

# WILENTZ

—ATTORNEYS AT LAW—

WILENTZ, GOLDMAN & SPITZER, P.A.

## Edward T. Kole

Chair, Business and Commercial Litigation Team

Shareholder

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### Practices

Business and Commercial Litigation

Appellate Practice

Construction Law

### Education

J.D., Seton Hall University School of Law, 1987

B.A., Rutgers University, 1984

### Clerkship

Honorable Eugene D. Serpentei,  
Superior Court of New Jersey,  
1987-1988

### Admissions

New Jersey, 1987

United States District Court for the  
District of New Jersey, 1987

United States Court of Appeals,  
Third Circuit, 1998

United States Supreme Court, 2003

Edward T. Kole chairs the Business and Commercial Litigation department and is a member of the Management Committee at Wilentz, Goldman & Spitzer, P.A. with over 30 years of experience in the practice of complex corporate and commercial litigation. Mr. Kole is an experienced business litigator and trial lawyer, having handled commercial disputes on behalf of public and private companies in New Jersey and across the nation, including matters venued in California, Delaware, Florida, Illinois, Maryland, New York, Pennsylvania, and Texas. Furthermore, he has established and maintained relationships with each of his business clients, as well as with the New Jersey state and federal judiciary due to his courtroom experience and leadership positions within the Federal Bar Association and New Jersey Bar Associations.

Mr. Kole is a Past President of the Association of the Federal Bar of the State of New Jersey. He is a past chair of the Business and Commercial Litigation Committee, as well as the Federal Practice and Procedure Committee of the New Jersey State Bar Association, and previously served as a member of the Appellate Practice Committee. Mr. Kole is a member of the Lawyers Advisory Committee, and co-chair of the Pro Bono Committee, for the United States District Court of New Jersey. He is a Fellow of the American College of Trial Lawyers, one of the premier legal associations in North America, past chair of its State Committee, and chair of its Heritage Committee. He is also a Fellow of the American Bar Foundation. Mr. Kole firmly believes that it is not enough to be a good lawyer, but that a commitment to elevating the practice of law and dedication to the legal community is his responsibility. That sense of obligation to his profession, his colleagues and the firm directly translates to the level of service each of his clients receives.

Mr. Kole has been recognized in his field by *Chambers USA* since 2016. In addition, Mr. Kole has been included in the *Best Lawyers in America* list since 2006 and the New Jersey *Super Lawyers* list since its inception in 2005.

Chambers USA® (<https://chambers.com/about-us/methodology>) is published by Chambers and Partners.

Best Lawyers in America® (<https://www.bestlawyers.com/methodology>) is published by Best Lawyers.

Super Lawyers® ([http://www.superlawyers.com/about/selection\\_process\\_detail.html](http://www.superlawyers.com/about/selection_process_detail.html)) is published by Thomson Reuters.

The American College of Trial Lawyers (<https://www.actl.com>) is an invitation only fellowship of trial lawyers of diverse backgrounds from the United States and Canada. See the membership criteria and requirements at: <https://www.actl.com/about-actl>.

A description of the selection processes may be accessed via the above links. The aforementioned organizations are private peer review organizations, not court-specific, public certification vehicles. No aspect of this advertisement has been submitted to or approved by the Supreme Court of New Jersey.

Mr. Kole's practice includes the representation of large and medium-sized businesses and corporations at every level of state and federal courts, involving a myriad of legal issues including complex contract disputes; restrictive covenant and trade secret litigation; securities and derivative actions; as well as litigation concerning business, shareholder/partnership and franchise disputes. Mr. Kole has also been appointed to serve as a court-appointed mediator, discovery master, and special agent.

His experience as a litigator and his commitment to the New Jersey legal community has made Mr. Kole a sought-after lecturer on federal and appellate practice, restrictive covenant, trade secret litigation, and shareholder disputes. He has conducted and moderated numerous seminars for the New Jersey Institute for Continuing Legal Education.

Before joining the firm, Mr. Kole was a judicial intern to the Honorable Leonard I. Garth, U.S. Court of Appeals, Third Circuit, and to the Honorable Robert E. Cowen, U.S. District Court for the District of New Jersey. He was also a judicial clerk for the Honorable Eugene D. Serpentelli, Assignment Judge, County of Ocean, Superior Court of New Jersey.

