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LETTER FROM OUR FIRM’S LEADERS

As we look back on 2017 we are reminded how much has changed at Mandelbaum Salsburg, but also how much has remained the same. While we have continued to grow our Firm, strengthen our existing practices and diversify with the onboarding of ten attorneys and the addition of an IP Litigation, Securities and a Government Enforcement & White Collar Crime Practice, we remain steadfast in our commitment to providing personalized client service with a fair fee structure. Our attorneys both young and old share that resolve. We pride ourselves on being a full service law firm in every sense of those words. We provide our clients with specialists in the areas of law that they need the most and are open to acquiring and expanding to meet their needs throughout the years. In addition, our reach continues to expand nationally and globally with our membership in Primerus, an exclusive group of law firms throughout the world. This has allowed us to service our clients with experienced and thoughtful advisors no matter what the issue may be or where their needs may take them.

We have a strong culture that makes both our employees and our clients alike feel like they are our family. Our commitment to the communities we serve has also never been stronger. Team Mandelbaum completed a number of charitable endeavors this year and was a finalist for the NJBiz “Corporate Citizen of the Year” award. The accolades for our individual attorneys were also numerous in 2017 with Casey Gocel being named as a NJBiz “40 under Forty” winner and Mohammed Nabulsi being named a New Jersey Law Journal “Diverse Attorney of the Year,” in addition to our seven attorneys named as Best Lawyers® and fourteen listed as New Jersey and New York Super Lawyers respectively. The Firm was also listed by U.S. News & World Report as a “Best Law Firm” for the ninth year in a row. Our attorneys also continued to share their knowledge on trending topics and wrote for publications or appeared in interviews for such outlets as CNBC, WBGO, Bloomberg Radio, 770 WABC, WWOR-TV, New Jersey Law Journal, Matrimonial Strategist, NJ.com, The Economist, Medical Economics as well as on podcasts and other publications. The Firm’s attorneys have been on the forefront of breaking issues in every area of law and work hard to keep our clients informed. In 2017 we also hosted a number of well attended events such as an Exit Strategies for Business Owners Program, Dental M&A seminars, Tax, Trusts & Estates Forum, Women’s Initiative Events and our attorneys have spoken throughout the country on relevant and emerging legal topics.

With dealmakers, aggressive advocates and negotiators amongst our best and brightest attorneys, our clients know they can count on us to get the job done timely and responsively. Many clients, and their children and grandchildren, are now part of our family as we have represented their families for generations. We are thankful for all this past year has brought to the Firm and look forward to continuing our work for you, our clients, in the New Year.

William S. Barrett
Chief Executive Officer

Barry R. Mandelbaum
Chairman of the Board
Professional Practice Transitions

10,000. The number of baby boomers who retire each day. This figure comes as no surprise to the Firm’s Professional Practice Transitions Group who has seen a surge around the country for the sales of professional practices such as dental and veterinary practices. Another trend that continues in this space is the investment by non-licensed individuals or private equity groups through the creation of Dental Service Organizations (DSO’s) and Management Service Organizations (MSO’s) and the elimination of smaller practices in favor of larger group and multi-disciplinary practices. As practices continue to focus on their growth and expansion or as owners seek their exit strategy for the next stage of life, Mandelbaum Salsburg’s team is ready to help. The Practice Group had an active 2017 successfully representing professionals in all stages of transitions and has lectured throughout the US including at the Greater New York Dental Meeting, various Fortune Management events, at state-wide dental and veterinary associations and schools as well as to study clubs and organizations of varying disciplines. The Group also continued to expand its reach nationally and participated in a number of successful deals across the US.

A CROWNING ACHIEVEMENT

EARN-OUT SCENARIO

It has been said that “if something is too good to be true it probably is.” Our Professional Practice Transitions Group however might disagree. In December 2017, the Firm’s experts in dental practice transitions, led by William Barrett, assisted Dr. Kevin Kremer in acquiring a practice in Chico, California. Dr. Kremer is an entrepreneurial dentist and CEO of Kremer Dental Care who was looking to expand his office locations in and around Butte County, California. The seller, was the owner of a successful practice with an ideal location. Both parties agreed that they wanted the acquisition price to reflect a number that was fair to both parties. The Mandelbaum Team consisting of William Barrett, Casey Gocel and Lindsey Priolo structured the transaction as an “earn-out” deal. At closing, all of the Practice assets were transferred to Dr. Kremer in consideration for a contractual promise to pay the seller a percentage of gross revenue resulting from the continual treatment of his patients over the next 5 years. In addition, the seller was given an employment agreement and became an employee of Dr. Kremer’s practice where he would be compensated for his personal production as a dentist in addition to being paid for the Practice’s ongoing success. By structuring the transaction as an “earn-out”, Dr. Kremer was able to eliminate the risk of overpaying for the Practice. As Dr. Kremer continues to develop and market the Practice, the seller will also benefit from this structure, because he will share in the increased revenue resulting from the implementation of Dr. Kremer’s superior business systems and enhanced practice management techniques designed to expand the patient base and treatment options. While the “earn-out” model does not work in every situation, it is a great model for cases where the buyer and the seller plan to work together post-closing to further grow the dental practice and where the buyer has particular business savvy and skills to further expand and develop the enterprise.

NATIONWIDE VETERINARY DEAL

Dr. Anthony Loomis has been a long-time client of Mandelbaum Salzburg member Peter Tanella. Peter first helped Dr. Loomis and his partner, Dr. Scott Linick, back in 2012 when the two of them acquired Westfield Animal Hospital. Thus, when Dr. Loomis and Dr. Linick decided to sell Westfield Animal Hospital to PetVet Care Centers, a nationwide veterinary network with over 100 general, specialty and emergency hospitals, they turned once again to Peter and his team to help them with the transaction. The Mandelbaum team headed by Peter also included Martin Hauptman, Lauren Carnevale and Lindsey Priolo. The deal included the negotiation of numerous sophisticated agreements all of which the team helped Dr. Loomis and Dr. Linick navigate in order to successfully consummate the transaction. The Firm’s Professional Practice Group has been working with the veterinary community for many years and has extensive experience in representing its veterinary clients in a diverse array of transactional matters including mergers, acquisitions, veterinary service organizations, roll-ups and other types of sophisticated transactions.

FOR THE GOOD OF OUR COMPANIONS

MAKING DREAMS A REALITY

Dr. David Bessler, is an emergency veterinarian who has been dedicated for many years to tirelessly responding to the emergency medical needs of dogs, cats and other small animals and pets in New York City and Westchester County at his two emergency veterinary hospitals in New York. Mandelbaum Salsburg partner, Peter Tanella, began working with Dr. Bessler when he acquired his first emergency animal hospital in 2013. Dr. Bessler had a dream about building a high quality network of state of the art emergency veterinary hospitals to serve clients and patients in New York, New Jersey and other states. With the assistance of his friend and colleague, Mr. David Glattstein, an entrepreneur and investment professional, Dr. Bessler was connected to a California based venture capital firm, and his vision began to become a reality. The Firm’s deal team included Peter Tanella, Steven Holt, Dennis Alessi, Dan Barkin, Casey Gocel, Lauren Carnevale and Lindsey Priolo were brought in to structure the Veterinary Service Organization (“VSO”), address the complex tax, corporate and regulatory issues involved in the formation of the VSO and the acquisitions, and to organize the VSO and negotiate and close the transactions for the acquisition of the emergency hospitals and the funding program involving the investment partner. The Firm has long been involved with similar acquisition type transactions involving veterinary and dental practices, which have become trendy in these professions. These structures are designed to create quality and efficient delivery systems for professional services like veterinary and dental services.
**ACCURATE NEUROMONITORING ACQUIRES NEUROLINK MONITORING AS IT CONTINUES TO EXPAND**

In 2017, the Firm’s Business Law Practice Group served as counsel to our client Accurate Neuromonitoring in the acquisition of NeuroLink Monitoring. Accurate is a leading Intraoperative Neuromonitoring (IONM) provider offering functional guidance to surgeons through the use of its highly trained technicians who utilize technology that helps reduce patient risk during complex surgeries. The acquisition allowed the company to expand its coverage to now service seven East Coast States — New York, New Jersey, North Carolina, South Carolina, Georgia, Alabama and Florida. With this expansion, Accurate Monitoring’s staff of nearly 100 employees now supports over 10,000 surgeries and more than 400 surgeons a year, making it one of the most prominent IONM providers in the nation. Accurate Neuromonitoring’s team of neurophysiologists provide real-time physician oversight through remote monitoring of data being collected in the operating room helping surgeons mitigate risks. Mandelbaum Salsburg’s deal team included Chief Executive Officer William Barrett, Thomas Ackermann, Daniel Barkin, Casey Gocel, Dennis Alessi, Mohamed Nabulsi and Lindsey Priolo. The successful transaction required a complete re-organization of the business, navigating through corporate and healthcare regulations in five states, development of an executive equity incentive plan, drafting and negotiating sophisticated contracts and employment agreements as well as a complex loan closing. The deal was an example of the Firm’s full service platform whereby we seamlessly addressed issues as they arose and successfully completed the acquisition.

