

Howard Mankoff

Senior Counsel

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Over more than 30 years, Howard has built a successful legal practice which focuses on professional liability defense, employment litigation and public entity liability defense. He has represented lawyers, accountants, real estate professionals, directors and officers. A respected trial lawyer, Howard has handled hundreds of professional malpractice claims and has tried over 100 of them to verdict, a majority of which sided with the defense. In a precedent-setting decision before the Third Circuit, Howard successfully argued that a municipality can exclude houses of worship in order to facilitate economic redevelopment. He also has extensive experience defending cases brought under the Fair Debt Collection Practices Act and the Fair Credit Reporting Act.

In 1978 Howard received his undergraduate degree from American University, with honors. He then received his law degree from Rutgers University in 1981.

Education

- Rutgers Law School (J.D., 1981)
- American University (B.A., *cum laude*, 1978)

Admissions

- New Jersey, 1981
- U.S. District Court District of New Jersey, 1981
- U.S. Court of Appeals 3rd Circuit, 1985

Honors & Awards

- AV® Preeminent™ by Martindale-Hubbell®
The Martindale Hubbell rated attorney list is issued by Internet Brands, Inc. A description of the selection methodology can be found [here](#). No aspect of this advertisement has been approved by the Supreme Court of New Jersey.
- The Best Lawyers in America®, Professional Malpractice Law - Defendants (2026)
- New Jersey Super Lawyer (2006, 2008)

Practices

- Miscellaneous Professional Liability
- Employment Law
- Public Entity & Civil Rights Litigation
- Consumer Financial Services Litigation
- Insurance Agents & Brokers Liability
- Real Estate E&O Liability
- Lawyers' Professional Liability
- Accountants' Professional Liability
- Commercial Litigation
- Disciplinary Board Representation

Associations & Memberships

- American Bar Association
- New Jersey State Bar Association
- Professional Liability Underwriters Society
- Richard J. Hughes Inn of Court
- Ethics Committee, Essex County

Classes/Seminars Taught

- *What Insurance Claims Professionals Need in Order to Make the Process More Effective*, December 2011
- *Risk Management Seminar*, CNA, 2003
- *School Bully Laws*
- *Trends in Directors and Officers Litigation*
- *Counsel Fee Exposure in Employment Litigation*
- *Electronic Discovery Issues*
- *Mock Trial of Employment Suit*

Published Works

- "Land Use Litigation – Trends, Exposures and Moral Hazards," *Defense Digest*, Vol. 22, No. 3, September 2016
- "Electronic Discovery: The Final Frontier," *Defense Digest*, Vol. 11, No. 1, March 2005
- "Revised Federal Rules of Civil Procedure Create New Problems for Defendants," *Defense Digest*, Fall 1994

Legal Teaching Position

- Guest lecturer at Hofstra University Law School, 2012

Results

Successful defense of religious denomination in ecclesiastical dispute.

We were granted summary judgment in a case involving a dispute between a religious denomination (our client), and one of its local churches. The client invoked its judicial process, allowing it to assume control of a local church due to declining membership. The pastor of the local church refused to vacate the parsonage. The local church asserted the denomination lacked the authority to assume control over it and argued that it was never actually part of the larger denomination. The issues involved First Amendment case law, which address whether and to what extent the courts can decide ecclesiastical disputes, and whether the religious denomination was a hierarchical church or a congregational church. The court accepted our argument that the local church was part of the denomination, that the denomination was hierarchical and that the First Amendment

allowed the court to decide the dispute. The court granted our request to allow the denomination to assume control of the local church.

Successful Representation of Attorney at Center of Ethics Investigation

Our client represented a plaintiff in a personal injury action. The personal injury plaintiff had signed a lien letter, agreeing to repay her physical therapist from the proceeds of the personal injury claim. After the case settled, our client reimbursed the physical therapist for less than the amount billed by the therapist, who filed the ethics complaint. We successfully argued that our client was representing the best interests of his client, who claimed the bills were excessive. By doing so, the attorney increased the recovery for his client.

