

# Biographies

## **Rick Collins, JD**

Rick Collins is a principal in the law firm of Collins Gann McCloskey & Barry PLLC [[www.cgmbesq.com](http://www.cgmbesq.com)], with main offices on Long Island. He is a former prosecutor in the Office of the Nassau County District Attorney, and has been practicing criminal defense since 1990. He has served as a faculty member in dozens of trial practice courses. He is nationally recognized as a legal authority on anabolic steroids and other performance-enhancing drugs and substances, and has testified in federal court as an expert witness and before the U.S. Sentencing Commission. He has degrees in psychology and law, and is a nationally Certified Strength and Conditioning Specialist (NSCA-CSCS). His practice and career have been profiled in diverse periodicals, and he has been interviewed as a steroid legal expert on national television, in numerous national magazine articles, and in the documentary film about performance enhancing drugs, "Bigger, Stronger, Faster\*" (2008). He received his undergraduate degree from Hofstra University, Hempstead, NY, and his law degree from Hofstra School of Law, where he attended on a full academic scholarship and served on the *Law Review*. He was admitted to the New York Bar in 1985 and is also admitted to practice in Massachusetts, Pennsylvania, Texas, the District of Columbia, and numerous federal courts.

## Biography – Nicholas J. DeMartino

Nick is a lifelong resident of Syracuse and of the City's "Northside." A graduate of Henniger High School, Nick holds a Bachelor of Science Degree (summa cum laude) in Political Science from Brockport State University, in Brockport, New York and a Juris Doctor Degree from Western New England College School of Law in Springfield, Massachusetts.

Nick began his legal career in 1986 by serving as a Deputy County Attorney with the Onondaga County Department of Law, where he prosecuted child abuse and neglect cases. He then went on to serve for 16 years as an Assistant District Attorney with the Onondaga County District Attorney's Office. During his tenure as an Assistant District Attorney, Nick prosecuted general felony cases, violent felony and career criminal cases, as well as narcotics cases. He also served as Chief of the White Collar Bureau and was assigned to the Homicide Bureau for 11 years. As an ADA, Nick's administrative duties included serving as Supervisor of Project PROUD, the District Attorney's felony drug diversion program, Supervisor of Project Safe Schools and was the District Attorney's liaison to both the Neighborhood Watch Groups of Syracuse and Neighborhood Watch of Central New York.

Nick left the District Attorney's Office in 2004 as a Chief Assistant assigned to the Homicide Bureau, which included the prosecution of capital cases.

In 2001, Nick served as a Syracuse City Court Judge, during which time, among his other duties, he initiated and presided over Syracuse Community Court.

In 2004 he joined the Syracuse law firm of Costello, Cooney & Fearon as Special Counsel, where he specialized in Family Law, Criminal Defense, Insurance Defense and Legal Malpractice.

Nick served as an Adjunct Professor of Law at Cazenovia College, in Cazenovia, New York for 20 years, where he taught Business Law, Sports Law and Legal and Business Ethics. He also frequently serves as a guest lecturer at Syracuse University and at the Syracuse University School of Law.

Nick resumed his work as a prosecutor in 2002, when he joined the New York State Attorney General's Office, Criminal Prosecutions Bureau. As an AAG, Nick covered an approximate seven county Central New York Region and focused primarily on the investigation and prosecution of white collar, financial and environmental crimes.

In 2015, Nick left the Attorney General's Office and joined the firm of Green & Brenneck, in Syracuse, where he specializes in all aspects of criminal defense, including

homicides, major felonies, white collar, DWI and Vehicle and Traffic matters. Nick practices in all counties in New York and is admitted to practice in United States Federal Court, Northern District of New York.

In 2014, Nick served as President of the Onondaga County Bar Association.

Nick currently serves on the New York State Bar Association, Criminal Justice Section Executive Committee and serves as the Committee's representative to the NYSBA's House of Delegates. In addition, he serves as chairperson of both the Criminal Law Section and Membership Committee of the Onondaga County Bar Association, and is a member of the OCBA's Volunteer Advocate Lawyer in Animal Abuse Court (VALAC) Program and the Pro Bono "Talk to a Lawyers Clinic."

Nick's community activities include serving as president of The Friends of Schiller Park and serves on the Board of Directors of The Central New York Animal Cruelty Task Force. He has served as Chairperson of The Columbus Day Parade Through Little Italy, has coached soccer at the Eastwood Soccer League and basketball at Our Lady of Pompei School in Syracuse. Nick has also served as the host of the radio show, "Music D'Italia."

Nick is the proud father of his daughter, Elizabeth, a freshman at Oswego State University and a son, Joe, a recent graduate of R.I.T., in Rochester, New York.

