



Published on *Ogletree Deakins* (<http://www.ogletreedeakins.com>)

Attorney-Assisted Gripes About Commission Reduction Not Protected By New Jersey CEPA

Published Date: May 14, 2012

Authors: Evan J. Shenkman (Morristown), Christopher J. Capone (Morristown)

Published Date: May 14, 2012

On April 9, 2012, the New Jersey Appellate Division overturned a jury award of \$3.6 million to a plaintiff who previously had convinced a jury that he was terminated for complaining about his reduced commissions, in violation of the Conscientious Employee Protection Act (CEPA), rather than—as the employer claimed—for his inappropriate emails. *Powell v. Wachovia Corporation et. al.*, A-1727-10T4 (N.J. App. Div. Apr. 9, 2012). In overturning the jury award, the Appellate Division held that the plaintiff’s retention of counsel and his objection merely sought to vindicate a *personal* right (a contract dispute) which did not serve a public purpose necessary to state a claim under CEPA and that the plaintiff did not have a reasonable objective belief that his commission reduction was “fraudulent, deceptive, or unlawful.”

Note: This article was published in the May 2012 issue of the *New Jersey eAuthority*.

Posting and viewing of the information on this website is not intended to constitute legal advice or create an attorney-client relationship.

Disclaimer ©2011, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., All rights reserved.

Source URL: <http://www.ogletreedeakins.com/publications/2012-05-14/attorney-assisted-gripes-about-commission-reduction-not-protected-new-jersey>