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Florham Park, NJ 07932
(973) 845-7640
scott@jmslawyers.com

April 3, 2023

VIA FEDERAL EXPRESS

Simona Casian-Sirbu, QPA
Teaneck Township Hall
818 Teaneck Road
Teaneck, NJ 07666

**Re: Qualification Statement to Provide Legal Services to the Township of Teaneck
Submitted by Jardim, Meisner & Susser, P.C.**

Dear Ms. Casian-Sirbu:

This letter is submitted in support of the Qualification Statement for the law firm of Jardim, Meisner, & Susser, P.C. to provide Legal Services to the Township of Teaneck.

We are available to provide any additional information as requested by your office. If we are missing any documentation requested, please let us know as soon as possible and we will provide it promptly. Thank you for the opportunity to submit this Qualification Statement to the Township.

Very truly yours,

Scott Salmon
Scott D. Salmon, Esq.

EXECUTIVE SUMMARY

Jardim, Meisner & Susser, P.C. (“JMS”) is a law firm built around the concept of a large firm presence, reputation, and quality of work, with small firm attention to its clients and their needs. All our attorneys come from large firms throughout New Jersey and are experienced in counseling and representing clients in complex matters of all stripes. We have the experience and resources of a larger firm combined with the one-on-one attention to every client we serve that only a small firm can provide. **When you have an issue, day or night, you can call us and get our full attention immediately.** We are always mindful of our clients’ goals, and our aggressive advocacy is designed to deliver results and solve our clients’ problems at the most reasonable cost possible. That is the essence of using JMS for your legal needs: quality representation at the lowest possible cost.

We have substantial experience in representing government entities throughout the years in a wide range of issues, providing legal opinions, drafting key documents, participating in meetings with our government clients, and monitoring and advising on changes in the law or regulations that would have an impact for our clients. We provide legal guidance and counseling to all our clients.

Moreover, our litigators are well-experienced in handling all forms of litigation, from the simple to the complex, in a diverse range of practice areas, and we practice in a variety of forums—federal courts, state courts, and all administrative venues. We regularly litigate every type of matter involving public entities, including election, employment, personal injury, construction defect, and prerogative matters, real estate disputes, insurance defense and subrogation claims, and lawsuits involving the Open Public Records and Meetings Acts, and we have a winning record to back it up.

Our experience serving governmental entities comes both from within and as outside counsel. Combined, we meld government and law together for a perspective that serves as a unique benefit to our clients. That is the advantage of using JMS for your legal needs.

QUALIFICATION STATEMENT TO PROVIDE LEGAL SERVICES TO THE TOWNSHIP OF TEANECK

A. Full Names and Principal Addresses of Proposers

Respondent

Jardim, Meisner & Susser, P.C.
30B Vreeland Road, Suite 100
Florham Park, New Jersey 07932
T: (973) 845-7640

Proposer/Key Contact Persons

Scott D. Salmon, Esq.
T: (973) 845-7640
C: (908) 312-2124
scott@jmslawyers.com

B. Biographical Information/Experience of Attorneys Assigned

Scott D. Salmon, Esq., a partner with the Firm, is an attorney with a wide range of experience in general civil litigation, employment law, and governmental representation. He counsels and advises individuals and public entities in all every aspect of municipal work. Mr. Salmon also provides litigation services in every facet of the litigation process, including negotiation, mediation, discovery, as well as the trial and appeals process, in both state and federal court.

Mr. Salmon has provided counseling and litigation services to many governmental entities and currently represents the Township of Cranford, the Township of Hillside, the City of Lambertville, the Township of Millburn, the Township of Parsippany-Troy Hills, the Borough of Red Bank, the Township of Springfield, the City of Trenton, the Town of Westfield, and Passaic, Somerset, and Union Counties. He has also previously represented the Borough of Garwood, the Town of Dover, and the City of Jersey City, among others. Mr. Salmon performs municipal attorney, labor counsel, land use, and litigation work for these entities.

