

Fiduciary Relationships

The law recognizes in certain instances a heightened duty by those occupying a position of trust, including trustees and executors, directors and officers, management companies, partners, members and shareholders. The firm provides comprehensive representation for clients in New Jersey who have been harmed by a breach of fiduciary duty, as well as for those who are defending against such claims. We have extensive experience in this area of commercial litigation, from the initial investigation to aggressive representation in the courtroom.

Our litigators represent shareholders and partners against corporate officers, directors, or other partners. Our clients include business owners in disputes against agents, employees or other parties who have misused their position. We also represent beneficiaries against trustees, executors, or financial advisors who have mishandled assets. In these cases, we seek remedies such as monetary compensation, restitution, and in some instances the removal of the fiduciary from that role. Our team also defends individuals and businesses accused of breaching their fiduciary obligations.

The breach of a fiduciary relationship can take many forms. These include using the fiduciary role for personal gain, conflicts of interest between the fiduciary and their obligation to a client or business, the misappropriation of assets through misuse or embezzlement, a failure to disclose crucial information that could impact a business or financial decision, or situations where a corporate officer or director diverts a business opportunity away from the company for their own benefit. We also defend claims against fiduciaries who are in some cases wrongfully accused of breaching their position of trust.

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Experience

Representative Matters

- Representing a New Jersey estate-planning attorney as a fact witness in a nationally publicized multiple-homicide prosecution, addressing unprecedented privilege, fiduciary-duty, and waiver issues arising from grand jury testimony and trial proceedings – seeking court protection to mitigate civil and professional liability risk.
- Arbitration of a dispute seeking dissolution or dissociation of a business member based on alleged multimillion-dollar fraud, misappropriation, breach of fiduciary duty, and self-dealing.
- Represented a member of a real estate development LLC in fiduciary duty and oppression litigation involving a Morristown redevelopment project, uncovering concealed valuation discrepancies and securing a \$6.6 million settlement consisting of \$4 million in cash and real property valued at \$2.6 million.
- Represented the co-founder, President, CEO, and 50% shareholder of a prominent emergency physician group in litigation against the other 50% owner seeking injunctive relief, oppressed shareholder remedies, and damages for fraud, breach of fiduciary duty, breach of loyalty, and mismanagement.
- Represented an accounting firm in litigation against a former employee alleging breach of the duty of loyalty, unfair competition, theft of confidential information, and violations of the New Jersey Computer-Related Offenses Act.
- Represented three business entities and four family-member principals in an eight-year dispute involving litigation, mediation, and arbitration against a fifth family member, including claims for partition by sale, breach of fiduciary duty, and mismanagement of family properties and businesses.
- Represented a benefits consulting firm in defense of U.S. Department of Labor claims alleging fiduciary responsibility for misappropriation of plan assets.
- Advised plan sponsors in voluntary compliance matters before the Internal Revenue Service and the U.S. Department of Labor, securing correction of qualification and fiduciary issues.

Published Cases

- In *Parker v. Parker* (2016), successfully represented the plaintiff in litigation involving New Jersey's Oppressed Shareholder Statute before the New Jersey Chancery Division. The case involved two brothers, both 50% shareholders in two businesses, operated jointly on a single piece of property controlled by a limited partnership also owned by the brothers but operated independently, with no functional operating agreement in place. The court ruled that the defendant had "oppressed" the plaintiff, who suffered significant financial losses, by breaching his fiduciary duty and acting in bad faith.

Insights & More

Client Alerts

Protecting Your Business: Unfair Competition Under New Jersey Law

6.10.26

Seminars & Events

Boardwalk Seminar 2026: Business Torts

4.30.26

Grow with Change: Building Community Connections

1.22.26

Oh, "Tutti Frutti", Rock Your Understanding of Fiduciary Duty!

10.18.23