



Thomas J. Herten

Partner

Business Litigation



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Overview

Excellence, professionalism, reliability and trustworthiness are terms consistently used by clients to describe Tom. In his long and successful career, Tom has had the good fortune of representing premier high profile national and international entities, as well as high profile individuals in litigation from prelitigation advice through trial and defense of appeals in matters where the stakes and risks are significant.

Similarly, in the boardroom, Tom has a distinctive record of successfully representing his clients in business planning, in negotiating deals and in handling complex corporate management matters. The latter skills have aided the firm's clients in avoiding costly litigation and delayed results. Further, throughout his long career, Tom has achieved a high level of experience in representing the firm's clients in governmental and regulatory matters, especially in the area of public utilities law. Tom's record of success and the satisfaction experienced by his clients has resulted in extremely high client loyalty that continues to manifest itself, even after decades of relationships.

Tom continues to count among the clients he serves several major pharmaceutical and medical device companies, international and national water utilities, an international automobile manufacturer, as well as publicly-traded and privately-held commercial entities ranging in size from multinational to family ownership. He handles all with the same degree of professional dedication.

Suffice it to say, Tom enjoys the highest rating among his peers. His peers have consistently called on Tom to serve as a mediator to aid them in the resolution of commercial disputes. He has also served on many occasions as an expert witness in areas relating to litigation, attorney conduct, business standards and real estate. His impeccable reputation among the judiciary has resulted in both federal and state court judges appointing him as

an aid to the Court in its delivery of justice as either a special master, a special fiscal agent, a mediator or an arbitrator.

Committed to serving the goals of both the legal profession and New Jersey's business community, Tom has had deep involvement in local Bar activities. For over 20 years, he has been a Trustee of the Bergen County Bar Foundation and he recently completed his 32nd year as Chair of the Bar's Judicial and Prosecutorial Appointments Committee. He has served for many years as Chair of the Bergen County Chancery Committee and as Chair of the District IIB Ethics Committee. A teacher and mentor at heart, Tom was among the founding members of the Justice Morris Pashman American Inn of Court and honorably served as a Board member, Treasurer and lecturer for almost thirty years. Nationally, Tom is recognized as a Charter Senior Fellow of the Litigation Counsel of America, The Trial Lawyer Honorary Society and a member of the Trial Law Institute, as well as the Diversity Law Institute.

In addition to having served on the firm's Board of Directors for ten years and its finance and succession committees, Tom has been a frequent lecturer on matters pertaining to litigation and a frequent speaker at business and industry events throughout New Jersey.

Representative Experience

- Coordinating counsel for an international manufacturer of fire suppressant materials for PFAS/AFFF natural resources and governmental reimbursement claims filed in the New York, New Jersey and Pennsylvania Courts, as an adjunct to a federally established multi-district litigation.
- Along with National Counsel for a major international pharmaceutical company, developed and litigated a court approved gatekeeper hearing protocol that ultimately resulted in over 4000 of non-science-based claims being dismissed.
- Successfully obtained summary judgment for an international auto manufacturer on a precedential "unintended acceleration" claim.
- Successfully defended the estate of a prominent entertainer and its Executor against significant claims lodged by beneficiaries.
- Successfully defended against putative class action claims related to gift cards filed against major national retailers.
- Successfully represented an international investment entity in negotiating a Public Private Partnership with one of New Jersey's largest municipal utilities.



- Successfully represented an international environmental and water utility in negotiating and obtaining regulatory approval for a precedent setting settlement with multiple environmental groups and the New Jersey Watershed Property Review Board.
- Advised a major provider of pharmaceutical services throughout a public bidding process and in defense of administrative challenges in successfully obtaining a multi-year Pharmaceutical Services Agreement to serve all New Jersey state facilities.
- Successfully represented a real estate development company in both acquiring and obtaining multiple governmental approvals to permit the development of over 3,000 acres of environmentally sensitive land.
- Successfully represented an international company in negotiating the sale and relocation of a corporate headquarters spanning several non-contiguous properties.

Credentials

Education

- Seton Hall University, JD
- Columbia University
- Seton Hall University, BA

Bar Admissions

- New Jersey
- New York
- U.S. Court of Appeals for the Third Circuit
- U.S. District Court for the District of New Jersey
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York
- U.S. Supreme Court

Offices

- Hackensack, NJ
- New York, NY



Areas of Focus

Practice

- Business Counseling
- Business Litigation
- Energy & Utilities
- Land Use

Industries

- Automotive

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