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Focus On New Jersey

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## Entertainment Law In New Jersey: A Century Of Supporting The Motion Picture Industry

*The Editor interviews Steven Gorelick, Associate Director Of The New Jersey Motion Picture And Television Commission.*

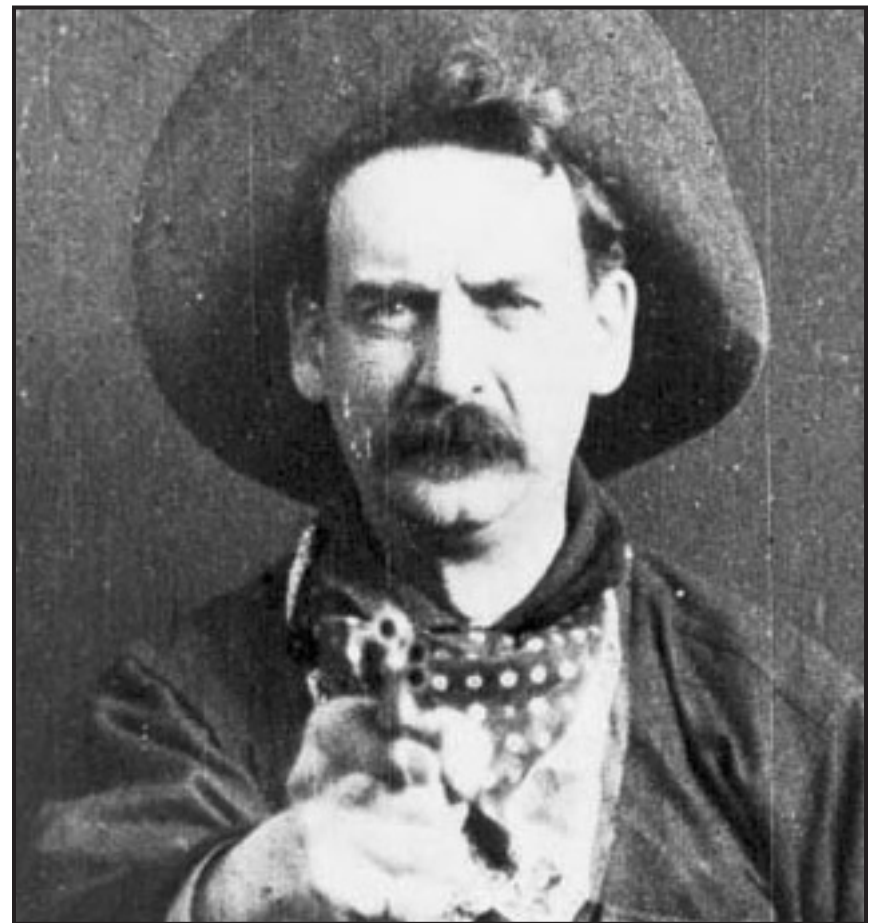
**Editor: Please tell us about the film industry in New Jersey.**

**Gorelick:** Thomas Edison pioneered the motion picture camera and first movie studio, the Black Maria, at his laboratory in West Orange. He wanted, "to do for the eye what the phonograph did for the ear." Because film stock was not very sensitive to light and artificial lights were not readily available, Edison built the Black Maria so the roof opened up and the building could be turned throughout the course of a day to follow the path of the sun.

The first movies were shot at Edison's studio and other locations across New Jersey. Other studios cropped up in Ft. Lee. These were the predecessors of the big motion picture studios that were to come to fame in California just a few years later. Universal, Fox, and MGM had their roots in New Jersey. William Fox, Sam Goldwyn, and David O. Selznick began their careers in and around Ft. Lee.

Around 1915, film companies moved to California because land was cheap and there was perpetual sunshine. Because Edison held the patents to motion picture production, these maverick filmmakers wanted to escape the licensing fees and other costs that Edison's film trust sought to impose. The "independents" went to California where they couldn't be found and started turning out motion pictures. Nevertheless some of the great movies of the silent era including *The Great Train Robbery* and *The Perils of Pauline* continued to be filmed in New Jersey. *The Perils of Pauline* was the first cliffhanger, so noted because its star, Pearl White, was hanging from the Palisades cliffs.

With the exception of *On the Waterfront*, which was shot in Hoboken in 1953, released in 1954 and won the Academy Award for Best Picture, New Jersey had very little film production during the "Golden Age" of Hollywood and for years afterwards. In 1977 the State Legislature and governor decided to revive the film industry in New Jersey as a way to spur the state's economy. The governor and the legislature were looking for a way to spur the economy using a clean industry.



