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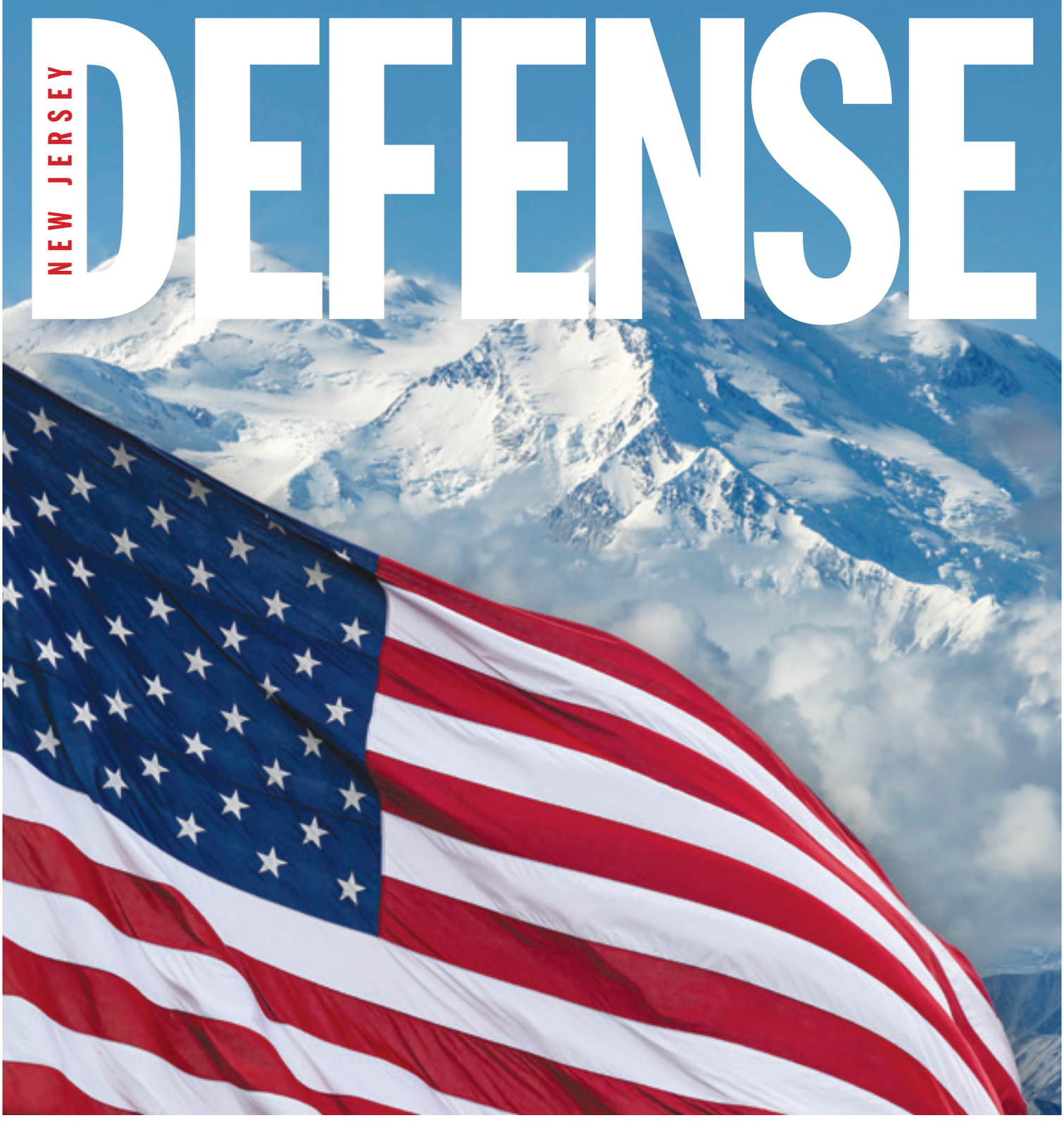
NEW JERSEY DEFENSE



PRESIDENT'S LETTER

Dear New Jersey Defense Association members and New Jersey's respected Judiciary, I hope you have a wonderful holiday season and wish you a happy, healthy New Year.

The time goes by so quickly, and at the mid-point of my term, it is hard to believe we are bringing another decade to a close. The NJDA's success is due to the support, quality and diversity of its members, as can be highlighted by our successful events and seminars.

We began October with a beautiful, sunny day for our annual golf outing at Jumping Brook Country Club. A good time was had by all, and we thank our sponsors for supporting this event. Marie Carey and Rob Luthman spearheaded an incredible Trial College, also in October, and we are thankful for all volunteers who took the time out of their busy schedules to help participants gain meaningful trial experience. As said by Marie and Rob, "As everyone agreed during the discussion at the end of the program, it's not whether you are a plaintiff or defense attorney, but a good lawyer who knows the law and is respectful of his/her adversary."

