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Via Regular Mail & Email

John E. Keefe Jr., Esq., NJSBA President  
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One Constitution Square  
New Brunswick, New Jersey 08901-1520

**RE: 5G (Fifth Generation) Technology**

Dear President Keefe and Members of the Board of Trustees:

Please excuse the length of this letter, but I feel it is necessary for me to adequately express my ethical concerns with the NJSBA's promotional seminars on 5G Technology.

Having worked as an information technology consultant, business analyst, and project manager for twenty-five years, I have extensive experience in various technologies and science. For about twenty years, I have followed the controversies between public interest groups, local governments, and the telecommunications industry (telecoms) over the placement of cellphone towers. As a result I am familiar with how these controversies have affected federal and state laws, administrative rules, local ordinances, and case law. All things considered, I find the NJSBA's promotion of 5G Technology a disservice to its members, the image of the profession, the rule of law, and the public interest.

I explain my reasons below by addressing Lisa W. Spiegel's October 15, 2018 email regarding the CLE program titled, "*Antennas in the Rights of Way: 5G Technology is Coming Soon to a Utility Pole in Your Neighborhood*".[1]

**Promoting 5G technology and speaker conflict of interest.**

In her email, Ms. Spiegel says the intent of the 5G seminars is to educate, not to promote 5G technology or endorse any provider of it (see attached email). If so, then why use exhorting advertiser clichés like *Coming Soon*, and *Are you ready?* More important, why did the speakers at the July 31, 2018 "seminar" all have direct financial interests with providers, products, or services for the telecom industry? The moderator, for example, Gregory D. Meese, Esq., has for the last 30 years represented wireless carriers and is a member of the Board of Directors of the New Jersey Wireless Association. According to his firm's website, Mr. Meese "provides legal services to all major wireless telecommunications carriers in connection with leasing, zoning and litigation matters." His firm secures "zoning and environmental permits and approvals for national wireless carriers, AM radio, low latency microwave networks, satellite dishes and other antenna facilities in New York and New Jersey." He "regularly represents these companies in state and federal court to reverse variance denials, defend application approvals or challenge overly burdensome regulations." [2] I think Mr. Meese's personal interests and focus were made clear when before the start of the 5G seminar he asked how many attendees were municipal attorneys

and how many were representing private carriers. His comments during the seminar included warning the audience that "*the review of potential health hazards from EMF is off limits*" and its limited purpose was "*to solve some of the problems you may be facing*" including any "*aesthetic issues that may arise*".

The next speaker, Dominic Villecco, who described the purpose of the 5G seminar as helping lawyers "*understand what's happening and how [they] all are required to help this industry continue to do this*", is also associated with the New Jersey Wireless Association. He is a 36-year "veteran" of the telecommunications industry. He is founder and president of a consulting company (V-Comm) whose business depends on the success of wireless technologies. Prior to V-Comm, he was a former manager at Comcast Corporation, a company known for paying seat-fillers to block public access to FCC hearings on Internet access. As former director of AMCELL, a cellular networks company purchased by Comcast in 1988, Mr. Villecco's responsibilities included filing "all" FCC and FAA applications.[3]

The last speaker, a salesman named Ken Wedholm, delivered a 30 minute sales pitch on *Stealth Concealment Solutions, Inc.*, a company specializing in "wireless concealment" and making the encroachment of telecoms in the right-of-way seemingly "disappear." [4], [5]

With the possible exception of Edward Purcell, Esq., the backgrounds of these three speakers alone should have made it easy for the NJSBA to predict how they would structure their presentations. Namely, to indoctrinate attorneys, promote the wireless industry, and favor their own personal interests at the expense of all attendees. Having disclosed their backgrounds in the training material was obviously not enough to eliminate their biases. It is well established that financial interests impair objectivity and integrity.[6]

Therefore I do not agree with Ms. Spiegel's rationalization that "*reasonable people can disagree as to whom the speakers should be on any given seminar*". There is nothing reasonable about inviting three industry stooges to lead the "education" of lawyers on legal matters or anything having to do with 5G technology. So why does the NJSBA *continue* to promote the interests of an industry rife with talking heads such as those at the July 31, 2018, 5G CLE seminar?[7] Shouldn't the NJSBA, in the very least, be concerned that this is the same industry that was given retroactive immunity for illegally spying and eavesdropping on the conversations of thousands of Americans?[8], [9]

Per my October 10, 2018 email to the board, I find it offensive for the NJSBA to promote events that are little more than pep rallies staged by self-interested technocrats. NJSBA members should not have to pay for the privilege of being advertised to.

