

# LACHTMAN COHEN P.C.

**Brian Cohen** sits down with the Westchester County Business Journal.

**"We're very excited about both the present and future of the firm."**



# Westchester & Fairfield County Business Journals

- Law
- Legal Matters

By

[Bridget McCusker](#)

The Business Journals spoke with Brian S. Cohen, newly appointed treasurer of the Westchester County Bar Association. Cohen is also a partner and co-founder of Lachtman Cohen PC, a full-service, White Plains-based law firm that represents a diverse clientele of corporations, entrepreneurs and individuals in business and real estate transactions and complex litigation.

**What area of law do you specialize in? Did you always intend to practice in that area?**

"My practice is dedicated to representing business and real estate entrepreneurs in high-stakes commercial litigation. I'm also passionate about fighting for the underdog and using the law as a positive force for change, and I dedicate a portion of my practice to representing individuals in cases in which I can make an impact. This has always been my plan, and I love what I do."



Brian S. Cohen

### **What led you to start your own practice?**

"I come from a family of small-business owners and have been very entrepreneurial since I was a kid, so I always knew that, at some point, I would start my own firm. My partner David Lachtman, who heads our real estate and corporate transactional practice, and I, wanted to do things differently. We share a relentless work ethic and set out to build a modern and progressive law firm that delivers top-quality client service and advocacy with integrity and professionalism and fosters a culture in which our colleagues feel comfortable being themselves, have space to think creatively, and are united by a common set of core values."

### **What do you think are your biggest career successes?**

"This year, my colleague Greg Blue and I secured a significant trial victory on behalf of a group of unit owners in a condominium in the Nolita/SoHo neighborhood of New York City. The three-day bench trial was one of the first virtual trials in the Commercial Division.

"Our clients alleged that the condominium's sponsor and her immediate family continued to improperly dominate the board of managers and control its decision-making decades after the offering plan became effective and engaged in improper self-dealing. Our clients claimed that the defendants' actions breached the offering plan, the bylaws, and the defendants' fiduciary duties to the unit owners. After the trial, the court ordered, among other things, a dissolution of the condominium's board with a full "reset" election as well as restrictions on the defendants' ability to vote in subsequent elections and hold seats on the board. This important trial decision has significant implications concerning the governance and management of New York condominiums and cooperatives.

"In another case, I served as co-lead counsel in an action in which we achieved a \$32 million settlement on behalf of a nationwide class of consumers against one of the world's largest banks based on the bank's alleged unlawful manipulation of customer debit transactions to maximize overdraft fees.

"And in 2012, after an extensive two-year investigation, I filed a groundbreaking lawsuit against Aspen Dental, the nation's largest corporate dentistry chain, which exposed rampant misconduct, patient abuse and the illegal corporate practice of medicine. The company opened dental clinics in low-income areas, targeted unwitting patients who are unfamiliar with proper dental care and employed a profit-driven business model that incentivized and pressured dentists and staff to increase revenue in a manner that placed profits before quality of care.

"I shared the fruits of my investigation with, and provided substantial assistance to, the Office of the New York Attorney General, which then launched its own investigation. Though not a whistleblower case, per se, my efforts were the catalyst for the NYAG's investigation into and ultimate settlement with the company, which paid material financial consideration and, more importantly, implemented substantial corporate reforms over a three-year period under the supervision of an independent monitor. This case had a profound impact on the well-being of dental patients and the integrity and reputation of the profession."

**What has your past involvement with the Westchester County Bar Association been like?**

"My favorite part of being active in the WCBA is the people I've met and the friendships I've made. It's a collegial and talented group of professionals who, together, can make a positive impact on our community. I'm honored and proud to have recently been elected treasurer and a member of the Executive Committee.

"Our firm is an annual silver sponsor of the WCBA and also sponsors 'Lunch with the Judges,' a monthly series featuring Justice Linda S. Jamieson and a special guest judge – a great program that makes the judiciary approachable and accessible and further promotes civility in our profession. The program was put on hold during the pandemic, but we hope to start it up again soon.

"On March 8, 2021, my firm, in partnership with the WCBA and Pace Law School, held a mental health symposium titled 'Swept Under the Rug: An Important and Honest Discussion About Mental Health and Well-Being in the Legal Profession' – that I moderated. It was a powerful presentation about depression, anxiety and stress and eliminating the stigma around mental health in the legal profession, while also providing tips on how Westchester County lawyers, judges and law students can recognize and cope with these issues. I'm proud to have started this important and much-needed conversation in our community and look forward to continuing it for many years to come."

**How has the pandemic affected your work this past year? Have you gained or lost clients, and how have your methods of communication changed?**

"Fortunately, we've done very well, and we're grateful to have weathered the storm. Our real estate practice was active throughout the pandemic, and though our litigation practice was suspended for a few months, we've been consistently busy since last summer and are expanding. We've gained several new clients, added a new lawyer to our team, and are looking for additional talent.

"We also opened a new Hudson Valley office, an important step in the firm's growth as it strengthens our ability to both serve new clients and develop new opportunities in one of New York state's most vibrant business environments. We're very excited about both the present and future of the firm.

"In terms of methods of communication, we've successfully pivoted to virtual proceedings. Over the past year, we conducted bench trials, arbitrations, mediations, hearings, depositions, and seminars via Zoom and Microsoft Teams, and it's worked out very well for us and our clients."

**What are your priorities and plans for your tenure as treasurer?**

"Fortunately, my predecessors have done a great job, so for starters, I'd like to follow in their footsteps. My priorities will include, among others, regularly evaluating the organization's financial condition and its performance in meeting budgeted revenues and expenses,



ensuring that my colleagues have reliable data to help inform decisions, monitoring the performance of our investment portfolio, working with the Budget and Finance Committee to prepare next year's budget and maintaining strong internal controls."

**Who do you consider your mentors?**

"My parents. I'm very fortunate to have them as role models."

**Are you active in any other organizations?**

"Yes. I serve on the Board of UJA-Federation of New York's Westchester Business and Professional Division. I'm also a member of the board of trustees of Temple Shalom in Greenwich."

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