In November, the NJDA had two amazing seminars. The first was the tenth anniversary of Women and the Law. The Women and the Law seminar has grown both in the number of extraordinary speakers, as well as in the number of attendees. This program generates such excitement, and rightfully so, that attendees reached out to the NJDA before it was even advertised. We thank Marie Carey for all of her hard work in putting together a seminar that, year after year, continues to exceed already high expectations. We also thank all of our speakers, most importantly the members of our esteemed Judiciary, who volunteered their time to provide their perspectives.

Secondly, our annual Auto Liability Seminar presented with the Insurance Council of New Jersey, was our most highly attended seminar, further highlighting the quality of our speakers and support of our membership. We thank Julie Alcino for all of her hard work in organizing and moderating this great program and are also grateful to our speakers.

In December, we had a fun time celebrating the season's festivities at the Spring Lake Golf Club for our holiday party where we also honored our Executive Director, Maryanne Steedle, for her 25th Anniversary with the NJDA. Maryanne is such an incredible part of the success of our organization, and we are thankful for all of her hard work. We capped the year with a fantastic Civil Trial Seminar and appreciate our speakers providing us with interesting topics and insight.

We would like to especially thank all of our sponsors for supporting our organization throughout the year and look forward to fostering our relationships in 2020.

Finally, thank you to John Mallon, editor of the *New Jersey Defense*, for his hard work putting together the first two issues. Please e-mail John (jvmallon@chasanlaw.com) with any articles for future publication.

My best regards,

MICHAEL A. MALIA, ESQ.

NEW JERSEY SUPREME COURT EASES BURDEN ON REMAINING DEFENDANTS TO PROVE CROSSCLAIMS AGAINST SETTLED DEFENDANTS AT TRIAL - ROWE V. BELL & GOSSETT, ET ALL.

BY MARC S. GAFFREY, ESQ., AMELIA LYTE, ESQ.

Defendant counsel have always faced a challenge in presenting admissible proofs at trial against settled co-defendants when those defendants are no longer available to be subpoenaed into Court to testify. This is particularly difficult in long term exposure cases, such as asbestos, when the alleged exposures occurred decades earlier and the settled parties are out of state or no longer exist but for remaining available insurance coverage.

In March of this year the New Jersey Supreme Court heard oral argument, in Rowe v. Bell & Gossett, including *amicus curiae* by the New Jersey Defense Association, challenging plaintiff's position that previous testimony by a settled defendant runs contrary to New Jersey Rule of Evidence 803 (c) (25) in that it is a statement against party interest, but instead is being used against Plaintiff's interest. While the decision is based upon allegations of asbestos exposure, the Supreme Court Justices during oral argument, and in their opinion, clearly opened the door for its applicability to all litigated matters.

By way of overview, Plaintiff, Ronald Rowe, was diagnosed with mesothelioma in 2014. He and his wife, Donna Rowe, filed an asbestos-related claim against multiple defendants. The plaintiffs designated portions of the defendants' corporate representatives' depositions and interrogatory answers from this and other asbestos product liability matters as evidence to be presented at trial. Eight defendants ultimately settled with the plaintiffs prior to trial, leaving only one remaining defendant: Universal Engineering Company and its apparent successor in interest, Hilco Inc. ("Universal"). Universal had filed crossclaims against all the settling co-defendants per the Comparative Negligence Act and the Joint Tortfeasors Contribution Law.

At trial, Universal moved to admit into evidence selections of the settling defendants' interrogatory answers and portions of the deposition testimony of the defendants' corporate representatives. These materials contained statements made by the settling parties directly addressing successor liability and failure to warn, which were against their interests at the time they were made. The trial court allowed selections of the interrogatory answers for all settling defendants and portions of the deposition testimony for six of the settling defendants to be read to the jury. Ultimately, the jury returned a verdict in favor of the plaintiffs. However, Universal was found to be liable for only twenty percent of the judgment. The Appellate Division reversed the trial court on the issue of fault allocation, finding admission of the disputed evidence was improper. The New Jersey Supreme Court accepted certiorari. In addition to the parties, the New Jersey Supreme Court permitted both the New Jersey Defense Association (NJDA) and the New Jersey Association for Justice (NJAJ) to argue as amicus curiae.

