

Barry S. Goodman

PARTNER

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Being a lawyer allows me to fulfill my desire to help people while constantly being challenged to keep up with changing laws, many of which I have had the good fortune to mold through cases I have handled and my drafting of legislation and regulations. I could not be more pleased to be able to counsel my clients about their business and personal issues in an attempt to avoid problems and, when necessary, advocate for them in lawsuits and before regulatory agencies.

Barry focuses his practice in commercial litigation, with a particular concentration in real estate and real estate brokerage issues and municipal law. His experience also encompasses antitrust suits and corporate shareholder and partnership disputes. Throughout his career, a number of Barry's cases have resulted in published opinions that set precedents in New Jersey.

Barry is approved by the State of New Jersey Department of Banking and Insurance Real Estate Commission as a New Jersey Real Estate Continuing Education Instructor. He lectures frequently to the real estate brokerage community and other industry organizations throughout the state, and has written extensively on topics related to real estate brokerage law.

Results may vary depending on your particular facts and legal circumstances.

Departments

Litigation

Real Estate

Practice Groups

Real Estate Brokerage

Education

Rutgers University School of Law, Newark, J.D., 1977

Rutgers College, B.A., *cum laude*, 1973

Bar Admissions

New Jersey, 1978

U.S. District Court, District of New Jersey, 1978

U.S. Supreme Court, 1984

U.S. Court of Appeals, Third Circuit, 1986

Clerkships

Former law clerk to The Honorable Eugene L. Lora, Presiding Judge, New Jersey Appellate Division (1977-1978)

HONORS & AWARDS

- Recipient of the Middlesex County Bar Association Lawyer Achievement Award (2010)
- Recipient of the Rutgers University Alumni Meritorious Service Award (2006)
- Listed in *The Best Lawyers in America*® (a trademark of Woodward/White, Inc.) in the Appellate Practice (2012 – 2025), Litigation - Real Estate and Commercial Litigation (2012 – present) practice areas
- Selected by *Best Lawyers*® (a trademark of Woodward/White, Inc.) as Woodbridge "Lawyer of the Year" in Litigation - Real Estate (2024 and 2016)
- Listed in *New Jersey Super Lawyers* (a Thomson Reuters business) in the Real Estate, Appellate and Business Litigation practice areas (2011 – present)
- Listed in *Benchmark Litigation* (published by Euromoney Institutional Investor PLC) as a Local Litigation Star - New Jersey in the Antitrust, General Commercial and Securities practice areas (2013 – present)
- Martindale-Hubbell® Peer Review Rated AV® Preeminent (a trademark of Internet Brands, Inc.)
- Following law school graduation, honored with the Eli Jarmel Memorial Prize for public interest litigation

Please visit our Award Methodology page for a description of the standard or methodology on which these accolades are based. Attorney Advertising: No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

REPRESENTATIVE MATTERS

Results may vary depending on your particular facts and legal circumstances.

- *Kennedy v. Weichert Co.* (2024), was a class action in which plaintiff alleged that Weichert improperly classified its salespersons as independent contractors when they should be employees for purposes of the New Jersey Wage Payment Law. The New Jersey Supreme Court agreed with Mr. Goodman's argument, holding that the independent contractor agreements between Weichert and its salespersons were dispositive under the New Jersey Real Estate Brokers and Salespersons Act when determining if they are employees or independent contractors.
- *New Jersey REALTORS® v. Township of Berkeley* (2024), in which the Appellate Division adopted Mr. Goodman's position in deciding that a requirement in a 55 and older community that an owner be 55 or older violates the federal Fair Housing Act and New Jersey Law Against Discrimination, both of which include an exception to familial status discrimination to allow 55 or older communities to require that eighty percent of the units be occupied by a person 55 or older, but do not include any such exception concerning ownership.

