

Speaker Biographies



Hon. Ariel E. Belen (Ret.), FCI Arb

Hon. Ariel E. Belen (Ret.), FCI Arb joined JAMS in 2012 and serves as an arbitrator and mediator in complex domestic and international disputes spanning a wide array of practice areas. During his nearly eighteen-year tenure on the bench he served as an Associate Justice of the Appellate Division, Second Department and as Administrative Judge of the Supreme Court, Kings County (Brooklyn). Judge Belen also helped create and presided over the Commercial Division in Brooklyn. Judge Belen has earned a reputation as a calm, intelligent, fair, and hardworking professional while facing the many complicated issues that may arise in a dispute.

Judge Belen is a highly experienced international mediator and arbitrator. He can effectively communicate with Spanish speaking litigants and clients. Judge Belen is a popular international speaker and trainer for ADR. He has presented at ADR training programs for judges, attorneys, and business leaders in Guatemala, Puerto Rico and Mexico. Judge Belen is a fellow of the Chartered Institute of Arbitrators, a member of the Advisory Council of the CPR International Institute for Conflict Prevention and Resolution, a Distinguished Fellow of the International Academy of Mediators, and a member of the International Mediation Institute. Judge Belen is a member of the Board of Advisors of the Scheinman Institute on Conflict Resolution of the Cornell University School of Industrial and Labor Relations.

Judge Belen is often retained as a special master in complex commercial and civil matters. He was appointed as the Federal Facilitator to guide the Joint Remedial Process in the New York City stop and frisk and trespass enforcement class action settlements as described in the Remedies Opinion in *Floyd v. City of New York*, 959 F. Supp. 2d 668 (SDNY 2013). In this program, Judge Belen was charged with assisting the City of New York and its residents with developing sustainable reforms to the stop and frisk and trespass enforcement practices of the New York City Police Department through a community based civic engagement process. Judge Belen filed his Final Report and Recommendations with the Southern District of New York in May 2018. The Final Report and Recommendations may be accessed [here](#).

Judge Belen co-authored *New York Trial Notebook*, (James Publishing, 2008), supplemented annually, an 850-page comprehensive practice treatise for the trial of a civil case in New York.

Justice Belen is fluent in Spanish. He can effectively communicate with Spanish speaking litigants and clients in all matters. [Download Justice Belen's biography in Spanish.](#)

Representative Matters

International

- Chaired an international arbitration concerning a breach of contract between major international telecommunication conglomerates
- Arbitrated executive compensation and deferred compensation claims upon the termination of a high level executive of a multinational corporation based in Europe
- Mediated a matter involving a joint venture with a Taiwanese firm along with the financial damages and partnership dissolution issues associated with the terminated venture
- Served as a Special Master in a matter involving agency and authority disputes in a business commercial case involving a Korean real estate contract breach
- Mediated a breach of contract and alleged fraud claims in a patent transaction between American and European parties
- Mediated a breach of contract and misrepresentation matter between American and Chinese parties engaged in a major joint venture concerning the purchase of a New York City landmark
- Mediated a dispute between a major Mexican chemicals manufacturing company and a North American based insulation manufacturer
- Mediated a case between U.S. based investors and a Latin American telecommunications venture
- Served as a Special Master on a matter related to authority issues in a business commercial case involving a Korean real estate contract
- Mediated a breach of contract and misrepresentation matter between American and Chinese parties engaged in a major joint venture concerning the purchase of a New York City landmark

Business/Commercial

- Mediated a class action lawsuit arising from Superstorm Sandy damages to waterfront property in lower Manhattan
- Arbitrated first party insurance claims resulting from catastrophic Superstorm Sandy damages to a graphics and printing plant
- Arbitrated a securities case arising from breach of fiduciary duty, negligent misrepresentation, negligent failure to supervise, and aiding and abetting fraud
- Arbitrated a dispute concerning ownership and operation of a medical facility
- Arbitrated a dispute over a broker commission on purchase of a property used to develop a major commercial mall
- Arbitrated a breach of contract case involving forensic expert consulting services

- Mediated a business commercial dispute involving a breach of contract between a major hotel conglomerate and a major supplier
- Mediated breach of contract dispute between business partners in an international joint venture in South America
- Mediated several disputes concerning legal malpractice lawsuits
- Mediated several dissolutions of legal and medical practices
- Mediated case involving a multinational corporation in a misrepresentation and breach of contract dispute
- Mediated breach of contract case involving alleged fraud claims brought by international party against American company
- Mediated breach of contract dispute concerning marketing services agreement
- Mediated a consumer class action lawsuit brought against major tobacco manufacturer for alleged fraudulent pricing scheme
- Mediated a dispute between master licensor and sub-licensee in the fashion industry
- Mediated a dispute between a bank managing an IRA, creditors, and heirs of the decedent
- Mediated a dispute after an arbitration award granted damages, attorneys' fees, and costs in trademark licensing matter
- Mediated a dispute pending arbitration involving distribution of the proceeds of an IRA account between widows, heirs, and estate creditors including the bank holding the IRA
- Mediated intra-family dispute related to the ownership, management, and operation of litigation finance companies

Insurance

- Mediated first party insured claims concerning the collapse of an iconic ride in a major American amusement park
- Mediated insurance coverage dispute between major national entertainment company and carrier over key person insurance policy on the life of events promoter and agent
- Mediated insurance coverage dispute between major national homeware manufacturer and carrier over product withdrawal/recall coverage
- Appointed as umpire in insurance coverage arbitration involving dispute between textile manufacturer and carrier
- Arbitrated first party insured claims resulting from devastating Superstorm Sandy damages to graphics and printing plant

Construction

- Mediated construction defect case involving the installation of a HVAC system with an alleged faulty functionality

- Arbitrated construction defect matter involving damages resulting from burst plumbing in a New York landmark hotel converted into luxury condominiums
- Chaired breach of contract arbitration involving independent contractor providing business consulting services to a general contractor
- Mediated case involving claims arising from a freeze-up and water leakage of a pipe located in an apartment building
- Mediated construction defect case involving a dispute between a major hotel conglomerate and the manufacturers and installers of heat pump units in guest rooms
- Mediated breach of contract claims in a condominium conversion
- Mediated the collapse of a commercial building during construction of an adjacent luxury hotel in lower Manhattan
- Mediated dispute between luxury high rise apartment developer, general contractor, and subcontractors relating to unfinished work, change orders, and claimed defects
- Med/Arb involving construction defects in a luxury Manhattan condominium building
- Mediated disputes between owner, construction manager, general contractor, subcontractors, and second tier subcontractors centered around the construction of a high rise luxury building
- Mediated dispute involving construction defects and zoning restrictions in a luxury condominium building converted from a commercial printing press building
- Mediated dispute between owner and construction manager involving delays in construction of a thirty-one unit ground-up luxury condominium development with parking garage
- Mediated dispute between owner, general contractor, and subcontractor concerning rust and corrosion on installed balconies and railings in high rise luxury development

Employment

- Arbitrated executive compensation and deferred compensation claims upon the termination of a high-level executive in a multinational corporation based in Europe
- Mediated breach of contract dispute between an employer and employee related to contractual bonus obligations
- Arbitrated age discrimination claim brought by an executive of a Fortune 100 company
- Mediated case arising from issues related to a separation agreement for law firm employees' retirement and termination
- Arbitrated civil rights matter involving alleged racial discrimination against party in a restaurant
- Mediated several FLSA disputes

- Chaired breach of contract arbitration involving termination of chief executive officer and minority shareholder in a closely held corporation
- Mediated cases involving discrimination, unlawful retaliation, and hostile work environment claims
- Mediated dispute involving employees' failure to repay company issued loan
- Mediated case involving employees' termination due to disability caused by alleged work-related injuries
- Mediated a breach of contract and sexual harassment claims involving high level executive in a venture capital firm
- Mediated executive compensation, deferred compensation claims, and cross claims on a promissory note upon the termination of a high-level investment advisor in a Swiss bank

Entertainment & Sports

- Mediated matter alleging high profile professional athlete knowingly spread a sexually transmitted disease
- Mediated a dispute between a national concert producer and shooting victims during a rap concert performance
- Mediated dispute between high fashion model and nationally circulated digital and print magazines for alleged unauthorized use and reproduction of image

Personal Injury

- Mediated several medical and dental malpractice cases
- Mediated several cases involving auto accidents where parties negotiated settlement amounts ranging from two to twenty-eight million dollars
- Mediated personal injury and fatality cases in a 2008 crane collapse in New York City
- Mediated case involving plaintiff's catastrophic injuries due to a slip and fall into a New York City subway manhole
- Mediated personal injury case involving a bicyclist and a truck driver alleging catastrophic injuries that required multiple major surgeries
- Mediated personal injury/premises liability case involving injuries sustained allegedly from an attack on private property
- Mediated case involving injuries sustained for an allegedly faulty elevator
- Mediated several cases having to do with the results of knee, back, neck and shoulder surgeries
- Mediated several cases alleging violations of the New York Labor Law, scaffolding statutes, and regulations
- Mediated a wrongful death case involving food poisoning from contaminated fish

- Mediated an eight figure settlement of claims of catastrophic injuries pursuant to the New York Labor Law

Special Master

- Serving as Federal Facilitator to guide the Joint Remedial Process in the New York City stop and frisk and trespass enforcement class action settlements as described in the Remedies Opinion in *Floyd v. City of New York*, 959 F. Supp. 2d 668 (SDNY 2013)
- Serves as court appointed trustee to manage a multi-million dollar trust estate that requires financial oversight of assets, investments, and property pending litigation in the New York Commercial Division
- Served as court appointed Special Referee for damages in a legal malpractice matter
- Served as Court Appointed Mediator in federal bankruptcy case related to the construction of a luxury skyscraper in midtown Manhattan
- Served as Special Discovery Master in a securities arbitration
- Serving as a Special Discovery Master in a New York Commercial Division real estate litigation
- Served as Court Appointed Special Referee to conduct forensic examination of computer spyware

CARRIE H. COHEN

Partner, New York, +1 (212) 468-8049, CCohen@mofo.com



Carrie Cohen is a partner with Morrison & Foerster in its Investigations + White Collar Defense Group where she co-chairs the Workplace Misconduct Task Force. Ms. Cohen routinely advises and represents companies, Boards, and C-Suite executives in sensitive investigative and regulatory matters across numerous industries, including the finance, technology, healthcare, consulting, and accounting sectors. Ms. Cohen is an experienced trial attorney and former federal and state prosecutor, having served in the United States Attorney's Office for the Southern District of New York and the New York State Attorney General's Office where she tried public corruption, investment fraud, and securities cases, including securing the conviction of Sheldon Silver, the longtime Speaker of the New York State Assembly, on corruption and money laundering charges. In the New York State Attorney General's Office, Ms. Cohen served as Chief of the Public Integrity Unit in the Criminal Division, and as an Assistant Attorney General in the Civil Rights Bureau, receiving the Louis J. Lefkowitz Memorial Award for outstanding service.

