

## **ATTORNEY REFERRAL INFORMATION**

The ACR Legal Department provides referrals to attorneys for those radiologists and radiation oncologists who do not have representation, or who have an attorney but would like to consult with a specialist in a particular area of the law, such as medical staff bylaws. We also may provide general information on specific issues, such as contracts, with this referral sheet. Some of the information may be in sample format. Please be advised that any materials we provide are for informational purposes only and not meant to substitute for legal counsel.

While it is not essential that you have local counsel to represent you, your attorney should be familiar with your state law and administrative regulations pertaining to medical practice. Of course, it is important that you and the attorneys discuss fee arrangements, as well as the time they expect to spend on the matter, before retaining any of them to represent you.

Thank you for contacting the ACR Legal Department. If you need further assistance or have questions about the Business Practice Issues section of the web site, please call 1-800-227-5463 and ask for Elizabeth Rathburn or you may email her at [erathburn@acr.org](mailto:erathburn@acr.org) or [legal@acr.org](mailto:legal@acr.org).

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## **NEW JERSEY**

### **Michael R. Burke**

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Mike Burke is a shareholder of Sansweet, Dearden and Burke, Ltd. He focuses his practice on representing physicians and physician groups, dentists and other health care providers in various transactional matters, including but not limited to analyzing, negotiating and drafting employment agreements and co-ownership documents such as shareholders' agreements and operating agreements, examining Medicare fraud and abuse issues (Stark, Anti-Kickback), representing physicians in negotiating arrangements with hospitals and health systems, analyzing reimbursement issues, and analyzing and structuring joint venture arrangements. Mike is a Summa Cum Laude graduate of both the University of Miami School of Law and Temple University. He graduated 2nd in his class at the University of Miami, was a member of the University of Miami Law Review and was inducted into the Order of the Coif. Mike has been practicing law in the health care field since his graduation in 1991 and is licensed to practice in both Pennsylvania and New Jersey. He has authored numerous articles for both local and national publications and speaks on various topics related to health care law on a local and national basis.

**Barry B. Cepelewicz, M.D., J.D.**

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Barry B. Cepelewicz, M.D. is a Partner/Director of Garfunkel Wild, P.C., a firm with over 80 attorneys, all of whom specialize in health care. He is a member of the firm's Business; Compliance and White Collar Defense; Health Care; Health Care Information and Technology; and Litigation and Arbitration Groups. Mr. Cepelewicz holds dual degrees in law and medicine. He is considered an authority in telemedicine, and advises many clients who are involved in the provision of teleradiology services. He represents health-care related entities in transactional, regulatory, and litigation matters, including creating large single and multi-specialty group practices and other joint ventures, and successfully defending providers in State and Federal investigations. Mr. Cepelewicz has served as General Counsel to medical societies, hospitals' medical staffs, health-care businesses and start-up companies. He lectures and publishes extensively, and he is an Editorial Consultant for Medical Economics. Mr. Cepelewicz is licensed in CT, NY, NJ and D.C.

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The firm was founded in 1973 dedicated to the health care industry. Today, the firm has more than 300 lawyers in ten offices with focused practices in health law, labor and employment law, corporate and commercial law, government contracts and litigation. With more than ninety lawyers practicing health law full-time, the firm was recently reported by the National Law Journal, the third largest health law practice in the United States. Practice areas include: antitrust; bankruptcy/restructuring; business transactions, including joint ventures; compliance counseling and defense; federal and state legislative/regulatory; fraud and abuse; managed care; Medicare and third-party reimbursement; peer review; and professional liability and malpractice defense. (note: EPSTEIN BECKER & GREEN, P.C. has firms licensed in CA, CT, DC, GA, IL, MA, NJ, NY, and TX.)

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Mr. Fanburg's broad experience representing major hospitals, diverse medical specialty groups and statewide physician specialty organizations provides him with in-depth knowledge of all aspects of the law as well as the business of healthcare. His experience in establishing outpatient healthcare offices and facilities and ambulatory surgical cents and he frequently superintends the establishment and sale of physician practices. Mr. Fanburg facilitates the negotiation and structuring of joint ventures and mergers and acquisitions of hospitals and medical groups and the development of Medicare and Medicaid corporate compliance programs for physician practitioners. (note: Mr. Fanburg is also licensed in NY.)