**XAVIER R. DONALDSON, ESQ.**

Xavier R. Donaldson, is a senior trial counsel and founding partner of Donaldson & Chilliast, LLP, with offices in New York City and a former Assistant District Attorney in Bronx County. He is admitted to practice law in the Courts of the State of New York, the Southern and Eastern Districts of New York and the Second Circuit Court of Appeals. Mr. Donaldson has also represented individuals in the Federal Courts of the District of Columbia, Western District of Pennsylvania, Chicago, Illinois and New Jersey on a *Pro Hac Vice* basis.

Mr. Donaldson graduated from Saint Augustine's University in Raleigh, North Carolina. He then received a law degree from Howard University School of Law in Washington, D.C. in 1994.

As an attorney, Mr. Donaldson has provided critical advice and counsel to Federal and State elected officials, businesses facing federal investigation, prominent entertainers and professional athletes. Moreover Mr. Donaldson has served as lead trial counsel to verdict on complex civil matters, federal and state murder cases, complex federal and state narcotic conspiracies, complex federal and state white collar cases, federal and state firearm conspiracies and a variety of other federal and state matters.

Mr. Donaldson has served as the Administrator of the prestigious New York County Supreme Court Judicial Screening committee where he presided over the evaluation, vetting and interviewing of candidates for prominent seats on the New York County Supreme Court and has vetted candidates for the Appellate Division and New York State Court of Appeals.

Mr. Donaldson is a former President of the Metropolitan Black Bar Association. Mr. Donaldson also serves as a Delegate of the New York State Bar Association and as member of the Criminal Justice Executive Committee of New York State Bar Association. Mr. Donaldson also serves as a Trustee on the for Saint Augustine's University.

Mr. Donaldson has appeared on and various radio and television programs providing legal commentary on nationally recognized legal issues and has served as a lecturer, panelist and guest professor at prestigious law schools and universities and participated in programs designed to educate attorneys on current issues affecting the law.

Mr. Donaldson has received awards from the New York Attorney General's Office, the New York State Black and Hispanic Caucus, the Bronx District Attorney's Office, the New York City Council, local political organizations and is consistently invited to speak at high schools, youth programs, community boards and other associations relating to the significance of the law, public policy, business and politics. Recently, Mr. Donaldson was invited to be a guest lecturer at a law school in Nigeria, Africa.



## Vincent E. Doyle III

Vincent E. Doyle III, has earned a statewide reputation as a leader in the New York legal community.

He has held a number of leadership positions with state and local bar associations and has served on numerous government and independent panels seeking to improve the legal system. Most prominently, Mr. Doyle served as the 114th president of the New York State Bar Association. The 77,000-member association is the largest and oldest voluntary state bar association in the country.

During his term as president, Mr. Doyle focused on efforts to improve the quality and availability of legal services, particularly to vulnerable populations such as veterans, immigrants, and poor people, as well as the State Bar's efforts to increase the diversity of the legal profession as a whole. As a result of his initiatives, the State Bar was honored with an American Bar Association Partnership Award for substantial and innovative efforts to advance diversity in the legal community.

Mr. Doyle served on the board of directors of the Erie County Bar Association. He is a past president of the Erie County Aid to Indigent Prisoners Society, which administers the county's assigned counsel program. By appointment of the chief judge of New York State, he served on panels charged with improving the jury system, the criminal procedure law, and New York's sentencing laws.

Mr. Doyle received the 2012 Lawyer of the Year Award from the Bar Association of Erie County, and a Distinguished Alumni Award from the State University of New York at Buffalo Law School.

Mr. Doyle is a commercial litigator whose practice includes civil and white-collar criminal litigation and representation of professionals in disciplinary proceedings. He also advises on legal ethics matters. He is a fellow of the American College of Trial Lawyers, has been recognized in the field of business litigation by the Super Lawyers magazine, and received the highest ratings for ability and ethics by the Martindale-Hubbell legal directory.

**Timothy J. Fennell, Esq.**

*Amdursky, Pelky, Fennell & Wallen, P.C.  
26 East Oneida Street  
Oswego, New York 13126*

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**Profile:**

Upon graduating from Albany Law School, Union University, in May of 1983, Tim joined the law firm of Leonard Amdursky. Tim was named a partner in 1987. Tim is currently the Managing Partner of this five-attorney law firm. Tim is admitted to both the New York State and Federal Courts, and enjoys a busy practice in both civil and criminal law, with emphasis on litigation, trusts and estates, matrimonial law and real estate. Tim has presented cases to the Court of Appeals and the United States Supreme Court.