*The Great Train Robbery, filmed in NJ, opens the Silent Era.*

The first step was to recruit Sidney Kingsley, the Pulitzer Prize winning playwright, as the New Jersey Motion Picture and Television Commission's first chairman. He was committed to bringing film making back here and soon after, our executive director Joseph Friedman was hired. The board of commissioners was appointed, and we began our work. The overnight change was remarkable. Almost every year the amount of production in the state increases. Today, as many as 80 or more features are shot here every year, as well as 150 television series and specials, 350 or more commercials, music videos, industrial films, educational, documentary and short films.

**Editor: Please give us some examples of recent films shot in New Jersey.**

**Gorelick:** For the remake of *The Manchurian Candidate*, director

Jonathan Demme recreated the Kuwaiti desert in a sandpit in Eagleswood, NJ. Paramount Pictures crew members littered it with the shells of burned out vehicles, and they landscaped it to look like the Kuwaiti desert during the 1990 Gulf War.

We have several television series running, which are of exceptional economic benefit because they return year after year. An individual show can enrich the state economy by ten to twenty million dollars every year. *The Sopranos* is shot in New Jersey along with *Law and Order: Special Victims Unit*. The final season of *Ed* wrapped up this year, shot in Northvale and various other towns in Bergen County. *The Jury*, now airing on Fox, is filmed in Bayonne at the Military Ocean Terminal (M.O.T). *Oz*, the prison series on HBO, was filmed at the M.O.T. as well.

Two large warehouses on the for-

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## Focus On New Jersey – Corporations

# Merck Receives Special Pro Bono Award From NJ State Bar

For more than a decade, Merck lawyers in Whitehouse Station and Rahway, NJ, and in Upper Gwynedd, PA, have been helping provide legal assistance to the less fortunate through Merck's Pro Bono Program, ensuring equal justice for all.

The program began as an opportunity for Merck attorneys to meet their professional obligation – New Jersey courts, for example, require municipal pro bono assignments for practicing attorneys – but has turned into a chance for employees to expand their legal expertise and provide vital assistance at the same time. Their commitment was recently recognized when the New Jersey State Bar awarded Merck a Special Recognition Pro Bono award.

"The Merck program has provided a great benefit to indigent New Jersey citizens and has acted as a role model for other corporate law departments," said Karol Corbin Walker, president, New Jersey State Bar Association in a letter to Merck.

For the program, Merck partners with groups such as Legal Services of New Jersey, Volunteer Lawyers for Justice and the Pro Bono Partnership. Representatives from these groups bring cases that need legal attention to Merck's local pro bono programs in New Jersey and Pennsylvania, which decide if they have time and are qualified to handle a new case. Often, Merck attorneys pair up on cases, ensuring that if one is unavailable for a



**Karol Corbin Walker of St. John & Wayne, LLC, Carolyn Coyne and Michael Hacker of Merck, Inc.**

court date or meeting, the other can step in. And, when additional knowledge or training is needed, groups like Legal Services are able to step in and help.

"Our attorneys started off by handling simple divorce and bankruptcy cases, but over the years, the program has expanded to include guardianship, child custody, tenancy and domestic violence cases," said Mark Daniel, patent counsel, Rahway. Last year, the program in Rahway also expanded so that Merck employees help take walk-in cases at the Legal Services office in Elizabeth, NJ. "Our attorneys find that they enjoy the opportunity

to practice in different areas of law, and to learn about different legal areas," Catherine Fitch, assistant counsel, Rahway, added.

In Rahway, where the pro bono department acts on a "small law firm" model, there is a separate phone line and post office box for pro bono cases, and a shared fax machine that ensures someone in the group is available to help track cases and ensure that they get to the right attorney. The group has found that its pro bono work has been a team-building experience.

"We have found that the pro bono pro-

gram has provided a valuable team-building opportunity as attorneys and administrative associates have worked closely together to provide assistance to those in need," said Carolyn Coyne, administrative associate, Rahway.

Since the program's inception, nearly 80 Merck attorneys, plus support staff, have handled pro bono cases for the three Merck sites. Together, they have represented nearly 400 clients in cases. It's important help, considering that Legal Services estimates that one in three of New Jersey's English- or Spanish-speaking adults with low incomes has at least one new civil legal problem arise each year, on top of any existing legal problems.

"The program helps our attorneys sharpen their advocacy skills and broaden their knowledge, while in turn helping the poor and disadvantaged in our communities. It's a win-win situation," said Valerie Camara, managing counsel, Rahway. She added, "As the chair of the Pro Bono Committee of the New Jersey Corporate Counsel, I'd be delighted to hear about other companies' pro bono programs and to share information about Merck's experiences. Your readers can contact me at njcca41@aol.com."