**The FCC warrants no credibility**  
*5G is not about faster download speeds*

As though the above were not enough, Ms. Spiegel then points me to an FCC webpage bolstering the telecoms' propaganda that 5G will create a "digital opportunity for all Americans". The webpage contains a video by one of the biggest mouthpieces for the telecoms you can imagine, FCC Chairman, Ajit Pai.[10], [11] Pai's video extols the

splendors of 5G by parroting the same rhetoric used by telecoms: faster download speeds and lower latency. This is the same propaganda used by Gregory Meese on July 31, 2018 when stoking the hype about 5G technology. Mr. Meese said the "obvious reason" for 5G is to meet the capacity demands of data and personal wireless devices such as cellphones. In other words, he described the need for "deploying" thousands of antennas as entirely consumer-driven. Does the NJSBA really believe that the better part of a trillion dollars is being spent on 5G so people can have faster download speeds, upload videos, use Facebook, and surf the web? Of course not. Internet traffic is only expected to reach a gigabyte and a half of traffic per day per person by 2020. In contrast, the data generated and collected by government and businesses already exceeds several terabytes per day. Besides, with businesses clamoring to develop new use cases to increase profits, and Trump's presidential memorandum announcing 5G's importance to the government's political and military goals, any advantage 5G brings to the general public will be miniscule in comparison.[12], [13]

*The FCC guidelines for non-ionizing (non-thermal)  
radiofrequency radiation are grossly outdated*

There are two types of radiation, ionizing and non-ionizing. Both are forms of energy that can be transmitted through empty space as radiofrequency radiation waves (also known as electromagnetic radiation) from one location to another. Ionizing radiation is the type produced by X-rays, medical imaging equipment, and, airport security scanners **which use the same high frequency millimeter waves used in 5G technology** (30 GHz to 300 GHz). This type of radiation is well established as a cancer risk factor. It has the capability of ionizing the medium through which it is passing. Non-ionizing radiation, on the other hand, does not have this capability for ionization. Telecoms and their rubber-stamping FCC have used the difference between ionizing and non-ionizing radiation to create a false dichotomy that only ionizing radiation can have adverse effects on human health. They claim that only the faster frequencies from ionizing radiation contain enough energy to damage human DNA and lead to cancer.

*Letting the fox guard the hen house*

When new wireless devices such as cellphones are produced, the FCC permits telecoms to use a process known as thermal dosimetry to determine if the device meets the maximum permissible exposure (MPE) standard for human absorption. This process measures the effects of radiation on the temperature of water inside a "head phantom" (dummy head). Using thermal dosimetry, any level of RF radiation not capable of raising the temperature of a thermometer in the head phantom is deemed safe for humans because it cannot ionize water molecules. In other words, the "conclusion" ignores the fact that radiation harms are not limited to acute thermal effects.

Allowing the telecoms and its servile FCC to promulgate this nonsense is insane.[14] Pathologies such as cancer, and other diseases are understood to be chronic, requiring some latent period between exposure and risk of harm. This period can take anywhere from several years to a person's life-span. Moreover, the 300 billion microwaves per second used

in 5G are hundreds of times higher than the current 4G LTE technology and are expected to bring people to disease faster.

*The FCC is not a health-regulating agency*

The FCC regulates communications and does not study or monitor current and long-term public exposure to microwave radiation. In fact, the agency openly admits that *there is no federally developed national standard for safe levels of exposure to radiofrequency (RF) energy*.<sup>[15]</sup> The only standards regurgitated to the public by the FCC and telecoms were created by congressionally chartered private organizations that were created by telecoms or have conflicts of interest with them. These NGOs include the National Council on Radiation Protection and Measurements (NCRP), Electrical and Electronics Engineers (IEEE) and the International Commission on Non-Ionizing Radiation Protection (ICNIRP). When determining "safe" exposure standards, NGOs such as the NCRP, used animals such as rats, squirrel monkeys, and rhesus monkeys. The animals were irradiated to the point where they would no longer eat and their rectal temperatures increased.<sup>[16]</sup> The results of these 1986 experiments were then used to create the same antiquated standards used today for determining "safe" levels of exposure to radiofrequency radiation.

