

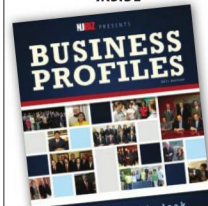
Doctors hope accountable care organizations will help transform the practice of medicine.

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A deeper look at business in N.J.

INSIDE



ALL BUSINESS ♦ ALL NEW JERSEY

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## It's a matter of education

For college presidents to get bond issue on ballot, they'll have to sway top lawmakers

BY BETH FITZGERALD

NEW JERSEY COLLEGE presidents are gauging the appetite for a higher education bond issue among Trenton lawmakers, the business community and the electorate — with an eye to the 2012 presidential election, when a big voter turnout, especially among independents, is believed optimal for passage.

> See **BOND** on page 9



**Susan Cole, president of Montclair State University,** says the state has left colleges to fend for themselves. She's standing at the Heights, a residence and dining complex that's the university's most recent project.

## Seeking broader property portfolios

Hartz, other real estate players put emphasis on multifamily

BY EVELYN LEE

**HARTZ MOUNTAIN Industries** is known as one of the state's top real estate players on the strength of its vast portfolio, which it built over four decades in office, industrial, retail, hotel and data center properties. But since early 2010, the Secaucus-based developer has been aggressively investing in a new asset class: multifamily.

"We've been involved in every real . . . . .  
> See **MULTI** on page 6

## Offering a cure for high costs of new medicines

Hobart striving to get insurers to understand, cover therapies

BY JARED KALTWASSER

**LISA B. BAIR'S** business is based on a simple premise: "It doesn't matter if there's a demand in the marketplace if ultimately that patient's going to get to the pharmacy and not be able to afford the medication."

The affordability of a given drug has a lot to do with whether that drug is covered by a given patient's insurance company, which in turn has a major impact on the sales of the drug and, ultimately, the return on investment reaped by the

> See **DRUG** on page 6

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Wineries call sour grapes on lawmaker, Beck takes stand against a Christie veto and more on NJTV.

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# A whistleblower for lawyers

Attorney's years as a referee gave him playbook for sports law

BY ANDREW KITCHENMAN

OVER THE PAST four decades, taunts have given way to lawsuits as action taken against umpires and referees escalates — and **Alan S. Goldberger** has had a front-row seat.

Actually, his perspective is even closer than that — the longtime referee for high school events also works as a lawyer who specializes in such cases.

> See **LESSONS** on page 10

Longtime referee Alan S. Goldberger, also a partner in the law firm Brown, Moskowitz & Kallen P.C., says his experience on the field has helped him defend referees who find themselves potentially facing lawsuits.

## Major lease is latest sign of a rebound at N.J. port

20-year deal aimed at expanding cargo volume

BY MARTIN C. DAKS

WHEN **DAVE ADAM** looks out over the ocean, he sees more than just waves and seagulls. The president of **Port Newark Container Terminal** sees new revenue flowing in from three deals: a 20-year lease his company signed with the Port Authority of New York and New Jersey, a long-term commitment from a global shipping company, and the long-awaited Panama Canal dredging project.

"We've seen New York and New Jersey (containerized shipping) volumes come back pretty significantly after the economic decline," Adam said. "Imports account for much of our activity, and about 50 percent of the inbound containers carry furniture and other household items — so you can imagine what happened to volume when the housing market collapsed."

But as the general economy began to crawl back, so did activity at the port.

The company posted about \$200 million in revenue in

> See **PORT** on page 12

## Improving training for manufacturers

Apprenticeship effort aims to help employers efficiently teach basic skills to new hires

BY ANDREW KITCHENMAN

NEW JERSEY MANUFACTURERS frustrated with the lack of basic skills they find when looking for new workers may soon have a new source for skilled employees.

The New Jersey Business & Industry Association and the state's county colleges are working together on a pilot program to teach basic skills preparing potential employees to become apprentices.

The program is based on a survey by the NJBIA's manufacturing network, which found employers require better-skilled employees, but those manufacturers aren't always able to participate in federal and state apprentice programs, because they don't have the skills to work as tool and dye makers, welders, machinists, and technicians.

**Clifford F. Lindholm III**, president and CEO of Clifton-based **Falstrom Co.**, said a basic-skills shortage is faced by not only New Jersey manufacturers, but national ones. Lindholm, network chairman, is helping write the proposed curriculum.

"Despite the difficult economic times, there is a need

for skilled people to work in manufacturing companies," said Lindholm, adding that his company, which makes products for the military, could benefit from the program if it were to grow.

The range of skills the courses will focus on includes basic literacy, mathematics, work readiness and communication.

