



David Restaino

Partner

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David has nearly three decades of experience representing clients in regulatory compliance and complex commercial litigation matters, including environmental and health care disputes, before multiple federal and state courts and agencies.

David has established a reputation for his work addressing questions of compliance, including investigations and ensuing litigation. He is particularly aware of, and sensitive to, his clients' business concerns and advises them on developing, implementing and operating targeted compliance and business programs to prevent, detect and remedy legal and regulatory violations. David has extensive trial experience, having tried cases for plaintiffs and defendants involving complex regulatory and commercial disputes.

David is well respected in the environmental bar. He helps manufacturers, redevelopers and other corporations, individuals and financial institutions comply with the ever-changing regulations concerning contaminated sites, air emissions, hazardous and solid waste, water quality and land use. He evaluates the compliance and liability that may affect business transactions and has represented numerous clients in complex litigation, including alternative avenues of dispute resolution and structuring creative settlements. David also advises the energy industry on developing environmentally sound operations. He is past chair of the New Jersey State Bar Association's (NJSBA) Environmental Law Section.

David is also well versed in a multitude of subjects, including the anti-kickback law, False Claims Act, SEC whistleblower rewards program and a variety of other fraud and abuse laws governing the health care and pharmaceutical industries.

David's strong insurance background is an asset to clients as they attempt to navigate the coverage issues hiding behind each compliance issue, within every transaction agreement and underlying every litigation.

Before Fox Rothschild

David served as a Deputy Attorney General (DAG) and was responsible for enforcing laws in trial, appellate and administrative forums on behalf of the State of New Jersey. As a DAG, David also pursued violators of a host of state statutes, litigated citizens' suits in federal and state courts, handled election law disputes and prosecuted criminal and quasi-criminal enforcement actions. David's responsibilities also included training government inspectors on the proper, and legal, methods for accomplishing their goals.

David previously worked for firms in Princeton and Chicago. Among other things, he litigated alleged violations of SEC rules as well as insurance cases, including the valuation of goods-in-transit covered by the Interstate Commerce Act. David was also involved with significant litigation, transactional and compliance matters concerning state and federal environmental protection laws and commercial matters having significant bankruptcy implications.

Beyond Fox Rothschild

David is involved in bar associations, and in the past has acted as co-chair of a civil practice committee, General Council delegate, section legislative coordinator (having testified before the New Jersey State Senate) and section director.

David also formerly served on the N.J. Supreme Court's District XIII Ethics Committee. He belongs to the Water Environment Federation as well as the Air & Waste Management Association, having served as Vice Chair in the latter organization's odor committee. In the past, he also had the pleasure of serving as a Master of the Stewart G. Pollock Environmental Inn of Court.

David is a past chair of the Bernards Township Democratic Party and served in that capacity for six years.

Practice Areas

- Litigation
- Environmental
- Environmental Compliance
- Health Law
- Energy & Natural Resources
- Renewable Energy & Project Development

Bar Admissions

- New Jersey
- Pennsylvania
- Illinois

Court Admissions

- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. District Court, District of New Jersey
- U.S. District Court, Eastern District of Pennsylvania
- U.S. District Court, Northern District of Illinois

Education

- University of Virginia School of Law (J.D., 1990)
- Ithaca College (B.S., 1987)

Memberships



Fox Rothschild LLP
ATTORNEYS AT LAW

- New Jersey State Bar Association
- Air and Waste Management Association
- Somerset County Bar Association
- Water Environment Federation
- New Jersey State Bar Association, Renewable Energy, Cleantech & Climate Change Committee