**Evidence of harm is now sufficient to show that  
radiofrequency radiation is a human carcinogen**

On March 28, 2018, the largest and most important study of the cancer risk from cellphone radiofrequency radiation (RFR) was conducted by the National Toxicology Program (NTP) of the National Institutes of Health.<sup>[17]–[20]</sup> The \$25 million study concluded that there is “**clear evidence**” that radiation from mobile phones causes cancer in rats. Since rats provide the best means for estimating risks to humans, the NTP believes the results provide a link between radiofrequency radiation and brain tumors such as glioma, which interestingly, is the same type of brain cancer that killed Senator John McCain, a crucial player in the enactment of the Telecommunications Act of 1996.

In addition to cancer, radiofrequency radiation has been linked to several adverse effects such as fetal abnormalities, inflammation of organs, headache and fatigue. The old "hot muffin" theory that such adverse biological effects only occur from thermal exposures to radiation has long been debunked.

In a 2002 letter from the EPA (Environmental Protection Agency),<sup>[21]</sup> senior scientist Norbert Hankin writes:

The FCC's current exposure guidelines, as well as those of the Institute of Electrical and Electronics Engineers (IEEE) and the International Commission on Non-ionizing Radiation Protection, are thermally based, and **do not apply to chronic, nonthermal exposure situations**. They' are believed to protect against injury that may be caused by acute exposures that result in tissue heating or electric shock and burn. The hazard level (for frequencies generally at or greater than 3 MHz) is based on a specific absorption dose-rate, SAR, associated with an effect that results from

an increase in body temperature. The FCC's exposure guideline is considered protective of effects arising from a thermal mechanism but not from all possible mechanisms. **Therefore, the generalization by many that the guidelines protect human beings from harm by any or all mechanisms is not justified.**

The facts are that tens of thousands of scientific papers on the adverse effects from radiofrequency radiation have already been published. By 1971, at the behest of the U.S. Navy, Dr. Zory R. Glaser compiled a list of 2,311 scientific papers on the adverse effects from non-ionizing radiation.[22] In a document released by the U.S. Defense Intelligence Agency in 1976, human vulnerabilities to the same radiation levels emitted by 5G Technology (up to 300 GHz) were studied. The results document the adverse biological effects on the blood, cardiovascular system, cells, central nervous system, digestive system, glands, metabolism, reproduction, and visual systems. The document also explains why the U.S. is so interested in opposing more protective guidelines for radiofrequency radiation. The bottom of page vii states: *If the more advanced nations of the West are strict in the enforcement of stringent exposure standards, there could be unfavorable effects on industrial output and military functions.*[23]

By 1981, the U.S. Environmental Protection Agency (EPA) published a 574 page document listing 3,627 publications on the biological effects of electromagnetic radiation from 1 to 100 GHz.

Today, more than 20,000 scientific papers have been published showing that the current safety standards on radiofrequency radiation do not predict biological hazard.[24]

Furthermore, a 2012 Bioinitiative Report (1,400 pages) [25] compiled by scientists from around the world, reports that (1) the FCC standards are at least a million times too high to be safe; (2) that at least 3% of the general population will sustain immediate injury from the RF radiation; and that (3) in 67 studies, the current FCC maximum permitted exposure (MPE) limits were found so high that they provide no protection from biological effects.

### **Harm to children**

Children and young adults are more susceptible to the biohazards of radiofrequency radiation.[26] Because their skull and scalps are thinner, radiation can penetrate deeper into their brain. Their cells divide at a faster rate, which makes the impact of radiation much greater.[27] Despite this, there have been no long-term studies on the effects of non-ionizing radiation such as that from cellphone usage among children. However, according to the largest international study on cellphones and cancer released in 2010, participants, 30-59 years of age who used a cellphone for 10 years or more had doubled the rate of glioblastoma, a deadly brain cancer doctors believe is caused by pulsed, data-modulated, radiofrequency microwave radiation such as that from cellphones.[28]

Most important, from an epidemiological perspective, proliferation of cellphones amidst the public did not begin until 1989, when Motorola introduced the Micro TAC launching the consumer segment of cellphone use. The cellphone industry has grown

increasingly from a \$3 million market to close to about \$179 billion per year industry with over 402 million devices connected during a period of just 25 years.[29] Epidemiological studies require long-term follow up examinations and assessments of a population that span over years or decades. The 25 years during which cellphone use has grown exponentially is insufficient.