In a unanimous opinion decided on September 11, 2019, our Supreme Court reversed the Appellate Division and reinstated the trial court's ruling under N.J.R.E. 803(c) (25). The Court found that the statements made in the admitted interrogatories and depositions were adverse to the settling defendants' interests in this and other asbestos litigation in which they were involved. The Court clarified that a statement need not establish every element of the cause of action to qualify as a statement against interest as to a settling defendant, nor need it address controversial or novel issues. For instance, the Appellate Division had rejected admitting (as statements against interest) responses indicating that there were no warning labels as to the dangers of asbestos on the products sold because this was a matter of historical fact which could not be reasonably disputed. The Supreme Court disagreed, finding that the relevant defendants admitted to a failure to provide warnings on their products despite not having the ability to reasonably deny it. It is therefore clear that this expansion of what may qualify as a statement against interest will allow counsel to more easily provide a jury with evidence which would ultimately serve to mitigate damages against non-settling defendants.

While the Court found the select interrogatories and deposition testimony admissible as statements against interest, which is not dependent on the witness's availably to testify, the trial court only admitted the disputed evidence against the defendants it deemed to be "unavailable." Universal demanded the appearance at trial of a representative from each of the eight settling defendants. Regarding the interrogatory answers, the trial court admitted the select interrogatory answers for all settling defendants.

The trial court, however, declined to admit the deposition testimony of all eight defendants' corporate representatives. Of the eight corporate settling defendants, six were based outside of New Jersey. Due to this fact, the trial court found these six defendants to be unavailable and thus allowed the admission of their respective deposition testimony. The final two settling defendants were based in New Jersey, thus their corporate representatives were deemed available to testify and their deposition testimony was excluded. While the Supreme Court did not rely on the availability of the settling defendants in affirming the trial court, it did not challenge the trial court's reasoning. This would suggest an endorsement by the Court of the conclusion that corporate representative depositions could be read to a jury, particularly if the settled defendant is dissolved, out of state, or otherwise unavailable.

The Justices sent a clear message that this decision is not just limited to long-term exposure cases, such as asbestos, but to all litigated matters. During oral argument, the Justices expressed concern that a plaintiff could achieve a windfall by settling with a party, and then seeking to preclude the remaining defendant(s) from introducing the same evidence that plaintiff would have used had the settled defendants not resolved their case. In fact, Justice Patterson questioned plaintiff's counsel using the example of a trial involving a three car accident wherein one driver answered interrogatories, settled the case and thereafter, could not be located to testify at trial. The clear focus of Justice Patterson's example was that it would not be fair to the remaining defendant at trial, if the interrogatory answers could not be read to the jury at trial. The impact of this decision is that certain barriers limiting defense counsel from presenting a full account of the proofs at a trial are now removed, resulting in a level playing field for all parties.

Marc S. Gaffrey, Esq. (Partner at Hoagland, Longo, Moran, Dunst & Doukas) – Argued the Rowe case before the New Jersey Supreme Court as *amicus curiae* on behalf of the New Jersey Defense Association (NJDA)

Amelia Lyte, Esq.- (Associate at Hoagland, Longo, Moran, Dunst & Doukas)

OSHA AND THE ROOFING INDUSTRY: FALL PROTECTION

BY MICHAEL RUBIN AND MICHAEL J. LEEGAN

The duty to have fall protection in construction (OSHA section 1926.501) regularly tops the list of most frequently cited OSHA standards following workplace inspections. When it comes to the roofing industry, however, fall protection—though of paramount importance—is not the only requirement for an effective safety program. This article will address some critical considerations for roofers when it comes to ensuring compliance with applicable OSHA standards and, more generally, keeping their workers safe.

COMPLIANCE WITH PROVISIONS

In 2016, OSHA published its "Recommended Practices for Safety and Health Programs in Construction." The seven core elements of the recommended practices include:

- management leadership
- worker participation
- hazard identification and assessment
- hazard prevention and control
- education and training
- program evaluation and improvement
- communication and coordination for employers on multi-employer worksites

OSHA's description of these practices as "recommended" is not entirely accurate—indeed, many construction standards expressly require certain of these core elements. For example, OSHA section 1926.20(b)(2) requires that employers initiate and maintain a safety program which provides for "frequent and regular inspections of the jobsites, materials,

and equipment" and that the inspections be conducted by "competent persons" (defined by OSHA as "a person who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has the authority to take prompt corrective measures to eliminate them.") Furthermore, section 1926.21(b)(2) requires that employers "instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury."

In short, roofers must (not should) implement an effective safety program to protect their workers—one that includes training, inspections, safety equipment, and (perhaps above all) an understanding and appreciation of the risks.