Additionally, Mr. Salmon has handled complex matters involving employment discrimination (including discrimination based upon gender, race, national origin, sexual orientation, religion, age, and disability) and wrongful termination. He routinely advises clients on termination and employee discipline, employee rights and benefits, and other personnel matters. Mr. Salmon assists clients in the development and implementation of sound personnel policies consistent with the law and ensuring his clients will avoid litigation. Mr. Salmon specifically has experience investigating and evaluating allegations of sexual and workplace harassment, hostile work environment, and discrimination against employees of a large public institutions. Mr. Salmon has been named a Rising Star by New Jersey Super Lawyers® in Employment Law for 2020, 2021, 2022, and 2023.

Mr. Salmon is admitted to the Bar of New Jersey and New York and is further admitted to practice in the United States District Court for the District of New Jersey, the Southern District of New York, and the Third Circuit Court of Appeals. He previously graduated from Franklin & Marshall College and Washington and Lee University School of Law.

Thomas C. Jardim, Esq., a shareholder with the Firm, has been engaged in the practice of general civil litigation, employment law, and governmental representation for 30 years.

Mr. Jardim routinely handles complex civil litigation matters of all types before administrative agencies, state, and federal courts through all phases of discovery and trial. He is an experienced trial attorney, having tried numerous cases in state and federal courts in New York and New Jersey.

Additionally, Mr. Jardim has provided municipal attorney, land use, employment litigation, construction litigation, and general liability litigation services to the following governmental entities for two decades: the Borough of Carteret, the Township of Cranford, the Borough of Fanwood, the Borough of Garwood, the City of Linden, the City of Perth Amboy, the City of Jersey City, and the Town of Westfield. He has also provided legal representation to Essex, Hudson, Passaic, Somerset, and Union Counties, the State of New Jersey, the New Jersey Transit Corporation, Union County Improvement Authority and Union County Utilities Authority, and the Pollution Control Financing Authority of Warren County.

Mr. Jardim is admitted to the Bar of New Jersey, New York, and Connecticut. He graduated from the University of Richmond and received both a law degree and master's degree in foreign affairs from American University.

Michael V. Gilberti, Esq., a partner with the Firm, has been practicing law for more than 40 years. He is an experienced civil and criminal trial and appellate lawyer with extensive experience in all types of litigation matters, including and most particularly with Title 59 defense. Mr. Gilberti graduated from Georgetown University and Dickinson University School of Law.

Tracy L. Lucas, Esq., an associate with the Firm, is a member of the Firm's governmental representation practice group. Her practice focuses on all public entity matters performed by the Firm for its clients, with a particular focus on litigation. Ms. Lucas graduated from Hofstra University and Quinnipiac University School of Law.

Alexa P. Foster, Esq., an associate with the Firm, is a member of the Firm's governmental representation practice group. Her practice focuses on all public entity matters performed by the Firm for its clients, with a particular focus on tax appeals. Ms. Foster graduated from Rutgers University and the University of Miami School of Law.

Rafiq E. Moorman, Esq., an associate with the Firm, is a member of the Firm's governmental representation practice group. His practice focuses on all public entity matters performed by the Firm for its clients, with a particular focus on land use and redevelopment. Mr. Moorman graduated from Rutgers University and Rutgers University School of Law.

C. Demonstrated Record of Success

One of JMS' points of pride is our track record when it comes to litigation. We pick our fights carefully and out-hustle even the worthiest of adversaries. Below are some representative cases involving government and/or election-related representation that show our demonstrated record of success, both at the trial court and appellate levels:

Horne v. Edwards, MER-L-000402-23 (Mercer Super. Ct. 2023)

Representing a sitting councilwoman in the City of Trenton, we won at trial to prevent her from being removed from office despite a challenge to her residency.

Pirrerera v. Kim, No. A-001923-22 (App. Div. 2023)

Representing a group of sitting councilmembers, we won both at trial and in the Appellate Division in a matter involving the New Jersey Municipal Vacancy Law.