- *Conley v. Guerrero* (2017), in which the New Jersey Supreme Court held that an attorney who sends a notice of disapproval of a residential sales contract prepared by a real estate licensee to the broker(s) during the three-day attorney-review period must send it by email, fax, overnight mail or personal delivery
- *Timber Glen Phase III, LLC v. Township of Hamilton* (2015), in which the Appellate Division held that a municipality does not have the authority under the Licensing Act to impose licenses and licensing fees for residential apartment units that provide tenancies for 175 days or more
- *Zaman v. Felton* (2014), in which the New Jersey Supreme Court held that, where a real estate licensee purchases a house that is in foreclosure with the seller having the right to buy back the property and continue to live there through a lease, the transaction may create an equitable mortgage but it is not subject to *In re: Opinion 26* or the Consumer Fraud Act
- *In re: Opinion 26* (1995), in which the New Jersey Supreme Court held that buyers and sellers of residential real estate can receive assistance from real estate and title agents during the closing process, as has been the practice in South Jersey, and do not have to retain a lawyer as has typically been done in North Jersey
- *RE/MAX v. Wassau* (2000), in which the New Jersey Supreme Court held that real estate salespeople are employees for purposes of workers' compensation
- *H.I.P. v. K. Hovnanian* (1996), in which Mr. Goodman successfully represented a developer regarding an advocacy group's claims that a development did not comply with the Fair Housing Act
- *Mortgage Bankers Association of NJ v. NJ Real Estate Commission* (1995), in which Mr. Goodman served as lead counsel. Following a 12-year court battle, the Appellate Division ultimately held that real estate licensees can receive a fee for providing mortgage-related services
- *Reyes v. Egner* (2010), in which the New Jersey Supreme Court held that a broker for a short-term summer rental is not liable to a tenant who was in the unit for nine days and then fell where a step was higher than the construction code permitted and there was no required handrail on the steps, and the broker therefore is not subject to the same duty to warn visitors as a broker in an open house situation
- *Exit A Plus Realty v. Zuniga* (2007), in which the Appellate Division held that real estate listing agreements are not automatically void, but are only voidable based upon the equities of the case if a real estate licensee violates the Real Estate Licensing Act
- *CBTR v. Twin Rivers Homeowners' Association* (2007), in which the New Jersey Supreme Court held that homeowners' associations' policies regarding expressional activities will be upheld if they are reasonable but may be subject to constitutional scrutiny if they are unreasonable
- *Danvers Motor Co. v. Ford Motor Co.* (2005), in class action antitrust suit, the United States Third Circuit Court of Appeals held that dealers challenging Ford's nationwide incentive and satisfaction program stated particularized harm by alleging payments against their will and relinquishing control of dealership operations to satisfy constitutional standing requirements

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- *New Jersey Association of REALTORS® v. New Jersey Department of Environmental Protection* (2004), in which the Appellate Division held that a regulation requiring deed notices concerning environmentally contaminated sites be sent to the Association for distribution by its members to the public was void ab initio because it violated the New Residential Off-Site Conditions Disclosure Act
- *Gordon Development Group v. Bradley* (2003), in which the Appellate Division held that there only is one attorney-review period for both the buyer and the seller in a residential real estate transaction in New Jersey that begins when the fully executed contract has been delivered to both the buyer and the seller
- *Danvers Motor Co. v. Ford Motor Co.* (2002), in which the United States District Court held that class action antitrust plaintiffs must have particularized injuries to have Article III standing under the United States Constitution
- *Inter-City Tire and Auto Center v. Uniroyal* (1988), in which Mr. Goodman successfully defended a distributor in an antitrust suit who allegedly had conspired to monopolize a certain market and fix prices
- *G&W v. Borough of East Rutherford* (1995), in which Mr. Goodman prevailed before the Appellate Court in an antitrust action precluding his client from competing for business in a certain municipality
- *Liberty Lincoln Mercury, Inc. v. Ford Marketing Corp.* (1993), in which the United States District Court held that an automobile dealers association can participate in case as *amicus curiae* if the individual dealership that was a party in the lawsuit was not adequately represented by counsel and the association will not be an advocate for one of the parties
- *State v. Arace Brothers* (1989), in which Barry represented a trade association and certain individual defendants against allegations by the Attorney General that over the course of 25 years, the defendants had allocated public contracts among themselves in violation of the Antitrust Act
- *New Jersey v. T.L.O.* (1985), in which the United States Supreme Court rendered a landmark decision circumscribing the scope of searches and seizures in public schools
- *The Hospital Center at Orange v. Cook* (1981), in which the Appellate Division held that a hospital is barred from suing indigent patient for fees where the hospital failed to advise a patient she was eligible to apply for free medical care under a federal program for which the hospital already had received funding

