



Kevin J. Duffy

Partner

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Overview

Kevin Duffy, a commercial litigator, assists individuals and corporations in a range of matters affecting their personal and financial interests. He has advised and represented clients in cases involving contracts, commercial real estate, securities, public bidding, unfair competition, negligence, fraud and consumer protection claims in state and federal courts in New Jersey and New York, and has successfully argued before the Supreme Court of New Jersey. Outside of the courtroom, he has successfully represented clients' interests in arbitration and mediation.

Before entering private practice, Kevin served as a law clerk to the Honorable Jane Grall, Judge of the Appellate Division of the Superior Court of New Jersey, and to the Honorable Maurice J. Gallipoli, Assignment Judge of the Superior Court of New Jersey, Hudson Vicinage.

Experience

No aspect of this advertisement has been approved by the highest court of any state. Prior results do not guarantee a similar outcome.

Successfully defended large utility client against significant Telephone Consumer Protection Act (TCPA) class action claims, resulting in a settlement after more than six years of extensive fact and expert discovery and full briefing on class certification

Obtained reinstatement of a no-cause verdict in favor of a major retail corporation before the Supreme Court of New Jersey, following reversal by the Appellate Division

Successfully defended the entry of summary judgment in favor of a major retail corporation in a premises liability case before the Third Circuit Court of Appeals

Secured a ruling from the Supreme Court of New Jersey recognizing a litigant's right to a jury trial in the Special Civil Part of the Superior Court of New Jersey

Successfully defended a factoring company against a fraudulent transfer claim for which the plaintiff was seeking in excess of \$6 million in damages

Successfully obtained judgment against municipal entity for failure to pay the outstanding balance on a contract for construction of a municipal parking garage

Practices & Industries

Complex Commercial Litigation

Litigation

Successfully defended a prevailing solid waste bidder against challenge filed by a competing bidder whose bid was rejected for its inclusion of a defective consent of surety

Education and Credentials

Education

Rutgers University School of Law - Newark, J.D., 2010, *Rutgers Law Record*, Senior Articles Editor

Emerson College, B.S., *magna cum laude*, 2007

Admissions

State of New Jersey

State of New York

U.S. District Court, District of New Jersey

U.S. District Court, Eastern District of New York

U.S. District Court, Southern District of New York

Affiliations

American Bar Association, Communications Law Forum

National LGBTQ+ Bar

New Jersey State Bar Association, Appellate Practice Special Committee

Recognition and Community

No aspect of this advertisement has been approved by the highest court of any state. Prior results do not guarantee a similar outcome. [See Awards Methodology.](#)

Recognitions

Chosen for inclusion on the *NJBIZ 2024 Forty Under 40 Awards List*, 2024

Chosen for inclusion in [The Best Lawyers in America](#) (Woodward/White, Inc.) for Commercial Litigation, 2023-2026

Chosen as one of the New Leaders of the Bar by the [New Jersey Law Journal](#) (ALM Media Properties, LLC), 2021

Selected to the list of New Jersey [Super Lawyers](#)[®] Rising Stars, Business Litigation, 2019-2020

Recipient of a Day Pitney Coleman Award for his commitment to pro bono and public service, 2017

Community Involvement

NJ Pride Chamber, Member

West Orange Scholarship Fund, Trustee

Name Change Project, Volunteer Attorney
Mendham Township Environmental Commission, Member
Mendham Township Open Space Trust Committee, Member

Insights

Searching for the "Reasonable Consumer": A Survey of Deceptive Labeling Claims in the Second and Ninth Circuits
American Bar Association , February 3, 2025

New FCC Rules for Revocation of Consent under the TCPA
March 28, 2024

New FCC Rules for Marketing Using Text Messages and Obtaining Marketing Leads
January 9, 2024

The 2023 Lavender Law Conference & Career Fair
July 24-26, 2023

The 11th Circuit Finds a Single Text Message Sufficient Injury for Article III Standing
July 26, 2023

Florida Legislature Passes Amendments to the FTSA
May 11, 2023

Day Pitney Sponsors Human Rights Campaign Greater New York Dinner
February 4, 2023

Shouting FIRE! (or Worse) on Social Media: The Interplay of the First Amendment and Government Involvement in Efforts to Limit or Remove Social Media Content
March 29, 2021

Supreme Court Declines to Invalidate the TCPA Cell Phone Calling Restrictions
July 7, 2020

Supreme Court Removes Obstacle for Plaintiffs Asserting Takings Claims in Federal Court
June 26, 2019

Without Sufficient Merit
August 5, 2016

News

Michael Furey and Kevin Duffy Win Dismissal of Malpractice Case Against a Major Law Firm
July 29, 2024

Day Pitney Partner Kevin J. Duffy Named to NJBIZ 2024 Forty Under 40 Awards List
July 24, 2024

Day Pitney's Kevin J. Duffy and Naju R. Lathia Honored as New Leaders of the Bar by New Jersey Law Journal
August 10, 2021

2021 Promoted Partners
January 6, 2021

Kevin J. Duffy
January 4, 2021

Day Pitney Elects Four New Partners
January 4, 2021

Day Pitney Honors Three Attorneys With Pro Bono Award
February 7, 2017

In The Media

"How to Retain Talent in Today's Tight Labor Market," 2022 Lex Mundi Managing Partners Conference
June 17, 2022

Law Journal Announces New Jersey Legal Awards Winners, Finalists
New Jersey Law Journal, September 23, 2021

Walmart Wins At NJ High Court In Fight Over Medical Terms
Law360, March 4, 2019

Williams v. American Auto Logistics
New Jersey Law Journal, August 11, 2016

Supreme Court of NJ Holds that Trial Courts Can't Deny A Jury Trial As Sanction
Law360, July 28, 2016