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When health care companies undergo a major strategic transaction through mergers, acquisitions, consolidations, joint ventures, partnerships, buyouts, or new affiliations, health care transactional attorney Gary Herschman drives these important transactions to a successful closing. His leadership of deal teams protects his clients' financial interests, in a regulatory compliant manner.

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Alex Keoskey's practice focuses on healthcare litigation and complex regulatory compliance issues for the firm's healthcare and litigation groups. Alex regularly litigates such matters in state and federal court, the N.J. Office of Administrative Law and before hospital hearing committees. He received his B.A. from Rutgers University in Political Science, and his J.D. from Rutgers as well.

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Partner Jill T. Ojserkis, Chair of the Healthcare Law Practice Group, maintains a general healthcare practice on behalf of institutional clients such as hospitals, health systems, medical staffs and ancillary providers. Jill also represents individual licensed providers and practice groups. While she concentrates her practice on Medical Staff/physician relations, governance issues for Hospitals and Medical Staffs, bioethical and transactional matters including managed care, Jill and her Practice Group also provide administrative, regulatory, and ethical counsel; represent clients before federal, state, and accreditation and regulatory agencies; and handle a wide variety of transactional, tax, and corporate matters, including practice acquisition, joint ventures, entity formation, physician group breakups, and hospital - physician contractual

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Ms. Palestini has played an integral role in many notable transactions in the healthcare industry. She negotiated the regulatory approvals for the first for-profit hospital system to enter New Jersey as part of a \$30+ million acquisition. She secured waivers from the state attorney general's office in connection with highly scrutinized medical center relocation. She spearheaded the multi-service line affiliation (and later merger) of three healthcare facilities, and she coordinated the due diligence for a commercial lender on a \$100 million credit facility to a home health services provider. She also negotiated the licensing of a celebrity-affiliated foundation product line with a portion of licensed merchandise revenues to support the foundation's mission. Ms. Palestini is licensed in NJ, NY, and PA.

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Ernest D. Palmarella is a founding partner of the firm. His practice primarily focuses on advising and representing the owners of closely-held corporate, limited liability company and partnership businesses in providing tax, business, estate and succession planning services. In addition to tax planning and drafting of sophisticated estate planning documents, Mr. Palmarella's areas of concentration include the negotiation and drafting of business agreements and financing documents for mergers, stock purchases and redemptions, asset acquisitions, reorganizations and other business transactions. He also advises clients on their pension, disability, employee benefits law and related matters and health care law issues. In addition to representing owners of closely-held companies, Mr. Palmarella has represented entities of all sizes, both privately and publicly-held, domestic and foreign, for-profit and non-profit, in structuring, tax and corporate transactions. His multi-disciplined background enables him to handle all aspects of his business client's general business needs. Mr. Palmarella frequently lectures in the areas of employment law, health care law, business entity structuring and estate planning. Mr. Palmarella was named Top Tax Lawyer for 2009 by Main Line Today Magazine. Mr. Palmarella is licensed in PA and NJ.

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David is Co-Chair of the firm's Health Law Practice and concentrates his practice in regulatory and transactional matters including: fraud and abuse, physician self-referral and false claims; health care compliance programs and regulatory compliance; internal investigations; governmental and third-party payor audits and investigation; health care affiliations, joint governance issues; hospital-physician relations; tax-exempt organizations; provider and facility licensing; reimbursement and payment issues; Medicare and Medicaid; certificate of need and health planning; and medical records, privacy and confidentiality issues (HIPAA). David previously served as director of the Pennsylvania Society of Healthcare Attorneys, as well as on its Physician Self-Referral, Physician Hospital Organization and Integrated Delivery System Task Forces.

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Mr. Weiner has substantial experience representing health care providers in their various business dealings, including practice formation, sales and mergers.

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Mr. Werner is a zealous advocate for his clients, both in and out of the courtroom. He has a varied litigation practice, representing physicians and other healthcare providers and organizations in civil litigation, criminal investigations and prosecutions, and professional licensing actions. In that capacity, Mr. Werner regularly handles matters related to post-payment audits, overpayment disputes and litigation, insurance fraud investigations and prosecutions, benefit disputes, and allegations of professional misconduct. Mr. Werner's post-payment audit practice places special emphasis on the unique and complicated audits conducted by the Centers for Medicare and Medicaid Services and its contractors. Mr. Werner is licensed in New Jersey, New York and Pennsylvania.