Ms. Cohen's extensive trial experience includes both criminal and civil cases and she has vast experience conducting large and complex criminal and civil investigations involving federal, state, and local agencies and regulators. In addition to being the lead prosecutor in the Sheldon Silver case, Ms. Cohen has been lead or co-lead counsel on other significant public corruption cases, including the prosecution of then-state Comptroller Alan Hevesi for personal use of state employees' time, and on investment and securities fraud trials, including a significant multi-stock securities fraud case and an \$80 million Ponzi scheme case. As a former federal and state prosecutor, Ms. Cohen focuses on white-collar criminal matters, internal investigations, securities and investment fraud cases, regulatory enforcement proceedings, and bribery,

EDUCATION

Cornell University (B.A., 1989)

University of Pennsylvania
Law School (J.D., 1993)

RANKINGS

Benchmark Litigation
2018 "Top 250 Women in
Litigation"

Global Investigations Review
2018 Top 100 "Women in
Investigations"

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procurement, money laundering, and enterprise corruption cases. Prior to her government service, Ms. Cohen spent six years in private practice.

SELECTED SIGNIFICANT REPRESENTATIONS

- **Cybersecurity.** Conduct investigations of cybersecurity incidents and represent companies in related government and regulatory matters concerning disclosure of data breaches, theft of intellectual property, and other issues.
- **Securities Fraud.** Represent corporations and individuals in a variety of criminal investigations and matters involving the federal securities laws.
- **Financial Regulation.** Represent banks and other financial institutions in investigations of regulatory and consumer fraud matters.
- **FCPA.** Represent corporations in FCPA investigations and appointed by the United States Department of Justice to the Monitorship team in the criminal prosecution of Odebrecht.
- **Public Corruption.** Represent elected and appointed public officials and corporations and individuals doing business with the government in a variety of public corruption matters.
- **RICO and Civil Fraud.** Represent corporations in RICO and civil fraud related matter including at trial.

PRESENTATIONS

- Panel Chair, “The Intersection of State and Federal Law Regarding Sentencing,” Second Circuit Judicial Council and the New York State-Federal Judicial Council CLE Program (April 2019)
- Featured Speaker, “‘Speak Up,’” Ms. JD’s 11th Annual Conference on Women in Law (March 2019)
- Moderator, “The #MeToo Mandate: Redefining Respect and Trust in the Workplace Culture,” 2019 Global Ethics Summit presented by Ethisphere (March 2019)
- Panelist, “Taking the Lead 2019: Winning Strategies and Techniques for Commercial Cases,” New York State Bar Association CLE Program (March 2019)
- Panelist, “Significant Legal Developments in the Regions,” the American Bar Association’s 33rd Annual National Institute on White Collar Crime (March 2019)
- Panelist, “When Soldiers Speak: *Cortright v. Resor*,” Federal Bar Council (February 2019)
- Program Coordinator, “Sexual Harassment and #MeToo,” Federal Bar Council (February 2019)
- Panelist, “Public Corruption Trials in a Post-McDonnell World,” Federal Bar Council (January 2019)

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- Panelist, “Dealing with “Imperious” CEOs: What Boards Need to Do to Protect Enterprise Value,” Silicon Valley Directors’ Exchange (SVDX) Panel Discussion, Santa Clara University School of Law (January 2019)
- Panelist, “Litigating Sexual Harassment Cases in the “Me Too” Era,” NYSBA Annual Meeting 2019 (January 2019)
- Panelist, “The Risks of a ‘Fake It ‘Til You Make It’ Business Culture: The Rise and Fall of Theranos,” The 8th Annual Institute for Law & Policy, Creighton University (December 2018)
- Panelist, “Operating on the Edge of Compliance: Value Creator or Business Destroyer,” The 8th Annual Institute for Law & Policy, Creighton University (December 2018)
- Moderator, “Workplace Misconduct Investigations in the Age of #MeToo,” 2018 MoFo Summit for Women In-House Counsel (November 2018)
- Moderator, “Women on Boards,” 2018 MoFo Summit for Women In-House Counsel (November 2018)
- Panelist, “Due Process and Bias in Criminal Investigations,” Columbia University Law School Panel Discussion (November 2018)
- Lecturer, “Implicit Bias and Diversity in the Legal Profession,” First American Title Insurance Co. (October 2018)
- Guest Lecturer, “Public Corruption and the Law,” John Jay College of Criminal Justice (October 2018)
- Panelist, “Defending the Gatekeeper: When In-House Counsel and Compliance Professionals are Investigated,” PLI’s Storming the Gatekeepers: When Compliance Officers and In-House Lawyers Are at Risk 2018 (September 2018)
- Panelist, “Red Cards, Red Handed: FIFA Corruption and the Long Arm of U.S. Law Enforcement,” Woodrow Wilson International Center for Scholars Webcast (June 2018)
- Panelist, “Questioning Witnesses,” New York State Bar Association, Commercial & Federal Litigation Section, Trial Practice Webinar (May 2018)
- Moderator, “Privilege and Ethical Issues Encountered in Corporate Investigations,” New York State Bar Association, Criminal Justice Section, Spring Meeting (May 2018)
- Program Co-Chair and Moderator, “Plea Negotiations in White Collar Cases,” New York State Bar Association, Criminal Justice Section, Spring Meeting (May 2018)
- Panelist, “A Woman’s Place is in the Courtroom,” The Association of the Federal Bar of New Jersey (May 2018)
- Lecturer and Critique Faculty, “Direct Examinations,” New York State Bar Association, Young Lawyers Section, Trial Academy (April 2018 and April 2017)

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- Guest Lecturer, “White Collar Criminal Law and Procedure: High Profile Trials and Corporate Resolutions,” Harvard Law School (March 2018 and March 2017)
- Panelist, “Special Problems for Prosecutors in Public Corruption Prosecutions,” Pace Law Symposium: Public Corruption Prosecution After McDonnell and Beyond (March 2018)
- Program Faculty, “Taking the Lead: Winning Strategies and Techniques for Commercial Cases,” New York State Bar Association, Commercial & Federal Litigation Section (March 2018)
- Panelist, “Significant Legal Developments in the Regions,” American Bar Institute, National Institute on White Collar Crime (March 2018)
- Program Leader, “Public Corruption Post-*McDonnell*,” Federal Bar Council (February 2018)
- Panelist, “Implicit Bias and Diversity in the Legal Profession: Exploring Best Practices for Lawyers and Judges,” New York State Bar Association Annual Meeting 2018 - Commercial & Federal Litigation Section (January 2018)
- Panelist, “Leveling the Playing Field: Addressing Institutional and Implicit Bias and Identifying Opportunities for Women’s Participation and Success,” New York State Bar Association, Fourteenth Annual Edith I. Spivack Symposium (January 2018)
- Teaching Faculty, “Advanced Trial Academy,” New York State Bar Association, Young Lawyers Section (October 2017)
- Speaker, “Are Plea Bargaining, Trial by Judge, and Acquittal by Judge Constitutional,” The Federalist Society (October 2017)
- Panelist, “Federal, State, and Local: Opportunities & Challenges in Different Jurisdictions,” National Attorneys General Training & Research Institute, Center for Ethics & Public Integrity, Anticorruption Academy (August 2017)
- Panelist, “Jury Addresses: Framing the Case and Bringing it Home,” National Attorneys General Training and Research Institute, Center for Ethics & Public Integrity, Anti-corruption Academy (August 2017)
- Moderator, “Trial Practice Skills: Presented Through a Mock Trial Team,” American Bar Association CLE in the City (August 2017)
- Panelist, “Too Big to Jail: Corporate Impunity from Wall Street to the White House,” ProPublica, New America (July 2017)
- Moderator, “Getting to Equal: Women in the Legal Profession,” Pan African Lawyers Union 8th Annual Conference & 5th General Assembly (July 2017)