UNIQUELY NJ

- New Jersey REALTORS®; Special Counsel
- United Way of Hunterdon County; Former General Counsel; Past President
- New Jersey State Bar Association; Real Property Trust and Estate Law Section; Civil Trial Bar Section; Antitrust Law Special Committee

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- Middlesex County Bar Association
- New Jersey Institute of Local Government Attorneys
- Hunterdon Medical Center (Former Trustee)
- Hunterdon Healthcare System; Former Trustee; Executive Committee, former member; Committee on Trustees, former member; Strategic Planning Committee, past Chair; Quality Committee, past Chair
- Interest on Lawyers' Trust Accounts (IOLTA) Fund of the Bar of New Jersey (Past Chair)
- New Jersey Supreme Court Professional Responsibility Rules Committee (Former Member)
- Rutgers Law School Newark-Alumni Association (Past President)

MORE ACTIVITIES & EXPERIENCE

- American Bar Association: Litigation Section Real Estate, Condemnation and Trust Litigation Committee; Real Property, Trust and Estate Law Section

PRESENTATIONS & SPEAKING ENGAGEMENTS

Presenter, NJ Legal Update

Sponsor: *Triple Play REALTOR® Convention & Expo*, December 10, 2025

Moderator, Part II: Advanced Ethics for Commercial Real Estate Professionals

Sponsor: *NAIOP New Jersey*, March 6, 2023

Moderator, Part I: Real World Ethics for Commercial Real Estate Professionals

Sponsor: *NAIOP New Jersey*, February 27, 2023

Presenter, New Jersey Legal and Regulatory Update

Sponsor: *Triple Play REALTOR® Convention & Expo*, December 8, 2021

Presenter, Legal Issues You Have to Understand to Stay Out of Brokerage Jail!

Sponsor: *New Jersey REALTORS®*, December 9, 2020

Speaker, Latest Legal Resources and Forms

Sponsor: *New Jersey REALTORS®*, October 26, 2020

Speaker, Hot Topics in Residential Real Estate Law 2020 - Strategies to Get Through the COVID-19 Pandemic and Beyond

Sponsor: *New Jersey Institute for Continuing Legal Education*, October 7, 2020

Presenter, Legal Issues You Have to Understand to Stay Out of Real Estate Brokerage Jail!

Sponsor: *Triple Play REALTORS® Convention*, December 4, 2018

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Speaker, Commission Claims

Sponsor: *New Jersey Institute for Continuing Legal Education Hot Topics in Residential Law*, October 17, 2018

Presenter, REALTOR® Palooza

Sponsor: *New Jersey REALTORS®*, September 21, 2018

Presenter, Legal Issues You Have To Understand To Stay Out of Real Estate Brokerage Jail!

Sponsor: *Monmouth Ocean Regional REALTORS®*, June 25, 2018

Presenter, Legal Issues You Have To Understand To Stay Out of Real Estate Brokerage Jail!

Sponsor: *Eastern Bergen County Board of REALTORS*, June 20, 2018

Presenter, The Fair Housing Act

Sponsor: *Passaic County Board of REALTORS®*, April 12, 2018

Presenter, Real Estate License Law: Bill A2726/S430

Sponsor: *New Jersey Realtors®*, February 13, 2018

Presenter, The Top Legal Issues To Understand If You Want To Stay Out Of Trouble!

Sponsor: *Callaway Henderson Sotheby's International Realty*, January 24, 2018

Presenter, Legal Issues to Understand to Stay Out of Real Estate Jail!

Sponsor: *Christy's Special Properties Real Estate, Mercer County Association of REALTORS®, RE/MAX Central, Core Association of REALTORS®, and Nexus Association of REALTORS® Brokers and Managers*, 2018

Lecturer, The Top Ten Legal Issues to Understand in Order to Stay Out of Trouble!

Sponsor: *New Jersey, New York & Pennsylvania Association of REALTORS®*, December 5, 2017

Speaker, The Top Ten Legal Issues to Understand in Order to Stay Out of Trouble!