**Bar Activities:**

*Member:* New York State Bar Association  
(Torts, Insurance, Compensation Law, Trial Lawyers and Real Property Sections  
Sustaining Member; Fellow of the NYS Bar Foundation)  
American Bar Association  
Oswego County Bar Association  
Northern District of New York Federal Court Bar Association  
New York State Trial Lawyers Association  
New York State Academy of Trial Lawyers

*Leadership:* New York State Bar Association

<i>1998-2009:</i>	<i>5<sup>th</sup> District Representative to Executive Committee TICL Section</i>
<i>2003-2004:</i>	<i>Nominating Committee (Alternate)/ 5<sup>th</sup> District</i>
<i>2004-2007:</i>	<i>New York State Conference of Bar Leaders/ At-Large Representative/Awards Committee/Nominating Committee</i>
<i>1995-present: of note:</i>	<i>Lawyer Referral Information Service Committee Chair of Committee 1998-2004</i>
<i>1997-1998: 2001-2004: 2014-2015:</i>	<i>House of Delegates, member</i>
<i>2006 -2007:</i>	<i>Member-At-Large, Executive Committee</i>
<i>2007:</i>	<i>Member; Special Committee on Legal Specialization</i>
<i>2008-2011:</i>	<i>Liaison to TICL, Trial Lawyers and Real Property Sections</i>
<i>2010-present</i>	<i>Lecturer/Faculty Member – Young Lawyers Trial Academy</i>

2011: *President's Working Group on Judicial Pay Raises*

2011-present: *Veteran's Committee (current Chair), Committee on Mass Disaster Response, Membership Committee*

2012: *Member, Special Committee on Voter Participation*

2013-present: *TICL (co-Chair) Membership*

2015-present: *Membership Committee*

American Bar Association

2007-2010: *Lawyer Referral and Information Committee*

Oswego County Bar Association

1994-1995: *President*

1993-1994: *Vice President*

1992-1993: *Treasurer*

of note: created Judicial Screening Committee; Participant moot court program and scholarship program; organized first composite photograph of the Oswego County Bar in fifty years; committee on Law Practice Continuity (current Chair)

2013-2014 *Chair, Judicial Screening Committee*

2015 *Chair, Committee on Law Proactive Continuity*

Other

2005-2013: *5<sup>th</sup> District Pro Bono Committee*

of note: member of Committee which has developed a program to coordinate and deliver legal services to indigent clients

2007-present *5<sup>th</sup> District Women in the Courts Committee*

**Education:**

1983: *Albany School of Law, Union University*  
Juris Doctor

1980: *LeMoyne College*  
B.A. Political Science, *cum laude*

**Community Activities:**

: *St. Mary's Church*

of note: Trustee 1995-2006  
Chair, Finance Committee  
Co-leader Parish initiative for construction of \$1.8 million Parish Center



*1998-2004:* Baldwinsville Little League Board of Directors  
*2007-2013:* Hope for Bereaved, Inc., Board Member  
*2006-present:* LeMoyne College Alumni Association,  
President, 2013-2015; Presidential appointment to  
Board of Trustees Finance Committee

***Personal:***

*Home Address:* 7626 Pico Lane  
Baldwinsville, New York 13027

*Email:* [tfennell@apfwlaw.com](mailto:tfennell@apfwlaw.com)

*Family:* Judith Mayne, spouse; Children, Matthew and Maggie

**Erin P. Gall** is a judge of the [Supreme Court 5th Judicial District](#) of [New York](#). She was elected to this position on [November 8, 2011](#), effective [January 1](#), 2012, for a 14-year term ending on December 31, 2025.<sup>[1][2]</sup>

## Elections

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### 2011

*Main page: [New York judicial elections, 2011](#)*

Gall ran for election to the [Supreme Court 5th Judicial District](#) on [November 8, 2011](#). According to unofficial election results from November 9, she won one of the four contested seats with 13.6 percent of the vote. She was endorsed by the Republican and Independence parties for the seat traditionally held by an [Oneida County](#) resident.<sup>[1]</sup>

Other candidates included [Charles C. Merrell](#), [Prescott E. Klosner](#), [Michael F. Young](#), [James P. McClusky](#), [Patrick F. MacRae](#), [David Magnarelli](#), [Thomas Buckel](#), [John G. Stone](#) and [Claudia Tenney](#).

Candidates sought to replace retired/retiring judges [Michael E. Daley](#) (Herkimer County), [Hugh A. Gilbert](#) (Jefferson County), [Joseph D. McGuire](#) (Lewis County) and [Samuel D. Hester](#) (Oneida County). An unwritten practice called "home rule" states that a judge from each county should serve on the district's supreme court.<sup>[3]</sup>

## Education

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Gall earned her B.A. from Boston College in 1993. She received her [J.D.](#) from S.U.N.Y. Buffalo, School of Law, in 1996.<sup>[4]</sup>

## Career

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In addition to her service on the [Supreme Court 5th Judicial District](#), Gall has worked as the principal court attorney to Acting Supreme Court Justice Barry M. Donalty. She also worked as an assistant public defender for the Oneida County Public Defender's Office, Civil Division, in Utica, New York. Gall has also worked as an attorney with the firm *Robshaw and Associates* in Buffalo, New York.<sup>[4]</sup>

