



Roger Plawker

CHAIR, ATTORNEY ETHICS & PROFESSIONAL MISCONDUCT

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PRACTICE AREAS

Attorney Ethics & Professional Misconduct Litigation

Appellate Advocacy

Criminal Defense

Investigations - Governmental & Internal

Cannabis & Hemp Law

Employment Law

Intellectual Property

Business Divorce & Ownership Disputes

EDUCATION

B.A., Vassar College, 1988

J.D., University of Wisconsin-Madison, 1992, Note and Comment Editor of the Wisconsin International Law Journal

Pushkin Institute, Moscow, Russia, Teaching Certificate 1988

Roger Plawker serves as Chair of the Attorney Ethics & Professional Misconduct practice group. He practices in the areas of business litigation, construction litigation, attorney ethics, criminal defense, intellectual property litigation and licensing, and employment law. He has represented one of New Jersey's largest commercial real estate developers and owners in a number of disputes related to their business, including construction, land use, bidding, and partnership matters. Roger has successfully completed major software licensing transactions with numerous U.S. and global financial and accounting institutions.

In addition to an undergraduate degree from Vassar College and a law degree from the University of Wisconsin at Madison, Roger holds a degree in Russian language from the Pushkin Institute in Moscow. Roger also served as a law clerk to the Honorable Sybil R. Moses, assignment judge of the Superior Court of New Jersey, Bergen County, during the 1992-1993 term.

Representative Matters

- Regularly represent attorneys and law firms seeking assistance in navigating conflicts of interest.
- Regularly work on behalf of attorneys with serious bookkeeping errors to ensure that any audits and ensuing ethics proceedings are professionally handled and any discipline mitigated.

- Represented developers in federal constitutional litigation against New Jersey municipalities. One case concerned allegations that the municipality abused its eminent-domain power for corrupt purposes and was widely covered by national and local media; the other case concerned allegations that the municipality abused its power to exact unlawful concessions from our client.
- Represented one of the largest real estate developers in the country in defeating a claim by a competitor seeking to enforce a letter of intent for the acquisition and development of a parcel of land in New Jersey.
- Represented real estate developer shareholders in a closely-held family limited liability corporation in successfully ousting a member whose conduct was interfering with business operations.
- Represented the majority owner of an insurance brokerage in ousting a fellow shareholder who was interfering with business operations.
- Represented prominent cardiology group and individual cardiologists in a business tort case brought against them by a specialty hospital asserting claims of tortious interference and unfair competition relating to the group's referral practices. Retained after the trial court had just denied defendants' motions for summary judgment and facing a trial that was expected to last several months, we spearheaded the filing of new motions for summary judgment that raised dispositive issues that had not yet been addressed in the more than seven-year-old litigation. Following extensive briefing, the trial court dismissed all of the hospital's claims with prejudice. The hospital had been seeking nearly \$30 million in compensatory damages and an award of punitive damages. On appeal, the Appellate Division affirmed the dismissal of 99% of the hospital's damages claim and remanded for further proceedings on claims valued at less than \$300,000. The case settled during trial, shortly after the parties selected a jury and delivered opening statements.
- Representing a developer against a multi-pronged challenge to its land use rights by a local property owner.
- In an ethics proceeding where the client was charged with knowing misappropriation of funds and disbarment was sought, achieved dismissal of the most serious charges on the eve of the hearing and a stipulation for a reprimand.
- Represented a lawyer in an ethics proceeding involving an alleged forgery of a document submitted in connection with a legal representation. The matter resulted in a reprimand.
- Achieved dismissal of an ethics proceeding against a lawyer charged with allegedly directing payments to him of additional compensation from his law firm without his partners' knowledge.
- Successfully represented a transgender inmate who sought transfer to the appropriately-gendered facility after suffering physical and sexual abuse, all while facing discipline for fighting back.
- Successfully represented a landowner in an eminent domain dispute with municipality and competitors.
- Represented shareholders in major New Jersey company involving an internal shareholder dispute among the stakeholders alleging shareholder oppression, conspiracy, single enterprise theory, and attendant valuation disputes. Much of the hard-fought litigation took place up front with Orders to Show Cause and an application for temporary

restraints. Our attorneys front-loaded litigation efforts with extensive fact-gathering, research and briefing on complex issues of oppression that effectively gutted plaintiff's most valuable claim in the case. The matter was ultimately resolved through private mediation.

- Represented a prominent nationally recognized trial law firm in a fee dispute with another law firm. Arbitration resulted in a mutually agreeable confidential resolution.
- Successfully represented a leading commercial real estate company in New Jersey in a land use and redevelopment dispute with a local township which sought to renegotiate its lease obligations and prior settlement terms.

Reported Decisions

- **Administrative Law** - *In re Hartz Mountain Industries, Inc.*, 2006 WL 2371348 (App. Div. 2006) (challenge against the NJSEA's development of Xanadu)
- **Insurance Fraud** - *Selective Ins. Co. of America v. Medical Alliances, LLC*, 362 N.J. Super. 392 (Law Div. 2003) (represented physicians and related entities against allegations of self-referral)
- **Attorney Ethics** - *In re Gallo*, 178 N.J. 115 (2003) (established new limitations on the use of hearsay in ethics proceedings)
- **Trademark and Copyright Litigation** - *Hitachi Maxell v. DTC Computer Supplies*, 2004 WL 2558651 (D.N.J. 2004) (successfully represented alleged trademark infringer) & *The Carlisle Group, Inc. v. Confidential* (obtained settlement of \$275,000 for software developer whose software was used without a license)
- **Labor/Antitrust** - *Farmland Dairies, Inc. v. Milk Drivers et al.* (successfully represented dairy industry competitor-defendant in this collective bargaining labor dispute and alleged antitrust conspiracy)
- **Aviation** - *Bobian v. CSA Czech Airlines*, 93 Fed. Appx. 406 (3d Cir. 2004); 232 F.Supp.2d 319 (D.N.J. 2002); 222 F.Supp.2d 598 (D.N.J. 2002) (established new limitations on the definition of "bodily injury" under the Warsaw Convention)
- **Employment and Federal Jurisdiction** - *Menoken v. McNamara*, 88 Fed. Appx. 550 (3d Cir. 2004); 213 F.R.D. 193 (D.N.J. 2003) (successfully represented corporate defendant and its officers in this wrongful termination litigation and established clarification on aspects of federal question jurisdiction on removal and finality under Fed.R.Civ.P. 60)

Honors & Awards

- Selected for inclusion in the list of New Jersey Super Lawyers, 2009-2022
- Ruth B. Doyle, Award for outstanding service to the law school community

The Super Lawyers list is issued by Thomson Reuters. A description of the selection methodology can be found at http://www.superlawyers.com/about/selection_process.html.

No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

Community & Professional Associations

- New Jersey State Bar Association
- Essex County Bar Association, Editor, Essex County Bar Association Chronicle
- Trustee of the Association of the Federal Bar of New Jersey
- National Association of Criminal Defense Lawyers
- President Northern New Jersey Squash Racquets Association

Bar Admissions

New Jersey

District of Columbia

Court Admissions

U.S. District Court, District of New Jersey

U.S. Court of Appeals, Third Circuit

U.S. District Court, Eastern District of New York