



AAA Mediation.org™

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Hackensack, New Jersey

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Current Employer-Title Pashman Stein - Counsel

Profession Attorney, Retired Judge

Work History Counsel, Pashman Stein, 2002-present; Associate Justice, New Jersey Supreme Court, 1985-02; Director, Governor's Office of Policy and Planning, State of New Jersey, 1982-85; Partner, Stein & Kurland, Esqs., 1972-82; Sole Practitioner, self-employed, 1966-71; Associate, Kramer, Marx, Greenlee & Backus, 1956-66.

Experience In 1956 began legal career as associate at New York City law firm of Kramer, Marx, Greenlee & Backus (predecessor to Windels, Marx, Lane & Mittendorf) emphasizing corporate and anti-trust law. In 1966 commenced practice as sole practitioner in Paramus, New Jersey, concentrating on municipal and transactional matters. Formed law partnership in 1972 known as Stein & Kurland, continuing focus on municipal and transactional matters but also devoting substantial time to public interest issues, including service in mid-70s as Chair of the New Jersey State Bar Association's Committee on State Legislation. Withdrew from law practice in 1982 to serve as chief policy advisor to New Jersey Governor Thomas Kean. After appointment by Governor Kean and confirmation by New Jersey Senate, joined New Jersey Supreme Court as Associate Justice and served in that capacity until 2002. During tenure on the Court, authored 365 opinions, of which 220 were majority opinions.

Upon retirement from the New Jersey Supreme Court in September 2002, became counsel to Hackensack, New Jersey law firm of Pashman Stein and engaged in full-time practice of law at that firm to present date. Currently serves as Trustee of Drew University in Madison, New Jersey; Trustee of ACLU-New Jersey and Trustee of the Education Law Center.

As counsel to Pashman Stein, practice has included substantial assignments for various governmental entities in New Jersey, mediation and arbitration services in complex business and commercial matters including breach of contract, employment discrimination, insurance coverage and various business oriented disputes; assisting other counsel with complex, high-stakes appellate litigation, ethics and legal malpractice matters; serving as expert witness, and as discovery master in complex litigation. Public engagements include service as Trustee and Conservator of the Tropicana Casino in Atlantic City, New Jersey from December 2007 to March 2010; service as consultant to Board of Trustees of University of Medicine and Dentistry of New Jersey in 2005-2006 to evaluate purchasing practices and compliance with Public Bidding law; and service as ethics advisor to New Jersey municipality to provide opinion on conflict-of-interest allegations involving municipal attorney.

Mediator Experience Mediation practice has been varied but difficult to categorize. As a generality, a substantial number of mediated cases have involved complex factual and legal issues, and parties represented by highly

experienced counsel.

Since retirement from the New Jersey Supreme Court in 2002, mediation has constituted about twenty percent of practice, with no concentration in any specific industry or category of cases. Retentions generally have involved large corporations or institutions, and relatively substantial amounts in dispute. For example, served for an extended period as a discovery master and mediator in a case in which the heirs to the donors of a foundation, a primary source of funding for a University graduate program, sought a separation of the Foundation and its assets from the University. Because the Foundation's value was approximately \$900 million, the amount in controversy was substantial.

Also served as a discovery master and mediator in a substantial dispute between a toy retailer and an online retailer arising out of an agreement between them relating to the retailer's undertaking to display on its website the manufacturer's products, allegedly on an exclusive basis. The manufacturer ultimately recovered about fifty million dollars as damages.

Successfully mediated a bitter inter-family dispute between siblings of a family originally from India that had acquired a large number of motels in the New York metropolitan area. The negotiated settlement was for about one million dollars.

Recently settled for almost two million dollars a dispute between a large national automobile insurer and the managing general agent for a New Jersey property and casualty insurance company that issued policies to customers of the national insurer, which in turn had entered into and later cancelled a reinsurance contract with the casualty company. A tortious interference claim by the managing general agent was the focus of the mediation.

Similarly, over at least a two-year period, successfully mediated a complex and sharply adversarial dispute involving sisters who had inherited from their late father shares in a profitable commercial printing business, but also encompassing claims and issues that involved the father's executor and the relationship between one sister and her mother. Numerous mediation sessions, telephone conferences with counsel and extensive negotiations resulted in a settlement acceptable to all parties.

Mediator Style & Process Preferences My focus in conducting a mediation is to provide opposing counsel with a candid and comprehensive evaluation of the strengths and weaknesses of their case.

I anticipate that counsel will vigorously support their respective positions. I find that over the course of thoughtful discussion about factual and legal issues it frequently is helpful to counsel to be presented with an objective and impartial evaluation of their case. The goal is for respective counsel to become sufficiently comfortable with an impartial neutral's assessment so as to be able to supplement their own perspective with an evaluation that is less optimistic than their own.

My experience suggests that the key to successful results in mediation is for opposing counsel to understand - even if not agreeing - that their theory of recovery or defense may be vulnerable. When that concept is communicated adequately to each side, it serves as the foundation for a negotiated settlement. However, whether or not a settlement is possible in any given case nevertheless depends on many variables including the parties' resources, the extent of their emotional involvement in the litigation, and other factors that may affect capacity to compromise.

Education Duke University (AB-1954; JD with distinction, Order of the Coif-1956).

Professional Licenses Admitted to the Bar: New York, 1959; New Jersey, 1964; U.S. Supreme Court, 1978.

Professional Associations American Bar Association; American Bar Association (Fellow); New Jersey State Bar Association (Committee on State Legislation, Past Chair); New York State Bar Association; Bergen County Bar Association.

Recent Publications & Speaking Engagements Commencement Speaker, Rutgers Graduate School of Education, Rutgers University, New Brunswick, NJ, May 22, 2008; "Issues in Campaign Finance and Redistricting," Institute of New Dimensions, Paramus, New Jersey, November 14, 2006; luncheon speaker, Quality Education Conference, Washington, D.C., June 5, 2006; luncheon speaker, Bergen County Judiciary, June 22, 2005; luncheon speaker, Campaign Finance Symposium, Ramapo College of New Jersey, Center for Business and Public Policy, May 9, 2005. Author, "The First Amendment and Campaign Finance

Reform," 44 RUTGERS LAW REVIEW 743, 1992.

Mediation Rate	\$575 Per Hour
Languages	English
Citizenship	United States of America
Locale	Hackensack, NJ

The AAA's Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator's resume. If you have any questions about a mediator's experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.