



Joshua S. Bauchner

Partner

✉ jbauchner@mblawfirm.com

☎ 646-369-0250

Overview

Joshua S. Bauchner serves as the chair of the Cannabis, Hemp and Psychedelics Practice Group and is a partner in the Litigation, Bankruptcy, Landlord/Tenant, Construction, and Employment practice groups. He brings a depth of experience and dedication to his practice, where he is involved in complex commercial and securities litigations, class actions, and bankruptcy-related matters. He also successfully handles numerous appeals in state and federal court.

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.

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. 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.*

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, Joshua's thoughts and perspectives have been featured in numerous publications, shedding light on diverse areas such as cannabis laws, creditors' rights in bankruptcy, and the intricacies of negligence claims, among other areas.

Professional Affiliations

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

[New York State Bar Association](#) – Member, Cannabis Law Committee and Commercial & Federal Litigation

Section

[New Jersey State Bar Foundation](#) – Member, Respect Magazine Editorial Board & Publication

Oversight Committee

[Passaic County Bar Association](#) – Member, Board of Trustees

[NORML](#)—Member, Legal and Amicus Committees

Awards

New Jersey Law Journal's Innovator of the Year Award

Publications

["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" New Jersey Automotive \(April 9, 2024\)](#)

["Peddling Fiction: Update on Putative Class Action Against NJM" *Thomas Greco Publishing Inc.* \(March 14, 2024\)](#)

["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* \(January 24, 2024\)](#)

["SCOTUS Confronted with Racist and Discriminatory History of Cannabis Criminalization" \(October 16, 2020\)](#)

["Managing Medical Marijuana in the Workplace," *GreenEntrepreneur* \(April 3, 2019\)](#)

["Staying Ahead of New Cannabis Laws," *IndustryWeek* \(March 28, 2019\)](#)

["New Jersey's Cannabis Industry Is Growing: Where Does It Grow from Here?" *High Times Magazine*](#)

["Creditors Rights in Bankruptcy: How to Keep from Losing Your Shirt," *Retail Info Systems* \(Feb. 20, 2019\)](#)

["NJ Arbitration Ruling Puts Burden On Employers" \(April, 5, 2018\)](#)

["The NJ Construction Lien Law: A Powerful, Equitable Tool," *New Jersey Law Journal* \(Oct. 3, 2016\)](#)

["Brokers Beware: NJ Real Estate License Act has Strict Requirements," *New Jersey Law Journal* \(Feb. 29, 2016\)](#)

["The Linear Construct of A Negligence Claim," *New Jersey Law Journal* \(March 23, 2015\)](#)

["Let Them Plead in the Alternative," *New York Law Journal* \(Sept. 12, 2014\)](#)

["The False Hope of Lost Profits Damages," *New York Law Journal* \(Sept. 27, 2013\)](#)

["Fending Off The Appointment of a Receiver," *New Jersey Law Journal* \(July 1, 2013\)](#)

["Bankruptcy Trustee's Avoidance Rights Are Nearly Limitless," *Law360* \(Oct. 22, 2012\)](#)

["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\(Chair\)](#)

[Bankruptcy & Creditors Rights](#)

[Construction](#)

[Hospitality Services](#)

[Labor and Employment](#)

[Landlord-Tenant](#)

[Litigation](#)

Admission

- New York Bar
- 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

[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

- 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