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- Moderator, “The Legal Profession: Re-capturing its Place in Society,” Pan African Lawyers Union 8th Annual Conference & 5th General Assembly (July 2017)
- Moderator, “State Constitutional Issues,” New York Federal-State Judicial Council, Symposium in Honor of Chief Judge Judith S. Kaye (May 2017)
- Panelist, “Internal Negotiation: Fostering Collaboration & Dialogue Within Teams, Divisions & Your Firms,” WIN Summit (May 2017)
- Moderator, “Public Relations Crises,” 2017 MoFo Summit for Women In-House Counsel (April 2017)
- Panelist, Women in the Profession Program: Annual Conference 2017, New York City Bar's Vance Center for International Justice (March 2017)
- Panelist, “Women in the Courtroom: The Impact of Women in the Judiciary and the Need For More Women Judges and Lead Trial Attorneys,” New York State Bar Association, Thirteenth Annual Edith I. Spivack Symposium, Committee on Women in the Law (January 2017)
- Presenter, “Trial Practice CLE: A Re-Enactment of a Commercial Trial,” New York State Bar Association, Commercial & Federal Litigation Section (November 2016)
- Guest Lecturer, “Ethics in Government: Investigation and Enforcement,” New York University Law School (November 2016)
- Speaker, “A Jill of All Trades: Female Attorneys in the Public and Private Sectors,” University of Pennsylvania Law School (October 2016)
- Speaker, “Public Corruption and the Law,” The Cornell Club New York (October 2016)
- Speaker, “The Current Wave of Public Corruption Cases: Hot Topics and Recent Developments,” American Bar Association, Criminal Justice Section: White Collar Crime Committee (May 2016)
- Moderator, “Social Media and Its Effect on the Jury System,” New York State Bar Association, Commercial & Federal Litigation Section 2016 Spring Meeting (May 2016)
- Panelist, “Lessons from Recent Trials,” New York City Bar Association's Fifth Annual White Collar Crime Institute (May 2016)

PUBLICATIONS

- [“The New Imperative to Investigate Workplace Misconduct,”](#) *New York Law Journal* (January 29, 2018)
- [“Hearing the Need For More Women's Voices in the Courtroom,”](#) *Law360* (December 20, 2017)

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- [“Challenging the Criticism of Federal Prosecutors in 'Chicken---- Club'”](#), *New York Law Journal*, Vol. 258, No. 111 (December 11, 2017)
- [“Recent Trials Show Importance Of Investigating Cooperating Witnesses,”](#) *New York Law Journal*, Vol. 258, No. 28 (August 10, 2017)
- [“Digital Age Expands Communication but Creates Discovery, Litigation Pitfalls,”](#) *New York Law Journal*, Vol. 257, No. 107 (June 6, 2017)
- [“Where Are the Women Litigators?”](#) *NYSBA Journal* (May 2017)
- [“The Section’s Women’s Initiative,”](#) *NYSBA Commercial and Federal Litigation Section Newsletter*, Vol. 23, No. 1 (Spring 2017)
- [“Challenges to SEC Administrative Proceedings Echo Complaints Against Arbitration,”](#) *New York Law Journal*, Vol. 247, No. 47 (March 13, 2017)
- [“Insider Trading Case Reminder of Long-Simmering Parent-Child Privilege Debate,”](#) *Wall Street Lawyer*, Vol. 20, Issue 12 (December 2016)

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Ms. Davis is a Partner at Zeichner Ellman & Krause LLP in the firm's commercial litigation and cybersecurity/data privacy groups where she represents business clients in a wide variety of complex business disputes in New York and New Jersey state and federal courts and in arbitration. Focused on emerging risk of litigation, Ms. Davis is a certified information privacy professional (CIPP/US) servicing mid-market and institutional clients in performing internal risk and compliance assessments, developing comprehensive privacy programs, conducting third-party vendor audits and devising corporate governance protocols.

Prior to joining ZEK, Ms. Davis was Principal Court Attorney to Justice Charles Edward Ramos of the New York State Supreme Court, Commercial Division in Manhattan. She also worked with numerous other Manhattan Supreme Court Justices as a Senior Court Attorney in the Law Department of the New York State Supreme Court, Civil Term. She was an Adjunct Professor of Law at New York Law School.

Ms. Davis currently serves on the board of a large non-profit – the Association of the Bar of the City of New York Fund, Inc. and is one of five appointed Commissioners of the New York State Ethics Commission for the Unified Court System. She is a member of the New York State Court's Commercial Division Advisory Council; the New York State Bar Association's Committee on Technology in the Law and the New York City Bar Association's Committee on the Judiciary. Previously, she chaired the preeminent Commercial and Federal Litigation Section of the New York State Bar Association. She also served on the board of a non-profit, Literacy, Inc., where she chaired its governance committee.

Ms. Davis received her B.A. degree from Montclair State University (formerly Montclair State College) and J.D. degree from American University, Washington College of Law. She is admitted in New York, New Jersey, U.S. Court of Appeals, Second Circuit, U.S. District Court, Southern and Eastern Districts.

Ms. Davis is a co-author of the report "If Not Now, When: Achieving Equality for Women Attorneys in the Courtroom and In ADR" adopted by the American Bar Association and the New York State Bar Association.

Tracee is a frequent speaker on topics on New York trial practice and business dispute resolution, data security, privacy policies and technology in the courts.

HON. TIMOTHY SEAN DRISCOLL
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Timothy S. Driscoll is a Justice of the Supreme Court of the State of New York. Elected to a fourteen-year term in November 2007, Judge Driscoll serves in the Nassau County Commercial Division. He is also the co-chairman of the Chief Administrative Judge's working group on electronic discovery. He is a member of the Chief Judge's Advisory Council on Commercial Litigation in New York State, and serves as co-chair of the Subcommittee on Alternative Dispute Resolution. In addition to his judicial responsibilities, Judge Driscoll is an adjunct professor at Brooklyn Law School and Nassau Community College, and a teaching team member at the Harvard Law School's Trial Advocacy Workshop.

Prior to beginning his term on January 1, 2008, Judge Driscoll held a number of posts in the public and private sector. He served as Deputy Nassau County Executive for Law Enforcement and Public Safety from July 2004 to December 2007. In that position, Judge Driscoll oversaw all of the public safety and law enforcement agencies in the County, including the Police, Fire Marshal, Probation, Sheriff, Office of Consumer Affairs, Traffic and Parking Violations Agency, Medical Examiner, and Office of Emergency Management.

Judge Driscoll was an Assistant United States Attorney in the Eastern District of New York from November 2000 to July 2004. His case load included violent crime matters including racketeering, murder, gun possession and trafficking, and narcotics distribution, as well as white collar matters including mail fraud, wire fraud and health care fraud. His work as a federal prosecutor was recognized by the FBI, Nassau County Police Department, Old Brookville Police Department, and the Drug Enforcement Administration.

As an Assistant District Attorney in Nassau County from September 1996 through November 2000, Judge Driscoll's docket included cases involving burglary, robbery, narcotics and driving while intoxicated, as well as investigations into official corruption.

Prior to beginning his service as a prosecutor, Judge Driscoll was associated with Williams & Connolly in Washington D.C. from November 1992 through July 1996. Before joining the law firm, Judge Driscoll served as a law clerk to the Honorable Joseph M. McLaughlin, United States Court of Appeals for the Second Circuit.

Judge Driscoll is a graduate of Harvard Law School (cum laude 1991), Hofstra University (summa cum laude 1988) and Holy Trinity High School in Hicksville, which inducted him into its Hall of Fame in 2005. He is the Past President of the Irish Americans in Government of Nassau County, and the Past President of the Catholic Lawyers Guild of Nassau County.



Samantha V. Ettari

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Samantha V. Ettari is a trial lawyer who maintains a diverse litigation practice focusing on complex commercial litigation, with an emphasis on advertising litigation, contract and licensing disputes, business tort litigation, securities and regulatory defense, and bankruptcy litigation. Sam also serves as the firm's e-discovery counsel, guiding clients through their obligations in the rapidly evolving area of electronic discovery, including in establishing and complying with information governance; data retention; and e-mail, text and social media use policies, as well as effecting cost-efficient data collection and retention. She is also a member of the firm's interdisciplinary Cybersecurity, Privacy and Data Protection group.

Sam's litigation work has included second-chairing a federal jury trial in the Southern District of New York in which the jury completely rejected allegations against the client of false advertising and, despite a request for more than \$20 million on claims of defamation, awarded less than \$41,000. She also successfully defended against an appeal to the 2nd U.S. Circuit Court of Appeals, which affirmed the limited award. Sam also represented a number of the firm's bankruptcy clients as the lead litigation associate, including in the Residential Capital and Caesars Entertainment matters, in which she played key roles in investigations on behalf of creditor committees and bondholders, as well as in the Washington Mutual bankruptcy at trial on behalf of significant noteholders.

In the cybersecurity arena, Sam represented an international professional services firm in connection with incident response and notification plans following a breach of medical information, with responses to investigations by the Department of Justice and Department of Transportation. She also assists clients in drafting and implementing data retention, information security, incident response and breach communication plans.

Sam maintains an active pro bono practice, which includes representing

Education

J.D., magna cum laude, Brooklyn Law School, 2005

- Editorial Board, *Brooklyn Journal of International Law*
- CALI Award for Excellence (Copyright, Family Law)
- Brooklyn Law Students Against Domestic Violence
- Courtroom Advocates Project

B.A., magna cum laude, State University of New York at Geneseo, 2000

Oxford University, St. Edmund Hall, 1999

Bar Admissions

New York, 2006

New Jersey, 2005

Clerkships

Honorable Edward R. Korman, U.S.D.C., Eastern District of New York, 2007-2008

Honorable Joan M. Azrack, U.S.D.C., Eastern District of New York, 2005-2006

Court Admissions

U.S.C.A., 2nd Circuit

U.S.C.A., 3rd Circuit

U.S.C.A., 9th Circuit

U.S.D.C., District of New Jersey

U.S.D.C., Eastern District of New York

U.S.D.C., Southern District of New York

U.S.D.C., Western District of Michigan

indigent clients in contested divorce proceedings as part of her work with Her Justice and the New York Legal Assistance Group. Among her most notable work, she represented a disabled mother in three separate actions in Brooklyn Family Court. The client, suffering from a long-term physical disability, had endured years of physical and verbal abuse at the hands of her former partner. After filing amended petitions, conducting discovery and making multiple court appearances with the client, Sam negotiated settlement agreements awarding the client sole legal and physical custody of her 4-year-old daughter, a favorable child support award and a one-year final order of protection. In recognition of her commitment to pro bono work, Sam received the New York State Bar Association 2015 Empire State Counsel honor, the New York City Family Court 2014 Pro Bono Service Award and the Her Justice 2013 Commitment to Justice Award.