In re S. Hunterdon Reg'l Sch. Dist. Pub. Question v. Hunterdon Cty. Bd. of Elections, 2023 N.J. Super. Unpub. LEXIS 251 (App. Div. 2023)

Representing the South Hunterdon Regional School District, we won both at trial and in the Appellate Division in a matter involving defending the results of a \$33 million bond referendum.

Horgan v. Red Bank, MON-L-000542-22 (Super. Ct. 2022)

Representing a sitting councilwoman, we won at the trial court level in a matter involving the New Jersey Municipal Vacancy Law.

Lacey v. Ruccione, BER-L-0005526-21 (Super. Ct. 2021)

Representing a Committee of Petitioners, we won on an Order to Show Cause in a matter regarding the group's ability to place a question on the ballot to change the date of the election from May to November.

Fuhrman v. Mailander, 466 N.J. Super. 572 (App. Div. 2021)

Representing a Committee of Petitioners, we won both at trial and in the Appellate Division in a matter regarding the group's ability to place a question on the ballot to change the date of the election from May to November.

In re City of Paterson Third Ward Municipal Election of May 12, 2020, PAS-L-001751-20 (Super. Ct. 2020)

Representing a candidate in an election, we successfully prevented another individual charged with election fraud from being sworn into office pending an election contest, in a matter of first impression. This case received national recognition during the 2020 Presidential Election as the "Paterson Voter Fraud Case."

Salmon v. West, STE-06746-20 (OAL 2020)

Representing a citizen objector, we were able to have Kanye West removed from the ballot in the 2020 Presidential Election in a case that received international recognition.

Correa v. Grossi, 458 N.J. Super. 571 (App. Div. 2019)

Representing a citizen objector, we won an appeal before the Appellate Division on a groundbreaking decision that guaranteed bilingual ballots to voters in a municipality that contained a nearly 70% Spanish-speaking population.

Hudson County v. PMK Group, 2019 N.J. Super. Unpub. LEXIS 461 (App. Div. 2019)

Representing the County of Hudson, we won an appeal before the Appellate Division to reverse a trial court decision on an engineering malpractice claim, which led to a significant recovery for the County.

Ayad v. Jersey City, 2012 N.J. Super. Unpub. LEXIS 1925 (App. Div. 2012)

Representing the City of Jersey City, we won a motion for summary judgment at both the trial court and in the Appellate Division.

Bolton v. City of Jersey City, 2:08-cv-04298-FSH-PS (D.N.J. 2011)

In federal trial court, we won a significant victory on behalf of seven police officers accused of “roid rage.”

Cali Assocs. v. Caldwell, 2009 N.J. Super. Unpub. LEXIS 2123 (App. Div. 2009)

Won an appeal before the Appellate Division that reversed a multi-million judgment over real estate developmental issues, bringing over 20 years of litigation to a conclusion.

Mancini v. Teaneck, 349 N.J. Super. 527 (App. Div. 2002)

Representing a police officer, we won a judgment in excess of a million dollars at both the trial court and in the Appellate Division regarding claims of sexual harassment and retaliation.

D. Other Governmental Representation References

Our attorneys' governmental representation is extensive. We have represented:

The Town of Westfield – Town Attorney

Contact: James Gildea
Town Administrator
425 East Broad Street
Westfield, New Jersey 07090
T: (908) 789-4040

The Township of Hillside – Labor Counsel

Contact: Gracia R. Montilus, Esq.
Township Attorney
1409 Liberty Ave.
Hillside, New Jersey 07205
T: (973) 275-1900

The Township of Cranford – Outside Litigation

Contact: Ryan J. Cooper, Esq.
Township Attorney
108 N. Union Ave., Unit 4
Cranford, New Jersey 07016
T: (908) 514-8830

The City of Lambertville – Planning and Zoning Board

Contact: Andrew Nowick
Mayor
18 York Street
Lambertville, New Jersey 08530
T: (609) 397-0110

No public entity has terminated our services within the past two (2) years.

E. Cost Proposal

We propose to charge the Township as follows:

1. **For Township Attorney**, a monthly retainer in the sum of \$5,000 per month. This will include attendance at all meetings with the Township Council, Township Manager, and any other Department Heads or committees as needed, as well as all in-person, e-mail, and telephonic communications unless otherwise specifically described below.