**NAVIGATING A PROSPEROUS VOYAGE**

When Dr. Bill DeGasperis decided to sell Atlantic Imaging Group and iHFCA to Concordia Care, Inc. he turned to Mandelbaum Salsburg’s Business Law Practice Group to help him navigate the deals. Atlantic is a quality nationwide Diagnostic Testing Network with contracted radiology facilities in 48 states. Since 1999, Atlantic has ensured rapid access to quality radiology and diagnostic services for those who have experienced on-the-job injuries and automobile accidents. iHFCA is an industry leading nationwide claims clearinghouse specializing in electronically processing workers compensation and automobile bills. Concordia is a specialty risk-transfer care-coordination company servicing insurers, government entities, self-insured plan sponsors and other managed care organizations. The integration of Atlantic’s operational resources will enhance Concordia’s patient-centered, biopsychosocial Pathways 2 Recovery (PR2) approach in managing large loss cases with resources for scheduling, information technology and radiology data management. Additionally, the related acquisition of iHFCA will put Concordia at the forefront of providing technology-enabled solutions through the early identification of certain clinical conditions that lead to delayed recovery. Mandelbaum Salsburg’s deal team included Peter Tanella, Tom Ackermann, William Barrett, Casey Gocel and Lindsey Priolo. The team successfully navigated the many challenges presented by the transaction in order to afford our client the opportunity to achieve the desired result.

**CONTRACTS WITH CRITICAL SUPPLIERS AND WORLDWIDE CUSTOMERS HELPS AUDIO ENERGY CONTINUE ITS GROWTH**

Mandelbaum Salsburg has served as Outside General Corporate Counsel to Audio Energy since 2001 and has recently worked with the company to successfully re-negotiate agreements to continue its growth and worldwide presence. Led by attorneys William Barrett, Casey Gocel, Peter Levy, Thomas Ackermann, Steven Holt and Dennis Alessi, Mandelbaum Salsburg has been with the company every step along the way providing advice on an array of issues from “bet the company” contract negotiations to tax, employment, ERISA and real estate matters, further demonstrating our full service platform. In fact, in 2015, with the guidance of Mandelbaum Salsburg Member Casey Gocel, Audio Energy became a certified Woman-Owned Business by the National Women’s Business Council. Audio Energy has been building a reputation of innovation and excellence in packaging and distribution of micro-cell batteries for over 35 years. Since its inception in 1982, the primary focus has been private-labeling hearing aid batteries, though it has also included packaging and distribution of lithium coin cell and silver oxide batteries as well. At one point, as the only authorized North American distributor of Panasonic Industrial Devices for all of these products—they have since developed extensive relationships with other leading multinational brands to expand their footprint. Today, as the largest independently owned zinc-air hearing aid battery distributor worldwide, Audio Energy has customers ranging from the Fortune 100 companies to those located on Main Street, USA.
Trying to help clients stay out of the courtroom may seem a bit ironic coming from former judges who made their livelihood for many decades in New Jersey courtrooms, but as the legal environment has changed, so has the need for skilled mediators. With more than 100 years of legal experience, the Firm boosts one of the most experienced mediation and arbitration practices in New Jersey. “Litigation in many cases is the best route, but when parties are willing to work together or the expense of a protracted court battle is untenable, we have a practice for that,” said Judge Vichness (ret.) And today more and more business owners are realizing the impact that mediation and arbitration can have on their cases and the practice is thriving.

From custody disputes and divorce settlements to cases involving personal injury, construction, medical malpractice, employment and contracts, the ADR team at Mandelbaum Salsburg has both mediated and arbitrated a range of issues over the last year for clients.

An advantage to using mediation according to Judge Diamond (ret.) is that, “if both parties keep an open mind, when the session is complete and they resolve their differences they can say to themselves that the result came from their input rather than a judge who doesn’t know anything about them.” Judge Vichness (ret.) adds “It is more important as the mediator to understand the problem than the money involved. After 2 hours of a mediation you probably haven’t even heard me mention money. It’s about trust. Resolutions come when the parties get to the root of their problem.”

It is the depth of the department which makes it truly unique in New Jersey. Judge Diamond (ret.) brings a wealth of family court experience having served as a Judge for the Passaic County Family Division for 16 years, 8 years as the Presiding Judge and 2 years as the Chairman of the State Conference of Presiding Judges. Judge Vichness’ (ret.) experience is on the commercial side, having spent a portion of his 18-year Superior Court tenure as a Business Court Judge presiding over commercial and complex matters. Because of their extensive experience, Diamond and Vichness are often brought in to case manage labor and employment cases to successful resolution.

In New Jersey, as well as the underlying insurance coverage issues. He is qualified as a Certified Mediator by the National Judicial College. Steven Adler, who also Co-Chairs the Employment and Labor practice has extensive experience mediating labor and employment cases to successful resolution.

Of further benefit to the Firm’s clients is that our attorneys from all departments often seek out our retired judges, who are in-house at the Firm, to provide insight as former judges of what will happen in the court room. This is invaluable in difficult or complex cases where they are able to coach our attorneys on how to handle specific inquiries in the courtroom. They also often are brought in to meet with clients to answer questions.

**UNIQUE RESOLUTION IN COMMERCIAL CASES**

“In many cases, parties come to the table with a number in mind. An advantage to using mediation to resolve commercial cases is that a party can be creative with their payments and stretch payments out to meet the other party’s number and to make it feasible for them. By stretching payments over the course of 5-10 years it helps parties to come to an agreement quicker. This is an option often not available if the case had gone to court.”

– Judge Michael Diamond (ret.)

**TRIAL OR SETTLEMENT?**

**SPECIAL MASTER ROLE**

The use of a Discovery Master or Special Master can help parties to prepare their cases for trial or settlement. It allows the attorneys to resolve issues without being restricted by the Court’s schedule. Mandelbaum Salsburg’s retired Judges offer more than 25 years on the bench and they often times use their experience as the Presiding Judge in Family or the Business Court Judge to either help settle a case or get a case to trial.

The Firm provides services as a Discovery Master by calling upon the experience of its Superior Court Judges. We are able to relieve the court of having to deal with discovery issues as cases proceed toward trial. In appropriate cases the appointment of a discovery mast will allow the Court to concentrate on more substantial matters.

In addition, our judges serve as Special Masters in complex cases. A special master may be appointed with the approval of the Assignment Judge and the consent of all of the parties. Subject to any limitations placed in the order of appointment, a Special Master may do any acts that are necessary or proper to efficiently perform his duties.

The use of a Discovery Master or Special Master can help parties to prepare their cases for trial or settlement. It allows the attorneys to resolve issues without being restricted by the Court’s schedule.
CHILD SUPPORT LAWS IN 2017

In February 2017 the child support collection procedures changed when a new statute took effect, making the obligation to pay child support more rigidly fixed. Now, a child support obligation automatically terminates, without either party doing anything, when a child reaches 19 years old. However, a party can seek a court order or parties can agree that the child support be extended until age 23 if certain conditions are met, such as attending college, but not beyond that age. Going forward every order needs to include the cutoff date of the support, which is the relevant birthdate of each child. The law on emancipation in New Jersey has not changed despite this new statute. Thus if a divorcing couple agrees that a child is not emancipated until age 25, due to continuation in college, there is no way for the child support to be paid through the courts past 23. Unfortunately, if the child is disabled and requires continuing support after age 23, it becomes more difficult. At that point the child support would need to be called something else and needs to be paid directly. The probation department will not be able to help collect the support, interstate collection will be more burdensome and the penalties for nonpayment are removed.

SUCCESSFULLY EFFECTING THE DIVISION OF RETIREMENT ACCOUNTS

"In addition to handling all aspects of divorce, Mandelbaum Salsburg’s Family Law Practice Group is often brought in to litigate post judgment motions. Post judgment matters address any issue that may arise after a Court has granted a Judgment of Divorce and, in most cases, when the parties have fully executed a Marital Settlement Agreement."

- Lynn Strober, Chair Matrimonial and Family Law

Throughout 2017, Mandelbaum’s Family Practice Group handled a variety of post judgment matters including but not limited to modifications of alimony, requests to relocate with minor children out of state, requests to modify parenting time, custody, and child support, and the enforcement of various provisions in a party’s Matrimonial Settlement Agreement (MSA).

- In a recent case, a client whose divorce was finalized in 2001 had tried unsuccessfully with two other attorneys, over a fifteen-year period, to effect the division of an IRA held by her ex-husband. At the time of our retention, the client had accumulated statements for the account from 1996, the time of the Complaint, to 2001, the time of the divorce. However, our client never received the account statements from 2001 to date. The client was to receive all passive gains or losses to the date of distribution pursuant to the terms of the MSA. The husband had since moved out of state, and refused to supply any. After two successful applications to the Superior Court, the husband was required to provide all outstanding statements, retain the actuarial firm outlined in the MSA to create an analysis of the account, and she was granted a limited power of attorney to execute all documents necessary to effect the rollover of the retirement funds. All attorney fees were added to our client’s share of the rollover as well.

- In another case our client was owed significant arrears and alimony and her ex-spouse worked out of state and was difficult to serve. He was eventually arrested and incarcerated for non-payment; he was released upon a negotiated, substantial payment. Efforts are under way to utilize his retirement funds. All attorney fees were added to our client’s share of the rollover as well.

Many of our cases have issues that develop during and after divorce that can require significant efforts to resolve in the best interests of the client. Frequently, these cases require ongoing negotiations to creatively achieve a successful settlement outside of the Court or limiting the involvement of the Courts. The settlement of a divorce case outside of Court can be better for the privacy of the client and allow the client to retain control over the outcome. With significant negotiations and positioning, our clients have been able to receive excellent results both before divorce and in post-judgment matters.
“Since the Group’s founding in 1930 we have utilized a multi-dimensional approach to representing land owners, developers and lenders in navigating through the various issues raised in every phase of acquisition, finance, development and leasing.”
– Barry Mandelbaum, Chair, Real Estate

Real Estate & Land Use

BUILDING OPPORTUNITIES ACROSS THE U.S.

The Firm’s Real Estate Practice Group’s reach extends beyond New Jersey into the Tri-State area as well as throughout the country with transactions being handled in such states as Connecticut, Delaware, Maryland, Virginia, South Carolina, Florida, Texas and Arizona. We guide our clients in all aspects of real estate investment and development.