Jeremy R. Feinberg

Jeremy R. Feinberg is a Special Referee of the New York County Supreme Court, Civil Division. His docket includes referred matters from the Commercial Division, New York County, as well as matrimonial and general assignment cases. He issues reports and gives recommendations (or, in some instances, issues determinations) on referred matters ranging from attorneys' fees awards to e-discovery issues to personal jurisdiction challenges.

He worked at the Office of Court Administration from 2006-2013, serving on the staff of the Chief Administrative Judge, before becoming a Special Referee in 2013. Among other things, he was the Statewide Special Counsel for the Commercial Division, a role in which he coordinated issues regarding New York State's business court, providing support and assistance to the Justices assigned to that Court. He also served as counsel to the OCA's E-Discovery Working Group, and Statewide Special Counsel for Ethics.

Prior to joining the court system in 2006, Special Referee Feinberg was associated with Proskauer, where he served the firm and its clients on sports law, professional responsibility, and commercial litigation matters. He was law clerk to the Hon. Judith S. Kaye, former Chief Judge of New York State from 1996-1998. He is a 1995 graduate of Columbia Law School and a 1992 graduate of Columbia College.

Ignatius A. Grande



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Ignatius Grande has been advising clients on issues relating to information management, data privacy, and electronic discovery for more than 15 years. With his legal and technical expertise, Ignatius is able to bridge the gap that can exist between IT and legal/compliance personnel. He works with companies on their data privacy practices and advises companies on how they can comply with EU data privacy laws, including the General Data Protection Regulation. Ignatius has performed compliance risk assessments that addressed cybersecurity, records retention and data remediation compliance issues. He often works with companies to address complex information management issues, including the onboarding of new software and technologies and the privacy and security implications of Internet of Things devices and sensors. He also advises clients on the management of their social media presence and in the preservation of social media content. Ignatius works with companies to effectively implement information management practices and has drafted and revised a wide variety of policies, including Data Privacy, Records Retention, Legal Hold, Bring Your Own Device, Cybersecurity, Social Media, and Mobile Device Governance policies.

Ignatius is a frequent writer and speaker on topics relating to information governance and data privacy. He serves as co-chair of the Social Media and New Communications Technologies Committee of the New York State Bar Association's Commercial & Federal Litigation Section and teaches a course at St. John's University School of Law. Ignatius has worked for two global law firms and has also served as in-house counsel for a global commodities trading company. He graduated from Yale College in 1996 and Georgetown University Law Center in 1999.

Current Positions:

Director, Berkeley Research Group LLC
Adjunct Professor, St. John's University School of Law

The Honorable Deborah H. Karalunas obtained a Bachelor of Arts degree from Cornell University in 1978 and graduated cum laude from Syracuse University College of Law in 1982. At the College of Law, Karalunas was a member of the International Law Review, Moot Court and Justinian Honor Society. Following law school, Karalunas clerked for United States District Court Judge Howard G. Munson in the Northern District of New York. In 1983, Karalunas joined the law firm of Bond, Schoeneck & King in Syracuse, New York where she later became a partner. In 2002 Karalunas was elected to serve as a Supreme Court Justice in the 5th Judicial District. She presides over a panoply of civil cases including commercial, personal injury, medical malpractice, intellectual property, constitutional and environmental. In 2007 Karalunas was appointed Presiding Justice of the Supreme Court, Commercial Division, Onondaga County, and in 2017 she was appointed to the New York State Committee on Pattern Jury Instructions. She is Chair of the 5th Judicial District Women in the Courts Committee and the 5th Judicial District Library Board.

Justice Karalunas is a member of the New York State Bar Association, the Central New York Women's Bar Association, the Onondaga County Bar Association, and the Armenian Bar Association. In addition to leading various committees and sections, Karalunas served on the Board of Directors of the Onondaga County Bar Association and the Central New York Women's Bar Association. She was President of the Central New York Women's Bar Association, Presiding Member of the Judicial Section of the New York State Bar Association, Trustee of the Onondaga County Bar Foundation, and President of the Association of Justices of the Supreme Court of the State of New York.

Karalunas teaches New York Civil Practice at Syracuse University College of Law. She is Editor of the *Judicial Dispatch* and author of a chapter in the treatise *Commercial Litigation in New York State Courts*. Karalunas also lectures frequently on many substantive law and trial practice topics.

Justice Karalunas was the 2009 recipient of the Syracuse University College of Law Distinguished Alumni Achievement Award, the 2017 recipient of the Central New York Women's Bar Association's inaugural Karen DeCrow Award, and a 2018 Public Service Honoree of the Armenian Bar Association.

Karalunas lives in Jamesville, New York with her husband, George. They have three children, Sarah (Nick), Evan (Samantha) and Brian, and three grandchildren, Julian, Alina and Elliot.

LUPKIN PLLC



Jonathan D. Lupkin

Jonathan D. Lupkin is a litigator and trial lawyer with over 25 years of experience; he has been named by SuperLawyers® as one of the “Top 100” attorneys in the New York Metropolitan area for six years in a row, across all practice areas. He has tried complex jury and non-jury cases in state and federal court and has experience in various forms of alternate dispute resolution procedures. A leader of the organized bar in New York, Mr. Lupkin has served as Chair of the Commercial and Federal Litigation Section of the New York State Bar Association, a position held by two federal judges (one current and one former), the former general counsel of a major New York City performing arts institution, and senior partners at some of the nation's largest law firms. Additionally, New York State’s former Chief Judge Jonathan Lippman appointed Mr. Lupkin to the Commercial Division Advisory Council, a permanent body created by the Chief Judge to advise on all matters, statewide, involving and surrounding the Commercial Division. Since his appointment, Mr. Lupkin has been the principal drafter for several of the amendments to the Statewide Rules of the Commercial Division. Mr. Lupkin also serves as a member of the Advisory Committee for the Commercial Division of the Supreme Court of the State of New York in New York County.

Mr. Lupkin has extensive experience litigating a diverse assortment of complex business disputes, including disputes involving attorney malpractice and other professional liability, commercial banking, real estate, partnership break-ups, securities, and financial

derivatives. Mr. Lupkin also handles the defense of white-collar professionals, corporate executives, and others in criminal and quasi-criminal investigations and prosecutions. He has also conducted internal investigations. His varied representations include:

- Defense at trial of a major New York City law firm in a multi-million-dollar suit alleging breach of the firm partnership agreement.
- Defense of a major New York City law firm in a legal malpractice action arising from alleged transactional advice rendered by one of the firm's European offices.
- Representation of several major international law firms in high-profile professional liability actions in New York, including claims arising out of a public securities offering by a Chinese energy company, work in connection with FINRA enforcement proceedings, and alleged transactional advice rendered by one of the firm's European offices.
- Defense of the former Chairman of the New York Stock Exchange in an action brought by the New York State Attorney General.
- Defense of former American Insurance Group ("AIG") director in an action by AIG alleging breach of fiduciary duty.
- Selected to serve as part of legal team to represent senior member of the Delaware judiciary against claims brought in the United States District Court in Manhattan.
- Representation of the former head of the international real estate group for a venerable investment banking house in connection with a partnership dispute arising from the investment in and construction of \$450 million luxury towers in Miami, Florida.
- Representation of a PBS member-station and an owner of an iconic children's educational brand in litigation involving claims of trademark infringement and unfair competition against a former licensee.
- Representation of a high-profile hedge fund manager and philanthropist in connection with litigation arising from his investment in a theatrical production with runs both in London's East End and Greenwich Village.
- Prosecution on behalf of a successful real estate management company of a multi-million-dollar fraud action against a corrupt insurance brokerage firm and its principals.

- Representation of a member of the Duma, the Russian Federation's lower house of parliament, in a defamation action involving charges of anti-Semitism, embezzlement, and participation in war crimes.
- Defense, post 9/11, of a prominent insurance brokerage firm in a \$42 million malpractice action stemming from the procurement of terrorism loss interruption.
- Defense at trial of a major New York industrial landlord in decade-long litigation of dispute with commercial tenant.
- Successful prosecution at trial of a fraudulent conveyance action arising from use of a bogus promissory note to procure an improper judgment lien and wrongfully interfere with conveyance of 100% interest in a luxury East-Side condominium. The Court concluded that our firm had established actual fraud by clear and convincing evidence and granted our request for attorney's fees.
- Prosecution at trial of an indemnity claim on behalf of a major plastics manufacturer against one of its suppliers.
- Successfully arbitrated claims brought by an investor in a Florida-based Native American casino venture against a fellow investor for non-payment of a monthly income stream; the arbitrator accelerated payment of income stream and awarded attorney's fees, leading to a total arbitral award of approximately \$7.5 million. Secured affirmance of arbitral award before Appellate Division, First Department.
- Appeal to the Second Circuit of a complex antitrust action on behalf of a distributor of satellite television programming packages.
- Prosecution of a civil RICO action on behalf of a well-known pharmaceutical manufacturer against one of its distributors.
- Representation at trial of a former derivatives trader in an enforcement proceeding commenced by the Board of Governors of the Federal Reserve System.
- Representation of a major project management company executive in a corruption prosecution stemming from the renovation of the Post Office Building and Federal Courthouse in Brooklyn, New York.
- Representation of a prominent physician in prosecution stemming from the insider trading inquiry surrounding the IBM takeover of Lotus as well as before the Office of Professional Medical Conduct in connection with related licensure issues.

- Representation of foreign national in connection with high-profile prosecution for alleged illegal exportation of military equipment.