Sponsor: *Hunterdon/Somerset Association of REALTORS/Metro Centre Association of REALTORS*, December 1, 2017

Presenter, The Top Ten Legal Issues for Managers and Brokers

Sponsor: *Hunterdon/Somerset Association of REALTORS®*, November 10, 2017

Presenter, Complying With the Fair Housing Act and Law Against Discrimination

Sponsor: *Terrie O'Connor Realtors*, September 18, 2017

Presenter, The Top Legal Issues To Understand If You Want To Stay Out Of Trouble!

Sponsor: *Cape May County Association of REALTORS®, Christy's Special Properties Real Estate, Mesina Realty Group, RE/MAX Diamond Realtors, Ward Wright Sotheby's International Realty, and Burlington Camden County Association of REALTORS®*, 2017

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Speaker, Hot Topics in Residential Real Estate Law

Sponsor: *New Jersey Institute for Continuing Legal Education*, October 26, 2016

Presenter, The Top Legal Issues To Understand If You Want To Stay Out Of Trouble!

Sponsor: *Burlington Camden County Association of REALTORS®, Mercer County Association of REALTORS®, RE/MAX Tri County, Tri-State REALTORS® Convention*, 2016

Presenter, Ethics in Media

Sponsor: *New Jersey REALTORS®*, 2016

Presenter, Key Issues To Understand If You Want to Avoid Lawsuits (And Sleep At Night!)

Sponsor: *Passaic County Board of REALTORS®, Turpin Realty, RE/MAX First Realty, Hunterdon/Somerset Association of REALTORS®*, 2016

Presenter, The New Statewide Residential Contract of Sale

Sponsor: *Ocean County Board of REALTORS®*, 2016

Presenter, Commercial Brokerage Documents

Sponsor: *Monmouth County Association of REALTORS®*, 2016

Presenter, Complying With the Fair Housing Act and Law Against Discrimination

Sponsor: *RE/MAX Central and RE/MAX Real Estate Ltd.*, 2016

Presenter, Key Issues You Have To Understand If You Want to Avoid Lawsuits (And Sleep At Night!)

Sponsor: *Triple Play REALTORS® Convention*, December 12, 2015

Presenter, The New Statewide Residential Contract of Sale

Sponsor: *Triple Play REALTORS® Convention*, December 9, 2015

Presenter, Every Question You Ever Wanted Answered About Real Estate Brokerage

Sponsor: *Heritage House Sotheby's International Realty*, 2015

Presenter, Key Issues to Understand If You Want to Avoid Lawsuits (And Sleep at Night!)

Sponsor: *Burlington Camden County Association of REALTORS®, Gloucester Salem County Association of REALTORS®, North Central Jersey Association of REALTORS®, Ward Wight Sotheby's International Realty, Terrie O'Connor Realty, and RE/MAX at Barnegat Bay*, 2015

Presenter, Complying With the Fair Housing Act and Law Against Discrimination

Sponsor: *New Jersey REALTORS® Diversity Forum*, October 29, 2015

Presenter, The Consumer Financial Protection Bureau Rules and the New Statewide Residential Contract of Sale

Sponsor: *Callaway Henderson Sotheby's International Realty*, 2015

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Presenter, The New Statewide Residential Contract of Sales

Sponsor: *New Jersey REALTORS® webinar*, 2015

Presenter, Key Issues You Have To Understand If You Want to Avoid Lawsuits (And Sleep At Night!)

Sponsor: *Mercer County Association of REALTORS® and RE/MAX of New Jersey*, 2015

Presenter, The Ten Hottest Issues You Have to Understand to Avoid Lawsuits

Sponsor: *Monmouth County Association of REALTORS®, Ocean County Board of REALTORS®, Prominent Properties Sotheby's International Realty, and Cumberland County Board of REALTORS®*, 2015

Panelist, Comprehensive Ethics for CRE Brokers

Sponsor: *Social Media & Technology Seminar, NAIOP NJ*, April 17, 2015

Speaker, The Hottest Issues You Have to Understand to Avoid Lawsuits!

Sponsor: *REALTORS® Triple Play Convention*, 2014

Speaker, 2014 Hot Topics in Residential Real Estate Law

Sponsor: *New Jersey Institute for Continuing Legal Education*, October 16, 2014

Presenter, The Latest Legal Issues You Need to Know to Stay Out of Trouble!