*This article was originally printed in Merck's daily newsletter and is reprinted here with permission.*

## Steven Gorelick

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mer military base were converted into studio facilities, which have been used in a number of movies and series. *A Beautiful Mind* was filmed there. It is the second New Jersey film to win the Academy Award for Best Picture. *Far From Heaven* was filmed at the M.O.T. and other locations. The HBO telefilm *Strip Search*, which aired a few months ago, was filmed there. *Eternal Sunshine of the Spotless Mind* with Jim Carrey was also filmed at the M.O.T.

**Editor: What legal issues have to be dealt with when shooting on location?**

**Gorelick:** Towns that have a lot of filming often require permits. For example, a town ordinance may restrict filming at night, or in residential zones. Permit fees differ from town to town. Local law enforcement and fire companies may be required at the location. Most ordinances are written so that no matter what is contained in the ordinance, the town administrator or town counsel can override various provisions, as long as they are not harmful to the town.

We spend a lot of time reviewing local ordinances. We encourage any town that is going to write an ordinance to contact us because sometimes ordinances are crafted by individuals who do not possess a full understanding of film production and what it entails.

**Editor: What types of issues would an**

**entertainment lawyer handle?**

**Gorelick:** The variety of contracts they draft and negotiate include securing locations, signing talent, distribution deals, creating various legal releases and many other tasks depending on the stage of production. They also help set up the deal. They put the nuts and bolts of the production together and help it get off the ground. You can't work without an entertainment lawyer. There are just too many legal issues that arise.

**Editor: How is the state helping and supporting filming in New Jersey?**

**Gorelick:** The Commissions annual budget is \$460,000. Last year, revenue from productions shot in the state topped \$78 million. Underscoring the current administration's commitment to encouraging films and television production, the governor signed legislation to create the New Jersey Film Production Assistance Program. The program provides loan guarantees to filmmakers working in the state.

Many attorneys made their feelings known when our funding was threatened. They gave us tremendous support. In addition, several years ago Steve Schechter helped set up a not-for-profit entity called Friends of the New Jersey Motion Picture and Television Commission. We had a benefit in order to raise money to make a documentary film about the history of filming in New Jersey past and present. He helped us on a pro bono basis with all the legal aspects of setting up the non-profit entity and when we created the video itself, in get-

ting the rights clearances.

**Editor: How is the New Jersey Film Commission helping independent filmmakers get their start?**

**Gorelick:** You'd be surprised how many films at Sundance are from New Jersey. *Garden State* was a hit this year at Sundance. *Clerks* and Kevin Smith's other works have also been well received. *Two Family House*, which won at Sundance, was filmed in Bayonne and many other films in the competition were shot here. It's amazing the percentage of Sundance winners and Sundance entrants that are made in New Jersey. *The Station Agent* won two years ago.

We always regard ourselves as a haven for independent filmmakers. We deal with the biggest and the smallest productions. We assist student filmmakers, who come here in droves from NYU, Columbia, the School of Visual Arts and various NJ colleges and universities, in the same way we assist big time filmmakers by helping them find locations. These young independent filmmakers of today become the celebrated directors of tomorrow. It doesn't matter what the level of the production is, we provide equal assistance.

**Editor: What makes New Jersey a haven for the film industry?**

**Gorelick:** The level of cooperation here makes us a haven for major production companies and smaller independents. The state and the towns are very cooperative, we're ideally located in the New York vicinity where there is a huge talent pool, and we have a tremendous variety

of locations. It only takes minutes to go from the mountains to the suburbs to the shore. That's a big advantage to filmmakers who can't afford to spend time traveling great distances. This is especially true in filming commercials. In a sixty-second commercial a director may use nine or ten different types of topographical looks, and does not want to be traveling forever to get the shots.

The climate of New Jersey is also a factor. When I first came here, not many films were shot in the winter. These days winter weather doesn't bother filmmakers at all. Some filmmakers have wanted the worst possible snowstorm they could find. I've seen movies that have been transformed on account of the weather. For example, an after-school special was filmed in Northwestern Jersey. Although the filmmakers weren't planning to film in the snow, they filmed through an unexpected blizzard. When I saw the film on television, it was unbelievable. It had a marvelous look to it, and won all kinds of awards. It all happened by luck of the draw.

**Editor: Do you anticipate the film industry to continue to grow in New Jersey?**

**Gorelick:** Filmmakers go where they're welcome. They can't afford to fight the locality where they're shooting. They're spending a lot of money every day and they have to stay on tight schedules, so they need cooperation. Our main function is to assist filmmakers, and the state works with us to make sure that they can complete their work quickly and easily, on time and within budget.