Joshua S. Bauchner

Partner

jbauchner@mblawfirm.com
646-369-0250

Overview

Nationally recognized in commercial litigation, regulatory compliance, and administrative law, Joshua S. Bauchner advises businesses in highly regulated industries on complex statutory, constitutional, and commercial disputes, and is known for his strategic advocacy before courts, government agencies, and regulatory bodies.

Josh serves as the chair of the Cannabis, Hemp and Psychedelics Practice Group and is a partner in the Litigation, Bankruptcy, Hospitality, Landlord/Tenant, Construction, and Employment practice groups. He successfully handles numerous appeals in state and federal courts.

His areas of specialization include: enforcement of commercial contracts such as lease agreements, guaranties, purchase and sale contracts, and commission agreements; litigation of partnership disputes; class action prosecution and defense; claims originating from insurance coverage denials; employment litigation including FLSA, ADA, ADEA, Title VII, and analogous state law claims; and defense against commercial landlord/tenant and foreclosure actions.

His extensive experience is evident in representative matters, including:

- Prosecuting construction and design defect claims against the sponsor, developer and architect of a luxury condominium building in New York City.
- Prosecuting a bankruptcy trustee's claims for fraudulent conveyance, business torts and a violation of the Bank Holding Company Act against more than 40 commercial and investment bank defendants.
- Defending a landlord against business interruption and related claims arising from the 1993 terrorist attack on the World Trade Center.
- Obtaining a favorable settlement for an institutional investor asserting securities, Blue Sky and related common law claims against commercial and investment bank defendants.
- Defending a Boston-area hospital against medical malpractice and related claims seeking $50 million in damages by obtaining a dismissal on personal jurisdiction grounds, which was affirmed by the Second Circuit on appeal.
- Prosecuting institutional investors' securities, Blue Sky and related common claims against placement agents, auditors, rating agencies and corporate insiders in a multidistrict litigation proceeding.
- Defending corporate clients against securities fraud claims brought by the SEC, DOJ and class plaintiffs.
- Representing an NFL franchise in its attempt to secure a new stadium on Manhattan's west side.

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In the ever-evolving area of psychoactive substances, Josh was instrumental in co-hosting the inaugural Cannabis Symposium in New Jersey, attracting nearly a thousand attendees, with subsequent symposia continuing to garner attention. Josh is Chair of the Cannabis Chamber of Commerce's Northeast Region, covering New England, New York, New Jersey, Pennsylvania, Maryland, Delaware, and D.C. As a notable member of the New Jersey State Bar Association Cannabis & Psychedelics Law Committee, New York State Bar Association Cannabis Law Committee, the NORML Legal Committee, and the Amicus Committee, he received the *New Jersey Law Journal*'s Innovator of the Year Award in 2022, and the Firm was named Cannabis Practice of the Year by both *Law360* and the *New Jersey Law Journal* in 2025. *

After graduating from law school, Josh had the honor of clerking for the Honorable Ursula Ungaro at the United States District Court for the Southern District of Florida. He also served as the Deputy Director of the Legal Division at the New York City Department of Consumer Affairs.

A passion for education and community development, as a licensed real estate instructor in New York, he educates aspiring real estate professionals, and he has served as an adjunct professor at Brooklyn Law School. Josh also is deeply involved in his community. He was appointed by the Manhattan Borough President to Manhattan Community Board 10, where he served as the Board's treasurer and co-chaired the Committee on Land Use. Additionally, he played an active role on the Board of Trustees for Wheaton College, the New York Theater Ballet, Frederick Douglass Boulevard Alliance, and the Harlem Wellness Center.

He is admitted to practice in both New York and New Jersey as well as the United States District Court of Michigan, the United States District Courts for the Southern, Eastern and Western Districts of New York, the United States District Court for the District of New Jersey as well as the United States Court of Appeals for the Second and Third Circuits.

In addition to his professional endeavors, Josh's thoughts and perspectives have been featured in numerous publications, shedding light on diverse areas such as cannabis and psychedelics laws, creditors' rights in bankruptcy, ADA compliance, broker liability, and AI in the workplace, among other areas.

** No aspect of the advertisement or award(s) listed above have been approved by the Supreme Court of New Jersey or the American Bar Association. A description of the standard or methodology used can be found* here.

Professional Affiliations

Northeast Cannabis Chamber of Commerce – Chair

New Jersey State Bar Association – Member, Cannabis & Psychedelics Law Committee (co-chair, 2021-2023).