Successful Representation of Attorney Sued by Former Client

We successfully represented an attorney who was sued by a former client after representing that client in a personal injury action. The plaintiff alleged the attorney failed to file suit within the time allowed by the Statute of Limitations. We argued in our summary judgment motion that the attorney sent two letters to the plaintiff, advising that the attorney would not file suit and further informing the plaintiff when the Statute of Limitations would expire. The plaintiff, who filed suit four years later, argued that he did not receive the letters and the attorney was obligated to do more than send letters. We successfully argued that the plaintiff failed to overcome the presumption that a letter, correctly addressed, was received. The Appellate Division affirmed, adopting our argument that the plaintiff could not overcome the presumption by simply claiming he did not receive the letters.

New Jersey Appellate Division affirms dismissal of plaintiff's gender discrimination and workers' comp retaliation claims.

Our defense team was successful before the New Jersey Appellate Division. The plaintiff is a former employee of a non-profit agency that provides services to disabled individuals. She filed suit against her former employer and its manager, alleging gender discrimination and retaliation for filing a workers' compensation claim. As discovery progressed, thousands of pages of discovery were exchanged, which demonstrated that legitimate, long-standing performance deficiencies were the actual basis for her termination. The defendants filed for summary judgment prior to the end of the discovery period, and the Law Division granted the motion, finding no reason not to grant the immediate dismissal, especially as the plaintiff failed to even respond to the statement of material facts. On appeal to the Appellate Division, the court affirmed the dismissal, rejecting the plaintiff's arguments that the motion judge engaged in a subjective analysis of the facts and thereby made factual findings on disputed issues, and that the motion judge erred by granting the motion before discovery was complete. The court found that the plaintiff failed to demonstrate, with any degree of particularity, that further discovery would supply the missing elements to her cause of action. The court further found that the plaintiff failed to demonstrate a prima facie case of gender discrimination or workers' compensation retaliation given the un rebutted facts provided by the defendants.

Summary judgment for dentist in employment case.

We obtained summary judgment on behalf of a dentist who sold her practice in an employment and contract claim. The plaintiff, also a dentist, was employed by our client. He claimed his contract automatically renewed, and that he was entitled to two years of pay. The plaintiff also claimed he was entitled to be compensated because our client allegedly prevented him from taking records of patients he was treating. The court accepted our argument that the plaintiff waived the extension of his contract, and that the patient records belonged to the practice and the patients, not the plaintiff.

Successful Defense of New Jersey Law Against Discrimination Claims

In this employment law lawsuit, the plaintiff was a former employee who filed suit against our non-profit agency client, asserting claims of gender discrimination in violation of the New Jersey Law Against Discrimination and retaliation in violation of the New Jersey Workers' Compensation Act. This matter involved a long and contested period of discovery, including extensive discovery demands, complex e-discovery and extensive motion practice. During the course of discovery, we were successful in obtaining a motion for reconsideration concerning the production of e-discovery data and other documentation lacking in relevance and proportionality to the matter. We thereafter filed a motion for summary judgment as to both counts in the plaintiff's complaint, arguing that the plaintiff failed to establish a *prima facie* claim of discrimination on the basis of gender, as the plaintiff failed to present any evidence demonstrating discrimination or mistreatment on the basis of gender. We further argued that the plaintiff failed to establish a claim of retaliation under the New Jersey Workers' Compensation Act because the plaintiff failed to establish any nexus between the termination and the filing of a workers' compensation claim. Our motion for summary judgment was granted in its entirety, with the court finding that the plaintiff was terminated for legitimate, nondiscriminatory reasons.

Marshall Dennehey Wraps up Legal Malpractice Case

We obtained a defense verdict in a legal malpractice case affirmed on appeal. Our client was an attorney who represented a plaintiff in a civil rights case against a New Jersey municipality. The underlying facts were complex, involving fraud claims against the municipality, and claims based on contract, inverse condemnation, civil rights and negligence. In the legal malpractice case, the jury found deviation but no proximate cause. In the legal malpractice case, the plaintiff sought recovery of the legal fees and punitive damages to which he claimed he was entitled in the underlying case, plus prevailing party counsel fees, which can be recovered in a legal malpractice case in New Jersey. We also successfully handled the appeal, which involved all of the issues from the underlying case and the malpractice trial.

Summary Judgment in School Bullying Case

The plaintiff was a high school junior who alleged he was physically abused by a special education teacher. He sued the teacher, the school district and several administrators, alleging violation of the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the New Jersey Civil Rights Act and the New Jersey Anti-Bullying Statute. After a long period of discovery and many depositions, the court granted our summary judgment motion.

