



## Mitchell H. Kizner

*Shareholder*

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**Mitchell H. Kizner**, a member of the Litigation and Environmental Law Practice Groups, represents clients in insurance, environmental and other commercial matters as part of his active litigation and commercial law practice. Having represented defendants in personal injury matters for more than 10 years prior to joining Flaster Greenberg, he also represents self-insured corporate defendants in such suits. He is certified by the New Jersey Supreme Court as a Certified Civil Trial Attorney and has also served as General Counsel to the firm since 2006.

A frequent author of environmental law articles published in periodicals such as the New Jersey Law Journal, his past articles have included "No Further Action Letter May Be Unreliable" and "New Site Remediation Reform Act and Public Notice Requirements to Enhance the Role of Municipalities in Environmental Remediation Process."

For the past five years, Mr. Kizner has served as moderator and lecturer at the Annual Review of New Jersey Environmental Law presented by the Institute for Continuing Legal Education. He has also been a frequent guest lecturer for bar associations and business organizations where he has presented seminars such as:

- "Insurance Coverage Litigation"
- "Recent Amendments to New Jersey Spill Compensation and Control Act"
- "Natural Resource Damages"

He has also served as Solicitor to the Cumberland County Vocational Board of Education since 1995 and has been Special Environmental Counsel to the Borough of Woodbine since 1991.

### REPRESENTATIVE MATTERS

- In 2018, prevailed after seven-day trial on behalf of a petroleum distributor in Spill Act case, successfully defending client against claims of environmental contamination spanning 35 years.

### Practice Areas

Environmental Law  
Insurance Counseling and Recovery  
Litigation

### Industry Groups

Alternative and Renewable Energy  
Waste Removal

### Admissions

New Jersey (Certified Civil Trial Attorney)  
U.S. Supreme Court  
U.S. Court of Appeals for the Third Circuit  
U.S. District Court for the District of New Jersey

### Education

- Rutgers University School of Law - Camden, J.D., with honors
- Queens College of the City University of New York, B.A., *magna cum laude*

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- Recovered tens of millions of dollars in various environmental insurance coverage actions for owners and operators of contaminated sites.
- Obtained an award of over \$6.5 million after a nine-day trial in 2014 against a senior executive for failure to adequately assess liabilities during the sale of the company.
- Obtained millions of dollars in insurance coverage under the “Rova Farms” doctrine for a physician whose malpractice carrier refused to settle a suit against a doctor within the policy limits.
- Obtained a dismissal of his corporate client in 2020, without any payment being made to Plaintiff, in a suit alleging injury and death from exposure to asbestos
- Obtained a no cause of action in a jury suit alleging environmental discharge by an environmental contractor and then recovered expert expenses and all counsel fees under the New Jersey “Frivolous Lawsuit Statute” *Weed v. Casie Enterprise* A-2554-93, 279 N.J. Super. 517 (App. Div. 1995).
- Assisted a client in the purchase of contaminated property in Winslow Township from a bank for a fraction of its value, and then assisted the client in arrangements for a low-cost clean-up of the property.
- Has on various occasions successfully defended and pursued legal actions against environmental consultants where negligence and other wrongdoing were alleged.
- As long-time Solicitor for the Cumberland County Board of Vocational Education, he is thoroughly familiar with the New Jersey public bidding statutes and has counseled various clients as to their requirements.

#### **HONORS & AWARDS**

- Rated AV® Preeminent™ by Martindale-Hubbell
- Selected as a 'Leader in the Field' of Environmental Law, New Jersey, *Chambers & Partners USA*, 2021-2022
  - 2022: One source commented that “Mitchell was attentive to our issues, committed to our interests and applied his expertise to secure a positive outcome.”
  - 2021: According to one source interviewed by Chambers, “*when it comes to cost recovery, Mitchell is one of the best.*”
- Named a New Jersey “Super Lawyer,” 2005 – 2021, Environmental Law, by Thomson Reuters, publishers of *New Jersey Super Lawyers* magazine
- Named an Awesome Attorney, Environmental Law, *South Jersey Magazine*, 2013 - 2014, 2016, 2017, 2019
- Top Attorney List - Environmental Law, *SJ Magazine*, 2011, 2014, 2016 & 2017

*A description of the standard or methodology on which the accolades are based can be found here. No aspect of this advertisement has been approved by the Supreme Court of New Jersey.*

#### **PROFESSIONAL AFFILIATIONS**

- New Jersey State Bar Association
  - Former Chair, Environmental Law Section
- Supreme Court of New Jersey
  - Former Member, District Ethics Committee
- Cumberland County Bar Association

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- Former Chair, Judicial Screening Committee
- Member

#### **COMMUNITY ACTIVITIES**

- Big Brothers/Big Sisters Association of Cumberland and Salem Counties
  - Formerly served as President and Board Member, and now as counsel.

#### **ARTICLES & ALERTS**

Business Interruption Insurance for COVID-19

*FG Law Blog* (March 26, 2020)

Environmental Predictions Under Governor Murphy

*New Jersey Law Journal* (January 1, 2018)

5 NJ Enviro Developments Attys Need To Know For 2017

*Law360* (January 13, 2017)

New Jersey Appellate Court Approves Insurance Policy Assignments To Fund Pollution Claims

*NJBA Dimensions* (Fall 2015)

New Jersey Supreme Court Rules that Statute of Limitations Does Not Apply to Spill Act Suits

*Legal Alert* (February 4, 2015)

New Law Gives Municipalities More Control over Environmental Cleanups

*New Jersey League of Municipalities* (November 2009)

New "Site Remediation Reform Act" to revolutionize environmental remediation process in New Jersey

*Legal Alert* (August 10, 2009)

New Site Remediation Reform Act and Public Notice Requirements to Enhance Role of Municipalities in Environmental Remediation Process

*New Jersey League of Municipalities* (March 7, 2005)

Innocent Owner Protection: The Rules Get Stricter

*New Jersey Law Journal*, vol. CLXXIX, no. 10, index 984 (March 7, 2005)

Appellate Division Upholds DEP's Endangered Species Initiative

*New Jersey Law Journal*, vol. CLXXV, no. 5, index 405 (February 2, 2004)