

## Justice Jaynee LaVecchia



Hon. Jaynee LaVecchia served as an Associate Justice of the New Jersey Supreme Court for more than twenty-one years until her retirement on December 31, 2021. As the longest serving woman on New Jersey's court of last resort, she helped define the contours of all aspects of civil and criminal law. Prior to her appointment to the highest court, she had two decades as a public and private litigator and as a high-level State government administrator as the Commissioner of Banking and Insurance and also as the Director of the State Attorney General's civil division. The combination of her judicial, regulatory and governmental experience allows her to assist parties and their counsel resolve their disputes efficiently, using alternative dispute resolution methods, provide preparatory assistance such as conducting mock trials and appellate arguments, and serve as a special master or as an expert witness.

[Hon. Jaynee LaVecchia \(Ret.\) has been named a 2022 Medal of Honor Award Recipient from The New Jersey State Bar Foundation Board of Trustees.](#)

We're very proud to announce that Hon. Jaynee LaVecchia (Ret.) has been selected for the New Jersey State Bar Foundation's Medal of Honor Award. It's given annually to lawyers and law-related professionals who best exemplify the following criteria:

- significant contribution to the advancement or improvement of the justice system or the betterment of the legal profession in New Jersey
- professional excellence as demonstrated by accomplishments in the law; or service to the profession and the community during their careers.

The ceremony will be September 20. Registration and event details to come soon.

Participating in thousands of appellate matters while on the New Jersey Supreme Court, she authored significant decisions in the areas of complex commercial litigation, environmental law, civil rights, and workplace harassment, among others. In her prior role as the Commissioner of Banking and Insurance and as the Director of the State Attorney General's civil division, she was responsible for legal work in many complex regulatory areas. Moreover, in the Attorney General's Office, she and her Division of more than 450 lawyers handled counselling, defense and prosecutions for the agencies of the Executive Branch, which included the wide ranging regulatory settings of financial and healthcare regulation, employment law, public utility and environmental issues, and professional licensing in its many varied settings. She also served for approximately six years as the State's Chief Administrative Law Judge and Director of the state's administrative law office, where she conducted contested case proceedings and alternative dispute resolution mechanisms to resolve disputes between governmental agencies and individuals or regulated entities.

Justice LaVecchia has received numerous honors and awards from law schools and bar associations, chaired or served on numerous special committees for the Supreme Court and a federal court advisory panel. She is a Fellow of the American Bar Association and a member of the American Law Institute.

## **Areas of Expertise:**

- APPELLATE
- CIVIL RIGHTS
- COMMERCIAL LITIGATION
- ENVIRONMENTAL/CERCLA
- HEALTHCARE/HOSPITALS
- INSURANCE/REINSURANCE
- MONITORING
- REGULATORY COMPLIANCE
- SEXUAL HARASSMENT

## **Representative Matters**

### **Commercial Litigation:**

- *Goldfarb v. Solimine*, 245 N.J. 326 (2021). Whether Uniform Securities Law barred financial analyst's promissory estoppel claim for reliance damages based on reneged oral job offer.
- *West Pleasant CPGT v. US Home*, 243 N.J. 92 (2020). Whether fair market value credit equitably applied to support award of compensation to judgment debtor after foreclosure sale.
- *In re Accutane Litigation*, 234 N.J. 340 (2018). Importing, in this huge products liability action, Daubert factors into state law examination for admissibility of scientific expert testimony in civil actions.
- *Continental v. Honeywell*, 234 N.J. 23 (2018). In this choice of law dispute, determining that New Jersey insurance allocation law, rather than Michigan law, applied to excess and umbrella claims for asbestos injury filed against manufacturer of brake and clutch pads.
- *Givauden Fragrances Corp. v. Aetna Casualty & Surety Co.*, 227 N.J. 322 (2017). Whether anti-assignment clauses in CGL policies were void as applied to insured's post-loss assignment of environmental claims to sister corporation.
- *Barrick v. State, Dept. of Treasury, Div of Prop. Mgt.*, 218 N.J. 247 (2014). Highlighting that an unsuccessful public contract bidder who does not promptly seek a stay of a lease bid award when appealing an award determination acts at their peril; underscoring standard of appellate review in public bidding disputes; and upholding agency's determination that disputed bid term was not material and could be waived.
- *Shekulsky v. Garjulio*, 172 N.J. 185 (2002). In products liability case, invocation of sham affidavit doctrine called for trial court evaluation of affiant's prior deposition testimony.

- *Wilson v. Amerada Hess*, 168 N.J. 236 (2001). Whether summary judgment was premature where independent franchise gasoline dealers were denied discovery into bad motive evidence in claim breach of implied covenant of good faith and fair dealing.
- *Kaufman v. i-Stat Corp.*, 165 N.J. 94 (2000). Holding that fraud on the market theory did not establish reliance in investor’s common law fraud action.