**Certain organs of the body are more easily harmed  
by non-ionizing radiofrequency radiation**

What is also not revealed by 5G technocrats is that radiofrequency radiation has different biological effects on different parts of the body. As any 10-year old knows: uniformly heating food in a microwave often requires intermittent stirring and re-heating. This is due to the various microwave absorption rates throughout certain parts in the food. Different absorption rates of microwaves also apply to the different organs in humans. For example, something that should be of special interest to people with visual problems and cataracts, is that the human eye is the organ most easily affected by non-ionizing radiation. Since it has no skin barrier to protect it, contains few blood vessels, and has less blood circulating through it, the human eye is extremely sensitive to radiation.

Scientists now know that the dissipation of non-ionizing radiation in the human eye leads to faster degeneration or damage of the eye.[30] People, especially those with poor vision and cataracts, should immediately eliminate as much radiofrequency radiation as possible from their homes. They should disconnect wireless routers and any wireless devices. Run Ethernet cables for internet access and drastically reduce their cellphone use by turning it off completely, placing it on "airplane mode," and restricting its use to only when necessary.

In addition, state and federal laws generally prohibit discrimination on the basis of disability. People with visual disabilities that may be aggravated by non-ionizing radiation should not be forced to have radiation emitting devices such as a 5G antenna on or near their homes. It is indisputable that non-ionizing radiation will lead to damage or faster degeneration of their eyes.

**The telecom industry propaganda that no mechanism exists for harmful biological  
and health effects from radiofrequency radiation has been debunked**

Two scientific papers published in 2013 and 2016 by Dr. Martin L. Pall, explain how low levels of radiofrequency radiation produces a variety of responses in the cell including neuropsychiatric effects, free radicals, depression, and oxidative stress. These papers prove that cellular damage is not limited to the heating effects from radiation on which the present FCC guidelines are based.[31], [32]

Further, a process known as *dark field microscopy*[33] now shows the adverse effects that wireless devices such as *smart meters* produce on otherwise normal human blood. These tests show how after just two minutes exposure to radiation from a *smart meter*, three types of damage and degradation to blood cell walls become visible. The first type, creates a

mutation in the cell walls that render them unaffected by antibiotics such as penicillin and can lead to digestive, heart, and neurological problems.

The second type reveals a corrugation of the cell walls indicative of exposure to free radicals or oxidative damage. These free radicals and oxidation play an important role in aging and many degenerative disorders such as cancer, cardiovascular diseases, and Alzheimer's.

The third type of degradation causes the cells to clump together, a condition called rouleaux.[34] Here, the blood cells create chains that impede oxygen and oxygenation. This same condition is what is found in many cancer patients with poor oxygenation of their blood. The cell chains make it impossible for red blood cells to circulate and transport oxygen throughout the body. People with rouleaux are also prone to infections and suffer from poor vitality and general health.

### **Reasons for conflicting studies on non-thermal radiofrequency radiation**

In a study published in 2007, by Dr. Henry Lai of the University of Washington to determine the impact funding sources have on studies that report on the health effects of mobile phones, researchers found that results depended on who funded the study. Dr. Henry Lai's study revealed that, almost invariably, studies funded by the telecommunication industry show that there is "no effect" on health from non-ionizing radiofrequency radiation. Non-industry funded studies, on the other hand, showed the opposite; demonstrating adverse health effects.

