

LAWYER'S BOOKSHELF

New Jersey Bankruptcy Rules Annotated

Henry M. Karwoski

New Jersey Law Journal Press, 2009

Now out from New Jersey Law Journal Press is Henry M. Karwoski's *New Jersey Bankruptcy Rules Annotated*. This first annual edition, a hefty paperback at 1,296 pages, is nonetheless portable and meant to be mobile, and not just sit on the shelf. Its purpose is utility, and it accomplishes that goal.

While there are various publishers of bankruptcy rules, the question is what does this book do that the annual Colliers' pamphlet edition of *Bankruptcy Rules* does not? The short answer—and it is no less meaningful for its brevity—is that this edition focuses on New Jersey, and provides expanded authority and discussion that is directly relevant to the New Jersey practitioner.

The best way to get a sense of the value of Karwoski's book is to look at a particular rule, and compare it to the Colliers' edition. Despite some overlap, the books clearly do different things, and the Karwoski book fills a much-needed gap in its studious attention to New Jersey case law.

A common enough issue in bankruptcy involves the automatic stay. Rule 4001 addresses relief from the automatic stay. The full rule is included, followed by the Advisory Committee notes. The Colliers' edition then provides a brief overview of the rule, references the rule's relation to code sections and other rules, and then provides a few (four in my 2010 edition) "selected case comment" entries, and 10 references to the Collier treatises.

Karwoski's book also includes, of course, the full text of Rule 4001, but then includes the text of the New Jersey local rule, D.N.J. LBR 4001-1, as well as the New Jersey Board of Bankruptcy Judges Notes—features unique to this volume. He then sets out 18 separate category headings under "comment," which include related statutes, code statutory sections, and federal and local bankruptcy rules as well as general orders. Beyond those references, the annotations are set out by topic, including jurisdiction to grant relief from automatic stay, waiver of right to seek such relief, issues relating to deadlines, retroactive and prospective relief, preclusive effect, and topics relating to cash collateral orders and financing, and sanctions. Finally, there is a section referencing "Local Forms" that have applicability. The cases, at least for this rule, are limited to the Third Circuit and the District of New Jersey, both district court and bankruptcy court, and appear to include unreported as well as reported decisions. From an organizational and content standpoint,

there is value added to an otherwise dry exposition of the rules.

Two other nice features are the judicial profiles of New Jersey's bankruptcy judges and the table of cases. The entire book is also available in pdf form on the accompanying CD, which (at least on my computer) permitted easy word search of the entire document.

New Jersey Bankruptcy Rules Annotated provides a focused attention to New Jersey practice and procedure, through useful annotation of Third Circuit and New Jersey authority, with back-to-back full text of the applicable federal and local rules for ease of reference, in a compact and relatively comprehensive portable volume.

**Reviewed by Steven M. Richman
Duane Morris**

The Lawyer's Guide to Negotiation (2nd Edition)

X.M. Frascogna Jr. and H. Lee Hetherington

ABA, 2009

Since we all negotiate on some level, *The Lawyer's Guide to Negotiation* will prove to be a useful resource for every attorney. The 239-page volume is drafted to help readers develop a strategy for negotiations, from making the initial offer to bringing a negotiation to its conclusion. To add to its readability, the authors draw on well-known and not-so-well-recognized real-life examples to illustrate many of their principles.

Granted, most lawyers probably will be familiar with some of the concepts in the book if they have handled negotiations. However, the book collects various tactics and strategies, categorizes them into groups, and more or less provides checklists to facilitate negotiations throughout the process.

A prime example is the chapter dealing with using leverage in negotiations. Here, the authors note that there are four different types of leverage: uncertainty, time, opportunity and sanctions. By breaking down each of these concepts and illustrating them using common examples, the authors take points seasoned negotiators are familiar with but probably never seriously evaluated, and help them employ each aspect more effectively.

Their guidance is just as valuable when it comes to chapters dealing with opening moves to seize control of negotiations; maintaining control by obtaining a favorable, or at least maintaining an equal, bargaining position; and using negotiating tactics to improve bargaining position. For example, in the chapter on opening moves, the authors discuss the giveaway, a