



## Richard W. Fogarty

PARTNER

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### Overview

Richard W. Fogarty focuses his practice in the areas of workers' compensation defense, insurance defense, and insurance coverage. Rich's workers' compensation practice focuses primarily on defending governmental entities, as well as private employers. He has significant experience defending employee claims petitions involving a wide variety of injuries and has successfully negotiated numerous favorable settlements on behalf of the Firm's clients. Rich has also tried multiple cases to conclusion in the Workers' Compensation Division and has represented his clients in the Appellate Division. His caseload involves dealing with complex cases involving pension and Social Security offsets, third-party lien credits, and total disability issues. Rich also defends employers and their insurance carriers against claims brought by medical providers in Workers' Compensation Courts throughout the State. Rich also has significant experience representing insurance carriers in disputes over PIP benefits in Fortright on the arbitration and appellate levels. He has defended PIP carriers in New Jersey Superior Court in civil lawsuits and Orders to Show Cause, as well as in the Appellate Division. Utilizing his knowledge and experience with PIP coverage issues, Rich frequently conducts investigations and provides opinions to his clients on issues involving insurance coverage and policy interpretation. These issues include determining whether a claimant is eligible for benefits under a policy, application of policy exclusions, reformation of policy limits, and analysis of the New Jersey Deemer Statute. Rich has lectured on various aspects of PIP coverage and defense for the New Jersey Institute for Continuing Legal Education and the New Jersey Defense Association. Previously, Rich gained significant experience representing insurance companies and their insureds in a variety of tort-based liability matters and uninsured and underinsured motorist claims. In that capacity, he has tried several matters to jury verdict. A portion of Rich's practice is dedicated to representing the Firm's clients in the Appellate Division and the New Jersey Supreme Court. Focusing on matters involving insurance coverage disputes, workers' compensation coverage, premises liability, dog bite liability, personal injury defense, and PIP disputes, Rich has prepared over 20 appellate briefs. He has successfully argued before the Appellate Division on several occasions. Prior to joining Chasan Lamparello Mallon & Cappuzzo, PC, in 2007, Rich served as law clerk to Hon. Daniel P. Mecca, P.J.S.C., Civil Division, Bergen County Vicinage. While attending Rutgers University School of Law - Newark, he served as legal counsel through the school's Special Education Clinic, working to obtain an appropriate education for indigent students with disabilities.

**Lectures/Speaking Engagements:** [New Jersey Defense Association 2018 NJDA Insurance Coverage Seminar \(March 2018\)](#) [New Jersey Institute for Continuing Legal Education Latest Developments in PIP Practice \(August 2018\)](#) [2019 PIP/No Fault College \(January 2019\)](#) [Keys to Handling the PIP Case: Rules, Coding, File Preparation and Case Presentation \(April 2019\)](#) [Keys to Handling the PIP Case: Rules, Coverage, File Preparation and Case Presentation \(February 2021\)](#) [New Jersey Workers' Compensation Court Hackensack Vicinage - May Day Seminar: Public Employee Issues \(May 2025\)](#)

**Publications:** [PIP Implications When Out-Of-State Residents are Involved in New Jersey Accidents](#). New Jersey Defense, Spring 2019 [Defending Workers' Compensation Claims for COVID-19 Exposure](#). New Jersey Defense, Winter 2022-2023

## Practice Areas

Civil Defense Litigation  
Workers Compensation

## Education

Rutgers Law School, 2006 JD  
The College of New Jersey, 2003 BS

## Bar Admissions

New Jersey  
New York

## Professional Activities

New Jersey State Bar Association  
Hudson County Bar Association  
New Jersey Defense Association, Co-Chair – Worker's Compensation Committee  
District VI Ethics Committee

## Court Admissions

United States District Court for the District of New Jersey

## Published Opinions

Endo Surgi Center a/s/o Bernadette Harper v. NJM Insurance Group, 459 N.J. Super. 289 (App. Div. 2019)

## Insights & News

Appellate Division Affirms Waiver of Section 40 Lien Rights by Employer  
Nicole R. Cassata & Richard W. Fogarty to Speak at Upcoming ICLE Seminar on February 18, 2021  
Nicole R. Cassata & Richard W. Fogarty to Speak at Upcoming ICLE Seminar  
Robert A. Cappuzzo and Richard W. Fogarty to Speak at 2019 PIP/No Fault College ICLE Seminar  
CLM&C PIP Department Successfully Defends Clients on ASC Reimbursement Issue  
Thomas A. Morrone and Richard W. Fogarty Successfully Defend Jury Verdict in Appellate Division  
Richard W. Fogarty Prevails in Appellate Division  
Richard W. Fogarty successfully overturns PIP award to ambulatory surgical center