MORE THAN HARNESSES

When considering the risks associated with roofing work—including fall hazards occasioned by uneven sheathing, wind, loose roofing materials, and wet surfaces (just to name a few)—effective fall protection measures are critical. And, not to mention, OSHA requires them. But, before turning to address fall protection options, section 1926.501(a)(2) requires that employers assess the structural integrity of the work area. If any indications exist of compromised structural integrity, a competent person must evaluate the area to confirm the surface is safe. Next, an employer must select an acceptable fall protection system.

Section 1926.501 sets forth the general rule: guardrail systems, safety net systems, or personal fall arrest systems (PFAS) must be used to protect employees from falling 6 feet or more to a lower level. For roofing work, however, a distinction exists between low-slope and steep roofs. For steep roofs—having a slope greater than 4 inches of vertical rise for every 12 inches horizontal length (4:12)—1926.501(b)(11) follows the general rule but adds that any guardrail system must have toeboards to prevent any tools or equipment/debris from falling below.

For low-slope roofs (with a slope less than or equal to 4 in 12), section 1926.501(b)(10) provides more options: i) guardrail system, safety net system, or personal fall arrest system; ii) combination of a warning line system and any one of the preceding three [guardrail system, safety net system, or PFAS]; iii) warning line system and safety monitoring system; or iv) for roofs 50 feet or less in width, a safety monitoring system alone.

If an employer can demonstrate that it is infeasible or creates a greater hazard to use any of these systems, the employer must develop a fall protection plan which meets the requirements of section 1926.502(k). Notably, paragraph (k) identifies 10 requirements for a fall protection plan, including that the plan be prepared by a qualified person, document the reasons why conventional fall protection systems are infeasible, and describe the other measures that will be taken to reduce or eliminate fall hazards.

TRAINING AND RETRAINING

Section 1926.503 requires that employers provide training to all workers who might be exposed to fall hazards. In roofing, this very well could include everyone. Any training must be given by a competent person who is qualified in the following six areas: i) the nature of fall hazards in the work area; ii) the correct procedures for erecting, maintaining, disassembling, and inspecting the fall protection systems to be used; iii) the use and operation of guardrail systems, personal fall arrest systems, safety net systems, warning line systems, safety monitoring systems, controlled access zones, and other protection to be used; iv) the role of each employee in the safety monitoring system when the system is used; v) the limitations of the use of mechanical equipment during the performance of roofing work on low-sloped roofs; and vi) the correct procedures for the handling and storage of equipment and materials and the erection of overhead protection.

Employers are required to verify compliance with the training requirements by preparing a written certification record. Also, if an employer has reason to believe that an employee who has already been trained lacks the required understanding, retraining is necessary. This is not just an "attorney tip"—this is required under section 1926.503(c). As a result, while "unpreventable employee misconduct" can be a defense to an OSHA citation in certain situations, the argument that the employee was trained and should have followed the rules might not be so convincing (or valid) if the employer solely conducted new-hire training and there were clear indications that the employee needed to be retrained.

CLOSING THOUGHT

The above touches upon some—but not nearly all—of the important safety requirements for those in the construction roofing industry. Roofers are encouraged to invest significant time and effort to ensure their compliance with OSHA and protect their workers.

Michael Rubin and Michael J. Leegan are both partners with Goldberg Segalla. Mr. Rubin is chair of Goldberg Segalla's OSHA and Worksite Safety Practice Group

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THE IMPACT OF THE EQUAL PAY ACT ON NEW JERSEY EMPLOYERS

BY NICOLE SOROKOLIT CRODDICK, ESQ.

On July 1, 2018, the Diane B. Allen Equal Pay Act (P.L. 2018, c. 9, codified at N.J.S.A. 34:11-56.13 et seq., and amending N.J.S.A. 10:5-12) became effective in New Jersey, thus amending the New Jersey Law Against Discrimination. This sweeping law applies to New Jersey employers of all sizes and is about far more than just gender pay equity. This robust law joins a national movement to end pay inequity that has existed and still does prevail in our nation.

The new Act will grant not only females, but also numerous other legally protected classes, more expansive anti-discrimination protection, particularly when it comes to fair wages. Under the law, it is now considered an unlawful employment practice "[f]or an employer to pay any … employee(s) who is a member of a protected class at a rate of compensation, including benefits, which is less than the rate paid by the employer to employees who are not members of the protected class for substantially similar work, when viewed as a composite of skill, effort and responsibility."

This broad equal pay mandate includes the following legally protected classes: race, color, national origin, nationality, creed, sex, ancestry, age, affectional or sexual orientation, gender identity or expression, marital status, civil union status, domestic partnership status, pregnancy, breastfeeding, disability, service in the Armed Forces of the United States, genetic information, atypical hereditary cellular or blood trait, refusal to submit to a genetic test by the employer, and refusal to make available the results of a genetic test to the employer.