Mr. Lupkin has lectured extensively on trial and appellate practice. He has served as an instructor for the National Institute for Trial Advocacy and the New York State Bar Association's Commercial Litigation Academy. He has also served on numerous CLE panels, including: "The Trial of a Commercial Case: Successful Techniques and Tactics," "Trying Your First Non-Jury Case and Preserving Issues for Appeal: The Mechanics for Success," "CIVIL RICO: Legal Overview & Tactical Considerations," "Civil Appeals: Strategies and Process in the New York Court," "Recent Developments in Civil Practice: CPLR and Evidence," and "Trial of a Civil Case in Federal Court." In 2003 and again in 2008, Mr. Lupkin participated in presentations given to the Justices of the Commercial Division at the New York State Judicial Institute at Pace University. In 2016, at the request of the New York State Office of Court Administration, Mr. Lupkin served on a CLE panel regarding the recent amendments to the Statewide Rules of the Commercial Division; the 2-part program is available on OCA's intranet system.

Mr. Lupkin graduated from Columbia College in 1989 with a B.A. in comparative religion and from the Columbia University School of Law with his J.D. in 1992. He served as Notes and Comments Editor and a member of the Administrative Board for the *Columbia Law Review* and was named by the law school as a Harlan Fiske Stone Scholar.

Immediately after graduating from law school, Mr. Lupkin served as Law Clerk to the Honorable Edward R. Korman, United States District Judge for the Eastern District of New York.

EDUCATION:

Columbia University

- B.A. 1989, Columbia College, Member, Senior Society of Sachems
- J.D. 1992, Columbia Law School, Harlan Fiske Stone Scholar; Notes and Comments Editor and Member, Administrative Board, *Columbia Law Review*

BAR ADMISSIONS:

- New York, 1993
- U.S. Supreme Court
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the District of Columbia Circuit
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Northern District of New York
- U.S. Tax Court

AWARDS & COMMENDATIONS:

- Recognized by SuperLawyers® as one of the “Top 100” attorneys in the New York Metropolitan Area, 2013 - 2018.
- AV Rated by Martindale-Hubbell®, 2011-2018.
- Selected as a Fellow in the Litigation Counsel of America, an honorary society for trial lawyers whose membership is comprised of less than one-half of one percent of all lawyers practicing in the United States, 2015.
- Selected for inclusion in Super Lawyers® in the field of Business Litigation from 2007 – 2018.
- Honored by the Commercial and Federal Litigation Section of the New York State Bar Association for contributions as Chair of the Section in 2011.
- Chairs' Award for Distinguished Service, Commercial and Federal Litigation Section, New York State Bar Association, 2006.

PUBLICATIONS:

- “Civil Justice Playbook: New York State’s Commercial Division: The Ideal Forum for Resolving Complex Commercial Disputes,” *Corporate Counsel Business Journal* (September-October 2018)

- Author of explanatory memoranda in support of Statewide Commercial Division Rules 11-b (Categorical Privilege Logs), 11-d (Limitations on Depositions), 11-e (Responses and Objections to Document Requests), 11-f (Depositions of Entities: Identification of Matters), 11-g (Proposed Form of Confidentiality Order and Privilege Clawback Protocol), 13 (Expert Disclosure) and 14-a (Rulings and Disclosure Conferences). Explanatory memoranda available on Unified Court System website at: <http://www.nycourts.gov/rules/comments/index.shtml>
- “Protecting the Sanctity of Silence: Client Confidences and Responding to a Grand Jury Subpoena Directed to Attorneys,” *NY Litigator: A Journal of the Commercial and Federal Litigation Section of the New York State Bar Association* (Winter 2003)
- “5K1.1 and Substantial Assistance Departure: The Illusory Carrot of the Federal Sentencing Guidelines,” 91 *Columbia Law Review* 1519 (1991)

ASSOCIATIONS & MEMBERSHIPS:

- Member, Chief Judge's Commercial Division Advisory Council, 2013-present
- Member, Advisory Committee, Commercial Division, Supreme Court of the State of New York, County of New York
- Member, New York County Independent Judicial Screening Panel for State Supreme Court Vacancies, 2014
- Fellow, Litigation Counsel of America, 2015-present
- New York State Bar Association (Committee on Court Structure and Operations, 2011-2012, Commercial and Federal Litigation Section, Chair, 2010-2011, Chair-Elect, 2009-2010, Vice-Chair, 2008-2009, Member, Executive Committee, 2000-present, Co-Chair, Nominations Committee (2018-Present), Co-Editor, Commercial Division Law Report (in cooperation with the New York State Office of Court Administration), 2006-2009, Editor, *NY Litigator*, 2000-2005, Co-Chair, Civil Prosecutions Committee, 2005-2006, Recipient, Chair's Award for Distinguished Service to the Section, 2006)
- Fellow, New York Bar Foundation

- Association of the Bar of the City of New York (Secretary, Committee on Criminal Advocacy; Member, Subcommittee on the Federal Sentencing Guidelines, 1995-1998; Committee on the Judiciary, 1998-2001 and Interim Member, 2002; Committee on Professional and Judicial Ethics, 2001-2003)
- Federal Bar Council

PRESENTATIONS & SEMINARS:

- Faculty Member, “Recent Amendments to the Commercial Division Rules,” Office of Court Administration’s Online Continuing Legal Education Programming
- Faculty Member, “Technology in the Courtroom,” The Supreme Court of the State of New York Commercial Division Judicial Seminar
- Faculty Member, “Selecting a Commercial Forum,” The Supreme Court of the State of New York Commercial Division Judicial Seminar
- Faculty Member, “Drafting a Comprehensive Arbitration Clause and Judicial Intervention in the Arbitral Process,” sponsored by the New York State Bar Association, Commercial and Federal Litigation Section and NAM (National Arbitration and Mediation)
- Faculty Member, “Exploring Attorney-Client Privilege Among General Counsel,” New York State Bar Association, Spring Meeting of the Section on Commercial and Federal Litigation
- Guest Lecturer, “Trying Cases in New York’s Commercial Division,” St. John’s University School of Law
- Faculty Member, “E-Discovery: What New Attorneys Need to Know,” City Bar Center for CLE, New York City Bar Association
- Faculty Member, "Ethical Issues in the Investigation of Commercial Lawsuits," New York State Bar Association, Spring Meeting of the Section on Commercial and Federal Litigation
- Faculty Member, Commercial Litigation Academy, sponsored by the New York State Bar Association, Commercial and Federal Litigation Section
- Faculty Member, National Institute for Trial Advocacy, “Building Trial Skills” Program

- Faculty Member, Young Lawyers' Trial Academy, Presentation Sponsored by New York State Bar Association, Young Lawyers' Section, Cornell Law School
- Faculty Member, “Trying Your First Non-Jury Case and Preserving Issues for Appeal: The Mechanics for Success,” New York State Bar Association, Spring Meeting of the Section on Commercial and Federal Litigation
- Faculty Member, “CIVIL RICO: Legal Overview & Tactical Considerations,” Presentation Sponsored By New York State Bar Association, Section on Commercial and Federal Litigation, Columbia University Club of New York
- Faculty Member, “Civil Appeals: Strategies and Process in the New York Court,” New York State Bar Association, Spring Meeting of the Section on Commercial and Federal Litigation
- Faculty Member, “The Trial of a Commercial Case: Successful Techniques and Tactics,” New York State Bar Association, Annual Meeting of the Section on Commercial and Federal Litigation
- Faculty Member, “Trial of a Civil Case in Federal Court,” New York County Lawyers' Association Continuing Legal Education Institute
- Faculty Member, “The Ethics Game Show,” City Bar Center for CLE, New York City Bar Association
- “Pleadings and Motion Practice in New York State Court,” In-House Training Seminar
- Faculty Member, “Understanding the Attorney Disciplinary Process--And How To Avoid It,” New York County Lawyers' Association Continuing Legal Education Institute
- Faculty Member, “Recent Developments in Civil Practice: CPLR and Evidence,” City Bar Center for CLE, New York City Bar Association

Scott L. Malouf Biography

www.scottmalouf.com

[Scott's LinkedIn profile](#)

Scott L. Malouf is a social media attorney.

He helps other lawyers use social media and digital information in litigation. Scott identifies online and device evidence; seeks or opposes discovery of digital information; advises on evidentiary issues, discoverability, novel claims, ethics, and other legal issues; develops budgets; assesses new litigation technology and generally makes using digital evidence faster, easier and more predictable.

He also helps organizations use social media and online tools for business, advising on social media/tech guidelines, policies and practices. One of his particular interests is understanding what staff and stakeholders really do on digital platforms and how an organization can effectively respond.

Scott is a member of the *American Bar Association/BNA Lawyers Manual on Professional Conduct* Editorial Advisory Board. He is also a contributor to the ABA publication *Handbook on Global Social Media Laws for Business Lawyers* (Chapter 7: Defamation, Discovery of Sources, and Fake News). Scott's contribution focused on social media crisis communications and an attorney's role in a social media crisis.

Scott is also an active member of the New York State Bar Association's *Social Media Committee*, where he co-authored the *Social Media Ethics Guidelines*, an influential national ethics resource and contributed to the *Social Media Jury Instructions Report*. He also managed the Section's Twitter feed and chairs CLEs.

Scott writes and speaks extensively and has appeared on television, National Public Radio (NPR), before the National Advertising Division (part of the BBB), on behalf of the American Board of Trial Advocates, in podcasts, at CLEs and in many other forums.

Scott is a Rochester, New York native. He received his B.A. from Hamilton College and his law degree from Vanderbilt University. He is licensed to practice law in New York and Massachusetts.

He can be reached at info@scottmalouf.com or (585) 672-4922. See more at [Scott's LinkedIn profile](#) ([linkedin.com/in/socialmediaattorney](https://www.linkedin.com/in/socialmediaattorney)) or his Twitter account: ([@ScottMalouf](#)).



Carla M. Miller, Esq.

Carla M. Miller is Vice President of Business & Legal Affairs and Litigation Counsel for Universal Music Group, the world's largest group of record and music publishing companies. In that capacity, Ms. Miller oversees all aspects of litigation for the company and its foreign affiliates. Ms. Miller also provides pre-litigation advice and counseling on a wide variety of topics, including pre-publication clearance reviews, and artist contractual and intellectual property disputes. Prior to joining UMG, Ms. Miller served in-house litigation counsel for Siemens Corporation, the domestic holding company for all U.S.-based affiliates of the German electronics and engineering company, Siemens AG.