**Bachelor's** Boston College, 1993

**J.D.** S.U.N.Y. Buffalo, School of Law, 1996

### Past experience

**Principal court attorney to Acting Supreme Court Justice Barry M. Donalty**

Peter Gerstenzang is the senior partner in the Albany law firm of Gerstenzang, O'Hern, Sills & Gerstenzang. He is a 1970 graduate of Albany Law School. He is one of only three lawyers in New York State who have been Board Certified as specialists in DUI Defense Law by the National College for DUI Defense ("NCDD"). The NCDD is the only organization accredited by the American Bar Association to certify attorneys as specialists in DUI law.\* His practice focuses on Criminal Defense with an emphasis on DWI cases and Vehicular Crimes. In addition, Mr. Gerstenzang is listed as a top DWI attorney in the following publications: *The Best Lawyers in America*®, *The New York Area's Best Lawyers*®, and *New York Super Lawyers*® Upstate Edition 2014. He is listed as one of the "Top 25 Hudson Valley Super Lawyers 2010" regardless of category.

Mr. Gerstenzang commenced his legal career as a prosecutor for the United States Army in the Republic of Vietnam. From 1972 to 1975, he was an Assistant District Attorney for the County of Albany. Certified as a breath test operator, he taught at the New York State Police Academy in their Breath Test Training Program for 12 years. Mr. Gerstenzang currently serves as a Dean Emeritus and Fellow of the National College for DUI Defense, which holds an annual seminar in Cambridge, Massachusetts on the campus of Harvard Law School. He previously served on NCDD's Board of Regents from 2003 to 2013, as Assistant Dean in 2012-2013, and Dean in 2013-2014. His book, ***Handling the DWI Case in New York***, published annually by Thomson/West, is considered a standard reference for the defense of Driving While Intoxicated cases.

Mr. Gerstenzang is a regular lecturer for the New York State Bar Association (Chair, Big Apple Program held annually in May, in New York City, and Chair, Representing a DWI Defendant in New York from Arraignment to Disposition, September – October, 2010); the National Association of Criminal Defense Lawyers/ National College for DUI Defense (Annual DUI Seminar, Las Vegas, Nevada 2012); the New York State Association of Criminal Defense Lawyers; the New York State Defenders Association; Albany County Bar Association; the New York State Magistrates Association; the San Diego Public Defenders Office; and Impaired Driving Specialists, LLC, Atlanta, Georgia; Delaware County Bar Association; Columbia County Magistrates Association; Suffolk County Bar Association; Suffolk County Magistrates Association; Westchester County Court Clerks Association; and Suffolk County Court Clerks Association. Mr. Gerstenzang teaches for various law enforcement, defense and judicial associations. In addition, he has lectured for the New York State Office of Court Administration Judges Training Program.

# Michael E. Getnick

Michael E. Getnick is a partner in Getnick Livingstone Atkinson Gigliotti & Priore, LLP and is of counsel to Getnick & Getnick LLP. He is an experienced trial attorney having appeared in State and Federal Court proceedings and has an active practice at the Appellate Division level. He has tried cases on behalf of plaintiffs and defendants and has represented several insurance carriers in litigation involving the carrier as a party. His work on behalf of insurance carriers includes coordinating and conducting examinations under oath, surveillance and working with SIU Supervisors.

Mr. Getnick received his B.A. from Pennsylvania State University in 1966 and his J.D. from Cornell Law School in 1969. He was admitted to the Bar of the State of New York in 1970 and is admitted to Federal Practice in the Northern District and Western District of New York and before the Supreme Court of the United States.

He is a past President of the New York State Bar Association, a past President of Oneida County Bar Association and a member of the New York State Bar Association Executive Committee and House of Delegates.

He has been awarded the President's Pro Bono Service Award for the Fifth Judicial District for the State of New York and has been a panel participant for the New York State Bar Association in CLE programs on Ethics and Professionalism. He has served as a Liaison Representative of the Executive Committee of the New York State Bar Association with the Committee on the Unauthorized Practice of Law.

Mr. Getnick is a member of the New York State Trial Lawyers Association and a member of the National Institute for Trial Advocacy having received a diploma for advanced trial advocacy skills. He is a present member of the Board of Directors of the Legal Aid Society of Mid-New York and Past President of said Society. He has continually served as the Chairperson and legal counsel to the Zoning Board of Appeals of the Town of Kirkland, New York since 1975.

Laurie A. Giordano is a Rochester native and founding member of Leclair Korona Giordano Cole LLP. As a partner in the law firm, she focuses her practice in the areas of insurance law, including subrogation and insurance coverage determinations and disputes, as well as commercial/business and personal injury litigation. In 2014, Ms. Giordano was named Best Lawyers' 2014-2015 Rochester, New York Insurance Law "Lawyer of the Year."

