



Donald A. Kessler

Of Counsel

 Roseland

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- Resolution of complex commercial, employment and healthcare disputes through arbitration and mediation
- American Arbitration Association; member of commercial, employment, healthcare, construction and judicial panels
- Qualified by the New Jersey Supreme Court as a R.1:40 mediator

Judge Kessler serves as a private arbitrator, mediator and trial consultant in complex commercial, employment, construction and healthcare disputes. He has chaired several three-arbitrator panels, has served as the sole arbitrator in more than 100 cases, and has mediated over 120 matters, many involving multimillion dollar claims.

Judge Kessler's experience in the resolution of business, construction and healthcare disputes includes the breach, enforcement and interpretation of complex commercial business contracts, corporate and partnership disputes, minority shareholder oppression cases, business dissolutions, claims of business fraud, breach of fiduciary duties, Stark and Anti-Kickback violations in medical contracts, real estate matters including title and specific performance issues, breach and enforcement of commercial leases, and legal malpractice and professional negligence matters.

In the area of employment disputes, his experience encompasses the breach, enforcement and interpretation of employment contracts, executive compensation issues, restrictive covenant and trade secret matters, employee misclassification disputes, wrongful termination claims, whistleblower and discrimination, harassment, and

retaliation matters.

Prior to joining the firm, Judge Kessler served on the bench of the New Jersey Superior Court, Essex Vicinage from 2009-2019 in the Chancery Division. During his tenure as a Chancery Division judge, he presided over and oversaw complex business and employment non-jury trials and motions. He was frequently asked to lecture before bar and judicial groups on a variety of topics related to his areas of expertise and was also called upon to teach at the New Jersey Judicial College for six years and at new judge orientation.

Prior to his service in the New Jersey Judiciary, Judge Kessler spent 35 years in private practice representing corporate and individual clients on complex litigation and business counseling. He also represented Chilton Memorial Hospital in Pompton Plains for 27 years and several physicians, physician practices, lawyers and law firms with respect to a variety of legal matters. His clients also included several businesses including a real estate developer who owned an office park which contained more than one million feet of commercial and warehouse space and one of the largest drywall subcontractors in the United States. He also handled a number of employment claims for individual employees and represented one of the largest wholesalers of newspapers and magazines in the world in a variety of employment matters.

Areas of Focus

Practice Areas

- Alternative Dispute Resolution
- Commercial Litigation
- Litigation

Industries

- Construction
- Healthcare
- Real Estate

Credentials

Bar Admissions

- New Jersey, 1974
- U.S. District Court, District of New Jersey, 1974
- U.S. Court of Appeals, Third Circuit, 1979

Education

- New York University School of Law, J.D., 1974
- Union College, B.A., 1971

Recognition

- American Bar Foundation Fellow
- National Academy of Distinguished Neutrals New Jersey Chapter
- Martindale-Hubbell® Peer Review Rated AV® Preeminent (a trademark of Internet Brands, Inc.)

Other Experience

- Qualified by the New Jersey Supreme Court as a R.1:40 mediator
- Served as corporate counsel to Chilton Memorial Hospital in Pompton Plains, NJ for over 25 years
- Former law secretary to The Honorable Harold Kolovsky, Presiding Judge, Superior Court of New Jersey, Appellate Division

Experience

Representative Matters

- Served as chair of a three-arbitrator panel in a matter alleging theft and damage to a multi-million-dollar sports memorabilia collection consigned to an auctioneer.
- Arbitrated breach of contract and change order claims arising from the deconstruction of a large commercial building complex.
- Arbitrated a dispute seeking dissolution or dissociation of a business member based on alleged multimillion-dollar fraud, misappropriation, breach of fiduciary duty, and self-dealing.
- Arbitrated claims alleging wrongful termination and employment discrimination arising from the severance of a senior officer of a Fortune 100 company overseeing operations with a \$1.7 billion annual budget.
- Arbitrated enforcement of restrictive covenants and related counterclaims arising from the expulsion of a physician partner from a surgical practice.
- Arbitrated multiple matters brought by delivery drivers alleging employee misclassification despite compensation through closely held entities.
- Mediated a partnership dissolution involving asset distribution, sale of business real estate, employee retention, and alleged misappropriation of partnership assets.
- Mediated claims alleging fraud in the sale of a multi-million-dollar business and counterclaims for breach of contract.
- Mediated a dispute involving premium collection for large workers' compensation and automobile insurance policies and counterclaims against an agent for failure to properly place coverage.
- Mediated employment claims alleging hostile work environment, sexual harassment, wrongful termination, and retaliation.
- Mediated a dispute seeking recovery of substantial commissions allegedly owed to a sales representative.

Affiliations

Memberships

- American Arbitration Association: Chair and Panelist, Commercial, Employment, and Healthcare Arbitration Panels; Commercial and Employment Mediation Panels
- New Jersey State Bar Association: Dispute Resolution Section; Business and Commercial Litigation Special Committee; Equity Jurisprudence Special Committee
- Essex County Bar Association
- Justice Marie L. Garibaldi American Inn of Court for Alternative Dispute Resolution
- American Bar Association, Dispute Resolution Section
- New Jersey Board of Bar Examiners (Former Chairman and Member)



Committees

- New Jersey Supreme Court: Committee on Complementary Dispute Resolution, Vice Chair; Committee on Women in the Courts Subcommittee on Judicial Education, Co-Chair; Subcommittee on Domestic Violence and Non-Dissolution Matters (past co-Chair)

Personal

- Boys and Girls Clubs of Newark Board of Trustees (former member)
- Phi Beta Kappa Society
- Root-Tilden Scholar, NYU School of Law

Insights & More

Announcements

[Hon. Donald A. Kessler Honored by Essex County Bar Association](#)

11.05.24

Seminars & Events

2021 Family Law Summer Institute

7.26.21

Advanced Mediation Training Part 2 - Business Litigation

7.21.21

Hot Topics in Chancery Practice

3.24.21

2020 Family Law Summer Institute

7.20.20

2020 Family Law Symposium

1.24.20