New York State Bar Association – Executive Committee Member, Cannabis Law Committee; Member, Commercial & Federal Litigation Section

New Jersey State Bar Foundation – Member, Respect Magazine Editorial Board & Publication Oversight Committee; Advisory Panel, Constitutionally Speaking and Informed Citizen Advisory Committee

Passaic County Bar Association – Member, Board of Trustees

NORML—Member, Legal and Amicus Committees

Awards

***Law360*'s "Practice Group of the Year" award (2025)**

***New Jersey Law Journal*'s "Cannabis Law Practice of the Year" (2025)**

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***New Jersey Law Journal*'s "Innovator of the Year Award" (2022)**

Publications

The Cannabis Exit Strategy Most Operators Aren't Thinking About Yet, *The Other Magazine,* September 12, 2026

Op-Ed | DEA Is Taking On The Role Of Marijuana Regulator Under Trump's Rescheduling Move, *Marijuana Moment*, September 15, 2026

COVID Rent Is Not Settled: Why 'Delshah v. Free People Reopens the Ledger', *New York Law Journal,* June 15, 2026

The Role of Labor Peace Agreements and Cannabis Unionization in New Jersey and Federal Preemption, *New Jersey Law Journal*, June 1, 2026

Courts Are Now the De Facto Regulators of College Athletics: How NIL Contract Enforcement Is Reshaping the Game, *New York Law Journal*, March 9, 2026

Op-Ed | The crisis facing New York's licensed hemp industry, *amNY*, March 9, 2026

How AI Is Transforming Collision and Mechanical Repair Shops, *Greco Publishing*, November 5, 2025

NY's Current Cannabis Legal Landscape: Progress, Paralysis, or Both? *New York Law Journal*, September 29, 2025

Protecting Properties and Businesses from ADA Litigation, *New York Real Estate Journal*, September 4, 2025

Key Lease Considerations When Buying or Selling an Auto Repair Shop, *Greco Publishing,* August 8, 2025

New Jersey's Cannabis Market v. Federal Prohibition, *New Jersey Law Journal*, July 14, 2025

Parsing 3rd Circ. Ruling On Cannabis, Employee Private Suits, *Law360,* February 3, 2025

Website Accessibility Ruling Leaves Circuit Split Unresolved *Law 360,* October, 2024

OpEd: AN ATTACK ON NEW YORK'S SMALL BUSINESSES, *Empire Report,* August 6, 2024

Beyond the Charge: New York's Guide to Credit Card Surcharge Compliance, *NYC Hospitality Alliance,* August 1, 2024

Navigating Local Hurdles: Challenges Facing Cannabis Applicants in New Jersey," *New Jersey Law Journal,* July 16, 2024

The Latest in the Fight Against NJM, *Greco Publishing,* April 9, 2024

Peddling Fiction: Update on Putative Class Action Against NJM, *Greco Publishing,* March 14, 2024

New NY Statute Restricts Access to Employee Social Media; Imposes Notice Requirements, *New York Law Journal,* February 23, 2024

NJ Supreme Court Lowers the Reliability of "DRE" Protocol, Harming Minorities, *Law.com,* January 24, 2024

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SCOTUS Confronted with Racist and Discriminatory History of Cannabis Criminalization, *New Jersey Law Journal,* October 16, 2020

Managing Medical Marijuana in the Workplace, *GreenEntrepreneur*, April 3, 2019

Staying Ahead of New Cannabis Laws, *IndustryWeek,* March 28, 2019

Creditors Rights in Bankruptcy: How to Keep from Losing Your Shirt, *Retail Info Systems,* February 20, 2019

NJ Arbitration Ruling Puts Burden On Employers, *Law360* April, 5, 2018

New Jersey's Cannabis Industry Is Growing: Where Does It Grow from Here?, *High Times Magazine,* February 2, 2017

The NJ Construction Lien Law: A Powerful, Equitable Tool, *New Jersey Law Journal,* October 3, 2016

Brokers Beware: NJ Real Estate License Act has Strict Requirements, *New Jersey Law Journal,* February 29, 2016

The Linear Construct of A Negligence Claim, *New Jersey Law Journal,* March 23, 2015

Let Them Plead in the Alternative, *New York Law Journal,* September 12, 2014

The False Hope of Lost Profits Damages, *New York Law Journal,* September 27, 2013

Fending Off The Appointment of a Receiver, *New Jersey Law Journal,* July 1, 2013

Bankruptcy Trustee's Avoidance Rights Are Nearly Limitless, *Law360,* October. 22, 2012