We will also charge a blended rate of \$165 per hour for all attorneys in all other matters, including litigation and drafting resolutions, ordinances, contracts, memoranda, and other legal documents, in addition to any necessary costs or expenses, which will be billed at cost. We will not charge for time spent by paralegals or other support staff.

2. **If we are engaged separately as litigation, tax appeal, OPRA, or labor counsel**, we will charge at a blended rate of \$165 per hour, in addition to any necessary costs or expenses. We will not charge for time spent by paralegals or other support staff.

We are willing to work with the Township on the retainer amount and/or hourly rate of compensation as needed to accommodate the Township's needs and budget.

We note the Township's request in the RFQ for a statement as to the availability of a member of the Firm to work on-site in Teaneck for three-to-four days per week, up to 25 hours per week. While we may be able to do so for one-to-two days per week, if needed, we note that we are available around-the-clock for all of Teaneck's needs, whenever they arise. If there is an issue that requires us to be present in Teaneck, any day of the week, we will ensure that we are there as needed.

F. Additional Information

Thomas C. Jardim, Richard S. Meisner, and Bennet Susser are all principals of the Firm and are located at the Firm's principal business location, 30B Vreeland Road, Suite 100, Florham Park, New Jersey. Each principal is a 33 1/3 percent shareholder of the Firm. Respondent was founded in October 2012 when the principals of the Firm split from Berman, Sauter, Record & Jardim, P.C. Respondent has been continuously managed by the principals since its founding.

Respondent is in compliance with all applicable affirmative action (or similar) requirements with respect to its business activities and has enclosed the relevant supporting documentation.

Neither Respondent nor any individuals assigned to this engagement are suspended or otherwise prohibited from professional practice by any federal, state, or local agency. There have been no judgments within the last three (3) years in which Respondent has been adjudicated liable for professional malpractice. Jardim, Meisner & Susser, P.C. and its principals have not now, nor have they ever been involved in any bankruptcy or re-organization proceedings in the last ten (10) years. Jardim, Meisner & Susser, P.C. and its attorneys have the appropriate federal and state licenses to perform all relevant legal activities. Specifically, our attorneys are admitted to practice

in New Jersey state and federal courts (among other jurisdictions). They are all in good standing and will provide good standing certificates if required.

No member of the Firm has been convicted of a crime within the last five (5) years. No member of the Firm has received a target letter from a grand jury. No attorney and/or employee of Jardim, Meisner & Susser, P.C., is an immediate relative of an employee or elected official of the Township.

G. Agreement to Comply with the General Terms and Conditions and Execute the Standard Professional Services Contract

Respondent does not anticipate any problems in accepting the reasonable form of contract that will be provided by the Township of Teaneck.

H. Limits of Malpractice Insurance Coverage

The Respondent's malpractice carrier is Capitol Specialty Insurance Corp. The limits of liability of the policy are \$2 million each claim and \$2 million in the aggregate. There is a \$25,000 deductible for each claim. We meet or exceed New Jersey's statutory coverage requirements.

MEETING YOUR NEEDS AND GOALS

Our attorneys' approach to providing legal representation to governmental entities is simple: find out what the client needs and do it efficiently and effectively to provide valuable legal counseling while minimizing costs to the Township and the public at large.

We understand that the Township requires counsel who has the specialized expertise and experience of providing general municipal counsel in all types of matters, as well as litigation assistance when required. We stand ready and capable to assist the Township as experienced government attorneys, and otherwise provide research, counseling, and advice. Given our diverse backgrounds, JMS attorneys are knowledgeable and experienced in all areas of municipal law.

We have been able to obtain successful outcomes for our clients by following the principle that legal services of counseling and litigation can only succeed if the client and counsel share a common vision. The only way this can happen is if communication is both constant and frank. We excel at diagnosing problems, figuring out realistic possibilities of resolving it, communicating with our client, the courts, and opposing counsel, and then making it happen.