"Substantially similar," "compensation," and "benefits" are not expressly defined in the legislation. That said, benefits and compensation could include various aspects of employment such as: overtime, paid time off, expense accounts, insurance, automobile or phone allowances, and deferred compensation.

One important legal requirement is that even if pay disparity is uncovered, employers are not permitted to cut wages of higher-paid employees in order to correct the issue and make compensation more fair and equal. Instead, the law mandates employers to grant

a pay raise to the lower-paid employee, in order to bring his or her compensation to the same level as the higher-paid employee, who is performing substantially similar work.

This law is far more expansive than those of other states, or the federal law, in that many equal pay statutes only use gender to compare pay rates and also only require "equal pay for equal work." The Act requires equal pay for the broader concept of "*substantially similar work*" based on all legally protected classes, not just gender. That said, there is very little regulatory guidance to define the phrase "substantially similar work." All that we can garner is that wages will be analyzed "in light of the employees' skills, effort and responsibility." As such, if an employer wants to pay another employee more money, that employer must show how and why this person has more experience, better performance, and more significant skills and education that would justify the pay or benefit differential. This could mean that people who oversee or manage the same number of employees, sales, or revenue, could be viewed as performing "substantially similar work."

In addition to the vague phrase, "substantially similar work," the Act also makes sweeping changes to causes of action and related issues. First, the Act permits aggrieved parties to seek and recover both compensatory and punitive damages. In addition, the Act permits the prevailing parties to recover three times the amount of the pay differential. Finally, the Act effectively triples the federal statute of limitations in that it allows aggrieved parties to seek and recover back pay for 6 years. The statute of limitations actually "restarts" each time an allegedly discriminatory paycheck is issued by the employer. Employers cannot force an employee to agree to a shorter statute of limitations. It is clear, however, that the Act is not retroactive.

Employees are protected as "whistle blowers" and these employees can "talk." This means that employers are not permitted to retaliate against any employee who requests, discusses, or discloses, to current or former employees or certain third parties, including lawyers or the government, information regarding the employer's compensation practices. Employers also may not implement policies, or otherwise require current or prospective employees, to abstain from making requests or possibly disclosing the employer's compensation information.

As with any new law, employers should be aware of the few very narrow exceptions that could justify pay disparity amongst employees for performing "substantially similar work." It is up to the employer to prove the exception. It is clear that an employer may be justified in paying a different rate of compensation if the wage disparity is: made pursuant to a seniority system or a merit system; or is based on one or more legitimate bona fide factors, other than the characteristics of members of the protected class, *and* that such factors meet a number of other criteria. Legitimate bona fide factors would include training, education, experience, and quantity or quality of production. These factors: cannot be based on and must not perpetuate a differential in wages based on gender or any other protected characteristic, must be applied reasonably, account for the entire wage differential, are job-related to the position in question, and are based on a legitimate business necessity. The legitimate business necessity factor is not enough to justify the wage disparity if alternative business practices would serve the same business purpose without producing the wage differential. The employer bears the burden of proving that the wage differential in question meets one of the above exceptions.

An aggrieved employee may file a lawsuit if the employee shows he or she is: a member of a protected class, is paid less than an employee who is not in the same protected class, and performs work that is "substantially similar" to employees not in the same protected class. Once the employee shows the above three elements, the burden then shifts to the employer to justify the pay differential.

All New Jersey employers must examine and take a hard look at their current payroll to ensure that all employees are paid the same for equal OR substantially similar work performed. Employers are justified in setting up merit-based or seniority-based systems in an effort to comply with this sweeping legislation.

External or internal audits are a prudent and proactive practice to analyze the compensation "reality" in every organization. Many employers are implementing this method in response to the law and its consequences. Some factors to consider when implementing a pay equity audit are: will it be conducted internally or externally; is attorney client privilege an issue; who exactly will be included in the audit; how can actual job duties and job descriptions be reviewed; are job descriptions and duties up to date; how should we determine what protected classes an employee is in (i.e. self-identification); who exactly will be interviewed and how many times; how many phases will the audit be; what documents must be reviewed; how can the organization analyze an employee's level of education, prior work experience, licenses, certifications, and performance ratings or reviews; and does the auditor have access to current and prior resumes, job applications, performance reviews.