Ms. Miller is an experienced trial lawyer, having conducted all phases of litigation in state and federal court. Prior to transitioning to in-house practice, Ms. Miller was associated with the law firms Proskauer Rose LLP and Morrison & Foerster LLP. Ms. Miller's law firm practice focused on commercial litigation and entertainment law, with an emphasis on music and film industry-related issues and intellectual property litigation, including copyright and trademark infringement and other Lanham Act claims. Ms. Miller represented the major U.S. motion picture studios' interests in the landmark trial and appeal, *Universal City Studios v. Reimerdes*, involving DVD encryption copyright protection systems, which upheld the Digital Millennium Copyright Act of 1998 over a First Amendment challenge. She also second-chaired a federal jury trial involving claims of trademark infringement asserted against a global hair products manufacturer, which resulted in a complete defense victory and invalidation of the plaintiff's trademark. Ms. Miller was recognized as one of the top 15 New York lawyers under 40 by *New York Lawyer Magazine* for her trial work in the field of intellectual property.

Ms. Miller is a member of the Executive Committee of the Commercial & Federal Litigation Section of the New York State Bar Association (NYSBA). She was one of the founding co-chairs of the Section's Corporate Litigation Counsel Committee, and currently co-chairs the Section's Diversity Committee. Ms. Miller has served as a CLE lecturer for The Practising Law Institute (PLI), the American Bar Association-Forum on Entertainment and Sports Law, The New York State Bar Association, and the Association of the Bar of the City of New York on numerous intellectual property topics, as well as law practice management and issues concerning diversity in the legal profession.

Ms. Miller received her B.S. degree in Computer Science from Loma Linda University in Riverside, California. After a successful career as a consulting executive with Andersen Consulting (now known as Accenture), leading consulting projects in Europe and the United States, Ms. Miller received her J.D. degree from the University of California, Hastings College of the Law, where she served as a Senior Articles Editor for *The Hastings Law Journal*. Following law school, Ms. Miller was a federal judicial clerk for The Honorable Cecil F. Poole, Senior Circuit Judge for the United States Court of Appeals for the Ninth Circuit.



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Charlie Moxley is an experienced arbitrator, mediator, litigator, and educator. The principal in MoxleyADR, he is an Adjunct Professor at Fordham Law School, teaching arbitration and international law, as well as the Distinguished ADR Practitioner in Residence at Cardozo Law School and a Fellow of the College of Commercial Arbitrators and of the Chartered Institute of Arbitrators.

Charlie has been a litigator handling large commercial, securities, insurance and other cases in federal and state courts throughout the United States for over 35 years. In recent years, Charlie has spent most of his time as an arbitrator and mediator. He has presided over more than 400 arbitrations, primarily in the commercial, securities, employment, insurance, technology, and international areas, with many of the cases involving substantial claims.

He is a member of arbitration and mediation panels of the International Institute for Conflict Prevention and Resolution (“CPR”), the American Arbitration Association (the “AAA”), the International Centre for Dispute Resolution (the “ICDR”), the U.S. Council of International Business (“USCIB”) for the ICC International Court of Arbitration, and Supreme Court, New York County (Commercial Division and Part 137). He also serves as arbitrator and mediator in *ad hoc* cases.

Charlie has published widely in the arbitration area and regularly lectures at academic and professional functions on the subject, including at Fordham, Cardozo, and other law schools and at AAA, American Bar Association, New York State Bar Association (“NYSBA”), New York City Bar Association, and ARIAS-US functions and events, and trains arbitrators for CPR and the NYSBA. He has also written widely and teaches in the public international law area.

Charlie has been a bar leader for many years. He is currently Co-Chair of the Committee on Arbitration and ADR of the Commercial and Federal Litigation Section (“ComFed”) of the NYSBA and a member of ComFed’s Executive Committee. Charlie also serves as a member of the Executive Committee of the Dispute Resolution (DR) Section of the NYSBA and is a former Chair of that Section. Charlie also has served as a delegate to NYSBA’s House of Delegates.

Charlie started out his career at Davis Polk & Wardwell, following his graduation from Columbia Law School and a clerkship in the United States District Court for the Southern District of New York, following which he practiced in a number of smaller litigation firms before opening his own ADR firm.



Rachel Silverman is a trusted advisor to attorneys, business leaders and entrepreneurs with more than two decades spent designing and executing programs in business development, leadership, communications, employee engagement and diversity. Her breadth of knowledge includes practicing as an attorney, leading business development and marketing for AmLaw 100 and boutique firms, and driving strategy and leading teams at both large media corporations and tech start-ups. She speaks and writes regularly on the dividends of strategic business development activities, individual coaching, and workplace cultural modifications, and collaborates with executives on integrating all aspects of business development and communications for a competitive edge and financial growth.

LISA MARGARET SMITH, UNITED STATES MAGISTRATE JUDGE, SDNY



The Honorable Lisa Margaret Smith is a United States Magistrate Judge for the Southern District of New York. She sits in the Charles L. Briant Federal Building and United States Courthouse in White Plains. She was originally appointed in 1995 and is currently serving her fourth term as a Magistrate Judge. From 2006-2008 Judge Smith served as Chief Magistrate Judge for the SDNY.

Prior to being appointed to the bench, Judge Smith was an Assistant United States Attorney in the Criminal Division of the United States Attorney's Office for the Southern District of New York (1987-1995). Before becoming an AUSA she served as a Kings County (NY) Assistant District Attorney from 1980-1985, rising to Supervising Senior ADA in the Appeals Bureau, following service in several other bureaus. From 1985-1986 Judge Smith was an Assistant Attorney General in the Appeals and Opinions Division of the New York State Department of Law, located in Albany. She represented the State of New York on appeals in state and federal courts throughout New York, and she co-authored an *amicus curiae* brief on behalf of the National Association of State Attorneys General filed in the Supreme Court of the United States. In 1986 Judge Smith re-joined the Kings County District Attorney's Office as a Supervising Senior ADA. She remained there until 1987, when she became an AUSA for the Southern District of New York.

Judge Smith earned her BA degree, with honors in political science, from Earlham College in Richmond, Indiana in 1977, and her JD degree from Duke University School of Law in Durham, North Carolina in 1980, where she was a member of the Moot Court Board. She is a member of the Boards of Editors of the *Federal Courts Law Review*, an on-line and print journal of the Federal Magistrate Judges Association, and of the *Federal Bar Council Quarterly*. Judge Smith has served in various positions on the Board of the Westchester Women's Bar Association, and currently serves as a Vice President and member of the Executive Committee. She is active in the Federal Magistrate Judges Association, the Federal Bar Council, the Federal Bar Association, for which she has served as a Circuit Vice President, and JALBCA. In 2014 Judge Smith was honored to receive the Judith S. Kaye Access to Justice Award from the Women's Bar Association of the State of New York. In 2018 Judge Smith was also honored to receive the Kay Crawford Murray Award from the New York State Bar Association's Committee on Women in the Law.

Judge Smith has been an Adjunct Professor at the Elisabeth Haub School of Law at Pace University (formerly Pace Law School) since 2006, where she has taught Evidence and Federal Courts, and co-teaches Civil Procedure with Professor Michael B. Mushlin. Judge Smith frequently lectures at CLE and Bar Association programs, with a particular focus on e-discovery and evidence. She is a regular participant in events which educate children about the courts, including Take Your Children To Work Day, an annual program of the Westchester Women's Bar Association, as well as visits to the Courthouse by school and scout groups, and she advises the Rye Neck High School Mock Trial Team.

Judge Smith published an article, co-authored with Professor Mushlin, entitled "The Professor and the Judge: Introducing First-Year Students to the Law in Context." The article appears in the *Journal of Legal Education*, Volume 63, number 3 (February 2014). Judge Smith also wrote an article entitled "Top Ten Things You Probably Never Knew About Magistrate Judges," published in *The Federal Lawyer* in May, 2014. She has also contributed numerous articles to the *Federal Bar Council Quarterly*.

Honorable Norman St. George

Justice of the Supreme Court

On November 6, 2018, Judge St. George was elected as a *Justice of the Supreme Court* for the 10th Judicial Department. As of January 1, 2019, Chief Judge Janet DiFiore appointed Justice St. George to serve as the *Administrative Judge of all courts in Nassau County*. In that capacity, Justice St. George oversees the Supreme Court, County Court, Family Court, Surrogate Court, District Court, and all City and Village Courts. From 2013 through 2018 Justice St. George served as the *Supervising Judge of the Nassau County District Court*. He was appointed to that position in February of 2013, by Chief Administrative Judge A. Gail Prudenti. The Nassau County District Court is comprised of both Criminal and Civil Courts. It is one of the busiest Courts in New York State, handling over One Hundred Thousand criminal and civil cases per year. Justice St. George supervised twenty-six Judges and a non-judicial staff of three hundred individuals. In addition to supervising the District Court, Judge St. George was an elected Nassau County Court Judge and an Acting Supreme Court Justice. In May of 2008, Judge St. George was appointed to the position of *County Court Judge* by then Governor David A. Paterson, and was elected to the same position later that year. Shortly thereafter, he was appointed as an *Acting Supreme Court Justice* for New York State. Judge St. George has presided over serious felony criminal cases, commercial cases, medical malpractice cases, and was in charge of the Integrated Domestic Violence Court, the Domestic Violence Court and the Sex Offense Court.