The report concluded that, in the 271 studies done in recent years, 75% of the non-industry funded studies have shown adverse biological effects in cells when exposed to radio frequency radiation. Conversely, only 25% of the industry funded studies have shown similar biological effects. In other words, to assure that the results of a study are not biased, it is imperative to examine who funded the study. Not surprisingly, after Dr. Lai's findings were published, many from the telecommunications industry attempted to discredit him and to suppress his findings.[35]

Telecoms continue funding their own research to confuse, disparage, and mitigate findings such as Dr. Lai's. This makes it difficult for people to resolve the many conflicting findings and get a clear picture of the human health risks associated with dangerous levels of radiofrequency radiation. Even people conducting online research are inundated with corporate funded websites, astroturfing, front groups, and sock puppets.[36]

Like the tobacco industry, telecoms are regularly manufacturing doubt about the harms of radiofrequency radiation. They're hiring advocacy researchers[37] to invalidate studies that threaten their profits, and report "conclusions" such as: *research shows no convincing evidence, there was inconsistent evidence, or we found no risk.*

In short, relying on industry funded studies to honestly report on radiofrequency radiation safety is like relying on child molesters to operate child care centers.

### **More intrusions on privacy rights and civil liberties**

The boost that 5G technology will give to intrusions on privacy rights and civil liberties is astronomical. The collection and processing of big data through existing and new devices connected to the *Internet-of-Things*[38] will allow telecoms and utility companies more access to people's private information. It is common sense that telecoms and utility companies will monetize this personal data.[39] They will know what people are doing in their homes, when they're doing it, and how often they do it. They will provide this data to law enforcement and sell it to third parties. They will inundate the public with targeted advertising, promotions, use predictive analytics for knowing what people will buy, which prices to raise or lower and which products to make.

To illustrate, the *smart* meters currently installed in many residential homes typically operate in radiation bands lower than 5G cell antennas (902 MHz and 2.4 GHz). However, these meters do more than just measure consumption. The smart *water* meters, for example, can record and store details on when and how often people flush their toilets, take showers, water their lawns, and when they're likely to not be home. The functionality integrated into all these smart electric, gas, and water meters can collect and transmit this personal information to utility companies to use on a daily or real-time basis. Using any of several software programs, utilities can use this personal data to generate graphical charts that disaggregate data to reveal a home owner's minute-by-minute water-usage information. This will provide utilities with far more information than what they require for billing purposes.[40]

Likewise, the *electricity* smart meters can determine people's sleeping routines, eating routines, what appliances they use, when they run their washer, dryer, toaster, furnace, microwave, air conditioner, etc. The meters also allow utilities to implement time-of-use billing (a.k.a. rate schedules). Using the time-stamped data collected and transmitted from the meters, utilities can set consumption prices for specific time periods. Consumers can then be charged more or less based on when consumption occurs.[41]

No doubt this explains much of PSE&G's excitement over its plan to replace 2.2 million electric meters with smart meters throughout New Jersey—a plan PSE&G's CEO, Dave Daly, claims will *save* New Jerseyans \$7.4 billion.[42] Can anyone seriously expect that spending \$4 billion during the next six years will really save customers \$7.4 billion? This only shows how stupid PSE&G believes New Jerseyans to be.

### **5G Technology will reduce the client base for solo and small New Jersey law firms**

On March 21, 2018, I submitted the attached letter to then-President, Robert B. Hille, Esq., regarding the editorial policy of *New Jersey Lawyer Magazine*. In that letter I pointed out how 99.06% of the 15,279 New Jersey law firms surveyed in the 2016 State of the Attorney Disciplinary System Report consisted of solo to small sized firms with 1 to 49 attorneys. Based on my analysis of 438 articles from 30 past issues, I pointed out how the Editorial Committee publication policy overwhelmingly favors articles written by Big Law



firms. My point was that, by undervaluing the majority of New Jersey's law firms, the NJSBA's Editorial Committee was sending a message that the only thing that matters is making lots of money. And, smaller firms that don't fit into the Editorial Committee's publication policy basically don't count.

If the NSBA's mission includes servicing its members and raising awareness of public service issues,[43] then why is it promoting an industry whose goals include eliminating local government's authority and the public's right to litigate matters of health, safety, privacy, and property rights? Has the NJSBA considered the impact this will have on the ability of solo to small sized firms to litigate public concerns over these important issues?

