The spelling takes a little getting used to. Remember, in those days, they didn't have standardized spelling. "Suspicion" is spelled "suspition". "Jail" is "goal". "Pennsaukin" is "Ponsaukin". You will see "vizt" a lot - that means "namely" or "to wit". There is an entry where someone is fined for not "ringing their swyne over three months old" - that means not putting a ring through their pigs' noses to control them. (By the way, that's where we get the expression "to lead around by the nose".) A town is fined for not building a "pinfole" - that's a pound for stray animals.

ANNUAL MEETING DEC. 9

We hope you can attend the meeting on Dec. 9. We promise to keep the business portion of the meeting to about 20 minutes. You can see our office, the painting, the full court opinion and our fledgling library, which includes the Court Book and other interesting and rare books.

THE COURT OPINION

The Court opinion follows. It was hard to edit it down from 45 pages. We did not include a large portion of the opinion citing historical documentation about grand jury reports in the colony of **East Jersey**; our friends up in north Jersey might be interested in those sections of the opinion. Nor did we include sections addressing technical legal points, which we thought would be too wonky for our readers who are not attorneys. We can email a copy of the full opinion to anyone who would like to see the whole enchilada.

Historic Burlington County Prison
Museum Association ("PMA")
P.O. Box 483, Mt. Holly, NJ 08060
PMA Office Fax: 609-261-5252
Museum/Gift Shop Phone: 609-265-5476
Email: pma1811@verizon.net
Website: www.prisonmuseum.net

Board of Trustees:
Clark Bish
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Prison Museum Post Editor: Janet L. Sozio, Esq.

Please help us preserve and promote the Prison Museum by joining the PMA. Our annual dues are only \$15(individual)/\$25 (family). Membership benefits include a quarterly newsletter, event updates, 10% off gift shop purchases, and free admission to the museum. Go on the website for an application.

A case decided by the NJ Supreme Court entitled

In Re Camden County Grand Jury

Citation: 10 N.J. 23 (1952) (*All the State Supreme Court's decisions are printed in numbered books called New Jersey Reports. This case is in Book 10 at Page 23.*)

The case was argued on March 24, 1952 and decided on June 16, 1952.

Frank G. Schlosser, Esquire argued the case for the Camden County Sheriff, J. James Hainsworth.

Mitchell H. Cohen, Prosecutor of Camden County, argued the case for the State.

The opinion of the court was delivered by the Chief Judge of the NJ Supreme Court, Judge Vanderbilt. All the judges agreed with his opinion except Judge Oliphant.

Here are portions of Judge Vanderbilt's 34-page opinion:

An attempted jail break by one John Caruso, an inmate of the Camden County jail and a paroled murderer, precipitated a joint inquiry by the sheriff of Camden County and the county prosecutor into conditions at the jail. The investigation disclosed such serious misconduct in the administration of the jail that the evidence gathered was submitted to the grand jury, which in turn examined 59 witnesses at 12 special sessions and took 1,500 pages of testimony. On October 11, 1951, as a result of the grand jury investigation, indictments for misconduct in office were returned against the undersheriff and three jail guards, and indictments for conspiracy and false swearing were found against the undersheriff, two jail guards and one Joseph Martino, alias Eddie O'Keefe, who, although not a public official or employee, seems to have had the run of the jail almost continuously day and night, even eating and sleeping there.

At the same time the grand jury also presented to the assignment judge of Camden County a lengthy "report" on its investigation of the irregularities at the jail. The document stated that the jury was unanimously convinced that laxity in the Camden County jail had reached deplorable proportions and that indifference to responsibility "from personnel to the top elective office" helped directly in the existence of a "pay-or-else" system, "which was a public safety hazard, a destroyer of the morale of the majority of the prisoners and a mockery of restrictions which should be placed on those who violate our laws." The grand jury enumerated the "irregularities" that existed in the county jail under the following heads:

"Favored" Prisoners Taken Out Under the "Pay-or-else" System: Favored prisoners were taken out of jail and escorted to local restaurants or nearby taprooms. Here they were permitted their choice of foods or liquors. On one occasion, one of these men was returned so drunk that another inmate undressed him and put him in the sick bay. At

another time, a prisoner was left unattended for an hour in the Gloucester taproom; still another was taken to a visit to his home with no obvious reason for doing so.