Ms. Giordano is experienced in all levels of litigation including pre-suit matters, arbitrations, as well as lawsuits decided by bench and jury trials. She counsels her clients on litigation avoidance, as well as strategic decision making once disputes arise. Her clients include public corporations, insurers, businesses of various sizes, as well as individuals.

From January 2010 to 2011, Laurie served as the Chair of the Torts, Insurance and Compensation Law (TICL) Section of the New York State Bar Association (NYSBA). She is also the Past President of the Greater Rochester Association for Women Attorneys (GRAWA).

Her contributions and experience in the areas of personal injury and insurance law have garnered her many awards and recognitions from local, state and national organizations. Ms. Giordano has consistently been included in *The Best Lawyers in America Guide* and *Super Lawyers*, Upstate and Corporate Counsel editions. Ms. Giordano has received both the Outstanding Young Lawyer and Chair of the Year Awards from the TICL Section of the NYSBA. In addition, Ms. Giordano was honored with the Outstanding Young Lawyer Award by the NYSBA and in 2007, and in 2006, she received the "Up and Coming Attorney Award" from *The Daily Record*. Ms. Giordano devotes a great deal of her time to supporting organizations here in Rochester and across New York State. Ms. Giordano's past community activities include volunteering with Girl Scouts as a leader for over 5 years, an Odyssey of the Mind coach, the UB Law Alumni Association, coaching high school mock trial teams for over 5 years, the Big Brother/Big Sister program and St. Rita's church. In 2013, Ms. Giordano rode her bike 100 miles around Lake Tahoe to honor those who have battled cancer and to raise funds for the Leukemia and Lymphoma Society with the help of her two amazing children.

**ELIZABETH M. HECHT**, born, Bronx, New York, April 6, 1955; admitted to the bar: 1984, New York, U.S. District Courts for the Southern and Eastern Districts of New York. Education: Fairfield University (B.A., 1977); The Catholic University of America (M.A., 1979); Pace University School of Law, (J.D. *cum laude*, 1983). Adjunct Professor of Law: St. John's University School of Law; Chairperson, New York State Bar Association: Practical Skills Seminar and How to Commence a Civil Lawsuit; Trial of the Automobile Accident Case,. Speaker, New York State Bar Association, The Direct and Cross Examination of Expert Witnesses; Challenging the Verdict: Post-Trial Motion Practice; The Art of Summation. Lecturer, National Law Institute, Tort Litigation Strategies. Faculty Member, NYSBA (Young Lawyers Section) Trial Academy 2014, Cornell University School of Law, Ithaca, New York. 2013 Thompson Reuters *Super Lawyer*; 2013 Chair: New York State Bar Association-Executive Committee, Trial Lawyers Section. Practice Areas: Personal Injury Litigation, Civil Trials and Appeals, Insurance Litigation.



## **Jonathan D. Lupkin**

Jonathan D. Lupkin is a litigator and trial lawyer with over two decades of experience; he has been named by SuperLawyers<sup>®</sup> as one of the “Top 100” attorneys in the New York Metropolitan area for three years in a row. 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, the general counsel of a major New York City performing arts institution and senior partners at some of the nation's largest law firms. Most recently, New York State Chief Judge Jonathan Lippman appointed Mr. Lupkin to the Commercial Division Advisory Council, a permanent body created by the Chief Judge to advise him on all matters, statewide, involving and surrounding 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 variety 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, as well as conducts 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;
- 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;
- 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;
- 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;
- 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 major New York industrial landlord in decade-long litigation of dispute with commercial tenant;
- Prosecution at trial of an indemnity claim on behalf of a major plastics manufacturer against one of its suppliers;
- 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; and
- 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 and has 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.

Mr. Lupkin was 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 - 2015.
- 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 – 2014.
- 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:

- “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-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, “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
- 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, at 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, “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, “CIVIL RICO: Legal Overview & Tactical Considerations,” Presentation Sponsored By New York State Bar Association, Section on Commercial and Federal Litigation, at the Columbia University Club of New York (Presented with Michael C. Rakower)

- 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, “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, “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

## JUDGE GUY H. MITCHELL

Guy H. Mitchell, a Harlem native who is fluent in the Spanish language, is a highly respected Judge of the Criminal Court in New York County. Judge Mitchell is a graduate of S.U.N.Y at Brockport College and Ohio Northern University School of Law.

During the span of Judge Mitchell's career in law, he tried over 150 jury trials to verdict. He worked as an Assistant District Attorney in Bronx County, as a Special Assistant United States Attorney and federal as the Chief of the Criminal Division for the U.S. Virgin Islands Department of Justice. Before taking the bench he was the Assistant Attorney General in Charge of the Harlem/Bronx Regional Office.

