

Pashman Stein Keeps Tackling New Jersey's 'Issues of Consequence' - *New Jersey Law Journal*

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Q&A with Pashman Stein's Walder Hayden Litigation Group

Pashman Stein is this year's Litigation Department of the Year for Appellate Litigation.

The responses below were provided by the litigation department as a group and edited lightly for style.

What are some of the department's most satisfying successes of 2019, and why?

Pashman Stein Walder Hayden's appellate department had another banner year in 2019, including several successful decisions that resulted in published opinions. We continue to litigate issues of first impression and, because of our vast appellate experience, we are regularly retained to work closely with trial counsel to either help preserve an important win or overturn an unjust loss on appeal. Pashman Stein Walder Hayden is known for handling large, complex commercial matters as well as issues of consequence to the State of New Jersey, often setting significant precedents.

Some of our notable successes include:

- *Deborah Heart & Lung Center v. Virtua Health*, (N.J. Super. Ct. Law Div.), No. A-002307 (App. Div.), and No. 083422 (Supreme Court), in which we represent a 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. In July 2019, the Appellate Division issued an opinion affirming the trial court's dismissal of 99% of the hospital's damages claim with prejudice and

remanded for further proceedings on claims valued at less than \$300,000. (The hospital had been seeking nearly \$30 million in compensatory damages and an award of punitive damages.) We filed a new round of dispositive motions in May 2020 seeking the dismissal of the remaining claims.

- *Correa v. Grossi*, 458 N.J. Super. 571 (2019), an important voting right case in which we represented amicus curiae ACLU-NJ. The Appellate Division adopted the analysis we advocated for in our amicus brief and the decision ensures that in districts where the primary language of at least 10% of registered voters is Spanish, both the sample and official ballots must be printed bilingually in English and Spanish.
- *Wild v. Carriage Funeral Holdings, Inc.*, ___ N.J. ___ (2020), in which we represented amicus curiae ACLU-NJ before the New Jersey Supreme Court in a case involving medical marijuana use. The Supreme Court affirmed the Appellate Division and reinstated the plaintiff's "failure to accommodate" claim under the Law Against Discrimination. As a result, medical marijuana patients in New Jersey now have job protection and can bring a claim if their employer fires them or retaliates against them because of their medical marijuana use.

Being a Litigation Department of the Year means more than providing good counsel. How does your group go a step further for clients?

Our lawyers think outside the box to find novel and creative solutions to clients' business and legal problems. By providing a different lens to analyze issues, we are able to develop innovative strategies to achieve our clients' goals. The collaboration within the department, and the trust and camaraderie necessary for positive brainstorming, ensures that our clients have the benefit of our collective legal advice and insights, with many different perspectives considered.

We view our clients as part of the Pashman Stein Walder Hayden family and take pride in providing personal and attentive client service. Beyond that, we build trust with our clients by serving as business partners, not over-promising, taking the time to understand, and fully appreciate the impact of the issues on, their businesses, and obtaining great results. Throughout our engagement, we work closely with our clients to manage the matter, anticipate challenges and avoid surprises.

In 2020, the coronavirus has brought big changes to law practice. What have been some of your department's adaptations?

During the pandemic our attorneys, and the entire firm, continue to embrace remote working and the use of technology, including participating in one of the first Zoom trials in New Jersey. Our attorneys have appeared before the New Jersey Supreme Court, as well as routinely conduct depositions and mediations, via video conference.

Staying connected to each other and our clients requires more effort in the remote work environment, so we have made a conscious effort to communicate and collaborate through regular Zoom meetings and phone calls to not only work on cases, but to keep in touch with colleagues and clients during these unprecedented times.

The market for legal services has been changing since well before 2020. What does success require in this climate?

In any climate, a law firm's success is driven by the caliber and character of its lawyers. Our unique culture, stellar reputation and excellent quality of work has enabled us to attract and retain the best talent the region has to offer. Our firm is comprised of outstanding, passionate lawyers committed to providing exceptional service to every client, every time.

Success also requires the ability to adapt to meet the changing needs of our clients, whether through alternative fee arrangements, increased use of technology or otherwise, as well as continuing to develop strategies tailored to reaching or exceeding clients' evolving business and legal goals.

Litigators are extraordinarily busy people. What does the firm do to ensure that they remain engaged with pro bono work, their communities and their families?

Even prior to the pandemic, work-life balance was not just a catch phrase, but rather a way of life at Pashman Stein Walder Hayden, with flexible hours and schedules, telecommuting options and extensive benefits and perks, including maternity and paternity leave policies on par with large firms. In early 2019, we established the Justice Gary S. Stein Public Interest Center, a groundbreaking initiative especially for a firm of our size, which underscores our commitment to lead by example and advocate for the rights and liberties of all individuals and leave an imprint on the important public interest matters of our time. Through the firm's Pro Bono Policy, we also encourage and support our attorneys' pro bono work by providing credit toward billable hour goals.