Sponsor: *Hunterdon/Somerset Association of REALTORS® and RE/MAX Tri County*, 2014

Presenter, The Ten Hottest Issues You Have to Understand to Avoid Lawsuits

Sponsor: *Town and Country Properties, Eastern Bergen County Board of REALTORS®, Passaic County Board of REALTORS®, North Central Jersey Association of REALTORS®, Turpin Real Estate, Mercer County Association of REALTORS®, and RealSource Association of REALTORS®*, 2014

Presenter, New Jersey Real Estate Brokerage Litigation Update

Sponsor: *New Jersey Law Journal CLE Program*, 2013

Presenter, Ethics in Advertising

Sponsor: *REALTORS® Triple Play Convention*, 2013

Presenter, New Jersey Real Estate Brokerage Litigation Update

Sponsor: *New Jersey Law Journal*, December 7, 2013

Presenter, Avoiding The Unauthorized Practice of Law and Understanding Attorney Review

Sponsor: *New Jersey Association of REALTORS® webinar*, September 2013

Presenter, New Jersey Real Estate Commission Regulations

Sponsor: *Middlesex County Association of REALTORS®*, 2013

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Presenter, The Ten Hottest Issues You Have To Understand to Avoid Lawsuits

Sponsor: *Callaway Henderson Sotheby's International Realty; Terrie O'Connor Realty; Hunterdon/Somerset Association of REALTORS®; Brokers and Managers; RE/MAX Brokers Council*, 2013

Presenter, Legal Update Seminar

Sponsor: *Middlesex County Association of REALTORS®*, 2013

Presenter, The Latest Legal Issues You Need To Know to Stay Out of Trouble!

Sponsor: *Cape May County Association of REALTORS®; Middlesex County Association of REALTORS®, 2013*

Presenter, The Latest Legal Issues You Need To Know to Stay Out of Trouble!

Sponsor: *Tri-State REALTORS® Convention; Atlantic City and County Board of REALTORS®*, 2012

Presenter, Advanced Ethics for Commercial Real Estate Brokers/Salespersons

Sponsor: *NAIOP NJ*, 2012

Presenter, Navigating The Legal Minefield In A Challenging Real Estate Market

Sponsor: *Callaway Henderson Sotheby's International Realty; Turpin Real Estate, Inc.*, 2012

Presenter, The Latest Legal Issues You Need To Know To Stay Our of Trouble!

Sponsor: *Heritage House Sotheby's International Realty and Mercer County Association of REALTORS®, 2012*

Presenter, New Jersey Real Estate Brokerage Litigation

Sponsor: *New Jersey Law Journal Continuing Education for Attorneys*, 2011

Presenter, New Jersey Legal Update

Sponsor: *Tri-State REALTORS®' Convention*, 2011

Presenter, Navigating The Legal Minefield In A Challenging Real Estate Market

Sponsor: *Mercer County Association of REALTORS®; Burlington Camden County Association of REALTORS®; Atlantic City and County Board of REALTORS®, Cape May County Association of REALTORS®; Ocean City Board of REALTORS®, 2011*

Presenter, Navigating The Legal Minefield In A Challenging Real Estate Market

Sponsor: *Passaic County Board of REALTORS®; Cumberland County Association of REALTORS®; RealSource Association of REALTORS®; RE/MAX of New Jersey*, 2011

Presenter, Managing The Legal Minefield of Being A Broker

Sponsor: *RE/MAX of New Jersey*, 2011

Presenter, Understanding the Risks of Using Social Media

Sponsor: *New Jersey REALTORS® webinar*, October 2010

Barry S. Goodman (Cont.)

Presenter, Are You Ready for the New World of Rebates?

Sponsor: *New Jersey Association of REALTORS®* webinar, May 2010

Presenter, Don't Fall Short: Are You Prepared for Short Sales?