Flagrant Disregard to Scheduled Visiting Hours: Little, if any, attention was paid to the ruling on visiting hours, which are 1:00 P.M. to 3:00 P.M. on Wednesday afternoons. Laxity of directive officers and indifference of most personnel permitted the "favored" to come and go at will. Visitors often remained until early hours of the morning.

Contact Visits: Female visitors were permitted contact visits with prisoners with impromptu quarters (including couch) in the guards' dining room. Couples were permitted to be alone for indefinite periods.

Unofficial "Assistant" Undersheriff: The constant presence of Joseph Martino almost daily and nightly, with no reason yet provided for being there, has been definitely established by this Grand Jury. Martino carried keys, ran errands, performed menial tasks as well as directive duties and with obvious permission of the Undersheriff, set himself up as an overseer, and slept and ate in the jail.

Food to Order: Food, including steaks, chicken, spaghetti, lobster, submarine sandwiches and imported ham were among those delicacies brought to prisoners who had the price to pay several times their actual worth. On other occasions, special foods were brought by visitors for prisoners and these were prepared in the prison kitchen, to be enjoyed as late-hour "snacks" for the privileged.

Liberal Spending By Prisoners: The sum of \$250 deposited for one prisoner was all withdrawn by him in less than six weeks' time with as much as \$50 in a single day received by him. This spending by those who had it was directly responsible for the "pay-or-else" system, the money games, professional card cutters and almost all special favors.

Medical Program: The medical program was lax and dangerous. While a physician is available for prisoners who are ill, he does not visit the jail with sufficient regularity, unless summoned. As a result, prisoners were admitted to the sick bay at the discretion of prison personnel and attended by an inmate-orderly who had permission to take temperatures and dispense medicines and bromides in accordance with the doctor's prescriptions. There was no way to see that correct dispensing was followed out and this permitted the handling of bromides, etc., by irresponsible persons.

Visitors' Book Ignored: The system included no time nor interest in the Visitors' Book. Insistence that this proper practice be followed, with signature of every visitor, along with date and time of visit would have interfered with the "system".

Abuse of Privilege: The special privilege irregularities as they existed in Camden County Jail, call for strong censure from this jury. It was vicious and shocking. Penal institutions are reserved for all those found guilty of punishable forms of law violation. Restrictive privilege should be applicable to all as a part of the punishment meted out by the

decisions of the juries and courts of our land. The existence of the 'pay-or-else' system made this a mockery. Prisoners convicted of minor crimes, if they had no money, were compelled to watch more hardened criminals, one a paroled murderer, enjoy relative freedom and comforts because they could afford to pay for these."

Having listed the irregularities, of which the grand jury said it possessed "overwhelming proof," it then proceeded to "determine who was responsible" therefor:

"The Sheriff's disinterest and lack of knowledge of his job, based upon his own admitted testimony before this Grand Jury, rates the strongest kind of moral indictment. Moral only because the laws of the State fail to define clearly his chargeable responsibilities and fix legal penalties upon failure of such elected officials who fail to complete these properly.

The Sheriff, appearing twice before this Grand Jury, (stated) that he had seen Martino but didn't know who he was...that he had no idea that such deplorable conditions existed...that he had left the jail to his subordinates.

While the Sheriff's testimony convinced the Jury of his general lack of knowledge of what was going on, the Martino angle as far as the Sheriff was concerned is a clear-cut example of the extent of his lack of interest. If he did not know that Martino was a constant visitor even casual attention to his job would have revealed this.

Martino's testimony denying any wrong-doing in the 'pay-or-else' system was broken down by the testimony of too many witnesses to be acceptable to the jurors who rate him, with the Undersheriff, as prime instigators."