A SNAPSHOT OF 2017’S SUCCESSFUL TRANSACTIONS:

NATIONAL FOOTPRINT

The practice extends beyond New Jersey into the Tri-State area as well as throughout the country. We closed a large refinance of a condominium hotel complex located in Panama City, Florida. We represented clients in the acquisition and sale of large industrial buildings in Connecticut and North Carolina and have negotiated long term leases for users at these buildings.

REPRESENTING BORROWERS UTILIZING INTELLECTUAL PROPERTY AS SECURITY

We recently represented an international company headquartered in New York in a $50M asset based financing obtained from a major Chicago lender secured by multiple patents and trademarks.

INTERNATIONAL BOND OFFERINGS

The range of our practice extends beyond the borders of the continental United States to assisting and completing several bond offerings in Israel in amounts totaling $180M and we are working on additional such offerings for several clients.

CUTTING EDGE WORK

We are on the cutting edge of the legal transactional world by combining a number of disciplines, including but not limited to the representation of a developer in obtaining approvals for a project consisting of a solar field, affordable housing, single family lots, townhouses and apartments.

MIXED USE PROJECTS

The firm has assisted in every phase of the development process from formation of the entity, acquisition of the real estate involved, obtaining needed land use and site plan approvals and project related financing. This year we worked on multiple mixed use projects, one of which consisted of 300 residential apartments, a senior housing component, 100 single family lots, retail development and a medical arts building in Washington Township.

MAJOR EXPANSIONS OF FACILITIES

We also assisted in numerous projects encompassing major expansions of existing facilities, the most recent of which consisted of a very large commercial bakery. We represented the developers in closing and financing of an $18M acquisition of two medical office buildings in Pennsylvania as part of a 1031 Exchange, as well as obtaining a $12M construction loan for a 58,000 square foot retail project in Lodi, New Jersey.

SALES OF LARGE APARTMENT AND OFFICE SPACE

We have assisted clients in a number of significant sales such as a $6.4M sale of a 52 unit multi-family apartment complex in Edison and an $18M sale of a 200,000 square foot office building in Mt. Arlington, New Jersey.

ACTING AS LENDER’S COUNSEL

As lender’s counsel, we closed loans on a variety of significant and interesting projects, ranging from construction loan financing for a new hotel in New York City, a residential condominium complex on the Jersey shore and a new apartment complex in Lyndhurst. We have represented clients in the purchase and financing ($16M) of flexible space in Elmsford, New York, as well as a $15M acquisition with senior and mezzanine financing of a multi-building 400,000 square foot office park in West Orange, New Jersey.

UNIQUE TRANSACTIONS

One of our more unique transactions involved representing a client who purchased a 90,000 square foot office building in Manalapan, New Jersey for $9.5M and a shopping center via an online auction which in and of itself presented a number of challenges which we overcame to a successful conclusion.

SOPHISTICATED LEASING

We also have a sophisticated and experienced leasing team wherein we represent both landlord and tenants in connection with the leasing of shopping centers, office buildings, mixed-use developments, as well as industrial and manufacturing facilities.

LAND USE, ZONING & ENVIRONMENTAL

We have vast experience in zoning, urban renewal, planning and environmental matters including obtaining use and dimensional variances, site plan and subdivision approvals and environmental permitting for multiple projects many of which involve environmentally sensitive areas, brownfield, wetlands and coastal areas. We also secured the general development plan on a 100 acre site for 160 apartments, a solar field and 100 residential lots.
PROPERTIES SPANNING THE COUNTRY

FULL SPECTRUM COUNSEL TO A LENDER

Our Environmental Law Practice Group represented Cantor Commercial Real Estate Lending, L.P. ("CCRE"), as environmental counsel to the lender in seven separate portfolio loan transactions that included collateral consisting of over 60 properties located in 15 different states. Environmental reviews were performed on each property and the environmental conditions and risks were evaluated and expeditiously managed. In addition to the typical environmental indemnification agreements, on several portfolios environmental insurance policies were negotiated and purchased by the borrowers to protect CCRE, its successors and assigns, from claims for bodily injury, property damage, cleanup costs and business interruption for all known environmental conditions and any new conditions that are subsequently identified at, on, under or migrating from the collateral.

HIDDEN PROBLEM? FOUND AND SOLVED

Environmental Property Remediation Litigation

The Environmental Practice Group’s litigation area has also been active this year. A member of the department was retained as an expert witness to provide testimony interpreting the language of a real estate contract for the sale of a contaminated property. In addition, the Department successfully defended the purchaser of a contaminated commercial site in a foreclosure action brought by the holder of our client’s purchase-money mortgage, that resulted in an arbitration award dismissing all claims against our client and the awarding in the client’s favor of all costs required to complete the remediation of the property, including attorneys’ fees incurred in the course of overseeing such remediation.

FIRM HITS GRAND SLAM FOR CLIENT

Mandelbaum Salsburg had a client looking to sell an old commercial/industrial property in Newark. We had a Phase I environmental site assessment, the only noteworthy issue in which was a sentence indicating that in the 1930s the building had been used for hat manufacturing. Since we knew from the Mad Hatter in Alice’s Adventures in Wonderland what made hatters go mad, we were concerned that those hat manufacturing operations may have used mercury, an expensive hazardous substance to clean up if present. We recommended that the client purchase an environmental insurance policy before permitting any contract purchaser to do any environmental tests during its due diligence on the property. We negotiated and procured the policy for the client. Long story short, the contract purchaser tested for mercury and found it throughout the lower floors of the building. The insurance company has confirmed that we now have $2 million in insurance coverage to assist with the remediation of the mercury in the building. While we’ve assisted clients with the purchase of environmental insurance policies for over 300 properties, this is one of the better examples of that solving a problem the client didn’t even know it had.

PROPERTY REMEDIATION LITIGATION

The Environmental Practice Group’s litigation area has also been active this year. A member of the department was retained as an expert witness to provide testimony interpreting the language of a real estate contract for the sale of a contaminated property. In addition, the Department successfully defended the purchaser of a contaminated commercial site in a foreclosure action brought by the holder of our client’s purchase-money mortgage, that resulted in an arbitration award dismissing all claims against our client and the awarding in the client’s favor of all costs required to complete the remediation of the property, including attorneys’ fees incurred in the course of overseeing such remediation.

INDUSTRIAL SITE RECOVERY ACT

The Environmental Law Practice Group successfully assisted a New Jersey wire and screw manufacturing company in complying with the Industrial Site Recovery Act ("ISRA"), as well as the ultimate sale of its property. As part of a dispute settlement between shareholders, a significant environmental escrow was established to fund the cleanup. The investigation and proposed cleanup were complicated by several factors: groundwater contamination migrating on-site from an off-site source, the presence of historic fill, vapor intrusion concerns, drainage ditches and wetlands. After being engaged, our environmental attorneys critically reviewed the existing consultant’s proposed remedial action plan and its cost. The biggest line item of the proposed cleanup involved purchasing very expensive wetlands credits in order to fill wetlands that would cap the contaminated historic fill material located in the wetlands areas on-site. We recommended switching Licensed Site Remediation Professionals, the individuals licensed by New Jersey to sign off on cleanups, to one who thinks creatively and understands business considerations along with what the environmental regulations actually require versus what would be safe and easily accepted by the New Jersey Department of Environmental Protection. The new approach involved procuring a soil remedial action permit that required the placement of fencing along the property boundary restricting access to the wetlands instead of a cap and seeding the wetlands to enhance the area. Based on this approach, the client received a cost efficient ISRA case closure with the issuance of a Restricted Use Response Action Outcome and the majority of the environmental escrow will be returned to the client and the settling shareholders. Our attorneys negotiated an Agreement of Sale pursuant to which the buyer agreed to release all past and future environmental claims against our client, to indemnify them against any future environmental claims by third parties, and to put language in the Deed designed to bind all future owners of the property to provide the same release and indemnity in favor of our client.
Litigation

A MATTER FOR PERSPECTIVE

TO LITIGATE OR NOT TO LITIGATE

Although we understand and embrace the necessity at times of aggressively litigating a matter in court, providing sound pre-litigation, negotiation, counseling and settlement strategies are of equal importance to what ultimately occurs in a court room. Our attorneys excel in mediating and arbitrating disputes. Our focus always remains on the specific needs and goals of the particular client. Michael Saffer and Arthur Grossman, Co-Chairs of the Firm’s Litigation Practice Group Offers the following three things that one should consider when deciding whether to litigate.

• Ask yourself if the litigation is going to satisfy your cost objective. If your objective is to collect money damages, determine whether the anticipated amount to be collected and the anticipated attorneys’ fees and costs justify the litigation and whether the defendant has the financial wherewithal to satisfy the anticipated judgment.

• Consider the distraction litigation will bring. You will have to set aside time from your business and personal life to assist your counsel in the time consuming tasks of answering written questions, preparing for depositions, assisting your counsel in preparing to depose the adverse party and preparing for and participating in a trial.

• Consider the emotional toll. If you are suing or being sued by your former business partner, a relative or someone you were close to in business, there can be a significant measure of emotional involvement which can distract from your business focus.

PROTECTING OUR CLIENT AGAINST UNFAIR CLAIMS

A MAJOR VICTORY IN ENVIRONMENTAL LITIGATION

Cheryl Burstein, a partner in the firm’s commercial litigation department, with assistance from partner Stuart Gold, recently obtained a major victory for one of Mandelbaum Salsburg’s contractor clients in an environmental lawsuit brought by the New Jersey Department of Environmental Protection (“NJDEP”). The NJDEP sought hundreds of thousands of dollars against our client, claiming that it and three other contractors had violated the Waterfront Development Act, Solid Waste Management Act and the Spill Act by bringing clean fill to a site in Middlesex County. Cheryl successfully moved to have the claims against our client dismissed on summary judgment. The court agreed with her arguments that the Waterfront Development Act did not apply to them, the Solid Waste Management Act was inapplicable to their activities and that the client had no liability under the Spill Act. The court dismissed the complaint as to our client without the need for a trial.