As an Assistant District Attorney Judge Mitchell presented hundreds of cases to the Grand Jury, prosecuted dozens of high profile homicides, major offenses and was Supervisor of the weekend complaint room and the Homicide/Felony Duty Supervisor. At the Virgin Islands Department of Justice Judge Mitchell supervised prosecuting attorneys on the islands of St. Thomas, St. Croix and St. John. While at the Office of the Attorney General Judge Mitchell prosecuted both criminal and civil matters and he participated in a number of community based outreach programs for members of the Harlem and Bronx community. During his tenure with the office of the NY Attorney General, Judge Mitchell was named downstate coordinator for Guns & Gangs, investigated government corruption and he served as the managing attorney for the state prosecution of criminal and civil matters including public integrity, immigration and consumer fraud, investor protection and civil rights. He also volunteered as a Small Claims Court Arbitrator in NY County where he presided over 175 trials. In 2010 he was award Arbitrator of the Year, New York County.

Guy believed in giving back to his community and inspiring others by establishing: the Harlem Based Hoop Brothers Mentoring Program in 1996. In 2006 the Hoop Brothers mentorship program received the unsung heroes award by the

Congressional Black Caucus in Washington D.C. Judge Mitchell has received several awards for his commitment to seeking justice and for his involvement in the community. He was awarded by the Bronx DA, law enforcement groups, bar associations, schools and community organizations for his participation in community outreach events. As a member of the alumni chapter of Kappa Alpha Psi Fraternity, Inc. Judge Mitchell is constantly involved with programs for members of the community. These programs include the Kappa mentorship program for the youth, the annual Thanksgiving service of dinner to the homeless at Milbank Community Center in Harlem NY, the wrapping of toys and the distribution of gifts for homeless families in Harlem NY.

In addition to all that Guy does for his community he is the First District Representative for the Executive Committee of the Criminal Justice Section of the New York State Bar Association, former board member of the Metropolitan Black Bar association, member of the Dominican Bar Association and he is a lecturer at several law and non-legal related events including the annual Trial Academy for the Young Lawyers Section and at the Theodore T. Jones Trial Advocacy Program.

Mr. Moschetti is a New York personal injury law firm attorney and a founding member of the law firm of Anderson, Moschetti and Taffany. He is considered one of the top personal injury and criminal defense lawyers in Upstate New York. In over thirty years of practice he has obtained numerous multi-million dollar verdicts and settlements in personal injury cases and has achieved record-setting verdicts in a number of counties in the Capital District Region, including a verdict of more than \$15.8 million dollars.

Mr. Moschetti was employed as a prosecutor in the Nassau County District Attorney's Office from 1984 to 1987. Since leaving the District Attorney's Office, he has focused on the trial of personal injury and wrongful death cases, including complex product liability and medical malpractice actions. He has represented hundreds of victims of motor vehicle collisions, construction and industrial accidents, defective products as well as medical and nursing home malpractice.

Mr. Moschetti also defends individuals and corporations charged with serious crimes in both the state and federal courts. He represents, advises and defends individual and corporate clients regarding criminal matters, government investigations, complex civil litigation, internal investigations and contested regulatory proceedings. Mr. Moschetti has earned the reputation as one of the top criminal defense attorneys in the Capital District through his representation of hundreds of clients in cases ranging from murder, assault, drugs and DWI to complex white collar cases such as mail and wire fraud, bank fraud and embezzlement. He has successfully tried numerous criminal cases in the state and federal courts. Over the years, he has also been appointed as a Special Prosecutor in a number of high-profile criminal cases in the Capital District. Mr. Moschetti also represents lawyers and judges before state agencies investigating complaints of professional and judicial misconduct.

#### **Bar Admissions**

In addition to the trial courts for the State of New York, Mr. Moschetti is admitted to practice in the U.S. Federal Court for the Northern, Eastern, and Western Districts of New York. He has argued appeals in the New York Court of Appeals and in the Second and Third Departments of the Appellate Division of the State of New York and in the U.S. Second Circuit Court of Appeals.

#### **Bar Association Memberships**

- American Bar Association
- American Association for Justice
- New York State Bar Association
- New York State Trial Lawyers Association
- National Association of Criminal Defense Lawyers
- New York State Association of Criminal Defense Lawyers

#### **Education**

- University of New Haven, CT 1981 with Honors
- Albany Law School, Albany NY, 1984 with Honors

#### **Lectures**



- Since 1987, Mr. Moschetti has given numerous lectures to lawyers for continuing legal education in the areas of civil and criminal law, including medical malpractice, product liability, construction accidents, automobile accidents, criminal defense trial tactics and suppression and evidentiary issues. He also periodically lectures to students at Albany Law School on trial practice and procedure.

