

## **Marianne Espinosa, J.A.D. (ret.)**

**Education:** J.D., Rutgers University School of Law, 1974  
Rutgers Law Review  
B.A., New York University, 1971  
Journalism Honor Society

**Law Clerk to Hon. Richard J. Hughes,  
Chief Justice, Supreme Court of New Jersey,  
1974-75**

### **Deputy Attorney General,**

New Jersey Department of Law and Public Safety, Criminal Division, Appellate Section, 1975-77

- represented State in criminal appeals before Supreme Court of New Jersey and Appellate Division, including State v. Frank Miller, 76 N.J. 392 (1978)
- prepared position paper for Attorney General on death penalty following United States Supreme Court's decision in Gregg v. Georgia, 428 U.S. 153 (1976), and testified before N.J. Senate Committee

**Assistant Counsel, Prudential Insurance Company,  
Bond and Commercial Loan Department, 1977-78**

### **Assistant United States Attorney, District of New Jersey, 1978-86**

- Supervised criminal investigations and tried cases to conclusion, including as member of Organized Crime and Drug Enforcement Task Force
- Department of Justice Special Commendation for successful prosecution of United States v. Gambino, 788 F. 2d 938 (3rd Cir.), cert. denied, 479 U.S. 825 (1986)

### **Judge, Superior Court of New Jersey, 1986-1993**

- Assigned to Civil, Criminal and Family Divisions
- Presided over five-week jury trial, State v. Jurcsek, 247 N.J. Super. 102 (App. Div. 1991), involving student loan fraud by Circle of Friends
- Supreme Court Model Jury Charge Committee (Criminal) (1989-96, 2011-12)

### **Partner, Tompkins, McGuire, Wachenfeld & Barry, LLP, 1994-2005**

- Concentration in professional malpractice, employment matters and insurance coverage
- Lerner v. Laufer, 359 N.J. Super. 201, certif. denied, 177 N.J. 223 (2003) (attorney properly limited the scope of his representation of her under N.J. Ct. R. Prof. Conduct 1.2(c), to a review of the terms of the mediated agreement without going outside its four corners)
- Supreme Court Committee: Civil Practice Committee (2002-06)
- "Murphy's Law," Star Ledger column (1994-95)

## **Judge, Superior Court of New Jersey (2005-2017)**

### **Union County vicinage (2005-09)**

- assigned to Civil and Criminal Parts
- Mt. Laurel judge for vicinage
- Supreme Court Bench-Bar-Media Committee (2007-12)

### **Appellate Division (2009-17)**

Published opinions include:

- No. Jersey Media Grp. v. Bergen Cnty. Prosr's Office, 447 N.J. Super. 182 (App. Div. 2016) (in response to news organization's OPRA request for records regarding a person who was not charged with any crime, the prosecutor's office may "neither confirm nor deny" existence of responsive records; records relating to a person who has not been arrested or charged with an offense are entitled to confidentiality based upon long-established judicial precedent and therefore, pursuant to N.J.S.A. 47:1A-9(b), an exemption exists under OPRA)
- N.J. Election Law Commn. v. DiVincenzo, 445 N.J. Super. 187 (App. Div. 2016)
- Cho v. Trinitas Regional Med. Ctr., 443 N.J. Super. 461, certif. denied, 224 N.J. 529 (2016) (granting "motion in limine" that sought dismissal of complaint in its entirety violated due process rights of plaintiff)
- Lisowski v. Borough of Avalon,  
State v. New Jersey, Dept. of Envir. Prot. v. Tp. of Delanco, 442 N.J. Super. 304 (App. Div. 2015), certif. denied, 227 N.J. 374 (2016) (consolidated appeals challenging the sufficiency of the State's effort to delineate and assert its claims to certain tideland property)
- J.O. v. Tp. of Bedminster, 433 N.J. Super. 199 (App. Div. 2013), certif. denied, 217 N.J. 295 (2014) (application of Subpoena First Act, N.J.S.A. 2A:84A-21.9 to -21.13 to a suspect in a criminal investigation who asserted a claim to its protection based upon his status as an "internet publisher" after a search warrant was executed and his suppression motion was denied)
- Hitesman v. Bridgeway, Inc., 430 N.J. Super. 198 (App. Div. 2013), aff'd, 218 N.J. 8 (2014) (plaintiff's reliance upon a professional code of ethics not applicable to his employer, was insufficient to support a liability verdict in his favor under Conscientious Employee Protection Act (CEPA), N.J.S.A. 34:19-1 to -8)
- A.D.P. v. Exxon Mobil Research & Eng'g Co., 428 N.J. Super. 518 (App. Div. 2012) (where direct evidence of disability discrimination was present, McDonnell-Douglas test does not apply; employer's failure to satisfy burden that termination would have occurred even if it had not considered plaintiff's disability warranted reversal of summary judgment dismissing complaint)

- Suarez v. Eastern Int'l College, 428 N.J. Super. 10 (App. Div. 2012) (reversing order granting summary judgment that dismissed plaintiff's Consumer Fraud Act claim against for-profit college; defendant's representation that plaintiff would be employable as a sonographer upon graduation constituted an affirmative misrepresentation of a material fact)

**Of Counsel, Javerbaum Wurgaft Hicks Kahn Wikstrom & Sinins, P.C. (2019 to present)**

- Arbitration and mediation of matters pending trial or appeal
- Appellate consultation
- American Arbitration mediator, arbitrator
- Co-author with Marie Lihotz, P.J.A.D. (ret.) of bi-monthly column on appellate practice for New Jersey Law Journal