EXCLUDING EVIDENCE THAT SAVED A CLIENT MORE THAN $1 MILLION

Mandelbaum Salsburg’s Litigation Practice Group attorneys Michael A. Saffer and Arla D. Cahill recently tried to conclusion a case involving a bank that was accused, as trustee of a 1975 trust, of failing to notify the trust’s beneficiaries that the bank was investing trust assets inconsistent with the directions of the 1975 trust. At trial, our firm was able to exclude the opinion of an expert who argued that the beneficiaries were entitled to more than $1 million in certain damages. Our firm successfully argued before the Chancery Judge that the expert opinion should have been disclosed before trial and, therefore, its introduction at trial was prejudicial to the bank. That ruling reduced the bank’s exposure at trial by more than $1 million.

FINDING CREATIVE, OUT OF THE ORDINARY SOLUTIONS

We always need to be creative and think outside the box in order to resolve difficult cases. We recently handled a shareholders’ dispute among family members who had long simmering issues regarding the operation of their business. Rather than filing an emergent application to secure a restraining order/injunction to prohibit the defendant shareholder from taking a series of adverse actions on behalf of the company. We recognized that since there was such bad blood between the parties and the conduct of the defendant wasn’t that harmful (unlike what we routinely see in other cases), we opted to take a different approach in the hopes of a swift and less costly resolution. We held a formal shareholders’ meeting which enabled the parties to voice their concerns and to some degree come to a resolution of some of the more important issues. This lessened the animosity among the family members. Since there were still issues to be resolved, we did have to file suit and the parties immediately agreed to reasonable restraints so as not to harm the business. In that atmosphere, we promptly started settlement discussions as opposed to taking expensive depositions and discovery. With a substantial amount of negotiation and give and take, we were able to settle a complicated shareholder dispute – where everyone wound up with a good deal at a relatively minimal cost.

WWW.LAWFIRM.MS/COMMERCIAL-AND-CORPORATE-LITIGATION
PROVIDING THOUGHT LEADERSHIP IN A DIFFICULT CORPORATE CLIMATE

Throughout this past year the Labor and Employment Practice Group was again at the forefront of this dynamic and ever-changing field of law. Members of the Group participated in a number of national podcasts for the American Bar Association on sexual harassment at law firms, were interviewed by The Economist, CNBC, New Jersey Biz, The Asbury Park Press and Return-On-Information-NJ concerning rampant sexual harassment in the entertainment and other industries, spoke on NewsTalkRadio 77 WABC and WBGO on current employment law topics, gave a presentation at the annual SHRM State Convention and wrote for such publications as the New Jersey Law Journal.

The Labor and Employment Practice Group also was active in traditional labor law, representing employers in various matters before the National Labor Relations Board (“NLRB”), in collective bargaining agreement arbitrations, litigation with labor unions and defending million dollar ERISA withdrawal liability claims asserted by multi-employer pension funds.

SUCCESS HIGHLIGHTS OF 2017:

• Fighting an NLRB union election petition to expand the union’s representation of our client’s workforce. As a result of the election, the union was voted out entirely from representing any of the employees.

• Defending clients in arbitrations and federal court litigation in which union health, welfare and retirement funds were seeking hundreds of thousands of dollars in allegedly unpaid contributions.

• Leading an internal investigation for a publicly traded company concerning possible breaches of fiduciary duty by the President and a Director of a subsidiary company who were believed to be operating a side business using the subsidiary’s resources. The investigation involved reviewing tens of thousands of electronic documents and resulted in the termination of both executives without our client paying any compensation under the executives’ employment agreements.

• As reported in the New Jersey Law Journal, receiving a significant fee award for our client, a publicly-traded diversified financial services company, in a case where the United States District Court in New Jersey confirmed a $3.5 million arbitration award we obtained under the Computer Fraud and Abuse Act and various common law claims.

• Defending a whistleblower law suit brought under the Federal False Claims Act in federal court in New York, in which plaintiff claimed our client had not renewed his contract as “principal investigator” under a grant-based study involving opioid addiction among young adults in New York City due to his alleged whistleblowing activity. The action ended with plaintiff dismissing all of his false claims allegations.

• Defeating the efforts of a large medical practice to enforce a very restrictive non-compete agreement against our client, a pediatric neurosurgeon, thereby enabling our client to start his own medical practice immediately and fill a void in New Jersey for his sub-specialty.
FROM ONE SUCCESS TO ANOTHER

A BRAND NEW ROLE

Mandelbaum Salsburg Member and Chair of its Tax Practice Group, Steven Holt, recently represented Anshuman Vohra, the founder of Bulldog Gin, in negotiating his exit from Bulldog as a seller and negotiating his new role as brand ambassador. The Bulldog business and brand were sold to Campari, a global company (6th largest spirits company in the world) with an enterprise value of $6 billion. The deal involved cross border tax matters and strategies.

EXEMPT ORGANIZATIONS TAX PRACTICE

Steven Holt completed his first year as Board President of the National Development and Research Institutes (NDRI), a prominent organization engaged in public health research projects particularly focused on addiction. NDRI conducts cutting edge research and has advanced public health across diverse populations including high-risk persons, uniformed services personnel, youth and veterans. While serving as Board President, Mr. Holt organized a successful Board and Management retreat designed to explore and develop long range initiatives under the supervision of the talented management coach, Gary Schuman of CDL Consulting. The retreat led to the formation of the NDRI Entrepreneurial Exploration Committee which will explore opportunities to attract grants from non-government agency sources and develop collaborations with like-minded organizations. Through its Exempt Organizations Practice Group, the Firm also represents NDRI as general counsel, including in litigation and litigation support matters.

ERISA AND TAXATION PROBLEM-SOLVER

Martin D. Hauptman, Chair of the ERISA Practice within the Tax Group, continues to distinguish himself as one of the premier ERISA attorneys and “problem solvers” in New Jersey. Martin successfully assisted a client with a retirement plan qualification issue that, if not resolved, would have exposed our client to severe penalties and the possible disqualification of this company’s retirement plan. Our client discovered that an employee had been inadvertently omitted from the profit sharing plan for eight years. The firm successfully submitted the plan qualification issue to the Voluntary Compliance Program of the IRS. The IRS accepted our proposed correction. The employer calculated the contribution due based on the salary of the employee in each of the years. In each of the years, the employee’s account was credited with the average earnings of the plan. Upon submission of proof that the employer made the contribution to the plan, the IRS issued a favorable letter with regard to the plan’s qualified status retroactively.

Drawing on his experience in representing foreign companies seeking to enter the US markets, Martin D. Hauptman also assisted a Singapore corporation engaged in software development to enter the United States market. He created a Delaware corporation to serve as a “blocker”. As the company expanded its sales force in the US, the firm assisted in registering the corporation in multiple states. We drafted employment agreements for sales people throughout the United States and helped build the company’s workforce.

THREE NEW CLIENTS IN THE CONSUMER GOODS INDUSTRY

Fueled by the Firm’s 12 year representation of the Tumi brand as outside general counsel, the Firm was engaged in 2017 by three new clients in the consumer goods industry for representation in connection with a variety of matters. We are proud to have welcomed David Peyser Sportswear, Zero Halliburton and American Luggage Group as new clients.

Zero Halliburton is headed by Tom Nelson, the former Senior Vice President – Asia for the Tumi brand. While at Tumi, Mr. Nelson worked with Firm Members Steven Holt and Casey Gocel on various matters involving Tumi’s foreign based operations, including international distribution arrangements and strategies, global intellectual property matters, retail development, brand development and protection initiatives, tax and import matters. The Firm is excited to bring its skills in these areas to the Zero Halliburton brand as it continues its successful expansion into the US. Since 1938, Zero Halliburton has focused on traveler’s needs, including the creation of lightweight aluminum travel cases. Today, it features a series of lightweight attaches and travel cases using the latest material and technology advances. The Firm will work with management on various legal matters, including intellectual property, security and privacy, distribution, and branding strategies.

David Peyser Sportswear, Inc., a family-owned business, was founded in 1948 and manufactures and markets high-end outerwear and sportswear under the brands Weatherproof Garment Company (men’s outerwear sold in top department stores) and MV Sport brands (sweats, tees, blankets, and athletic apparel). The Firm is working with this business and its owners on governance and planning.

American Luggage Group was formed by Charles Clifford and Larry Lein, former Tumi executives, and Neil and Jason Saks, veteran specialty luggage retailers. Charlie was the founder of Tumi and longtime CEO, and Larry developed the marketing strategy which resulted in Tumi becoming a global brand. The Company is designing unique luggage products, and its innovative business model will allow consumers to customize their luggage purchases. The company expects to launch in Q2 of 2018.
IRREVOCABLE TRUSTS

Staying on the forefront of changes to the laws that directly impact our clients is something the Trusts & Estates Department at Mandelbaum Salsburg prides itself on. In May of this year Steven Holt, the Practice Group’s Chair authored an article for New Jersey Business on the topic. There are “new opportunities for trustees and beneficiaries to change inflexible irrevocable trusts. The new laws apply to all express trusts formed during lifetime or under a will, and represent a sweeping over-haul of the law of trusts in New Jersey,” said Holt. Previously, a New Jersey irrevocable trust could be modified only with court involvement, a process that could be costly, time consuming, and yield uncertain results. Now, a non-charitable irrevocable trust can be modified or even terminated by consent “if the modification or termination is not inconsistent with a material purpose of the trust.” Notably, a spendthrift provision in a trust is not presumed to constitute a material purpose, which means that a modification by consent that could expose the trust assets to claims of a beneficiary’s creditors is permitted.