Spotlight on Section 550 of the Bankruptcy Code, *Law360,* July 18, 2012

The Forgotten Bank Holding Company Act of 1972, *Law360,* June 12, 2012

Areas of Practice

Cannabis, Hemp & Psychedelics (Chair)

Antitrust

Bankruptcy & Creditors Rights

Construction

Hospitality Services

Labor and Employment

Landlord-Tenant

Litigation

Admission

New York Bar

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New Jersey Bar

United States District Court for the Eastern District of Michigan

United States District Court for the Southern District of New York

United States District Court for the Eastern District of New York

United States District Court for the Western District of New York

United States District Court for the District of New Jersey

United States Court of Appeals for the Second Circuit

United States Court of Appeals for the Third Circuit

Education

Brooklyn Law School, J.D., *magna cum laude,* 2001

Wheaton College, B.A., *cum laude,* 1995

Podcasts

Bauchner Lights Up the Mic on Cannabis Reclassification vs. Declassification

Commercial Real Estate Pro Network – ADA Lawsuits and Commercial Real Estate with Josh Bauchner

Cannabis Radio – Challenges in Detecting Cannabis Impairment in the Workplace

Blue Lake Capital – ADA Lawsuits: What Sponsors & Investors Must Know

WRNJ Radio – The Continuing Process of Recreational Cannabis

The Capitol Press Room – Hemp retailers cry foul over illicit marijuana crackdown

Karma Koala Podcast – Ep. 146: DUI Blood Testing, NY & NJ Admin & Leg Updates, Local Govt Corruption & More

Karma Koala Podcast 122: New Jersey v. Olenowski

Speaking Engagements

NICS National Cannabis Research Conference – Paving a Path for Legal Psychedelics: Lessons from Cannabis Legalization (October 2026)

NJSBA New Jersey Institute for Continuing Legal Education – The Latest on NJ Cannabis and Hemp…and Liquor Licensing, Too?! (August 2026)

NJSBA Cannabis Law Symposium – Federal Law Meets New Jersey Cannabis: Rescheduling, the Farm Bill, Banking, and What Actually Changes (June 2026)

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NJSBA Cannabis Law Symposium – Municipal Power, Zoning & Local Politics: Cannabis Litigation and Licensing (June 2026)

NJSBA/Cannabis and Psychedelics Law Committee Webinar – Cannabis Rescheduling: What Just Happened and What Practitioners Should Know (May 2026)

NYSBA Cannabis Law Section's MCLE – Using the Courts to Shape Cannabis Policy (January 2026)

NJSBA New Jersey Institute for Continuing Legal Education Lunch & Learn – The Latest on Cannabis and Hemp Litigation (December 2025)

Fourth Annual National Interdisciplinary Cannabis Symposium (September 2025)

Employee Stock Ownership Plans (ESOPs) and Cannabis Webinar (July 2025)

Cannabis Law Conference – New York City Bar Association (June 2025)

NJSBA Annual Meeting & Convention (May 2025)

7th Annual NJSBA Cannabis and Psychedelics Law Symposium (March 2025)

New Jersey State Bar Association CLE Seminar – Navigating Intoxicating Hemp Product Law in New Jersey (November 2024)

National Business Institute Course – Cannabis and Banking (November 2024)

Cannabis Industry Disputes: Leveraging Arbitration and Mediation – New York State Bar Association (October 2024)

NRBA CLE Event: Cannabis, Hemp & Psychedelics – Oh My! A Primer on the Latest Legal Issues in these Emerging Fields (October 2024)

NRBA Navigating Cannabis Licensing and Banking Challenges (October 2024)

Marcum Real Estate Fraud Seminar: How to Guard Your Investment (October 2024)

2024 National Interdisciplinary Cannabis Symposium: Legal Status of Hemp and Psychedelics (New York Law School, September 2024)

Primerus 2024 Northeast Regional Meeting – "Cannabis Licensing 101" (July 2024)

NORML Legal Conference (June 2024) – Workplace Impairment Recognition Experts and Drug Recognition Experts

NJ State Bar Association Cannabis Symposium (March 2024) – The Cannabis Litigation Landscape

National Business Institute Course – Marijuana Business Law in New Jersey (November 2023)

NJ League of Municipalities Conference (October 2023) – NJ Local Resolutions of Support and Zoning

NORML Legal Conference (June 2023) – The Status of Legal Cannabis on Both Sides of the Hudson

NJ State Bar Association Cannabis Symposium (March 2023) – Workplace Impairment Recognition Experts and Drug Recognition Experts

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