Sponsor: *New Jersey Association of REALTORS®*, April 2009

Presenter, Don't Be Afraid of Short Sales

Sponsor: *New Jersey Association of REALTORS®*, October 2008

PUBLICATIONS & ALERTS

Quoted, Towns can't restrict who buys houses in 55+ neighborhoods, N.J. court rules

NJ.com, August 13, 2024

Co-Author, NJ Appellate Division Rules that Municipal Ordinance Restricting Ownership to Individuals Over 55 Violates Fair Housing Act and NJ Law Against Discrimination

Greenbaum, Rowe, Smith & Davis LLP Client Alert, August 7, 2024

Quoted, Age Limits On Owning Senior Units Unlawful, NJ Panel Says

Law360, July 31, 2024

Co-Author, NJ Supreme Court Holds That NJ Wage Payment Law is Inapplicable to Real Estate Salesperson Who Has Independent Contractor Agreement with Broker

Greenbaum, Rowe, Smith & Davis LLP Client Alert, May 21, 2024

Quoted, NJ Court Sides With Real Estate Broker in Dispute Over Employee Classification Under Wage Payment Law

New Jersey Law Journal, May 13, 2024

Author, Protect Your Right to an Equitable Lien

New Jersey Realtor®, September/October 2021

Author, Don't Fall in Love with Love Letters

New Jersey Realtor®, June 2021

Author, Buyers' Agents May Have Liability For Responses To OPRA Requests

NJRealtor.com, February 2021

Author, Discrimination Under Fair Housing Laws

New Jersey Realtor®, November/December 2020

Author, I Never Violate the Fair Housing Act! Do I?

New Jersey Realtor®, May/June 2019

Author, Buyer's Agents Have to Be Aware of Possible Consumer Fraud Act Liability
New Jersey Realtor®, May/June 2019

Author, New Jersey Real Estate Brokerage Law
New Jersey Law Journal Books (ALM) (2011-2019)

Author, Should You Use and Sign Seller Disclosure Statements?
New Jersey REALTOR®, July/August 2018

Author, Should You Use and Sign Seller Disclosure Statements?
Designated REALTOR®, June 2018

Contributor, 2018 Real Estate Update: Trending Issues & Topics of Interest
Greenbaum, Rowe, Smith & Davis LLP Client Alert, February 2018

Author, Broker Who Procures Bona Fide Buyer Denied Commission Where Tenant Exercises Right of First Refusal

Greenbaum, Rowe, Smith & Davis LLP 2018 Real Estate Update: Trending Issues & Topics of Interest, February 2018

Contributor, 2017 Real Estate Update: Trending Issues & Topics of Interest
Greenbaum, Rowe, Smith & Davis LLP Client Alert, March 2017

Author, A Question of Security
New Jersey Realtor®, April 2016

Author, Are You Ready for the New Statewide Sales Contract?
New Jersey REALTOR®, November/December 2015

Author, New Jersey REALTORS® Prevails In Case Limiting Municipal Licensing Fees
New Jersey REALTOR®, October 2015

Author, What Do I Have To Disclose About a Property Affected by Superstorm Sandy?
New Jersey REALTOR®, August 2013

Author, Does a Broker's Failure to Have a Written Commission Agreement Doom Its Commission Claim Under the Statute of Frauds?
New Jersey Lawyer, December 2012

Author, Are You Complying With The Americans With Disabilities Act?
New Jersey REALTOR®, January/February 2012

Author, Clarifying the Muddy Waters Concerning CMA's BPOs and Appraisals
New Jersey REALTOR®, September 2011

Barry S. Goodman (Cont.)

Author, What Duty Do You Have To Inspect Seasonal Rentals?

New Jersey *REALTOR®*, June 23, 2011

Barry S. Goodman - Publications & Alerts prior to 2011

NEWS

2026 Edition of *Best Lawyers* Recognizes 54 Attorneys in 41 Practice Areas: Eight Greenbaum Lawyers Recognized on "Ones to Watch" List

August 21, 2025

2025 Edition of *Best Lawyers* Recognizes 56 Attorneys in 39 Practice Areas: Ten Greenbaum Lawyers Recognized on "Ones to Watch" List; Three Selected for "Lawyer of the Year" Recognition

August 15, 2024

2024 Edition of *Best Lawyers* Recognizes 59 Attorneys in 38 Practice Areas: Twelve Greenbaum Lawyers Recognized on "Ones to Watch" List; Five Selected for "Lawyer of the Year" Recognition

August 17, 2023

2023 Edition of *Best Lawyers* Recognizes 51 Attorneys in 36 Practice Areas: Nine Greenbaum Lawyers Recognized on "Ones to Watch" List; Seven Selected for "Lawyer of the Year" Recognition

August 18, 2022