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NEWS

The Defiant One: This Lawyer Is Building a Robust Practice to Overturn DE&I

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Law Firms - Small



Charles Toutant



When hot-button issues lead to lawsuits in New York and neighboring areas, there's a good chance that they are the work of one little-known law firm in New Jersey.

Murray-Nolan Berutti has built a practice around representing clients who resisted wearing face masks and receiving vaccines during the height of the COVID-19 pandemic.

As COVID has subsided, the firm's Ronald Berutti and Gwyneth Murray-Nolan are expanding into other politically charged issues, such as diversity, equity and inclusion efforts in the workplace and disputes between school districts and the parents of transgender students.

Both Berutti and Murray-Nolan are veteran litigators who left the Weiner Law Group of Parsippany, New Jersey, in 2022 to start their own practice.

In the fall of 2021, while still at their old firm, they took on a case representing owners of restaurants and bars in New York City in a suit protesting Mayor Bill de Blasio's emergency order requiring them to check customers' vaccine records before serving them.

Berutti and Murray-Nolan soon had a large social media following, and it became apparent that there were numerous prospective clients seeking representation in other disputes related to masking or mandatory vaccination policies. But handling those cases was not a good fit with the Weiner firm.

"There was a concern that our sort of interests would be conflicting with other clients," Berutti said. "So we just sort of figured it was a good time to leave to better be able to serve our clients."

Dismissals

After establishing their own practice in Clark, New Jersey, Berutti and Murray-Nolan found their services in high demand, Berutti said.

Berutti also represented himself and Murray-Nolan in COVID-related cases. Berutti sued Freda Wolfson, who was then chief judge of the U.S. District Court for the District of New Jersey, in July 2022 after he was denied admission to the federal courthouse in Trenton for failing to comply with an emergency procedure requiring proof of vaccination or a negative COVID test. The suit was later dismissed.

Berutti also sued the Cranford Board of Education in February 2022 after Murray-Nolan was arrested and charged with trespassing at a board meeting where she refused to wear a mask, contrary to an executive order from Gov. Phil Murphy. That suit was dismissed but an appeal is pending.

Also in 2022, Berutti sued the Mountain Lakes school district over claims that it created a hostile environment for white students when it modified its program of study in light of the killing of George Floyd by police in Minnesota. He claimed that teaching concepts such as white privilege violated the civil rights of his unidentified client, but the case was dismissed when the judge refused to allow the plaintiff to proceed under a pseudonym.

‘Never Stop Swinging’

In fact, many of their suits were dismissed.

Out of 21 cases identified by Law.com that Berutti filed since late 2021 which focus on politically charged subjects, nine have been dismissed, although many of those are on appeal.

Berutti takes such setbacks in stride.

“My motto is: Never stop swinging,” he said. “When we take a case, typically, we almost don’t expect to win trial-level decisions. A lot of the cases we’ve had trouble with really have not been decided on the merits, they were decided on issues of jurisdiction, or mootness, or these peripheral issues that’ll allow the federal courts never to get to the substance. That’s part of the process. Frankly, it’s part of the learning curve with these cases.

“We do believe the federal appellate courts are going to look kindly on our arguments. And we believe that the Supreme Court may be interested in one or two of our cases,” Berutti added. “And I would never guarantee a victory, or be so arrogant as to believe that I know what the outcome would be, but I do believe we would get a fair hearing and a fair shot.”

Attempting to Overturn Diversity

More recently Berutti has sued BlackRock, BBDO Worldwide, Meta Platforms and New York University over programs creating opportunities for people of color. He thinks the Supreme Court’s June 2023 decision in *Students for Fair Admissions v. Harvard*, which said that race-based affirmative action programs in college admissions violate the Equal Protection Clause, creates an opportunity to have such programs overturned.

In his latest suit, filed Jan. 5, he claims Delaware Valley Regional High School violated the rights of a father whose child, assigned female at birth, was allowed to assert a male gender identity at school but he was not notified about the transition.

That suit joins others that concern a policy promulgated by Murphy that calls for schools to accept a student’s asserted gender identity and to refrain from telling parents that their child is transitioning.

That case is based on “somewhat unsettled law” and “it’s a case that may be interesting to the Supreme Court,” Berutti said.

The firm has a “very robust practice,” Berutti said.

“I love my clients because they are people who have their backs against the wall, and they are people who oftentimes are out of work. And they are people who are being targeted,” he said. “And somehow or other these people do manage to find a way to reach into their pocket to pay me. Almost all my clients pay me something. They reach in, and the reason they do it, almost to a person, is that they understand that these issues are transcendent, and they matter to too many people beyond them.”

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