#### **Professional Associations & Memberships**

- Mr. Moschetti is consistently rated AV Preeminent by Martindale-Hubbell, the highest possible rating for both legal ability and ethical standards.
- Since 2007, Mr. Moschetti has been ranked as one of the best lawyers in New York State by Super Lawyers magazine and as one of the top 25 lawyers in the Hudson Valley area.

#### **Appointments**

- In 2005, Mr. Moschetti was appointed by Governor George Pataki to the New York State Temporary Commission on Lobbying. As a Commissioner, he was involved in the regulation of the state lobbying industry regarding compliance, violations and ethics.
- In 2014, he was appointed by Governor Andrew Cuomo to the New York State Gaming Commission. The Gaming Commission regulates all aspects of gaming and gambling activities in the state, including horse racing and pari-mutual wagering, casino gambling, Class III Indian gambling, the state lottery and charitable gambling.

## Michael P. O'Brien

O'Brien Law Firm, PLLC  
30 Wall Street, 8<sup>th</sup> Floor  
New York, NY 10005  
Phone: 212-269-2290

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Michael P. O'Brien is the sole founding member of O'Brien Law Firm, PLLC where he represents individual and institutional clients in complex civil litigation, including automobile and premises liability defense, commercial disputes, personal injury, insurance coverage, and professional license defense. In addition to trial work, Michael's courtroom experience includes successful appeals in New York State Appellate Courts.

In January, 2011 the Torts, Insurance and Compensation Law (TICL) Section of the New York State Bar Association presented Michael with the prestigious Sheldon B. Hurwitz "Young Lawyer of the Year" Award in recognition of his outstanding contribution to the practice of law in the field of insurance. In 2014, the TICL Section presented Michael with the "Section Representative of the Year" Award.

Michael is a graduate of Providence College and Suffolk University Law School. He serves as 13<sup>th</sup> Judicial District Representative for the Torts, Insurance and Compensation Law Section of the New York State Bar Association, as well as "Pathways to the Profession" Liaison. Michael also serves as Board Chairman of the non-profit New York Center for Interpersonal Development. Michael resides with his wife and children in Staten Island, New York, where he spends his weekends coaching soccer and attempting to fix up his 90-year-old house.

**MARC A. SEEDORF  
TOWN JUSTICE  
181 MAIN STREET  
SOUTH SALEM, NEW YORK 10590**

**PROFESSIONAL EXPERIENCE**

**TOWN JUSTICE**

Justice Court  
Town of Lewisboro, New York  
1998 - Present

**SEEDORF & SCHELD, ESQS.**

Partner: 1986 - Present  
Litigation, Personal Injury, Criminal Defense, Family Law, Wills & Estates & Real Estate

45 Main Street  
Bedford Hills, New York 10507

3453 East Tremont Avenue  
Bronx, New York 10465

**BRONX DISTRICT ATTORNEY'S OFFICE**

1981 - 1986  
Assistant District Attorney - Major Offense Bureau  
Trial Attorney

**Acting City Court Judge**

City of Mount Vernon: October 2004  
City of White Plains: September 2001

**Lecturer**

Office of Court Administration  
Continuing Judicial Education Seminars  
Westchester County Magistrate's Association ( President)

**EDUCATION**

**BROOKLYN LAW SCHOOL**

Juris Doctor 1981

**SAINT JOHN'S UNIVERSITY**

Bachelor of Arts - Magna Cum Laude Graduate 1978

*Orders*, 70 DEF. COUNS. J. 89 (2003).

Judge Fox is a member of the American Bar Association, the New York State Bar Association, the Federal Bar Council, the Orange County Bar Association, and the Federal Magistrate Judges Association, and is a judicial member of the Honorable William C. Conner Inn of Court.

On Law Day, May 1, 2006, the Orange County Bar Association and the Women's Bar Association of Orange and Sullivan Counties honored Judge Fox by presenting him with the Liberty Bell Award.

Judge Fox retired from the bench of the Southern District of New York on August 5, 2008.

Judge Fox is married to the former Jean Amatucci. They have one son, Michael Louis, an attorney in New York.

George J. Silver was elected as a New York State Supreme Court Justice in 2013. Justice Silver was elected to Civil Court bench in November 2004. He was initially assigned to Civil Court, Kings County until he was re-assigned in April 2009 to Family Court, Bronx County where he presided over juvenile delinquency matters. In January 2010, Judge Silver was appointed a Supreme Court Judge by designation and assigned to Supreme Court, New York County where he presides over the approximately two thousand motor vehicle cases pending in New York County. From April 2011 until October 5, 2015, Justice Silver presided over the Trial Assignment Part in Supreme Court, New York County. In 2012, Justice Silver was also asked to handle potential early settlement of Medical Malpractice Cases as part of a specialized grant program. In October 2015, Justice Silver was asked to preside over a newly created Mediation Part called J-Med. in addition to his other assignments-the Medical Malpractice Early Settlement Part and an IAS Part handling general matters.