## Articles

- "Essential Tips to Effectively Cross-Examine an Expert Witness" (*New Jersey Lawyer Magazine*, June 2021)
- "Issues Concerning The Enforcement Of Restrictive Covenants In Commercial Leases" (*New Jersey Lawyer Magazine*, April 1, 2018)
- "The Superior Court's Complex Business Litigation Program Three Years After Inception" (*New Jersey Lawyer Magazine*, April 1, 2018)
- "Defending Against the Termination of a Franchise in New Jersey:"

- Some Practical Considerations" (*New Jersey Lawyer Magazine*, February 1, 2016)
- "Inside the New Complex Business Litigation Program for the New Jersey Superior Court" (*Association of Corporate Counsel - New Jersey Chapter*, October 27, 2015)
- "Oral Argument Before the Third Circuit – The Privilege and Preparation" (*New Jersey Lawyer Magazine*, August 1, 2015)
- "Keeping it Real and Reasonable – Crafting and Defending a Post-Employment Restrictive Covenant" (*New Jersey Lawyer Magazine*, December 1, 2014)
- "Updated Corporate Statutes Make NJ More Attractive to Businesses; An Analysis of the Recently Enacted Derivative Action Statute" (*New Jersey Lawyer Magazine*, April 22, 2014)
- "The Threat or Prospect of Franchise Termination: Knowing Your Rights In New Jersey" (Wilentz, Goldman & Spitzer, P.A., January 10, 2013)
- "The Threat or Prospect of Franchise Termination – Knowing Your Rights In New Jersey" (Newsletter Disseminated at Tradeshow, January 2010)
- "Franchise Attorneys Speak Out About AAHOA's 12 Points" (*AAHOA Magazine*, December 2008)
- "The *More* and *Pierson* Decisions: Restrictive Covenants Between Physicians are Enforceable, and May Restrict Physicians from Practicing in Local Hospitals" (*BIZ INDIA Magazine*, January/February 2005)
- "Enforcing Restrictive Covenants in Commercial Leases" (*BIZ INDIA Magazine*, September/October 2004)
- "Basics of Injunctive Relief in Federal Court" (*New Jersey Lawyer Magazine*, February 2004)
- "Minimize Undue Influence Claims Through Proper Drafting and Execution of the Will" (*New Jersey Law Journal*, May 26, 2003)
- "Fighting Claims of Corporate Wrongdoing" (*New Jersey Law Journal - Complex Litigation*, April 27, 2003)
- "When Your Client's Neighbor Becomes a Competitor" (*New Jersey Law Journal*, March 17, 2003)

## Books

- "New Jersey Federal Civil Procedure," Chapter 14, Final Pretrial Orders (*New Jersey Law Journal Books*, 2008-2021 Editions)

## Speaking Engagements

- "Trial Advocacy Summer Institute" Presented by NJICLE (Speaker) (July 14, 2022)
- "The Crossover between Chancery and Business Court: Does your case belong in Chancery? Does your case belong in Law Division?" Presented by NJICLE (Speaker) (March 29, 2022)
- "Business Litigation Roundtable: Current Issues in Business Litigation in a COVID-19 World," Presented by NJICLE (Moderator) (December 10, 2020)
- "The Essentials of Handling a Pro Bono Matter and the Benefits of the Re-Entry Program in the District Court of New Jersey," Presented by the Fourth Annual Federal Pro Bono Institute &

- Presentation of the Simandle Award (Moderator) (November 9, 2021)
- "A Return to the Office After the Pandemic: New Jersey Employment Law Concerns," Presented by Association of Corporate Counsel - New Jersey Chapter (Speaker) (September 10, 2021)
  - "Business Litigation Roundtable: Current Issues in Business Litigation in a COVID-19 World," Presented by NJICLE (Moderator) (December 10, 2020)
  - "The Essentials of Handling a Pro Bono Matter and the Benefits of the Re-Entry Program in the District Court of New Jersey," Presented by the Third Annual Federal Pro Bono Institute & Presentation of the Simandle Award (Moderator) (October 23, 2020)
  - "Trial Advocacy Summer Institute," Presented by NJICLE (Speaker) (July 16, 2020)
  - "COVID-19 and Its Impact on Business Litigation," Presented by NJICLE (Moderator) (June 10, 2020)
  - "Business Litigation Roundtable: Current Issues in Business Litigation" Presented in cooperation with the NJSBA Business and Commercial Litigation Special Committee (Moderator) (December 5, 2019)
  - "Business Torts-Boardwalk 2019: The Judiciary View" Presented in cooperation with the New Jersey Association for Justice (Speaker) (May 9, 2019)
  - "Trial College Session 4: Doing Your Homework – Prepping for Cross" Presented in cooperation with the Middlesex County Bar Association (Speaker) (May 1, 2019)
  - "Business Litigation Roundtable: Current Issues in Business Litigation" Presented in cooperation with the Business and Commercial Litigation Committee of the NJSBA (Moderator) (December 5, 2018)
  - "First Annual Federal *Pro Bono* Institute: The Essentials of Handling a *Pro Bono* Matter in the District Court of New Jersey – Tenets, Ethics Issues and More" Presented in cooperation with the Association of the Federal Bar of New Jersey (Moderator/Speaker) (October 5, 2018)
  - "Ethical Responsibilities and Pro Bono Opportunities in the D.N.J. – The Re-entry / "ReNew" Program, Section 1983 Litigation and Seeking Justice For All" given at 42<sup>nd</sup> Annual United States District Court Judicial Conference Presented by The Association of the Federal Bar of New Jersey (Panelist) (March 29, 2018)
  - "Business Litigation – The Year in Review" Presented in Cooperation with the NJSBA Business & Commercial Litigation Special Committee (Moderator/Speaker) (November 30, 2017)
  - "Successful Federal Court Practice" Presented in Cooperation with the NJSBA Federal Practice Section and the Association of the Federal Bar of New Jersey (Moderator/Speaker) (October 11, 2017)
  - "Business Litigation Roundtable: Current Issues in Business Litigation" Presented in Cooperation with the NJSBA Business & Commercial Litigation Committee and NJSBA Senior Lawyers Special Committee (Moderator/Speaker) (June 2, 2017)

