

# The Honorable Harriet Derman

## DiFrancesco Bateman

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## CURRENT POSITION

**Of Counsel with DiFrancesco, Bateman, Coley,  
Yospin, Kunzman, Davis, Lehrer & Flaum, P.C.**

**July 2009 to Present**

- Provides alternative dispute resolution, case management and special master services
  - Successfully mediated and/or arbitrated coverage disputes; personal injury; shareholder oppression; employment litigation, including sexual harassment and conscientious employee protection, and discrimination cases; medical and dental practice disputes; municipal services and prerogative writ actions; will contests; breach of fiduciary duty; undue influence; land disputes; contract actions; and professional malpractice matters
  - Lectured on mediation practice to attorneys for Continuing Legal Education (CLE) credits
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## PROFESSIONAL ACCOMPLISHMENTS

- Highest ranking of Martindale-Hubbell, Peer Review Rating (AV Preeminent)
  - Fellow of The American College of Trust and Estate Counsel
  - Member of the Editorial Board of the New Jersey Law Journal
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## APPOINTMENTS

- Appointed by Governor Chris Christie to Judicial Advisory Panel to review candidates for appointment to the Superior Court
  - Appointed by Chief Justice Stuart Rabner to Supreme Court Committee on Dispute Resolution
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## MEDIATION CREDENTIALS

- Approved Federal Mediator
  - Approved International Institute for Prevention & Resolution (CPR) Mediator
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## **JUDICIAL EXPERIENCE**

### **Chancellor and Presiding Judge of General Equity & Probate**

**September 2006 to June 30, 2009**

- Served as arbiter of corporate and securities law disputes
- Supervised and adjudicated many significant business and corporate Issues including
  - Shareholder derivative suits, claims of breach of the business judgment rule and breach of fiduciary duty by members of the Board of Directors
  - Allegations of misrepresentations in securities filings, including proxy documents
  - Trade secrets and confidential information
  - Restrictive covenants, including insurance businesses, medical and dental practices, brokers and engineers
  - Shareholder, partnership, and limited liability company matters and dissolutions
- Managed real estate matters, such as quiet title actions and reformation of recorded instruments
- Dealt with issues impacting intervivos trusts
- Served as foreclosure judge for three (3) counties
- Served as Probate Judge, trying and settling hundreds of will contests and matters dealing with estates of decedents and incompetents and testamentary trusts
- Member of Supreme Court Committee on Judicial Performance

### **Presiding Judge of Civil Division**

**September 2003 to September 2006**

- Supervised civil trial judges of Somerset, Hunterdon and Warren Counties
- Managed and/or settled multimillion dollar EIFS/stucco construction defect cases; multi-party wrongful death actions; multi-party assault & battery and Dram Shop liability cases; multi-party insurance coverage matters; complex commercial litigation; wrongful death malpractice actions; and automobile, fall down and other personal injury matters
- Conducted trials, settlements hearings, and motions in such areas as contract disputes, breach of fiduciary duty, employment discrimination, personal injury, products liability, malpractice, construction defect and injury and insurance coverage
- Settled thousands of cases of every variety on the Civil Docket
- Member of Supreme Court Committee on Civil Practice (Chairperson of Subcommittee on Employment Discrimination)
- Member of Supreme Court Committee on Voir Dire in the Courts

### **Judge of the Superior Court of New Jersey**

**February 1998 to September 2003**

- Conducted civil trials, settlements, hearings, and motions as a civil judge

- Served as Replevin Judge
  - Adjudicated family disputes (dissolution, equitable distribution, custody, visitation and relocation) as trial level judge
  - Authored hundreds of opinions
  - Member of Supreme Court Committee on Family Practice
  - Member of Supreme Court Committee on Civil Practice
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## **EXECUTIVE EXPERIENCE**

### **Chief of Staff to Governor Christine Todd Whitman**

**July 1996 to January 1998**

- Primary gatekeeper and adviser to Governor Christine Todd Whitman of New Jersey
- Oversaw implementation of Governor's policy initiatives and agenda

### **Chief Counsel to Governor Christine Todd Whitman**

**May 1996 to July 1996**

- Served as chief lawyer to Governor Christine Todd Whitman on all legal and legislative issues
- Advised the Governor on such issues as securing passage of state budget and Governor's legislative initiatives
- Interacted with Legislature to reach consensus on legislation
- Recommended gubernatorial approval or vetoing of bills of Legislature
- Served as solicitor to Governor with respect to formulation and implementation of highest ethical standards for the Governor and her staff
- Facilitated all gubernatorial appointments, including members of the judiciary

### **Commissioner of Department of Community Affairs**

**February 1994 to May 1996**

- Oversaw, as Cabinet level officer, multiple divisions, including Local Government Services (responsible for all municipal and local authority budgets and dispensing millions of dollars in municipal aid), Codes and Standards, Fire Safety, Housing, Hispanic Center, and Aging and Senior Services
- Managed more than 1,000 employees and greater than one billion dollar annual budget
- Served as Chairperson of New Jersey Housing and Mortgage Finance Agency, annual issuer of approximately \$300 million dollars in bonds, whose portfolio exceeded \$3 billion in mortgage loan assets