### **Conclusion**

In light of the above, it is incumbent on the NJSBA to fully consider the impact 5G Technology will have on the health, privacy, and property rights of the public. As I said in my October 10, 2018 email, I strongly believe that promoting commerce without a sense of civic duty and conscience is unethical. In Ms. Spiegel's email she states that it is NJICLE's mission to educate attorneys in an effort to ensure attorneys will be able to effectively represent their clients. As there may be many different types of clients it behooves the NJICLE to hold an alternative education session related to the health, privacy, and property rights of the public. It should require that the facts disseminated to attorneys be balanced and presented impartially.

I look forward to hearing from you.

Very truly yours,  
**SOSIS LAW, LLC**



William N. Sosis, Esq.

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Bill Sosis <william.n.sosis@gmail.com>

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## RE: NJSBA & 5G Technology

1 message

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**Lisa W. Spiegel, Esq.** <lspiegel@njsba.com>

Mon, Oct 15, 2018 at 12:27 PM

To: "William N. Sosis, Esq." <Bill@sosislaw.com>, President <President@njsba.com>, "rhille@mdmc-law.com" <rhille@mdmc-law.com>, "Angela C. Scheck" <ascheck@njsba.com>, "Ayesha Hamilton, Esq. West Windsor, NJ" <ahamilton@ayeshahamiltonlaw.com>, "beth@maneslaw.com" <beth@maneslaw.com>, "fosteratlaw@aol.com" <fosteratlaw@aol.com>, "brl@spsk.com" <brl@spsk.com>

Good afternoon, Mr. Sosis.

Thank you for your email. I am always glad to receive inquiries from our members.

I would like to explain our view of the program. The intent of the seminar is to educate, not to promote 5G technology or any particular provider of it. The program is an acknowledgment that that FCC has a web page devoted to 5G technology. <https://www.fcc.gov/5G> The commission's web page refers to "modernizing outdated regulations to promote 5G backhaul and digital opportunity for all Americans." As it is NJICLE's mission to educate attorneys on the latest law, the program addresses those new regulations so that attorneys whose practices are affected will be able to most effectively represent their clients. The speakers include a past Chair of the Land Use Section, a respected municipal attorney and experts from the telecom industry in order to provide a complete picture of both the legal and technical changes that will most likely take place. Reasonable people can disagree as to whom the speakers should be on any given seminar, but just as the attorneys are there to explain the law, the telecomm experts are there to explain the science and new infrastructure, not to promote their businesses.

I hope this addresses your concerns. I would be glad to answer any additional questions that you may have.

Warm Regards,

Lisa Spiegel

Lisa W. Spiegel, Esq.

Senior Managing Director of Legal Education

NJSBA/NJICLE

1 Constitution Square

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**From:** William N. Sosis, Esq. [mailto:[Bill@sosislaw.com](mailto:Bill@sosislaw.com)]

**Sent:** Wednesday, October 10, 2018 3:06 PM

**To:** President <[President@njsba.com](mailto:President@njsba.com)>; [rhille@mdmc-law.com](mailto:rhille@mdmc-law.com); Maria A. Parente <[mparente@njsba.com](mailto:mparente@njsba.com)>; Angela C. Scheck <[ascheck@njsba.com](mailto:ascheck@njsba.com)>; Ayesha Hamilton, Esq. West Windsor, NJ <[ahamilton@ayeshahamiltonlaw.com](mailto:ahamilton@ayeshahamiltonlaw.com)>; [beth@maneslaw.com](mailto:beth@maneslaw.com); [fosteratlaw@aol.com](mailto:fosteratlaw@aol.com); [brl@spsk.com](mailto:brl@spsk.com); Lisa W. Spiegel, Esq. <[lspiegel@njsba.com](mailto:lspiegel@njsba.com)>

**Subject:** NJSBA & 5G Technology

Hi All:

Hope all is well with you.

There's a boatload of corporate pandering behind the deployment of 5G technology in NJ, and elsewhere. Unfortunately, the NJSBA seems only interested in being a cheerleader for the telecoms and doling out pom-poms to its membership. NJICLE's 5G seminars are little more than having attorneys pay for the privilege of being advertised to.[1] In my opinion, lawyers facilitating commerce without conscience is unethical.[2] The association also has ethical, social and civic responsibilities to benefit society at large.

For obvious reasons, this is all very disturbing and improper to me.

What's your opinion on this?