The NJBIA is working with the New Jersey Community College Consortium for Workforce and Economic Development to write a 12-week curriculum that includes these skills, as well as basic manufacturing knowledge, covering areas like production flow, metallurgy and blueprint reading, and analysis.

Lindholm said New Jersey manufacturers tend to produce niche products that require specialized skills and knowledge — but creation of those products may require certain skills, such as being able to convert frac-

> See **APPRENTICE** on page 11



**Clifford F. Lindholm III**



## LESSONS

> Continued from page 5

Among some of the wilder scenes where Goldberger represented officials in the courtroom include referees who were sued in the course of working games in which a spectator punched a player, a student-athlete was killed by a lightning strike and a player broke an elbow after falling during a light rain. He said his work as a referee and umpire never landed him in court, though.

A partner with the Millburn firm of **Brown, Moskowitz & Kallen P.C.**, Goldberger is being rewarded for his work spanning the two careers by the National Association of Sports Officials, which will present him with its Mel Narol Medal on Aug. 2, in Augusta, Ga. The award recognizes "significant contributions to organizational leadership, education and training, and promotion of officiating."

Goldberger began working as a referee at Franklin & Marshall College, in Lancaster, Pa., in 1968 as an undergraduate. He worked as a basketball and football referee, as well as an umpire, primarily focusing on high school sports, through 2005, when he retired from officiating.

He sees the legal profession — particularly the role judges play — sharing much common ground with officiating. Both require "the ability to listen and the ability to understand a little bit about psychology — how people behave — and understand that the rules are there for a purpose, but

the rules have to be enforced intelligently."

Goldberger has witnessed some unusual scenes at games, including a case where another referee was assaulted by a spectator. He recalled that the fan chose the wrong official, a brawny man who was unfazed by a pair of sucker punches.

"He barely felt it," Goldberger said. "It was a tension-producing situation. The police stood by and did nothing — and that, unfortunately, is a little too common in what we see. Sometimes it's looked at as part of the game."

Also, as lawsuits filed against officials increased through the years, Goldberger found his joint knowledge of the law and officiating lent itself to working as an attorney for referees.

The laws governing these responsibilities have "gone from zero to 60" over the past 25 years, he said. There are now state laws that limit the liability of officials, as well as laws regulating the conduct of athletes, coaches, officials and even spectators.

"You have a potential legal exposure at every turn," Goldberger said. "That creates a necessity for all officials to be aware of the legal requirements." Regardless, though, Goldberger said he never changed a call or made a decision to eject someone due to legal considerations, "nor would any competent official."

Many lawsuits against officials are focused on athletes injured during a game. Goldberger said he's seen cases where refs or umpires were sued for not calling

enough fouls, for not canceling a game due to weather, or for trying to prevent fights — or not preventing them.

Goldberger's goal is to arm officials with knowledge so that they aren't in the position to be sued in the first place. He said he's seen a growth in a sense of entitlement from some athletes and parents who feel they deserve to play, even when they have

## You have a potential legal exposure at every turn.

Alan S. Goldberger  
Brown, Moskowitz & Kallen P.C. partner

been ejected from contests. Even when officials are successfully defended from lawsuits, the conflicts take a toll in time, money and anguish, Goldberger said.

"It is a given today that many people will look for someone to blame," he said.

He recalled a case where a basketball player who had fouled-out ran across the court, where a fight among spectators had started. After being punched in the face and having his nose broken by a spectator, the player sued a referee.

"We got that case dismissed," Goldberger said. "It was so outrageous, but that's the kind of situation that we run into."

Lawsuits also have been based on whether an official faces legal liability for ejecting an athlete if the student feels the

ejection was unfair. Since high school ejections often lead to two-game suspensions, these cases have been filed frequently.

It's not always players, either: Goldberger recently prepared a friend-of-the-court brief on behalf of the National Association of Sports Officials in a successful defense of a football referee who ran into an assistant coach after the coach walked out into the sideline area reserved for officials.

"The official who was running down the sideline (was) covering the play, doing exactly what he was supposed to be doing," Goldberger said.

NASO's founder and president, **Barry Mano**, said Goldberger is sought after by officials, and that talks Goldberger gives at the organization's annual conferences draw large crowds.

"He's really developed into the foremost authority in the country, with respect to sports officials and the law," Mano said.

Goldberger's ceaseless work ethic is appreciated by officials in need, Mano said.

"Al is a very dedicated, tireless guy," Mano said. "He's not only a damn good lawyer, very organized and really thinks things through, the man is always working."

While he retired from officiating six years ago, he still is immersed in the kind of legal challenges referees face.

"Since I deal with it every day, sometimes I feel like I'm still officiating — but without the supervisor telling me what I did wrong the night before," Goldberger said.

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