- Served as Chairperson of Hackensack Meadowlands Development Commission, which oversees reclamation, planning, and development of 21,000 acres in the Hackensack River Meadowlands
  - Served as Chairperson of Council on Affordable Housing
  - Served as Board Member of the New Jersey Sports and Exhibition Authority
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## **LEGISLATIVE EXPERIENCE**

**Member, New Jersey General Assembly, 18th District**

**January 1992 to January 1994**

- Elected in 1992 and 1994 to represent New Jersey's 18<sup>th</sup> District as Assemblywoman
  - Served as Majority Whip in 1994 and Assistant Majority Whip from 1992 to 1994
  - Member of Judiciary Law and Public Safety Committee
  - Vice-Chairwoman of Joint Legislative Committee on Economic Recovery
  - Sponsor of tax and business legislation recognizing S Corporation status for New Jersey businesses, authorizing Limited Liability Companies and authorizing tax credits for the creation of jobs
  - Sponsor of additional legislation, including rape shield law, mandatory seat belts on school buses, reformation of construction lien law, and campaign finance reform
  - Reached consensus on legislation with different constituencies
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## **LEGAL EXPERIENCE**

**Partner, Weiner, Hendler & Derman, P.A.**

**1982 to 1994**

- Practiced as name partner in boutique law firm specializing in tax, securities, corporate operations and governance, contract drafting and negotiation, real estate, estate planning and administration, and commercial litigation
- Oversaw financial reporting for clients, including security filings with Securities and Exchange Commission and New Jersey Division of Securities
- Counseled clients with respect to disclosures and corporate governance and process
- Counseled clients on legally minimizing and deferring payment of federal and state taxes, including the use of off-shore tax entities
- Advised privately and publicly held corporations on transactions, meetings, process, and planning
- Significant legal experience in:
  - Deferred compensation, pension and profit sharing plans and stock option plans and recommending and implementing appropriate employee benefit plans for clients

- Real estate law including preparation and implementation of Planned Real Estate Development projects
  - Tax and securities law, oil and gas partnerships and medical equipment partnerships
  - Estate planning and succession planning for family businesses and estate administration
  - Operation and termination of medical and dental practices
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## **CORPORATE BOARD EXPERIENCE**

**1989-1994**

- Member of Board of Directors of publicly traded New Brunswick Scientific, Edison, New Jersey
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## **NON-PROFIT BOARD**

**2009 to Present**

- Member of Board of Directors of Opportunity Project, Inc., 80 East Willow Street, Millburn, New Jersey 07041

A clubhouse program empowering people with brain injury

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## **FACULTY PRESENTATIONS**

- Contested Guardianships – 2011 - New Jersey Institute for Continuing Legal Education
  - Mediation and Settlement Techniques of a Business Dispute – 2011 – New Jersey Institute for Continuing Legal Education
  - Summary Judgment Practice - 2011 - The Sidney Reitman Labor & Employment Inn of Court
  - Chancery Practice - 2008 - New Jersey State Bar Association, Equity Section
  - Medicine for Judges - 2006 - Judicial College
  - Hot Topics in Civil Trials - 2000 - New Jersey Institute for Continuing Legal Education
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## **ACTIVITIES**

- President, Middlesex County Bar Association
- First Vice President, Tax Section of the New Jersey State Bar Association

- Member, Board of Directors, New Jersey Lawyer, weekly newspaper sponsored by State Bar Association
  - Member, Supreme Court of New Jersey Ethics Committee for Middlesex County
  - Secretary, Fee Arbitration, Middlesex County
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## MEMBERSHIPS

- New Jersey State Bar Association
    - Dispute Resolution, Labor and Employment Law, Real Property, Trust and Estate Law, and Taxation Sections
    - Equity Jurisprudence, Construction Law, Business & Commercial Litigation (including subcommittees studying creation of a separate business court or track and amendment of limited liability company law) Committees
  - The Sidney Reitman Labor & Employment Inn of Court
  - The Marie Garibaldi Alternative Dispute Resolution Inn of Court
  - The Joseph Halpern-David Furman Inn of Court
  - The New Jersey Association of Professional Mediators
  - Somerset County Bar Association
  - Middlesex County Bar Association
  - Retired Judges Association
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## HONORS AND AWARDS

- Retail Merchants Association Legislator of the Year
  - Association for Retarded Citizens Legislator of the Year
  - New Jersey Women of Achievement Award, Douglass College
  - Delaware Raritan Girl Scouts Women of Distinction Award
  - Honoree of the Year American Heart Association
  - Hands of Humanity Award by Jewish Family and Vocational Services
  - La Tribuna Distinguished Woman
  - First Recipient of New Jersey League of Municipalities Cabinet Member Award
  - Woman Lawyer of Achievement Award by Women Lawyers of Monmouth County
  - Outstanding Woman Award, Executive Women of New Jersey
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## EDUCATION

- New York University School of Law, Graduate Division, L.L. M. in Taxation
- Seton Hall Law Center, J.D., cum laude
- New York University, B.A.

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## **ADDITIONAL INFORMATION**

- Married
  - Three children
  - Completed triathlons in 2005 and 2006
  - Newspaper “junkie”
  - Interests include current events, running, skiing, traveling, dancing, tennis and reading
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