

Q & A

Q & A with Justin Heller



Q: Before becoming an attorney, what was your first job?

A: Following college, I spent two years in commercial banking before going to law school.

Q: What motivated you to pursue a legal career?

A: My dad was an attorney, but a legal career was never on my radar. It took some time in the real world – specifically my time in banking – to understand the roles people play in the business world, and as I started interacting with attorneys, I became interested in a legal career.



Justin Heller and his wife Ruth enjoy traveling and last year toured Munich, which included stops at a beer hall or two.

Q: Who was your chief mentor and how did he or she influence your career?

A: I really had two mentors. I joined my father's law firm after law school and was assigned to work under the supervision of a younger partner by the name of Rich Weiner, who ran the firm's bankruptcy and commercial litigation practices. My dad and Rich both had good senses of humor, and were collegial, friendly, and respectful of everyone in the office, which created a great work culture. They brought the same approach to their relationships with clients, adversaries, and others. They were responsive to clients and interacted with clients in ways that made it clear they were interested in them and their legal issues. They were each also very smart and creative lawyers, and always strategized to explore creative solutions to client problems. I learned a lot from both of them, and those early lessons have stayed with me and served me well over the last 30 plus years.

Q: What's the best piece of advice you've ever received?

A: Both my father and Rich told me to always return phone calls the same day, even if just to acknowledge the call and say I would call again the next day. I'm not 100% successful in returning calls the same day, but I try to meet this standard. It's an easy way to make clients happy, and to compete with other lawyers.

Q: What is one thing you would like to learn to do?

A: Maintain and repair my own bicycle.

Q: What is your proudest career achievement?

A: My proudest career achievement occurred recently. I (and the firm) have been representing more than 200 doctors and other medical providers in disputes with their employers or former

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employers over who is entitled to share in the proceeds of the sale of a large New York mutual medical liability insurance company, following its conversion from a mutual company to a stock corporation. Under the statute, the policyholders were the members of the mutual company and entitled to the proceeds in exchange for the extinguishment of their membership interests. But the employers (practice groups and hospitals) paid the insurance premiums under the terms of the employment agreements and claimed they were entitled to the proceeds, under theories of unjust enrichment, among other legal theories.

I initially got a call from a single nurse-midwife concerning her dispute with her employer. After reviewing the matter, I felt that the client's right to the funds was very clear. I also recognized there could be hundreds if not thousands of New York medical providers with similar disputes. She referred colleagues to us, and I started posting blogs on our website. Between word of mouth from existing clients and the internet presence we were able to create, we eventually ended up with more than 200 clients and more than 50 lawsuits throughout New York State.

Due to an early, poor mid-level appellate decision, which was the result of mishandling by the attorney representing the policyholder in that case, we had adverse precedent that resulted in summary judgment against many of our clients. We appealed every adverse decision and, eventually, obtained favorable decisions in the other New York mid-level appellate courts. The New York Court of Appeals granted leave for the employers to appeal, to resolve the resulting split in authority. I argued our cases before the Court in April 2022, and in May 2022, we received a decision settling the issue and confirming the policyholders' rights to the funds (*Columbia Mem'l Hosp. v. Hinds*, 38 N.Y.3d 253 [2022]). That decision has cleared the way for us to resolve the remaining cases.

I'm very proud of the way we were able to identify a business opportunity, attract clients, handle the litigation through the entire process – from the insurance company sale through the Court of Appeals decision, and eventually assist our clients in prevailing on their claims. It has been a particularly rewarding project.

Q: What other career path might you have chosen?

A: I have always been interested in athletic performance and excellence and would have enjoyed a career relating to sports physiology or psychology.

Q: What is your most treasured material possession?

A: An old flexible flyer called "Rosebud". Just kidding, I don't think I have a favorite.



Albany attorney Justin Heller biked from Pittsburgh to Washington D.C. last summer with his daughter Lauren

Q: What is your happiest childhood memory?

A: Probably summer trips with my family to Cape Cod.

Q: What is your favorite movie and book?

A: Movie: It's a toss up between "Casablanca" and "How Green Was My Valley" (1941 movie about Welsh coal miners – beat "Citizen Kane" for Best Picture).

Book: Probably "David Copperfield". I'm reading a new book by Barbara Kingsolver called "Demon Copperhead", which is a retelling of the story set in current times in rural Appalachia. It's very good.

Q: What is the most awe-inspiring place you have visited?

A: It's a bit cliché, but the Grand Canyon for natural places – it really is amazing. And, also, the Alhambra in Granada, Spain, which we visited this past Spring, ranks high on the list of most impressive human creations.

Q: What are your favorite leisure time pursuits?

A: Tennis, skiing, bicycling.

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Q: What is your favorite famous or inspirational quote?

A: “Come back with your shield or on it.” Supposedly something Spartan mothers said to their sons when they went off to battle. My father said it to me when I went off to college.

Q: Who is on your guest list for the ideal dinner party?

A: Mark Twain, Benjamin Franklin, Winston Churchill, Whoopi Goldberg, and Groucho Marx.

Q: What are the top three items on your bucket list?

A: Ski the Alps. See Wimbledon. Take a guided psychedelic trip.



Justin Heller and his daughter Lauren hiked the Catskill Mountains last year.