The grand jury's report made a series of specific recommendations for the future conduct of the jail in the following terms:

"That Legislation be enacted giving the State Department of Institutions and Agencies more powers to prescribe basic rules and regulations to be strictly adhered to in the administration of our County Jails. This Legislation should also provide fines or imprisonments for elected or appointed office-holders or any member of jail personnel, found guilty of violations thereof.

That regulations, which would definitely fix responsibilities of the offices of the Sheriff, Undersheriff, Wardens and all jail personnel, be immediately prepared and set forth, so that Grand Juries of the future will be spared the time-wasting and 'buck-passing' to which this Jury has been subjected by the above-mentioned officials and personnel.

That prisoners not be permitted to have cash in their possession... That regulations be immediately set up, establishing definite and limited hours of visitation... That the jail physician visit the jail at least once daily and that prisoners be admitted to the sick bay only upon his signed order... That all special privileges be eliminated except in cases of

rare emergency, and then only when a person, chargeable for the responsibility, officially approves such action..."

At the outset of the oral argument before the assignment judge (on October 23, 1951) the sheriff made a motion to suppress the portion of the State's brief that quoted parts of the grand jury minutes...The assignment judge dismissed the motion, saying that he found "nothing therein that was not within the province of the grand jury to report." The sheriff appealed.

On the oral argument it developed that, although the grand jury spent months on the investigation into conditions at the county jail, it was not at any time specifically charged by the assignment judge, or any other judge at his direction, with reference to the matter.

The presentment of a grand jury has always meant here, as at common law, not only a crime considered by a grand jury on its own motion and of its own knowledge, but also a grand jury's findings with respect to public affairs and especially the derelictions of public officers, which may or may not fall short of being criminal offenses.

Because this power of grand juries in this State to make such presentments as to public affairs has been questioned, it is essential to inquire into the existence of the power it has exercised here from the earliest colonial days. To show the colonial practice we will quote first from Reed and Miller, Burlington Court Book of West New Jersey, 1680-1709, examples of both kinds of presentments:

"The Grand jury present the County for Want of a Prison, upon the Complaynt of the Sheriff. Alsoe they present Burlington for not keeping London Bridge in repayre. Alsoe they present the Kings Highway Leading from Burlington towards Shrewsbury being out of repayre. Alsoe wee present Walter Reeves for marking his Swyne with another mans marke which is recorded before."

"Alsoe presented the person or persons concerned for not finishing the Court house."

"Alsoe presented Yorkshire Bridge and the Bridge at Godfrey Hancocks for not being repayed."

"They present John Crosby for laying a pair Milstones at the Townes Landing at Burlington to the annoyance of the Province. Presented alsoe Lawrence Morris for setting a Haystack at the end of John Hollinsheads house in Burlington to the danger of the Towne. Presented alsoe the Inhabitants of the Towne of Nottingham for not making a sufficient Bridge over the River Darwin."

"Presented alsoe the Inhabitants near Daniell Bacons for not makeing two bridges betweene said Daniels and Thomas rights over the runs lyeing in East Jersey Road; Presented alsoe the Inhabitants of the Towne of Burlington for not ringing their Swyne above three Moneths old."

"Presentments per Grand Jury vitz, That a substantiall and good prison be built and finished in Burlington by this County before the Twenty Nyneth of September next upon penalty of Sixty pounds for default thereof. Alsoe, That a substantiall County Pinfold be built in Burlington betwixt this and the first of the first Moneth next under the Penalty of five pounds for default therein."

"Alsoe, the Highway to East Jersey presented and ordered to be sufficiently repaired and that Bridges be made over the Creekes before 25th December next."

"Alsoe, The Highway betweene Daniell Bacons house and Cross-wicks Creek Presented."

"Alsoe, The bridges over the Mill Creek and Pimsawking Creeke presented."

"Wee present the Bridge upon the Mill Creek within the Liberty of the Towne of Wellingborrough upon the Kings Road and alsoe some bad Places betweene that and Burlington."