- “How to Avoid and Defend a Legal Malpractice Case” Presented in Cooperation with the Middlesex County Bar Association given at the 12<sup>th</sup> Annual Practice Area Awards General Membership Dinner Meeting (Speaker) (March 22, 2017)
- “Business Litigation: The Year in Review” Presented in Cooperation with the NJSBA Business and Commercial Litigation Special Committee and Senior Lawyers Special Committee (Moderator and Speaker) (December 6, 2016)
- “Nuts & Bolts of Federal Court Practice” Seminar Presented by the NJSBA Federal Practice & Procedure Section and the NJSBA Business & Commercial Litigation Special Committee (Moderator) (October 20, 2016)
- “Mediation & Settlement of Business Disputes” Seminar given at NJCCA 14<sup>th</sup> Annual CLE Conference (Speaker) (September 16, 2016)
- “Business Litigation Roundtable: Current Issues in Business Litigation” Seminar Presented in Cooperation with NJSBA Business & Commercial Litigation Committee (Moderator/Speaker) (June 17, 2016)
- “Inside the New Complex Business Litigation Program for the New Jersey Superior Court” Presented in Cooperation with the NJSBA at the 2016 Annual Convention (Speaker) (May 19, 2016)
- “Ethics/Legal Malpractice Defense Seminar” Seminar Presented in Cooperation with the Ocean County Bar Association (Speaker) (May 2, 2016)
- “What To Do When You Get That Call: Legal Answers in Emergency Situations” Seminar Presented by NJICLE (Speaker) (April 13, 2016)
- “One Year Later: The Business Court” Presented in Cooperation with the NJSBA Dispute Resolution and Business & Commercial Litigation Sections and Co-Sponsored by the Middlesex County and Monmouth County Bar Associations (Speaker) (January 26, 2016)
- “Business Litigation: The Year in Review, and What to Expect in 2016 & Beyond” Presented in Cooperation with the NJSBA Business and Commercial Litigation Special Committee (Moderator and Speaker) (December 11, 2015)
- “Hot Topics in Federal Rules & Procedure: Issues You’re Likely to Face in the Next Year and Strategies to Overcome Them” Seminar Presented in Cooperation with the NJSBA Federal Practice & Procedure Section (Moderator and Speaker) (December 1, 2015)
- “The Legal Hold Process: Expanding Beyond Preservation / Document Retention & Preservation – Avoiding Adverse Consequences” Seminar given at NJCCA 13<sup>th</sup> Annual CLE Conference (Speaker) (September 18, 2015)
- “Navigating Muddy Waters: Restrictive Covenants & Trade Secrets” at the symposium entitled “Business Litigation Roundtable: Current Issues in Business Litigation” Seminar Presented in Cooperation with the NJSBA Business & Commercial Litigation Special Committee (Moderator and Speaker) (June 11, 2015)
- “Nuts & Bolts of Federal Court Practice” Seminar Presented by