We aim to provide legal counsel, and that not only means acting as your legal representative but also providing actual counsel to help you achieve your goals. Our clients appreciate our approach; namely, address issues and communicate advise in a prompt and accurate manner and resolve matters as quickly as possible. In short, our basic approach is to generate the information needed to evaluate an issue or claim and then make every effort to obtain a fair and reasonable resolution.

If we are retained to provide services to the Township of Teaneck, you have our commitment to abide by a basic philosophy: get it done promptly, get it done efficiently, and get it done right.

April 3, 2023

Appendix A
Letter of Qualification

Simona Casian-Sirbu, QPA
Teaneck Township Hall
818 Teaneck Road
Teaneck, NJ 07666

Re: Letter of Qualification

Dear Ms. Casian-Sirbu:

The undersigned has reviewed our Qualification Statement and Proposal submitted in response to the Request for Qualifications and Proposals (“RFQ”) issued by the Township of Teaneck, dated March 30, 2023, in connection with the Township’s need for professional legal services in the following positions:

- (1) Township Attorney
- (2) Litigation Attorney
- (3) Tax Appeal Attorney
- (4) OPRA Attorney
- (5) Labor Attorney

I have reviewed our Qualification Statement submitted in response to the Request for Qualifications issued in connection with the Township’s need for Legal Services. I affirm that the contents of our Qualification Statement are accurate, factual, and complete to the best of my knowledge and belief, and that the Qualification Statement is submitted in good faith upon the express understanding that any false statement may result in the disqualification of Jardim, Meisner & Susser, P.C. (“Respondent”)

We are available to provide any additional information as requested by your office. We thank you for the opportunity to submit this Qualifications Statement to the Township.

Very truly yours,

Scott Salmon
Scott D. Salmon, Esq.

April 3, 2023

Appendix B Letter of Intent

Simona Casian-Sirbu, QPA
Teaneck Township Hall
818 Teaneck Road
Teaneck, NJ 07666

Re: Letter of Intent

Dear Ms. Casian-Sirbu:

The undersigned has reviewed our Qualification Statement and Proposal submitted in response to the Request for Qualifications and Proposals (“RFQ”) issued by the Township of Teaneck, dated March 30, 2023, in connection with the Township’s need for professional legal services in the following positions:

- (1) Township Attorney
- (2) Litigation Attorney
- (3) Tax Appeal Attorney
- (4) OPRA Attorney
- (5) Labor Attorney

Jardim, Meisner & Susser, P.C. hereby states:

1. The Qualification Statement and Proposal contains accurate, factual, and complete information.
2. Respondent agrees to participate in good faith in the procurement process as described in the RFQ and to adhere to the Township’s procurement schedule.
3. Respondent acknowledges that all costs incurred by it in connection with the preparation and submission of the Qualification Statement and Proposal and any other documents prepared and submitted in response to the RFQ, or any negotiation which results there from shall be borne exclusively by the Respondent.
4. Respondent hereby declares that the only persons anticipated by respondent to perform the services for which this Qualification Statement and Proposal is submitted are named herein and that no person other than those herein mentioned has any participation in this Qualification Statement and Proposal or in any contract to be entered into with respect thereto. Additional persons may subsequently perform services for which this Qualification Statement and Proposal is

submitted, but only if acceptable to the Township. Respondent declares that this Qualification Statement and Proposal is made without connection with any other person, firm, or parties who has submitted a Qualification Statement and Proposal, except as expressly set forth below and that it has been prepared and has been submitted in good faith and without collusion or fraud.

5. Respondent acknowledges and agrees that the Township may modify, amend, suspend, and/or terminate the procurement process (in its sole judgment). In any case, the Township shall not have any liability to the Respondent for any costs incurred by the Respondent with respect to the procurement activities described in this RFQ.

6. Respondent acknowledges that any contract executed with respect to the provision of professional services must comply with all applicable affirmative action and similar laws. Respondent hereby agrees to take such actions as are required to comply with such applicable laws.

Very truly yours,

Scott Salmon

Scott D. Salmon, Esq.