A comprehensive audit of compensation practices should include a comparison of the wage rates across all operations and facilities, so it should take into consideration all geographic locations. It should identify, and accurately compare, all positions that entail "substantially similar work" by reviewing the important aspects of every job position in the organization. This could include the number of employees that are managed, the amount of revenue overseen, and other factors that comprise the position's job duties and responsibilities. The audit should naturally go beyond a wage comparison, and must include a meaningful and comprehensive analysis of the actual skills, education, training, effort and responsibility required for each position and the compensation paid and benefits furnished to those employees. Finally, at the end of the audit, employers must be prepared to follow any and all recommendations to eliminate any pay disparity that is unveiled.

Nicole Sorokolit Croddick is Counsel in the Labor and Employment Department of Davison, Eastman, Muñoz, Paone in Freehold, New Jersey.


Corvette

UNBALANCED AT ANY SPEED

BY MICHAEL J. MCCAFFREY, ESQ.

In Saint Paul, Minnesota, one may patronize the Museum of Questionable Medical Devices and see the Wonder Electric Generator, the Toftness Radiation Detector, the Vibrometer, the Prostate Gland Warmer, the Rectorotor and the Orgone Energy Accumulator. In Winsted, Connecticut, sadly, to my knowledge, no longer may one visit the American Museum of Tort Law, except by arrangement.

Founded by Ralph Nader, the AMTL, which late in year 2015 opened daily to the public, had by early year 2019 curtailed or limited its hours of public admission. The plan apparently was to attract the ordinary citizen with displays summarizing and illustrating such achievements of the plaintiffs' bar as the McDonalds hot coffee case, the asbestos litigation and the suits attacking big tobacco. At the center of the museum was exhibited the quiescent, symbolic heart of the endeavor, a shiny, red Chevrolet Corvair. Who could have foreseen that rather than trip through such exhibits on a bright Saturday schoolchildren would elect to watch cartoons and working parents opt to pursue sporting or gustatory excursions? Who would have imagined that the gift shop would not be able to move shirts decorated with the tastefully-sized image of a flaming Ford Pinto?

Surely many of the regulatory, protective and mechanical advances identified at the AMTL are welcome and beneficial. Yet the museum presented an unbalanced historical perspective of the truly liberating and sheltering premise of our tort law: the right of both sides in a litigation to present evidence from which a jury of freely selected men and women may discern the truth of a claim. The AMTL has no *tableau vivant* of the legal exorcists who banished the ghostly claims of absurd litigation past, such as traumatically induced cancer, automotive sudden acceleration, and silicon-induced autoimmune disease. See, e.g., Norris v. Gatts, 738 P.2d 344 (Alaska 1987); White v. Valley Land Co., 322 P. 707 (1958); Traders & General Ins. Co. v. Turner, 149 S. W. 2nd 593 (Tex. Civ. App., Ft. Worth 1941); Santa Ana Sugar Co. v. Industrial Accident Commission, 170 P. 630 (1917). There is no display celebrating the efforts of you, the often underpaid, underappreciated (perhaps even underdressed and underfed) member of the New Jersey Defense Association, who has equally with or better than some plaintiffs' attorneys worked to promote justice in years past and even today.

In fairness, perhaps the AMTL could feature disapprovingly a car with the most minor dent in its rear bumper, against which would lean a tearful man clutching his neck or back with one hand and his MRI report in the other, above which would be a thought balloon, telling us that the man can no longer lift his (teenaged) children, carry groceries or engage in the normal activities of daily living. Add to that diorama a waxy plaintiff's doctor, looking like a somber Tony Randall, in a white coat, with a head-mounted mirror, proffering a report describing the results or readings of his "clinical examination," his surface EMG, his thermogram, his goniometer, his "adjustments" of "subluxations," or his Vibrometer and Rectoroter. (See, e.g., Parks KA, Crichton KS, Goulford RJ, McGill SM, A Comparison of Lumbar Range of Motion and Function Ability Scores In Patients With Low Back Pain: Assessment For Range Of Motion Validity, Spine 2003 Feb. 15; 28 [4]: 380-4.)

Perhaps the NJDA would commission creation of a few posters, illustrating how defense attorneys have benefited society by defeating innumerable cases of fraud, and offer them to the AMTL? The case of the underwater executive who torched his insured house, with his mother in it, in an effort to argue that the fire was a suicide? The gambling-addicted woman who brought forty-seven claims of slip-and-fall injury? The unscrupulous auto-repair shop that used faulty parts and inflated its bills? The woman who sued Cracker Barrel for the mouse in her soup? The sole heiress who slowly poisoned her husband? The missing but substantially insured late-night oceanic swimmer? The doctors in dingy offices who submitted reams of false invoices for pointless treatment and issued prescriptions on demand? The middle-aged man or woman who goes excitedly from the most minor vehicular crash to the hospital, to the lawyer thence to the most cooperative doctor, multiplied by the hundreds of thousands?