### **Civil Rights/Employment law:**

- *Richter v. Oakland Bd. Of Ed.*, 246 N.J. 507 (2021). Whether adverse employment action is required in order to plead a failure to accommodate claim.
- *Delanoy v. Twp. Of Ocean*, 245 N.J. 384 (2021). Establishing the scope of recognized new causes of actions available under Pregnant Workers Fairness Act.
- *Puglia v. Elk Pipeline, Inc.*, 226 N.J. 258 (2016). Whether employee’s whistleblower retaliation claims were preempted by Labor Management Relations Act or National Labor Relations Act.
- *Rodriguez v. Raymours Furniture Co.*, 225 N.J. 343 (2016). Whether private agreement shortening two-year limitations period for claims under state’s Law Against Discrimination may be enforced.
- *Lippman v. Ethicon, Inc.*, 222 N.J. 362 (2015). Whether “watchdog” employees are entitle to invoke whistleblower protections under Conscientious Employee Protection Act for ordinary duties.
- *Van Dunk v. Reckson Associates Realty Corp.*, 210 N.J. 449 (2012). Whether OSHA violation by employer subjected employer to intentional wrong exception to Workers’ Compensation bar against private tort action.
- *Alexander v. Seton Hall University*, 204 N.J. 219 (2010). Determining that each payment of wages tainted by originally discriminatory action of setting lower wages for plaintiffs, female professors, was an actionable wrong under Law Against Discrimination.
- *Godfrey v. Princeton Theological Seminary*, 196 N.J. 178 (2008). Whether Seminary-housing tenant’s conduct toward Seminary students met requirement of severe and pervasive sexual harassment to sustain claim of discriminatory hostile environment.
- *Lamorte Burns & Co. v. Walters*, 167 N.J. 414 (2001). Whether duty of loyalty was breached by former employees who planned for future employment with entity in direct competition with employer.

### **Healthcare/Environmental law and other Highly Regulated Activities:**

- *Brugaletta v. Garcia*, 234 N.J. 225 (2018). Whether a finding that a hospital event was not reportable as a “Serious Preventable Adverse Event” under the Patient Safety Act (PSA) abrogates the hospital’s privilege created under the PSA and its processes.

- *G.C. v. Div. of Med. Assistance & Health Services*, 249 N.J. 20 (2021). Whether regulation governing countable income conflicted with state enabling legislation or federal Medicaid changes allowing expanded coverage in certain instances.
- *US Masters Residential Property (USA) Fund v. N.J. Dept. of Environmental Prot.*, 239 N.J. 145 (2019). Whether new arbitration proceeding was warranted in complex environmental claim against NJ Spill Compensation Fund for post-Superstorm Sandy damage.
- *NL Industries, Inc. v. State*, 228 N.J. 289 (2017). Whether Spill Compensation and Control Act strips the State of its sovereign immunity for pre-Act activities.
- *Morristown Associates v. Grant Oil Co.*, 220 N.J. 360 (2015). Determining whether six-year statute of limitation applied to private contribution claims brought under state's Spill Compensation and Control Act.
- *In re Adoption of NJAC 5:96 and 5:97*, 221 N.J. 1 (2015). Massive affordable housing litigation in which Supreme Court dissolved exhaustion of administrative remedies requirement of state's Fair Housing Act and established procedures for litigation in state courts.
- *Piermont Iron Works Inc. v. Evanston Ins. Co.*, 197 N.J. 432 (2009). Whether surplus lines insurer that failed to give notice of nonrenewal must be subject to regulatory penalty of automatic renewal.
- *Howard v. Univ. of Medicine & Dentistry of New Jersey*, 172 N.J. 537 (2002). Whether physician's alleged misrepresentation of qualifications supported breach of informed consent claim by patient.

### **Former Positions:**

- Associate Justice, Supreme Court of New Jersey, 2000-2021
- New Jersey Commissioner of Banking and Insurance, 1998-2000
- Director, Division of Law, New Jersey Department of Law & Public Safety, 1994-1998
- Director & Chief Administrative Law Judge for New Jersey, 1989-1994
- Office of Counsel to Governor Thomas H. Kean, Assistant, then Deputy Chief Counsel to Governor, 1986-1989
- Private Practice, Brach Eichler, Roseland, NJ (healthcare practice (regulatory and corporate focus) and general commercial litigation) 1984-86
- New Jersey Division of Law 1979-1984

### **Bar Admissions:**

- State of New Jersey
- U.S. Court of Appeals, Third Circuit



- U.S. District Court, District of New Jersey
- U.S. Supreme Court

**Education:**

- Rutgers-Newark School of Law, JD, 1979
- Douglass College, Rutgers University, 1976, B.A.