Thanks,  
Bill Sosis

[1] Antennas in the Rights of Way: 5G Technology is Coming Soon to a Utility Pole in Your Neighborhood. <https://tcms.njsba.com/PersonifyEbusiness/Default.aspx?TabID=1699&productId=24780959>. Accessed 10 Oct 2018

[2] William P. Quigley, Letter to a Law Student Interested in Social Justice, 1 DePaul J. for Soc. Just. 7 (2007)

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**Driving Directions**

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March 21, 2018

**Via Fax (732) 249-2815 & Regular Mail**

Robert B. Hille, Esq., NJSBA President  
New Jersey State Bar Association  
One Constitution Square  
New Brunswick, New Jersey 08901-1520

**RE: New Jersey Lawyer Magazine**

President Hille and Members of the Board of Trustees:

I write to you regarding the editorial policy of *New Jersey Lawyer Magazine*.

In short, based on my review and analysis of 438 articles from 30 past issues, my conclusion is that the Editorial Committee's undisclosed criteria for authorship are inconsistent with the NJSBA's bylaws. My reasons and analysis are set forth below:

**Basis for Analysis**

According to the 2016 State of the Attorney Disciplinary System Report, 37,462 New Jersey attorneys engage in private practice. Of these 37,462 attorneys, 37,284 (or 99.6%) reported the size of their law firm which the report divided into seven categories ranging from solo practitioners to firms with 50 or more attorneys. The first category (solo practice) comprises three-quarters of all New Jersey law firms (75%). The first six categories ranging from 1 to 49 attorneys comprise 99.06%

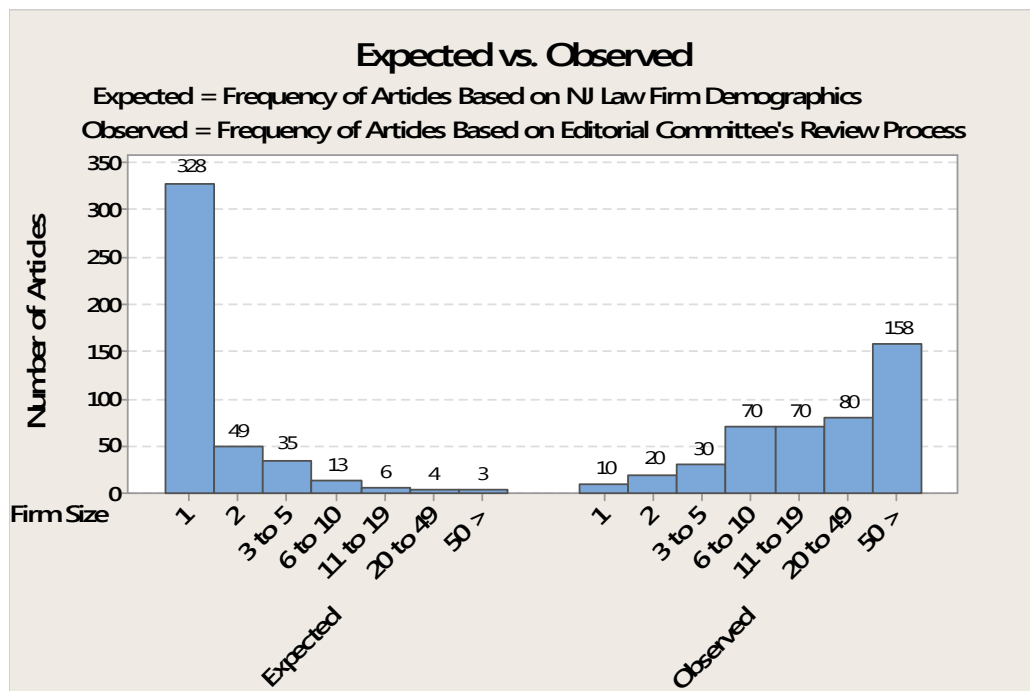
of the 15,279 New Jersey law firms in private practice. The last category of 50 or more attorneys accounts for only 0.94% of New Jersey law firms.