Prior to 2008, Judge St. George served as a District Court Judge. In 2004, he was appointed to the position of Nassau County *District Court Judge*, by County Executive Thomas Suozzi, and was elected to the same position later that year. In addition to presiding over criminal and civil cases, Judge St. George was charged with the responsibility of establishing Nassau County's first misdemeanor Domestic Violence Court. Judge St. George also established and presided over a Driving While Intoxicated Court. Over thirty of Judge St. George's written decisions have been published by the Official Court Reporter and the New York Law Journal. Judge St. George has presided over an astounding two hundred and fifty jury trials, including a number of high profile press cases. He lectures at the Judicial Institute to other judges and at various Bar Associations on criminal and civil trial practice.

Judge St. George was born in Bronx, New York. His father, now deceased, was born in Jamaica, West Indies, and immigrated to the United States for college in 1956 on a track scholarship. His father was a retired Psychiatrist and Professor from Adelphi, Hofstra and Columbia Universities. His mother, now deceased, was born and raised in St. Louis, Missouri. She was a school Psychologist. Judge St. George attended Long Island Lutheran Jr. and Sr. High School in Brookville, New York, where he graduated number two in his class as Salutatorian and as a member of the Honor Society. He attended Adelphi University in Garden City where he majored in Accounting and graduated on the Dean's List. Judge St. George attended Hofstra University School of Law on full academic scholarship and received his Juris Doctor in 1988. He was a member of the Hofstra trial team, and was privileged to be selected as a student member of the Nassau County Inns of Court.

Prior to ascending to the bench, Judge St. George practiced law for sixteen years as a Federal and State trial attorney. After graduating from law school, he worked as a Tax Attorney with Arthur Anderson and Company. He then began his litigation training at the Garden City law firm of Reisch, Simoni, Bythewood & Gleason. Judge St. George handled an extensive caseload of criminal and civil cases including major Federal criminal and civil R.I.C.O. actions.

After leaving Reisch, Simoni, Bythewood & Gleason, Judge St. George served as an Assistant District Attorney for the County of Nassau. He served in the District Court Bureau, Felony Screening Bureau, Grand Jury Bureau and County Court Bureau. As a Prosecutor, Judge St. George tried over thirty jury trials to verdict, and never lost a felony trial.

Judge St. George left the Nassau County District Attorney's Office to become a partner in the Wall Street firm of Jackson, Brown, Powell and St. George, LLP. In addition to being responsible for all of the firm's civil and criminal litigation, Judge St. George served as the managing partner. Thereafter, Judge St. George set up his own law firm with offices in Mineola and Manhattan. Judge St. George successfully tried numerous Federal and State criminal cases, Federal Copyright Infringement cases, commercial litigation cases, and personal injury cases. Two of Judge St. George's trial verdicts were reported by the Jury Verdict Reporter, which reports significant Jury trial verdicts. Judge St. George frequently appeared on Court Television as a trial commentator.

Nancy Thevenin

Nancy Thevenin supports the USCIB Arbitration Committee and coordinates the work of the U.S. Nominations Committee. She works closely with USCIB's Business Development team in ensuring a more comprehensive policy, legal and arbitration membership outreach to both law firms and corporations.

Thevenin previously served as deputy director of the ICC Court of Arbitration's North American marketing office. During her tenure, the group helped launch the ICC International Mediation Competition and developed USCIB Young Arbitrators Forum (YAF), with Thevenin drafting the proposal for the ICC to make YAF a global organization. Nancy then joined Baker & McKenzie as a special counsel in and global coordinator of their International Arbitration Practice Group. She left Baker in 2014 to start her own practice as arbitrator and mediator and continues to teach the spring semester international commercial arbitration course at St. John's Law School.



Lauren J. Wachtler is a partner in the law firm of Phillips Nizer LLP in New York and co-chair of its Litigation Department. Lauren focuses her practice on commercial and business litigation with extensive representation of clients in a wide range of jury and non-jury trials in New York State and Federal Courts, including cases involving the fashion industry, finance, retailers, manufacturers, designers, business torts, and labor and employment-related issues. She is a former chair of the Commercial & Federal Litigation Section of the New York State Bar Association and currently a member of the Board of the New York Bar Foundation, the philanthropic arm of the State Bar. As a member of the Women's Leadership Board of the Harvard Kennedy School, the Council for the Sackler Center For Feminist Art of the Brooklyn Museum, and the lawyer for Same Sky, a trade initiative devoted to empowering HIV positive women who survived the genocide in Rwanda, Lauren continues to play an active role in charitable and not-for-profit organizations dedicated to advancing and empowering women and girls. Lauren spearheaded a Women's Initiative for that 3000 member Section of the Bar and is a co-author of the Report, "[If Not Now, When? Achieving Equality for Women Attorneys in the Courtroom and in ADR](#)," designed to advance women in the profession which was adopted by the New York State Bar Association and the American Bar Association. Lauren has been selected as a New York Times "Super Lawyer" in 2006—2018 by the New York Times, and "Best Lawyers In America" for commercial litigation in 2018-2019. She is a frequent contributor and author of articles on a wide range of topics including trial techniques and evidence, and is a frequent guest lecturer on numerous panels relating to New York practice and procedures, including an annual program entitled "Taking The Lead," designed to promote and provide junior woman attorneys with the tools they need to succeed in the courtroom. A recipient of its "Champion for Change" award, Lauren is a member of the Board of RiverSpring Health, Hebrew Home for the Aged in Riverdale, New York, and the founder of its pet therapy program, "Pets By Your Side." Ms. Wachtler is a graduate of Mount Holyoke College, cum laude, and St. Johns University School of Law.



Stephen P. Younger

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Stephen P. Younger, Past President of the New York State Bar Association, is a leading commercial litigator who is also well-known for his alternative dispute resolution work. Having been with Patterson Belknap since 1985, Mr. Younger has more than 30 years of experience as a business litigator. As a seasoned trial lawyer, he has tried many cases in federal and state courts and before arbitration panels. He also frequently argues appeals, particularly in the appellate courts of New York. Based on his significant ADR experience, he is often called on to serve as an arbitrator or mediator in high-stakes matters. Mr. Younger serves as Editor of the New York Commercial Division Practice Guide, which is part of Bloomberg Law's Litigation Practice Portfolio Series.

Mr. Younger's clients include financial institutions, mutual funds, hedge funds, pension funds and venture capital firms involved in commercial, securities and real estate disputes. He has also developed an extensive practice representing European and Latin American companies in U.S.-related matters.

In addition to his previous role as State Bar President, Mr. Younger has sat on numerous New York State Bar Association committees. He is Past Chair of the New York State Bar Association's Commercial and Federal Litigation Section, having previously served as Chair of its Securities Litigation Committee and of its ADR Committee. Mr. Younger served as Chair of the State Bar's Task Force on Nonlawyer Ownership of Law Firms. He also chairs the State Bar's Subcommittee on the Judiciary Article of its Constitutional Convention Committee.

Mr. Younger is the State Delegate for New York to the ABA's House of Delegates where he chairs the New York delegation. He is a member of the Steering Committee for the ABA's Nominating Committee. He serves on the ABA's Standing Committee on the American Judicial System. He is Past Chair of the ABA's International Mediation Committee and its Task Force on International Trade in Legal Services. He served as the ABA's representative to the United Nations Economic and Social Council. He is chairing the ABA's 2017 summer meeting in New York City.

Mr. Younger previously served on Governor Andrew M. Cuomo's Transition Committee and was the Transition Director for Mr. Cuomo when he was the New York State Attorney General. He also served on the Transition Committee for for New York County District Attorney Cyrus Vance. He was Counsel to the New York State Commission on Judicial Nomination, which nominates New York's Court of Appeals Judges, and is a member of the Governor's First Department Judicial Screening Committee.

Mr. Younger is Chair of the Board of the Historical Society of the New York Courts. He is a member of the Board of Directors of the Fund for Modern Courts and received the Fund's John J. McCloy Award. He served on the Chief Judge's Task Force on Commercial Litigation in the 21st Century, and currently serves on the Chief Judge's

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Commercial Division Advisory Council. He was formerly a member of the Chief Judge's Advisory Committee on New York State Pro Bono Bar Admission Requirements. He is a co-editor of Patterson Belknap's Commercial Division Blog.

Mr. Younger serves on the Board of Directors of the CPR Institute for Dispute Resolution, and previously served as the Chair of its Executive Advisory Committee. He is a founding Board member and Vice Chair of the New York International Arbitration Center. He is also a member of the ADR Advisory Committee of the U.S. District Court for the Eastern District of New York.

A long-time Trustee of Albany Law School, Mr. Younger is Past President of its National Alumni Council. He is also Secretary of the Harvard Club of New York City and previously served on the Club's Audit Committee.

Mr. Younger is an Adjunct Professor of Law at Fordham University School of Law where he teaches commercial litigation.

Mr. Younger has spoken at more than 200 seminars and written over 30 articles in the fields of securities litigation, commercial arbitration and international dispute resolution.

Prior to joining Patterson Belknap, Mr. Younger served as Law Clerk to the Hon. Hugh R. Jones, Associate Judge for the New York Court of Appeals.

Education

- Albany Law School (J.D., 2011)
 - honoris causa
- Albany Law School (J.D., *magna cum laude*, 1982)
 - Editor-in-Chief, *Albany Law Review*
- Harvard University (B.A., *cum laude*, 1977)

Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, Second Circuit
- U.S. District Court, Southern and Eastern Districts of New York
- U.S. Tax Court
- New York

Professional Activities

HONORS: The Citizens Union of the City of New York Civic Leadership Award; Volunteer Lawyers Project Dedication to Justice Award; Fund for Modern Courts John J. McCloy Award; Albany Law School Distinguished Alumni Award; Puerto Rican Bar's Advancement of Justice Award; Weinberg Center for Elder Abuse Prevention Champion for Change Award; Exodus Transitional Community Social Justice Award; Listed as a "Litigation Star" for New York in Euromoney Institutional Investor PLC's *Benchmark: America's Leading Litigation Firms and Attorneys*; Recognized in *The Best Lawyers in America*® in the areas of Alternate Dispute Resolution and Appellate Law; Named to Top 100 New York City attorneys in *Super Lawyers*.