A permitted modification or termination of a trust requires the consent of the trustee(s) and all of the beneficiaries. If a beneficiary is a minor child or otherwise lacks the capacity to consent, such person's parent or guardian can usually consent to the modification or termination on behalf of such person. Similarly, a trustee may represent and bind the beneficiaries of a trust.

Since many trusts are designed to last for many years or over many generations, it is impossible to anticipate all events that may occur that could affect beneficiaries and/or the assets of the trust. Thus, there are many circumstances where the flexibility to modify a trust will be valuable to address these changes to accomplish more completely the purposes of the trust, protect families and even save taxes. Some examples are:

- A trust that contemplated the equal division of assets among a group of beneficiaries upon the occurrence of a certain event could be changed to alter the shares to account for financial inequities among the beneficiaries.

- A potential successor trustee that has fallen from favor could be removed as a potential trustee.

- A trust that provides for the distribution of assets to a beneficiary at a certain age could be changed so that the assets will be held for a longer period or for the beneficiary's lifetime, to protect the assets from creditor claims and potentially reduce estate taxes.

- Provisions requiring cumbersome administrative duties, such as regular accountings, could be removed.

- Trustees are welcoming the flexibly for dealing with complex trust arrangements. The possibilities are now endless, particularly given the broad grant of authority, limited only by the nebulous “material purpose” qualifier. The new law gives a new meaning to the concept of an “irrevocable” trust.

The above is reprinted from a May 2017 New Jersey Business article.
Keeping pace in an ever-changing industry

In 2017, the healthcare market in the Tristate Area has experienced a significant uptick in state and federal prosecutions, third party payor audits/investigations and professional board actions. Under heightened scrutiny, healthcare providers and businesses have no choice but to reform their existing structures in an effort to reduce the likelihood that they will be ensnared in prosecutions/investigations. The major development in healthcare law this past year was the New Jersey Supreme Court decision in All State Insurance Company v. Northfield Medical Center. In Northfield, the New Jersey Supreme Court handed Allstate Insurance Company a victory over certain co-defendants who actively promoted a model whereby a chiropractor would effectively own and control a medical practice (through a management company and direct equity in the MD/DC practice), despite the existence of guidance that required that the plenary licensed provider (i.e., the MD or DO) own a majority of and control the professional entity. Despite the co-defendants’ efforts to escape liability under the New Jersey Insurance Fraud Prevention Act (the “IFPA”) on, among other bases, their lack of knowledge of the illegality of the structure, the Supreme Court held that the co-defendants knew that the structure they had promoted violated the law.

The Northfield decision underscores the need for multi-disciplinary practice arrangement and “Friendly PC” or “MSO” arrangements be carefully structured such that a licensee is not “controlled” by a non-licensee or a licensee with an inferior license. Aside from its impact on physician-owned multi-disciplinary practices and physician-based management company arrangements, the Northfield decision also has serious adverse implications for the hospital “captive practice model” in which, in most instances, a hospital has effective control over a medical practice entity.

Over the past year, the attorneys in our Healthcare Law Department have worked with many of their clients to restructure their multi-disciplinary practices (including the licensure of these practices as Ambulatory Care Facilities), as well as their arrangements with MSOs, DSOs and hospital captive medical practices, in an effort to comply with the Northfield decision.

The mantra of the Mandelbaum Salsburg Healthcare Law Practice Group, headed by Co-Chairmen Dennis Alessi and Mohamed Nabulsi, is that healthcare is the most heavily-regulated profession and business in America. Given the complex web of regulations governing the healthcare industry, representing healthcare providers and businesses requires not only a keen awareness of the various healthcare laws and regulations implicated by the same, but also a creative, 360°, problem-solving approach. Our Healthcare Law Department, in conjunction with the Corporate, Litigation, Tax, Banking, Real Estate, and White Collar Criminal Law Departments, provides a complete panoply of legal services required by healthcare providers and businesses. One of the distinguishing features of the Mandelbaum Salsburg Healthcare Law Department is its ability to approach a transaction with the philosophy of “how to get it done”, and not “why it cannot be done.”

In the litigation realm, the Practice Group, in conjunction with the White Collar Criminal Law Practice Group, has represented physicians, pharmacists, chiropractors, healthcare facilities, dentists and non-physicians in investigations by federal and state law enforcement agencies and private insurance carrier fraud investigation units, alleging billing fraud, impermissible kickback schemes, and other violations of federal and state healthcare laws. Practice Group attorneys have also been very actively involved in representing healthcare professionals before various Licensing Boards in New Jersey and New York in disciplinary matters, and in fair hearings before Medical Staff Associations over adverse actions affecting medical staff members/clinical privileges.

The Practice Group has also been actively involved over the past year in many types of transactions, including representing a group of investors in bidding to purchase a nursing home to refocus it specifically to meet the needs of the large, elderly ethnic community. Attorneys in the Department, along with others in the Banking Department, have represented clients in major financing arrangements, with both private equity and traditional lenders, to finance the expansion and development of healthcare practices and facilities in New York, New Jersey and Pennsylvania.

The Transaction of healthcare
There's nothing like this drug out there,” says Peter Levy, The numbers are staggering. Nearly 4 million concussions were reported in 2015 according to the CDC – more than double the number reported a decade ago. Among those who sustain multiple concussions, nearly four in ten will suffer permanent neurologic disability. Concussions are up in men, women, boys and girls in every sport at every age – and up until now, the only treatment option has been to watch, wait, and hope for the best. But that could be changing soon, thanks to the breakthrough work of Scythian Biosciences – a Canadian startup and a Mandelbaum Salsburg Life Sciences client.

A GAME CHANGING TREATMENT

Head trauma can lead to health risks on multiple fronts: damage from impact, damage due to inflammation, and damage to tissue caused by the body’s immune response. Today’s concussion protocols do little to address the latter two issues. But Scythian’s injectable drug upends traditional treatment models by reducing inflammation within hours of an incident rather than waiting for nature to take its capricious, and sometimes debilitating, course.

“There’s nothing like this drug out there,” says Peter Levy, Mandelbaum’s Life Sciences Chair, who has helped Scythian navigate the rough waters of FDA regulation and early clinical trials to advance the drug to its current state. “It’s a game changer.”

So much of a game changer, in fact, that Scythian and Mandelbaum have already secured more than $27M in capital and earned the support of both the NFL Alumni Association and the University of Miami – powerhouse stakeholders brought to the Scythian table by Levy and Mandelbaum’s Life Sciences team. The U of M and its nationally recognized UConcussion group will spearhead research on behalf of Scythian as the drug moves through its trial phases. Scythian’s early success and strong infrastructure led to its quick launch as a public company; as of this writing, the stock is trading well over 400% above its initial listing.

Of course there’s much more to bringing a significant new drug to market than getting powerful people to the table – or even providing legal services. “Any good firm can write a contract or a private placement memorandum,” explains Levy, who spent nearly a decade running two public companies before joining Mandelbaum in late 2015. “Providing strategic alternatives and outside-the-box thinking to an early-stage client is as important as legal counsel – maybe even more so.”

Some of that strategic counsel involves helping a company to articulate its value proposition – a key to securing funding for a startup that relies on bleeding edge technology. “You have to make clear what your product accomplishes, to the average, intelligent person – especially in biotech,” says Levy. “So many great ideas die on the vine if they can’t do an elevator pitch.

Connections and networking are critical, too – especially in Life Sciences, which has such a limited universe of funders. “There are only about a dozen or so firms that routinely invest in this sector,” says Levy. “We’re fortunate to be connected with many of them. It’s a big advantage for us.”

FLEXIBILITY, PROTECTION AND GUIDANCE

While strategic guidance and access to funding are must-haves for any startup, a law firm really earns its keep with Life Sciences companies when it comes to protecting their most important assets: their intellectual property. For Scythian, this meant meeting the considerable challenge of filing a broad-based U.S. provisional patent application for concussion drugs that affect the endocannabinoid pathway. “Filing a patent that is both descriptive and likely to be approved is an art,” says Levy. “You have to protect their IP, and you have to do it quickly – you’d be surprised how many people come up with the same idea within days of each other, so you have to be fast.”

You also have to be able to roll with the punches: A startup that goes public rarely resembles its embryonic self – a reality that brings unique lifecycle challenges that require flexibility and a broad range of legal skills to overcome. “When Scythian started out they thought their patent was going to be for a gastrointestinal drug – until they realized what it could do for concussion,” says Levy. “They completely switched direction, and we had to make sure they were ready for it.”

With so much course correcting, the smart bet for a law firm working with a startup like Scythian is to help the company develop a leadership team and governance practices that can guide decisions through the chaos of ramp-up – another form of legal art.

THE IMPORTANCE OF EMPATHY

In the end, the most valuable asset a firm like Mandelbaum can offer a startup like Scythian may not be legal advice, connections or strategic counsel, but something even more fundamental to the lawyer/client relationship: empathy.