"Wee present the Bridge by John Longs house upon Oneanickon Road to be repaired by the Towne of Burlington before the 20th day of this 3rd Moneth 1689 upon the penalty of 40s."

"The Grand jury nominate the first of the third Moneth for the County of Burlington to meet to the Repayring of the Highwayes and alsoe the 10th of the 8th Moneth if need require yearly."

"Alsoe Grand Jury presented the necessity of a County Gaol and for stock [?] propose something of a Method for laying a Tax upon the County for that purpose and referre their proposall to the regulation of the Bench; and the[y] Present Thomas Russell upon the suspition of Fellony."

"The Grand Jury have noe particular Bills from the Court But of their owne knowledge present John Wood of the County of Bucks in Pennsilvania according to the Contents in their presentment upon fyle. They alsoe present William Emley Thomas Wright and Joshua Wright for purchasing Lands of the Indians Contrary to the Lawe of the Province."

"Grand Jury Present the County for want of a Prison and for want of keeping the County Court house in repaire."

"John Wood presented last court indicted this Court but neither hee nor any to prosecute appeare soe suspended."

"William Emley Thomas Wright and Joshua Wright Presented last Court and Indicted this Court, the persons Indicted appeare, but none prosecutes. Grand Jury have noe

Evidence and finde not the Bill; thereupon at the request of the Persons Indicted They are quitt by proclamation."

"The Grand Jury present Henry Beck and Alice Rawood the daughter in Lawe of William Black for Committing Fornication. Henry Beck appeared on the behalfe of himselfe and said Alice (shee being not able to come) And acknowledged the aforeside Cryme; And on the behalf of himselfe and said Alice submitted to the Judgment of the Bench. The Court haveing thereupon Considered of the aforesaid Cryme, order as followes (vizt) That the said Henry Beck give security for the Indemnifying the Court of Burlington, And for mainteyance of the Bastard Child; and that the said Alice Rawood after shee shall be delivered and well, shall be whipt, or pay 5 pounds."

"Alsoe they present Thomas Peaches and Mary (his now wife) for Committing Fornication before marriage To appeare next Court."

"Alsoe they present William Emley and Mary (his now wife) for Committing Fornication before Marriage To appeare next Court."

"Alsoe they present John Hollinshead for damming up the Highway between Ponsaukin and Burlington."

There are 59 more such entries in the Burlington Court Book; see index under "presentments," p. 365.

The courts have long recognized the right of grand juries to make inquiry, either at the direction of the court and with the aid of the prosecutor or upon their own initiative, and to report their findings to the court by means of a presentment. It may very well be, as I am sure you can conceive, that a situation would arise whereby the grand jury deemed it advisable to inquire into a certain situation; the prosecutor may disagree and may refuse to cooperate in that investigation; the grand jury may carry on its own investigation and if it finds that an indictment should be returned, it may first return a presentment to the court calling attention to its investigation and setting forth that a crime has been committed and requesting that an indictment be prepared, in which case it would be the duty of the prosecutor or some other officer of the court to prepare an indictment and submit it to the grand jury for its approval or disapproval. As a matter of fact, that was the practice under the common law.

Thus grand jury presentments of public affairs serve a need that is not met by any other procedure. The grand jury provides a readily available group of representative citizens of the county empowered, as occasion may demand, to voice the conscience of the community. There are many official acts and omissions that fall short of criminal misconduct and yet are not in the public interest. It is very much to the public advantage that such conduct be revealed in an effective, official way. No community desires to live a hairbreadth above the criminal level, which might well be the case if there were no official organ of public protest. Such presentments are a great deterrent to official

wrongdoing. By exposing wrongdoing, moreover, such presentments inspire public confidence in the capacity of the body politic to purge itself of untoward conditions.

It remains to apply these principles and practices governing presentments to the case at bar. In the first place, the presentment handed up to the assignment judge by the Camden County grand jury is very obviously a presentment dealing with public affairs, in this instance the operation and management of the county jail. The presentment catalogued numerous irregularities, some venal, some vicious. The presentment is so clearly in the public interest that there can be no doubt of the duty of the grand jury to make it or of the assignment judge to receive and file it.