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MEMBERSHIPS: Past President, New York State Bar Association (Chair, Judiciary Article Subcommittee of the Constitutional Convention Committee; Past Chair, Nominating Committee; Past Chair, Court Operations Committee; Past Chair, Commercial and Federal Litigation Section; Past Chair, Task Force on Nonlawyer Ownership of Law Firms; Past Chair, ADR Committee; Past Chair, Securities Litigation Committee); Past Chair, Mid-Atlantic Bar Conference; N.Y.S. Delegate, ABA House of Delegates; Member, Steering Committee, ABA Nominating Committee; Member, ABA Standing Committee on the American Judicial System; Past Chair, ABA International Trade in Legal Services Committee; Past Chair, ABA International Mediation Committee; Member, Association of the Bar of the City of New York (Past Member, Committee on Arbitration; Past Secretary, Task Force on Civil Courts); Former Counsel, New York State Commission on Judicial Nomination; Member, Governor's Judicial Screening Committee, First Department; Member, Chief Judge's Commercial Division Advisory Council; Member, Task Force on Commercial Litigation in the 21st Century; Past Member, Chief Judge's Advisory Committee on New York State Pro Bono Bar Admission Requirements; Member, ADR Advisory Committee, Eastern District of New York; Mediator, United States District Court, Southern District of New York, Eastern District of New York; Advisory Board, Financial Markets Regulatory Institute; Board of Directors, CPR Institute for Dispute Resolution (Past Chair, Executive Advisory Committee); Board of Directors, Fund for Modern Courts; Founding Board Member and Vice Chair, New York International Arbitration Center; Advisory Council, Brooklyn Legal Services; Chair of the Board, Historical Society of the N.Y.S. Courts; Congress of Fellows, Center for International Legal Studies; Fellow, The New York Bar Foundation; Fellow, the American Bar Foundation; Trustee Emeritus, Albany Law School; Past President, National Alumni Council, Albany Law School; Member, Eastern District of New York ADR Advisory Council; Secretary, Harvard Club of New York City.

IN THE MEDIA: *New York Law Journal*, "[Judge Lippman Named President of Historical Society](#)" (February 1, 2019)

Publications

- Co-author, "[INSIGHT: First Department Reverses Injunctions Against Fuji-Xerox Merger](#)," *Bloomberg Law* (November 14, 2018)
- Co-author, "[Daesang V. NutraSweet Reaffirms NY's Pro-Arbitration Attitude](#)," *Law360* (October 11, 2018)
- Co-author, "[Commercial Division Enjoins Xerox-Fujifilm Deal Resulting in Resignation of Xerox's CEO](#)," *Bloomberg Law* (May 18, 2018)
- Co-Editor, "New York Commercial Division Practice Guide," *Bloomberg Law* (2017)
- Co-Author, "[Bringing Cayman Derivative Claims In NY Just Got Easier](#)," *Law360* (December 5, 2017)
- Co-Author, "A Constitutional Convention, Opportunities to Restructure and Modernize the New York Courts," *NYSBA Journal* (October 2017)
- Co-Author, "[First Department Adds Two New Factors to New York's Standard of Review for Non-Monetary Settlements of Shareholder Class Actions](#)," *Bloomberg BNA's Corporate Law & Accountability Report* (March 1, 2017)
- Co-Author, "[Court Confirms Hedge Funds Did Not Act In Bad Faith, Affirms Large Judgment](#)," *New York Law Journal* (February 7, 2017)
- Co-Author, "[A New Tool For Obtaining Jurisdiction In New York Courts](#)," *Law360* (February 2, 2017)
- Author, "Chapter 25: Use of Non-Binding Alternative Dispute Resolution Mechanisms to Foster Settlement," *Settlement Agreements in Commercial Disputes: Negotiating, Drafting & Enforcement* (2017)
- Author, "[More Reasons to Arbitrate in the Big Apple](#)," *New York Law Journal* (November 25, 2013)

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- Author, "New York Law as an International Standard for Business," *Financier Worldwide* (2011)
- Author, "Court Simplification in New York," *N.Y. County Lawyer* (2012)
- Author, "Parallel Proceedings in Securities Enforcement Actions," *Journal of Securities Law, Reg. & Compliance* (2010)
- Author, "Effective Representation of Corporate Clients in Mediation," *Albany Law Review* (1996)

Representative Matters

Complex Commercial Litigations

Represented a manufacturing company in a shareholder class action concerning non-disclosure of the impact of business developments on its stock price.

Defended a brokerage firm in a RICO and securities fraud litigation concerning alleged non-disclosures of information and manipulation of market in a major Eurobond offering.

Obtained dismissal of a \$2 billion claim versus directors and officers of a foreign bank.

Defended a media company in a class action concerning the restructuring of a television station limited partnership.

Obtained dismissal on summary judgment of a securities class action against directors of a consumer products company.

Investigated a complex fraud scheme involving the privatization of state-owned enterprises in Azerbaijan, and launched cases around the world to freeze \$80 million worth of assets and recover the funds for a major insurance company.

Prosecution for a brokerage firm of NASD arbitration involving complex securities market manipulation scheme.

Conducted investigations and prosecuted litigations of an unauthorized trading scheme for a state-owned mining company, including allegations of kickback payments and market manipulation of commodities trading.

Represented a foreign bank in complex litigation brought against the trustee that oversaw mortgage pools that were alleged to have been impacted by fraudulently induced condominium purchases.

Advising the board of a tech company on takeover defense issues.

Arbitrations and ADR

Successfully defended a brokerage firm in multi-day arbitration hearings against claims that CMO investments were unsuitable for an institutional client.

Prevailed in a major international arbitration liability hearing over the breach of an agreement to acquire a telecommunications company.

Chaired an arbitration panel in an international dispute over a merger and acquisition transaction.

Won a stock exchange arbitration involving failed securities trades on behalf of a brokerage firm.

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Service as arbitrator in a dispute over the refurbishing of a private jet.

Mediated a dispute over liabilities assumed in a corporate takeover.

Successfully defended a publishing company in an arbitration seeking to enforce provisions of a shareholders agreement.

Served as the court-appointed mediator in a series of disputes over bond defaults by a Latin American country.

Represented a real estate developer in multi-day arbitration hearings in a complex construction dispute.

Represented a metals trading company in a multi-million dollar commodities arbitration involving aluminum and bauxite trading contracts.

Appeals

Obtained a reversal in a landmark Court of Appeals decision on attorney-client privilege in the context of mergers and acquisitions.

Successfully appealed a groundbreaking fiduciary duty decision concerning the liability of financial advisers in New York.

Won a case of first impression in New York's Appellate Division concerning the viability of a fraud claim for concealing evidence that was subpoenaed in a commercial arbitration.

Obtained reversal of an attachment order over a Miami hotel under novel jurisdictional theories.

Argued the appeal of collateral estoppel issues in a major commercial litigation before the New York Court of Appeals.

Handled an appeal to the New York Court of Appeals in a case of first impression involving the enforceability of preliminary agreements under New York law.

Handled a Second Circuit appeal regarding the scope of arbitration clauses as applied to a mutual fund adviser.

Argued an appeal before the New York Court of Appeals in a dispute over the dissolution of a hedge fund.

Handled an appeal in the New York Court of Appeals addressing whether the New York Attorney General is bound by arbitration clauses signed by alleged victims.

Won an appeal in the Second Circuit of a preliminary injunction against retaliation under the FLSA.

Trusts and Estates Litigation

Represented a high-profile individual in connection with his role as Executor of his late wife's estate including his right to discovery into questionable transactions.

Obtained a resolution of litigation for a high net worth individual client regarding his elective share rights to his late wife's estate.

Successfully resolved on behalf of the estate of a prominent physician a potential will contest.

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Won a major victory at trial before the U.S. Tax Court on behalf of several members of a family regarding whether sales of the stock among shareholders of a major closely-held corporation constituted arms-length transactions to establish the value of the shares.

Service as special counsel to a husband in a divorce litigation and related appeals to address assets held in family trusts.

Law Firm Defense

Defended securities fraud suit against major law firm concerning bond issue of a United States commonwealth.

Defended disciplinary complaint brought against corporate attorney.

Defended multiple disqualification motions in major commercial litigation.

Advised law firm on compliance with ethics rules.

Service as expert witness in law firm-related issues.

Other High Profile Matters

Served as lead counsel in mediation of a dispute over a large bequest to Presidential Library.

Served as Special Counsel to the Mayor to investigate the New York City Commissioner of Cultural Affairs.

Represented well-known hip-hop producer in First Amendment challenge to New York's Lobbying Law.

Handled litigation challenging the constitutionality of aspects of New York's Workers Compensation Law.

Advised New York's then Chief Judge on legal issues surrounding the prolonged failure to grant pay raises to members of the Judiciary.



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JEFFREY T. ZAINO, ESQ.

Jeffrey T. Zaino, Esq. is the Vice President of the Commercial Division of the American Arbitration Association in New York. He oversees administration of the large, complex commercial caseload, user outreach, and panel of commercial neutrals in New York. He joined the Association in 1990. Mr. Zaino is dedicated to promoting ADR methods and services. His professional affiliations include the American Bar Association, Connecticut Bar Association, District of Columbia Bar Association, New York State Bar Association (Dispute Resolution Section - Executive Committee Member and Chair of the Blog Committee and Blog Administrator for the Section), New York City Bar Association (Member of the Arbitration Committee and Affiliate Member of the ADR Committee), Board of Advisors of the Scheinman Institute on Conflict Resolution, New York Law School Advisory Committee, and Westchester County Bar Association. He has also written and published extensively on the topics of election reform and ADR and has appeared on CNN, MSNBC, and Bloomberg to discuss national election reform efforts and the Help America Vote Act.