Until such imbalance of presentation is corrected, mayhap we of the indirectly affronted NJDA and our families would forego chaining ourselves in protest to the doors of the AMTL. Alternately and more enjoyably, in New York, one could patronize Ripley's Believe It or Not Museum, with its human pincushion, its wolf-girl, its Peruvian elongated skull and its alien in formaldehyde.

Michael J. McCaffrey since 1992 has been certified by the Supreme Court of New Jersey as a Civil Trial Attorney. He received a B.A. (philosophy) from Rutgers University in 1978 and was graduated from the Indiana University School of Law, Bloomington, where he was selected through a writing competition to serve on the Indiana Law Journal.

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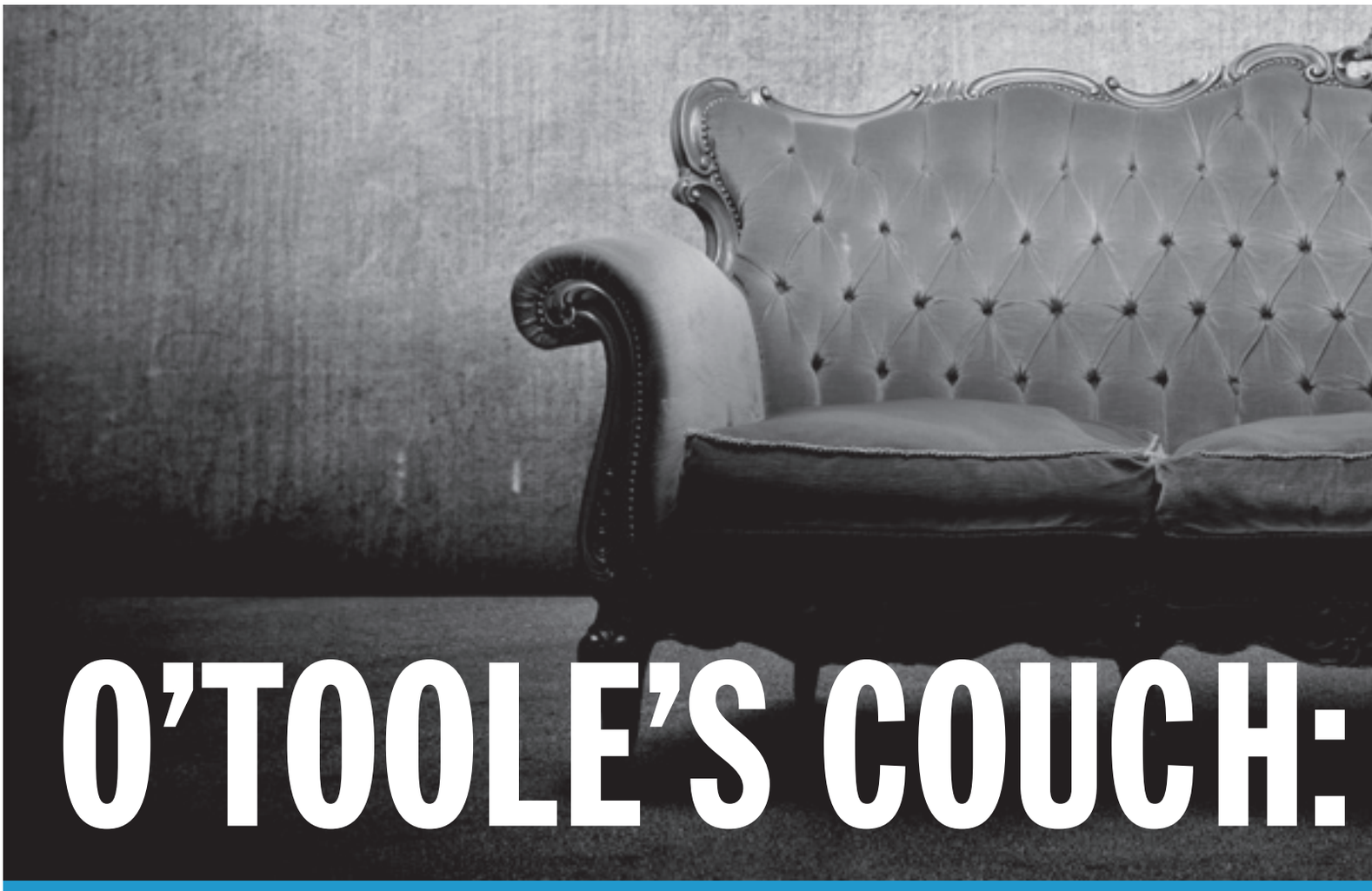