- the NJSBA Federal Practice & Procedure Section and the NJSBA Business & Commercial Litigation Committee (Moderator and Participant) (April 14, 2015)
- “Essential Tenets, Ethics and Professionalism, of Handling a Pro Bono Matter in the District Court of New Jersey” Seminar given at 39<sup>th</sup> Annual United States District Court Judicial Conference Presented by The Association of the Federal Bar of New Jersey (Moderator and Participant) (March 19, 2015)
  - “Mediation & Settlement Techniques of a Business Dispute” - A Webinar Presented by the NJSBA Business & Commercial Litigation Special Committee (Moderator and Speaker) (March 10, 2015)
  - “Navigating Muddy Waters: Restrictive Covenants & Trade Secrets” Seminar given at NJCCA 12<sup>th</sup> Annual CLE Conference (September 19, 2014)
  - “Restrictive Covenants and Trade Secrets” at the symposium entitled “Business Litigation Roundtable: Current Trends and Issues in Business Litigation” Seminar Presented in Cooperation with the NJSBA Business and Commercial Litigation Special Committee (Speaker and Participant) (June 12, 2014)
  - “Third Circuit Practice: A Practitioner’s Guide” Seminar given at 38<sup>th</sup> Annual United States District Court Judicial Conference Presented by The Association of the Federal Bar of New Jersey (Moderator and Participant) (March 20, 2014)
  - “Representing Your Client in Federal Court” Seminar Presented by NBI, Inc. (December 12, 2013)
  - “Effective Techniques in Mediation Advocacy” Seminar Presented by the NJSBA Federal Practice & Procedure Section (June 24, 2013)
  - “Restrictive Covenant and Trade Secret Litigation in NJ” at the symposium entitled “Handling Commercial/Business Litigation Issues” Presented by the NJSBA Business & Commercial Litigation Committee (Speaker and Participant) (June 5, 2013)
  - “Nuts & Bolts of Federal Court Practice” Seminar Presented by the NJSBA Federal Practice & Procedure Section and the NJSBA Business & Commercial Litigation Committee (Moderator and Participant) (April 22, 2013)
  - “Removal to Federal Court” Webinar through NJICLE (March 13, 2013)
  - “Federal Pro Bono CLE Program” Seminar Presented by The United States District Court for the District of New Jersey and The Association of the Federal Bar (Moderator) (Trenton) (February 27, 2013)
  - “Nuts & Bolts of Federal Court Practice” Seminar Presented by the NJSBA Federal Practice & Procedure Section (Moderator and Participant) (September 13, 2012)
  - “Restrictive Covenant Litigation in NJ” at the symposium entitled “Handling Contract/Commercial Litigation Issues” Presented by the NJSBA Business & Commercial Litigation Committee (Speaker and Participant) (December 6, 2011)
  - “Nuts & Bolts of Federal Court Practice” Seminar Presented by the NJSBA Federal Practice & Procedure Section (Moderator and Participant) (October 12, 2011)

- “Basics of Pro Bono Representation in the District of New Jersey” Seminar Presented by The United States District Court for the District of New Jersey and The Association of the Federal Bar (Moderator and Participant) (September 26, 2011)
- “Mediation & Settlement Techniques of a Business Dispute” Webinar through NJICLE (March 8, 2011)
- “Nuts & Bolts of Federal Court Practice” Seminar Presented by the NJSBA Federal Practice & Procedure Section (Moderator and Participant) (February 17, 2011)
- “Nuts & Bolts of Federal Court Practice” Seminar Presented by the NJSBA Federal Practice & Procedure Section (Moderator and Participant) (October 27, 2010)
- “Removal to Federal Court” Webinar through NJICLE (February 25, 2010)
- “Navigating Your Way Through Multi-Party Litigation” Seminar at NJSBA Annual Convention (Moderator and Participant) (May 14, 2009)
- “Federal Practice for New Jersey State Court Practitioners” Seminar Presented by The Association of the Federal Bar (Moderator and Participant) (November 20, 2008)
- “Nuts & Bolts of Practice Before the Third Circuit” Seminar at NJSBA Annual Convention (Moderator and Participant) (May 22, 2008)
- “Beyond the Employment Agreement: The Life-Cycle of a Medical Practice from Buy-In to Buy-Out and the Consequences of Restrictive Covenants” Presentation before American Association of Physicians of Indian Origin (April 18, 2008)
- “Navigating the Federal Courts in the Age of Technology: From E-Discovery to E-Trials” Seminar Presented by The Association for the Federal Bar (Moderator and Participant) (November 19, 2007)
- “Appellate Practice Seminar” Presented to the Middlesex County Bar Association (May 8, 2007)
- “Recent Developments in NJ Trusts & Estates Law” at the Mercer County Bar Association (February 2, 2005)
- “Probate Litigation Update” at the Middlesex County Bar Association (January 12, 2005)
- “How to Present an Appeal” Presented to the Mercer County Bar Association (October 27, 2004)
- “Do’s & Don’ts of Federal Practice for Experienced Practitioners” ICLE Seminar (Moderator and Participant) (May 10, 2003)
- “Explore the Issues and Challenges Facing Businesses in the Electronic World, Including...” Presentation at E-Commerce & Internet Law Symposium (March 7, 2002)
- “The Accounting Expert” Presentation at the NJCPA Mega Conference (October 29, 1999)