“A startup needs to know you understand the mindset and challenges and rhythm of a company that doesn’t know if it will be able to keep the lights on in a few months,” says Levy. “We know the mindset because we’ve been there with clients.”
Ron Coleman is widely known as one of the author of some of the most influential blogs in IP law, Likelihood of Confusion (www.likelihoodofconfusion.com) and for his involvement in cases that have influenced the course of trademark law and helped shape the Internet business landscape. Recently named a Global Intellectual Property Leader by World IP Review, Mr. Coleman has also been designated a World Trademark Review “WTR 1000 Top Practitioner” for trademark litigation and a “Super Lawyer” for intellectual property litigation. A first-chair litigator and appellate advocate who has also pioneered use of social media in his practice, Ron has tried numerous cases throughout the U.S. and appeared before the U.S. Supreme Court and U.S. Courts of Appeal in the Second, Third, Ninth and Federal Circuits, the Trademark Trial and Appeals Board and the appellate divisions in both New York and New Jersey. Recently Ron led the successful effort to register THE SLANTS as a trademark on behalf of Asian American band leader Simon Tam, which in June 2017 resulted in the Supreme Court unanimously ruling in Mr. Tam’s favor. The high court’s finding that trademark registration could not, under the First Amendment, be denied on grounds of viewpoint resulted, most famously, in the dismissal of the attach on the trademark registrations owned by the NFL’s Washington Redskins.

Joel MacMull, who was also heavily involved in the landmark Tam case and appeared with him before the U.S. Supreme Court, focuses on high-stakes complex commercial litigation and intellectual property disputes, including copyright and trademark infringement, trade secret misappropriation, false advertising, “cybersquatting,” rights of publicity, as well as general contract and business tort disputes. Besides trying and arguing cases and appeals in state and federal courts as well as the Trademark Trial and Appeal Board. He has represented clients such as America Online, Inc., The Princeton Club of New York, PlentyofFish.com and Rensselaer Polytechnic Institute. A frequent speaker on a variety of intellectual property topics, Joel was a recipient of the International Trademark Association’s 2017 Volunteer Service Award for Pro Bono Services.

The Innovation Exchange was scheduled for an Autumn Saturday, and every time slot to meet with the panel was immediately filled. Mandelbaum Salsburg solved the problem by scheduling additional appointments in the weeks that followed. Inventions and ideas, both big and small, came from Pennsylvania, NYC and Long Island, as well as all over New Jersey.

Since the first Innovation Exchange session, Mandelbaum has added to its IP bench by bringing on veteran patent and technology counsel Lawrence Goodwin, resident in the firm’s New York City office. Protecting ideas is not limited to patents alone, of course. The diversity of entrepreneurial ventures that arrived in the Mandelbaum Salsburg Board Room led to suggestions in how to protect a trademark for marketing purposes, how to ensure imitation at first blush, what we were providing was completely unique. Our Innovation Exchange was designed to suggest and encourage, with the goal of giving these early stage entrepreneurs insight into how to protect their business concepts, finance their endeavors, and establish a competitive advantage.”

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Privacy, data, and cyber issues affect people and businesses around the world. Our legal practice is no different. We help clients with global issues and work across different disciplines, including cross-border, blockchain and virtual currencies, software development, licensing, policy development, legislation advocacy, training, contracts, dispute resolution, and cyber insurance.

We also help drive innovation in our backyard through our non-billable activities. We are committed to helping communities, businesses, and individuals make sense of rapid technological changes and addressing the cyber, data, and technology issues they face.

Some of our local initiatives during the past year include:

- Driving economic growth as a member of the advisory board of the Morris County Economic Development Council and chair of its cybersecurity & privacy committee.

- Sharing C-Suite perspectives by moderating panels featuring chief information security officers from Johnson & Johnson, Horizon Blue Cross Blue Shield of New Jersey, and Realogy Holdings, and chief innovation officers from Barclays, Atlantic Health, Verizon, UPS, PNY, and the NJ Innovation Institute.

- Addressing inequality around privacy rights and access to identity theft information.

- Strengthening public-private collaboration by working with state and federal law enforcement and first responders.

- Providing thought leadership as keynote speakers, authors, resources for media outlets, and advisory board members to security conferences.
Government Enforcement & White Collar Crime

A NEW PRACTICE DEDICATED TO HELPING CLIENTS WHEN THEIR REPUTATION AND CAREER ARE ON THE LINE.

We provide counsel during all stages of the investigation from subpoena and arrest through trial and appeal. With increasing governmental scrutiny on both individuals and corporations, it is more important now than ever – especially in the medical profession and the banking and securities industries – to understand the rules and necessary compliance measures.

fraud
/frôd/ noun

a. intentional perversion of truth in order to induce another to part with something of value or to surrender a legal right. b. an act of deceiving or misrepresenting

We've successfully defended healthcare practices under investigation for healthcare claims fraud by the Office of the Insurance Fraud Prosecutor, States Attorney General, County Prosecutors and U.S. Attorney’s Offices. In several instances, we negotiated favorable resolutions of various investigations, including agreements not to prosecute.

Fraud prevention is also a major element of this Group. In addition to defending clients from potential regulatory, criminal and civil complaints, Mr. Conforti and others within the group spearheaded crisis management and internal investigations for corporate clients who detected fraud by their staff or by outside sources. Relying on his prior experience as a prosecutor and previous work on behalf of insurance companies’ special investigation units, Mr. Conforti coordinated with law enforcement and insurers to facilitate self-disclosure agreements which resulted in swift and comprehensive resolutions.

SUCCESSFUL OUTCOMES FOR CLIENTS IN 2017

Our practice group attorneys have effectively resolved countless criminal and governmental investigations and tried hundreds of criminal and civil jury trials in state and federal court.

Areas in which our attorneys routinely practice include:
• Medicare fraud and billing audits
• Anti-Kickback Statute and Stark Act violations
• Accounting Malpractice
• Tax Fraud
• Healthcare Fraud
• Immigration Fraud
• Environmental Crimes
• Political Corruption
Municipal & General Criminal Defense

GETTING THE JOB DONE

EXPERIENCE COUNTS

2017 continued to be extremely active for the Firm’s Municipal & General Criminal Defense Practice Group which represents individuals, business professionals, and companies that are facing investigation or charges in the State, Federal and Municipal Courts of New Jersey. The attorneys within this Group have combined over 80 years of criminal law experience and include former Municipal Prosecutors, former 1st Assistant Public Defenders of Essex County and the former Acting Prosecutor of Essex County and criminal trial attorneys. Our attorneys have effectively resolved hundreds of criminal and civil jury trials in both state and federal courts. The Group aggressively defends municipal traffic violations, including but not limited to Driving under the Influences of Drugs or Alcohol, driving on the revoked list and other such offenses.

Members of the Firm’s Practice Group have defended matters before the Municipal Courts in New Jersey, including those arising out of Domestic Violence Claims and before the Superior Court Criminal Division for cases involving sexual offense, assault, robbery, theft, kidnapping and homicide. The Department relies on its experience in all matters and in all courts, to successfully defend any municipal or general criminal case it is presented with in an aggressive manner. The Firm also has attorneys on staff with extensive experience litigating criminal appeals and post-conviction matters in state and federal court as well as a White Collar Criminal Practice.

The department relies on its experience and an aggressive approach to successfully defend our clients.

Banking Litigation and Consumer Finance Defense

In 2017, the Banking Litigation and Consumer Finance Defense Practice Group led by Michael F. Bevacqua, Jr. and Michael Saffer, continued to work with national and regional banks and financial institutions in litigations throughout the US involving large portfolios of work and litigations that take place across state lines in multiple jurisdictions. In a recent case in New York, a career litigant was suing our client for violation of the Fair Credit Reporting Act. We were successful in getting the case dismissed against the bank on the merits. “Knowing the trends is paramount to our success,” says Saffer, Co-Chair of the Practice Group. “We conduct regular audits of the online court dockets to determine the latest litigation practices being used by debt reduction and consumer law firms, and proactively develop pre-litigation protocols and tailored litigation plans to protect our clients and quickly dispose of these claims. To that end, we receive docket alerts for any filings against banking institutions.” In another case, the Firm successfully defended a credit card company when they were sued in a charge back litigation dispute.

Our team of experienced trial lawyers has successfully recovered well over one hundred million dollars on defaulted loans and foreclosed and obtained title to many highly-valued commercial properties. We also have defended clients in hundreds of banking and consumer finance litigations throughout the United States. In the past two years alone, we defended over 150 actions in Florida, North Carolina, Maryland, Kentucky, Connecticut, Delaware, New York, New Jersey, Pennsylvania, Massachusetts, Vermont and Minnesota, with nearly all claims expeditiously dismissed with no payment by our clients. “Our group recovered more money from debtor-claimants than our clients paid out in settlements in these defensive litigations,” said Bevacqua, Co-Chair of the Practice Group. “Practically all of these actions are dismissed with prejudice on motion.” The Group continues to uphold its reputation as tough, talented, and tenacious litigators, who aggressively pursue dismissal of claims on the merits, with no payment in settlement.
The Personal Injury and Workers’ Compensation Department, represents victims of serious automobile accidents, dog bites, slip and falls, burn injuries, brain injuries, amusement park accidents, nursing home injuries, wrongful death accidents, and any other types of accidents and strives to compensate those victims for the injuries they sustain to the fullest extent of the law.

Taking on the “Goliath” can be a battle from day one. But fighting those battles helped the group recover millions of dollars in 2017 on behalf of its injured clients. The PI/WC Department has a core backbone of attorneys with over 120 years of combined experience. The PI/WC Department has seen almost every type of personal injury matter possible. Not only does it bring successful results and large recoveries to clients and referring attorneys, but it is immensely proud of the fact that in many cases, these wins also result in changes in policy or product design for defendants. “We’re constantly learning new things about Personal Injury law,” says Peters, who has practiced for over 40 years in the field and Co-Chairs the Practice Group out of the Firm’s Edison, NJ office.