O'TOOLE'S COUCH:

Where the heck is Mackinac Island? It is in Michigan at the confluence of Lakes Michigan and Huron. It has changed hands between the French and British, but became an American territory 20 years after victory in the Revolutionary War. The island is unique in that there are only 400 full-time residents and no motor vehicles. If you call for a taxi on Mackinac Island, a horse and buggy will show up. (Apparently there are motor vehicles for the police, fire and rescue squads, but they are tucked away until needed.) When the federal government transferred the National Park to the State of Michigan, automobiles appeared that frightened the horses and threatened the island's carriage-tour economy. The village council quickly banned the horseless carriage and that decision was instrumental in preserving the island's nineteenth-century atmosphere.

Being an island, there are magnificent lake views from every spot in town, but the piece de resistance is The Grand Hotel. This hotel was built in 1887 to accommodate the late nineteenth century swell of summer visitors who arrived by steam-powered boats. Today the visitors are still arriving via large, frequently running ferry boats. The ambiance and grandeur of The Grand Hotel are breath-taking. Upon arriving, the 660-foot porch cannot be overlooked, with its 100 rocking chairs and the American flags blowing in the wind. Immediately the urge to sit in one of the rockers, looking out at the beautiful lake and enjoying a cocktail, cannot be denied.

The atmosphere of the hotel is formal. The lobby is called the parlor. Every inch of every room looks like it has just been painted, and every carpet and piece of furniture is flawless. Jackets and ties for the men and cocktail attire for the women are required in the dining room. (Okay, sounds uncomfortable, but I must admit it was special.) Every evening there is a full orchestra playing for listening and dancing pleasure. It is like stepping back in time. For a nightcap, there is the Coppola Bar atop the hotel with a piano player and a 360-degree view of the star-lit skies and waterways.

During the day we took a horse and buggy tour of the island that included Fort Mackinac with its pickets and cannons around the entire perimeter. There are also three blockhouses that form a triangle to withstand frontal attacks. The military statutes and emplacements have now been restored and thus reflect the military flavor of the nineteenth century. On this buggy ride we were also able to view the island from atop the mountain, another spectacular view.

MACKINAC ISLAND

Once we completed the horse and buggy tour, we walked along quaint Main Street. Thankfully, I was able to enjoy a couple of IPA beers in the local pubs, which all have their own brands. (This was in exchange for stopping in the quaint stores with Sunny.) Another attraction on the island is fudge. Since 1880 fudge has played a part in the Island's success story. The Murdick Candy Kitchen was opened two years after The Grand Hotel, and was so successful that there are now more than a dozen fudge shops on this small island catering to the sweet-toothed visitors. We did our part by buying a supply of vanilla, chocolate and caramel, that never made it home – so sweet and so good.

I am going to backstep now. The drive to Michigan is very long. Really, very long. Along the way we made a stop at The Rock and Roll Hall of Fame in Cleveland. We just spent one night in Cleveland, but so enjoyed the visit to the Hall of Fame that brought back memories of the artists and music we enjoyed as kids. My favorite was the Elvis Presley exhibit where a tape highlighting some of the King's greatest performances was shown. The Beatles had an entire room of tapes and photos, and the Motown era was also well represented. There were the Temptations, Four Tops, Smokey Robinson and Michael Jackson– just to name a few. Elton John also had a display of his flamboyant costumes. There were small rooms set up as mock recording studios for visitors to experience playing an instrument and listening to the recorded version. (It looked pretty cool, but since Sunny and I can't play instruments, we had to enjoy watching the others.) One thing I did find fascinating was how many big stars have not yet been inducted into the Hall.

On our way back from Michigan, we stopped at the Henry Ford Museum and I could write an entire article on what that showcased. The Model T Ford, of course, and the gradual evolution of vehicles to the present day was represented. Every presidential limousine, including the one John F. Kennedy rode in during his assassination were there. We got to sit in the same seat Rosa Parks sat in during her support of the civil rights movement. A wonderful Imax film of Apollo 11 landing on the moon, showed actual film footage of everyone involved on land and in space. It was very moving and brought back memories of that historical event that we all witnessed. Well, that concludes my overview of our Mackinac excursion. Perhaps it will spark interest on your part to have a cocktail on the porch of The Grand Hotel!

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MARCH 20, 2020

INSURANCE COVERAGE SEMINAR

8:30 am – 12:30 pm
APA Hotel Woodbridge
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4.0 CLE Credits, including 1.0 Ethics

APRIL 2, 2020

NEW LEADERS NETWORKING EVENT

6:30 pm – 8:30 pm
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New Brunswick, NJ

JUNE 25-28, 2020

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