

Q&A With Duane Morris' Eric Breslin



Law360, New York (May 30, 2013, 1:06 PM ET) -- Eric R. Breslin is a partner in Duane Morris LLP's Newark, N.J., office. He concentrates his practice in the areas of complex commercial and white collar criminal litigation, representing a broad range of companies and individuals. He has tried a variety of criminal and civil matters to verdict in state and federal courts in New Jersey and elsewhere. He has also conducted numerous internal investigations for corporate clients. Breslin is a former judicial clerk to the Honorable Robert N. Wilentz, chief justice of the New Jersey Supreme Court.

Q: What is the most challenging case you have worked on and what made it challenging?

A: The most challenging and ultimately gratifying case I ever worked on was a 11-week federal criminal trial in the Southern District of Florida. All the lawyers (for the other parties) were exceptionally talented and well prepared — prosecutors included. There was a real sense of respect and camaraderie between both sides, despite the fact that this was a hard-fought and rigorously litigated matter. The presiding judge was smart and fair, and the evidence was basically split down the middle. So, there was never any sense that we were doomed to lose, but certainly no guarantee that we were certain to win.

Therefore, winning and hearing the jury foreman say “not guilty” over 70 times (there were five defendants) was one of those instances where time really stood still and my decision to become a lawyer seemed the best decision I had ever made. Plus, I got to go swimming in the Atlantic Ocean every evening after court was over, as our hotel was right on the beach. The case started after Memorial Day and ended right before Labor Day. It was the best summer I ever had.

Q: What aspects of your practice area are in need of reform and why?

A: I believe that the disclosure rules set forth in *Brady v. Maryland* need to be reformed. I think there is just too much uncertainty over what materials the government has to turn over to defendants, and whether through misfeasance or malfeasance (although actual malfeasance is rare), injustices do take place.

Q: What is an important issue or case relevant to your practice area and why?

A: Electronic discovery — how to use it, gather it, process it, evaluate it and produce it. Just when I feel I have mastered one aspect of or particular piece of technology, I realize I am behind again. With the ascendance of email and other electronic forms of communication, the universe of relevant documents in any large white collar criminal case or complicated civil case seems to be expanding almost without an end in sight. How to effectively handle, process and understand this data in a time-effective and cost-effective way is a challenge.

Q: Outside your own firm, name an attorney in your field who has impressed you and explain why.

A: Robert S. Fink of Kostelanetz & Fink in New York. Bob is a wonderful criminal tax lawyer, a great trial lawyer and advocates with the ferocity of a lion for his clients. I worked for him as a very young associate and have seen him on his feet — which is a great treat. More than once, I have seen him win cases that simply did not seem winnable to his colleagues.

Q: What is a mistake you made early in your career and what did you learn from it?

A: I made a mistake in judgment and was taught by my then-mentor that it is a lawyer's job to make decisions in any given case, that even the best lawyers are not going to be right 100 percent of the time, and that being wrong cannot and should not deter you from stepping up to the plate and making the next decision as best you can. You simply cannot be afraid.

Eric Breslin

ERBreslin@duanemorris.com

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