Justice Silver is also involved in many community-based and Bar Associations including the NAACP, the International Association of Gay and Lesbian Judges and the Jewish Lawyers Guild. He is currently co-chair of the Ethics and Professional Committee of The Torts, Insurance Compensation Law Section of the New York State Bar Association. Justice Silver is also a new member of the Committee on Diversity and Inclusion of the New York State Bar Association.

**SHERRY LEVIN WALLACH, ESQ.**  
**Wallach & Rendo, LLP**  
**239 Lexington Avenue**  
**Mount Kisco, NY 10549**  
**914-242-9494**  
**Wallach@wallachrendo.com**

Ms. Levin Wallach earned her J.D. from Hofstra University School of Law. She is a principal and partner at Wallach and Rendo, LLP, where she concentrates on plaintiff personal injury and criminal defense in state and federal courts. Ms. Levin Wallach also serves on the Westchester and Putnam County 18B panels, which provides criminal defense for indigent people.

As a long-time member of the New York State Bar Association, Ms. Levin Wallach serves as Vice President of the Ninth Judicial District in the NYSBA's House of Delegates and Executive Committee. She also serves as Chair of the Membership Committee and Chair of the Criminal Justice Section. Ms. Levin Wallach is a former chair of Young Lawyers Section and a founder of the NYSBA's Young Lawyers Section's Trial Academy.

Because of her expertise, Ms. Levin Wallach is a frequent lecturer on women in law and criminal law. She is a member of the American Bar Association, National Association of Criminal Defense Attorneys, New York State Defenders Association, New York State Trial Lawyers Association, Northern Westchester Bar Association, Westchester County Women's Bar Association and the Mount Kisco Chamber of Commerce. She is also a board member of the Westchester County Bar Association and Co-Chair of the Westchester County Bar's Committee on Women in the Law.



## Stephen P. Younger

Partner

[spyounger@pbwt.com](mailto:spyounger@pbwt.com)

Tel: 212-336-2685

Fax: 212-336-7981

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 commercial litigator. As a seasoned trial lawyer, he has tried many cases in federal and state court 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'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 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 also served as Chair of the New York State Bar Association's Task Force on Nonlawyer Ownership of Law Firms. He is a member of the ABA's House of Delegates, and Past Chair of the ABA's International Mediation Committee. He serves as the ABA's representative to the United Nations Economic and Social Council, and as a member of the ABA's Standing Committee on the American Judicial System and was Chair of the ABA Task Force on International Trade in Legal Services.

Mr. Younger was appointed to Governor Andrew M. Cuomo's Transition Committee and was also the Transition Director for Mr. Cuomo when he was the New York State Attorney General. He was also appointed to the Transition Committee for Attorney General Eric Schneiderman. Mr. Younger was a member of the Transition Committee for New York County District Attorney, Cyrus Vance. Mr. Younger 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 serves on the Board of Directors for the CPR Institute for Dispute Resolution, and previously served as the Chair of its Executive Advisory Committee for seven years. He is also a founding board member of the New York International Arbitration Center. He is on 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 both the Chief Judge's Commercial Division Advisory Council and the Advisory Committee to the New York County Commercial Division. He was formerly a member of the Chief Judge's Advisory Committee on New York State Pro Bono Bar Admission Requirements. A long time Trustee of Albany Law School, Mr. Younger is Past President of its National Alumni Council.

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; 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*.

**MEMBERSHIPS:** Past President, New York State Bar Association (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; Member, ABA House of Delegates; 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; Member, Chief Judge's Advisory Committee on New York State Pro Bono Bar Admission Requirements; 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, New York International Arbitration Center; Advisory Council, Brooklyn Legal Services; Vice Chair, 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



## Publications

- Author, "More Reasons to Arbitrate in the Big Apple," *New York Law Journal* (November 25, 2013)

## Representative Matters

### **Complex Commercial Litigations**

Representing 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.

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.

Obtained dismissal of a two billion dollar claim versus directors and officers of a foreign bank.

Represented a major international insurance company in multi-jurisdictional fraud litigation over a foreign investment in the face of an FCPA defense.

Conducted investigation and litigation of unauthorized trading scheme for state-owned mining company, including allegations of kickback payments and market manipulation.

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**

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

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

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

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

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

# Patterson Belknap

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Mediated a dispute over liabilities assumed in a corporate takeover.

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

Mediated 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.

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

## ***Appeals***

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.

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

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

Argued appeal of collateral estoppel issues in a major commercial litigation in 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.

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

Handling an appeal in the New York Court of Appeals asserting that 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.

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

Handled an appeal of a constitutional challenge to New York's assessment system for Workers Compensation insurance.

## ***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.

## ***Other High Profile Matters***

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

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

# Patterson Belknap

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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 Chief Judge on legal issues surrounding the prolonged failure to grant pay raises to the judiciary.