The Department’s mission statement is to provide a personal touch experience with all clients, where the client comes first. Relationships are everything to the attorneys of the PI/WC Department, because at the core of those relationships is one thing: trust. Trust that the department brings skilled advocacy, creativity and aggressive representation to each case. Most importantly, trust that the department strives for the maximum recovery possible every time. “Despite the practice constantly changing, making clients whole again and understanding the challenges each client faces in the aftermath of an accident is our responsibility” says Discenza, who Co-Chairs the Practice with Peters.

Each case is handled by an experienced attorney who is in constant contact with the client. The Group believes that talking to someone who has made his way through the legal and insurance mazes before brings some amount of comfort to each of the clients they deal with.

The PI/WC Department supports clients whenever and however they are injured. The Department handles all matters on a contingency fee basis only and advance all costs necessary to effectively represent our clients. No fee is paid unless the case is won or settled. The Department is now nine (9) attorneys strong and includes Joseph Peters (Co-Chair), Joseph Discenza (Co-Chair), Charles Lorber, Michael Bevacqua Jr., Manuel Grova, Jeffrey Grabelle, Thomas Hildner, Damian Conforti and Nicholas Waltman.

$325,000 AWARD FOR PEDESTRIAN

Plaintiff was walking as a pedestrian heading home from school, within a crosswalk when the Defendant made a left striking the Plaintiff in the crosswalk. Plaintiff was transported via ambulance to the hospital. Plaintiff suffered maxillofacial and dental injuries that required numerous skin grafts, plastic surgery’s, and dental reconstructions and root canals. The case settled at a Settlement Conference for the amount of $325,000.00.

$525,000 SETTLEMENT FOR SLIP AND FALL IN SUPERMARKET

Plaintiff was a business invitee at Supermarket. As he was shopping for groceries he slipped and fell as a result of a large piece of produce that had been left on the floor. The Plaintiff required total knee arthroplasty. The case settled the day of trial for the amount of $525,000.00.

$290,000 AWARD FOR TRIP AND FALL ACCIDENT

In January 2015 Plaintiff was intending to drive his vehicle, which was parked in the parking lot of her apartment building. At this time, significant snow had accumulated throughout the premises which covered many deep potholes. Without knowledge of its icy condition, Plaintiff attempted to negotiate the parking lot to his car, but trip and fell in a pothole. The plaintiff suffered a bimalleolar ankle fracture. Plaintiff sustained severe bruising and significant scarring, and is left with plate and screws inside his ankle. The case settled prior to trial for the amount of $290,000.00.
BUSINESS BEWARE

HELPING CLIENTS NAVIGATE COMPLEX, OFTEN CHANGING WATERS UNDER A NEW ADMINISTRATION

In today’s global and competitive economy, companies want to hire the best worker they can. Sometimes, that worker is in a foreign country or a foreign national already in the U.S. The U.S. immigration laws are complex and change rapidly. It’s not always easy to figure out whether someone is allowed to stay and work in the U.S., let alone how to make that happen. In 2017 more than ever, we are here to assist companies and corporations nationwide with business immigration needs to help your employee stay here temporarily or on a permanent basis (with a green card).

If you are thinking of hiring an employee who hails from another country, or sponsoring a relative to live in the U.S., get ready for a bumpy ride. While immigration law practice has always required being alert to sudden changes in policy or law, this year – the first of Donald Trump’s administration – has brought a flurry of actions and policy changes that make the practice of immigration law downright unpredictable. The main takeaway is that one needs to be prepared for decreased options and increased roadblocks. Employers have to be increasingly aware of foreign employees’ status and options to remain in the U.S.

Immigration Law

THE LAY OF THE LAND: IMMIGRATION CHANGES 2018

Here are just a few of the changes that have taken place in the past year:

DACA RESCISSION

President Trump did away with Deferred Action for Childhood Arrivals, or DACA, which allowed undocumented students and young people to stay in the U.S. if they were brought here as children by their parents. DACA enables young “DREAMERS” to go to college, work legally and start to create a future in the U.S. Employers of DACA recipients may find that they are no longer able to retain these employees when their DACA benefits end. DACA is being hotly debated as Congress tries to find a solution before a March deadline for termination.

TPS

The Trump administration has signaled the end of Temporary Protected Status (TPS) for Haitians and Salvadorans. TPS is a program which allows qualifying immigrants to remain in the U.S. and work due to upheaval, civil war or disasters in their home countries. Ending TPS means recipients who have been here for many years will have to leave the U.S. even if they have American citizen children, unless they qualify for some form of relief. Many employers in New Jersey have workers from El Salvador and Haiti, and therefore need to understand whether these workers can still be employed and whether they are eligible for any other immigration benefit to remain in the U.S.

TRAVEL BAN

President Trump instituted restrictions on travel from several majority-Muslim countries but also added Chad and Venezuela. Federal courts invalidated part of the travel ban, but some sections remain in place; the Supreme Court will take up the issue this year. Travelers from these countries should consult an attorney before making any plans to go abroad.

EMPLOYMENT IMMIGRATION

USCIS is appearing to make it more difficult to obtain temporary work visas and green cards based on employment, largely through policy and procedural changes. For example, in following directives to “Buy American, Hire American,” USCIS is making the H-1b visa – for temporary professionals such as computer engineers, teachers, doctors, etc. – more difficult to obtain by sending numerous requests for more evidence, treating extension requests with as much scrutiny as initial applications, narrowing the types of occupations deemed worthy of an H-1b, and possibly removing work authorization for H-1b spouses. USCIS instituted interviews for every employment-based green card, lengthening the time it takes to achieve permanent residence. In view of these and other measures, advance planning to hire or retain key foreign employees is very important.

So while “The Wall” has not yet been built, the foundation for a more restrictive immigration policy is being laid, but our practice is full of success stories. The immigration lawyers at Mandelbaum Salsburg can help you, the employer or immigrant, navigate this system.

Our attorneys routinely secured H-1b approvals even after difficult RFEs, obtained green cards through hardship waivers, marriage cases and labor certification, and helped qualified scientists, academics and entrepreneurs achieve permanent residence based on their outstanding skills and talents.
During 2017 our Bankruptcy and Creditors’ Rights Group added Jeffrey Rosenthal as a Partner and Co-Chair. He, alongside Stuart Gold, represent the firm’s clients in bankruptcy and insolvency related matters. The group has been very active this year, with its expanded capabilities, representing clients in all aspects of the insolvency process. We have counseled many clients this year to assist them with some of their financial challenges as well as issues that have arisen for them when their customers or suppliers are in financial distress. We have helped clients avoid the costs of the bankruptcy process with less expensive alternatives.

We structured and completed an Article 9 secured creditor’s sale of a New Jersey chemical processing business on behalf of the secured creditor. This allowed the secured creditor to sell the assets of the business to a new entity that will continue to supply it with necessary raw materials without the cost of court supervised insolvency proceeding.

We are actively litigating on behalf of defendants in multi-million claw back cases in bankruptcies in the Southern District of New York and the District of Minnesota.

We recently have been retained to represent the parent company and subsidiaries of a service business in a reorganization case to be filed in the District of New Jersey.

We successfully represented a secured creditor in a single asset real estate case filed in the Eastern District of New York. The property was a shopping mall in Pennsylvania. In response to our motions for stay relief and dismissal, we were able to work out an agreed adequate protection payment schedule and a drop dead date for stay relief. Our client was ultimately paid from the debtor’s refinancing with a third party.

For one of our bank clients, we successfully moved to have an operating trustee appointed in a multi-property real estate Chapter 11 bankruptcy.

We structured and completed an orderly private liquidation of a plastic injection molding company in Massachusetts which resulted in the payment in full to the secured creditor and a substantial dividend to the unsecured creditors, without the cost of a bankruptcy or state court litigation.

On behalf of a lender, we are actively litigating a multi-party dispute amongst secured creditors concerning the assets of a factoring company based in Maryland.
During 2017 our Banking and Financial Services Practice Group continued its year to year growth in the number of lending clients it serves not only in New York and New Jersey but on an international basis. During the last year the Group expanded its depth with the addition of Jeffrey Rosenthal who joined as a Partner and Co-Chairs the Group with Richard Simon and Edward Dabek, Jr. who joined as an Associate. Along with Partners Edward Albowicz and Daniel Barkin, the group advised clients on deal structuring and closed traditional dominion and lit ABL C&I transactions, both domestic and cross-border, as well as purchase order funding, supply chain and factoring deals.

**WE ARE PLEASED TO SHARE SOME OF OUR GROUP’S ACCOMPLISHMENTS OVER THE PAST YEAR:**

We represented one of our bank clients in a workout that resulted in full payment of the bank’s secured loan prior to the company filing bankruptcy. This resulted in the bank having to make minimal advances during the workout while the inventory and accounts receivable were liquidated in an orderly manner.

We represented a borrower whose loan facility was not renewed with its current lender. Because of the Group’s relationship with the current lender, a forbearance arrangement was readily reached in order to close a new facility with another lender.

We represented one of our clients in a niche industry who was placed on a “no loan list” and had been asked to move its loan facility. The Group referred the client to a non-bank institutional lender that looked favorably on the industry and is proceeding with replacing the current lender.

For one of our purchase order financing clients we closed a purchase order facility with an Australian manufacturer of toys to fund the purchase of goods manufactured in both Australia and China in fulfillment of its open purchase orders.

We were introduced to a prospective borrower by a financial institution client and were asked to represent such borrower on the refinance of its credit facility in workout with the current lender due to our working and personal relationships with both financial institution involved. Given the opportunity, we successfully navigated through a forbearance agreement and payoff with the existing lender as well as negotiated a new $15MM asset-based lending credit facility with the new international financial institution. After the closing, our new client has requested our firm to handle additional legal matters in addition to financing needs.