The order denying the motion to expunge parts of the presentment is affirmed.

PRISON MUSEUM ASSOCIATION MEMBERS

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Hap Eastburn
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Kevin Walker, Esq.
 Burlington County Public Defender
Marcia Soast, Esq.

Dr. Eugene V. Timpano
Cinnaminson
Podiatric Medicine & Surgery
856-786-2247

Our accountant:

Gary F. Mazzucco, CPA
Brian Frampton, CPA
Mazzucco & Co., CPA
Moorestown
856-234-7788

Vickie Bush
Berkshire Hathaway Fox & Roach Realty
609-206-0243

Regan Young*
RYEBREAD Architects-
Regan Young England Butera
Referendums, Engineering,
Architecture, Design
Mt. Holly
609-265-2652

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Genzano Contractor
Riverside
Additions, Alterations, Siding,
Masonry, Decks
856-461-7249

Larry's Cleaners
Dry Cleaning/Tailoring
73 Sunset Road
Willingboro

Robert Silcox
Terra Associates
Commercial Real Estate
Mt. Holly
609-261-2666

Sandra Genzano
Four Corners Travel
www.fourcornerstravelnj.com
Riverside
856-75-2440

Oksun Hwang
Stockton's Dry Cleaning
38 Washington St.
Mt. Holly

Kirsten Ennis, Esquire
Somerville
Bankruptcy matters
908-713-0345

Honig & Greenberg
Cherry Hill
Creditor-rights matters
(foreclosures, bankruptcy,
collection, tax sales)
856-770-0990

Warren S. Jones, Esquire
Mt. Holly
Bankruptcy, real estate,
real estate tax appeals,
personal injury, wills
609-261-8400

Joan Warren, Esq.
Jeff Warren
Lavery & Sirkis
Hackettstown
Bankruptcy matters
908-850-6161

Bruce Levitt, Esq.
Maplewood
Commercial litigation,
Foreclosure defense, bankruptcy
973-323-2953

William H. Oliver, Esq.
Neptune
Bankruptcy Matters, real estate
732-988-1500

Gary Woodend, Esq.*
Medford
Real estate, construction,
municipal court, wills
609-654-5489

Robert Weishoff, Esq.
Carol Weishoff
George and Andrea Weishoff
Weishoff and Richards
Landlord tenant matters
609-267-5297

Travis Richards, Esq.
Weishoff and Richards
Bankruptcy and
landlord tenant matters
Mt. Holly
609-267-5297

Daniel Straffi, Esq.
Danielle Straffi
Straffi & Straffi
Toms River
Bankruptcy, family law
732-341-3800

Berge Tumaian, Esq.
Any Tumanian
Moorestown
Family law
856-722-1818

Susan Dargay, Esq.*
Mt. Holly
Family law, guardianship
609-265-3985

Stewart LaVine
INTERFACE
Mt. Holly
Data-voice-video
609-702-9394

Jan Myers
Jobstown
Sewing, alterations
609-261-0314

Our lawyers:

ParkerMcCay
Mt. Laurel
www.parkermccay.com
Creditor rights, litigation, corporate,
public school & education, insurance
defense, etc.

John M. Devlin
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Brian Caine

Stephanie Shreter, Esq.
Mt. Holly
Bankruptcy
609-265-9600

Guardianship Assistance Program
Non-profit Guardianship Legal Service
609-444-6653

Michael Rothmel, Esq.
Randi Rothmel
*Family law, criminal, municipal
court, real estate*
609-288-2187

Amelio Mercantini
Mercantini Electric
Licensed electrician
Licensed NJ electrical inspector
856-764-8764

Cynthia S. Earl, Esq.
Milan D. Earl
Moorestown
Family law, guardianship
856-642-7470

Nona Ostrove, Esq.
Voorhees
*Bankruptcy and Community
Association Law*
856-566-4200

*Board Members