

# BENJAMIN CLARKE

## ATTORNEY AT LAW

Benjamin Clarke is a partner in the Teaneck office of DeCotiis. He joined the firm as a partner in 1995. He is a Co-Chair of the firm's Litigation Practice Group.

Mr. Clarke pursues a broad civil litigation practice with concentration in the areas of computer law, construction law, employment law, general commercial law and government and public contracting law. At DeCotiis, Mr. Clarke has handled such noteworthy cases as In re Passaic County Utilities Authority Petition (challenge to "stranded debt" utility surcharges), Nat'l Waste Recycling v. Middlesex County Improvement Authority and In re DBC Project #A0716-000 (public bidding disputes), Trump Hotels v. Mirage (Federal securities law challenge to financing mechanism for a controversial road project in Atlantic City), ATA v. Whitman, (Commerce Clause challenge to executive order banning oversize trucks from non-interstate roads), and White v. Williams (class action against the New Jersey State Police for alleged racial profiling).

Prior to joining DeCotiis, Mr. Clarke spent twelve years with the New Jersey Attorney General's Office, ultimately serving as Assistant Attorney General in Charge of Litigation. In this role, he was responsible for overseeing all civil cases involving the State of New Jersey, its agencies and employees, and for supervising the litigation activities of 400 Deputy Attorney Generals. While



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with the state, Mr. Clarke handled numerous high-profile matters, including Abbott v. Burke (constitutional challenge to the state's educational funding laws), United Wire v. Morristown Memorial Hospital (ERISA challenge to the state's hospital rate system) and Amato v. Wilentz (First Amendment challenge to the Chief Justice of New Jersey's exercise of administrative powers over New Jersey courthouses).

The breadth of Mr. Clarke's litigation expertise is reflected by the range of his noteworthy successes, from staving off a class action against the State Police for alleged racial profiling to the successful pursuit of compensation for construction contract breaches. His clients include public agencies from the state to the municipal level, institutions of higher education and private corporations engaged in activities as diverse as software design and real estate development.

Mr. Clarke received his B.A. in English Literature *summa cum laude* from Rutgers University in 1976. As an undergraduate, he was Phi Beta Kappa, as well as the recipient of the Cheitz Award as the graduate with the highest GPA in his class. He was awarded his J.D. from Yale Law School in 1979, where he was a member of the school's Barrister's Union. Following law school, Mr. Clarke was the law clerk to the Hon. Milton Pollack of the United States District Court for the Southern District of New York. Judge Pollock, who provided Mr. Clarke's initial legal training, was on the bench until age 98 and had a profound influence on federal practice that is still significant today. Mr. Clarke is an AV-rated attorney by Martindale-Hubble, and was designated a New Jersey Super Lawyer in 2006. He is a New Jersey native and lifetime resident.

### **Bar Admissions:**

New Jersey (1979)

New York (1980)