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Litigation *Department* OF THE *Year*



FINALIST: GENERAL LITIGATION (MIDSIZE FIRMS)

PHOTO BY CARMEN NATALE

FROM LEFT TO RIGHT: Brendan Walsh, Partner; John Kim, Counsel; Dennis Smith, Partner; Suzanne Bradley, Associate; Sean Mack, Partner; Michael Stein, Partner; and Janie Byalik, Counsel.



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Just Getting Started

Name recognition aside, Pashman Stein of Hackensack sees itself as still in its formative stages

By David Gialanella

In any historical context, 20 years isn't an especially long time. But it's long enough to build a reputation as a strong litigation firm.

Still, Michael Stein of Pashman Stein in Hackensack talks about the firm he helped found in 1995 as more of a work in progress.

"I was single-minded in my objective then: I wanted to prove that, with the best lawyers and quality work, we could attract bet-the-company litigation," Stein said.

"There are a lot of companies who are looking for cost-effective alternatives to Big Law," he added.

The firm had a number of notable cases in 2014.

It handled a series of matters on behalf of SunLight General Capital, which invests in solar energy projects, and related entities. In state court, Pashman Stein successfully appealed a challenge by Power Partners MasTec of more

than \$40 million in project funds awarded to SunLight General, and, in federal court, fought off a bid by MasTec to freeze \$60 million in arbitration awards.

Pashman Stein also represented SunLight General in a dispute with Mercury Solar Systems Inc. over a New Jersey Meadowlands Commission project on which

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the companies had issued a joint bid. When the partnership soured, Mercury sought \$900,000 in lost profits. A Bergen County Superior Court judge in August 2014 struck all but two of Mercury's claims on summary judgment, and those claims were subsequently settled on confidential terms.

Another renewable energy client, Fishermen's Atlantic City Wind Farm, retained Pashman Stein to represent it after the New Jersey Board of Public Utilities denied its application to build the state's first offshore turbines. The firm, along with Pearlman & Miranda, appealed, and the Appellate Division remanded for consideration of further evidence. The firm has appealed a second denial by the BPU, and obtained an order expediting the appeal.

The firm co-wrote an amicus brief in the contentious and controversial U.S. Supreme Court case, *Burwell v. Hobby Lobby Stores Inc.*, on behalf of 10 Republican U.S. senators who sponsored the Religious Freedom Restoration Act—and aligned themselves with Hobby Lobby in contending that the company was within its rights to object to providing health coverage for contraceptives. The court, adopting the same view, held in its ruling that closely held corporations amount to "persons," as defined by the statute, and are thus entitled to religious freedoms.

In the closely followed dispute over newspaper baron Robert Cohen's estate, Pashman Stein and

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co-counsel DeCotiis FitzPatrick & Cole successfully defended Hudson Media CEO James Cohen against claims that he exacted influence over Cohen, his father, and caused

total of \$130,000, though the case value originally was estimated at \$3 million or higher.

Stein stopped short of calling the firm a litigation boutique,

“There’s something inherently different about a 30-person firm,” he said. “Can we pay people the same as partners at Debevoise [& Plimpton] get paid? The answer is no. But you can’t even compare what we’re offering.”

What the firm is offering, he said, is a chance to work on interesting, consequential cases—and a chance to shape not only the outcome of those cases, but the future of the firm itself.

That’s because, to Stein’s mind, the firm is still in its formative stages.

“We’re teenagers,” he said. “I don’t feel like it’s a fully mature firm at all. ... I’m not sure what we’re going to look like in 15 years.” ■

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him to alter his will. The suit was lodged by the elder man’s granddaughter, Samantha Perelman, who sought a larger inheritance and claimed at least \$500 million in damages. After an 85-day trial, a New Jersey judge in June 2014 rejected Perelman’s claims and found that the elder Cohen, despite being ill, was competent to make the changes to the will.

Pashman Stein represented Sleepy’s in a putative class suit in Burlington County Superior Court claiming the mattress retailer violated consumer-fraud statutes by issuing divergent descriptions of its return policy. The case settled last year prior to class certification with Sleepy’s agreeing to pay a

though 16 of the firm’s 28 lawyers handle litigation, and the firm derives about three-quarters of its revenue from that practice.

He said Pashman Stein reinvests profit to bring in new talent.

Pashman Stein by the Numbers

Department Headcount

Firmwide

16

Department as Percentage of Firm

Headcount

57%

Revenue

75%