### **Summary of Findings (based on 30 past issues)**

- Issues Surveyed: 2004 (Aug), 2007 (Apr & Jun), 2008 (Apr, Aug, Oct & Dec), 2009 (Feb, Apr, & Aug), 2010 (Jun & Dec), 2011 (Feb), 2012 (Apr & Jun), 2013 (Jun & Aug), 2016 (Feb, Apr, Jun, Aug, Oct, & Dec), 2017 (Feb, Apr, Jun, Aug, Oct, & Dec), and 2018 (Feb);
- The 438 articles published were from 275 different authors;
- Not all 275 authors represented law firms, so at most only 1.80% of New Jersey's 15,279 law firms were represented (98.20% of New Jersey law firms went unrepresented);
- 158 (36.07%) of the 438 articles were authored by 38 law firms falling in the 0.94% category of the 2016 State of the Attorney Disciplinary System Report (*see* page 3, Figure 1);
- Of these 38 law firms in the 0.94% category, 30 law firms were from NJ and authored 140 (31.96%) of the 438 articles;
- 18 articles (7%) of the 438 articles authored by 8 law firms representing more than 5,000 attorneys, were from outside the state of New Jersey;
- 39 authors had multiple publications appearing on 2 to 5 articles;
- 22 authors published 36 articles and were also members of the Editorial Committee;
- Of the 22 authors from the Editorial Committee, 9 had multiple publications of 2 to 5 articles;
- If authorship were based on an editorial policy that reflected actual law firm demographics in New Jersey, we would have expected approximately 328 articles from the 75% category (solo practitioners) and 3 articles from the 0.94% category (*see* page 3, Figure 1);
- If editorial policy were based on *representational equality* (e.g., the one-person, one-vote rule) no more than 1.5 articles from each of the 275 authors in this survey would have been published;
- The *percent error* between the expected value of 1.5 articles per author and the observed value of 107 articles authored by the top 10 law firms is 613.33%;



- Similarly, the 33 articles authored by the dominant author in this study, **Wilentz, Goldman & Spitzer P.A.**, yields an astronomical error of **2,100%**;
- An application of a Chi-Square test reveals categorically no relationship between attorney demographics in New Jersey and the Editorial Committee's criteria for determining who gets published (test resulted in a P-Value = 0.000; (see Figure 1 below).



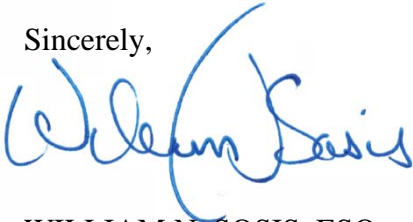
**Figure 1**

The above statistics speak volumes about the editorial policy of *New Jersey Lawyer Magazine*. Namely, that the Editorial Committee overwhelmingly favours articles written by the *Big Law* firms. I believe this creates a disconnect between the NSJBA's commitment to a diverse and inclusive bar association and the Editorial Committee's publication policy. It is no secret that published articles promote businesses and provide free advertising. However, without requiring the committee to align its goals with those of the NJSBA, only a select few law firms have an opportunity to thrive. By allowing committee members to misuse their positions through self-publication, self-interest, and in-group favouritism, the NJSBA is failing to maintain its fiduciary responsibility to the vast majority of its 18,000 members. If

the committee wants to represent only a tiny fraction of New Jersey's 37,284 attorneys, then *New Jersey Lawyer Magazine* should be renamed to something less broad and more descriptive. For example, *New Jersey's Top Law Firms*, *New Jersey's Big Law Magazine*, or whatever the committee privately thinks fits the real purpose of its publication. In addition, if the committee thinks that it is acceptable to limit authorship to law firms in the 0.94% category or for its members to publish their own articles, then it should be openly transparent about its review process to all NJSBA members.

Finally, currently there is no explicit requirement in the By Laws and Policy Manual that policies enacted by committee members must not contravene any of the NJSBA's overarching principles of service to its members. In order to protect these principles, the By Laws and Policy Manual should be amended to require that all committees participate in ensuring that responsibility for said be shared equally. Otherwise, *New Jersey Lawyer Magazine* remains the exclusive property of the Editorial Committee.

Sincerely,



WILLIAM N. SOSIS, ESQ.

WNS/bss

Cc: Angela C. Scheck, NJSBA Executive Director (email & regular mail)  
Ayesha Krishnan Hamilton (via email only)  
Beth C. Manes (via email only)