We completed a two year process of recapitalizing a defaulted asset based credit facility in the wireless telecommunications industry for a regional financial institution client by negotiating and amending and restating the existing loan documents with the lender and equity fund sponsor. Our relationships with our client, the existing management of the borrower and the broker involved in the matter assisted our efforts in diligently and efficiently preventing both the borrower from filing for bankruptcy and our client from dealing with the time and costs associated with the bankruptcy proceedings.

**“The increase in our lending client base has also benefited the Firm’s client’s due to our ability to place loans with lenders that can accommodate their borrowing needs.”**

Richard Simon
Co-Chair
Banking and Financial Services Group
A MEANINGFUL FRIENDSHIP

PROBATE LITIGATION: TRIAL VICTORY IN GIFT CASE

Among the highlights was a trial victory by Chair Richard I. Miller and Member Cheryl Burstein, upholding the validity of a gift. The case involved an individual who gave our client an envelope containing signed stock certificates. Our client, was a friend of the donor since childhood and provided assistance to the donor and his son, particularly after the donor’s son suffered a stroke and was admitted to a nursing home. She placed the envelope of stock certificates in her safe at home where it remained until after the donor’s death. She registered the stock in her name after the donor’s death and discovered the certificates were worth over $2 million dollars. The stock dividends continued to be paid to the donor during his life because the certificates were never re-registered by her. The beneficiaries named in the donor’s will challenged the gift made to her alleging the gift was incomplete and the result of undue influence. Following a three day trial, the Court ruled in favor of our client concluding the gift was complete when the donor gave her the envelope of stock certificates and no coercion was exerted as the evidence presented at trial demonstrated she and the donor had a meaningful friendship underscored by the selfless assistance she provided to the donor and his son.

MEDICAID & GOVERNMENT BENEFIT PLANNING

Anyone with a spouse or loved one in a nursing home knows the emotional and financial toll this takes. Our elder law department has helped numerous families navigate the maze of Medicaid and government benefits. We have successfully helped applicants utilize Medicaid qualified annuities to preserve assets for the community spouse who would otherwise be financially impoverished due to the exorbitant costs of long term institutional nursing care of his or her partner.

We are also proud of our accomplishments in successfully challenging Medicaid agencies that inappropriately deny benefits to those who are legally entitled and eligible. In a recent egregious example, Medicaid denied the application of one of our clients asserting that the hourly wage paid to an unrelated home health aide was a “gift” subject to a Medicaid penalty because the hourly rate exceeded the “acceptable” fee of $11.00 per hour. Through our efforts, the county board of social services reversed its decision and granted Medicaid eligibility retroactive to the date of the application.

ADDITIONS TO THE TEAM

The success of our Elder Law and Probate Litigation Practice Group is a byproduct of our dedicated staff who understand that personal service and communication with clients is equally as important as knowledge of the subject matter. In this regard we were fortunate to add Shawna A. Brown, Esq. as the newest member of our Elder Law, Probate Litigation and Special Needs Practice Group.

ELDER LAW: FIELD OF DREAMS

One of the best aspects of practicing elder law is the significant and personal impact we have on the life of our clients. This was highlighted by the assistance we provided to “Victor”, a 92 year old gentleman for whom Richard Miller, the chair of our elder law department, serves as Power of Attorney. Victor originally was the subject of an investigation by adult protective services while living at home in a state of neglect. After being appointed as power of attorney Richard arranged for Victor to be moved to an assisted living facility where he immediately became a staff favorite. During an examination of Victor’s finances (i.e. opening accumulated mail), we discovered that Victor had a self-directed stock account worth over $54 million dollars of which $34 million was borrowed on margin. The margin ratio put the account at substantial risk. In conjunction with Victor, his accountant and the financial advisors we consulted, the margin was paid off and the portfolio was diversified without incurring any capital gains due to the strategic use of Victor’s carry over losses.

During the course of our relationship with Victor he expressed a clear and unyielding desire to relocate to Florida to be in a warmer climate and avoid potential New Jersey Estate taxes. With the assistance of a geriatric care manager, we helped Victor realize his dream and transition to an assisted living facility in Florida. After Victor relocated to Florida, we were able to fulfill another of his lifelong dreams – meeting the New York Yankees at a spring training game. Through the heroic efforts of Denise Drabik, the geriatric care manager in Florida, Victor was invited to a game as a guest of the Yankees and welcomed onto the field where he met Joe Girardi and many of the other players. Victor was also presented with an autographed baseball. Since then, Victor has gone on other outings to the beach, the aquarium and a local Italian restaurant where he enjoys his favorite meal. The work we have done for Victor, and other seniors like Victor, is what makes elder law a unique, special and rewarding practice that we will continue to embrace and grow at Mandelbaum Salsburg.
Since its formation in 2016, the Special Needs Practice Group, led by Co-Chairs Arla D. Cahill and Richard I. Miller has pursued its mission to provide a holistic legal approach to the special needs community from birth to seniority by providing comprehensive legal services in the areas of special education advocacy, guardianship, estate planning, including special needs trusts, and disability benefits. This past year has brought expansion and growth and we are thrilled to have formed a number of new partnerships and helped to strengthen our ties within the special needs community. Along with Casey Gocel, Brian Block, Mara Codey, Michael Kalmus and newly added associate Shawna Brown, the Group continues to protect the rights of those with special needs and their families.

HELPING STUDENTS WITH DISABILITIES IN PUBLIC SCHOOLS

In 2017, Special Needs Practice Co-Chair Arla D. Cahill continued to expand her practice representing educationally disabled students in their pursuit of appropriate supports and modifications tailored to their individual needs within the public school setting. Arla also represented the legal interests of private schools for the disabled regarding funding and disability access issues. Following a lengthy dispute with one of the largest public school districts in Northern New Jersey, Ms. Cahill vindicated the rights of a severely disabled, non-verbal student by obtaining necessary independent evaluations that resulted in the school district agreeing to provide the student with state-of-the-art assistive technology devices necessary for the student to communicate and participate in his classroom for the first time in two years. Arla also represents disabled students in their pursuit of higher education opportunities.

SUPREME COURT OF THE UNITED STATES’ LANDMARK DECISION RAISES THE STANDARD FOR PUBLIC SCHOOLS TO EDUCATE SPECIAL EDUCATION STUDENTS

Public schools were not required to educate students with disabilities at all until 1975, when Congress passed the Individuals with Disabilities Education Act (IDEA). Although the IDEA requires schools to deliver a “free and appropriate public education” (FAPE), courts have struggled for decades with what FAPE means. In 1982, the Supreme Court defined FAPE to mean an education that is “reasonably calculated” to provide educational benefit. In a landmark decision issued in March 2017, the Supreme Court issued a unanimous decision, written by Chief Justice Roberts, that strengthens and further defines the FAPE standard that an educationally disabled student’s Individualized Education Program (IEP) must meet. It held: “To meet its substantive obligation under the IDEA, a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.”

The Court rejected the less demanding standard – “merely more than de minimis” educational benefit - that the U.S. Court of Appeals for the Tenth Circuit had applied in that case, which arose in Colorado.

On December 7, 2017, the U.S. Office for Special Education Programs and Rehabilitative Services issued a “Q&A” document to answer the public’s and educators’ questions about interpreting the Supreme Court’s decision, including actions for IEP teams to implement the higher standard. The U.S. Secretary of Education Betsy DeVos stated, “The Supreme Court sent a strong and unanimous message: all children must be given an opportunity to make real progress in their learning environment—they cannot simply be passed along from year to year without meaningful improvement.”

THE USE OF ABLE ACCOUNTS

A relatively new saving option for people who become blind or disabled before the age of 26 are ABLE accounts and the Department has worked with a number of clients to set up these accounts and ensure they are properly managed. The accounts work similarly to 529 college savings accounts in that money in the account grows tax-free and can be spent on eligible expenses with no tax implications. ABLE Account contributions do not qualify for a federal tax credit or deduction, but some states, offer state tax benefits for contributing.
Looking Forward: Welcoming 2018 with the next step in our succession plan

2017 was a year of growth and expansion for Mandelbaum Salsburg as the Firm welcomed an unprecedented group of talented attorneys both those with extensive experience and those who were newly admitted to the Bar, and announced the addition of numerous practice areas to best serve its clients changing needs. As the Firm looks forward to 2018, it is excited to announce that William Barrett will assume the position of the Firm’s sole CEO. “I have been mentored by one of the best businessmen in the industry and am honored to take over the reins as the Firm’s CEO,” said Barrett. Barry Mandelbaum will continue his bustling real estate practice as a Member of the Firm, Chair of the Real Estate Practice Group, and Chairman of the Board. “To succeed as a business, all good leaders know the importance of succession planning. It’s a concept that we often counsel our clients on and one that we believe ensures the stability and future of a company,” says Mandelbaum.

Welcome to the Mandelbaum Salsburg Family: Attorneys who have joined our Firm in 2017

Jeffrey M. Rosenthal  
Member  
Co-Chair, Banking & Financial Services and Bankruptcy & Creditors’ Rights

Ryan M. Buehler  
Counsel  
Commercial and Corporate Litigation

Mohamed H. Nabulsi  
Member  
Co-Chair, Healthcare Law

Steven L. Polakoff  
Of Counsel  
Real Estate

Ronald D. Coleman  
Member  
Chair, Intellectual Property and Brand Management

Shawna A. Brown  
Associate  
Elder Law, Special Needs, Trusts & Estates

Joel G. MacMull  
Member  
Vice-Chair, Intellectual Property and Brand Management Litigation

Edward Dabek, Jr.  
Associate  
Banking & Financial Services and Bankruptcy & Creditors’ Rights

Damian P. Conforti  
Member  
Co-Chair, Government Enforcement & White Collar Crime

Derek Prevete  
Associate  
Healthcare Law